



City of Wilmington - 1165 South Water Street - Wilmington, IL 60481

**Agenda – Committee of the Whole
Wilmington City Hall Council Chamber
November 14, 2023 at 5:30 p.m.**

1. Call to Order
2. Roll Call by City Clerk Kevin Kirwin Ryan Jeffries
 Dennis Vice Ryan Knight
 Leslie Allred Jonathan Mietzner
 Todd Holmes Thomas Smith
3. Approve the Previous Meeting Minutes
4. Public Comment (*State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01*)
5. Mayor's Report
 - a. Other Pertinent Information
6. Administrator's Report
 - a. Other Pertinent Information
7. Police & ESDA
Co-Chairs Alderperson Mietzner & Alderperson Allred
 - a. Chief of Police Monthly Summary Report
 - b. Consideration to Approve the Hire of One Additional Police Officer
 - c. Consideration to Approve & Authorize the Chief of Police to Execute the Reciprocal Reporting of Criminal Offenses by Students Agreement for Grundy County
 - d. Director of ESDA Monthly Summary Report
 - e. Consideration to Approve Quote Q-77185 from All Traffic Solutions for an InstaAldert 24 Variable Message Sign in an Amount Not To Exceed \$9,901.57 Utilizing Funds Received from the Illinois Department of Nuclear Safety Grant
 - f. Consideration to Approve Quote #116129 from Traffic Safety Warehouse for a Flagger Lighting Station and Work Area Light and 10 LED Safety Flare Kits in an Amount Not to Exceed \$2,770.00 Utilizing Funds Received from ONEOK's Emergency Responder Grant
 - g. Other Pertinent Information
8. Ordinance & License
Co-Chairs Alderperson Kirwin & Alderperson Knight
 - a. Review and Consideration of An Ordinance Amending the City of Wilmington Code of Ordinances with Regards to Chapter 37 Personnel Policy
 - b. Review and Consideration of An Ordinance Regarding the Illinois Paid Leave for All Workers Act for the City of Wilmington
 - c. Other Pertinent Information
9. Buildings, Grounds, Parks, Health & Safety
Co-Chairs Alderperson Jeffries & Alderperson Smith
 - a. Consideration to Authorize the City Administrator to Execute a Contract with H.L. & Associates, Inc. for Lawncare Services Beginning with the Mowing Season in 2024 and Ending with the Conclusion of Mowing Season in 2028
 - b. Other Pertinent Information
10. Water, Sewer, Streets & Alleys
Co-Chairs Alderperson Vice & Alderperson Holmes

- a. Director of Public Works Monthly Summary Report
- b. Other Pertinent Information

11. Personnel & Collective Bargaining

Co-Chairs Alderperson Mietzner & Alderperson Holmes

- a. Review Job Description Related to Building Department Technician and Authorize City Administrator to Seek & Hire Personnel to Position
- b. Other Pertinent Information

12. Adjournment

The next Committee of the Whole meeting is scheduled for Tuesday, December 12, 2023, at 5:30 PM.

Minutes of the Committee of the Whole
Wilmington City Hall
1165 South Water Street
October 10, 2023

Call to Order

The Committee of the Whole meeting on October 10, 2023, was called to order at 5:32 p.m. by Mayor Dietz in the Council Chamber of Wilmington City Hall.

Roll Call

Upon Roll Call by the Clerk the following members of the corporate authorities answered “Here” or “Present”:

Alderspersons Present Kirwin, Jeffries, Mietzner, Holmes, Smith

Alderspersons Absent Allred, Vice, Knight

Quorum

There were sufficient members of the corporate authorities in attendance to constitute a quorum, so the meeting was declared in order.

Other Officials in Attendance

Also, in attendance was the City Administrator Jeannine Smith, Finance Director Nancy Gross, Chief of Police Adam Zink, Director of Public Works James Gretencord, ESDA Director Dennis Housman, Deputy City Clerk Joie Ziller

Approve Previous Meeting Minutes

Aldersperson Kirwin made a motion and Aldersperson Jeffries seconded to approve the September 12, 2023 meeting minutes and have them placed on file. Upon the voice vote, 5 yes, the motion carried.

Public Comment

No public comments were made.

Mayor’s Report

Consideration to Approve the Resolution Designating Meeting Dates & Times and Holiday Observances in 2024

The Committee reviewed the draft resolution presented in the agenda packet. Aldersperson Kirwin questioned if the City Council meeting times could be moved up an hour to 6:00 PM and the Finance, Administration, & Land Acquisition Committee meetings begin at 5:30 PM. The majority of the Committee was in favor of keeping the meeting start times the same and making no changes. Aldersperson Mietzner noted that the November 5, 2024, Council meeting date needs to be changed to November 6, 2024, due to the election. Noting no other corrections needed, the Committee agreed to move the resolution to the October 17, 2023, City Council consent agenda.

Administrator’s Report

Other Pertinent Information

Administrator Smith informed the Committee that the proposal from Principal Lighting for holiday lighting in Claire’s Park will be on the October 17th Council agenda for consideration and approval. Administrator Smith also mentioned that she working on the DCEO Route 66 grant application.

Building Inspector’s Report

Nothing to report at this time.

Police & ESDA

Co-Chairs Alderpersons Mietzner & Alderman Allred

Chief of Police Monthly Summary Report

Chief Zink briefed the Committee on the happenings within the department and addressed his report that was included with the agenda packet.

Update on Staffing Levels and Organizational Structure within the Police Department

Chief Zink reviewed the organizational chart and staffing goals with the Committee. This information was included with the agenda packet.

Director of ESDA Monthly Summary Report

The Committee reviewed the ESDA Report as prepared by Director Housman. No further discussion was had regarding the report.

Other Pertinent Information

No other pertinent information was discussed.

Ordinance & License Committee

Co-Chairs Alderpersons Kirwin & Alderman Knight

Other Pertinent Information

No other pertinent information was discussed.

Buildings, Grounds, Parks, Health & Safety Committee

Co-Chairs Alderpersons Jeffries & Alderman Smith

Other Pertinent Information

Aldersperson Kirwin reported on the complaints made regarding the cleanliness of the port-o-lets during the Chamber of Commerce Autumn Festival of Crafts on October 8th.

Aldersperson Kirwin questioned if the concrete area around the concession stand and concrete pad on North Island Park could be removed and replaced. Mayor Dietz stated that a project such as this should wait until after the Master Parks Plan is complete.

Water, Sewer, Streets and Alleys Committee

Co-Chairs Alderpersons Vice & Alderman Holmes

Director of Public Works Monthly Summary Report

The Committee reviewed Director Gretencord's monthly report included in the agenda packet.

Discussion and Consideration to Approve Engineering Agreement for the Lead Service Line Inventory with Chamlin & Associates not to exceed the total cost of \$44,000

The Committee reviewed the memo prepared by Director Gretencord. The Committee agreed to move forward with accepting the agreement from Chamlin & Associates and move it to the October 17, 2023, City Council agenda for full approval.

Other Pertinent Information

Aldersperson Kirwin questioned if directional signage could be added to Kankakee River Drive to the City's Water Reclamation Plant. Director Gretencord stated that he would speak with Patrick Nugent regarding this matter.

Aldersperson Kirwin questioned if the signage on North Island Park could be updated. Director Gretencord stated that park signage would be addressed during the planning of the Master Parks Plan.

Personnel & Collective Bargaining Committee

Co-Chairs Alderpersons Mietzner & Alderman Holmes

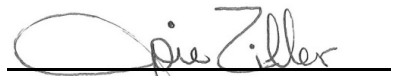
Other Pertinent Information

No other pertinent information was discussed.

Adjournment

The motion to adjourn the meeting was made by Alderperson Holmes and seconded by Alderperson Mietzner. **Upon the voice vote, the motion carried.** The Committee of the Whole Meeting held on October 10, 2023, adjourned at 6:21 p.m.

Respectfully submitted,



Joie Ziller, Deputy City Clerk



City of Wilmington Police Department

Departmental Memorandum

To: Honorable Mayor Dietz and City Council Members
From: Chief Adam Zink
Subject: Monthly Status Report – October 2023

During the month the patrol division had the following activity:

- 3 Pedestrian/Suspicious Stops were conducted
- 47 Business (Walk and Talk) Checks (officers entering businesses during normal hours)
- 3638 Premise Checks (officer checking cursory checks of businesses after hours)
- 0 misdemeanor and/or warrant arrests
- 1 felony arrests
- 40 written traffic citations
- 55 written traffic warnings
- 6 compliance/parking (local ordinance) tickets
- Officers handled an additional 214 calls for service and wrote 29 related reports.
- 9 trucks were weighed based on a suspicion of being overweight and fined accordingly

Investigations Division had the following activity:

- Closed (11) cases: 8 administratively, 1 unfounded, 1 referred, 1 Warrant, 1 uncooperative victim
- Added (18) new cases; applied for (1) new search warrants,
- Background investigation completed for lateral candidate
- Training in progress for Jan 1 Detective rotation

Training:

- (6) officers received firearm training – 15 drills, and 7 range days were utilized by visiting agencies.
- Each officer participated in 19 Lexipol daily training scenarios.
- All members have completed one PLI online training course (approximately two hours in length) on the topic of “The Pretrial Fairness Act”
- Several important certifications this month, including: Leader Armor (2 supervisors), Breath Alcohol Operator (3 officers), CIT (2 officers), Lead Homicide Investigator and Reid Interviews (new Detective)
- All officers completed CPR/BBP certifications, as well as RTF follow-up training with the Fire Dept.

Administration:

- Hiring process continues; offer accepted by lateral hire from Dwight, will start in December.
- Accreditation: process continues, set to begin our mock evaluation next month.
- Chiefs attended 1st Annual Will County Public Safety Symposium on 10/6 in Joliet
- Chief attended IACP conference in San Diego (October 14-17)
- Sergeant promotional process – Fabian Reyes selected for promotion (swear in 11/8)
- Established relationship with Romeoville PD for range usage; our range will accommodate their designated marksman program, and they have an indoor range we could use if needed.

Truck Enforcement

WILMINGTON PD TRUCK REPORT: OCTOBER 2023

<u>DATE</u>	<u>VIOLATION</u>	<u>LBS EXCESS</u>	<u>FINE/ BOND</u>	<u>TRAFFIC ASSESSMENT</u>	<u>LOCATION</u>	<u>CITATION TYPE</u>	<u>OFFICER</u>
10/10/23	OW - Gross	1,900	\$100	\$260	New River & Boathouse	UTC	Rourke #109
10/17/23	OW - Reg	36,380	\$1,302	\$260	New River & RT53	UTC	Rourke #109
10/17/23	OW - Bridge	7,680	\$2,400	\$260	Lorenzo & I55	UTC	Rourke #109
10/19/23	OW - Gross	2,160	\$270	\$260	New River & RT53	UTC	Rourke #109
10/19/23	OW - Gross	12,720	\$3,900	\$260	New River & RT53	UTC	Rourke #109
10/24/23	O/L		\$175		Kankakee River Dr/Kankakee	NTA	Rourke #109
10/24/23	O/L		\$175		Stripmine & RT 129	NTA	Rourke #109
10/26/23	Unsafe Tires		\$100		New River & Boathouse	NTA	Rourke #109
10/31/23	OW - Axles	2,200	\$270	\$260	S. Arsenal & Riley	UTC	Rourke #109
10/31/23	OW - Bridge	2,540	\$330	\$260	Lorenzo & Graaskamp	UTC	Rourke #109
10/31/23	OW - Axles	2,820	\$330	\$260	New River & Boathouse	UTC	Rourke #109
TOTAL			\$9,352				



City of Wilmington Police Department

Joseph Mitchell, Chief of Police

To: Mayor Dietz and Wilmington City Council

From: Chief Adam Zink

Date: 14 November 2023

Re: Request to Hire

Continuing our efforts to maintain (and grow) staffing levels at the Police Department, I am requesting approval to hire one (1) additional Police Officer. We have a potential lateral candidate who we would like to hire as soon as possible; if this does not work out for whatever reason, we would take advantage of the spring academy class for training a new recruit.

Thanks for your consideration in this matter.

RECIPROCAL REPORTING OF CRIMINAL OFFENSES BY STUDENTS AGREEMENT FOR GRUNDY COUNTY

In an attempt to address violence and criminal activities in our school system and in order to provide a safe, orderly and studious school environment, the undersigned parties agree that the following protocol will be followed in Grundy County.

1. The parent-teacher advisory committee in cooperation with local enforcement agencies shall develop, with the school board, policy guidelines procedures to establish and maintain a reciprocal reporting system between the school board and local law enforcement agencies regarding criminal offenses, as identified below, committed by students. (105 ILCS 5/10-20.14(B))
2. Each school district shall designate a designee to communicate with local law enforcement agencies having jurisdiction over their district and each law enforcement agency will designate a designee to communicate with each respective school district.
3. The undersigned may further designate a substitute who shall perform the duties discussed as identified in paragraph 2 in the event the original designee is unavailable.
4. During the term of this agreement, the local law enforcement agencies shall report to the principal and school designee of the appropriate public and/or private parochial school, whenever a student enrolled therein, if the minor is detained for proceedings in which the minor violated or attempted to violate, regardless of where the act occurred, any federal or state law, county or municipal ordinance. (105 ILCS 5/22-20)
 - I. The report shall include the basis for detaining the student, circumstances surrounding the events which led to the child's detention, and status of proceedings.
 - II. With regard to this particular paragraph "detain" is defined as the temporary care of a minor who is alleged to be or has been adjudicated delinquent and who requires secure custody for the minor's own protection or the community's protection in a facility designed to physically restrict the minor's movements, pending disposition by the court or execution of an order of court for placement or commitment.
 - III. Such information shall be used solely by the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school.
5. The school designee will verbally report to law enforcement designee to follow activities when allegedly committed by or against a student enrolled in the designee school.


- I. All cases involving the alleged use of illegal or controlled substances, criminal gang activity, weapons of any type, or serious crime or felony.
 - II. The school designee should identify the student by name and describe the circumstances of the alleged criminal activity and report to the law enforcement designee.
6. Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody shall be restricted to the appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds. (705 ILCS 405/1-7(A)(8))
 7. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest. (705 ILCS 405/1-7(A)(8)(A))
 8. Inspection and copying of these records involving a minor enrolled in a school within the school district who has been arrested or taken into custody would be limited to the following offenses: (705 ILCS 405/1-7(A)(8)(A))
 - (1) any violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012;
 - (2) a violation of the Illinois Controlled Substances Act;
 - (3) a violation of the Cannabis Control Act;
 - (4) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;
 - (5) a violation of the Methamphetamine Control and Community Protection Act;
 - (6) a violation of Section 1-2 of the Harassing and Obscene Communications Act;
 - (7) a violation of the Hazing Act; or
 - (8) a violation of Section 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of 1961 or the Criminal Code of 2012.
 9. The information derived from the law enforcement records shall be kept separate from and shall not become a part of the official school record of that child and shall not be a public record. The information shall be used solely by the appropriate school official or officials whom the school has determined to be a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. (705 ILCS 405/1-7(A)(8)(A))
 10. Any information provided to appropriate school officials, whom the school has determined to have a legitimate educational or safety interest, by local law enforcement officials about a minor who is the subject of a current police investigation that is directly related to school safety shall consist of oral information only, and not written law enforcement records, and shall be used solely by the appropriate school officials or

officials to protect the safety of students and employees in the school and aid in the proper rehabilitation of the child. (705 ILCS 405/1-7(A)(8)(B))

11. Following and adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the Criminal Code of 2012, the Grundy County State's Attorney shall provide a copy of the dispositional order to the principal or chief administrative officer of the school in which the minor is enrolled. (705 ILCS 405/1-8(F))
12. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which taken together shall be deemed one agreement.
13. This Agreement shall expire 18 months after the date of execution
14. The Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq*) shall be used as a reference for defining terms of this Agreement.

Signature

Date



Russell Baker

11-1-23

Date

Grundy County State's Attorney

Print Name, Title

School/Agency

WILMINGTON EMERGENCY SERVICES & DISASTER AGENCY

WILMINGTON ESDA

COMMITTEE REPORT

NOVEMBER 14, 2023

CALLS

10-14-23	Drone request by Will Co. Sheriff/ Called off before responding
10-15-23	Special Event/ Info Booth for festival
10-20-23	Traffic/ Spook Hike
10-21-23	Traffic/ Spook Hike

Training

Chainsaw training.

Mabas 15 night time water training with boats and drone.

MEMO:

Wilmington ESDA

Equipment Purchase request.

11-14-23

Wilmington Edsa is requesting to purchase the following:

InstaAlert 24 Variable Message Sign

From: All Traffic Solutions

PO Box 221410

Chantilly VA.20153

PRICE: \$9901.57

-The money will come from this year's Illinois Department of Nuclear Safety Grant.

The sign will be used for various traffic calls, road closures, and messaging citizens.

Received one other quote from:

TAPCO/Traffic and Parking Control Company

5100 West Brown Deer Road

Deer Brown WI. 53223

PRICE:

\$15,063.26



All Traffic Solutions Inc.
 PO Box 221410
 Chantilly, VA 20153
 Phone: 814-237-9005
 Fax: 814-237-9006
 DUNS #: 001225114
 Tax ID: 25-1887906
 CAGE Code: 34FQ5

QUOTE Q-77185

DATE: 10/03/2023

PAGE
 NO: 1

**Mail Purchase
 Orders to:**

3100 Research Dr.
 State College, PA
 16801

**Questions contact:
 MANUFACTURER:
 All Traffic Solutions**

Owen Lauerman
 (571) 549-3766
 x
 olauerman@alltrafficsolutions.co
 m

Independent Sales Rep:

Contract:
Sourcewell 090122-ATS
 Sourcewell Account #:
169715

BILL TO:

City of Wilmington-IL-Emergency Services &
 Disaster Agency
 1165 South Water St.
 Wilmington, IL 60481

SHIP TO:

City of Wilmington-IL-Emergency Services & Disaster Agency
 1165 South Water St.
 Wilmington, IL 60481
 Attn: Dennis Housman

Billing Contact:

**PAYMENT
 TERMS:**
 Net 30

CUSTOMER: City of
 Wilmington-IL-Emergency
 Services & Disaster
 Agency

CONTACT:8154050008

ITEM NO:	DESCRIPTION:	QTY:	EACH:	EXT. PRICE:
4000468	instALERT 24 Message Display; base unit (select mount separately)	1	\$7,079.00	\$7,079.00
4000750	App, Mobile User Interface perpetual license (only 1 req'd per account)	1	\$100.00	\$100.00
4000631	Bluetooth: allows wireless control from any Bluetooth enabled device (sold separately)	1	\$400.00	\$400.00
4001626	VZW communications prep	1	\$0.00	\$0.00
4100120	hrns, Power cord, iA w/ 30 amp plug for post, hitch	1	\$200.00	\$200.00
4001686	Hitch Mount for IA/SA 24 includes bracket	1	\$884.75	\$884.75
4001681	Portable Post for IA/SA 24 and Mounting Bracket	1	\$848.75	\$848.75
4001717	PowerCase PC36, 36Ah power supply, 12VDC output, 120VAC input	1	\$545.70	\$545.70
4900032	Carrying Case; iA24 softcase with storage pockets	1	\$255.00	\$255.00
4001299	3 Year Warranty	1	\$0.00	\$0.00
4000641	Shipping and Handling Common Carrier	1	\$400.00	\$400.00

4000996	AC supply, 8.0A, 15VDC out, 120/240VAC 50/60 Hz in, No enclosure, IP67 Class II housing (iA24, SA24)	1	\$350.00	\$350.00
4001192	Discount - Promotion	1	(\$1,161.63)	(\$1,161.63)

Special Notes:	SALES AMOUNT:	\$9,901.57
use for generator/power case and hitch	TOTAL USD:	\$9,901.57

Duration: This quote is good for 60 days from date of issue.

Shipping Notes: All shipments shall be FOB shipper. Shipping charges shall be additional unless listed on quote.

Taxes: Taxes are not included in quote. Please provide a tax-exempt certificate or sales tax will be applied.

Warranty: Unless otherwise indicated, all products have a one year warranty from date of sale. Warranty extensions are a component of some applications that are available at time of purchase. A Finance Charge of 1.5% per month will be applied to overdue balances. GSA GS-07F-6092R

I am authorized to commit my organization to this order. If your organization will be creating a purchase order for this order, please submit purchase order to either of the following: Email: sales@alltrafficsolutions.com or Physical Address: Listed at top of quote.

Signature: _____ Date: _____

Print Name: _____ Title: _____



INSTALERT 24 VARIABLE MESSAGE SIGN

InstAlert 24 Variable Message Sign

- Open dimensions: 1.63" x 28" x 60"
- Folded dimensions: 3.25" x 28" x 30"
- Folded sign fits in vehicle trunk, SUV hatch
- Full matrix display: 26 x 96 pixels, 0.6"x 1" pitch
- LED pixels: Amber 590nm, 30-degree viewing angle, 100,000 hrs, black background, universal display modules
- MUTCD compliant
- On-board message selector buttons for quick selection of 25 internal messages and modes with anti-tamper lockout
- Local and remote management and monitoring options
- Integral active cell modem allowing TrafficCloud Web-Based Management Services for remote management
- Integral camera for awareness and alert-driven images
 - 640 x 480 daylight images
- Power saving circuitry and automatic dimming for ambient light conditions with adjustable dimming range and manual display brightness override
- Conformal coating on all circuit boards
- Integral case handles and nylon web handles
- Weight: 43 pounds
- Weatherproof, inherently sealed design
- 1/8" tinted, non-glare, UV stabilized polycarbonate face
- Entire face is removable for service
- Aluminum chassis, 12 ga., with black powder coat finish
- Mounting provisions for permanent applications, (12) 1/4-20 threaded holes
- -40 to 160°F operating temperature range, 95% humidity, non-condensing (-20°F for Bluetooth communication)
- Withstands up to 70-mph winds



INSTALERT 24 ON HITCH MOUNT



INSTALERT 24 ON POLE



INSTALERT 24 ON PORTABLE POST



INSTALERT 24 ON ATS 5 TRAILER

InstAlert Operation Modes

- **Message Mode:** Display one message, up to six screens
- **All Messages:** Sequence all messages in sign memory
- **Schedule:** Change message and/or mode up to 13 times/day
- Speed based modes available in the
- SpeedAlert 24 configuration
- Sign returns to last configuration when power applied

InstAlert Messages

- **1-3 line messages**
 - 1 line: 24" H x 12.5" W characters, 4/line
 - 2 lines: 10.25" H x 5.75" W characters, 8/line
 - 3 lines: 7" H x 4" W characters, 12 per line
 - 2 lines: (1) 7" char, 12/line, (1) 10.25" char, 8/line
- Up to six screens per message
- Message power efficiency calculator in software
- Variable display time, flash and reverse rates
- for each screen
- Full graphics capability, each LED is individually controllable, programmable from PC, PDA or remotely
- Ability to link multiple messages for up to
- 144 screen animation
- Scroll through 25 user defined on-board messages using selector buttons built into sign, no training necessary; buttons on unit become inactive after timeout to prevent tampering, reactivate by reapplying power
- Unlimited message storage on PC, Android device or remote server
- Messages on sign are not erased when power is removed
- Sign returns to last message when power applied
- Actual sign preview on PC, Android or TrafficCloud

InstAlert Programming

**Program and monitor the sign three ways:
On-Board Programming (standard on all units)**

- Select message from sign's memory
- Select operation mode

TraffiCloud® Web-Based Management Services

Using integral cell modem for remote management

(See TraffiCloud specification for more information):

- Turnkey system with remote sign connection functional out of the box. Unit connects to TraffiCloud system when sign is powered
- Fully hosted web-based management system
 - Internet-connected computer with browser provides anywhere access on all browser-capable, connected devices.
 - No IT involvement or support necessary. System bypasses customer network eliminating access issues
 - Cellular service provided by ATS, no separate cellular charges
 - Hosted database requires no setup or maintenance by customer
- **Apps:** All apps included in Message Suite:
 - Equipment Management: Change messages and settings remotely, monitor sign online
 - Image Management: Online image retrieval and management of images from internal camera
- **Alerts:** Email/SMS notifications for low battery and tampering, alerts can include images
- **Mapping:** Visually manage equipment and data
- Premier Care Perpetual Warranty

ATS PC Sign Manager

Local Management using PC with USB connection standard on all signs

- PC-based client software
- Connect to sign via USB or Bluetooth (optional) ATS

Android App: Local management (optional):

- Android OS wireless Bluetooth control local to unit
- Android device can be phone or WiFi device with Bluetooth

Local Management Features:

- Create and change messages, modes and settings
- Local image retrieval and management from internal camera
- Manage all unit settings, automatic sync with TraffiCloud Web Based Management
- All traffic data and messages can be saved for online management and backup with optional TraffiCloud Message Suite
 - Create message and save to TraffiCloud library, messages available on all ATS Android App or PC Sign Manager devices
- Sign firmware field and remotely upgradeable

InstAlert Settings

- Configure the following parameters via PC, Android or TraffiCloud Web-Based Management System:
 - Load message using "Display Now" feature
 - Load 24 messages into sign's memory
 - Scroll messages in sign's memory
 - Display signs from server or local device memory
 - Set sign mode
 - Upload schedule
 - Set automatic dimming range minimum and maximum levels or manually override display brightness
- Internal real time clock, time maintained with power disconnected
- Set time via local device or sync with cell signal

Scheduling

- All days, multiple messages: schedule up to 50 different messages or modes for up to 13 different time periods in a 24-hour day, repeats in each 24-hour cycle
- 7 day, multiple messages: schedule different messages or modes for up to 13 different time periods in each 24-hour day for each of 7 days, repeats in each 7 day cycle; up to 50 different messages can be used over the 7-day period
- All messages and scheduling reside on the sign – no external hardware necessary
- Program schedule via TrafficCloud Web, ATS Android app or ATS PC Sign Manager. Save to load onto multiple signs
- Camera activation controlled in schedule windows
- Internal real time clock, time and schedule maintained with power disconnected

Data Logging Option for InstAlert units with the optional internal radar option – SpeedAlert 24

- Upgrade to the SpeedAlert 24, adding traffic radar to the InstAlert to enable collection of traffic data and speed display functionality
- See SpeedAlert 24 Specification Sheet

InstAlert Sign Power

- Power Input, Max:
- 12VDC, 8A max, 96 W max; 4A, 48W typical

- Power saving circuitry and automatic dimming for ambient light conditions with adjustable dimming range and manual display brightness override

SpeedAlert 24 Power:

- 12VDC locking plug, 30A capacity: Compatible power supplies include:
 - Vehicles' power port, with optional adapter
 - Trailer wiring adapter for hitch mount
 - POWERcase portable power supply, PC26 or PC36
 - 120 or 220 VAC Power supply in NEMA 4 enclosure
 - ATS 5 Trailer (batteries with optional solar assist: 235 or 470 Ah, 60W solar option)
 - Pole battery box: 156Ah battery with solar assist
- Battery level indicator on sign, ATS Android app, ATS PC Sign Manager or TrafficCloud Remote Management
- Auto recovery for battery with solar
- Power cable customer replaceable, gold-plated connector contacts, high visibility yellow cable

Standard InstAlert System Components

- InstAlert Variable Message Sign
- ATS PC Sign Manager software with USB cable
- On-Board Controls

InstAlert Mounting Options

- ATS 5 Trailer (refer to ATS 5 Specification Sheet for more info)



INSTALERT 24 ON PORTABLE POST

- Options using the InstAlert mounting bracket
- Hitch mount
 - Sign height: 25" to bottom, 53" to top of sign from receiver tube (final height dependent on receiver height, flip mounting bracket for an additional 12")
 - Fits 1.25" or 2" receiver, adapter included
 - ½" hitch pin
 - Locking rotation adjustment on 15-degree increments over 180 degrees,
 - +- 5-degree tilt to adjust LED aim for maximum brightness
 - White powder coat finish with rear reflector
 - Not intended for operation above 15 mph
- **Telescoping Hitch Mount**
 - All features of standard hitch mount, plus
 - Sign height: 53" to bottom, 81" to top of sign from receiver tube (final height dependent on receiver height, flip mounting bracket for an additional 12")
- **Standard Folding Portable Post:**
 - Folds for easy storage and portability
 - 42" to 55" to bottom, 70" to 83" to top of sign depending on leg positions, rotate bracket for additional 12"

Optional InstAlert Sign Components and Features

- TrafficCloud Web-Based Remote Management Service

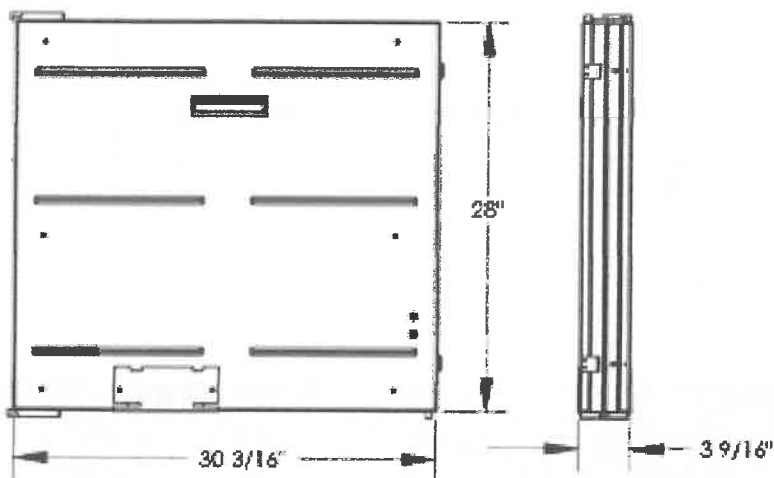
- ATS Android App, Bluetooth connectivity
- Padded carrying case with accessory pockets, shoulder strap
- **Mounting bracket**
 - Mounts to pole or any surface using any hardware, no tools required
 - Tamper-resistant hardware compartment
 - Rotate bracket for additional 12" of mounting height
 - Aluminum with black powder coat
 - Sign can be locked into bracket
 - Bolt sign to mounting bracket for additional security
 - Mounting hardware supplied
- Internal radar allowing for speed display, speed dependent messaging and speed and volume data collection – SpeedAlert 24 radar message sign
- Drive Times sensor-free Time to Destination Service
 - Travel time data sent to sign every minute

Warranty

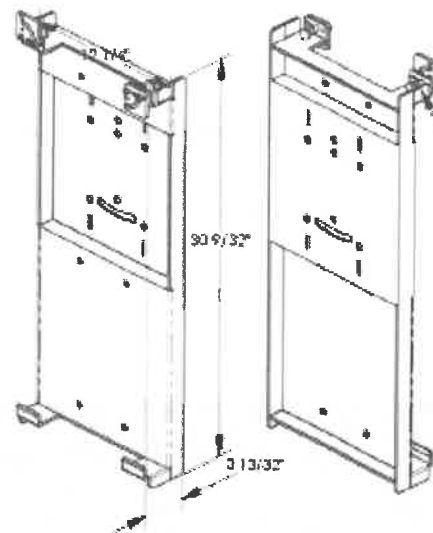
- 1 year warranty (three months on Li-Ion batteries)

Premier Care

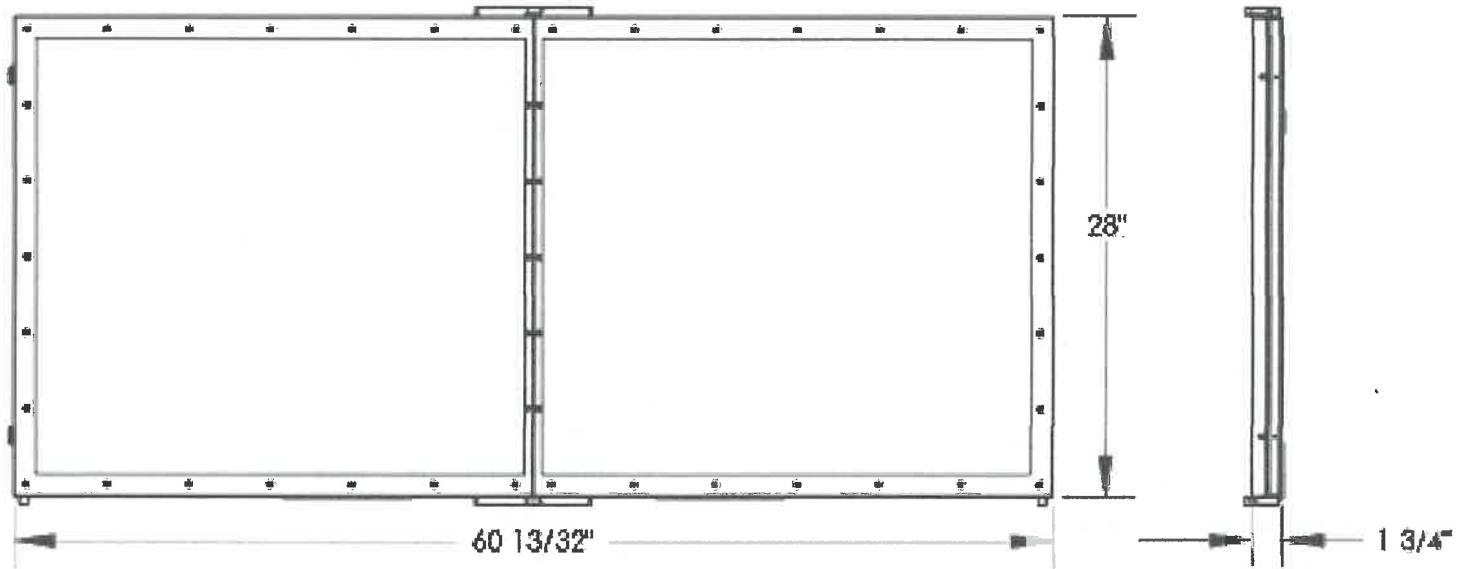
- Extended Warranty
- Product software upgrades free
- Vandalism and accidental damage (non-warranty) at 50% off list price



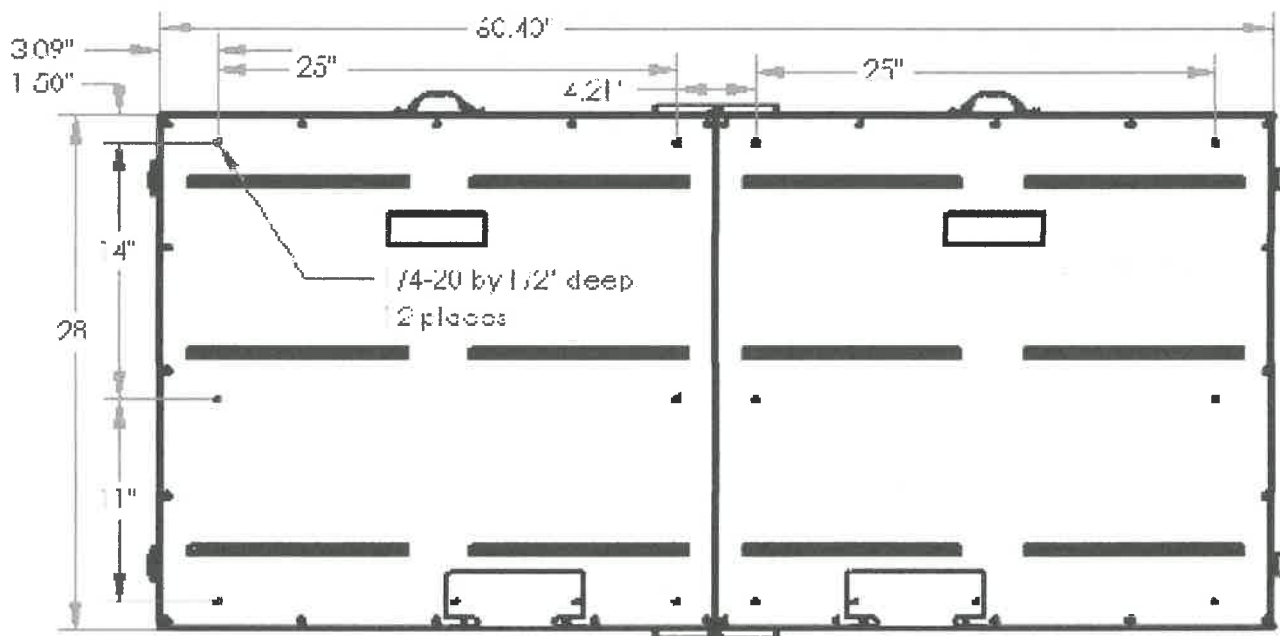
INSTALERT DIMENSIONS: FOLDED



DIMENSIONS: MOUNTING PLATE



INSTALERT 24 DIMENSIONS: OPEN



MOUNTING HOLE POSITIONS

For more information visit us online

 sales@alltrafficsolutions.com  Call ATS on 866.366.6602

All Traffic Solutions, 12950 Worldgate Drive, Suite 310, Herndon, VA 20170

©All Traffic Solutions TrafficCloud leverages our patented technology (US Patents 8417442; 8755990; 9070287; 9411893) to deliver unique cloud-based management, features and functionality. TrafficCloud is a registered trademark of All Traffic Solutions.

ALL TRAFFIC
SOLUTIONS





Safe travels:

Traffic and Parking Control Co., Inc.
5100 West Brown Deer Rd
Brown Deer, WI 53223
Phone No.:800-236-0112
E-Mail: customerservice@tapconet.com

SALES QUOTE

SALES QUOTE DATE

10/10/2023

SALES QUOTE NUMBER

Q23015614

CUSTOMER NO.

C111638

Page: 1

BILL TO

City of Wilmington
Dennis Housman
1165 S Water St
Wilmington, IL 60481-1671
United States of America

SHIP TO

Wilmington Emergency Services & Disaster Agency
Dennis Housman
1165 S Water St
Wilmington, IL 60481-1671
United States of America

Ext. Document No.	SHIP VIA	TERMS	SALESPERSON	VALID UNTIL
	BEST RATE Quoted	Net 30 DAYS	Deidre Jones	11/9/2023

Item/Description	U/M	Quantity	Unit Price	Total Price
148948 InstAlert 24 Bundle,Incl Portable Post, USB, PowerCase PC36 **Includes Portable Post & Power Case**	Each	1	11,495.00	11,495.00
Options:				
SP TRAFFIC instALERT trailer hitch mount for 1.25 & 2 hitch, incl. connector and hardware	Each	1	1,406.00	1,406.00
SP TRAFFIC AC supply, 8.0A, 15VDC out, 120/240VAC 50/60 Hz in, No enclosure, IP67 Class II housing (iA24,SA24)	Each	1	857.38	857.38
148337 App, Mobile User Interface Perpetual License, Only 1 Required Per Account	Each	1	237.50	237.50
148336 Carrying Case, iA24 Softcase With Storage Pockets	Each	1	667.38	667.38
3200-0000 FREIGHT SALES		1	400.00	400.00

Furnish only quote. Installation is not included.
Solar powered equipment requires no shading or obstructions

All prices are listed in US Dollar (USD)
For terms and conditions, please visit <https://tapconet.com/terms-conditions>



Safe travels:

Traffic and Parking Control Co., Inc.
5100 West Brown Deer Rd
Brown Deer, WI 53223
Phone No.:800-236-0112
E-Mail: customerservice@tapconet.com

SALES QUOTE

SALES QUOTE DATE

10/10/2023

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Page: 2

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City of Wilmington
Dennis Housman
1165 S Water St
Wilmington, IL 60481-1671
United States of America

SHIP TO

Wilmington Emergency Services & Disaster Agency
Dennis Housman
1165 S Water St
Wilmington, IL 60481-1671
United States of America

Ext. Document No.

SHIP VIA

BEST RATE
Quoted

TERMS

Net 30 DAYS

SALESPERSON

Deidre Jones

VALID UNTIL

11/9/2023

Item/Description	U/M	Quantity	Unit Price	Total Price
------------------	-----	----------	------------	-------------

Thank you! Deidre Jones
Email: Deidre.jones@tapconet.com
Phone: 262-649-5227

Subtotal:	15063.26
Invoice Discount:	0.00
Total Sales Tax:	0.00
Total:	15,063.26

All prices are listed in US Dollar (USD)
For terms and conditions, please visit <https://tapconet.com/terms-conditions>



Safe travels:

Traffic and Parking Control Co., Inc.
5100 West Brown Deer Rd
Brown Deer, WI 53223
Phone No.:800-236-0112
E-Mail: customerservice@tapconet.com

SALES QUOTE

SALES QUOTE DATE

10/10/2023

SALES QUOTE NUMBER

Q23015614

CUSTOMER NO.

C111638

Page: 1

BILL TO

City of Wilmington
Dennis Housman
1165 S Water St
Wilmington, IL 60481-1671
United States of America

SHIP TO

Wilmington Emergency Services & Disaster Agency
Dennis Housman
1165 S Water St
Wilmington, IL 60481-1671
United States of America

Ext. Document No.	SHIP VIA	TERMS	SALESPERSON	VALID UNTIL
	BEST RATE Quoted	Net 30 DAYS	Deidre Jones	11/9/2023

Item/Description	U/M	Quantity	Unit Price	Total Price
148948 InstAlert 24 Bundle,Incl Portable Post, USB, PowerCase PC36 **Includes Portable Post & Power Case**	Each	1	11,495.00	11,495.00
Options:				
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Furnish only quote. Installation is not included.
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All prices are listed in US Dollar (USD)
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Subtotal:	15063.26
Invoice Discount:	0.00
Total Sales Tax:	0.00
Total:	15,063.26

All prices are listed in US Dollar (USD)
For terms and conditions, please visit <https://tapconet.com/terms-conditions>



Dennis Housman <dhousman@wilmington-il.com>

Emergency Responder Grant has been approved by ONEOK

1 message

do-not-reply@cybergrants.com <do-not-reply@cybergrants.com>

Fri, Nov 3, 2023 at 4:03 PM

Reply-To: do-not-reply@cybergrants.com

To: dhousman@wilmington-il.com

Dennis Housman,

Your Emergency Responder Grant has been approved by ONEOK as follows:

Organization Name: Wilmington Emergency Services and Disaster Agency

Approved: 10 LED Safety Flare Kit - Orange: 10 Hi Vix Delux PFD (Request ID: 89717389)

Amount: \$2,770.00

Recognition for this contribution may be given in the name of "ONEOK." Any graphic representation of our logo or name should be sent to communityinvestments@oneok.com for final approval.

Payment is currently being processed and should be issued within 7-10 business days unless otherwise noted.

Recipient organizations will receive an email once payment has been processed, and it will include a link to complete the related tax receipt. It is required to complete the online receipt provided.

Thank you,
ONEOK

CG/JMAIL/291230817



Dennis Housman <dhausman@wilmington-il.com>

Your Quote# 116129 from Traffic Safety Warehouse

1 message

Scott Marland <scottm@trafficsafetywarehouse.com>
To: "dhausman@wilmington-il.com" <dhausman@wilmington-il.com>

Mon, Nov 6, 2023 at 12:35 PM

TRAFFIC SAFETY WAREHOUSE®
 P.O. Box 1125 Toll Free (847) 966-1018
 Deerfield, IL 60015 Fax (847) 966-1018
 www.trafficsafetywarehouse.com

Page	Date	Invoice No
1	11/06/23	116129A

Bill To
 Dennis Housman
 Wilmington Emergency Services & Disaster
 103 N Main St.
 Wilmington, IL 60481

Ship To

Customer No.	Sales I.D.	Reference #	Media Code	Terms		
127676	/SM		/	QUOTATION, EXP 11/21/23		
Ordered By	Warehouse	Phone Number	Total Wt.	Zone	# Packages	Ship Via
		PHONE: (815) 405-0008	0.0 Lbs		0	UPS

Message:

SHIPS BY TRUCK. CUSTOMER TO UNLOAD.
 QUOTE VALID FOR 15 DAYS
 LEAD TIME 5-7 BUSINESS DAYS.

Qty.	B/G	Shipped	Item #	Description	Unit Price	Disc	Extension
10	0	0	SLF-AB-9R6K-O	Orange LED Safety Flare Kit	126.9500	--	1269.50
1	0	0	8005	Flagger Lighting Station & Work Area Light - 4,000 Lumens 8' Elevation	1298.9500	--	1298.95

MERCHANDISE QUOTATION TOTAL \$ 2568.45
SHIPPING & HANDLING \$ 127.63
STATE SALES TAX \$ 269.61
QUOTATION TOTAL \$ 2965.69



LOG IN

(https://www.trafficwarehouse.com/login.a



(https://www.trafficwarehouse.com)

TRAFFIC SAFETY WAREHOUSE

The Best in Safety for Less

Home (default.asp) / Safety Lights (Signs) departments/22/ / Work Lights (Work-Lights/products/101/)

Flagger Lighting Station & Work Area Light - 4,000 Lumens

(Images/8005-Dual-Lamp-Lights-1Z.png)



Additional Images to View



Item Number: 8005

\$1,298.95

3 Week Lead Time

Quantity

- 1 +

ADD TO CART

Vendor Plasticade (SetAdvancedSearch.asp?search=1&what=Plasticade)

Detailed Description

Flagger Lighting Station & Work Area Light – 4,000 Lumens

Safely illuminate flagger or personal work areas for an extended run time with this 12 Volt LED Flagger Station and Work Area Lighting System. This Flagger Station lighting system has 2 adjustable light heads with an 8-foot light elevation. Supplies temporary lighting for work safely under any weather condition. Comes in a complete set with all necessary accessories.

(847) 512-3532 (Tel:8475123532) | (Mailto:Sales@TrafficSafetyWarehouse.Com)

trafficwarehouse.com/login.a . . Cart (https://www.trafficwarehouse.com/basket.asp)

TRAFFIC SAFETY WAREHOUSE

The Best in Safety for Less

(https://www.trafficwarehouse.com/)

Home (default.asp) / Lights (Lights/departments/22/) / Road Flares (Road-Flares/products/100/)

Orange LED Safety Flare Kit

(Images/SLF-AB-9R6K-O-0Z.png)



Item Number: SLF-AB-9R6K-O

\$126.95

SALE

Special Pricing

Buy 20 for \$120.60 each

Buy 50 for \$114.26 each

Quantity - +

ADD TO CART

Additional Images to View



Detailed Description

Orange LED Safety Flare Kit

Rechargeable LED safety flare kit includes 6 rechargeable orange LED flares with charging case. A safer and more eco-friendly alternative to conventional, incendiary flares. Will attract attention along roads, pathways, campsites, work zones, and parking lots. LED flares can be used to identify and illuminate emergency incidents, unexpected objects, and construction zones, and for safety awareness. Essential equipment for law enforcement, firefighters, security personnel, and emergency response teams. Flare kit includes a case for charging and storage of six orange rechargeable safety flares and USB and wall chargers. Use these orange road flares to attract attention, communicate location, or signal distress.

- Each rechargeable flare has 16 super-bright orange LED's.
- Eco-friendly with no sparks, open flames, smoke, ash, fumes, or toxic emissions.
- 9 different flash patterns.
- Visibility up to 1/2 mile at night (up to 1 mile on the water).
- Flares float and are waterproof to a depth of 33 feet.
- Constructed from durable, crush-proof polycarbonate plastic and impact-resistant rubber housing.
- Strong magnet on each flare to attach to vehicle, fence, or other metal surface.
- Installation is easy and no maintenance is required.
- Flares charge while in case (may be rectangular-shaped), with both wall and car chargers included.
- Charging time from a wall charger is approximately 3-4 hours and can last for 4-5 days.
- Lifespan is over 100,000 hours.
- Working temperature rated -40°F to +212°F.
- Also available in **blue** (<https://www.trafficssafetywarehouse.com/Blue-LED-Safety-Flare-Kit/productinfo/SLF-AB-9R6K-B/>), **green** (<https://www.trafficssafetywarehouse.com/Green-LED-Safety-Flare-Kit/productinfo/SLF-AB-9R6K-G/>), **red** (<https://www.trafficssafetywarehouse.com/Red-LED-Safety-Flare-Kit/productinfo/SLF-AB-9R6K-R/>), and **white** (<https://www.trafficssafetywarehouse.com/White-LED-Safety-Flare-Kit/productinfo/SLF-AB-9R6K-W/>).

9 Flash Patterns	Operating Time
Rotate	7 hours
Quad Flash	7 hours
Single Blink	50 hours
Alternating Blinks	7 hours
S.O.S. (Morse Code)	12 hours
Steady on - high	4 hours
Steady on - low	30 hours
2-LED flashlight	7 hours
4-LED flashlight	5 hours

Specifications

Size of kit	14-1/2" L x 17-1/2"W x 2-3/8" H
Size of flare	4-1/4" D x 1-1/4" H
Weight of kit	6.8 lbs.
Weight of flare	.44 lbs.
Material	TPE & polycarbonate
Color	orange casing and orange LEDs
Working temperature	-40°F to +100°F
Flare batteries	Lithium ion battery (750 mAh / 3.7V)
AC charger	input 100 V - 240 V - output 5.5 V, 400 mAh
Kit includes	rechargeable black case, 6 flares, wall charger, car charger

ORDINANCE NO. DRAFT

AN ORDINANCE AMENDING THE CITY OF WILMINGTON CODE OF ORDINANCE WITH REGARDS TO CHAPTER 37 PERSONNEL POLICY

WHEREAS, On February 6, 1995, the City of Wilmington adopted Ordinance No. 1212 that incorporated into its Code of Ordinances Chapter 37 Personnel Policy; and

WHEREAS, Chapter 37 contains nine articles with a variety of regulations pertaining to employees for the City of Wilmington; and

WHEREAS, On July 5, 2016, the City of Wilmington City Council approved the City of Wilmington Employee Manual (hereinafter referred to as the Employee Manual”), and has since exclusively relied upon the Employee Manual as its source for personnel policies; and

WHEREAS, Chapter 37 conflicts in many ways with the Employee Manual; and

WHEREAS, in an effort to make more clear what policies and regulations apply to the City of Wilmington employees, the Corporate Authorities for the City of Wilmington find it in the best interest of the City of Wilmington to amend Chapter 37 to remove all sections, and to adopt the City of Wilmington Employee Manual, attached hereto as Exhibit A, by reference.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilmington, Will County, Illinois, as follows:

SECTION 1: INCORPORATION OF RECITALS

The above recitals and all exhibits referred to in this Ordinance are incorporated herein.

SECTION 2: ORDINANCE AMENDMENT

That Chapter 37 of the City of Wilmington Code of Ordinances is hereby amended to state in its entirety as follows:

Chapter 37 – Employee Manual

37.01 Employee Manual.

The City of Wilmington hereby adopts the City of Wilmington Employee Manual, as may be amended from time to time, as the personnel policies that shall apply to all City of Wilmington employees. Nothing contained in the City of Wilmington Employee Manual shall be in conflict with existing collective bargaining agreements, state statutes or city ordinances.

SECTION 3: SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect,

impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect

SECTION 4: REPEALER

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

SECTION 5: EFFECTIVE DATE

That this Ordinance shall be in full force and effect after its adoption and approval, as provided by law.

PASSED this _____ day of _____, 2023 with _____ members voting aye, _____ members voting nay, the Mayor voting _____, with _____ members abstaining or passing and said vote being:

Kevin Kirwin	_____	Ryan Jeffries	_____
Dennis Vice	_____	Ryan Knight	_____
Leslie Allred	_____	Jonathan Mietzner	_____
Todd Holmes	_____	Thomas Smith	_____

Approved this _____ day of _____ 2023

Ben Dietz, Mayor

Attest:

Joie Ziller, Deputy City Clerk

Exhibit A
City of Wilmington Employee Manual

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- 1.2 Applicability
- 1.3 City Organization and Administration of the Personnel Program
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 - 1.3.2 Mayor
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 - 1.3.4 Police Commissioners
- 1.4 Definition of Employee
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 - 1.4.2 Supervisory
 - 1.4.3 Non-Exempt Full-Time
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Exhibit A
City of Wilmington Employee Manual

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City of Wilmington Employee Manual

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Section 1 Introduction

Section 1.1 Purpose and Disclaimer

This Manual describes the current personnel policies that apply to all employees as a member of the City of Wilmington ("City") workforce. This Manual is designed only to introduce employees to the City and to serve as a guide to present City policies, practices and procedures. The City has the right to modify, amend, or withdraw any or all of the policies or procedures described in this Manual at any time. All employees shall sign an employee acknowledgment form upon receiving this employee manual.

Although the City hopes that all employees will enjoy a long and mutually beneficial career with the City, there is no guarantee of future employment or employment under any specific conditions. This Manual is not an employment contract of any kind, and it does not create any rights in the nature of employment contract, regardless of whether it has been distributed to new or existing employees, nor does it provide any due process rights in the event of discipline or discharge. Nothing shall restrict an employees' right to terminate their employment at any time with or without notice or cause, and nothing shall restrict the right of the City to terminate their employment at any time with or without notice or cause. No representative of the City, other than the Mayor with City Council approval, has any authority to enter into any employment contract of any kind. Any contract or promise of employment must be in writing and must be signed by the Mayor and approved by the City Council.

Section 1.2 Applicability

Unless otherwise noted, these personnel policies apply to all employees of the City of Wilmington government except that these policies do not apply to the following:

- a. Elected Officials
- b. Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of the Mayor or City Council
- c. Volunteer or appointed personnel who receive no regular compensation from the City

Unless otherwise specifically stated, none of the benefits referenced in this Manual apply to part-time employees.

Unless otherwise provided for in a written contract of employment, Department Heads or other supervisory employees are subject to this Manual. If employees are a Department Head, where provisions discuss an employee's relationship with his Department Head, they may assume that the Mayor has that relationship vis-à-vis themselves. If an employee has a direct relationship with the Mayor as their immediate supervisor, such as: the City Administrator, Chief of Police, or Finance Director where provisions discuss an employees' relationship with employees' Department Head, the employee may assume the Mayor has that relationship vis-à-vis themselves. If they have any questions regarding how this Manual applies to them because of their position with the City, they should contact their immediate supervisor for clarification.

Section 1.3 City Organization and Administration of the Personnel Program

1.3.1 City Council

The City Council of the City of Wilmington shall exercise control over personnel through the adoption of the City's Annual Budget, Pay Plan, confirmation of the Mayor's appointment, or by the adoption of policies, procedures, ordinances and resolutions as deemed necessary by the Council. (The Mayor may seek advisory input from the City Council in connection with annual performance evaluations for Department Heads who have a direct relationship with the Mayor as their immediate supervisor, such as: the City Administrator and the Police Chief.

1.3.2 Mayor

The Mayor shall be responsible for ensuring the effective administration of the policies and procedures and may delegate such functions as deemed necessary for the implementation of this system. The Mayor shall perform the performance evaluations and will seek input from the City Council for the City Administrator and Chief of Police.

1.3.3 Department Heads

1. The Department Heads shall be responsible for directing and coordinating personnel activities of the City on a day-to-day basis.
2. Department Heads shall prepare a tentative budget before the end of each fiscal year. It shall be presented to the Finance Director. The Finance Director will prepare the budget to be presented to the Mayor. The Mayor will present the budget to the City Council for approval.
3. Departments Heads shall prepare Job Descriptions and recommend the selection and hiring of all personnel to their appropriate committees when such job openings are deemed necessary and subject to adoption by the Mayor.
4. Department Heads shall submit for approval any promotion, demotion, and discharge of all personnel in their respective department, with the Mayor having authority for final dispensation of all employees with the concurrence of the City Administrator. However, the Mayor may seek input and advice from the City Council before making his final decision.
5. Department Heads shall administer the personnel policies and procedures including the performance evaluation.
6. Department Heads shall perform any other lawful acts that are considered necessary or desirable to carry out the purpose of the personnel system and the provisions outlined in this manual, or as directed by the Mayor and City Council.

Section 1.3.4 Police Commissioners

The Board of Police Commissioners performs the function of a civil service commission for all sworn police officers. The board hires and promotes all members of the police department, except the Police

Chief, who is appointed by the Mayor with the advice and consent of the City Council and will not be hired or disciplined by the Board.

Section 1.4 Definition of Employee

Section 1.4.1 Department Heads

Department Heads are salaried on an annual basis, regardless of number of hours worked over 40 hours per week. Department Heads do not receive overtime pay. However, if it is necessary for them to work over the forty-hour week, they may (work requirements allowing), take time off for personal reasons. This benefit is not to be abused. The Department Heads shall notify their immediate supervisor of such time off and maintain a record to be made available to the Mayor and City Council upon request. Furthermore, any Department Head and/or exempt employee will be required to seek approval from their immediate supervisor for any time off request for one day or more.

Section 1.4.2 Supervisory

Supervisory personnel are defined as members of the management group. Supervisory personnel direct the daily work activities of unit or shift of employees. Employees shall convey late report times, illness, or other absence, and make requests for authorized leave to the Supervisory personnel.

Section 1.4.3 Non-Exempt Full-Time

Full-time non-exempt employees are paid on an hourly basis. All full-time non-exempt employees are expected to work 40 hours per week, unless authorized leave is approved by the Department Head or indicated within their job description upon approval by the Mayor and City Council.

Section 1.4.4 Part-Time

An employee who is employed regularly for less than the normal number of hours is considered part-time. These employees receive straight time for all hours, (less than forty hours in one week), are ineligible for benefit packages listed in this manual unless otherwise required by law, and may not work more than 1,000 hours per year. Any exceptions to the definition of part time employee must have Mayor and City Council approval.

Section 1.4.5 Temporary

Temporary employees are generally those persons employed to fill a position for less than six (6) months duration. There is no guarantee of reinstatement for the same period during the following calendar year. Temporary employees are not entitled to sick leave. Temporary employees are not entitled to vacation or other similar benefits enjoyed by full-time employees. Temporary employees are hired by the Department Head.

Section 1.4.6 Exempt Salaried Employee

An employee paid on a salary basis that works in an executive, administrative or professional capacity determined by the City to be exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt salaried employees are not entitled to overtime under the FLSA. Notwithstanding any

provisions of this Manual, the discipline of such employees shall be in accordance with FLSA regulations regarding exempt salaried employees.

Section 1.4.7 Non-exempt Employees

An employee who is either paid by the hour or on a salary basis and is not in a position determined by the City to be exempt from overtime under the Fair Labor Standards Act. Such employees are eligible for overtime pay.

Section 1.5 Conflicts with Other Regulations or Manuals

In the event there is a conflict between the policies contained in this Manual and a collective bargaining agreement, a current written individual employment agreement, or applicable rules and regulations of the Police Commissioners, the terms of the agreement or applicable rules and regulations shall apply. No one other than the Mayor, with the advice and consent of the City Council, has the authority to enter into a contract contrary to the terms of this Manual.

Section 2 Personnel Program and Employment Status

Section 2.1 Equal Employment Opportunity

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

Section 2.2 Personnel Records

Section 2.2.1 Maintenance of records

The City Administrator or his designee shall maintain personnel records of each employee containing the employee's name, title, department, starting date, salary, change in employment status, training received, disciplinary actions, or other such information as may be considered pertinent.

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

- Name and/or marital status;
- Address and/or telephone number;
- Number of eligible dependents;
- W-4 deductions

Section 2.2.2 Confidentiality

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

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

- Right of access to personnel files is granted to current employees, those on leave subject to recall, and those who have terminated their employment within the preceding year.
 - An employee must make a request for personnel file review in writing to the City Administrator.
 - Records will be reviewed at a place designated by the City during working hours. A City representative may be present during such inspection.

Information contained in employee personnel files shall not be released or disclosed without the employee's written consent, except to persons with a lawful right or need to know or as required by law.

Section 2.3 Probationary Period

A formalized twelve-month evaluation and probationary period are in effect at the time of appointment for all employees. The probationary period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of an employee to the position, and for evaluating the employee's performance to make a final determination as to whether the employee does or does not meet the required work standards of the position and the City. The existence and/or completion of the evaluation and probationary period do not imply that the employee has a contractual right to continued employment with the City and does not alter the at-will status of employment.

Section 3 Employee Conduct

Section 3.1 Anti-Harassment Policy

The City of Wilmington is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of City employees by anyone, including any supervisor, co-worker, or any third party. All employees are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. This policy forbids harassment based, regardless of whether it rises to the level of a legal violation. All employees are expected to make it known promptly, through the avenues identified below, whenever they experience or witness offensive or unwelcome conduct before the alleged offending behavior becomes severe or pervasive.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, physical or mental disability or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Such harassment may include, for example, jokes about another person's protected status, kidding, teasing or practical jokes directed at a person based on his or her protected status.

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an

intimidating, hostile, or offensive working environment. Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another person's body.

All City employees are responsible to help assure that harassment is avoided. Anyone who believes that they have experienced or witnessed harassment should notify the City Administrator, a Department Head, or City Attorney. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination. Each supervisor must immediately report to the City Administrator any complaint or observation of conduct which may violate this policy. A supervisor's failure to make such a report may constitute a violation of this policy.

The City forbids retaliation against anyone for reporting harassment, assisting in making a harassing complaint, or cooperating in a harassment investigation. Anyone who believes that they have been retaliated against should notify the City Administrator, a Department Head, or City Attorney.

The City's policy is to investigate all such complaints thoroughly and promptly. Pending investigation, the City may put reasonable interim measures in place to address the complained of conduct, such as a leave of absence or a transfer, while the investigation takes place. To the fullest extent practicable, the City will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of the policy has occurred, the City will take corrective action, including discipline, up to and including immediate termination of employment.

An employee who believes that he or she has been the subject of harassment or retaliation for complaining about harassment also has the right to file a charge of civil rights violations with the appropriate state or federal enforcement agency. These include:

Illinois Department of Human Rights
100 West Randolph Street, Suite 10-100
Chicago, Illinois 60601
312-814-6200

Equal Employment Opportunity Commission
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, Illinois 60661
312-353-2713

Section 3.2 Drug-Free Workplace Policy

Section 3.2.1 The City of Wilmington has adopted a Drug-Free Workplace Policy as described in Resolution Number 2016-07. It reads as follows:

Illegal drugs and the abuse of legal drugs in the workplace are a significant danger. They impair safety and health, promote crime, lower productivity and quality and undermine public confidence in the work City employees undertake. The City prohibits drug and alcohol impairment and the illegal use of drugs in the workplace. Under the federal and state Drug-Free Workplace Acts, 41 USC 701, et seq., and 30

ILCS 580/1 et seq., in order for the City to be considered a "reasonable source" for the award of federal or state grants, it is appropriate to adopt the following policy:

Section 3.2.2 Definition and descriptions

Any location which City business is conducted, whether at this or any other site, or a vehicle, is declared to be a drug-free workplace. All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or unlawfully using controlled substances or alcohol, as defined in the federal and state Drug-Free Workplace Acts, in the workplace. This includes the misuse or abuse of prescription, over-the-counter, and licensed drugs.

This policy does not apply to the lawful use of prescription drugs under the supervision of a licensed healthcare professional and within the limits of a valid prescription. An employee who has been prescribed drugs or who is taking over-the-counter medications that come in containers with warnings about drowsiness or interference with the ability to operate machinery, or drive safely, or otherwise perform their job duties is required to immediately disclose to his or her immediate supervisor any medication-related work restrictions. When employees disclose such medication related work restrictions they do not need to disclose the type of medications that have been prescribed or the underlying medical conditions, impairments or disabilities unless otherwise specifically directed to do so by their doctor or by their immediate supervisor that is not in violation of any state or federal act. Employees are prohibited from using or being under the influence of legally prescribed medical cannabis during work hours.

Section 3.2.3 Ability to perform duties

Employees are expected and required to report to work on time in appropriate physical and mental condition to perform duties of their jobs.

Section 3.2.4 Education and referral program

Employees have the right to know the dangers of drug abuse in the workplace, the City's policy about them and what help is available to combat drug problems. Employees needing assistance in overcoming drug abuse problems are encouraged to seek professional assessment, treatment support and aftercare at appropriate outside agencies. Conscientious efforts to seek such help will not jeopardize any employees' job nor will it be noted in any personnel record. However, referral to such programs in no way exempts an employee from discipline for less than acceptable job performance.

Section 3.2.5 Employment condition

As a condition of initial and continued employment, each employee shall:

- a. Agree in writing to abide by the terms of the City's policy respecting a drug and alcohol-free workplace; and,
- b. Agree, as required by law, to inform his or her supervisor of his or her conviction of any criminal drug or alcohol Statute, for a violation occurring on or off City premises, while conducting City business, no later than five (5) days after such a conviction. A conviction means a finding of guilt (including a plea of "no lo contendere") or the imposition of a

sentence by a Judge or jury in any federal or state court, and/or a finding of Court Supervision.

Section 3.2.6 Disciplinary action

An employee who violates the terms of this policy may be subject to disciplinary action including suspension and/or termination and may be referred for prosecution consistent with applicable local, state and federal law.

- a. The City shall take prompt disciplinary action with respect to any employee who violates this policy.
- b. The City may require an employee who violates the terms of this policy to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program.

Section 3.3 Alcohol/Drug Testing

It is the policy of the City to conduct drug/alcohol testing where it has reason to believe that an employee may be under the influence of alcohol, illegal drugs or other controlled substances. In addition, any employee who is reasonably believed to have caused or contributed to an accident which resulted in personal injury requiring medical treatment away from the scene of the accident or which disabled a piece of equipment shall be tested for alcohol, illegal drugs, or other controlled substances. Further, employees employed in safety sensitive positions are subject to periodic or random testing. Employees subject to Department of Transportation (D.O.T.) testing shall be tested in accordance with D.O.T. regulations in addition to the testing and discipline provisions of this policy. Refusal to submit to testing will result in disciplinary action, up to and including termination of employment.

Section 3.4 No Solicitation

Solicitation by employees shall not be permitted during working time (the time employees are performing Department functions) in the City, or during non-working hours in areas where it will disturb other employees who are working. Distribution or circulation of printed materials by employees shall not be permitted any time, including working and non-working time, in working areas. Solicitation or distribution of printed materials by non-employees is prohibited in work areas.

Section 3.5 Outside Employment

Employees may hold outside employment, including self-employment, provided such employment does not: 1) interfere with the performance of City duties; 2) present a potential conflict of interest; 3) result in outside work being performed during an employee's work shift; 4) involve the use of city equipment or supplies. Employees shall be permitted to engage in outside employment only with the prior written approval of their Department Head. If granted permission for outside employment an employee's Department Head may revoke the permission where it appears to the Department Head that such activity conflicts with the standards set forth above. Employees who engage in outside employment shall notify their Department Head of the addresses and phone numbers where they can be contacted, if necessary, for their normal work schedule, of the name of their supervisor (if applicable), and of the type of work they are (or will be) performing.

Section 3.7 Gifts and Gratuities

- a. All employees are required to comply with City Ordinances and with State laws governing the ethical conduct of public employees. Employees and their family members are prohibited from intentionally soliciting or accepting any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. The prohibition on accepting gifts extends to gifts from “prohibited sources” which are defined by law to include individuals who are seeking official action by an employee, who do business with or are seeking to do business with the City, have interests that may be substantially affected by the performance or non-performance of the employee’s official duties, or who are a registered lobbyist. An employee who receives a gift from a prohibited source should: 1) promptly return the gift; or 2) donate the gift or an amount equal to its value to a 501(c)(3) charity; and 3) report the gift and response to their immediate supervisor. Employees who violate the restrictions on receipt of gifts will be subject to discipline, in addition to any further action taken in compliance with State law.

- b. Employees are restricted from performing prohibited political activity during any compensated time. In compliance with state and federal law, the City does not prohibit any employee from exercising his political rights to engage in political activities, including the right to associate with a political organization, petition, make speeches, campaign door-to-door and to run for public office. The rights, however, are not absolute and are subject to certain limitations. No employee may use his or her official position to coerce or inhibit others in the free exercise of his/her political rights. No employee may engage in political activities while at work or on duty.

Any employee actions that are inconsistent with these ordinances and laws may be the basis for disciplinary action.

Section 3.8 Workplace Inspections

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, unauthorized firearms, weapons, explosives, or any material whose possession is illegal under federal or state law. To this end, the City prohibits the possession, sale, transfer or use of such materials on its premises or in City vehicles. The City requires the cooperation of all employees in administering this policy.

Desks, cabinets, file drawers, file boxes, computer files, lockers and other storage devices may be provided for your convenience but remain the sole property of the City. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, with or without prior notice. If you refuse to submit to a search or are found in possession of prohibited articles you will be subject to disciplinary action, up to and including dismissal.

Section 3.9 On-the-Job Safety/Reporting of Accidents

Employees are expected to exercise caution and observe all established safety rules and regulations applicable to their position and in the operation of tools, equipment and motor vehicles in connection with City business.

The following safety rules apply to all employees of the City:

- a. Basic responsibility for safety rests with Department Heads and from them, to their designated safety representatives, supervisors, and employees, but it is the responsibility of every employee to become familiar with and adhere to all safety rules and regulations.
- b. Any employee acting in a supervisory capacity shall require all employees under their supervision to comply with all applicable safety rules and practices.
- c. Any employee having knowledge of any unsafe condition or work practice shall report such condition or practice to their immediate supervisor, departmental safety representative, or Department Heads.
- d. All employees shall use reasonable precautions in the performance of their duties and act in such a manner as to assure maximum safety to themselves, their fellow employees and the public.
- e. All employees shall familiarize themselves with the safety rules applicable to their jobs and shall consult with their supervisors on any safety rule or practice not understood, or whenever work conditions present unforeseen hazards.
- f. No employee shall remove or make ineffective any safeguard, safety device or safety appliance except for the purpose of replacement, repair or adjustment.
- g. Employees shall keep their work areas clean, orderly and, to the extent possible, free from all recognized safety hazards.
- h. All employees shall work in appropriate clothing, including footwear, suitable for the type of work being performed, and shall wear or use appropriate safety devices or personal protective equipment as provided, or directed.
- i. When driving or riding as a passenger in a City-owned vehicle, or in a personal vehicle while on City business, employees shall wear properly adjusted and fastened seat belts.
- j. Employees shall comply with all applicable Local, State and Federal traffic laws when operating a City vehicle or personal vehicle while on City business, except for police officers when authorized in the line of duty and in accordance with departmental standard operating procedures.
- k. Use of a hand-held mobile, cellular, analog wireless or digital telephone while driving is prohibited. Employees whose job responsibilities include regular or occasional driving within the City and who are issued a communications device for business use are required to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Texting or sending e-mails or other written communications is prohibited while operating a vehicle. The City will not tolerate and does not authorize conduct in violation of these safety laws in City vehicles, using City devices or in any other manner by an employee in the course of performing duties for the City.

1. Any employee who suffers an on-the-job injury or illness, or is involved in an accident while operating City equipment, a City-owned vehicle, or a personal vehicle on City business, shall complete a report of accident on the approved report form and submit the form to the immediate supervisor. The form shall be completed and submitted within twenty-four hours of the on-the-job accident, injury or illness to the extent practicable.

Individual departments may adopt any safety rules that address particular operations or hazards that exist within that department and which are not inconsistent with the general safety rules listed above.

Any employee found to be in violation of the general safety rules or applicable departmental safety rules may be subject to disciplinary action.

Section 3.10 Threats, Violence and Weapons

Section 3.10.1 Workplace Violence Policy

The City will not tolerate any threats, threatening behavior or acts of violence against employees, visitors, or other individuals by anyone on City property or while an employee is off-premises engaged in City business. There is no justification for such actions. Any employee who violates this policy will face disciplinary action up to and including discharge and may face possible arrest and criminal prosecution.

Section 3.10.2 Prohibited Conduct

"Workplace violence" includes any behavior or conduct on City 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:

- a. Any physical behavior, or threat of physical behavior, which involves aggressive contact with any person, including pushing, hitting, fighting, throwing objects or otherwise intentionally injuring another person or attempting to injure another person;
- b. Any physical behavior, or threat of physical behavior, that would place a reasonable person in fear of receiving imminent physical injury or aggressive physical contact of the sort discussed above; or
- c. Any act of vandalism or other intentional damage or destruction of City property.

No employee or third party, except for authorized law enforcement personnel, is permitted to bring weapons or firearms onto City property (including City vehicles). City employees (other than sworn law enforcement officers acting consistent with their required duties), regardless of whether they are licensed under Illinois law, are strictly prohibited from possessing or carrying firearms or dangerous weapons while acting within the course of their employment, whether or not they are on City property. A firearm may be transported into a parking area within an employee's personal vehicle if the firearm and its ammunition remain locked in a case out of plain view within the parked vehicle. "Case" is defined as a glove compartment or console that completely encases the firearm and its ammunition, the trunk of the vehicle or a firearm carrying box, shipping box or other container. The firearm may only be removed for the limited purpose of storage or retrieval from within the trunk of the vehicle.

Section 3.10.3 Reporting Procedures

- a. Employees who become aware of workplace violence or any threat of workplace violence, whether by an employee or non-employee, must immediately report such action to their immediate supervisor and law enforcement personnel. Disciplinary action may result if the employee having knowledge of a suspected violent act fails to report the incident.
- b. Any employee who is a victim of workplace violence must immediately report the situation to law enforcement personnel, then his or her supervisor or the City Administrator when the supervisor is involved.
- c. Any report made pursuant to this policy will be treated with confidentiality to the extent reasonably possible and appropriate.
- d. Actions that may be considered endangering or life threatening by or against any employee or individual on City property should be reported to local law enforcement agency by calling 911, in addition to the reports set forth above.

Section 3.10.4 Investigation and Responsive Action

- a. All incidents of alleged workplace violence will be investigated promptly by the City.
- b. Based on the results of the investigation, the City will take appropriate action. If a violation of policy is found, such action may include immediate discharge. Additionally, the City may report the situation to law enforcement.
- c. When applicable, the City and its employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of any workplace violence.
- d. The City may take other actions, as it deems appropriate under the specific circumstances, including seeking judicial action.

Section 3.10.5 No Retaliation

The City forbids retaliation against any employee for reporting any violation of this policy. Any employee who engages in retaliation in violation of this policy shall be subject to disciplinary action up to and including discharge.

Section 3.11 No Smoking or use of Tobacco Products

The Smoke-Free Illinois Act requires that public places and places of employment must be completely smoke-free inside and within 15 feet from entrances, exits, windows that open, and ventilation intakes. In the interest of promoting health and safety, the City's smoke-free policy applies to all City facilities (including shared vehicles), all City employees, and all residents and vendors who visit City facilities. Smoking is permitted only in designated smoking areas. The use of smoking materials refers to the lighting and smoking of cigarettes, cigars, pipes, and or other similar items such as electronic cigarettes

and “vaping” devices, or tobacco in any form, including smokeless tobacco. The City strictly prohibits the use of chewing tobacco in public areas or in view of the public.

Section 4 Use of City Equipment

Section 4.1 Authorization to Use Equipment

City equipment and supplies may be used only for authorized City purposes. No City equipment or supplies shall be removed from City premises for personal use unless authorized by the Department Head, City Administrator, or Mayor.

Section 4.2 Use of City Vehicles

An employee must obtain permission from the Department Head to use City vehicles. Use of City vehicles (if available) are for official City business ONLY is encouraged when City vehicles are available. Any out of pocket expenses such as parking, tolls, and emergency repairs shall be reimbursed upon presentation of receipts.

Section 4.3 Use of Personal Vehicles for City Business

Whenever an employee is authorized to use a personal vehicle in the performance of official City duties, the employee shall be compensated at the prevailing IRS mileage rate. All mileage compensation shall be a result of authorized personal vehicle use approved by the employee's Department Head. Reimbursable uses include: the use of personal vehicle to attend out-of-town functions, training sessions, and meetings when such functions are a requirement of the employee's job or are deemed desirable by their Department Head or the Mayor.

Section 4.4 Computer and Telephone Communications Systems

The City provides various information technology resources to its employees (and other authorized persons) to facilitate the creation and communication of business related data in the most effective and efficient manner possible. The term “technology resources” is intended to cover any new or emerging technologies that may be used in the workplace, in addition to those technologies currently in use and includes all computers, tablets, telephones and cellular phones, personal digital assistants (PDA’s), digital cameras or camcorders, audio/video recorders, voicemail systems, pagers and similar wireless two-way communication and/or portable Internet access devices. As means develop to transmit more data in less time and with less formality, users must put more effort to maintaining the accuracy, security and control of data. Each user must ensure that use of City information technology resources is appropriate and professional. This is especially true because electronic communications tend to be more immediate and informal than written communications and because passwords and deletion functions create the illusion of privacy and control. Although the Internet can be a valuable information resource for legitimate business, research and information sharing, it also presents a significant opportunity for abuse, lost productivity and potential liability for the City and its employees.

In light of these concerns, the City has developed this policy, which establishes the parameters for proper use of information technology resources. The information technology resources are to be used for legitimate corporate purposes and in compliance with all City policies and procedures. Use of this equipment consistent with these purposes may include but is not limited to; placing and receiving phone

calls, text messaging, blogging, emailing, using camera or video features, and accessing sites or services on the Internet. Employees (and other authorized persons) who do not comply with this policy are subject to the revocation of their access to City information technology resources and disciplinary action up to and including termination.

Proper Use

Other than occasional personal use of voice-mail, e-mail and Internet access, City-provided technology resources may be used only for legitimate business-related communications.

Occasional personal use means infrequent, incidental use that is professional and does not interfere with City business, the performance of the user or any other employee's duties or the availability of technology resources. To the extent possible such use shall be restricted to meal periods. All use of City technology resources -- including all personal use -- is subject to this policy and other City policies and procedures that may be implicated by such use.

Data Ownership

All data created, entered, received, stored, accessed, viewed or transmitted via City technology resources are City property. Business-related data may neither be used for any purpose unrelated to City business nor sold, transmitted, conveyed or communicated in any way to anyone outside of the City without the City's express authorization.

No Privacy

Users have no expectation of privacy in connection with the use of City technology resources, including the creation, entry, receipt, storage, accessing, viewing or transmission of data.

Monitoring

As with all other City property, the City will search, monitor, inspect, intercept, review, access and/or disclose all City technology resources and all data created, entered, received, stored, viewed, accessed or transmitted via those resources for legitimate management reasons, at any time, and without further advance notice by persons designated by or acting at the direction of the City, or as may be required by law or as necessary for, or incidental to, auditing, security and investigative activities, and to ensure effective technology resource administration and policy compliance. Users specifically consent to the access by and disclosure to the City of information created, entered, received, stored, accessed, viewed or transmitted via the City's technology resources that is stored by a third-party electronic communication service or remote computing service and have no expectation of privacy in such information. For example, authorized persons will inspect the City's technology resources to investigate theft or other unlawful activity or workplace misconduct, the unauthorized disclosure of client confidences, attorney work product and proprietary information, misuse, to assess Internet use, and for other work-related purposes. No employee may monitor or intercept any data without the authorization of the City Administrator or persons designated by him or acting at his direction or at the direction of the Corporate Authorities.

Harassment

Users are absolutely forbidden from using the City's technology resources in any way that may be construed to violate the City's harassment-free workplace policy. This prohibition includes sexually explicit or offensive images, messages, cartoons, jokes, ethnic or religious slurs, racial epithets or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, or any other status protected by law. Users are required to take all reasonable steps to avoid and eliminate receipt from known sources of all potentially offensive material.

Unlawful Use

City technology resources may not be used to intentionally or unintentionally violate any local, state, federal or international civil or criminal law. Unlawful activity includes but is not limited to lotteries, raffles, betting, gambling for anything of value (e.g., Final Four tournaments, fantasy football) and participating or facilitating in the distribution of unlawful materials. Users likewise may not upload, post, e-mail or otherwise transmit any data that is threatening, malicious, tortious, defamatory, libelous, obscene, or invasive of another's privacy. In addition, City technology resources may not be used to job-search outside of the City or run or solicit outside business ventures.

Prohibited Software

Software purchased and licensed for personal use may not be installed on City computers. The City periodically may, at any time, conduct an audit or interrogation of computers for installed software and related printed material that is not included on a then current inventory of City-authorized software. All unauthorized software will be removed and destroyed.

Proprietary Rights

City technology resources may not be used to violate proprietary rights, including copyright, trademark, trade secrets, right of publicity or any other intellectual property rights. For example, unless consistent with all applicable licenses, users may not post or download any data (including software) protected by copyright or patent law. Likewise, users may load only licensed software from the Internet or other source onto a City-provided workstation or laptop, provided that use of the software is consistent with the license and the original software license remains at the appropriate City office so that the City may conduct accurate audits (and respond to external audits). All software must be approved by the IS Coordinator prior to downloading.

Confidential Information and use of Intellectual Property

Users may not leak, place, post, transmit or otherwise disclose confidential, sensitive and/or proprietary City information to anyone outside of the City by any means, at any time or for any reason.

Passwords and Security

All passwords and security used in connection with City technology resources, including voice mail access codes, are City property and must be made available to the City. Users must understand that their use of passwords will not preclude access, monitoring, inspection, review, or disclosure by authorized

City personnel. The City also may unilaterally assign and/or change passwords and personal codes. The security of City's technology resources is every user's responsibility.

Viruses

Users may not upload, post, e-mail or otherwise transmit any material that contains software viruses or any other computer code, files or programs designed to interrupt, destroy, or limit the functionality of any computer software, hardware or telecommunications equipment.

Misrepresentation of Identity and/or Data

Unauthorized access of e-mail, data, and use and/or disclosure of other users' passwords is strictly prohibited. For example, users are prohibited from accessing other users' files or communications without any legitimate business purpose (e.g., to satisfy idle curiosity or to "snoop"), regardless of the security designation assigned to a particular file or communication.

General Matters

City technology resources may not be used to transmit junk mail or spam (the same or substantially similar messages sent to a large number of recipients for commercial or other purposes unrelated to City) or pyramid schemes of any kind, or to download or execute games. The City will not be responsible for any damages, direct or indirect, arising out of the use of its technology resources. The City may amend, revise or depart from this policy at any time, with or without notice. This policy does not constitute, and shall not be construed as an express or implied contract of employment.

Termination of Access at Separation

Before each user's last day of employment, he shall return or otherwise surrender possession of all City technology resources (including computers, software programs, computer peripherals, electronically stored data, data storage devices, keys, and written passwords) in his or her possession, custody or control. Upon separation of employment, the City will terminate user access to City technology resources.

Policy Violations

Access to and use of City technology resources is a privilege, not a right. Users who do not comply with this policy are subject to denial of access to City technology resources and disciplinary action up to and including termination.

Section 4.5 Personal Use of Telephones

Employees are permitted to use City telephones for personal use on limited basis and for local calls only. Approval to use City telephones for personal business may be withdrawn by Department Heads if it becomes excessive or if use causes interference with work duties. Employees may be required to pay for any none city business calls they make which are charged to the City. This policy is subject to change, as the City deems necessary.

The City recognizes many employees have their own cell phones or other personal communication devices (e.g., ipads, laptops, etc. tablets, etc.). While the City does not prohibit employees from possessing such devices while at work or on City premises, discretion is expected with their use during work time. Personal phone calls and messaging must be limited to non-work time and made in a manner that does not disturb employees who are working. Employees are expected to devote working time to performance of job duties, and any use of communications devices during working time for messaging or functions other than a brief calls (e.g., check on status of children with babysitter, etc.) and/or an emergency is strictly prohibited. Employees should instruct individuals who need to reach them during working hours to limit such contact to truly important and/or emergency situations. Cell phones and other wireless communication devices should be turned off during meetings or in other situations where the receiving of a call would interrupt and/or interfere with the employee's job duties and responsibilities. In such situations, personal cell phones or other wireless communication devices should be set to vibrate, non-ringing/alarm function. Employees may not wear hands-free wireless devices on City premises during working hours, except when an employee is using such device for legitimate purposes. The City will not be liable for the loss of personal communications devices brought into the workplace.

Section 5 Disciplinary Action

Section 5.1 Reasons for Discipline

Employees of the City of Wilmington are expected to perform satisfactorily their assigned duties. It is the duty of the Department Heads to oversee conduct and work performance of said employees within their respective departments. Unless otherwise set forth under a written contract of employment or unless provided otherwise by the Board of Fire and Police Commissioners, employment with the City is at-will, and employees can be discharged with or without cause, at any time at the sole discretion of the Mayor. Reasons for disciplinary action may include, but are not limited to, the following:

- a. Incompetence, negligence, misconduct or inefficiency in the performance of assigned duties.
- b. Abusive, threatening or offensive attitude, conduct or language in a public place, towards the public, City officials, or other employees, or abusive in conduct including that results in physical harm or injury to other employees or to the public.
- c. Violation of any regulation, order or rule, or failure to obey any lawful and reasonable direction given by a superior, including when failure to obey amounts to insubordination, or does or is reasonably expected to result in lower morale or to result in loss, inconvenience, or injury to the public or the City.
- d. Acceptance for personal use of a gift, fee or other valuable thing which would be in conflict with legal and policy limitations; inducing or attempting to induce another to commit an unlawful act; or any unethical conduct.
- e. Violation of the City's Anti-Harassment or Equal Employment Opportunity policies.

- f. Any act or occurrence after employment that would have disqualified an individual from initial employment, including conviction of a criminal offense bearing on the performance of job duties.
- g. Where the employee, through carelessness, negligence, or willful misconduct, has caused damage to public property or waste of public supplies or money.
- h. Misappropriating City property, unlawfully disposing of City property or records, or other conduct that has or reasonably can be expected to result in loss or injury to the City or public.
- i. Failure to follow safety rules and regulations or to abide by safe practices.
- j. Absence without leave, or has failed to report following the expiration of a leave of absence, for a period of three (3) working days.
- k. Excessive absenteeism; unauthorized absences from duty; abusing lunch and break period time limitations.
- l. Refusal to comply with the instructions or directions of supervisors; failure or refusal to cooperate with an internal investigation.
- m. Use of obscenity or other abusive or antagonistic language, attitudes or conduct toward fellow employees, supervisors, residents, or vendors, including acts that interfere with proper cooperation of City employees to the detriment of efficient public service.
- n. Possession, purchase, use, selling or being under the influence of intoxicating liquor or drugs on City property, or while operating City equipment, or while performing the duties associated with the employee's position.
- o. Possession of weapons, explosives or other dangerous objects or substances.
- p. False claims of disability due to sickness or injury.
- q. Disclosing confidential records or information relating to the City, its residents and vendors.
- r. Use of City equipment, property, or material for performing personal or for any other inappropriate purpose.
- s. When the employee has used, threatened or attempted to use, personal or political influence in securing promotion, leave of absence, transfer, change of pay or other character of work.
- t. Falsification or alteration of time sheets, personnel records, employment application or any other City records.
- u. Withholding information or providing misleading or false information about a job-related injury, illness or accident.

- v. Sleeping during working hours.
- w. Engaging in unauthorized personal business during work hours.
- x. Failure to maintain a neat, clean, and businesslike appearance so as to be a credit to the City.
- y. Failure to comply with any other City policy or directive or any other misconduct as determined by the City.

These examples are not all-inclusive, and other conduct not specifically covered above may result in disciplinary action depending upon the circumstances.

Section 5.2 Discipline Procedure

The City retains the sole discretion to determine in each situation which form of discipline is appropriate. Discipline generally serves the purpose of improving performance or correcting unacceptable behavior. Corrective action may include counseling an employee, training or otherwise recommending a specific course of action, or may involve oral or written reprimand, unpaid suspension or termination. Employees may be disciplined, including termination of employment, without prior notice or warning. Where appropriate, the City supports the use of progressive discipline procedures.

Section 6 Payroll Administration, Hours of Work and Overtime

Section 6.1 Regular Hours of Work

Section 6.1.1 Workday hours and lunch breaks

All non-exempt employees shall be scheduled for an eight (8) hour or ten (10) hour workday, except sworn police officers whose workday will be determined by the Chief of Police. Lunch breaks for all City administrative offices shall be scheduled not to disrupt City services.

Section 6.1.2 Work Schedule

The work week shall consist of forty (40) hours per week for all City non-exempt full time employees. The Department Head shall determine the length of the shift and starting time providing there is no disruption to City services. Furthermore, the Mayor and City Council shall determine the hours of operations for all City administrative services.

Section 6.2 Payroll Administration

All salaried, hourly, and part-time personnel shall be paid biweekly. Up to a one-week delay in payment may be in effect for regular and overtime hours. Further payroll and reimbursement policy details are as follows:

- a. All employees are required to punch in when they arrive and are ready to start work and then out when they leave at the end of their shift. Employees are expected to follow the established procedures in keeping an accurate record of hours worked. Failure to accurately

record your time may result in discipline, up to and including termination. Hours worked are accounted for in 20-minute increments, and employees should not commence work more than five minutes prior to their shift start time or continue work more than 5 minutes after their shift start time without prior authorization.

- b. The City does not allow non-exempt employees to work “off the clock” without compensation. Non-exempt employees must record all hours of work, including work performed away from the workplace, on their time sheets and receive prior authorization if performing work outside of the employee’s assigned work hours. Any employee who fails to accurately record all hours of work on his or her time sheet will be subject to disciplinary action, up to and including possible termination of employment.

Section 6.4 Overtime Scheduling

Time worked in excess of the established regular workweek hours constitutes overtime work. Before performing any overtime work the employee must receive approval from their supervisor or Department Head.

Section 6.5 Overtime Pay

- a. Overtime pay shall be considered that time worked which is more than forty (40) hours per week. Overtime pay shall be paid at the rate of one and one-half times the hourly rate, determined by dividing the annual salary by 2,080 hours. Furthermore, part-time police officers shall be paid overtime which is more than a scheduled work day for emergency purpose as requested by the supervisor.
- b. All full time, non-exempt employees will be compensated for all hours worked as described within their job description and duties as authorized, which means no employee shall work as an independent contractor or receive a stipend for hours worked except as authorized as an appointed position. Employees shall be duly compensated under the FLSA for hours worked; however employees may be subject to discipline for performing unauthorized work.

Section 7 Leave Time

Section 7.1 Vacation Leave

- a. Employment anniversary dates shall govern the number of vacation days allowed.
- b. Full-time and eligible part-time employees are entitled to the following vacation time. First year employees shall not receive a vacation until the completion of one year of employment, unless otherwise approved by the Mayor and City Council.

One (1) year and upon completion of five (5) years - (80 hours)

Six (6) years and upon completion of ten (10) years - (120 hours)

Eleven (11) years and upon completion of fifteen (15) years - (160 hours)

Sixteen (16) years and upon completion of twenty-four (24) years – (200 hours)

Twenty-five (25) years or more – (240 hours)

- c. Eight (8) hours of vacation leave may be taken in single days with the approval of the Department Head.
- d. Provided the employee has made a reasonable effort to take vacation time, but such time was denied due to scheduling problems, forty (40) hours of unused vacation time may be carried over into the next year. Vacation shall not accrue again until an employee's vacation bank has dropped below the maximum accrual.
- e. Upon termination of employment, the employee shall receive payment for all unused, accrued vacation.

Section 7.2 Holiday Leave

- a. Holiday pay shall be paid to all full-time employees.
- b. All employees shall receive their normal rate of pay with the day off. This is not intended to imply they shall receive any additional pay, but only the pay they would have received had they worked the day as a normal workday.
- c. The following nine (9) holidays shall be observed:
 - New Years Day
 - Good Friday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Thanksgiving Day
 - Day after Thanksgiving Day
 - Christmas Eve Day
 - Christmas Day
- f. Besides the nine (9) holidays listed, all employees shall receive four (4) personal days (32 hours). Personal days which remain unused after one year from the date of credit will be added to the employee's sick leave accumulation. Department Head's approval must be obtained before taking any personal days. Personal days will be awarded on a prorated basis in an employee's first year of employment.

Section 7.3 Sick Leave

Section 7.3.1 Purpose, Allowance, and Accumulation.

Sick leave with pay is provided as a benefit in recognition that employees do contract various illnesses from time to time and that their financial resources may be diminished in such instances if pay is discontinued, and that it may not be in the best interest or health of the employee or fellow employees to work while sick. An employee who is unable to work by reason of a non-duty related illness, injury, or disability as contained herein may take sick leave. Employees shall accrue eight (8) sick leave hours per month to a maximum accrual of 960 hours. Sick leave may additionally be used for appointments with a medical practitioner that cannot be made outside of work hours or in the event of illness, disability or

injury of a member of an employee's immediate family or household, meaning spouse (or civil union partner), mother, father, children, or any relative or person living in the employee's household for whom the employee has custodial responsibility or where the person is dependent upon the employee and the presence of the employee is needed to care for the medical needs of the individual.

Section 7.3.2 Medical Verification.

The City may, at its discretion, require an employee to submit a physician's verification of illness or other conclusive evidence of illness, and such verification normally will be required for illnesses requiring the use of more than twenty-four (24) hours of sick leave.

Section 7.3.3 Sick Leave Utilization.

Sick leave may be utilized only for the purposes as stated in the first paragraph of this section. Employees utilizing paid sick leave hours shall be compensated for them according to their normal rate of pay. Employees will use accrued sick leave in reverse accrual order. Thus, when an employee uses a sick leave hour, the last sick leave hour earned is removed from his accumulated sick leave. Abuse of sick leave shall be considered grounds for disciplinary action. Absent employees who have exhausted their accumulated sick leave shall not be compensated for further absences unless approved by the City Council.

Section 7.3.4 Sick Leave upon Retirement.

An employee who is eligible upon separation to collect a retirement pension under IMRF or the Police Pension Fund shall be compensated for unused sick leave at the rate of one hundred percent (100%) of his regular rate of pay on the date of retirement for all accrued and unused sick leave hours accumulated as of his last day of scheduled work. Furthermore, for clarification this sick leave payment does not increase the employee's final earnings over the 106% cap contained in 40 ILCS 5/7-172(k). The termination benefit only accrues in the event that the employee's retirement is not the result of threatened actual disciplinary action. Alternatively, an employee's unused sick leave hours may be used to receive additional creditable service under IMRF to the extent that IMRF provides for the use of these hours for additional service credit.

Section 7.4 Reporting of Absences

All Department Heads shall keep an accurate account of any employee absences including their own. Arriving and reporting to work regularly and on time is one of the employee's prime responsibilities. Failure to be on the job when scheduled reduces the efficiency of the City. Illness should be reported to the employee's immediate supervisor one (1) hour before the start of the employee's shift. Failure to secure proper permission for the use of personal days and/or sick hours or to report illness on time may result in full loss of pay for the hours involved for non-exempt employees. Exempt employees should apprise their immediate supervisor if they will not be present during normal business.

Section 7.5 Duty-Related Illness or Leave

In the event of a work-related accident or death that occurs while on the job, all employees are eligible for worker's compensation as provided by law. Employees covered by a collective bargaining

agreement should consult the relevant agreement for additional information. The Department Head may consider a light duty program for any employee who has a medical release to return to limited duty.

Section 7.6 Emergency and Bereavement Leave

Time away from the job due to emergencies will be granted at the discretion of the Department Head. The Department Head shall make the decision whether non-exempt employees shall receive paid or unpaid time off, or may be required to make up missed time. Exempt or Supervisory employees shall be permitted to take emergency leave at the discretion of the Mayor or his/her designee, and where the need for leave is a day or more, the City may, at its discretion, designate such leave as unpaid leave time. Emergency time off for bereavement will be three (3) days off with pay upon providing verification of the death and identify the immediate family member relationship to the employee and only be allowed in the case of death of an immediate family member, (mother, father, brother, sister, child, spouse, mother-in-law, father-in-law), or in special cases as approved by Department Head. These days are separate from holidays, personal days and sick hours.

Section 7.7 Military Leave

It is the intention of the City to follow all applicable Federal and State employment laws related to military leave.

Military Service Leave. Full-time and IMRF part-time employees who are members of a military reserve unit, including the National Guard, and are mobilized for active duty as a result of an order of the President of the United States are granted military leave during the activated service. The employee will continue to receive the same regular compensation as the employee was receiving at the time of mobilization, minus the amount of the employee's base military pay. All other benefits, including insurance will continue to accrue and remain in effect as if the activated reservist is still an active employee. Medical Insurance coverage will continue for the spouse and other enrolled dependents with premium contributions being deducted from the City issued compensation. If that payment is insufficient to cover the employee's premium contributions, in order to maintain insurance coverage, premium payment shall be made to the City by the 20th of the month prior to the month of coverage but is entitled to again participate in a City medical insurance program upon return to work.

Military Training Leave. Full-time employees who are members of a reserve component of the Armed Services, including the Illinois National Guard, will receive leave during their two week annual training commitment ordered by the Armed Services. During this leave, which generally will not exceed 15 days, the employee will continue to receive the employee's regular City compensation, including insurance and other benefits. During leaves for basic training, up to sixty (60) days of special or advanced training or any other training or duty required by the Armed Forces, if the employee's compensation for military activities is less than his or her compensation as a City employee, he or she shall receive differential pay for the difference between City pay and military pay calculated as provided by State law, 5 ILCS 325/1(c).

Employees must provide the City with at least thirty (30) days advance written notice prior to the start of leave for military service except in cases of national emergency. Such notice must include, without limitation, a copy of the employee's orders. Upon return to the City from military service, employees must submit a statement signed by an appropriate military official indicating the time spent in military training and/or service. Members of the National Guard or Reservists who have an advance schedule of

monthly drills will provide that to their supervisor along with any other information which would prove helpful in scheduling for the employee's absence. The supervisor will forward the information to the Department Head.

Full-time and part-time employees who are inducted or join the armed services to serve a tour of duty are granted a military leave of absence that coincides with the period of active service. In accordance with the provisions of State and Federal law, upon the completion of active duty, employees must request reinstatement within 90 days after discharge to resume employment with the City. Barring changed circumstances, the City will reinstate an employee to the same or similar position without loss of seniority, benefits, or the rate of pay in effect prior to induction. An employee shall have no greater right to reinstatement than otherwise provided by law and must return from service with a qualifying discharge and able to perform the essential job functions of the former position.

Section 7.8 Jury Duty Leave

Employees shall be granted leave with pay when required to be absent from work for jury duty. Employees are expected to contact their immediate supervisor and report to work when they are excused from jury service, temporarily or finally. Any payment received by the employee for jury duty shall be given to the City because the employee is receiving their full pay while on jury duty leave.

Section 7.9 Unpaid Discretionary Leave

Employees may obtain a leave of absence. The employee must seek approval for an unpaid discretionary leave from the Mayor and City Council. Such leave shall be unpaid and shall not be used to gain employment elsewhere. Eligible employees may request discretionary leave only after having completed one (1) year of service. As soon as eligible employees become aware of the need for a discretionary leave of absence, they should request a leave from their supervisor. A leave of absence may be granted to an employee for such period of time as the City may determine and approval will be made on a case-by-case basis, according to the types of leave that are applicable to the circumstances. An employee is required to exhaust available paid vacation and, if applicable, sick leave before unpaid discretionary leave of absence is commenced.

Initial approval of leave will not exceed twelve (12) consecutive workweeks. Extensions may be granted for additional periods of up to twelve (12) additional workweeks, not to exceed a total of twenty-four (24) workweeks, unless a further definitive period of leave may be appropriate as a reasonable accommodation. During the leave period, employees will be required to report periodically to the City Administrator on the employee's status and intention to return to work. No leave of absence will be granted to an employee for the purpose of accepting employment elsewhere.

Unless otherwise required by law, length of service and benefits will not accrue for an employee while on leave, but will begin to accrue again when an employee returns to work. During an approved leave, an employee may continue health insurance under the applicable group health insurance plan to the extent provided in such plan and by law. Employees may be required to pay the entire premium amount for continuation of benefits according to their benefit plan. Except where required by law, the granting of a leave of absence is not a guarantee of employment following the leave of absence. A failure to return to work at the end of an approved leave will be considered a voluntary separation from employment.

Section 8 Employee Benefits

All employees will be required to notify the employer of any changes in address or other personal information.

Section 8.1 Health and Life Insurance Coverage

- a. All full-time and eligible part-time employees are covered under the City's health insurance plan. There may be a waiting period before new employees are eligible for coverage. After completion of the waiting period, insurance shall begin on the first day eligible as determined by the health insurance policy then in effect.
- b. An employee, who would otherwise lose group health insurance coverage because of a reduction in working hours or the termination of employment for reasons other than gross misconduct, is eligible to continue under the City's plan up to 18 months or for such other period time prescribed by law. The City will notify an employee of the time period for which continuation coverage may be provided. If an employee elects to continue coverage, he or she will be responsible for payment of the full premium, which amount may change from time to time.

Employees who retire from the City because of age and service, or disability pursuant to the provisions of the applicable pension plan may opt to continue their coverage under the group health care benefit program described above upon retirement by paying in advance the full applicable monthly premium for the coverage selected. Failure to make a timely election of continuation coverage will result in waiver of such coverage. An employee who declines such continuation coverage at any point in time may not subsequently elect coverage under the City's insurance.

- c. The City provides life insurance for full-time and eligible part-time employees, as budgeted and approved by the City Council and in accordance with the terms and conditions of the City's insurance plan.
- d. Summary plan descriptions (SPD's), which explain coverage of your health and life insurance benefits in greater detail, are available from the Accounting Clerk. The actual plan documents, which are available by making a written request to the Accounting Clerk, are the final authority in all matters relating to the benefits described in this Manual or in the summary plan description and will govern in the event of any conflict. Additionally, the City reserves the right to change insurance carriers, change health maintenance organizations, self-insure, and/or change or eliminate any benefits at any time with a ninety (90) day notice, when practical in accordance with applicable law.
- e. Upon retirement the employee will be responsible for paying the employee's health insurance benefit premium if the employee elects to continue to be enrolled in the health insurance plan until the employee is eligible for Medicare coverage.

Section 8.2 Pension Eligibility

All employees who work 1,000 hours or more per calendar year are covered by the Illinois Municipal Retirement Fund (I.M.R.F.) pension to which the City and employees shall contribute.

Section 8.3 Education and Training

- a. The City shall pay all expenses including wages at "regular" pay, travel, and training fees for any full-time or approved part-time employees enrolling in "required" training courses.

A full-time employee with at least one (1) year of service with the City may seek reimbursement for job-related college courses taken at an accredited college or university, subject to the approval of the City Manager and availability of funds. Such request for reimbursement must be made prior to registration and approved prior to enrollment. Reimbursement is limited to tuition, books and laboratory fees which must be supported by an official receipt of payment issued by the institution attended. Reimbursement is limited to a maximum of seven hundred dollars (\$700) per calendar year. In the event funding is not available for all City employees who have been approved for reimbursement, the City Administrator may prorate reimbursement among approved employees. Reimbursement is contingent upon successful completion of the class with a grade of C or better. Further, the employee must sign an agreement to repay the City for all reimbursement received if the employee leaves the employment of the City for any reason prior to the completion of a period of one (1) year after reimbursement.

RESOLUTION NO. 2016-07

DRUG-FREE WORKPLACE POLICY

WHEREAS, it's the City of Wilmington's practice to periodically review its personnel policies for conformance to laws and alignment with the City's values; and

WHEREAS, Illegal drugs and the abuse of legal drugs in the workplace are a significant danger. They impair safety and health, promote crime, lower productivity and quality and undermine public confidence in the work City employees undertake. The City prohibits drug and alcohol impairment and the illegal use of drugs in the workplace; and

WHEREAS, the City will comply with the Drug-Free Workplace policy under the federal and state Drug-Free Workplace Acts, 41 USC 701, et seq., and 30 ILCS 580/1 et seq.

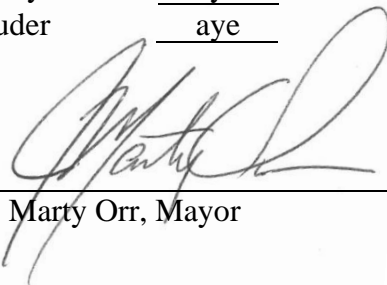
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, HEREBY ADOPT A DRUG-FREE WORKPLACE POLICY STATEMENT, A DRUG FREE AWARENESS PROGRAM AND DRUG-FREE PROCEDURES.

PASSED this 5th day of July, 2016 with 8 members voting aye, 0 members voting nay, the Mayor N/A voting, with 0 members abstaining or passing and said vote being:

John Persic, Jr.	<u>aye</u>	Kevin Kirwin	<u>aye</u>
Larry Hall	<u>aye</u>	Kirby Hall	<u>aye</u>
Fran Tutor	<u>aye</u>	Joe VanDuyne	<u>aye</u>
Steve Evans	<u>aye</u>	Frank Studer	<u>aye</u>

Approved this 5th day of July, 2016





J. Marty Orr, Mayor

Attest:



Judith Radosevich, City Clerk

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

*Special hours of service eligibility requirements apply to airline flight crew employees.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV



U.S. Department of Labor | Wage and Hour Division

WHD Publication 1420 - Revised February 2013

PAID LEAVE FOR ALL WORKERS ACT

Effective January 1, 2024



The Paid Leave for All Workers Act, Public Act (P.A.) 102-1143, will require employers, including municipalities, to provide 40 hours of paid leave to employees on an annual basis.

ESTABLISHING A MINIMUM PAID LEAVE STANDARD

Beginning January 1, 2024, employers must provide employees one hour of paid leave per 40 hours worked and allow them to carry over up to 40 hours of paid leave annually. Employers may set a minimum increment of no more than two hours per day for the use of paid leave. Paid leave accrued may be taken for any reason without documentation, but employers may set leave policies that require employees to provide notice of seven days for foreseeable leave and as soon as possible for unforeseeable leave.

MUNICIPAL PAID LEAVE ORDINANCES

The Act does not require municipalities to pass paid leave ordinances. The Act does not apply to employers, including municipalities, covered by a current ordinance that requires them to provide any form of paid leave to their employees.

NON-HOME RULE MUNICIPALITIES

Non-home rule municipalities currently have authority to adopt leave ordinances for their own municipal employees, but such ordinances do not apply to other employers within the community. Those other employers will be required to provide 40 hours of paid leave annually, as outlined in the Act. If a non-home rule municipality adopts a leave ordinance for their own employees after the Act's effective date, the ordinance must comply with the minimum paid leave standard outlined in the Act.

HOME RULE MUNICIPALITIES

Home rule municipalities currently have authority to adopt paid leave ordinances that apply to all employers within their community and may continue to adopt alternative ordinances after this Act's effective date. However, employers will be required to comply with both local and state standards if those ordinances do not meet the state's minimum required benefits. Nothing in this Act preempts a home rule municipality from adopting ordinances providing broader or more expansive paid leave requirements for employers within that specific community.



EMPLOYER RESPONSIBILITIES UNDER PAID LEAVE FOR ALL WORKERS ACT

Employers will be required to maintain records documenting hours worked, paid leave accrued and taken and the paid leave balance for each employee for at least three years. Employers will also have notification responsibilities including posting a physical notice summarizing the Act, information on filing a complaint and supplying employees with notice of their amount of accrued time. Additionally, employers will be barred from retaliating against employees for using paid leave.

Employers will be subject to penalties for violations of the Act including fines of up to \$1,000 per violation of the Act's posting and notice requirements, up to \$2,500 for all other violations and possible civil penalties and damages to the employee.

EXCEPTIONS TO PAID LEAVE POLICY

The Act does not preempt or alter leave benefits subject to current collective bargaining agreements. The Act does not apply to federal employees, or school district and park district employees. Other excluded workers include: independent contractors, railroad employees subject to railroad unemployment insurance or the Railway Labor Act, part-time student employees who are employed by a college or university and short-term employees at institutions of higher education.

ADDITIONAL RESOURCES

The Illinois Department of Labor (IDOL) will monitor employer compliance and enforce the Act ([more information available via this link](#)). IDOL has compiled a list of Frequently Asked Questions about the Act ([available via this link](#)) and those particularly applicable to municipal employers are listed below. Specific questions or comments related to the Act can be submitted by email to IDOL at DOL.PaidLeave@illinois.gov.

FREQUENTLY ASKED QUESTIONS COMPILED BY IDOL

DOES THE ACT APPLY TO PART-TIME EMPLOYEES OR JUST FULL-TIME EMPLOYEES?

The Act doesn't distinguish between part-time, full-time or seasonal employees. Both full-time and part-time employees are covered by this Act. However, employees who work fewer hours may accrue less leave time compared to full-time employees.

MY COMPANY (OR MUNICIPALITY) ALREADY OFFERS EMPLOYEES 40+ HOURS OF PAID LEAVE. DOES MY POLICY NEED TO COMPLY WITH THE OTHER REQUIREMENTS OF THE ACT?

If your company has an existing policy that meets or provides the minimum amount of leave required by the Act (40 hours) in a 12-month period and your employees can in fact take that amount of leave for any reason of their choosing, you do not need to modify the terms of your policy.

IDOL expects to further clarify how existing policies meet expectations of the law in rulemaking.

MUST PAID LEAVE PROVIDED UNDER THE ACT BE PAID OUT UPON AN EMPLOYEE'S TERMINATION, RESIGNATION OR RETIREMENT?

The Paid Leave for All Workers Act (PLAWA) does not require payout of unused leave unless the leave is credited to the employee's paid time off bank or employee vacation account; however, employers should additionally consider their vacation payout obligations under the Illinois Wage Payment and Collection Act.



COOK COUNTY HAS A PAID LEAVE ORDINANCE, BUT MUNICIPALITIES ARE ALLOWED TO OPT OUT OF THAT COUNTY ORDINANCE. ARE EMPLOYERS LOCATED IN MUNICIPALITIES WHICH OPTED OUT REQUIRED TO COMPLY WITH THE ACT?

Yes, if on the effective date of the Act (1/1/24) a municipality does not have an ordinance in place that requires payment of paid sick or paid leave, then employers in that municipality shall be covered by this Act.

MAY MUNICIPALITIES OPT OUT OF PLAWA USING THEIR HOME RULE POWERS?

No. Under the Act, the only circumstance in which a municipality may avoid PLAWA coverage is if they have a local ordinance in effect that provides paid sick or paid leave or, after the effective date, if their local ordinance provides benefits, rights and remedies that are greater than or equal to those provided under the Act.

THIS COULD NEGATIVELY IMPACT LOCAL GOVERNMENTS WITH POLICE AND FIRE PERSONNEL, WHAT ARE THEY SUPPOSED TO DO?

The Act does not prohibit an employer from adopting an evenly applied paid leave policy to allow it to address operational issues and meet safety objectives. Employers of unionized employees can also address these concerns through collective bargaining.

CAN I DENY AN EMPLOYEE USE OF PAID LEAVE UNDER THIS LAW? PUT DIFFERENTLY, IS AN EMPLOYEE ALLOWED TO TAKE LEAVE UNDER THIS ACT IN ANY CIRCUMSTANCE?

Nothing in the Act prohibits an employer from adopting a policy that establishes some parameters for taking leave and limited reasons the employer may deny leave for operational necessity. Any such policy must be communicated to employees, applied equally to all employees and conform with other applicable state and federal laws.

IDOL will seek to provide further clarity regarding this issue in rulemaking.

AT WHAT INCREMENT CAN EMPLOYEES TAKE THIS LEAVE UNDER THE LAW?

An employee may take PLAWA leave at a minimum of two-hour increments, although an employer could choose to allow an employee to take leave in smaller increments. An employer whose existing policy meets the minimum requirement of 40 hours of paid time off for any reason of the Act would not have to modify that existing policy in regards to leave increments.

CAN AN EMPLOYER FRONT LOAD PAID LEAVE TIME AT THE BEGINNING OF THE YEAR?

Yes, an employer may front load paid leave time by giving a full year's worth of leave that meets the minimum requirements of the Act to an employee at the beginning of the year.

An employer may make available the minimum number of hours of paid leave, subject to pro rata requirements, a proportional share of accrued hours, under the law, at the beginning of the year for its employees.

IF OUR BUSINESS WANTS TO FRONT LOAD PLAWA BENEFITS FOR PART-TIME STAFF, DOES THE BUSINESS HAVE TO FRONT LOAD 40 HOURS OR CAN I FRONT LOAD AN AMOUNT PROPORTIONATE TO THEIR WORK SCHEDULE?

Employers may front load PLAWA benefits for part-time employees at a pro rata amount consistent with the employee's work schedule. However, if the employee in fact works more



hours than the employer anticipates, the employee is entitled to accrue more hours at a rate of 1 hour of paid leave for every 40 hours worked, up to 40 hours for the 12-month period. If a part-time employee works fewer hours than anticipated by their employer, the employer may not diminish or recoup used or unused front-loaded paid leave benefits.

CAN AN EMPLOYER REQUIRE EMPLOYEES TO ACCRUE PAID LEAVE TIME OVER THE COURSE OF THE YEAR?

Yes, instead of front loading leave benefits, an employer may allow employees to accrue or earn paid leave time at a rate of one hour of paid leave for every 40 hours worked. Notably, a part-time employee might not accrue the full 40 hours of leave provided for in the law by the end of the year, based on the number hours the employee works.

Example: Employee A works 15 hours per week, 52 weeks per year. They will accrue 19.5 hours of paid leave annually. (15 times 52 = 780 hours worked per year. 780 divided by 40 = 19.5 hours of paid leave.)

WHEN DOES ACCRUAL BEGIN UNDER THE ACT? WHEN CAN EMPLOYEES START TAKING PAID TIME OFF?

The Act takes effect January 1, 2024. Accrual begins upon the start of employment or January 1, 2024, whichever is later. Employees are entitled to begin using the accrued paid leave after 90 days. If an employee begins accruing paid leave on January 1, 2024, the first day they could take that paid time off would be March 31, 2024.

Example: The Paid Leave for All Workers Act takes effect January 1, 2024. Six months later, Employee B starts a new job on July 1, 2024, and works 40 hours per week. They start accruing paid leave on their first day (July 1) but must wait 90 days (until September 29, 2024) before taking any of their accrued paid leave.

Example: Employee C has worked for their employer since 2019 but did not previously get paid time off. Employee C will begin accruing paid time off beginning January 1, 2024 (the effective date of the Act.)

HOW DOES ACCRUAL APPLY TO EMPLOYEES WHO WORK MORE THAN 40 HOURS IN A WEEK BUT ARE EXEMPT FROM THE OVERTIME REQUIREMENTS OF THE FEDERAL FAIR LABOR STANDARDS ACT?

Employees who are exempt from the overtime requirements of the federal Fair Labor Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40 hours in each workweek for purposes of paid leave time accrual if they regularly work 40 or more hours in a workweek. If such employee's regular workweek is less than 40 hours, their paid leave time accrues based on the number of hours in their regular workweek.

IF AN EMPLOYER ALLOWS EMPLOYEES TO BORROW AGAINST FUTURE ACCRUAL, THEREBY MAKING THE EMPLOYEE'S PAID LEAVE BALANCE GO NEGATIVE, CAN THE EMPLOYER MAKE THE EMPLOYEE REPAY THE PAID LEAVE IF THE EMPLOYEE TERMINATES BEFORE THEY HAVE EARNED THAT LEAVE?

An employer may only make an employee repay borrowed accrued leave if that policy is disclosed in the employer's written paid leave policy and the employee agrees to that policy in writing prior to taking any leave. All payroll deductions must comply with the requirements of the Illinois Wage Payment and Collection Act.



IF AN EMPLOYER FRONTLOADS AN EMPLOYEE'S PAID LEAVE AT THE BEGINNING OF THE 12-MONTH PERIOD, AND THE EMPLOYEE USES ALL OF THEIR LEAVE AND THEN QUILTS BEFORE THE END OF THE 12-MONTH PERIOD, CAN THE EMPLOYER MAKE THE EMPLOYEE REPAY THE PAID LEAVE?

No, the law does not allow an employer to make an employee repay paid leave time that was frontloaded at the beginning of the 12-month period. Benefits that have already been provided may not be retroactively diminished.

HOW CAN AN EMPLOYER TRACK THE TIME REQUIRED UNDER THIS ACT VERSUS OTHER BENEFIT TIME GIVEN TO THE EMPLOYEE?

The Act requires employer tracking of paid time off for any reason. If the employer chooses to offer paid sick time or other forms of paid time off in addition to paid leave, they should track that too as a best practice, but it is not covered by this Act.

IS THERE A DIFFERENCE BETWEEN "VACATION" AND "PTO" (PAID TIME OFF)?

Generally speaking, PTO is leave that can be taken for any reason or no reason at all and may not have to be paid out to an employee upon separation. Leave specified as "vacation" leave is subject to pay out pursuant to Section 4 of the Wage Payment and Collection Act.

HOW WILL PLAWA INTERACT WITH FMLA?

The Family and Medical Leave Act (FMLA) is unpaid job protected leave that can only be used by covered employees in covered circumstances. Employees going on FMLA may use PLAWA time concurrently during their FMLA leave. [All FMLA questions should be directed to the [United States Department of Labor](https://www.dhs.gov/eis-offices/eis-office-of-labor)]

HOW DOES CARRY OVER, ALSO KNOWN AS "ROLL OVER," WORK UNDER THIS LAW?

Employees are allowed to carry over or roll over unused, accrued leave from one year to the next under this law. However, there is no obligation for the employer to offer more than 40 hours of paid leave off in a year. An employer may offer more than the 40 hours off if they choose.

HOW DOES THIS LAW INTERACT WITH OTHER UNPAID LEAVE PROTECTIONS?

An employee covered under the Act is entitled to use paid leave under the Act before using unpaid leave under any employer policy or other state law.

WHEN WILL IDOL HAVE RULES IN PLACE FOR THIS ACT?

The Department anticipates filing a draft of the rules before the effective date of this Act. Under the rulemaking process there will then be a public comment period on those rules and a time period for the Department to make any changes. Finalized rules should be in place before March 31, 2024.

WHEN WILL THE NOTICE THAT IS REQUIRED IN THE ACT BE AVAILABLE FROM THE DEPARTMENT?

The required notice will be on our website by the end of 2023.



ORDINANCE NO. DRAFT

**AN ORDINANCE REGARDING THE ILLINOIS PAID LEAVE FOR ALL WORKERS
ACT FOR THE CITY OF WILMINGTON**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the City of Wilmington of Wilmington is a non-home rule Illinois municipality; and

WHEREAS, on or about March 12, 2023, Governor JB Pritzker signed into law the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) (the “Act”); and

WHEREAS, the State of Illinois did not make the necessary appropriations or include statutory language exempting the Act from the Illinois State Mandates Act (30 ILCS 805/1 *et seq.*); and

WHEREAS, effective January 1, 2024, the Act requires an employer to provide certain paid leave to their employees, unless the employer is subject to an existing municipal or county ordinance that requires the employer to provide any form of paid leave to their employees; and

WHEREAS, the City recognizes the importance of paid leave and currently provides reasonable paid leave benefits to its employees; and

WHEREAS, the City has determined that applying the Act to its own employees will negatively impact the City and place an undue financial and operational burden on the City’s ability to provide uninterrupted services to its residents; and

WHEREAS, the City believes and hereby declares that it is in the best interests of the City to clearly define the paid leave benefits that City employees shall receive.

NOW, THEREFORE, be it ordained, by the City Council of the City of Wilmington of the City of Wilmington as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. Pursuant to Section 15(p) of the Act, the City hereby adopts its current paid leave policy for all City employees as set forth in the City’s Code of Ordinances, Employee Handbook, Annual Salary Ordinances, any collective bargaining agreements to which the City is a party and all other binding legislative actions governing paid leave adopted by the City Council of the City of Wilmington, as the same may be amended from time to time. However, in no event shall the City, as an employer, provide less than one (1) day of paid leave per year to any City employee.

Section 3. Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance, are to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 4. Severability. If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 5. The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED this _____ day of _____ 2023 with _____ members voting aye, _____ members voting nay, the Mayor voting _____, with _____ members abstaining or passing and said vote being:

Kevin Kirwin	_____	Ryan Jeffries	_____
Dennis Vice	_____	Ryan Knight	_____
Leslie Allred	_____	Jonathan Mietzner	_____
Todd Holmes	_____	Thomas Smith	_____

Approved this _____ day of _____ 2023

Ben Dietz, Mayor

Attest:


Joie Ziller, Deputy City Clerk



MEMO

Date: October 17, 2023

To: Honorable Mayor Dietz and City Council Members

From: Jeannine Smith, City Administrator 

Cc: Joie Ziller, Deputy Clerk
Department Heads

Re: Motion Authorizing the City Administrator to Execute a Contract with H.L. & Associates, Inc. for Lawncare Services

The City of Wilmington issued a Request For Bids (“RFB”) for Lawncare Services on September 1, 2023 as its existing contract ends with the conclusion of the 2023 mowing season. The City properties included in the RFB are: City Hall, Wilmington Police Department, Claire’s Corner, Veteran’s Memorial Park, North Island Park, South Island Park, Water Reclamation Plant, Water Treatment Plant and Public Works, Welcome to Wilmington Sign area on Route 53, Municipal Parking Lot & Easements at Bridge and N. Water Streets.

Services provided include mowing, trimming, weeding, edging of all properties. Services also include pruning of trees, fertilizing of lawns at City Hall, Police Department and Claire’s Corner, seasonal cleanup, bed maintenance and herbicide/pesticide applications (see pages 9 and 10 for a complete scope of services).

The public was notified by publication in the Demand Star Portal, the City’s Facebook page, and on the City’s website.

On September 19th the City held a mandatory Pre-Bid Meeting at which there was one person in attendance. On October 17th the City conducted the Bid Opening with the following results:

H.L. & Associates Inc.

Year 1 Total	\$56,950
Year 2 Total	\$57,950
Year 3 Total	\$58,950
Year 4 Total	\$59,950
Year 5 Total	\$60,950
Total Contract for 5 Yrs.	\$294,750

Staff has reviewed the apparent winning bidder RFB response and finds it to be in good order and fully executed. At this time, staff respectfully requests and recommends a motion:

- Accepting the H.L. & Associates, Inc. Proposal for Lawncare Services in an amount not to exceed \$294,750 as presented

And

- Authorizing the City Administrator to execute a contract with H.L. & Associates, Inc. for Lawncare Services beginning with the mowing season in 2024 and ending with the conclusion of the mowing season in 2028.

Thank you in advance for your consideration of this request. Please do not hesitate to reach out to me with questions.

Attachment: H.L. & Associates Inc. response to Request for Bids for Lawncare Services

CONTRACTOR CHECKLIST

The following items must be completed and submitted with the bid packet:

X **PRIME CONTRACTOR'S CERTIFICATE (Signed & Dated)**

X **COST PROPOSAL/EXECUTION OF PROPOSAL (Signed & Dated)**

X **BID PROPOSAL COST WORKSHEET (Signed & Dated)**

PRIME CONTRACTOR'S CERTIFICATION

I, Jim Luzzbetak, an Authorized Officer or Agent for
(Print Name of Authorized Officer or Agent)

H. L. Associates Inc., which is the Prime Contractor for
(Print Name of Prime Contractor)

City of Wilmington Lawn care
(Name or Description of Contracted)

do hereby certify under oath that said Prime Contractor is not barred from contracting with any unit of State or local government as a result of a violation of either §33E-3 (Bid Rigging) or 33E-4 (Bid Rotating) of 720 ILCS 5/ Criminal Code of 2012. **NOTE: A person who makes a false statement, material to this certification, commits a Class 3 Felony.**

33E-3. Bid-rigging. A person commits the offense of bid-rigging when he knowingly agrees with any person who is, or but for such agreement would be, a competitor of such person concerning any bid submitted or not submitted by such person or another to a unit of State or local government when with the intent that the bid submitted or not submitted will result in the award of a contract to such person or another and he either (1) provides such person or receives from another information concerning the price or other material term or terms of the bid which would otherwise not be disclosed to a competitor in an independent non-collusive submission of bids or (2) submits a bid that is of such a price or other material term or terms that he does not intend the bid to be accepted.

Bid rigging is a Class 3 felony. Any person convicted of this offense or any similar offense of any state or the United States which contains the same elements as this offense shall be barred for 5 years from the date of conviction from contracting with any unit of State or local government. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and: (1) it has been finally adjudicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation as provided in paragraph (2) of subsection (a) of Section 5-4 of this Code.

33E-4 Bid rotating. A person commits the offense of bid rotating when, pursuant to any collusive scheme or agreement with another, he engages in a pattern over time (which, for the purposes of this Section, shall include at least 3 contract bids within a period of 10 years, the most recent of which occurs after the effective date of this amendatory Act of 1988) of submitting sealed bids to units of State or local government with the intent that the award of such bids rotates, or is distributed among, persons or business entities which submit bids on a substantial number of the same contracts. Bid rotating is a Class 2 felony. Any person convicted of this offense or any similar offense of any state or the United States which contains the same elements as this offense shall be permanently barred from contracting with any unit of State or local government. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and: (1) it has been finally adjudicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation as provided in paragraph (2) of subsection (a) of Section 5-4 of this Code.

Possible violations of Section 33E can be reported to the Office of the Will County State's Attorney at (815) 727-8453 or the Wilmington Police Department at (815) 476-2811.

[Signature]
Signature of Authorized Officer or Agent

10-16-23
Dated

president
Title of Authorized Officer or Agent

COST PROPOSAL/EXECUTION OF PROPOSAL:

By submitting this proposal, the potential Contractor certifies the following:

This proposal is signed by an authorized representative of the firm.

The Contractor can obtain insurance certificates as required within 10 calendar days after notice of award.

The cost and availability of all equipment, materials, and supplies associated with performing the services described herein have been determined and included in the proposed cost.

All labor costs, direct and indirect, have been determined and included in the proposed cost.

The Contractor is aware of prevailing conditions associated with performing these services.

The potential Contractor has read and understands the conditions set forth in this RFP and agrees to them with no exceptions. If exceptions exist, they must be listed on a separate numbered sheet.

Therefore, in compliance with this Request for Proposals, and subject to all conditions herein, the undersigned offers and agrees to perform the services in accordance with the specifications and conditions in this RFP at the prices quoted, if this proposal is accepted within 90 days from the date of the opening.

Company: H.L. Associates inc.

Address: 601 misty creek Dr

City, State, Zip: New Kent VA 60451

Telephone: 815 215 8370 Fax: N/A

Email: Jim@hlandassociates.com

By: 
Signature

Jim Lutzbeck
Printed Name

president
Title

10-16-23
Date

I will meet all of the requirements and provide all of the services for amounts listed as outlined in this bid proposal

Properties (see accompanying property maps):

- City Hall, 1165 S. Water Street
- Wilmington Police Department, 129 Robert P. Weidling Drive
- Claire's Corner, 101 N. Water Street
- Veteran's Memorial Park, 125 Vine Street
- North Island Park, 250 Bridge Street
- South Island Park, 201 Bridge Street
- Water Reclamation Plant, 601 E. Kankakee River Drive
- Water Treatment Plant & Public Works, 745 & 747 Widows Road
- "Welcome to Wilmington" sign area, RT 53
- Municipal Parking Lot & Easements, Bridge Street
- Municipal Parking Lot & Easements, N. Water Street

new

Annual Lump Sum:

Year One (2024)	\$ <u>56,950⁰⁰</u>
Year Two (2025)	\$ <u>57,950⁰⁰</u>
Year Three (2026)	\$ <u>58,950⁰⁰</u>
Year Four (2027)	\$ <u>59,950⁰⁰</u>
Year Five (2028)	\$ <u>60,950⁰⁰</u>

Company: H.L. & associates inc

Address: 601 misty creek dr

City, State, Zip: New Lenox IL 60451

Telephone: 815 215 8370 Email: Jim@HLandassociates.com

By: [Signature] Jim Lutzbetak

Signature Printed Name

president 10-16-23

Title Date













601 E. Kankakee River Drive
Water Reclamation Plant



745 & 747 Widows Road
Water Treatment Plant & Public Works



RT 53 - Entrance in to town
"Welcome to Wilmington"



Municipal Parking Lots & Easements – Bridge St, N. Water St & Jackson St





City of Wilmington Public Works

To: Honorable Mayor Dietz and City Council Members
From: James Gretencord, Director of Public Works
Subject: October Director's Report
Date: November 14, 2023

City Crew:

- Completed 56 work orders
- Graded Steven's Lane
- Filled potholes with HMA throughout town
- Service leak repair S. Outer Drive
- Prepared snow removal equipment
- Replaced washed out section of Towpath Lane with HMA
- Helped install downtown mural

Sewer Department:

- Overseeing North Island Lift Station improvements/rehabilitation
- Replaced the oxygen sensor in the Headworks
- Diagnosed and remedied pump failure at North Island Lift Station
- Cleaned sludge buildup of headworks channel
- Added degreaser blocks to lift stations in anticipation of cold weather
- Completed sludge press operations
- Conducted 61 utility locates

Water Department:

- Prepped for IEPA inspection
- IEPA inspection
- Completed 26 service orders, including 19-meter replacements
- Replaced airline and added a filter to the surge valve
- Water accountability is approximately 72%

Training:

- Three employees received hands-on confined space training through IPRF.

Other:

- Mueller Roofing completed the roof replacements at the Water Reclamation Plant.
- By-pass pumping for North Island Lift Station is scheduled to begin on November 13, expected to last less than two weeks.
- The contracted work on North Island Lift Station will be completed in early December, at which time we will plan for concrete and fencing.

Continued.

- Illinois Central Sweeping swept for one day on 10/23. The number of leaves significantly slows down the sweeping process. My estimate is that on days with heavy debris, the entire route would be completed in four to five days, depending on the volume of leaves. In contrast, typical sweeping during the summer months would be completed in approximately two days. The map below outlines the sweeping route in red, and the areas that were completed on 10/23 are shaded in green.

