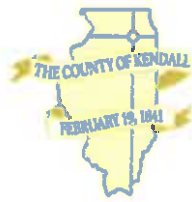


# COUNTY OF KENDALL, ILLINOIS

## Admin & HR Committee

County Office Building  
County Board Rooms 209-210

Tuesday, May 24, 2016 ~ 5:30p.m.



### MEETING AGENDA

1. **Call to Order**
2. **Roll Call:** Lynn Cullick (Chair), Judy Gilmour, Dan Koukol, John Purcell, John A. Shaw (Vice Chair)
3. **Approval of Agenda**
4. **Approval of Minutes from April 26, 2016 Meeting**
5. **Public Comment**
6. **Committee Business**
  - *Property Liability Workers Compensation Coverage*
  - *Recommend Revisions to Employee Handbook*
  - *Recommend Approval of Kendall County Prevailing Wage Ordinance*
8. **Action Items for County Board**
9. **Public Comment**
10. **Executive Session**
11. **Adjournment**

**COUNTY OF KENDALL, ILLINOIS**  
**ADMINISTRATION HUMAN RESOURCES COMMITTEE**  
**Meeting Minutes**  
**Tuesday, April 26, 2016**

**CALL TO ORDER**

The meeting was called to order by Admin HR Committee Chair Lynn Cullick at 5:30p.m.

**ROLL CALL**

Committee Members Present: Lynn Cullick – here, Judy Gilmour – here, John Shaw – here, John Purcell – aye, Dan Koukol - present

Others present: Scott Koeppel, Jeff Wilkins

**APPROVAL OF AGENDA:** Member Koukol made a motion to approve the agenda as presented, second by Member Gilmour. With all in agreement, the motion carried.

**APPROVAL OF MINUTES:** Member Gilmour made a motion to approve the March 22, 2016 meeting minutes, second by Member Koukol. With all in agreement, the motion passed.

**NEW BUSINESS**

- ***Approve AT&T internet contract*** – Scott Koeppel, Technology Director reported that there was an engineering mistake made by AT & T, in which copper wiring was installed instead of fiber. Mr. Koeppel said that due to the error, AT & T is requiring the County's current contract to be cancelled and that a new contract be approved. Member Purcell made a motion to forward to the Board for approval, second by Member Gilmour. With all in agreement, the motion carried.
- ***Approve Policy for Managing Email Archive*** – Mr. Koeppel reminded the committee of the suggested /required amount of time that correspondence including email, are maintained in the County according to the State of Illinois Department of Archives. Discussion on the reasons for retaining records, Technology Services' ability to retrieve email from the current County archives. There was consensus by the committee to forward the issue to the May 12, 2016 Committee of the Whole meeting for further discussion.
- ***Approve Employee Handbook Revisions*** – Jeff Wilkins reviewed the proposed changes that would bring the Employee handbook in compliance with the organization charts as suggested by the State's Attorney's Office. The committee asked Mr. Wilkins to make the proposed revisions and bring those back to the May 5, 2016 Admin HR Committee meeting.
- ***Approve Salaries for Elected Officials (Circuit Clerk and Coroner) for Determination 180 days prior to beginning of term*** – Member Koukol made a motion to forward the approval of the salary suggestions to the County Board for approval, second by Member Gilmour. With all in agreement, the motion carried.

**OLD BUSINESS** - Member Cullick reminded the committee that they had once been in discussions regarding County Board compensation, amount of time spent travelling to meetings, amount of time Board members spend in committee meetings, interviews, consultation and advising sessions, and community events and meetings. Ms. Cullick said that several Board meetings agree that it is time to readdress those issues. **There was consensus by the committee to forward the discuss on compensation and insurance to the Committee of the Whole meeting on May 12, 2016.**

**EXECUTIVE SESSION** – Not Needed

**ITEMS FOR COMMITTEE OF THE WHOLE**

- *Approve Policy for Managing Email Archive*
- *County Board Compensation and Insurance Discussion*

**ACTION ITEMS FOR COUNTY BOARD**

- *Approve AT&T internet contract*
- *Approve Salaries for Elected Officials (Circuit Clerk and Coroner) for Determination 180 days prior to beginning of term*

**PUBLIC COMMENT** – None

**ADJOURNMENT** – Member Koukol moved to adjourn the meeting at 7:36p.m., Member Shaw seconded the motion. **The motion was unanimously approved by a voice vote.**

Respectfully Submitted,

Valarie McClain  
Administrative Assistant/Recording Secretary

## MONTHLY MEDICAL INSURANCE REPORT

**April 30, 2016**

	Non-Union    Union		<u>Total Enrolled</u>				Annual Cost Plan per EE	Others
			<u>Apr-15</u>	<u>May-15</u>	<u>Apr-16</u>	<u>May-16</u>		
HMO Employee	30	21	55	55	56	58	\$9,230.38	7
HMO Family	13	21	46	46	42	41	\$23,075.38	7
PPO Employee	3	14	55	55	17	18	\$12,134.63	1
PPO Family	0	9	37	37	12	12	\$29,065.22	3
H.S.A. - Emp	45	18	35	37	73	72	\$9,526.48*	9
H.S.A. - Fam	36	37	51	52	80	80	\$22,063.20*	7
<b>Total Enrolled</b>	<b>127</b>	<b>120</b>	<b>279</b>	<b>282</b>	<b>280</b>	<b>281</b>		<b>34</b>
<b>Total Eligible</b>	<b>175</b>	<b>144</b>						
				Dental EE		162		43
				Dental Family		184		27
				<b>Total Enrolled</b>		<b>346</b>		<b>70</b>

**NOTES:**

- 1) Premiums and headcount paid as of monthly report date
- \* 2) Include's Employer HSA contribution
- 3) Others Include ROE, KEN COM, Forest Preserve, COBRA, and Retirees

**FY 16 MONTHLY MEDICAL INSURANCE INVOICES**

(BUDGETED: \$5,063,813) 43.02% of Budget

	12/31/2015	1/31/2016	2/28/2016	3/31/2016	4/30/2016	5/31/2016	6/30/2016	7/31/2016	8/31/2016	9/30/2016	10/31/2016	11/30/2016	Totals
BlueCross Medical Premium	\$ 347,954	\$ 339,151	\$ 344,322	\$ 347,599	\$ 342,557								\$ 1,721,583
Lincoln Life Dental Premium	22,476	23,220	24,192	23,782	23,806								\$ 117,477
Lincoln Life Premium	726	732	725	727	721								\$ 3,630
Health Savings Account	336,000	-	-	-									\$ 336,000
<b>TOTALS</b>	<b>\$ 707,157</b>	<b>\$ 363,103</b>	<b>\$ 369,239</b>	<b>\$ 372,108</b>	<b>\$ 367,084</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,178,691</b>

**FY 15 MONTHLY MEDICAL INSURANCE INVOICES**

(BUDGETED: \$4,747,400) \* 91.4% of Budget

	12/31/2014	1/31/2015	2/28/2015	3/31/2015	4/30/2015	5/31/2015	6/30/2015	7/31/2015	8/31/2015	9/30/2015	10/31/2015	11/30/2015	Totals
BlueCross Medical Premium	\$ 315,655	\$ 322,904	\$ 323,368	\$ 321,771	\$ 328,759	\$ 329,521	\$ 318,882	\$ 322,074	\$ 319,795	\$ 313,546	\$ 313,232	\$ 323,642	\$ 3,863,148
Met Life Dental Premium	22,281	22,179	22,235	22,772	22,897	22,601	22,372	22,315	22,077	22,043	22,099	22,293	\$ 268,164
Lincoln Life Premium	718	730	743	742	759	747	737	732	726	730	736	729	\$ 8,829
Health Savings Account	16,375	17,375	17,000	17,000	18,000	18,125	17,500	17,750	17,000	17,125	18,500	17,750	\$ 209,500
<b>TOTALS</b>	<b>\$ 355,029</b>	<b>\$ 363,188</b>	<b>\$ 363,345</b>	<b>\$ 362,285</b>	<b>\$ 370,415</b>	<b>\$ 370,994</b>	<b>\$ 359,492</b>	<b>\$ 362,870</b>	<b>\$ 359,599</b>	<b>\$ 353,444</b>	<b>\$ 354,566</b>	<b>\$ 364,414</b>	<b>\$ 4,339,641</b>

**FY 14 MONTHLY MEDICAL INSURANCE INVOICES**

(BUDGETED: \$4,680,373) \$235,077 under FY

	12/31/2013	1/31/2014	2/28/2014	3/31/2014	4/30/2014	5/31/2014	6/30/2014	7/31/2014	8/31/2014	9/30/2014	10/31/2014	11/30/2014	Totals
BlueCross Medical Premium	\$ 333,830	\$ 337,723	\$ 333,582	\$ 323,495	\$ 334,201	\$ 334,375	\$ 327,851	\$ 325,037	\$ 324,487	\$ 330,947	\$ 324,542	\$ 332,659	\$ 3,962,531
Met Life Dental Premium	23,904	23,695	23,582	23,332	22,979	23,766	23,240	23,262	23,251	22,611	23,069	22,886	\$ 279,577
Lincoln Life Premium	637	826	785	778	743	743	750	750	745	750	750	7,430	\$ 15,887
Health Savings Account	15,875	15,875	15,875	15,750	15,750	16,500	16,375	15,875	15,250	15,250	15,250	13,875	\$ 187,500
<b>TOTALS</b>	<b>\$ 374,246</b>	<b>\$ 378,120</b>	<b>\$ 373,825</b>	<b>\$ 363,355</b>	<b>\$ 373,673</b>	<b>\$ 375,384</b>	<b>\$ 368,016</b>	<b>\$ 364,925</b>	<b>\$ 363,733</b>	<b>\$ 369,558</b>	<b>\$ 363,611</b>	<b>\$ 376,850</b>	<b>\$ 4,445,296</b>

**FY 13 MONTHLY MEDICAL INSURANCE INVOICES**

	12/31/2012	1/31/2013	2/28/2013	3/31/2013	4/30/2013	5/31/2013	6/30/2013	7/31/2013	8/31/2013	9/30/2013	10/31/2013	11/30/2013	Totals
BlueCross Medical Premium	\$ 388,429	\$ 323,668	\$ 348,602	\$ 339,854	\$ 342,421	\$ 343,576	\$ 341,555	\$ 340,995	\$ 333,428	\$ 334,508	\$ 338,081	\$ 339,583	\$ 4,114,899
Lincoln Dental Premium	21,939	23,232	21,747	22,168	22,133	23,625	22,498	22,874	22,863	22,818	22,555	*	\$ 248,451
Met Life Dental Premium	*	*	*	*	*	*	*	*	*	*	*	22,428	\$ 22,428
Lincoln Life Premium	708	714	733	717	737	739	734	727	747	753	726	731	\$ 8,768
Health Savings Account	11,625	11,625	13,500	12,500	12,875	12,625	12,875	12,625	12,625	13,125	12,875	12,875	\$ 151,760
<b>TOTALS</b>	<b>\$ 422,701</b>	<b>\$ 359,238</b>	<b>\$ 384,582</b>	<b>\$ 375,239</b>	<b>\$ 378,166</b>	<b>\$ 380,565</b>	<b>\$ 377,662</b>	<b>\$ 377,220</b>	<b>\$ 369,662</b>	<b>\$ 371,204</b>	<b>\$ 374,237</b>	<b>\$ 375,617</b>	<b>\$ 4,546,094</b>

Benefits Paid as of 04/30/16



Open Claim Type	Incident Date	Department	Cause / Incident	Paid	Missed > 3 Days Work	Returned to Work	Current Modified Duty
WC	06/30/12	Forest Preserve	injured back and shoulder	\$73,363.42	Y	N	
WC	02/04/13	Sheriff's	hurt / strain groin	\$243,737.88	Y	Term	
WC	05/10/14	Sheriff's	injured multiple body parts	\$110,790.85	Y	Y	
WC	08/15/14	Sheriff's	strain back	*** \$134,523.34	Y	Y	
WC	08/31/14	Sheriff's	contusion	\$13,644.28	Y	Y	
WC	02/01/15	Facilities	shoulder / repetitive motion	*** \$28,326.52	Y	Y	
WC	05/05/15	Animal Control	contusion	** \$108.57	N	Term	
WC	05/05/15	Facilities	Strain/Sprain arm	\$51,161.65	Y	N	
WC	10/26/15	Sheriff's	contusion / hand	** \$1,538.29	Y	Y	
WC	12/08/15	State's Attorney	contusion head	** \$141.19	N	Y	
WC	12/10/15	HHS	contusion hand	** \$427.04	N	Y	
WC	12/11/15	Sheriff's	contusion hand	** \$580.30	N	Y	
WC	12/14/15	Forest Preserve	Strain abdominal	** \$132.88	N	Y	
WC	12/23/15	Forest Preserve	contusion knee	\$4,612.89	N	Y	
WC	12/27/15	Sheriff's	contusion	\$0.00	N	Y	
WC	12/28/15	Sheriff's	contusion	** \$171.51	N	Y	
WC	01/01/16	Sheriff's	Hypothermia	** \$1,127.03	N	Y	
WC	01/26/16	Animal Control	animal bite / arm	\$0.00	N	Y	
WC	02/11/16	HHS	contusion	\$1,159.75	N	Y	
WC	02/16/16	Sheriff's	Scratch	\$326.53	N	Y	
WC	03/08/16	HHS	fell / contusion	\$315.95	N	Y	
WC	03/25/16	Sheriff's	struck by person / injured shoulder	\$284.51	N	Y	Y
WC	04/09/16	Animal Control	bitten by animal	\$0.00	N	Y	
WC	04/10/16	Forest Preserve	slip / contusion ankle	\$0.00	Y	N	
WC	04/14/16	Sheriff's	contusion toe	\$0.00	N	Y	Y
WC	04/14/16	Sheriff's	split / foreign body face	\$0.00	N	Y	
				<u>\$666,474.38</u>			

Open Claim Type	Incident Date	Department	Cause / Incident	Paid	Paid by KC	Coverage Type
Liability	08/25/11	Sheriff's	police brutality	\$32,689.41	\$22,566.47	Police Professional Liability
Liability	01/02/14	VAC	wrongful termination	\$0.00	\$0.00	Errors & Omissions
Liability	02/21/14	Sheriff's	police excessive force	\$9,644.64	\$3,477.67	Police Professional Liability
Liability	05/15/14	Sheriff's	discrimination	\$89,989.87	\$25,000.00	Errors & Omissions
Liability	01/06/15	Circuit Clerk	work discrimination	\$10,241.30	\$7,579.50	Errors & Omissions
Liability	08/27/15	Circuit Clerk	work discrimination	** \$2,627.00	\$0.00	Errors & Omissions
Liability	09/28/15	Circuit Clerk	work discrimination	\$9.45	\$0.00	Errors & Omissions
Liability	10/19/15	Circuit Clerk	work discrimination	** \$9.70	\$0.00	Errors & Omissions
Liability	03/02/16	Sheriff's	due process corrections detention	** \$0.00	\$0.00	Law Enforcement Liability
				<u>\$145,211.37</u>	<u>\$58,623.64</u>	

\* New claim added to report

\*\* Closed Out

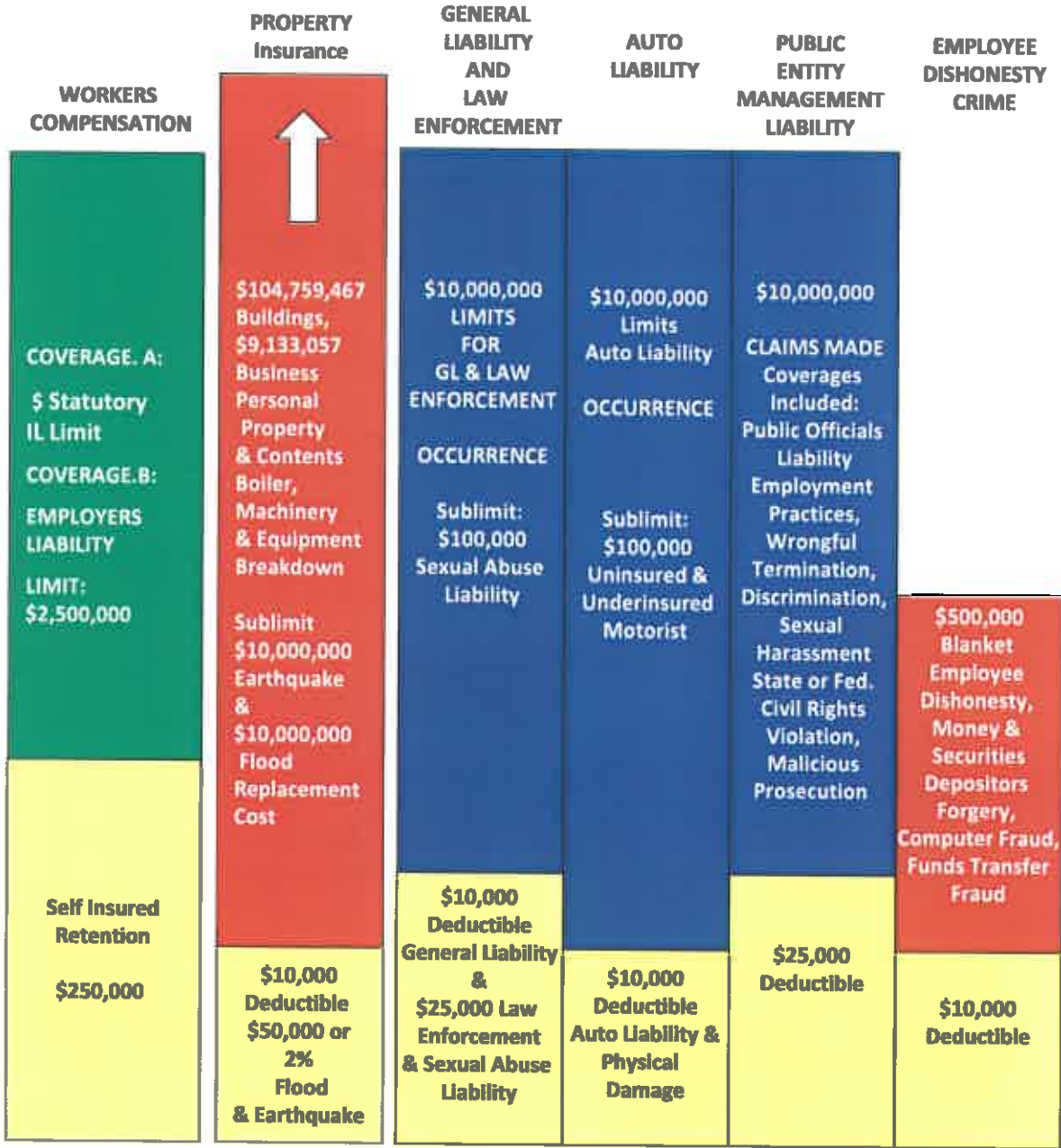
\*\*\* Re-Opened

As of 05/01/16

# Kendall County, Kendall County Forest Preserve District, Veterans Assistance Commission

*Property, Liability  
and  
Workers Compensation Limits  
Retentions/Deductibles*

**12/1/2015 to 12/1/2016**



**KEY**

	WORKERS COMPENSATION
	BUILDINGS-PERSONAL PROPERTY- AUTO PHYSICAL DAMAGE, CRIME
	LIABILITY-THIRD PARTY
	RETENTION / DEDUCTIBLE



**Kendall County**  
**Summary of Losses/Rating Exposures and County SIR/Deductibles**  
**2012-2016**

<b>Workers Compensation</b>				
Kendall Cty Policy Year	# claims/ incidents	Amount Paid	Reserves	Total
2011/2012	35	\$ 345,334.00	\$ 43,097.00	\$ 388,431.00
2012/2013	20	\$ 518,395.00	\$ 255,448.00	\$ 773,843.00
2013/2014	38	\$ 286,915.00	\$ 117,964.00	\$ 404,879.00
2014/2015	25	\$ 93,214.00	\$ 70,308.00	\$ 163,522.00
2015/2016	21	\$ 14,852.00	\$ 70,567.00	\$ 85,419.00
<b>Total Workers Comp</b>	139	<b>\$ 1,258,710.00</b>	<b>\$ 557,384.00</b>	<b>\$ 1,816,094.00</b>

<b>Property/General Liability/ Law/ Auto</b>				
Kendall Cty Policy Year	# claims/ incidents	Amount Paid	Reserves	Total
2011/2012	4	\$ 131,207.00	\$ -	\$ 131,207.00
2012/2013	2	\$ 98,091.00	\$ -	\$ 98,091.00
2013/2014	10	\$ 110,635.00	\$ 220,365.00	\$ 331,000.00
2014/2015	15	\$ 30,098.00	\$ 29,749.00	\$ 59,847.00
2015/2016	1	\$ 600.00	\$ 19,012.00	\$ 19,612.00
<b>Total- All Other Claims</b>	32	<b>\$ 370,631.00</b>	<b>\$ 269,126.00</b>	<b>\$ 639,757.00</b>

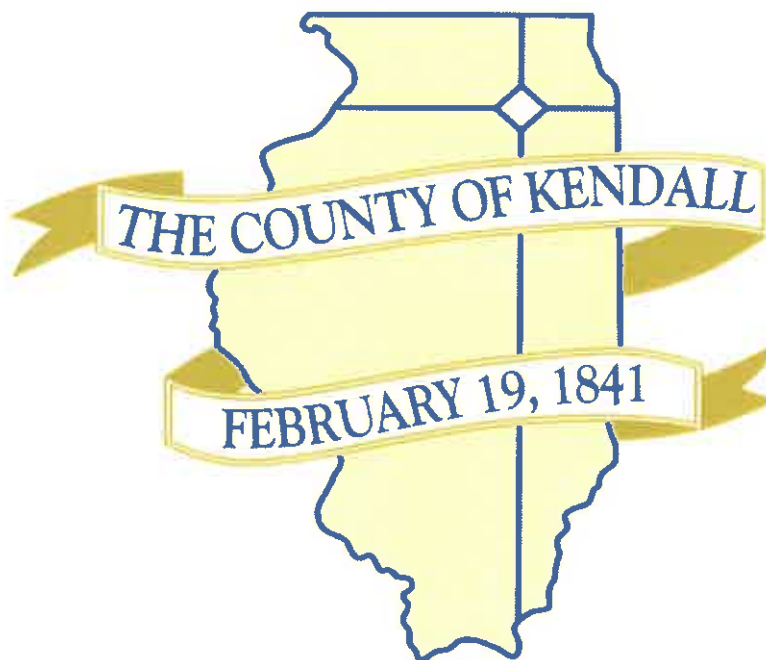
Rating Exposures	Workers Comp Payroll	Autos	Property Values	Liability
2011/2012	\$ 18,735,804	125	\$ 101,971,792	Annual Budget Expenditures
2012/2013	\$ 19,136,478	128	\$ 103,650,718	Annual Budget Expenditures
2013/2014	\$ 20,620,883	135	\$ 104,973,957	Annual Budget Expenditures
2014/2015	\$ 19,575,731	142	\$ 107,716,077	Annual Budget Expenditures
2015/2016	\$ 21,073,796	144	\$ 113,892,524	Annual Budget Expenditures

County Self-Insured Retention/ Deductible	Workers Compensation	Auto	Property*	GL / & Law Enf. & Empl. Practices
2011/2012	\$ 100,000	\$ 10,000	\$ 10,000	\$10,000/\$25,000
2012/2013	\$ 100,000	\$ 10,000	\$ 10,000	\$10,000/\$25,000
2013/2014	\$ 100,000	\$ 10,000	\$ 10,000	\$10,000/\$25,000
2014/2015	\$ 100,000	\$ 10,000	\$ 10,000	\$10,000/\$25,000
2015/2016	\$ 250,000	\$ 10,000	\$ 10,000	\$10,000/\$25,000

\*\$50,000 Flood-EQ/ 2%

**DRAFT**

**KENDALL COUNTY  
EMPLOYEE HANDBOOK**



**Acknowledgement of Receipt  
Of  
Kendall County Employee Handbook**

**Notice of Receipt:**

I hereby acknowledge that I will read and abide by the Kendall County Employee Handbook.

---

Signature of Employee

Date

This acknowledgment form is to be signed and returned to be held in the employee's Personnel file.

## **Introductory Statement**

This Employee Handbook has been prepared as a reference guide. It is designed to give employees of the County an understanding of the basic policies and rules that are applicable to them, as well as the benefits available to them as County employees. Please note, however, that neither the handbook nor any of its individual terms constitute or represent binding contractual commitments between the County and its employees, or modify the prevailing at-will employment relationship.

The personnel policies, as prescribed herein, contain all official rules and regulations regarding the employment of individuals with the County and are compiled in accordance with the policies adopted from time to time by the County Board. These policies do not supersede Federal regulations, state laws, local Merit Commission rules and regulations, or collective bargaining agreements. In instances where there is conflict, the Employee Handbook is subordinate to union contracts and when union contracts are silent on issues, the County's Employee Handbook is to be implemented. These benefits, privileges and obligations are extended by the County in good faith and each employee is expected to fulfill his/her obligation in good faith. It is the employee's responsibility for reading and understanding this Employee Handbook.

The County Board reserves the right to unilaterally revise, supplement or discontinue any of the policies, rules or benefits described in this Employee Handbook. All employees will be duly informed of any such revisions, supplements or other changes.

In the interpretation of this handbook, the use of the masculine gender is understood to be used for clerical convenience only, and it is further understood that the use of the masculine gender shall include the feminine gender as well.

## TABLE OF CONTENTS

I.	<b>GENERAL REGULATIONS</b>	
	Designation.....	6
	Scope.....	6
	Construction.....	6
	Adoption.....	6
	Revision.....	6
	Interpretation.....	6
	Savings Clause.....	7
	Distribution.....	7
	Violations of Policies.....	7
	Equal Employment Statement.....	7
II.	<b>EMPLOYMENT POLICIES</b>	
	Definitions of Employment Status.....	8
	Employment Procedures.....	8-10
	Separation Procedures.....	10-11
	Illinois Child Labor Law.....	12
III.	<b>ADMINISTRATIVE POLICIES</b>	
	Rules of Conduct.....	13
	Hours of Work.....	13-14
	Safety.....	14
	Reports of Injury.....	15
	Other Administrative Policies.....	15-17
	Workplace Violence.....	17
	Identity Protection.....	17-19
IV.	<b>COMPENSATION AND PERFORMANCE</b>	
	Pay and Classification Plan.....	20
	Pay Periods.....	20
	Performance Appraisal.....	20-21
V.	<b>BENEFITS</b>	
	Insurance – Employees and Dependents.....	22-23
	Worker’s Compensation.....	23
	Educational Reimbursement.....	24
	Credit Union.....	25
	Employee Assistance Program.....	26
	Deferred Compensation.....	26
	Retirement.....	27
	IMRF Disability Benefit.....	27
VI.	<b>PAID AND UNPAID LEAVES</b>	
	Vacations.....	28
	Sick/Personal Days.....	29
	Bereavement.....	30
	Holidays.....	30
	Jury Duty.....	30
	Family Medical Leave (FMLA) Policy.....	30-33
	Maternity Accommodations Policy.....	34
	IMRF Disability Leave.....	34-35
	Military Leave.....	35
	General Leave of Absence.....	35-36
	Workers’ Compensation Leave.....	37
	Inability to Contact.....	37

	Paid and Unpaid Leave.....	37-39
<b>VII.</b>	<b>DISCIPLINARY AND SEPARATION ACTION</b>	
	Standard of Conduct.....	40
	Discipline Policy.....	40-42
	Grievance Procedure.....	42-43
	Illinois Clean Indoor Air/Smoke-Free Workplace.....	43
	Harassment Policy.....	43-44
	Drug and Alcohol Policy.....	44-48
<b>VIII.</b>	<b>TECHNOLOGY POLICY</b>	
	Order.....	49
	Overview.....	49
	Security.....	49
	Enforcement.....	49
	Definitions.....	49
	Guidelines.....	49-51
	Responsibilities.....	51-53
	<b>APPROVAL AND REVISION DATES OF POLICIES</b>	<b>54</b>

## **CHAPTER 1 GENERAL REGULATIONS**

### **Section 1.1 DESIGNATION**

This handbook shall be known as the "KENDALL COUNTY EMPLOYEE HANDBOOK" and the same may be so cited and referred to for purpose of identification.

### **Section 1.2 SCOPE**

These policies do not supersede Federal regulations, state laws, local Merit Commission rules and regulations, or collective bargaining agreements.

It is the express purpose of this Employee Handbook to bring to the attention of all concerned those benefits, privileges and obligations that are desirable on the part of both the employer and the employee.

This instrument is also designed to bring to the attention of all concerned, practices approved by the County Board together with benefits available to each employee.

The personnel policies, as prescribed herein, contain official rules and regulations regarding the employment of individuals with the County and are compiled in accordance with the policies adopted from time to time by the County Board. Once adopted, the personnel policies prescribed herein supersede and cancel any prior inconsistent written or oral policies, practices and agreements.

These benefits, privileges and obligations are extended by Kendall County in good faith and each employee is expected to fulfill his/her obligation in good faith.

### **Section 1.3 CONSTRUCTION**

In the interpretation of this policy Employee Handbook, its provisions shall be construed as follows: where the context permits words in the masculine gender shall imply the feminine and neuter genders and words in the singular number shall imply the plural number. The descriptive headings of the various sections or parts of this policy Employee Handbook are for convenience only and shall not affect the meaning or construction nor be used in the interpretation of any of the provisions of this policy Employee Handbook.

### **Section 1.4 ADOPTION**

These rules and regulations are adopted only by official action of the County Board. A new policy may be introduced at any regular meeting of the Human Resources and Administration Committee of the County Board and referred to the County Board for action.

### **Section 1.5 REVISION**

The County Board may at any time abolish, alter, change, make additions to or otherwise amend these regulations by action at a regular or special meeting.

### **Section 1.6 INTERPRETATION**

Should any questions arise as to the proper interpretation of these regulations, the decision of the County Board shall be final. Department heads may adopt and enforce departmental regulations which clarify and add to these policies and which are not inconsistent with the policies of the County.

**Section 1.7 SAVINGS CLAUSE**

If any provision of this Employee Handbook or any application thereof should be rendered or declared unlawful, invalid or unenforceable by virtue of judicial action, or by an existing or subsequently enacted Federal or State legislation, or by Executive Order or other competent authority, the remaining provisions shall remain in full force and effect. In such event, the County shall maintain the right to incorporate substitute provisions for those provisions rendered or declared unlawful, invalid or unenforceable.

**Section 1.8 DISTRIBUTION**

A copy of these policies will be issued by the County and made available to all employees upon employment. Employees will be required to sign an Employee Acknowledgment form of Receipt, which will then be kept in the employee's personnel file. Any additions or significant changes to this Employee Handbook will be forwarded to each employee when adopted by the County Board. It is the employee's responsibility to maintain that his/her Employee Handbook is kept current.

**Section 1.9 VIOLATIONS OF POLICIES**

An employee is expected to abide by the policies in this Employee Handbook. Failure to do so will lead to appropriate disciplinary action. Documentation of policy violations is maintained in each individual's personnel file. A partial list of causes for possible disciplinary action is presented under Chapter VII, Section 7.2 of this Employee Handbook. This list is not to be considered all-inclusive.

**Section 1.10 EQUAL EMPLOYMENT STATEMENT**

Kendall County provides equal employment opportunities for all employees or prospective employees. It does not discriminate in its employment policies and practices against any person for any reason, including sex, color, race, religion, national origin, ancestry, age, marital status, military, veteran status (except for those dishonorably discharged), physical or mental disability or any other protected group status.



## CHAPTER II EMPLOYMENT POLICIES

### Section 2.1 DEFINITIONS OF EMPLOYMENT STATUS

A. **FULL-TIME EMPLOYEES:** A full-time employee shall be one who is employed full time on a minimum of thirty-four (34) hours per week basis for continuous service and who has completed a minimum of six (6) months of continuous work or service, interrupted only by absence with official permission. For employees hired prior to December 21, 1993, thirty (30) hours per week shall be utilized to determine full-time status.

B. **PROBATIONARY EMPLOYEES:** Employees who have been employed on a full-time or part-time year-round basis for a period of less than six (6) months and who will become full-time employees at the successful conclusion of six (6) consecutive months employment. Successful completion of the probationary period will not alter the employee's at-will employment status.

C. **PART-TIME EMPLOYEES:** Any employee who is employed on a less than thirty-four (34) hours per week basis for continuous service and who has completed a minimum of six (6) months of continuous work or service, interrupted only by absence with official permission. For employees hired prior to December 21, 1993, less than thirty (30) hours per week shall be utilized to determine part-time status. Part-time employees are not eligible for employee health and dental coverage. Sick/personal days are earned proportionate to the anticipated number of hours worked per month.

D. **TEMPORARY EMPLOYEES:** Temporary continuous appointment (i.e., a position which is clearly understood to be six (6) months in duration at the maximum) may be made for specified positions.

### Section 2.2 EMPLOYMENT PROCEDURES

#### A. RECRUITMENT AND BACKGROUND REFERENCE CHECKS AND PREEMPLOYMENT

**INVESTIGATIONS:** Department heads, including the County Administrator, should post an open position within a department on the County website to start recruitment efforts and promptly remove the posting at the time of application deadline. Elected Officials are encouraged to utilize the County website to post open positions in their offices.

All new employees of the County will be employed strictly on merit. When possible, references from the most recent employers must be received prior to hiring an individual.

Employment history and references should be verified prior to hiring new full time or part time employees including interns. Other pre-employment investigation may include criminal history and other matter when pertinent to performance of the position. ~~If the department head determines questionable history during the pre-employment investigation of the preferred candidate, the department head shall seek advice of their respective Board Committee prior to hiring the candidate.~~ Convictions, if disclosed by the applicant, will not absolutely prohibit employment, but will be considered in relation to the specific job requirements. Consideration will be given to factors such as the age and time of the offense, the seriousness and nature of the violation, the relationship between the conviction and the job, the nature and number of convictions and rehabilitation. Hiring decision will follow applicable state and federal laws including American with Disabilities Act and Employee Polygraph Protection Act.

Regardless of the nature and extent of the investigation into the applicant's background, investigations should be uniformly applied to all applicants.

All advancement will be made on the basis of ability and will include consideration of aptitude and attitude. Whenever possible, qualified employees will be upgraded to more responsible positions. If

employment qualifications are equal, employees with longer service to the County will be given preference for advancement.

- B. **SELECTION:** Department Heads, including the County Administrator, have the authority to select a department's employees to work under the Department Head's or County Administrator's supervision within budget parameters set by the County Board and in accordance with state and federal laws and regulations. The County Administrator is provided the authority to recruit and recommend appointment of Department Heads to the County Board prior to the County Board's approval by simple majority of the Department Head appointment.

~~The selection of all employees, other than department heads, shall be handled in the following manner: All applicants shall make application through the appropriate supervisor or department head. The supervisor or department head shall recommend personnel to be employed to the next level of authority, department head, or County Board. This same policy of once removed authority shall also hold true for dismissal. The selection of and/or dismissal of a department head shall be made by a majority of the full County Board where applicable.~~

- C. **DISTRIBUTION OF KENDALL COUNTY EMPLOYEE HANDBOOK:** At the time of employment, this Employee Handbook will be made available to all employees.
- D. **EXAMINATION:** The County may conduct or arrange for examinations for such positions as may be deemed necessary and at such times and places as the needs of the County require. These tests will examine bona fide occupational qualifications of the position in question.
- E. **PHYSICAL EXAMINATION:** Employees may be required to submit to a physical examination. Such examination shall be conducted by a physician approved by the County. All such employees must be certified by the physician as being able to meet the physical requirements of their positions. The costs of the examination shall be incurred by the County or by the department requiring the examination.
- F. **DRUG TESTING:** The County reserves the right to require a drug test prior to employment or following a workplace accident. Those employees covered under collective bargaining agreements should refer to their contract requirements.
- G. **PERSONNEL FILE:** A personnel file will be established for all County employees. The County tries to balance the need to obtain, use and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state or local law. This information will be kept confidential and in the Office of Administrative Services or the employing department.

Reasonable access of an employee's personnel file for inspection by an employee or an authorized representative may be obtained upon written request by the employee. All requests for file inspection shall be governed by the Illinois Employee Access to Personnel Records Act, as amended, as well as the Illinois Freedom of Information Act, as amended.

The County shall provide the employee with the inspection opportunity within seven (7) working days after the employee makes the request, or if the County can reasonably show that such a deadline cannot be met, the County shall have an additional seven (7) work days to comply. Such access shall be limited to non-confidential personnel documents which are, have been, or are intended to be used in determining that employee's qualification for employment, promotion, transfer, additional compensation, discharge or other disciplinary action.

After the review time provided, an employee may obtain a copy of the information or part of the information contained in his personnel record. The County may charge a fee for providing a copy of such information

- H. **EMPLOYMENT ACKNOWLEDGEMENT:** A letter will be issued to successful candidates for all regular full-time positions. Included in this letter will be such information as job title, salary, expected starting date and other details pertinent to a newly hired employee. A copy of this letter, signed by the employee's immediate supervisor and the employee, will be maintained in the employee's personnel file.

I. **CHANGE OF PERSONAL DATA:** It is to each employee's advantage to see that all personnel records are up to date. If there is a change in your name, address, telephone number, marital status, etc. at any time during your employment, notify your department head, the Treasurer's office, and the Office of Administrative Services immediately. For any change in the number of tax exemptions claimed or change to an IMRF benefit, notify the Treasurer's office. For any changes affecting health and dental insurance coverage, notify the Office of Administrative Services. Having current and correct information is extremely important in cases of emergencies on the employee's part as well as the County's.

J. **NEPOTISM POLICY:** The employment of a relative of any full-time Kendall County employee, in a full or part-time position, is prohibited if such employment shall cause the new employee to come under direct supervision of or provide direct supervision to the related full-time employee. For this purpose a relative is defined as: husband, wife, sister, sister-in-law, brother, brother-in-law, grandson, granddaughter, mother, father, aunt or uncle, mother-in-law or father-in-law, son, daughter, half children, stepchildren, daughter-in-law or son-in-law.

Full-time County employees will not be considered for promotion or transfer if such change shall cause the employee to come under, or to provide, direct supervision to a related County employee.

K. **PROBATION:**

1. **Purpose:** The probationary period shall be utilized for the most effective adjustment of a probationary full-time or part-time employee and for the release of any probationary employee whose performance does not meet the required standards of work. It is the final determination of whether the person should be given regular status. Successful completion of the probationary period will not alter the employee's at-will employment status.

2. **Period of Time:** All full-time and part-time employee appointments are made for a probationary period of six (6) months, during which time the employee's performance is subject to review as to his competency to carry out the assignments of the position for which he was employed.

Department heads may extend this probationary period to a maximum of an additional three (3) months if, in his opinion, it is necessary.

3. **Regular Appointment:** Appointment to full-time or part-time employee classification will be given to any probationary employee upon satisfactory completion of six (6) month probationary period in the position to which he was appointed.

4. **Release:** An employee serving his probationary period may be released at any time without the right of appeal or hearing.

5. **Promotion and Reassignment:** A full-time employee who is reassigned to any other position may be required to serve a probationary period not to exceed six (6) months in the new position. Part-time employees who have served six (6) months or over may, if appointed to a full-time position in the same class or position, acquire full-time status on the effective date of the transfer.

L. **SUPERVISION:** Resolutions and organizational chart approved by the County Board shall clearly describe the organizational structure of the County such that all employees have a clear understanding of their duties and/or to whom they are responsible or accountable.

Line of responsibility shall be direct. Supervisory responsibility descends from the top organization "through channels" to the employee who performs the units of work for which the respective department is organized. The employee who performs any unit of work reports to and is responsible to his immediate supervisor. No employee shall be required to be accountable to or direct the work of another employee of equal rank unless directed by the supervisor.

Section 2.3 SEPARATION PROCEDURES

- A. **SENIORITY/WORK FORCE REDUCTIONS:** Kendall County has historically offered its employees steady long-term employment. However, should general economic conditions or some phase of the County's operations change significantly, a reduction in work force may be necessary. This will only be done after careful analysis of the staffing required to provide essential services. Department heads, subject to approval by the County Board or other appropriate boards, will determine which job classification will be affected by lay-offs.

Every effort will be made to transfer employees to another department rather than lay them off. When this is impractical, the department head will consider seniority where skill, qualifications, ability and performance factors are substantially the same in determining who to lay off.

Seniority is the continuous length of time an individual has been a regular full-time employee of the County. A person whose continuous regular employment with the County has been broken by a period of more than ninety (90) calendar days where he was not employed by the County and where he was not on sick leave or other approved leave of absence shall not have his service with the County prior to his resumption of regular employment counted as part of his seniority.

A regular full-time employee who is laid off only as a result of the necessity to reduce the number of County employees (reduction in force) will be given preference in filling positions which subsequently open and for which the employee is qualified.

- B. **RESIGNATION:** A regular full-time or regular part-time employee resigning from a position should give sufficient notice of his intention to enable the County to make proper adjustments to procedure and staffing. Sufficient notice is two (2) weeks at a minimum. All regular full-time or regular part-time employee resignations shall be in writing and may contain the reasons for leaving. A resignation will be placed in the employee's personnel file. The department head, or County Administrator, or the appropriate County committee chairperson is authorized to accept all resignations for the department. Appropriate written notification should be initiated by the immediate supervisor and forwarded to the Treasurer's office and the Office of Administrative Services for resignations/terminations so all pertinent records and files can be updated.

- C. **EXIT INTERVIEW:** Any time an employee permanently terminates employment with the County an exit interview may be scheduled with either his department head, human resources and/or the County Administrator.

The employee is encouraged to provide input into matters directly associated with their employment with the County, such as discussing job satisfaction, training both in-house and outside, employee's impression of supervision, compensation and employee benefits, and general suggestions for improvement of the delivery of services to residents.

- D. **RETURN OF COUNTY PROPERTY:** An employee leaving County employment, whether through resignation, lay-off or dismissal, shall return any property including keys, equipment and identification cards in his possession to the appropriate location. Failure to return all County property may result in prosecution.

- E. **REINSTATEMENT:** Employees who have resigned while in good standing may be rehired. The conditions of rehire will be as a new employee and there shall be no carry forward of accrued service time, unless the rehire date occurs within ninety (90) calendar days (Section 2.3A)

Employees who resign while awaiting disciplinary action or who are discharged shall not be eligible for re-employment.

- F. **EMPLOYEE REFERENCES:**

All requests for reference information about a current or former County employee should be referred to the appropriate department head. It shall be the policy of the County that subjective or interpretive information about an employee's job performance will not be offered to those making reference inquiries. The County will only authorize the release of the following information:

- Job title

- General description of job responsibilities
- Length of employment (starting date, termination date)
- Final salary

Any other information provided by a department head will be considered a personal reference and the County will accept no responsibility for the information relayed.

#### Section 2.4 ILLINOIS CHILD LABOR LAW: EMPLOYMENT OF MINORS

The Illinois Child Labor Law regulates the employment of minors under the age of 16 and requires 14 and 15 year olds to have Employment Certificates. The Employment Certificates are issued by the County of local superintendent(s) of schools. While school is in session, children 14 and 15 years of age may work up to three hours per day; the combined hours in school and work may not exceed eight hours a day. When school is not in session (including summer vacation, holidays and weekends), children under the age of 16 may not work more than 8 hours a day; more than 6 days a week; more than 48 hours a week; between the hours of 7:00 PM and 7:00 AM (except between June 1 and Labor Day when working hours may be extended to 9:00 PM). A meal period of at least 30 minutes must be provided no later than the 5<sup>th</sup> hour of consecutive work. In addition, minors under the age of 18 will not be allowed to operate any mechanically powered equipment.



## **CHAPTER III ADMINISTRATIVE POLICIES**

### **Section 3.1 RULES OF CONDUCT**

Kendall County expects its employees to exercise mature judgment and common sense in their employment, to give conscientious attention to their duties, to maintain a high level of efficiency and to conduct themselves in a manner that reflects well upon themselves, as well as on the County.

- A. **DRESS AND APPEARANCE:** The personal appearance of employees conveys to the public a general impression of the organization. The attire of the employee on the job should be in good taste, neat, clean, and appropriate for the duties performed. Each department head is responsible for establishing a reasonable dress code appropriate to the job the employee performs. Safety equipment and attire will be required for certain jobs. If required, uniforms and tools for specialized jobs will be provided.
- B. **EMPLOYEE COOPERATION:** As a part of a team providing services for the benefit of the public, each employee must cooperate with fellow workers and the public in order to set a high standard of work performance. Unwillingness or failure to cooperate shall be cause for disciplinary action.

The total staff of the county must function as a team, and each employee is required to make a positive contribution in the interest of reflective and efficient public service.

### **Section 3.2 HOURS OF WORK**

- A. **WORK WEEK:** The standard work hours for County employees will be thirty-seven and one half (37 ½) hours per week. Most County offices are open from 8:00 a.m. to 4:30 p.m. Monday through Friday. The actual hours that an employee will work will be determined by the department head or elected official in accordance with the office hours approved by the County Board or authorized by statute. An employee may have one (1) hour for lunch and two (2) rest periods (one in the morning and one in the afternoon) of fifteen (15) minutes each. All offices will be open during lunch and coffee breaks, unless designated otherwise by the departmental committee.
- B. **OVERTIME:** Each position authorized by the County Board shall be designated as exempt or non-exempt in accordance with the provisions of the Fair Labor Standards Act.

Exempt positions are not eligible for overtime compensation either in the form of additional pay or time off.

Non-exempt positions are eligible for straight time overtime compensation for hours worked beyond the normal work week up to and including 40 hours per week. At the employee's option, non-exempt positions may accumulate additional time off for hours worked beyond the normal work week up to and including 40 hours per week. All hours worked beyond 40 in a work week shall be compensated at the discretion of the department head at either premium pay overtime rates (1.5 times the regular hourly rate) or with compensatory time at 1.5 times the regular hourly rate. For the purposes of this computation, non-exempt salaried employees will have their hourly salaries calculated. The employee shall be permitted to use such compensatory time within a reasonable period after making a request for usage provided such usage does not unduly disrupt the operations of the department. The employee may not accrue more than five (5) days of compensatory time within each County fiscal year. All additional time beyond five (5) days shall be at the premium pay rate. All compensatory time must be taken within the year that it is earned.

Working in excess of the normal work hours within a work week requires prior approval by the employee's supervisor. The supervisor and the employee must agree, prior to working beyond the normal work hours, how time is to be compensated (i.e. compensatory time or cash payment). All department heads are required to submit a report at the end of the fiscal year with a notation on their budget of the amount of overtime and compensatory time given to each employee.

- C. **ATTENDANCE:** It is the responsibility of the department head/elected official or designee to prepare and maintain attendance records.

When a reporting employee is absent from a normally scheduled work day or absent from accepted overtime assignment, that employee is required to report that absence. When an employee knows he or she will be absent, that absence should be reported as far in advance as practical. All absences must be reported to the employee's supervisor or department head. A physician's statement may be required for absences in excess of three consecutive work days. Excessive absenteeism may result in disciplinary action up to and including termination.

- D. **EMERGENCY CLOSURES:** County facilities shall be open at all times during regular business hours. If an employee is unable to come in to work, the employee will make up the lost time. The buildings will be open in all instances except for a disaster. The County Board Chairman or his designee will determine to close buildings whenever necessary.

- E. **SUGGESTIONS:** Employees are urged to make any suggestions they feel will be of benefit to the County and which would save time, reduce waste, promote safety and increase efficiency. Suggestions should be made to department heads, supervisors, ~~the Employee Relations/Safety Committee,~~ or the Office of Administrative Services.

### Section 3.3 SAFETY

Kendall County policy is to provide safe and pleasant working conditions for all employees. Department heads are required to follow insurance company recommendations for safety and utilize good judgment regarding health and safety for all employees. Should an employee incur a job-related injury or illness, the County provides insurance coverage for medical care and lost time from work. Upon occurrence of an accident or emergency, the employee's immediate supervisor should be notified immediately. Delay in filing official notice may result in loss or delay in receiving benefits.

The County of Kendall develops, implements, and administers an all-encompassing safety program. The County maintains that its residents and employees are its most important asset. Therefore, their safety is the County's greatest responsibility. In all of the County's assignments, the health and safety of all should be the utmost consideration.

Department heads and supervisory personnel at all levels of the County work force are directed to make safety a matter of continuing concern, equal in importance with all other operational considerations.

This program is part of management procedures designed to efficiently utilize County capital and personnel.

Every department head or director is responsible for developing positive safety attitudes among all the personnel under his or her supervision, and emulating a safety program in conjunction with the County program that will reduce conditions that can cause unnecessary injuries and accidents. It will also be the department head's or director's responsibility to advise the Board Chairman of any federal, state and local standards with which compliance is felt to be lacking. Within the operational activities of any endeavor, there may be exposure to personal injury or property damage. A review of operations should include consideration of hazards which could be present. The possibility of unsafe job procedures and/or improper equipment can also contribute to the occurrence of an accident. Accidents are unplanned events which through proper planning can be minimized. Continual emphasis on safe working has been shown to significantly reduce injuries, property damage and work interruption. Every employee is charged with the responsibility of supporting and cooperating with the County Safety Program. All employees are expected, as a condition of employment, to adopt the concept that the safe way to perform a task is the

most efficient and the only acceptable way to perform it. Safety adherence and performance will be considered as an important measure of supervisory and employee performance evaluation.

Kendall County Government facilities are currently subject to the 2000 International Fire Code which prohibits open flames in any area where combustible material is utilized or stored. Open flames can cause unpredicted fire and water damage. The County Board of Kendall County has resolved candles and other open burning are expressly prohibited in all buildings owned, leased or maintained by Kendall County Government. (Resolution No. 03-10 dated 8/19/03)

#### Section 3.4 REPORTS OF INJURY

- A. **SAFE WORK HABITS:** Each employee is required, as a condition of employment, to develop and exercise safe work habits in the course of their employment, to prevent injuries to themselves, their fellow employees and to conserve County property and equipment.
- B. **REPORTING:** Employees who are injured or become ill while performing their duties for the County shall make an immediate report of the injury to their immediate supervisor. The failure of an employee to report an on-the-job injury or illness shall be deemed to be grounds for disciplinary action up to and including discharge. Every injury, including those not requiring medical attention, shall be reported in writing to the Office of Administrative Services by the injured employee's supervisor within twenty-four (24) hours of the injury. Department Heads shall be responsible for notifying the Office of Administrative Services of all injuries reported by employees under their jurisdiction and shall insure that proper written reports are prepared and forwarded to the Office of Administrative Services for insurance purposes in a timely manner.
- C. **IMMEDIATE MEDICAL CARE:** If an employee is injured to such an extent that the employee requires immediate medical care, the employee shall go immediately to a physician after notifying his/her supervisor.
- D. **RETURN TO WORK:** After medical attention, if the employee is released for regular or light duty, if available, the employee shall obtain from the attending physician a certification that the employee can return to work. Employees shall be required to release all medical information relative to the injury to the County's authorized agents. In addition, the employee shall be responsible for securing the necessary documentation to justify worker's compensation payments. In the case of an employee who has been released for light duty, said employee may be placed on light duty, if available.

#### Section 3.5 OTHER ADMINISTRATIVE POLICIES

- A. **CONFERENCES AND PROFESSIONAL ORGANIZATIONS:** In order for staff employees to keep abreast of new concepts and new methods of doing business, employees are encouraged to affiliate with professional organizations. County sponsored memberships and attendance at conferences and workshops must have prior approval by the Budget and Finance Committee during budget deliberations.
  - Employees are not prevented from obtaining travel tickets and monies in advance for approved trips.
  - Reimbursement of lodging expenses shall be for a normally single room rate. Reimbursement of travel expenses shall be for the means of travel that is the least expensive and/or the most practical.

When attending a training seminar/conference which requires the use of the employee's personal vehicle, the employee shall be reimbursed at the mileage rate in accordance with the Internal Revenue Service's established rate.

The County does not discourage the attendance of spouses; however, cost for their attendance, lodging and other related expenses will not be incurred by the County.



B. **EMPLOYEE WEBPAGE & DEPARTMENT BULLETIN BOARDS:** Emails, employee webpage, Bulletin and department bulletin boards are the County's "official" way of keeping everyone informed about new policies, changes in procedures and special events. Information of general interest is posted regularly emailed and posted on the County's employee webpage and department bulletin boards. Other than postings allowed or required by bargaining unit agreement, all postings on department bulletin boards must be approved by the department head. Department bulletin boards shall not be used to distribute campaign material on behalf of any candidate for elective office or for or against any referendum question. Please form the habit of reading the County employee website and department bulletin boards regularly so that you will be familiar with the information posted on it. The County Board shall have the option of directing the removal of inappropriate material from all department bulletin boards.

C. **POLITICAL ACTIVITIES AND CONTRIBUTIONS:** Kendall County employees have a constitutional right to engage in political activity through voluntary political contributions or voluntary political work. Nothing should be done to abridge the constitutional right of an employee to participate in the political process. An individual's employment with the County will not require him to participate in any political activity.

While in a duty status during regular working hours, Kendall County employees shall not participate in political activities.

No employee shall use or threaten to use the influence of his position of employment to coerce or to inhibit.

The County policy incorporates all the stipulations and provisions in the County of Kendall Ethics Ordinance as amended by the County Board on September 11, 2012 and as may be amended by the County Board thereafter. The ordinance prescribes that employees shall not intentionally perform any prohibited political activity during any compensated time as defined in the Ethics Ordinance. Further, no employee shall intentionally use any property or resource of the County of Kendall in connection with any prohibited political activity. Prohibited political activities include the distribution of campaign material on behalf of any candidate for elective office or for or against any referendum question.

D. **FLOWERS, DONATION AND GIFTS:** any flowers, plants, donations or other gifts given voluntarily by a department's employees as an expression of sympathy or illness or in celebration of a marriage, birthday, retirement or other occasion shall be made by employee donation.

An expression of sympathy or long-term illness will be sent to any full-time employee or his/her immediate family member (father, mother, child or spouse) by the Office of Administrative Services on behalf of the County Board members and the County's employees.

E. **GIFTS AND GRATUITIES:** The County has a policy in place modeled after the State of Illinois Act which states that employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or other thing of monetary value, except those of nominal value from any person, corporation or other organization, as outlined in the State Ban Gift Act.

F. **AUTO INSURANCE:** Employees required to use their own vehicle on County business must have auto insurance with at least the following coverage:

- \$20,000 for injury or death of one person in an accident;
- \$40,000 for injury or death of more than one person in an accident;
- \$15,000 for damage to property of another person

The defense and indemnity by the County will be, in all cases, secondary to the policy coverage mentioned above. It is the responsibility of each employee to maintain coverage as specified and by driving a vehicle while on the job, it is assumed that coverage is in force.

G. **USE OF COUNTY EQUIPMENT AND VEHICLES:** Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property,

employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines.

The employee should not use or allow the use of County property for any activity other than official, approved duties.

Notify the supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair. Prompt reporting could prevent the deterioration of equipment and possible injury to employees or others. Failure to report damage caused by accidents with County equipment and vehicles shall be considered grounds for disciplinary action up to and including discharge. The supervisor can answer any questions about an employee's responsibility for maintenance and care of the equipment or vehicles used on the job.

The improper, careless, negligent, destructive or unsafe use or operation of vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

- H. **USE OF COUNTY OFFICE EQUIPMENT:** Office equipment such as computers, printers and copiers must also be used with care by County employees. If any office machinery becomes inoperable or requires service, employees are to notify their supervisor and arrange for the necessary repair.
- I. **NO SOLICITATION:** Solicitation will not be permitted during working time or during non-working time in areas where it will disturb other employees who are working. Distribution or circulation of printed material by employees will not be permitted during working time or during non-working time in areas where it will disturb other employees who are working nor will distribution be permitted at any time, including working and non-working time, in working areas. "Working time" refers to that portion of any work day during which an employee is supposed to be performing any actual job duties; it does not include other duty free periods of time. Solicitation and distribution by non-employees on County property is strictly prohibited. The sole exception to the rule's restrictions is the allowance of an annual campaign for the United Way.

### Section 3.6 WORKPLACE VIOLENCE

The County's policy is to strive to maintain a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behavior; physical abuse; vandalism; arson; sabotage; use of weapons; carrying unauthorized weapons of any kind while on duty, in county vehicles or on County property; or any other act, which, in your supervisor's opinion, is inappropriate to the workplace. In addition, jokes or offensive comments regarding violent events will not be tolerated and may result in disciplinary measures.

If an employee feels he has been subjected to any of the behaviors listed above or has witnessed such behavior, he is requested to immediately report the incident to his immediate supervisor, department head or to the County Administrator. Complaints will be investigated. Based upon the results, disciplinary action up to and including termination will be taken against the offender, if appropriate.

The employee is also empowered to contact the proper law enforcement authorities without first informing the employee's supervisor if he reasonably believes a threat to his safety or that of others exists.

### Section 3.7 IDENTITY-PROTECTION POLICY

Kendall County, Illinois ("Kendall County") adopts this Identity-Protection Policy pursuant to the Identity Protection Act, 5 ILCS 179/1 *et seq.* The Identity Protection Act requires each local and State government agency to draft, approve, and implement an Identity-Protection Policy to ensure the confidentiality and integrity of Social Security numbers (SSNs) agencies collect, maintain, and use.

#### SSN PROTECTIONS PURSUANT TO STATE LAW

Whenever an individual is asked to provide the Kendall County with a SSN, Kendall County shall provide that individual with a statement of the purpose or purposes for which Kendall County is collecting and using the Social Security number. Kendall County shall also provide the statement of purpose upon request. That Statement of Purpose is attached to this Policy.

**KENDALL COUNTY SHALL NOT:**

- A. Publicly post or publicly display in any manner an individual's SSN. "Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.
- B. Print an individual's SSN on any card required for the individual to access products or services provided by the person or entity.
- C. Require an individual to transmit a SSN over the Internet, unless the connection is secure or the SSN is encrypted.
- D. Print an individual's SSN on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the SSN to be on the document to be mailed. SSNs may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the SSN. A SSN that is permissibly mailed will not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

In addition, Kendall County shall not:

- A. Collect, use, or disclose a SSN from an Individual, unless:
  - 1. Required to do so under State or federal law, rules, or regulations, or the collection, use, or disclosure of the SSN is otherwise necessary for the performance of the County Clerk and Recorder's duties and responsibilities;
  - 2. The need and purpose for the SSN is documented before collection of the SSN; and
  - 3. The SSN collected is relevant to the documented need and purpose.
- B. Require an individual to use his or her SSN to access an Internet website.
- C. Use the SSN for any purpose other than the purpose for which it was collected.

**Requirement to Redact SSNs**

Kendall County shall comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's SSN. Kendall County shall redact SSNs from the information or documents before allowing the public inspection or copying of the information or documents.

When collecting SSNs, Kendall County shall request each SSN in a manner that makes the SSN easily redacted if required to be released as part of a public records request. "Redact" means to alter or truncate data so that no more than five sequential digits of a SSN are accessible as part of personal information.

**Employee Access to Social Security Numbers**

Only employees who are required to use or handle information or documents that contain SSNs will have access. All employees who have access to SSNs are trained to protect the confidentiality of SSNs. Training shall include instructions on the proper handling of information that contains SSNs from the time of collection through the destruction of the information.

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<sup>1</sup> These prohibitions do not apply in the following circumstances:

(1) The disclosure of SSNs to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the governmental entity must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Act on a governmental entity to protect an individual's SSN will be achieved.

(2) The disclosure of SSNs pursuant to a court order, warrant, or subpoena.

(3) The collection, use, or disclosure of SSNs in order to ensure the safety of: State and local government employees; persons committed to correctional facilities, local jails, and other law-enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a State or local government agency facility.

(4) The collection, use, or disclosure of SSNs for internal verification or administrative purposes.

(5) The disclosure of SSNs to any entity for the collection of delinquent child support or of any State debt or to a governmental agency to assist with an investigation or the prevention of fraud.

(6) The collection or use of SSNs to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.

## STATEMENT OF PURPOSE FOR COLLECTION OF SOCIAL SECURITY NUMBERS

The Identity Protection Act, 5 ILCS 179/1, *et seq.*, requires each local and State government agency to draft, approve, and implement an Identity-Protection Policy that includes a statement of the purpose or purposes for which the agency is collecting and using an individual's Social Security number (SSN). This statement of purpose is being provided to you because you have been asked by Kendall County to provide your SSN or because you requested a copy of this statement.

### WHY DO WE COLLECT YOUR SSN?

You are being asked for your SSN for one or more of the following reasons:

- The SSN is included in mortgage documents;
- The SSN is included in a lien filed against a piece of property;
- The SSN is included in other property records filed with the County;
- Vital records;
- Criminal background checks and internal verification;
- Billing purposes'
- Compliant mediation or investigation;
- Vendor services, such as executing contracts and/or billing;
- Internal verification;
- Administrative services; and/or

### WHAT DO WE DO WITH YOUR SSN?

- We will only use your SSN for the purpose for which it was collected.
- We will not:
  - o Sell, lease, loan, trade, or rent your SSN to a third party for any purpose;
  - o Publicly post or publicly display your SSN;
  - o Print your SSN on any card required for you to access our services;
  - o Require you to transmit your SSN over the Internet, unless the connection is secure or your SSN is encrypted; or
  - o Print your SSN on any materials that are mailed to you, unless State or Federal law requires that number to be on documents mailed to you, or unless we are confirming the accuracy of your SSN.

### Questions Or Complaints About This Statement Of Purpose?

Please submit your questions or complaints in writing to: Kendall County, Illinois, Attention: Jeff Wilkins, County Administrator, 111 West Fox Street, Yorkville, Illinois 60580.

## CHAPTER IV COMPENSATION AND PERFORMANCE

**Section 4.1**     **PAY AND CLASSIFICATION PLAN:** The pay plan includes the minimum and maximum rate of pay for each position. It represents an orderly method of determining the salary of the position for the work performed.

Salary ranges shall be determined with regard to objective criteria:

- A. Ranges of pay for other County positions
- B. Relative difficulty and responsibility of positions
- C. Availability of employees in particular occupational categories
- D. Rates of pay in other jurisdictions
- E. The financial policies of the Counties

And such other considerations which may be appropriate.

**Section 4.2**     **PAY PERIODS:** The frequency of pay periods has been established for the maximum convenience of both the County and its employees

**PROCEDURE:** Employees are paid once every two weeks on Fridays (26 pay periods per year). When a payday falls on a holiday, the paycheck is distributed on the preceding workday.

### **Section 4.3     JOB DESCRIPTION**

#### **A. PURPOSE**

Effective job descriptions aid the County in areas of recruitment, compensation, legal compliance and performance.

#### **B. RESPONSIBILITY**

Department heads may revise job descriptions as long as additional head count is not added and the revisions are reviewed for compliance by human resources and State's Attorney's Office.

#### **C. FREQUENCY:**

Department heads should follow good management practice by regularly reviewing job descriptions every two years.

### **Section 4.4     PERFORMANCE APPRAISAL**

#### **A. PURPOSE:**

The County has developed a uniform performance appraisal system for all full-time employees. Pursuant to this system, an employee's performance is evaluated for the purpose of effective personnel control in matters including but not limited to the following: promotions, transfers, demotions, discipline, terminations and salary adjustments.

#### **B. RESPONSIBILITY:**

Performance appraisals are done by the immediate supervisor who is responsible for the work of the employee being evaluated. The immediate supervisor will discuss the performance appraisal with the employee. Performance appraisals become part of the employee's personnel records and a copy of each shall be submitted to Administrative Services and to be contained in the employee's personnel file. Department heads' performance appraisals will be completed by the County Administrator and the County Administrator's performance appraisal will be completed by the County Board, done by the committee chairman to which they report.

#### **C. FREQUENCY:**



Immediate supervisors shall appraise regular full-time employees on the basis of performance, efficiency, dependability, adaptability and other relevant job-related criteria at the end of the sixth (6<sup>th</sup>) month of their probationary period and within the months of June or July in the month of July of each subsequent year of employment.

**D. FORM:**

The County approved personnel appraisal form will be utilized for this review process.

**E. UNSATISFACTORY EVALUATION:**

Any employee receiving an unsatisfactory evaluation is ineligible for a pay increase. They will be subject to appropriate disciplinary action up to, and including, dismissal.

**F. APPEAL:**

If an employee is not in agreement with his performance appraisal, he may request another interview with his reviewing supervisor. If an agreement is not reached, the employee may appeal in writing within five (5) work days to the next level reporting authority, i.e. department head or County Administrator committee to which the department head reports for an impartial review of his service appraisal. A written decision shall then be rendered sustaining or modifying the rating to the employee within five (5) work days.

**G. COMPLETION OF PROBATIONARY PERIOD: ~~PERFORMANCE APPRAISAL:~~**

Non-bargaining unit employees short of completing their six months probationary period by the start of the new fiscal year (December 1) may be eligible for a salary increase after satisfactory completion of six months probation. The department head is required to plan such an increase and receive approval during the County's regular budget process. The department head has the discretion to give the increase, however, is not required to do so.

## **CHAPTER V BENEFITS**

### **Section 5.1 INSURANCE – EMPLOYEES AND DEPENDENTS:**

This portion of the Employee Handbook contains a very general description of the Insurance benefits to which you may be eligible to receive as an employee of the County. Please understand that this general explanation is not intended to, and does not, provide you with all the details of these benefits. Summary plan descriptions (SPDs) which explain coverage of your health, dental and life insurance benefits in greater detail are available in the Office of Administrative Services. The actual plan documents, which are available by making a written request to the County Administrator, are the final authority in all matters relating to benefits described in this Employee Handbook or in the summary plan descriptions and will govern in the event of any conflict. To the extent that any of the information contained in this Employee Handbook is inconsistent with the official plan documents, the provisions of the official plan documents will govern in all cases. Nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the County and its employees, retirees or their dependents, for benefits or for any other purpose. The County reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including insurance carriers, health maintenance organizations, self-insurance, and/or any health benefits that may be extended to an employee's dependents. Further, the County reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of the plan.

The County provides life insurance, accidental death and dismemberment insurance, and dental insurance to the employee and the employee's qualified dependents. Plan documents for specific benefits are available at the Office of Administrative Services. To be eligible for these benefits, an employee must consistently work a minimum of thirty-four (34) hours per week. Dental and life insurance coverage shall commence on the first of the month after the employee has completed thirty (30) consecutive calendar days of continuous active employment with the County and shall cease on the last day of the month in which any of the following events occur: the employee's final day of employment; when regularly scheduled hours are reduced below 34 hours per week; or upon another "qualifying event" as defined under the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

The County also provides medical and hospitalization insurance to the employee and the employee's qualified dependents. Plan documents for specific benefits are available at the Office of Administrative Services. Dependent coverage at group rates is available. To be eligible for medical and hospitalization insurance, an eligible employee must consistently work a minimum of thirty (30) hours per week.

At the employee's option, the employee may elect coverage through any one of the applicable health insurance plans made available by the County. An employee will have up to thirty (30) days from the start of your employment to make your health insurance plan election. Once made, the employee's election is generally fixed for the remainder of the plan year. However, if a qualifying event (as defined under COBRA) occurs, an employee may make a mid-year change in coverage. Temporary or regular part-time employees are not eligible for health insurance, except those grandfathered under previous policy of the County.

Health insurance coverage shall commence thirty (30) calendar days following the employee's starting date of employment and shall cease on the earlier of the following events: the employee's final day of employment; when regularly scheduled hours are reduced below 30 hours per week; or upon another "qualifying event" as defined under the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

Information packets describing the provisions of each insurance plan will be furnished to each employee upon the employee's commencement of employment.

A pre-tax deduction Section 125 Plan is available at the time of enrollment which allows employees to pay their share of the medical insurance premium with pre-tax dollars. The premium is taken out of the



paycheck before taxes are calculated so Federal, State, Social Security or IMRF is not deducted from the premium.

All retired employees eligible to receive immediate retirement benefits from IMRF are eligible to participate until age 65 in the employer's health plans providing they assume payment of insurance premiums. At age 65, the retired employee will become eligible for Medicare and can obtain Medicare supplemental insurance either through the employer's health provider or a plan of their choosing at the employee's expense.

Eligible dependents under the age of sixty-five (65) years of retired employees sixty-five (65) years of age and over may participate until age 65 in the employer's health plans providing they assume payment of premiums.

Dental insurance may be continued for all retired employees and their dependents providing they assume payment of the insurance premium for as long as they wish coverage.

Any employee on IMRF disability is entitled to continue his coverage in the employer's health and dental plans providing the employee assumes payment of insurance premiums.

Insurance company representatives not currently affiliated with the County are prohibited from approaching any County employee during working hours with the exception of the benefits fair held by the County for its employees.

#### **Continuation of Medical Coverage (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives eligible employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events include: a reduction in the employee's working hours; termination of employment for reasons other than gross misconduct; divorce or legal separation; death of the employee; leave of absence; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee and/or qualified beneficiary pay the full cost of coverage after a qualifying event. Under COBRA, an administration fee may be charged for continuation coverage. The County will provide the employee with written notice of their rights under COBRA when a qualifying event occurs. Failure to timely elect continued coverage under COBRA may result in a loss of continued insurance coverage.

There may be other coverage options for eligible employees and their dependents to buy coverage through the Health Insurance marketplace. The County will notify the employee of the time period for which continuation coverage may be provided, or depending upon the employee's individual situation, the employee's options under the Health Insurance Marketplace.

## **Section 5.2**

**WORKERS' COMPENSATION:** The Workers' Compensation law provides protection for employees experiencing occupational disabilities through accidents or illness arising out of and in the course of employment.

A. When an employee suffers an on-the-job injury, a "Report of Injury" form must be completed in every instance. If medical attention was required as a result of the injury or illness, a claim will then be filed with the Office of Administrative Services by the hospital and/or attending physician as directed by the employee receiving treatment.

B. All expenses involved with the treatment of the illness or injury are covered by the State of Illinois Workers' Compensation Act.

**Section 5.3 EDUCATIONAL REIMBURSEMENT:**

Qualified employees of the County and/or its elected offices may be eligible to apply for and receive up to a maximum of fifty percent (50%) reimbursement for qualified educational expenses. For purposes of this policy, "qualified educational expenses" include only the cost of the employee's tuition and required books for up to one (1) educational or training course per semester or quarter toward the employee's undergraduate or graduate degree. The course work must be directly related to the employee's job functions or proposed job functions.

To be eligible for educational reimbursement pursuant to this policy, the employee must be a full-time, active employee of the County and/or a County elected office who has completed at least one (1) year of continuous service immediately prior to the start of the course for which the employee is seeking reimbursement. For purposes of this policy, "full-time active employee" means an employee who is regularly scheduled to work a minimum of 37.5 or more hours per week and who is not on a leave of absence at the time of taking the course.

An employee's eligibility shall cease upon notice of termination of employment. No educational reimbursements will be made to former employees, to employees who have given notice of resignation, or who have been notified that they will be involuntarily terminated. This includes situations in which approval of such reimbursement was previously provided and/or the course was satisfactorily completed prior to the date of termination of employment.

An employee shall not be eligible to receive educational reimbursement from the County if the employee receives educational reimbursement from a third party (e.g., veterans' tuition assistance). If an employee receives educational reimbursement from the County and a third party, the employee shall promptly return all educational reimbursement payments received from the County. Failure to do so may result in disciplinary action up to and including termination of employment.

To qualify for educational reimbursement, the employee must seek approval in writing in advance from (a) the employee's department head/elected official and (b) the HR/Administration Committee Chairman or Chairman of the County Board. When educational reimbursement is approved by the employee's department head/elected official, the employee must submit a signed educational reimbursement agreement to the Office of Administrative Services no less than thirty (30) calendar days and no more than six (6) months prior to the start of the course. Failure to timely provide a completed, signed educational reimbursement agreement to the Office of Administrative Services may result in denial of the educational reimbursement.

To qualify for educational reimbursement, the employee's course work must be directly related to the employee's job functions or proposed functions (as determined by the employee's department head/elected official); be accomplished outside of working hours; be from an accredited institution of learning; and the employee must receive a passing grade of "B" or higher and not exceed reimbursement for one class per semester (or quarter).

Correspondence course work and vocational schools will be considered if they are accredited or of a "good reputation", as determined by the employee's department head/elected official.

If the educational or training course work is not part of the employee's degree program but (a) is necessary to meet the specific and current job description and (b) is required by the department head/elected official, then tuition and books may be reimbursed at one hundred percent (100%) from the employee's department or elected office budget, at the sole discretion of the department head/elected official.

If an employee leaves the employment of Kendall County or a County elected office within one (1) year after the employee receives payment from the County for tuition reimbursement, the employee shall

reimburse the County for all educational reimbursement paid to the employee during the previous year or have the total educational reimbursement amount withheld from the employee's final paycheck.

If an employee's application for tuition reimbursement is approved, the employee must submit paperwork to the Office of Administrative Services, which identifies the Institution of learning, name of course with completion date, grade, an original receipt showing the total costs incurred for the course (per credit hour) and/or books for which the employee is seeking reimbursement, and any other documentation as requested by the Office of Administrative Services. All such paperwork must be submitted to the Office of Administrative Services within ninety (90) days after course completion and failure to do so may result in denial of educational reimbursement. For purposes of this policy, "course completion" is defined as the date the employee receives his or her grade for the course.

An employee's submission of the educational reimbursement agreement shall not create a contract or guarantee of reimbursement upon submission of an application for education reimbursement and/or completion of the course. The total number of employees receiving educational reimbursement benefits and the amount of educational reimbursement are subject to any budget limitations. The County may withdraw its approval of and/or deny any pending application(s) for educational reimbursement once the County's budgeted educational reimbursement amount has been disbursed for the fiscal year.

Any written agreements regarding educational reimbursement that were approved by the employee's elected official/department head prior to this policy will be handled on an individual basis. Also, in the event of a conflict between this policy and specific educational reimbursement provisions in an applicable union contract, the applicable union contract language shall prevail.

**Section 5.4**      **CREDIT UNION:** All regular full-time and part-time employees and their immediate families, as well as retired employees, are welcome to join the Aurora Earthmovers Credit Union. Employees can join any time beginning with the first day of employment. Please call the Credit Union for further details.

<b>Main Office Location:</b>	<b>2195 Baseline Road Oswego, Illinois 60543</b>
<b>Telephone:</b>	<b>630.844.4950</b>
<b>Satellite Office:</b>	<b>Washington Street &amp; Route 71 Oswego Plaza Oswego, Illinois 60543</b>
<b>Telephone:</b>	<b>630.554.4040 Satellite Office closed on Wednesday</b>

**Section 5.5 EMPLOYEE ASSISTANCE PROGRAM**

The successful operation of the County depends on the physical and psychological health of all its employees. To attain that goal, the County has available to all employees, an Employee Assistance Program (EAP) which is designed to provide a confidential service for our employees whose personal problems are affecting their abilities to function at top efficiency in their work. This service is available to all employees and their immediate families. Professionals are specially trained in specific problem areas, including:

- Alcoholism
- Domestic violence
- Drug dependency
- Eating disorders
- Emotional illness
- Family problems
- Financial problems
- Legal problems
- Marital conflict

Confidentiality and EAP Procedure

Confidentiality is one of the most important aspects of the program. If an employee contacts the Employee Assistance Program directly, no one in the County will know about it unless they tell them. No information concerning the nature of their problem will be released without their written consent. Participation in the Employee Assistance Program will not affect future promotional opportunities. The County assumes the costs for the Employee Assistance Program assessment and referral. Other costs, like treatment, may be covered in part or in full by the group insurance plan. Asking for assistance does not mean that an employee will be obligated to accept or continue it.

The Employee Assistance Program can be reached at 1.800.272.7255

**Section 5.6 DEFERRED COMPENSATION:**

Kendall County has adopted deferred compensation plans that make it possible for employees to defer income and the payment of taxes on these deferred amounts until a later date. The County places this money in a tax deferred investment of the employee's choice to earn tax deferred interest until he is ready to receive distributions, usually at retirement.

Deferred compensation is a convenient method of accumulating money to help meet future financial objectives. It is not intended for savings or for investments of a short-term nature since monies deferred are generally not available unless an employee terminated employment or retires.

The treasurer's office can provide further information on this program.

**Section 5.7 RETIREMENT:** The Illinois Municipal Retirement Fund provides employees of local governments and school districts in Illinois with a sound and efficient system for the payment of retirement, disability and death benefits. These benefits, payable to qualifying members are in addition to those provided by Social Security.

Employees Covered

Participation is compulsory at the time of employment if the employee occupies an IMRF qualified position; that is, one normally expected to require performance of duty for 600 or more hours in the next 12 months. It is the expected annual hourly requirements that determine participation. Actual hours worked may be more or less than the hours expected.

IMRF Funding

Benefits are funded by employee and employer contributions. Employees pay 4½% of their earnings through payroll deductions. Sheriff's law enforcement personnel pay 7.5% of annual earnings. Member contributions are not subject to either Federal or Illinois income tax when paid to IMRF.

A comprehensive brochure is available in the County Treasurer's Office which outlines death, disability and retirement benefits under IMRF. The County Treasurer is the authorized IMRF agent for the County. Also, an IMRF representative is available to answer any questions.

**Section 5.8 IMRF DISABILITY BENEFIT:** Participating employees (IMRF) are eligible for IMRF disability benefits if they have a non-work related illness or injury which prevents the performance of job duties. The employee must have at least twelve (12) months continuous IMRF participating service immediately before being disabled, is under age 70, and not receiving any earnings from the County (salary, vacation pay, sick pay). In addition, the disability for which benefits are claimed cannot be the result of a condition which existed prior to the first date of the member's participation.

It is the employee's responsibility to apply for I.M.R.F. disability benefits when it is determined by the employee's physician that the employee will be disabled for more than 30 days in a row.

After the employee has applied to I.M.R.F. and certified to receive disability benefits, the employee must use ten (10) consecutive work days of sick/personal leave (whether paid or unpaid) for this specific illness or injury. After the employee has taken ten (10) consecutive work days of sick/personal leave, the County will provide full pay for scheduled work days and paid holidays until the date I.M.R.F. disability benefits commence. Employees should consult current IMRF publications for details on benefit amounts. (Revision dates 12-16-03 & 8/19/2008)

In lieu of utilizing unpaid sick/personal leave, the employee may elect to use vacation days to satisfy the ten (10) day requirement. The employee may also use accrued sick leave or vacation days to forestall the 50% disability pay.

If an employee is disabled but wants to re-enter the work force, the County offers a trial work period. The employee may be able to return to work part time without losing all of their IMRF disability benefits.

Under the IMRF's trial work period, a disabled employee may return to work part time as a way of easing back into the work force. IMRF disability benefits would be reduced dollar-for-dollar by the amount of trial work earnings. IMRF will do this for up to twelve (12) months. One trial work period is allowed for each disability. IMRF disability benefits will stop if the employee returns to work full time or for as many hours as was normal before the disability occurred.

## CHAPTER VI PAID AND UNPAID LEAVES

### Section 6.1 VACATIONS:

All regular full-time employees are eligible for paid vacation benefits. The length of eligible service is calculated on the employee's date of hire. Eligible employees shall earn vacation time in accordance with the following schedule:

0-6 Years of Service	10 paid vacation days
7-14 Years of Service	15 paid vacation days (the first day of the month following the employee's completion of their 6 <sup>th</sup> Anniversary).
15 or More Years of Service	20 paid vacation days (the first day of the month following the employee's completion of their 14 <sup>th</sup> Anniversary).

Vacation accrual is earned and credited at the conclusion of each month, as outlined in the following table:

YEARS OF SERVICE	DISTRIBUTION AT BEGINNING FIRST OF MONTH	ANNUAL TOTAL
0-6 years	6.25 hours or .83 days	10 days (75 hours)
7-14 years	9.375 hours or 1.25 days	15 days (112.5 hours)
15 or more years	12.5 hours or 1.67 days	20 days (150 hours)

**A. VACATION AVAILABILITY:** This vacation will be available to all employees as earned with distribution at the end of each month. Part-time employees working a minimum of one thousand forty (1,040) hours annually, twenty (20) hours per week, shall be entitled to vacation time on a pro rata basis.

**B. VACATION SCHEDULES:** Vacations will be scheduled with prime consideration given to the efficient operation of each department. While employee's requests will be honored whenever possible, final approval must be given by the department head or appropriate County committee chairperson. Department heads must seek approval of vacation requests from the County Administrator.

**C. MAXIMUM ACCUMULATION:** Employees shall be allowed to carry over from month to month no more than one-and-one half (1 ½) times an employee's annual accrual rate. For example, a second (2<sup>nd</sup>) year employee can carry over no more than fifteen (15) days of vacation leave from one month to the next.

**D. VACATION/COMPENSATORY TIME PAYMENT UPON TERMINATION OF EMPLOYMENT:** Any employee leaving the County in good standing shall be compensated for vacation leave and compensatory time earned and unused at the date of termination of employment, at the employee's current pay rate.

**E. HOLIDAYS DURING VACATION LEAVE:** Whenever a paid holiday falls during an authorized vacation leave, the employee's leave on the date of the paid holiday shall be considered a holiday for payroll purposes, and shall not be charged to the employee's accumulated vacation leave.

For active employees, no salary payment shall be made in lieu of vacation not taken on a yearly basis.

**Section 6.2**

**SICK/PERSONAL DAYS:** The personnel policy regarding sick leave and personal leave for Kendall County employees stipulate that:

**A.** Sick leave and personal leave are one and the same during the year they are earned. Unused sick/personal leave is carried over each year as accrued sick leave (not personal leave) and may be accumulated to a sum not to exceed two hundred forty (240) days. Upon termination with the County, the employee is not entitled to additional compensation for any unused sick/personal days in the current year or any accrued sick days from prior years.

Retiring IMRF members, 55 years and older, qualify for a maximum of one year of additional pension service credit for unpaid, unused sick leave accumulated at the rate of one month for every 20 days of unpaid, unused sick leave or fraction thereof.

**B.** All full-time County employees are granted twelve days of sick/personal leave on the first day of the fiscal year (December 1). Permanent part-time County employees earn sick/personal leave proportionate to their average number of hours worked per month.

Beginning December 1, 1999 new full-time employees will be granted sick/personal days as follows:

<u>Commencing Work</u>	<u>Days</u>
Dec., Jan., Feb.	12
March, April, May	9
June, July, August	6
Sept., Oct., Nov.	3

**C.** Each County employee has the option of trading up to twelve days of their current annual unused sick/personal leave benefit for one fourth (1/4) of their daily pay rate of the year of accrual. Application for this trade must be made in writing no later than October 31 of each fiscal year. Employees wishing to trade their unused sick/personal leave days must request this in writing from their immediate supervisor who will then submit this request to the department head/elected official. That individual will certify the number of days which they are entitled to trade and submit this information in writing to the County Treasurer's office. If sick/personal days are taken after this trade and prior to the first day of the next fiscal year, they will be deducted from the next fiscal year's twelve days for sick/personal. Employees are not eligible to receive the sick/personal day payback before their six (6) month probationary period has been successfully completed.

**D.** Banked sick leave may only be used for an employee's illness. Sick leave is a privilege, not a right, extended to regularly scheduled employees and qualified part-time employees. Sick leave shall be allowed only when the employee is actually sick or disabled, or when there is an illness in the employee's family (i.e., spouse, child (birth, adopted step) or parent). A maximum of twelve (12) sick days may be used when there is an illness in the employee's family per year. *Banked sick leave may only be used after all sick/personal days granted in the active fiscal year have been exhausted.* (Revision date: 9/17/02)

**E. Approval of Sick/Personal Days**

1. Use of sick/personal is subject to approval by the employee's supervisor. When an employee is incapacitated; it is his/her responsibility to notify the supervisor at the earliest possible moment. Such notification should include the employee's best estimate of the duration of the absence, if possible.

2. Requests for sick day use for medical, optical and dental examinations or treatments must be made prior to the beginning of the absence and should be made so as to create minimal disruption of work schedules.

3. All absences charged to sick/personal days must be reported by the employee's certification on the County Leave Request Form. Sick leave requests should be submitted weekly in cases where an employee is absent for an extended period of time. Disapproved sick/personal day requests will be returned to the employee with full explanation for denial.

4. When a supervisor has reason to believe that the sick day privilege is being abused, proof may be required of individual employees for every absence, regardless of the period of time. Prior to use of this control, the employee in question must be counseled and notified of the constraint being placed upon the use of sick days. For periods of absence of more than three consecutive work days, the employee may be required to provide a physician's statement.

**Section 6.3**      **BEREAVEMENT:** Up to three (3) paid days per occurrence may be allowed for a Death in the immediate family. Immediate family is defined for the purposes of this section to be spouse, mother, father, child, brother, sister, grandmother, grandfather, spouse's relatives of the same degree of blood relationship and any blood relative who resides in the employee's home. These paid days are considered as bereavement days and not sick/personal days. If any additional time is needed, the time off may be taken from paid vacation/sick/personal days, with approval of the department head. This is applicable only to full-time employees.

**Section 6.4**      **HOLIDAYS:** Annually, the County Board specifies the paid holidays for not-court related and the Chief Judge specifies the paid holidays for court-related offices for the coming year.

Regular part-time employees shall receive pay proportionate to the average number of hours normally worked (i.e., normally work four (4) hours a day – shall receive four (4) hours pay).

If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on the holiday.

Regular part-time employees working a minimum of twenty (20) hours per week shall be entitled to holiday pay if the holiday falls on the employee's regularly scheduled work day.

**Section 6.5**      **JURY DUTY:** Court leave shall be granted to employees who are called to jury duty or are required to be absent from work because of subpoena from any legislative, judicial or administrative tribunal. Time away from work with pay and regular benefits shall be granted for such purposes. Per Diem court reimbursement must be written over to the County so jury duty pay will be written over to the County for the portion of the day normally worked by a part-time employee. Mileage will not be paid for those employees working at the Government Center unless called by a court outside Kendall County. Employees are expected to return to work whenever possible during jury time and carry out as many of their job responsibilities as time permits during regularly scheduled working hours.

**Section 6.6**      **FAMILY MEDICAL LEAVE (FMLA) POLICY:** The Family and Medical Leave Act (FMLA, 1993) mandates a maximum of twelve (12) weeks of unpaid leave to eligible employees under certain circumstances.

**A.      FMLA EFFECTIVE CONDITIONS**

1. The arrival of a new child by birth, adoption or foster care placement for the purpose of bonding. If the biological, adoptive, or foster parent(s), the step parent, legal guardian(s) or parent(s) in loco parentis are both employees, the total combined leave is twelve (12) weeks, not twenty-four (24) weeks. This right to a "bonding" leave expires twelve (12) months from birth or placement for adoption or foster care.

2. The care of a child, parent or spouse who has a serious health condition if it is medically determined that the care given by an employee is necessary. The term "parent" does not include in-laws for the purpose of this policy. For purpose of these care-giving leaves, the child, parent or



spouse must be either: (a) an overnight in-hospital patient; (b) in a hospice; (c) in a nursing home; (d) absent from work or school for more than three (3) days; (e) require active assistance with daily life activities; (f) be under continuing treatment by, or supervision of a health care provider; or (g) have either an incurable condition or one that if not cared for, would cause incapacity for more than three (3) days. The care-giving twelve (12) week leave is available to each of the employee parents of the child or the employee child of the parent.

3. An employee's serious health condition, including (a) work related and non-work related illnesses or accidents, involving overnight in-hospital care, or (b) an absence from work for more than three (3) work days due to the need for continuing treatment by a health care provider and supported by a medical certification that states the employee cannot perform the essential function(s) of the position.

C. **ELIGIBILITY:** To qualify for a FMLA leave, an employee must have accumulated twelve (12) months of employment by the date the requested leave is to start and must have worked one thousand two hundred and fifty (1,250) hours during the prior twelve (12) months. If an employee meets these qualifications, an employee will receive 12 weeks of leave in the 12-month period measured forward from the date an employee's first FMLA leave begins.

D. **NOTIFICATION REQUIREMENTS**

1. The request for FMLA leave should be submitted in writing to the department head of the department in which the employee works. If a department head is requesting FMLA leave, then the ~~appropriate committee chairman shall be the deciding authority~~ FMLA leave should be submitted in writing to the County Administrator.

2. When requesting leave for the birth, adoption or foster care placement of a child, an employee must give thirty (30) days notice or, if not possible due to unforeseen circumstances, the maximum notice practicable. An employee will be required to take all twelve (12) weeks consecutively.

3. For care of a seriously ill child, spouse or parent, or for an employee's own serious health condition, the employee must give thirty (30) days notice, or if not possible due to unforeseen circumstances, as much notice as is practicable. In any event, the employee must provide medical certification of the need for the employee to provide care or of the employee's disability within fifteen (15) days of the commencement of the leave.

If the employee requests and the request is medically certified as necessary, the County will arrange an intermittent or reduced leave schedule for taking the twelve (12) weeks leave (450 hours for administrative personnel, 480 hours for sworn police and other not-administrative personnel). An intermittent or reduced leave for regular part-time employees will translate to the number of hours in their regular work week times twelve (12). The alternative schedule must be the least disruptive to County operations and may include transfer to another position that has equivalent pay and benefits.

E. **PAID TIME SUBSTITUTIONS FOR UNPAID FMLA**

1. For a personal non-job-related illness or accident, the employee is required to use all paid sick leave, personal days and vacation days toward the FMLA leave, unless otherwise receiving compensation through the County's disability benefit. If the employee applies for and is granted disability benefits under the provisions of the Illinois Municipal Retirement Fund (IMRF) or Sheriff's Law Enforcement Police (SLEP), the requirement to utilize paid leaves as stated above is not in effect during the time of disability.

2. For the adoption or foster care placement of a child, the employee is required to use all vacation days toward the FMLA leave.

3. For care of a spouse, child or parent with a serious health condition, the employee is required to use all vacation days toward the FMLA leave.

4. For an employee's job related illness or accident, paid benefits during this time will be according to Worker's Compensation requirements; however, leave time shall be designated as an FMLA leave including any time off for required therapy or doctor visits.

#### **F. HEALTH CARE AND OTHER BENEFITS**

1. An employee granted FMLA leave under this policy will continue to be covered under the County's group health insurance plan under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

Employee contributions will be required either through payroll deduction or by direct payment to the County.

a. If paid leave is substituted for unpaid FMLA leave, the County will deduct the employee's portion of the health plan premium as a regular payroll deduction.

b. If FMLA leave is unpaid, the employee will be required to pay his or her share of health insurance premiums on the same time schedule as he or she would under COBRA. Employee contribution amounts are subject to any change in rate that occurs while the employee is on leave. If an employee's contribution is more than 30 days late and 12 weeks of FMLA leave have been utilized, the County will terminate the employee's insurance coverage. The employee will be notified at least 15 days before the coverage lapses.

c. Pursuant to this policy, the County has the right to seek reimbursement from the employee for costs incurred for health insurance premiums on behalf of the employee during the leave of absence. Prior to leave and again upon returning to work, the payroll office will provide Salary Withholding Authorization forms to be completed by the employee.

2. Other elective payroll deductions including but not limited to AFLAC, prepaid legal services, and I- Bonds, are the responsibility of the employee. Costs advanced by the County are subject to the same Salary Withholding Authorization as health insurance benefits.

3. Holiday pay will not be paid during the FMLA leave, except in those instances where the employee is on an intermittent or reduced schedule which makes the employee eligible for holiday pay or where employee is utilizing paid leave during the FMLA leave when the holiday occurs.

4. If while on an FMLA designated leave, the employee is required to serve on a jury or in the military, no make-up pay will be granted, nor will paid funeral leave (emergency leave) benefits be paid.

5. During the period of all FMLA leaves, the employee should verify with the representatives of IMRF to whether or not they will continue to be credited with service time without loss, for the purpose of calculating benefits.

6. If the employee is on an intermittent or reduced schedule, the effective hourly rate of pay will be continued for hours worked as if leave had not been taken. This is true of hourly and salaried employees. For the hours lost, paid leave time may be substituted as discussed under the "Paid Time Substitutions for Unpaid FMLA" section of this policy.

#### **G. RETURNING TO WORK**

1. Upon return from an FMLA leave for the employee's own serious health condition, the employee will be required to furnish from the attending physician a certification that the employee is fit for duty and can perform the essential function(s) of the regular job (or to the job to which restored, if different) together with any restrictions and the reasons for the restrictions.

2. Upon the expiration of the designated FMLA leave, the employee will be restored to the regular position or to an equivalent position in pay, benefits and other terms and conditions of employment, if the employee would not have been terminated during the period while the employee was on leave because of general economic conditions of employment or due to a

restructuring of the department, division or the County. That is, the designated FMLA leave does not guarantee a restoration of employment. The employee will be treated the same as any other employee similarly positioned and actively at work on the date of the reduction in force and/or restructuring.

3. All benefits, increases, general wage increases or other terms and conditions of employment generally applicable to the position will be restored to the employee as if the employee had not been on leave.

4. If the employee fails to return to work upon expiration of the designed FMLA leave, the employee may lose the right to restoration to the job. If the reasons for not returning from the FMLA leave are reasons within the employee's control, the County will recoup from the employee the County's cost of health care premium costs, paid on the employee's behalf during the FMLA leave.

## H. DEFINITIONS

1. CHILD. A child is a biological, adopted or foster child; step child; legal ward or a child for which an employee has daily responsibility for care and financial support of the child, i.e., in loco parentis.

Additionally, a child, as above defined, includes one who is over eighteen (18) and is either so mentally or physically impaired, that he or she requires active assistance with activities of daily living due to substantially limited major life activities.

2. PARENT. A parent is the biological parent or who to whom the employee was the child of a parent in loco parentis. This does not include grandparents or in-laws.

3. SPOUSE. The legal spouse.

4. SERIOUS HEALTH CONDITION. This term means an illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider. It is not intended to cover short-term conditions for which treatment and recovery are very brief. Conditions or medical procedures that would not normally be covered include minor illnesses which last only a few days and surgical procedures which typically do not involve hospitalization and require only a brief recovery period.

### 5. CONTINUING TREATMENT.

a. The employee or family member is treated two (2) or more times for the injury or illness by a health care provider. Normally this would require visits to the health care provider or to a nurse or physician's assistant under the direct supervision of the health care provider.

b. The employee or family member is treated for the injury or illness two (2) or more times by a provider of a health care service (e.g. physical therapist) under orders of, or on referral by a health care provider, or is treated for the injury or illness by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider – for example, a course of medication or therapy to resolve the health care condition.

c. The employee or family member is under the continuing supervision of, but not necessarily being actively treated by a health care provider, due to a serious long-term or chronic condition of disability which cannot be cured. Examples include: persons with Alzheimer's disease, persons who have suffered a severe stroke, or persons in the terminal stages of a disease who may not be receiving active medical treatment.

6. INTERRELATION OF LEAVES. Any leave taken pursuant to this policy, other County policies, a collective bargaining agreement, or law which qualifies as leave under the FMLA or any applicable state, family or medical leave act, will be counted against the employee's available

leave under the applicable County policy(ies), collective bargaining, and/or law, as well as the available leave under the FMLA or applicable state law, to the extent permitted by such applicable law.

#### Section 6.7

**MATERNITY ACCOMMODATIONS POLICY:** Pursuant to the Illinois Human Rights Act, Kendall County will provide reasonable accommodation(s) to pregnant applicants and employees, if requested, provided the accommodation does not cause undue hardship on the County's ordinary business operations. For purposes of this policy, pregnancy includes pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. Reasonable accommodations may include, but are not limited to:

- More frequent or longer bathroom breaks;
- Breaks for increased water intake and periodic rest;
- A private non-bathroom space for breastfeeding and expressing breast milk;
- Seating;
- Assistance with manual labor;
- Temporary light duty;
- Temporary transfers to less strenuous or hazardous positions;
- Accessible worksites;
- The acquisition or modification of equipment;
- Temporary job restructuring;
- Temporary part-time or modified work schedules;
- Appropriate adjustments or modifications of examinations, training materials, or policies;
- Temporary reassignment to a vacant position; and/or
- Time off to recover from childbirth and leave required by the employee's pregnancy, childbirth or related conditions.

Reasonable accommodations do *not* include the creation of additional employment opportunities; discharge or transfer of another employee; or promotion to a position for which the applicant/employee is not qualified. If a pregnant applicant or employee is requesting a reasonable accommodation due to their pregnancy, she must submit her request in writing to her immediate supervisor and/or department head. The applicant/employee may be required to provide documentation from her health care provider concerning her need for the requested accommodation. The applicant/employee's failure to cooperate in this interactive process could result in denial of the requested accommodation.

Absent a showing of undue hardship by Kendall County, an employee who has been affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth must be reinstated to the same or equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits upon the employee's return to work and/or when the employee's need for reasonable accommodation ceases, whichever occurs later.

Retaliation is prohibited against any applicant or employee because she has requested, attempted to request, used or attempted to use a reasonable accommodation pursuant to the Illinois Human Rights Act.

#### Section 6.8

**IMRF DISABILITY LEAVE:** IMRF may provide temporary or total disability benefits for those employees unable to continue the performance of their job responsibilities. If the employee applies for and is granted temporary disability benefits under the provisions of the Illinois Municipal Retirement Fund (IMRF) or Sheriff's Law Enforcement Police (SLEP), this leave time shall be designated as FMLA leave, assuming that all FMLA qualifications are satisfied.

1. An employee still employed by the County, who is granted temporary IMRF or SLEP disability benefits, will continue to be covered under the County's group health insurance plan under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

Employee premium contributions will be required through direct payment to the County. The employee will be required to pay his or her share of health insurance premiums on the same schedule as he or she would under COBRA. Employee contribution amounts are subject to any change in rate that occurs while the employee is on leave.

If an employee's contribution is more than 30 days late and 12 weeks of FMLA leave have been utilized, the County will terminate the employee's insurance coverage. The employee will be notified at least 15 days before the coverage lapses.

2. Pursuant to this policy, the County has the right to seek reimbursement from the employee for costs incurred for health insurance premiums on behalf of the employee during the leave of absence. Prior to leave and again upon returning to work the payroll office will provide Salary Withholding Authorization forms to be completed by the employee.

3. Other elective payroll deductions, including but not limited to AFLAC, pre-paid legal services, and I-Bonds, are the responsibility of the employee. Costs advanced by the County are subject to the same Salary Withholding Authorization as health insurance benefits.

4. If the County receives IMRF's determination that the employee is permanently disabled and unable to return and perform his or her job responsibilities, the County may send proper notice of employment separation and notification of COBRA benefits to the employee.

**Section 6.9**      **MILITARY LEAVE:** Military leave shall be granted as prescribed by state and federal law. Unless otherwise specified by law or an applicable collective bargaining agreement, military leaves of absence will be unpaid. Employees on military leave will continue to accrue seniority and to be entitled to certain other employee benefits to the extent required by law.

**Section 6.10**    **GENERAL LEAVE OF ABSENCE:** Employees may request a general unpaid leave of absence for personal matters. Leaves are granted on the assumption that the employee will be available to return to regular employment when the conditions necessitating the leave permit. The decision to grant such leave shall be at the sole discretion of the County Board Chairman. Such leave may be requested for:

A. The continuation of or completion of a pursuit of a degree for the purpose of training in subjects related to the work of the employee and which will benefit the County.

B. To recover their own health or attend to family illness beyond the 12 weeks allowed under FMLA. (See Family Leave Section 6.1)

C. Personal business which will require an employee's attention for an extended period, such as a settlement of an estate, liquidating a business, attending court as a witness on non-County related cases, and for the purposes other than the above that are deemed appropriate by the County Board chairman.

D. A leave of absence will not be granted to enable an employee to try for or accept employment elsewhere or for self-employment. Employees who engage in employment elsewhere during such leave may immediately be terminated by the County.

**E. GENERAL LEAVES OF ABSENCE – PROCEDURE**

1. Employees may submit a written request to their Department Head asking for a leave of absence without pay. The request shall be in writing, stating the reasons for the request, the date desired for the start of the leave and probable date of return. The request along with the written recommendation of the Department Head shall be forwarded to the County Board Chairman for authorization.

2. Authorization for such leave shall be within the sole discretion of the County Board Chairman whose decision will be based upon the operational needs of the department, the work record of the individual and the reason for the request.

3. An employee is required to exhaust available paid vacation and sick/personal leave before unpaid general leave of absence is commenced.

#### F. GENERAL LEAVES OF ABSENCE – BENEFITS

1. For the remainder of the month during which a general leave begins, thereafter the County will continue to provide group health insurance coverage under the same conditions as it did before the leave began. Subsequently, such insurance coverage, if desired by the employee and otherwise available through the County, shall be fully paid by the employee through the duration of the leave.
2. With the exception of group health coverage, an employee is not entitled to accrue any other employment benefit while on a general leave.

Unless otherwise stated or otherwise required by law, length of service shall not accrue for an employee who is on an approved non-paid leave status. Accumulated length of service shall remain in place during that leave and shall begin to accrue again when the employee returns to work on a pay status. Unless otherwise stated, an employee returning from leave will have his seniority continued after the period of the leave. Upon return, the County will place the employee in his or her previous assignment, if vacant; if not vacant, the employee will be placed in the first available assignment according to the employee's seniority, where skill and ability to perform the work without additional training is equal.

If, upon the expiration of a leave of absence, there is no work available for the employee or if the employee could have been laid off according to his seniority except for his leave, he shall go directly on layoff.

During an approved unpaid leave of absence or layoff, an employee shall be entitled to coverage under applicable health and life insurance plans to the extent provided in such plan(s), provided the employee makes arrangements for the change and arrangements to pay the entire insurance premium involved, including the amount of premium previously paid by the County.

#### G. GENERAL LEAVE OF ABSENCE – DURATION

A general leave of absence may be granted for up to twelve (12) work weeks. Extensions may be granted for an additional period at the discretion of the County Board Chairman.

#### H. GENERAL LEAVE OF ABSENCE – RETURN TO DUTY

1. A return date shall be agreed to by the employee and the department head at the time the general leave is granted. Generally, this will be the probable return date specified in the employee's application.
2. An employee may request an extension of the general leave by making application to the County in the same manner as on original application, provided such extension may not be granted in excess of the limits set forth above.
3. Prior to reinstatement after a general leave of absence for an illness, an employee must present to the Department Head a physician's written statement certifying that the employee is capable of returning to work and performing, either with or without reasonable accommodations, the essential functions of the employment position involved.

#### I. GENERAL LEAVE OF ABSENCE – RESIGNATION

An employee, who fails to return from a general leave on the designated return date, either as originally agreed or as extended, shall be considered as having abandoned and resigned their employment position with the County.

**Section 6.11 WORKERS' COMPENSATION LEAVE:**

An employee experiencing occupational disability due to an accident or illness arising out of and in the course of their employment, may be placed on Workers' Compensation Leave; such workers' compensation leave, including any time off for required therapy or doctor visits, shall be designated as FMLA, assuming that all FMLA qualifications are satisfied. Participating employees should apply for IMRF Disability Benefits if eligible.

1. An employee still employed by the County, who is receiving workers compensation benefits, will continue to be covered under the County's group health insurance plan under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.
2. Employee premium contributions will be required through direct payment to the County. The employee will be required to pay his or her share of health insurance premiums on the same schedule as he or she would under COBRA. Employee contribution amounts are subject to any change in rate that occurs while the employee is on leave.
3. If an employee's contribution is more than 30 days late and 12 weeks of FMLA leave have been utilized, the County will terminate the employee's insurance coverage. The employee will be notified at least 15 days before the coverage lapses.
4. Pursuant to this policy, the County has the right to seek reimbursement from the employee for costs incurred for health insurance premiums on behalf of the employee during the leave of absence. Prior to leave and again upon returning to work, the payroll office will provide Salary Withholding Authorizations forms to be completed by the employee.
5. Other elective payroll deductions, including but not limited to AFLCA, pre-paid legal services, and I-Bonds, are the responsibility of the employee. Costs advanced by the County are subject to the same Salary Withholding Authorization as health insurance benefits.

**Section 6.12 INABILITY TO CONTACT:**

If after reasonable efforts, the employee cannot be contacted as to his return to work after six (6) months leave, twelve (12) weeks, twenty-four (24) weeks or twelve (12) months with approval as mentioned, the employee shall be deemed to have resigned their position with the County.

**Section 6.13 PAID AND UNPAID LEAVE**

**VICTIMS' ECONOMIC SECURITY AND SAFETY ACT POLICY**

**The Leave Policy.** Illinois employees may take unpaid leave under the Victims; Economic Security and Safety Act ("VESSA") to seek assistance in response to an act or threat of domestic violence, sexual assault, or stalking. You may take this leave to seek services for a victim of domestic or sexual violence if the victim is: 1) yourself, 2) a covered family member (spouse, child or parent) or 3) a household member (who is currently residing with you). VESSA leave is not allowed, however, if the employee's interests regarding the violent act are adverse to the victim's interests. The employee may take leave for a child who is a victim if that child is under age 18 or, if 18 years or older, the child is mentally or physically disabled and incapable of self-care. You are eligible to take up to 12 weeks of unpaid VESSA leave within any 12-month period and be restored to the same or an equivalent position upon your return from leave.

**Reasons for Leave.** You may take VESSA leave to obtain assistance or services for a victim for the following purposes: (1) to seek medical attention for, or recover from, physical or psychological injuries caused by the domestic or sexual violence, (2) to obtain services from a victim services organization, (3) to obtain psychological or other counseling, (4) to participate in safety planning, seek temporary or permanent relocation, or take other actions to increase the safety of the victim from future domestic or sexual violence or ensure economic, security, or (5) to seek legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any legal proceeding related to or resulting from domestic or sexual violence. If you misrepresent facts in order to be granted a VESSA leave, you will be subject to immediate termination.

**Notice of Leave.** You must give the County at least 48 hours prior notice, unless providing advance notice is not practicable under the particular circumstances. If you are unable to provide advance notice, you must provide notice when you are able to do so, within a reasonable period of time after the absence. Failure to provide the required notice may result in treatment of the absences as unexcused.

**Certification.** Employees requesting VESSA leave must provide proper certification for all absences. The certification must show that: (1) the victim for whom the leave is requested is the employee, a covered family member, or a covered household member, (2) the victim was subjected to an act or threat of domestic or sexual violence, and (3) the leave is to seek assistance for a purpose covered by the Act. The employee must provide two types of written documentation as certification: (1) a sworn statement by the employee showing that the leave qualifies for a purpose covered by VESSA and (2) written documentation from the source from whom assistance was sought or who could otherwise verify the nature of the leave, such as documentation from: (a) a representative of a victim services organization, an attorney, member of the clergy, or a medical or other professional, from whom the employee has sought services on behalf of a covered victim to address domestic or sexual violence or the effects of the violence, (b) a police or court record, or (c) other corroborating evidence.

It is the employee's responsibility to ensure that the County receives the proper certification. If the County does not receive adequate certification within a reasonable time period after it is requested, or if the certification does not confirm a VESSA-qualifying purpose, the employee's absences will be treated according to the County's attendance standards.

**Reporting While On Leave.** You may be required to contact your supervisor on a regular basis regarding the status of your leave and your intention to return to work.

**Leave Is Unpaid.** VESSA leave is unpaid leave. You may choose, however, to use any accrued paid time off which would otherwise apply to the circumstances of the leave. For instance, if the leave was for you, because you are temporarily disabled due to domestic or sexual violence, you may use any accrued sick time for the portion of the leave. You may use accrued vacation or other personal time for any of the purposes allowed under the Act. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period.

**Medical and Other Benefits.** During an approved VESSA leave, the County will maintain your health benefits, as if you continued to be actively employed. If paid leave is substituted for unpaid leave, the County will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium during the leave. Your group health care coverage may cease if you fail to make timely payments of your share of the premiums. If you do not return to work at the end of the leave period, you may be required to reimburse the County for the cost of the premiums paid by the County for maintaining coverage during your unpaid leave, unless you cannot return to work because of the continuance, onset or recurrence of domestic or sexual violence, or other circumstances beyond your control. If that is the case, you will be required to produce written certification to confirm the circumstances beyond your control.

Vacation, sick time, or other benefits will not accrue while on unpaid VESSA leave. You will remain entitled to all of your benefits which accrued prior to your leave, however.

**Intermittent and Reduced Schedule Leave.** VESSA leave may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or



weekday). If leave is unpaid, the County will reduce your salary based on the amount of time actually worked.

**Other Applicable Leaves.** VESSA leave will run concurrently with any other applicable leave. For instance, leave taken under VESSA which also qualifies under the Family and Medical Leave Act ("FMLA") will be simultaneously designated as both VESSA and FMLA leave. Likewise, absences for which an employee receives sick time or short-term disability benefits for a purpose covered under VESSA will be designated as VESSA leave.

**Returning from Leave.** If you wish to return to work at the expiration of your leave, you are entitled to return to your same position or to an equivalent position with equal pay, benefits and other terms and conditions of employment, subject to any applicable exceptions. However, you have no greater right to reinstatement or other benefits and conditions of employment than if you had not taken leave. You must return to work immediately after the expiration of your approved VESSA leave in order to be reinstated to your position or an equivalent position.

If you take leave because of your own medical or psychological condition, you are required to provide medical certification that you are fit to resume work, according to the County's usual policies.

**Reasonable Accommodation in the Workplace.** The County will consider making reasonable accommodations to an employee or job applicant for a known limitation resulting from domestic or sexual violence, unless the accommodation would cause the County an undue hardship. If you are an otherwise qualified individual who can perform the essential functions of your job, but need such an accommodation, the County may provide an adjustment to the job structure, workplace facility, work requirements, or your telephone number, seating assignment, or physical security of your work area in response to a need covered by VESSA. The County will also consider a request for transfer, reassignment, or modified schedule if needed due to a known limitation caused by an act or threat of domestic or sexual violence. Other safety measures may also be appropriate. Any employee covered by VESSA may make a request for leave or for a reasonable accommodation to the appropriate department head or Office of Administrative Services.

**Confidentiality.** The County will maintain your written certifications and other documentation regarding any requests for VESSA leave in a confidential file. The County will not disclose the nature of your leave other than to those specific persons who need to know in order to ensure you receive your VESSA rights.

**No Retaliation.** The County strictly forbids any of its employees, managers or other representatives from discriminating, retaliating, or otherwise treating an employee unfavorably for requesting or taking VESSA leave or exercising any other rights under VESSA. If you feel you have been denied your VESSA rights or if you feel you have been treated unfavorably for having exercised any VESSA rights, you should immediately report such action to the Office of Administrative Services. The County will investigate your concerns and take corrective action if it determines that someone has violated the County's VESSA policy.

## **CHAPTER VII DISCIPLINARY AND SEPARATION ACTION**

**Section 7.1**     **STANDARD OF CONDUCT:** Whenever people gather together to achieve goals, some rules of conduct are needed to help everyone work together efficiently, effectively and harmoniously. By accepting employment with the County, the employee has a responsibility to the County and to his fellow employees to adhere to certain rules of behavior and conduct. When each person is aware that he or she can fully depend upon fellow workers to follow the rules of conduct, then the organization will be a better place to work for everyone.

**Section 7.2**     **DISCIPLINE POLICY:** While on County premises or engaged in County business, every employee is expected to observe all County rules and to conduct themselves in a professional and respectful manner. Failure to do so shall subject the employee to discipline appropriate under the circumstances, inclusive of discharge.

It shall be the duty of the immediate supervisor to initiate disciplinary action on his own or to recommend to the department head such disciplinary action as the circumstances may warrant maintaining the efficiency of the department. Disciplinary action may be imposed upon an employee for any cause deemed appropriate under the circumstances.

An employee may be reprimanded, suspended or discharged whenever it is determined to be in the best interest of the County. Such determination may be made for any such lawful reason, including, without limitation, any one or more of the following:

- A. Possessing firearms or other weapons on County property;
- B. Fighting or assaulting another individual
- C. Threatening or intimidating others;
- D. Engaging in any form of sexual or other harassment;
- E. Reporting to work under the influence of alcohol or illegal drugs or narcotics or using, selling, dispensing, or possessing alcohol or illegal drugs or narcotics on County premises;
- F. Disclosing confidential County information;
- G. Falsifying or altering any County record or report;
- H. Stealing, destroying, defacing, or misusing County property or another employee's or customer's property;
- I. Refusing to follow management's instructions concerning a job-related matter or insubordination;
- J. Failing to wear assigned safety equipment or failing to abide by safety rules and policies;
- K. Smoking where prohibited by local ordinance or County rules;
- L. Using profanity or abusive language;
- M. Sleeping on the job without authorization;
- N. Gambling on County property;
- O. Playing pranks, practical jokes, or engaging in horseplay;
- P. Wearing improper attire or having an inappropriate personal appearance;
- Q. Incompetence, negligence, inefficiency, or failure or inability to perform your assigned duties;
- R. Abusiveness in employee's attitude or language, or in his conduct resulting in physical harm, injury, or harassment to County employees or the public;
- S. Conviction of a felony or any criminal misdemeanor set forth in Section 10-1-7 of the Illinois Compiled Statutes;
- T. Causing damage to public property or waste of County supplies through negligence or willful misconduct, or failure to take reasonable care of County property;
- U. Absence from scheduled work without prior authorization;
- V. Claiming sick leave under false pretenses;

- W. Absence without leave for a period of three (3) days (an involuntary resignation), or a failure to report after leave of absence has expired or has been disapproved, revoked, or canceled by the employee's superior;
- X. Work history shows excessive or chronic absenteeism. Excessive or chronic absenteeism shall be defined as any absence from work that is not otherwise accounted for with the use of approved vacation, sick/person leave, bereavement leave, jury duty, Family Medical Leave, IMRF Disability Leave, military leave or a general leave of absence;
- Y. Any other reason as determined by the employee's supervisor or department head, or County Board member.

These grounds for discipline DO NOT constitute an exhaustive list of all the acts which will subject an employee to disciplinary action. No set of rules can cover all situations. The County reserves the right to discipline and discharge employees for unacceptable conduct other than those prescribed herein.

With respect to all employees, it is the policy of the County to apply progressive discipline in the forms prescribed below where appropriate. The County may forego lesser forms of discipline and proceed immediately to dismissal depending upon the nature of the employee's conduct.

In general, any action or attitude which adversely affects job performance or the reputation of Kendall County government may be cause of disciplinary action.

The following is a recommended procedure for employee discipline consistent with legal guidelines and good personnel management, and which may be utilized unless otherwise provided by Statute. While a system of progressive discipline may be followed, it is not always appropriate that each step be completed before moving to the next level or that any step be taken prior to discharge.

1. Documented Verbal Reprimand: The immediate supervisor may give a verbal reprimand and explanation to the employee of which he did wrong and why it is important that the episode not be repeated. The immediate supervisor will then make a short written record of their conversation. The supervisor and employee will both initial the written record, and both will retain a copy of it. This record will become part of the employee's departmental and County personnel file only if the conduct or performance did not become satisfactory after 90 days have elapsed.

2. Written Reprimand: If the employee continues to have difficulties in the same areas, or if the violation or infraction warrants, the immediate supervisor may prepare a written warning which contains a statement as to the date and nature of the infraction, and any other pertinent data including corrective measures to be taken. This record will be retained in the employee's personnel file.

3. Disciplinary Probations: Repetition of conduct otherwise meriting a lesser form of discipline, or commission of more serious misconduct, may result in an employee being placed on probation for a period of from one to three months. This may be done simultaneously with or following a written reprimand.

4. Suspension: The department head may use suspension as a disciplinary action. The department head may order an employee absent from duties with or without pay for a period not to exceed 30 calendar days, only if there is evidence or reasonable suspicion that serious offense has been committed against the County or another employee. Prior to suspension, the department head must inform the employee in writing of the charges against him and the basis thereof allowing the employee to give his side of the story. However, if the presence of the employee poses a continuing threat or disruption to the department, the department head may order the suspension without notice. The department head shall, within 24 hours of such action, prepare a memorandum stating the grounds for such action, and submit it to the suspended employee, and the County Administrator departmental committee chairperson. Such memorandum shall be held confidential.

Dismissal: Since all employees are at-will, the County retains the right to dismissal and that remains the right of the department head or elected official.

5. Discipline and Removal of Department Heads: The County Administrator shall keep respective liaison committees and County Board informed of serious personnel problems and necessary disciplinary action of Department Heads. The County Administrator is provided the authority to discipline Department Heads with verbal reprimands, written reprimands and probation. The County Administrator is provided the authority to recommend suspension or dismissal of Department Heads to the County Board prior to the County Board's approval by simple majority of the suspension or dismissal of the Department Head. In urgent situations where the County Administrator deems it necessary to immediately suspend a Department Head, the County Board Chairman's consent shall be provided prior to suspension of the Department Head with pay until acted upon by the Board. The Board shall act on the suspension within ten days voting either to remove permanently or reinstate the Department Head. Department Heads serve at the pleasure of the County Board. A department head may be removed by a majority vote of the members present at any regular or special meeting of the County Board. In situations where the County Board Chairman deems it necessary, the County Board Chairman shall have the power to order the immediate suspension of the department head with pay until acted upon by the Board. In such cases, the Board shall act on the suspension within ten days voting either to remove permanently or reinstate the department head. In cases of urgency, the County Board Chairman or in his/her absence, the County Board Vice Chairman and the State's Attorney will have the authority to terminate a department head.

### Section 7.3 GRIEVANCE PROCEDURE

#### A. General

A grievance is a non-probationary employee complaint arising from a situation that is contrary to regular and ordinary employment practices and falls in the following categories:

1. Safety
2. Working Conditions
3. Wages and Hours
4. Involuntary Termination

Employees have the right to a fair hearing on any request or complaint arising in the course of employment. Each supervisor/department head has an obligation to make every effort to resolve employee relation problems informally as they arise.

#### B. Definitions and Rules for Grievance Procedure

Work days are considered to be Monday through Friday, exclusive of County observed holidays.

A grievance filed by an employee of the County, except those subject to collective bargaining agreements which contain grievance procedure language, or employees of elected officials, shall be filed in accordance with provisions of this policy. An employee representative may be involved with and/or represent the employee at any step in the procedure.

If at any step in the grievance procedure the representative of the employer fails to respond within the time limits set forth, the employee may appeal the grievance to the next step within the time limits set forth. Time limits may be extended by mutual consent of both parties involved provided their decision has been communicated to the County Administrator.

The Grievance Committee shall consist of the County Board Chairman, the chairman of the respective liaison committee to which the employee reports and the County Administrator. If there is a conflict of interest or a member of the committee declines to sit on the committee, the County Board Chairman shall appoint a County board member replacement.

#### C. Grievance Filing Procedure

These procedures are intended to encourage open communications between employees and their supervisors, and swift resolution.

### Step 1

The goal of swift resolution can best be achieved if employees will present their grievance verbally to their immediate supervisor. This should be done as soon as the cause for the grievance is known, but not later than five (5) workdays from the occurrence or circumstance. The immediate supervisor should respond verbally as soon as possible, but again no longer than five (5) workdays from receipt of the grievance. Many, if not most grievances, can be resolved swiftly in this informal manner.

### Step 2

If the grievance is not settled at Step 1, the employee may file a written grievance with the department head, within five (5) workdays after the immediate supervisor's response in Step 1. The department head and the supervisor shall discuss the grievance with the employee at a time mutually agreeable to the parties (within five (5) workdays). The department head shall provide a written answer to the grievance with five (5) workdays following the meeting with the employee. ~~If the department head is the immediate supervisor referred to in Step 1, then the employee will proceed to Step 3 immediately.~~

### Step 3

~~If the grievance is not settled in Step 2 and the employee wishes to appeal the grievance further, the employee shall assume the responsibility of referring the written grievance with five (5) workdays to the County Administrator. A meeting will be held between the County Administrator, Department Head, immediate supervisor, employee, and employee's representative (if applicable) on a date agreeable to the parties within twenty-one (21) workdays after the grievance is presented to the County Administrator. The County Administrator shall provide a written answer to the grievance with five (5) workdays following the meeting with the employee.~~

### Step 3

~~If the grievance is not settled in Step 2 and the employee wishes to appeal the grievance further, the employee shall assume the responsibility of referring the written grievance within five (5) workdays to the committee chairman of the County Board to which the employee's department reports. The committee chairman shall notify the County Board Chairman to call a Grievance Committee meeting. A meeting will be held between the Grievance Committee and the employee, the employee's representative (if applicable) and the immediate supervisor agreeable to the parties not to exceed twenty-one (21) workdays after the grievance is presented to the committee. The Grievance Committee shall provide the employee with a written answer to the grievance within five (5) workdays following the meeting.~~

### Step 4

~~If the grievance is not settled in Step 3 and the employee wishes to appeal the grievance further, the employee shall assume the responsibility of referring the written grievance within five (5) workdays to the County Administrator. The County Administrator shall notify the County Board Chairman and chairman of the respective liaison committee to schedule a Grievance Committee meeting. A meeting will be held between the Grievance Committee and the Department Head, immediate supervisor, employee, and employee's representative (if applicable) on a date agreeable to the parties within twenty-one (21) workdays after the second presentation of the grievance to the County Administrator. The Grievance Committee shall provide the employee with a written answer to the grievance within five (5) workdays following the meeting.~~

#### D. Decision

The decision of the Grievance Committee of the County Board shall be final.

#### E. Accelerated Grievance Procedure of Suspension without Pay

In grievance cases involving suspension without pay, the employee may elect to follow the following "fast track" grievance procedure: Omit Step 1 and go immediately to Step 2 unless this department head was the one who took the action to suspend the employee without pay or terminate the employee involuntarily then the employee shall proceed immediately to Step 3 and file the written grievance with the County Administrator ~~appropriate committee chairman~~.



**Section 7.4**

**ILLINOIS CLEAN INDOOR AIR/SMOKE FREE WORKPLACE:**

The Illinois Clean Indoor Air Law (Public Act 86-1018), July 1, 1990 established that non-smoking is the policy for the State of Illinois and prohibits smoking in all public places and places of work, regardless of size, except where specifically excluded from coverage. Kendall County considers vehicles owned or leased by the County to be places of work and thus, smoking in County vehicles is prohibited.

**Section 7.5**

**HARASSMENT POLICY:**

It is the policy of the County to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment. Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status or sex. Special attention should be paid to the prohibition of sexual harassment. Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment and, in particular, sexual harassment. No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, non-supervisory employees, or non-employees, is also prohibited. This conduct includes: unwanted physical contact or conduct of any kind, including sexual flirtations, touching advances, or propositions, verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references, demeaning, insulting, intimidating, or sexually suggestive comments about an individual's personal appearance, the display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs, demeaning, insulting, intimidating or sexually suggestive written, recorded, or electronically transmitted messages. Any of the above conduct, or other offensive conduct, directed at individuals because of their race, national origin, religion, disability, pregnancy, age or military status is also prohibited.

Any employee who believes that a supervisor's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaints should be made to the employee's supervisor; or to the department head if the complaint involves the supervisor. Complaints of harassment will be handled and investigated under the County's grievance policy; unless special procedures are considered appropriate. All complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

Any employee or supervisor who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The County prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment. However, if any investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

An employee who believes that he or she has been the subject of harassment or retaliation for complaining about harassment also has a right to file a charge of civil rights violations with the Illinois Department of Human Rights within 180 days of the harassment, to have that charge investigated by the Department and, if substantial evidence to support the charge is found to exist, to have such an opportunity as is provided by law and applicable regulations to engage in conciliation with the employer and/or to have the charge heard in a public hearing before an Administrative Law Judge of the Illinois Human Rights Commission.

For further information, any such employee may call or write to

Illinois Department of Human Rights  
100 West Randolph Street, Room 10-100m  
Chicago, Illinois 60601

Telephone 312.814.6200

or Illinois Human Rights Commission  
100 West Randolph Street, Room 5-100  
Chicago, Illinois 60601  
Telephone 312.814.6269

## Section 7.6 DRUGS AND ALCOHOL POLICY

The County desires to implement certain procedures to improve the quality of life for employees and provide a safe and productive work environment. Kendall County recognizes the problems of alcohol and other substance abuse in our society. Furthermore, the County considers substance abuse as a serious threat to the quality of life in our community. This policy addresses this problem by requiring that Kendall County Government remain a drug free workplace in compliance with the Drug-Free Workplace Act (30 ILCS 580/1 et seq.). This Drug and Alcohol Policy is Incorporated into the Kendall County Employee Handbook, as amended, as Section 7.6 and replaces the previous drug and alcohol policy entirely.

### Definitions

"Legal Drug" – includes prescribed drugs and over-the counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

"Controlled Substance" – a controlled substance as defined in the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.) or cannabis as defined in the Cannabis Control Act (720 ILCS 550/1 et seq.).

"County property" – All land, buildings, structures, parking lots and means of transportation owned by or leased to Kendall County, Illinois.

"Under the Influence" – an employee shall be determined to be under the influence of alcohol or other drug, if, in the course of employment for the County:

- the employee's normal faculties are impaired due to consumption of alcohol or other drugs, and /or
- the employee has a blood alcohol concentration of .08 or higher, and/or
- the employee consumes alcohol four (4) or fewer hours before performing job functions that may involve safety-sensitive duties; and/or
- the employee uses alcohol during eight (8) hours following an accident, or until undergoing a post-accident test, whichever occurs first; and/or
- the employee is affected by an illegal drug, alcohol or both in any detectable manner..

### Policy and Work Rule

The County's desire is to employ a work force free from the effects of drug and alcohol abuse. An employee determined to be in violation of any provision of the drug and alcohol policy may be subject to disciplinary action, which may include termination even for the first offense. Any other discipline previously used by the County shall not apply to violations of this drug and alcohol policy.

The manufacture, distribution, dispensation, possession, or use of alcohol and controlled substances, including cannabis by an employee while on County property or while performing County business is strictly prohibited. Furthermore, employees are prohibited from bringing drug paraphernalia onto County property at any time.

If an employee is found in possession of a controlled substance while on County property or while performing County business, the appropriate law enforcement agencies will be notified and the controlled substance may be taken into custody.

The purchase of alcohol or controlled substances, including cannabis, with county funds by a county employee or official is not considered a legal use of public funds. County employees and officials shall

not purchase alcohol or controlled substances, including cannabis, using public funds or county credit cards, nor shall public dollars be used to reimburse employees and officials making such purchases with private credit cards or private funds.

The County shall conduct a reasonable investigation if there is reasonable cause to believe that there has been a violation of this policy.

Employees who take over-the-counter or prescribed medication are responsible for being aware of any effect the medication may have on the performance of their duties and must promptly report to their supervisors the use of medication likely to impair the employee's ability to do his or her job. An employee who fails to do so shall be subject to disciplinary action, up to and including termination of employment. Moreover, employees who take over-the-counter or prescribed medication contrary to doctor's instructions may be subject to disciplinary action, up to and including termination of employment.

Any employee convicted of a criminal drug statute violation occurring in the workplace shall notify the employee's supervisor no later than five (5) days after such conviction, unless the conviction has been sealed, expunged or impounded under Section 5.2 of the Criminal Identification Act.

### Procedures

To provide a safe drug and alcohol free working environment, the County will:

1. Provide increased awareness through training, education and communication of the subject of drug and alcohol abuse.
2. Recognize that there may be employees who have an alcohol and/or drug problem and stand willing to assist in the resolution of that problem by encouraging employees to seek help through the Employee Assistance Program.
3. Cooperate with law enforcement agencies.
4. Conduct alcohol and drug testing in accordance with the County's Testing Policy as set forth below.
5. Take any other actions deemed necessary and appropriate including, but not limited to disciplinary action up to and including termination of employment.

The County maintains a drug and alcohol free workplace. Because the public has the absolute right to expect the County to work toward reducing the probability of accidents or incidents related to the misuse of alcohol or controlled substances and because County employees are involved in the investigation and prosecution of drug and alcohol-related offenses in the course of their employment, the County requires the testing of covered employees and mandates an anti-drug and alcohol misuse prevention program.

1. When Testing May Occur: County employees may be required to submit to drug and alcohol testing, by breathalyzer test, urinalysis test and/or other appropriate drug and/or alcohol testing, in any one or more of the following situations:

- Pre-employment;
- Post accident;
- Reasonable suspicion; and
- Return to duty, when an employee has violated the prohibited drug and alcohol standards.

### 2. What Will Be Tested:

a. Controlled Substances: Controlled substances testing shall include, but is not limited to, testing of the following panel of drugs:

- Marijuana THC (metabolite)
- Cocaine, any form or derivative thereof
- Amphetamines (including methamphetamines)



- Opiates (including heroin, opium, etc.)
- Phencyclidine (PCP)

b. **Alcohol:** For purposes of this Policy, "under the influence of alcohol" shall be defined as breath alcohol test results with an alcohol concentration of 0.08% or above and shall be considered to be a positive test result. Also, an employee found to have an alcohol concentration of greater than 0.04% and less than 0.08% shall not perform, nor be permitted to perform any job functions for at least 24 hours following the test result and may be subject to the same procedures as a positive test result which may include disciplinary action, not to exclude termination of employment.

**3. Refusal To Test:** Refusal to submit to a required alcohol or drug test is prohibited. Refusal to submit to a test may result in the same procedures as a positive test result which may include disciplinary action, up to and including termination of employment. Refusal to submit to a test shall be defined as:

- Failing to provide adequate samples for testing without medical reason;
- Failing to show up at the testing site when instructed;
- Engaging in conduct that obstructs the testing process; and/or
- Failing to comply with any of the procedures set forth in this policy.

**4. Confidentiality:** Alcohol and drug testing records will remain confidential to the extent permitted by applicable state and federal laws.

**5. Procedures for Testing:**

a. An applicant shall not be required to submit to alcohol and/or drug testing until after an offer of employment has been made to the applicant. The applicant's offer of employment shall be contingent upon the applicant testing negative for drugs and/or alcohol.

b. An applicant or employee shall be required to submit to alcohol and/or drug testing at a time and place designated by the individual's supervisor whenever in the sole opinion of the supervisor or the supervisor's designee, there is reasonable suspicion for such testing.

c. In the event of testing for reasonable suspicion, the employee's supervisor shall provide the employee with notice of the basis for sufficient cause. In addition, the employee's supervisor may require an employee to submit to alcohol or drug testing when an employee is involved in an on duty incident involving significant damage to property or personal injury to anyone. In the event of testing for reasonable suspicion, the employee may be placed on administrative leave pending the results of the alcohol and drug testing. The County shall use only licensed clinical laboratories for such testing.

d. All drug and alcohol tests will be conducted, reviewed and interpreted by professionally trained and certified technicians and/or medical review officers who will follow a chain of custody, and other procedures prescribed by applicable state and federal laws, in order to ensure and confirm the accuracy of the test results.

e. In cases where an applicant or employee receives a negative-dilute test result, the applicant or employee may be required to re-take the test. If there is a second negative-dilute test result, it will be accepted as a negative test result.

f. At the time of any urinalysis test, the employee may request that a blood sample be taken at the same time so that a blood test can be performed if the employee tests positive in the urinalysis test. If an employee tests positive in any such test, the test results shall be submitted to the County for appropriate action. A portion of the tested sample shall be retained by the laboratory so that the employee may arrange for a confirmatory test to be conducted by a licensed clinical laboratory of the employee's choosing and at the employee's expense.

g. In cases where an employee is notified of a positive drug or alcohol test, the employee shall be removed from duty for up to 72 hours. The employee may request that the second sample of the split sample be tested, at their own expense. If the results of the second sample come back as negative, the County will reimburse the employee for the cost of the negative test.

h. The employee shall have the right to dispute the administration of the test and/or the significance and accuracy of the test. Any such dispute shall be submitted in writing to the elected official and/or County Administrator.

6. Positive Test Results:

a. If an applicant tests positive for drugs or alcohol in a test administered under this Policy, the department head or elected official, in his or her sole discretion, may rescind any offer of employment made to the applicant.

b. If an employee tests positive for drugs or alcohol in a test administered under this Policy, the employee's supervisor, in his or her sole discretion, shall have the right to discipline the employee, up to and including termination.

c. If an employee who has tested positive is not terminated, the employee's supervisor, in his or her sole discretion, reserves the right to offer the employee participation in approved alcohol rehabilitation or drug abuse assistance programs, at the employee's cost, as an alternative to, or in conjunction with disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily complete the program as a condition of continued employment. Upon the employee's return to work, the employee's supervisor, in his or her sole discretion, may require such employee to submit to a random urinalysis or other appropriate alcohol and/or drug tests during the twelve (12) month period following the date any employee tests positive in any test and returns to work. Any such random tests shall occur at times and places designated by the employee's supervisor or the supervisor's designee. In the event such an employee tests positive again, the employee may be immediately terminated.

Employee Assistance Program

The County maintains an Employee Assistance Program (EAP) which provides help to employees and their families who suffer from personal problems, including but not limited to alcohol or drug abuse. However, it is the responsibility of each employee to seek assistance from the County's employee assistance program or some other source before alcohol and drug problems lead to disciplinary actions. Once a violation of his policy occurs, subsequent use of the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

The employee's decision to seek prior assistance from the EAP will not be used as the basis for disciplinary action and will not be used against the employee in any disciplinary proceeding. However, using the EAP will not be a defense to imposition of disciplinary action where facts providing a violation of this policy are obtained outside of the EAP. Accordingly, the purposes and practices of this policy and the EAP are not in conflict but are distinctly separate in their applications.

Through the EAP, the County will provide appropriate assessment, referral to treatment, and treatment of drug and alcohol abuse (subject to the provision of the County's health insurance plan). Such employees may be granted leave with a conditional return to work depending on successful completion of the agreed upon appropriate treatment regimen which may include random testing.

The County will provide for an EAP as long as a majority of the Board determines that it is financially prudent and in the interest of good government to do so. This Statement and Policy do not create a legal obligation for the County to provide an employee assistance program (EAP).

## CHAPTER VIII TECHNOLOGY POLICY

This policy applies to Kendall County employees, Kendall County Board Members, Elected Officials and their employees. Logging onto the County Network or using any other Technology device constitutes agreement with this policy.

**Section 8.1**      **ORDER:** Information technology (IT) resources are assets of Kendall County and must be used for authorized business. IT resources include, but are not limited to, electronic computer equipment, software, internet access, email accounts, and the information which is stored, processed, or transmitted from, to or through that equipment. County (IT) resources must be protected from accidental or unauthorized access, use, disclosure, modification, or destruction by employees, contractors, or any individual whether on County or non-County provided equipment.

**Section 8.2**      **OVERVIEW:** The County reserves the right to, among other actions, access, audit, block, delete, disclose, intercept, monitor, publish, recover, restrict, restore, review, screen, or trace any information at any time without notice.

**Section 8.3**      **SECURITY:** Each user is authorized to access only information which is required to do his/her job. Unauthorized access to information is strictly prohibited. All users must safeguard County information and treat electronic documents/communications with the same level of care, both in production and storage, as is accorded documents and communications that are in print form. Access to (IT) resources will be immediately deactivated when a County employee terminates employment or rights are withdrawn for any other reason.

**Section 8.4**      **ENFORCEMENT:** Use of any County (IT) resource will be audited and monitored. It is each user's responsibility to understand and comply with the set forth Policy. Noncompliance with this Policy may be cause for disciplinary action as well as monetary charges being assessed where appropriate. If it is determined that an employee has misused (IT) resources, the employee will be subject to appropriate disciplinary action for misuse of County property, up to and including discharge.

**Section 8.5**      **DEFINITIONS**

**Users** – The term *users* refers to all employees, independent contractors, consultants, temporary workers and other persons or entities who use County Information Technology resources.

**Information Technology Resources** – The term *information technology resources* refers to the County's entire computer network. Specifically, *information technology resources* includes, but is not limited to: individual workstations, file servers, communication servers, application servers, mail servers, fax servers, Web servers, laptops, software, data files and network cables, whether connected to the network or not.

**Section 8.6**      **GUIDELINES**

**A.      No Expectation of Privacy**

1.      ***No expectation of privacy.*** The computers and computer accounts are given to users to assist them in performance of their jobs. Users do not have an expectation of privacy in anything they create, store, send, or receive on any technology resource. The computer system belongs to the County and may be used only for job-related purposes.
2.      ***Waiver of privacy rights.*** Users expressly waive any right of privacy or expectation of privacy in anything they create, store, send, or receive on the computer or through the Internet or any other computer network. Users consent to allowing personnel selected at the sole discretion of the County to access and review materials users create, store, send, or receive on the computer or through the Internet or any other computer network.

Users understand that the County may use human or automated means to monitor use of its computer resource.

**B. Prohibited Activities**

1. ***Inappropriate or unlawful material.*** Material that is fraudulent, sexually explicit, profane, obscene, defamatory; that is intended to harass, embarrass or intimidate; or that is unlawful or otherwise determined by the County to be inappropriate shall not be sent by e-mail or other form of electronic communication (such as bulletin board systems, news groups, chat groups) or displayed on or stored in County computers. Users encountering or receiving this kind of material should immediately report the incident to their department head/elected official.
2. ***Misuse of software.*** All software must be approved by the Technology Director prior to installation on any County workstations or servers. Users may not do any of the following: (A) Copy software for use on their home computers; (B) provide copies of software to any independent contractors of the County or to any firm or individual, unless specifically authorized through an official County contract or agreement; (c) install software on any of the County workstations or servers; (d) download any software from the Internet or other online service to any of the County workstations or servers; (e) modify, revise, transform, recast, or adapt any software; or (f) reverse-engineer, disassemble, or decompile any software. Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their Department Head/Elected Official.
3. ***Prohibited uses.*** Without prior written permission from the Technology Director, County computer resources may not be used for dissemination or storage of personal advertisements, solicitations, promotions, destructive programs (i.e., viruses or self-replicating code), or any other unauthorized use.
4. ***Communication of confidential information.*** Sending, transmitting or otherwise disseminating without authorization proprietary County data or other information identified as confidential is strictly prohibited.

**C. Passwords**

1. ***Responsibility for passwords.*** Users are responsible for safeguarding their passwords for access to the computer system. Individual passwords should not be printed, stored online, or given to others. Users are responsible for all transactions made using their passwords.
2. ***Passwords do not imply privacy.*** Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that users have an expectation of privacy in the material they create or receive on the computer system.
3. ***Password management.*** Passwords should have a minimum length of six (6) characters. These measures will require that all system users use unique and confidential passwords before using workstations on the network. Passwords shall be changed on a regularly scheduled basis, changes scheduled for every 90 days.

**D. Security**

1. ***Accessing other computers and networks.*** A user's ability to connect to other computer systems through the network does not imply a right to connect to those systems or to make use of those systems unless specifically authorized by the operators of those systems.
2. ***Computer Security.*** Each user is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of County computer resources. This duty includes taking reasonable precautions to prevent

intruders from accessing the County's network without authorization and preventing introduction and spread of viruses.

3. **Exception process.** The County has a set standard, for network security, that disallows individual connections to the County network. It is understood that individual departments and agencies use proprietary software that require access to the County network. In those instances, the department/agency will be required to obtain authorization from the Director of Technology and appropriate network security permissions to allow access will be approved. The same process will apply for any department/agency requesting a waiver from any part of the Kendall County network security policy.

**E. Viruses**

1. **Virus detection.** Viruses can cause substantial damage to computer systems. Each user is responsible for taking reasonable precautions to ensure he/she does not introduce viruses into the County's network. To that end, all material received magnetic or optical medium and all material downloaded from the Internet or from computers or networks that do not belong to the County must be scanned for viruses and other destructive programs before being placed onto the computer system. Users should understand that home computers and laptops might contain viruses. All data transferred from these computers to the County's network must be scanned for viruses.
2. **Accessing the Internet.** To ensure security and avoid the spread of viruses, users accessing the Internet through a computer attached to the County's network must do so through an approved firewall.

**F. Miscellaneous**

1. **Confidential Information.** When sending confidential information to shared devices (e.g., printers, facsimile machines, etc.) users must exercise reasonable judgment to maintain confidentiality at the destination.
2. **Compliance with Applicable Laws and Licenses.** In their use of computer resources, users must comply with all software licenses; copyrights; and all other state, federal and international laws governing intellectual property and online activities.
3. **Other Policies Applicable.** In their use of computer resources, users must observe and comply with all other county policies and guidelines.

**Section 8.7 RESPONSIBILITIES**

**A. Administrative Responsibilities**

The County Administrator and Technology Director are responsible for the implementation of this policy. Department Heads and Elected Officials are responsible for compliance by their employees.

1. **Department Head/Elected Official Responsibilities.** Department Heads/Elected Officials are responsible for:

Ensuring that all users have access only to data needed to perform their job responsibilities

Ensuring that all users understand their obligation to protect technology resources

Implementing required security practices

Reporting noncompliance; and Initiating corrective action

2. **Technology Services responsibilities.** The Technology Director and support staff must be zealous in their efforts to maintain user confidence in privacy, availability, reliability, and productivity. Computer files may be accessed to verify compliance with County policies.

On suspicion that a security breach has occurred, the findings are to be reported to the Technology Director to determine if the breach is significant enough to warrant further investigation.

Technology Services staff is responsible to the users for the integrity of the information environment they support. Although Technology Services staff must have, at times, access to a users private domain to provide support, they must not use that privilege for any other purpose. Any support person who uses his/her privileges for purposes other than support, divulges confidential information gained from such support, or fails to comply with the principles set forth in this security policy is subject to disciplinary action, up to and including discharge.

Compliance with this policy will be monitored by Technology Services and violations will be reported in a discreet and professional manner when it appears the user has intentionally violated this policy or any other related policy. The incidents will be fully documented and reported to the County Administrator.

A back-up of users and shared directories will be performed on a regular basis with all directories located on shared file servers, not individual drives, backed up on an appropriate schedule.

Controls must be in place to confirm that obligations under software license agreements are being met for all software on workstations and network servers.

**B. User Responsibilities**

All employees are responsible for compliance with this order.

1. **Restricted access to (IT) resources.** Access to (IT) resources must be protected by unique user accounts restricted by password or other controls. Passwords shall be confidential and protected by individual users to prevent unauthorized use and release of information.
2. **Dissemination of Data.** Dissemination of confidential data acquired when performing job responsibilities, in any form (printed, electronically, verbal, etc.) is strictly forbidden unless prior written permission has been granted, and such dissemination is not in conflict with any other County policy.
3. **Computer Software.** All software and data files developed on County Owned or controlled (IT) resources are for official business. Employees must adhere to all terms and conditions for licensing agreements governing distribution and use of software. Violation of software license agreements and copyright laws may subject the offender to criminal prosecution and civil damages.

No software will be run on County computers that has not been reviewed and approved by Technology Services. This review process ensures that the software is compatible (if required) with other existing software and is free from any computer viruses. This includes software available commercially or circulated public domain software.

4. **Backup Responsibilities.** Any user who uses county systems not on the County network or proprietary computer systems is responsible for backing up data and software of those systems. Users who store files on the Local Area Network (LAN) drives are protected due to a nightly LAN backup. If, however, an employee stores user files on the hard drive (C) or on the desktop, the employee is responsible for the file backup.

5. ***Responsible Care.*** All users shall maintain a clean work area and guard against potential damage to hardware or destruction of data through spillage, carelessness, etc. All equipment relocation shall be coordinated in advance through Technology Services and performed by Technology Services. A user must return any County hardware or software which is in his/her possession prior to leaving County employment.
6. ***Use of the Internet.*** The Internet is a tool to be used in helping employees meet the requirements of their job (i.e., those who need information from a reliable Internet source to perform research duties or interface with organizations that use the Internet for conducting business with the County). Users must refrain from requesting information which is inappropriate in the workplace. Examples of inappropriate use of resources include, but are not limited to, any traffic that violates state and/or federal laws, the distribution of non-business related advertising, and propagation of computer worms and/or viruses, distribution of chain letters, attempts to make unauthorized entry into another network. Technology Services provides level of Internet access that is assigned to employees by the responsible authority of the office/department. Internet use is monitored and reported to supervisors if requested.
7. ***Electronic Mail.*** County employees are to use the County's e-mail system primarily for County business communications and are responsible to guard against e-mail abuse. Examples of abuse are chain letters, selling or purchasing of personal items.
8. ***Accountability.*** Anyone observing what appears to be a breach of security where County information could be compromised, modified, stolen, lost or destroyed must report the incident to the Technology Director or County Administrator.
9. ***Computer Hardware:*** No hardware will be added to the County computers or network that has not been reviewed and approved by Technology Services. This review process ensures that the hardware is compatible with existing hardware standards. The purchaser will assume ongoing maintenance and support responsibility for peripheral devices (printers, scanners, phones with email functions, etc.) purchased without Technology Services approval. The purchaser will also be responsible for purchasing any consumables that this equipment requires.

### Approval and Revision Dates of Policies

POLICY	CHAPTER	SECTION	APPROVAL DATE	REVISION DATES
		No.		
Worker's Compensation	V	5.2	6/8/1992	
Credit Union	V	5.4	6/9/1992	
Conferences and Professional Organizations	III	3.5A	7/22/1992	
Performances Appraisal	IV	4.3	9/15/1992	
Retired Employees Insurance	V	5.1	1/14/1992	
Equal Employment	I	1.1	10/19/1999	
Employee References	II	2.3F	6/20/1995	
Gifts and Gratuities	III	3.5E	10/19/1999	
Auto Insurance	III	3.5F	10/19/1999	
Workplace Violence	III	3.6	10/19/1999	
Employee Assistance Program	V	5.5	10/19/1999	
Family Medical Leave (FMLA) Policy	VI	6.6	6/1/1994	1998
Flowers, Donation and Gifts Distribution	III	3.5D	11/27/1998	
Distribution	I	1.8	6/13/1991	9/18/2001
Network Policy	VIII	8	9/18/2001	
Banked Sick Leave	VI	6.2	1991	9/17/2002
Paid and Unpaid Leaves	VI	6.1	1991	2/28/2003
Holidays	VI	6.4	1991	7/15/2003
Compensations and Performance	IV	4.3	1991	7/15/2003
Administrative Policies	III	3.3	8/19/2003	
IMRF Disability Benefit	V	5.8	3/20/2001	12/16/2003
Paid and Unpaid Leaves	VI	6.1	2/28/2003	1/20/2004
VESSA (Victim's Economic Security & Safety Act Policy)	VI	6.12	4/1/2004	
Paid and Unpaid Leaves	VI	6.6	3/20/2001	5/18/2004
Employment Policies	II	2.2	3/20/2001	5/17/2005
Paid and Unpaid Leaves	VI	6.6	5/18/2004	5/17/2005
Military Leave	VI	6.8	8/1/1984	6/21/2005
Educational Reimbursement V 5	V	5.3	8/1/1984	9/19/2006
Illinois Clean Indoor Air/Smoke Free Workplace	VII	7.4	5/1/2007	5/1/2007
IMRF Disability Benefit	V	5.8	8/19/2008	8/19/2008
Technology Policy	VIII	8.1	9/18/2001	6/16/2009
Employment Procedures	II	2.2		7/19/2011
Drug and Alcohol Policy	VII	7.6	Section Replaced	11/1/2011
Identity Protection	III	3.7	6/18/2013	
Educational Reimbursement	V	5.3	11/19/2013	11/19/2013
Insurance - Employee and Dependents	V	5.1	11/19/2013	11/19/2013
Retirement	V	5.7	11/19/2013	11/19/2013
Maternity Accommodations Policy	VI	6.7	11/18/2014	



**ORDINANCE NUMBER \_\_\_\_\_**

**KENDALL COUNTY  
PREVAILING WAGE ORDINANCE**

Whereas, the State of Illinois has enacted “An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works”, approved June 26, 1941, as amended, being Chapter 820 ILCS 130/1-12, Illinois Compiled Statutes; and

Whereas, the aforesaid Act requires that the County of Kendall, Illinois investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality, as defined by the Act, of Kendall County employed in performing construction of public works, for said Kendall County, Illinois; and

**NOW, THEREFORE, BE IT ORDAINED BY THE KENDALL COUNTY BOARD, KENDALL COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1**

To the extent and as required by “An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works” approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in the construction of public works coming under the jurisdiction of the County of Kendall, Illinois is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Kendall County area as determined by the Department of Labor of the State of Illinois as of June 2016, a copy of that determined being attached hereto as Exhibit “A” and incorporated herein by reference. The definition of any terms appearing in this Ordinance which area also used in the aforesaid Act shall be the same as in said Act.

**SECTION 2**

Nothing herein shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works of Kendall County, Illinois to the extent required by the aforesaid Act.

**SECTION 3**

The Kendall County Clerk shall publicly post or keep available for inspection by any interested party in the Office of the Kendall County Clerk this determination of such prevailing rate of wage.

**SECTION 4**

The Kendall County Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed, or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

**SECTION 5**

The Kendall County Clerk shall promptly file a certified copy of this Ordinance with the Department of Labor of the State of Illinois.

**SECTION 6**

The Kendall County Clerk shall cause notice to be published in a newspaper of general circulation within the area that the determination of prevailing wages has been made. Said notice shall conform substantially to the notice attached hereto. Such publication shall constitute notice that this is the determination of the Kendall County Board and is effective.

PASSES this 21st day of June, 2016.

By: \_\_\_\_\_  
John A. Shaw, County Board Chair

Attest: \_\_\_\_\_  
Debbie Gillette, County Clerk and Recorder

**Exhibit A**

**Kendall County Prevailing Wage for July 2016**

# Note: IL DOL has not provided 2016 update

## Kendall County Prevailing Wage for July 2015

(See explanation of column headings at bottom of wages)

Trade Name Trng	RG	TYP	C	Base	FRMAN	M-F>8	OSA	OSH	H/W	Pensn	Vac
=====	==	===	=	=====	=====	=====	===	===	=====	=====	=====
ASBESTOS ABT-GEN 0.500	ALL			39.400	39.950	1.5	1.5	2.0	13.42	11.28	0.000
ASBESTOS ABT-MEC 0.720	BLD			36.340	38.840	1.5	1.5	2.0	11.47	10.96	0.000
BOILERMAKER 0.400	BLD			47.070	51.300	2.0	2.0	2.0	6.970	18.13	0.000
BRICK MASON 1.030	BLD			43.780	48.160	1.5	1.5	2.0	10.05	14.43	0.000
CARPENTER 0.630	ALL			44.350	46.350	1.5	1.5	2.0	11.79	16.40	0.000
CEMENT MASON 0.500	ALL			43.000	45.000	2.0	1.5	2.0	10.00	18.27	0.000
CERAMIC TILE FNSHER 0.770	BLD			36.810	0.000	1.5	1.5	2.0	10.55	9.230	0.000
COMMUNICATION TECH 1.350	BLD			38.620	40.720	1.5	1.5	2.0	10.19	10.81	0.000
ELECTRIC PWR EQMT OP 0.380	ALL			37.890	51.480	1.5	1.5	2.0	5.000	11.75	0.000
ELECTRIC PWR EQMT OP 0.390	HWY			39.220	53.290	1.5	1.5	2.0	5.000	12.17	0.000
ELECTRIC PWR GRNDMAN 0.290	ALL			29.300	51.480	1.5	1.5	2.0	5.000	9.090	0.000
ELECTRIC PWR GRNDMAN 0.300	HWY			30.330	53.290	1.5	1.5	2.0	5.000	9.400	0.000
ELECTRIC PWR LINEMAN 0.450	ALL			45.360	51.480	1.5	1.5	2.0	5.000	14.06	0.000
ELECTRIC PWR LINEMAN 0.470	HWY			46.950	53.290	1.5	1.5	2.0	5.000	14.56	0.000
ELECTRIC PWR TRK DRV 0.300	ALL			30.340	51.480	1.5	1.5	2.0	5.000	9.400	0.000
ELECTRIC PWR TRK DRV 0.310	HWY			31.400	53.290	1.5	1.5	2.0	5.000	9.730	0.000
ELECTRICIAN 1.610	BLD			45.950	50.550	1.5	1.5	2.0	10.57	12.87	0.000
ELEVATOR CONSTRUCTOR 0.600	BLD			50.800	57.150	2.0	2.0	2.0	13.57	14.21	4.060
FENCE ERECTOR 0.700	ALL			45.060	48.660	2.0	2.0	2.0	10.52	20.76	0.000
GLAZIER 0.940	BLD			40.500	42.000	1.5	2.0	2.0	13.14	16.99	0.000
HT/FROST INSULATOR 0.720	BLD			48.450	50.950	1.5	1.5	2.0	11.47	12.16	0.000
IRON WORKER 0.700	ALL			45.060	48.660	2.0	2.0	2.0	10.52	20.76	0.000

LABORER 0.500	ALL	39.200	39.950	1.5	1.5	2.0	13.42	11.28	0.000
LATHER 0.630	ALL	42.520	44.520	1.5	1.5	2.0	13.29	12.76	0.000
MACHINIST 0.000	BLD	45.350	47.850	1.5	1.5	2.0	7.260	8.950	1.850
MARBLE FINISHERS 0.620	ALL	32.400	34.320	1.5	1.5	2.0	10.05	13.75	0.000
MARBLE MASON 0.780	BLD	43.030	47.330	1.5	1.5	2.0	10.05	14.10	0.000
MATERIAL TESTER I 0.500	ALL	29.200	0.000	1.5	1.5	2.0	13.42	11.28	0.000
MATERIALS TESTER II 0.500	ALL	34.200	0.000	1.5	1.5	2.0	13.42	11.28	0.000
MILLWRIGHT 0.630	ALL	44.350	46.350	1.5	1.5	2.0	11.79	16.40	0.000
OPERATING ENGINEER 1.250	BLD 1	48.100	52.100	2.0	2.0	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	BLD 2	46.800	52.100	2.0	2.0	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	BLD 3	44.250	52.100	2.0	2.0	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	BLD 4	42.500	52.100	2.0	2.0	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	BLD 5	51.850	52.100	2.0	2.0	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	BLD 6	49.100	52.100	2.0	2.0	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	BLD 7	51.100	52.100	2.0	2.0	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	FLT	36.000	36.000	1.5	1.5	2.0	17.10	11.80	1.900
OPERATING ENGINEER 1.250	HWY 1	46.300	50.300	1.5	1.5	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	HWY 2	45.750	50.300	1.5	1.5	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	HWY 3	43.700	50.300	1.5	1.5	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	HWY 4	42.300	50.300	1.5	1.5	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	HWY 5	41.100	50.300	1.5	1.5	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	HWY 6	49.300	50.300	1.5	1.5	2.0	17.55	12.65	1.900
OPERATING ENGINEER 1.250	HWY 7	47.300	50.300	1.5	1.5	2.0	17.55	12.65	1.900
ORNAMNTL IRON WORKER 0.700	ALL	45.060	48.660	2.0	2.0	2.0	10.52	20.76	0.000
PAINTER 1.350	ALL	41.730	43.730	1.5	1.5	1.5	10.30	8.200	0.000
PAINTER SIGNS 0.000	BLD	33.920	38.090	1.5	1.5	1.5	2.600	2.710	0.000
PILEDRIIVER 0.630	ALL	44.350	46.350	1.5	1.5	2.0	11.79	16.40	0.000
PIPEFITTER 1.780	BLD	46.000	49.000	1.5	1.5	2.0	9.000	15.85	0.000



# Explanations

## KENDALL COUNTY

The following list is considered as those days for which holiday rates of wages for work performed apply: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day in some classifications/counties. Generally, any of these holidays which fall on a Sunday is celebrated on the following Monday. This then makes work performed on that Monday payable at the appropriate overtime rate for holiday pay. Common practice in a given local may alter certain days of celebration. If in doubt, please check with IDOL.

## EXPLANATION OF CLASSES

ASBESTOS - GENERAL - removal of asbestos material/mold and hazardous materials from any place in a building, including mechanical systems where those mechanical systems are to be removed. This includes the removal of asbestos materials/mold and hazardous materials from ductwork or pipes in a building when the building is to be demolished at the time or at some close future date.

ASBESTOS - MECHANICAL - removal of asbestos material from mechanical systems, such as pipes, ducts, and boilers, where the mechanical systems are to remain.

## CERAMIC TILE FINISHER

The grouting, cleaning, and polishing of all classes of tile, whether for interior or exterior purposes, all burned, glazed or unglazed products; all composition materials, granite tiles, warning detectable tiles, cement tiles, epoxy composite materials, pavers, glass, mosaics, fiberglass, and all substitute materials, for tile made in tile-like units; all mixtures in tile like form of cement, metals, and other materials that are for and intended for use as a finished floor surface, stair treads, promenade roofs, walks, walls, ceilings, swimming pools, and all other places where tile is to form a finished interior or exterior. The mixing of all setting mortars including but not limited to thin-set mortars, epoxies, wall mud, and any other sand and cement mixtures or adhesives when used in the preparation, installation, repair, or maintenance of tile and/or similar materials. The handling and unloading of all sand, cement, lime, tile, fixtures, equipment, adhesives, or any other materials to be used in the preparation, installation, repair, or maintenance of tile and/or similar materials. Ceramic Tile Finishers shall fill all joints and voids regardless of method on all tile work, particularly and especially after installation of said tile work. Application of any and all protective coverings to all types of tile installations including, but not be limited to, all soap compounds, paper products, tapes, and all polyethylene coverings, plywood, masonite, cardboard,

and any new type of products that may be used to protect tile installations, Blastrac equipment, and all floor scarifying equipment used in preparing floors to receive tile. The clean up and removal of all waste and materials. All demolition of existing tile floors and walls to be re-tiled.

#### COMMUNICATIONS TECHNICIAN

Construction, installation, maintenance and removal of telecommunication facilities (voice, sound, data and video), telephone, security, and data inside wire, interconnect, terminal equipment, central offices, PABX and equipment, micro waves, V-SAT, bypass, CATV, WAN (wide area network), LAN (local area networks), and ISDN (integrated system digital network), pulling of wire in raceways, but not the installation of raceways.

#### MARBLE FINISHER

Loading and unloading trucks, distribution of all materials (all stone, sand, etc.), stocking of floors with material, performing all rigging for heavy work, the handling of all material that may be needed for the installation of such materials, building of scaffolding, polishing if needed, patching, waxing of material if damaged, pointing up, caulking, grouting and cleaning of marble, holding water on diamond or Carborundum blade or saw for setters cutting, use of tub saw or any other saw needed for preparation of material, drilling of holes for wires that anchor material set by setters, mixing up of molding plaster for installation of material, mixing up thin set for the installation of material, mixing up of sand to cement for the installation of material and such other work as may be required in helping a Marble Setter in the handling of all material in the erection or installation of interior marble, slate, travertine, art marble, serpentine, alberene stone, blue stone, granite and other stones (meaning as to stone any foreign or domestic materials as are specified and used in building interiors and exteriors and customarily known as stone in the trade), carrara, sanionyx, vitrolite and similar opaque glass and the laying of all marble tile, terrazzo tile, slate tile and precast tile, steps, risers treads, base, or any other materials that may be used as substitutes for any of the aforementioned materials and which are used on interior and exterior which are installed in a similar manner.

**MATERIAL TESTER I:** Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.

**MATERIAL TESTER II:** Field inspection of welds, structural steel, fireproofing, masonry, soil, facade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

#### OPERATING ENGINEER - BUILDING

Class 1. Asphalt Plant; Asphalt Spreader; Autograde; Backhoes with Caisson Attachment; Batch Plant; Benoto (requires Two Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front End-loader Machine; Compressor and Throttle



Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Conveyor (Truck Mounted); Concrete Paver Over 27E cu. ft; Concrete Paver 27E cu. ft. and Under; Concrete Placer; Concrete Placing Boom; Concrete Pump (Truck Mounted); Concrete Tower; Cranes, All; Cranes, Hammerhead; Cranes, (GCI and similar Type); Creter Crane; Spider Crane; Crusher, Stone, etc.; Derricks, All; Derricks, Traveling; Formless Curb and Gutter Machine; Grader, Elevating; Grouting Machines; Heavy Duty Self-Propelled Transporter or Prime Mover; Highlift Shovels or Front Endloader 2-1/4 yd. and over; Hoists, Elevators, outside type rack and pinion and similar machines; Hoists, One, Two and Three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Hydro Vac (and similar equipment); Locomotives, All; Motor Patrol; Lubrication Technician; Manipulators; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Ram; Pump Cretes: Squeeze Cretes-Screw Type Pumps; Gypsum Bulker and Pump; Raised and Blind Hole Drill; Roto Mill Grinder; Scoops - Tractor Drawn; Slip-Form Paver; Straddle Buggies; Operation of Tie Back Machine; Tournapull; Tractor with Boom and Side Boom; Trenching Machines.

Class 2. Boilers; Broom, All Power Propelled; Bulldozers; Concrete Mixer (Two Bag and Over); Conveyor, Portable; Forklift Trucks; Highlift Shovels or Front Endloaders under 2-1/4 yd.; Hoists, Automatic; Hoists, Inside Elevators; Hoists, Sewer Dragging Machine; Hoists, Tugger Single Drum; Laser Screed; Rock Drill (Self-Propelled); Rock Drill (Truck Mounted); Rollers, All; Steam Generators; Tractors, All; Tractor Drawn Vibratory Roller; Winch Trucks with "A" Frame.

Class 3. Air Compressor; Combination Small Equipment Operator; Generators; Heaters, Mechanical; Hoists, Inside Elevators (remodeling or renovation work); Hydraulic Power Units (Pile Driving, Extracting, and Drilling); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Low Boys; Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 4. Bobcats and/or other Skid Steer Loaders; Oilers; and Brick Forklift.

Class 5. Assistant Craft Foreman.

Class 6. Gradall.

Class 7. Mechanics; Welder.

#### OPERATING ENGINEERS - HIGHWAY CONSTRUCTION

Class 1. Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Heater Scarfire; Asphalt Spreader; Autograder/GOMACO or other similar type machines: ABG Paver; Backhoes with Caisson Attachment; Ballast Regulator; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front Endloader Machine, (1 cu. yd. Backhoe Bucket or over or with attachments); Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Tower Cranes of all types: Creter Crane: Spider Crane; Crusher, Stone, etc.; Derricks, All; Derrick Boats; Derricks, Traveling; Dredges;

Elevators, Outside type Rack & Pinion and Similar Machines; Formless Curb and Gutter Machine; Grader, Elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck Mounted; Hoists, One, Two and Three Drum; Heavy Duty Self-Propelled Transporter or Prime Mover; Hydraulic Backhoes; Backhoes with shear attachments up to 40' of boom reach; Lubrication Technician; Manipulators; Mucking Machine; Pile Drivers and Skid Rig; Pre-Stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck Mounted; Rock/Track Tamper; Roto Mill Grinder; Slip-Form Paver; Snow Melters; Soil Test Drill Rig (Truck Mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Operation of Tieback Machine; Tractor Drawn Belt Loader; Tractor Drawn Belt Loader (with attached pusher - two engineers); Tractor with Boom; Tractaire with Attachments; Traffic Barrier Transfer Machine; Trenching; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole Drills (Tunnel Shaft); Underground Boring and/or Mining Machines 5 ft. in diameter and over tunnel, etc; Underground Boring and/or Mining Machines under 5 ft. in diameter; Wheel Excavator; Widener (APSCO).

Class 2. Batch Plant; Bituminous Mixer; Boiler and Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front Endloader Machine (Less than 1 cu. yd. Backhoe Bucket or over or with attachments); Compressor and Throttle Valve; Compressor, Common Receiver (3); Concrete Breaker or Hydro Hammer; Concrete Grinding Machine; Concrete Mixer or Paver 78 Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine, Burlap Machine, Belting Machine and Sealing Machine; Concrete Wheel Saw; Conveyor Muck Cars (Haglund or Similar Type); Drills, All; Finishing Machine - Concrete; Highlift Shovels or Front Endloader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (All Attachments); Hydro-Blaster; Hydro Excavating (excluding hose work); Laser Screed; All Locomotives, Dinky; Off-Road Hauling Units (including articulating) Non Self-Loading Ejection Dump; Pump Cretes: Squeeze Cretes - Screw Type Pumps, Gypsum Bulker and Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Self-Propelled Compactor; Spreader - Chip - Stone, etc.; Scraper - Single/Twin Engine/Push and Pull; Scraper - Prime Mover in Tandem (Regardless of Size); Tractors pulling attachments, Sheeps Foot, Disc, Compactor, etc.; Tug Boats.

Class 3. Boilers; Brooms, All Power Propelled; Cement Supply Tender; Compressor, Common Receiver (2); Concrete Mixer (Two Bag and Over); Conveyor, Portable; Farm-Type Tractors Used for Mowing, Seeding, etc.; Forklift Trucks; Grouting Machine; Hoists, Automatic; Hoists, All Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Low Boys; Pipe Jacking Machines; Post-Hole Digger; Power Saw, Concrete Power Driven; Pug Mills; Rollers, other than Asphalt; Seed and Straw Blower; Steam Generators; Stump Machine; Winch Trucks with "A" Frame; Work Boats; Tamper-Form-Motor Driven.

Class 4. Air Compressor; Combination - Small Equipment Operator; Directional Boring Machine; Generators; Heaters, Mechanical; Hydraulic Power Unit (Pile Driving, Extracting, or Drilling); Light Plants, All (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Vacuum Trucks (excluding hose work); Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 5. SkidSteer Loader (all); Brick Forklifts; Oilers.

Class 6. Field Mechanics and Field Welders

Class 7. Dowell Machine with Air Compressor; Gradall and machines of like nature.

OPERATING ENGINEERS - FLOATING

Diver. Diver Wet Tender, Diver Tender, ROV Pilot, ROV Tender

SURVEY WORKER - Operated survey equipment including data collectors, G.P.S. and robotic instruments, as well as conventional levels and transits.

TRUCK DRIVER - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

Class 1. Two or three Axle Trucks. A-frame Truck when used for transportation purposes; Air Compressors and Welding Machines, including those pulled by cars, pick-up trucks and tractors; Ambulances Batch Gate Lockers; Batch Hopperman; Car and Truck Washers; Carry-alls; Fork Lifts and Hoisters; Helpers; Mechanics Helpers and Greasers; Oil Distributors 2-man operation; Pavement Breakers; Pole Trailer, up to 40 feet; Power Mower Tractors; Self-propelled Chip Spreader; Skipman; Slurry Trucks, 2-man operation; Slurry Truck Conveyor Operation, 2 or 3 man; Teamsters; Unskilled Dumpman; and Truck Drivers hauling warning lights, barricades, and portable toilets on the job site.

Class 2. Four axle trucks; Dump Crets and Adgetors under 7 yards; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnapulls or Turnatrailers when pulling other than self-loading equipment or similar equipment under 16 cubic yards; Mixer Trucks under 7 yards; Ready-mix Plant Hopper Operator, and Winch Trucks, 2 Axles.

Class 3. Five axle trucks; Dump Crets and Adgetors 7 yards and over; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnatrailers or turnapulls when pulling other than self-loading equipment or similar equipment over 16 cubic yards; Explosives and/or Fission Material Trucks; Mixer Trucks 7 yards or over; Mobile Cranes while in transit; Oil Distributors, 1-man operation; Pole Trailer, over 40 feet; Pole and Expandable Trailers hauling material over 50 feet long; Slurry trucks, 1-man operation; Winch trucks, 3 axles or more; Mechanic--Truck Welder and Truck Painter.

Class 4. Six axle trucks; Dual-purpose vehicles, such as mounted crane trucks with hoist and accessories; Foreman; Master Mechanic; Self-loading equipment like P.B. and trucks with scoops on the front.

TERRAZZO FINISHER

The handling of sand, cement, marble chips, and all other materials that may be used by the Mosaic Terrazzo Mechanic, and the mixing, grinding, grouting, cleaning and sealing of all Marble, Mosaic, and Terrazzo work, floors, base, stairs, and wainscoting by hand or

machine, and in addition, assisting and aiding Marble, Masonic, and Terrazzo Mechanics.

#### Other Classifications of Work:

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in this document. If no neighboring county rate applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination. If a project requires these, or any classification not listed, please contact IDOL at 217-782-1710 for wage rates or clarifications.

#### LANDSCAPING

Landscaping work falls under the existing classifications for laborer, operating engineer and truck driver. The work performed by landscape plantsman and landscape laborer is covered by the existing classification of laborer. The work performed by landscape operators (regardless of equipment used or its size) is covered by the classifications of operating engineer. The work performed by landscape truck drivers (regardless of size of truck driven) is covered by the classifications of truck driver.

#### MATERIAL TESTER & MATERIAL TESTER/INSPECTOR I AND II

Notwithstanding the difference in the classification title, the classification entitled "Material Tester I" involves the same job duties as the classification entitled "Material Tester/Inspector I". Likewise, the classification entitled "Material Tester II" involves the same job duties as the classification entitled "Material Tester/Inspector II".

County of Kendall Ethics Ordinance  
Amended September 18, 2012

Ordinance Number 12-18

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**PREAMBLE**

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and

WHEREAS, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL, AS FOLLOWS:

**ARTICLE 1:  
DEFINITIONS**

Section 1-1. For purposes of this ordinance, the following terms shall be given these definitions:

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3). "Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Collective Bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control

of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the County of Kendall, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the County of Kendall.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Political Party" for the purposes of this ordinance means a Political Organization as defined within this ordinance.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote



outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on Election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum questions.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

#### ARTICLE 5:

##### PROHIBITED POLITICAL ACTIVITIES

###### Section 5-1. Prohibited political activities.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the County of Kendall in connection with any prohibited political activity. However, nothing in this section is intended to prohibit the officer or employee from using County property or resources if such County property and resources are available for similar use by members of the general public.

(b) At no time shall any officer employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

## ARTICLE 10:

### GIFT BAN

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

- (1) Opportunities, benefits, and services which are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business related to the officer or employee's official duties.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the

gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or 7 refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity not exceeding \$100.00.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c) (3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

## ARTICLE 15

### ETHICS ADVISOR

Section 15-1. The County Board Chairman, with the advice and consent of the County Board shall designate an Ethics Advisor for the County of Kendall. The duties of the Ethics Advisor may be delegated to an officer or employee of the County of Kendall unless the position has been created as an office by the County of Kendall.

## ARTICLE 20

### ETHICS COMMISSION

Section 20-1. There is hereby created a commission to be known as the Ethics Commission of County of Kendall. The Commission shall be comprised of ~~three~~ five members appointed by the County Board Chairman with the advice and consent of the County Board. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of County of Kendall. No more than ~~two~~ three members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

~~Section 20-2. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2 year terms, and the third commissioner shall serve a one year term. Thereafter, all commissioners shall be appointed to 2 year terms. Commissioners may be reappointed to serve subsequent terms. At the first~~

~~meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist two commissioners, and official action by the commission shall require the affirmative vote of two members.~~

Section 20-2. When the County Board Chairman, with the advice and consent of the County Board, makes the initial appointments, he or she shall designate three appointments for a term of three years and two appointments for a term of two years. One appointment from each political party shall be for an original two year term. After the initial appointments, terms shall be for a period of two years. The Chairman, with the advice and consent of the County Board will designate one member as the chairperson of the commission.

Section 20-3. The County Board Chairman, with the advice and consent of the County Board, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice.

All vacancies shall be filled in the same manner as original appointments and shall serve the remainder of the original term.

Section 20-4. The Commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, and written complaint, filed with the Kendall County Clerk, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 25-1(c) of this Ordinance and refer violations of Article 5 or Article 10 of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this

Ordinance and not upon its own prerogative.

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the County of Kendall to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

(5) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

Section 20-5. (a) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.

(b) Within 3 5 business days after the receipt of a signed, notarized, and written complaint, filed with the Kendall County Clerk, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 5 business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed. Additional notice may be sent by e-mail in addition to certified mail. The Kendall County Clerk shall be responsible for sending the required notifications as set forth in this Ordinance and shall be responsible for keeping the official minutes of any meetings or hearings of the Ethics Commission.

(c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause,



based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within ~~7~~ 21 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Article 10 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. ~~Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially.~~ If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Article 5 of this Ordinance, then the Commission shall notify in writing the Kendall County State's Attorney ~~designated by the corporate authorities to prosecute such actions~~ to request prosecution of such action and shall transmit to the State's Attorney ~~attorney~~ the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

In the event that the Kendall County State's Attorney serves as the Ethics Advisor and has provided guidance to the respondent regarding the allegations contained in the complaint, the State's Attorney may request the Circuit Court of Kendall County to appoint a Special Prosecutor to prosecute the complaint if there is a potential legal conflict of interest.

(d) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing maybe closed to the public only if authorized by the Open Meetings Act.

(e) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the County Board Chairman, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the County Board Chairman or impose a fine upon the violator, or both.

(g) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(h) The Commission may fine any person who intentionally violates any provision of Article 10 of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.

(i) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

## ARTICLE 25

### PENALTIES

11 Section 25-1. Penalties. (a) A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(b) A person who intentionally violates any provision of Article 10 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by the Kendall County State's Attorney by filing in the circuit court ~~an information, or a~~ sworn complaint charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(e) A violation of Article 10 of this Ordinance ~~may~~ shall be prosecuted as ~~a quasi criminal offense by the Kendall County State's Attorney, or, if an Ethics Commission has been created,~~ by the Ethics Commission through the designated administrative procedure.


(f) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

SECTION 2: Repeal of original gift ban provisions. Ordinance Number 98-28, adopted on November 17, 1998, is hereby repealed.

SECTION 3: This Ordinance shall be in effect upon its passage, as provided by law.

Dated: This 18<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
John Purcell  
Chairman, Kendall County Board

Attest:  
  
\_\_\_\_\_  
Debbie Gillette  
Kendall County Clerk