

# COUNTY OF KENDALL, ILLINOIS

## Admin & HR Committee

County Office Building  
County Board Rooms 209-210



Thursday, November 3, 2016 ~ 9:00a.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 October 6, 2016 Meeting**
5. **Department Head and Elected Official Reports**
6. **Public Comment**
7. **Committee Business**
  - *Recommend Amendment to Intergovernmental Agreement for Administrative and Treasury Services between Kendall County, Kendall County Treasurer, and Kendall County Emergency Telephone Systems Board*
  - *Resolution Authorizing Execution and Amendment of Section 5311 Public Transportation Service Grant Agreement*
  - *Resolution regarding requirements for County Board member participation in IMRF*
  - *Resolution establishing reimbursement of all travel, meal, and lodging expenses of officers and employees of the County of Kendall, Illinois*
  - *Recommend revisions to employee handbook*
8. **Action Items for County Board**
9. **Public Comment**
10. **Executive Session**
11. **Adjournment**

**COUNTY OF KENDALL, ILLINOIS**  
**ADMINISTRATION HUMAN RESOURCES COMMITTEE**  
**Meeting Minutes**  
**Thursday, October 6, 2016**

**CALL TO ORDER**

The meeting was called to order by Admin HR Committee Chair Lynn Cullick at 3:00p.m.

**ROLL CALL**

Committee Members Present: Dan Koukol - here, Judy Gilmour – here, Lynn Cullick – here.  
With three members present, a quorum was established to conduct committee business.

*Member Purcell arrived at 3:13p.m.*

*Member Purcell left the meeting at 4:20p.m.*

Committee Members Absent: John A. Shaw

Others present: Glen Campos, Scott Koeppel, Jeff Wilkins

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

**APPROVAL OF MINUTES:** Member Koukol made a motion to approve the September 27, 2016 meeting minutes, second by Member Gilmour. **With all in agreement, the motion carried.**

**DEPARTMENT HEAD AND ELECTED OFFICIAL REPORTS**

*Technology* – Scott Koeppel reported that the calendar has been updated and the new version is running much quicker. Mr. Koeppel also reported that he will update the committee when he hears back from KenCom regarding funding of the new hire.

Mr. Koeppel also said the FCC part of the updating of the link between the County Office Building and the KenCom tower to increase internet speed. They are now simply waiting for the arrival of the part.

Mr. Koeppel said that Technology has been researching pricing for Microsoft Surfaces for some of the County Board members, and can get a price break if five are purchased at the same time. He said the Technology can purchase two out of his budget. The pricing includes the computer, the cover and a 3-year warranty. Discussion on how many would be needed, the laptops that they currently have, and sources for funding this year, and next fiscal year. Mr. Koeppel stated that he included the purchase of new laptops in the FY2017 budget. **There was consensus by the committee to purchase four new Surface computers for the County Board and to use funds from the Contingency fund.**

*Administrative Services/HR* – Jeff Wilkins briefly reviewed the monthly reports with the committee.

**PUBLIC COMMENT - None**

**COMMITTEE BUSINESS**

- *2017 Property Liability Workers Compensation Coverage* – Rich Ryan with Wine Sergi presented the 2017 Property Liability Workers Compensation Coverage Proposal from IPMG. Discussion followed on the various options and coverage. Member Koukol made a motion to forward for approval the 2017 Property Liability Workers Compensation Coverage Proposal from IPMG, second by Member Gilmour. **With four members voting aye, the motion carried.**
- *Approval of the Resolution Authorizing Execution of Section 5311-Downstate Operating Assistance Grant Agreement for Kendall Area Transit Program* – Member Purcell made a motion to forward the item to the County Board for approval, second by Member Koukol. **With four members present voting aye, the motion carried.**
- *Authorize disposal of vehicle formerly used for Kendall Area Transit Program* – Mike Neuenkirchen, Kendall Area Transit briefed the committee on a vehicle used by Kendall Area Transit that is now at 120 thousand miles, and in need of repair. Mr. Neuenkirchen stated that they have already received IDOT approval for disposal of the vehicle. Mr. Neuenkirchen said there are two options for disposal – auction, and bid proposal. Member Purcell made a motion to Authorize disposal of vehicle formerly used for Kendall Area Transit, by bid option, second by Member Gilmour.

Roll Call: Member Gilmour – yes, Member Purcell – yes, Member Koukol – abstained, Member Cullick yes. **With Members Gilmour, Cullick and Purcell voting aye, and Member Koukol abstaining, the motion carried with a a vote of 3-1.**

- *County Employee Picnic* –Discussion on other options for employee appreciation, suggestions other than an annual picnic included Pizza Day and Ice Cream Social. Topic to be discussed further at the October 25, 2016 meeting.

**ITEMS FOR COMMITTEE OF THE WHOLE - None**

**ACTION ITEMS FOR COUNTY BOARD**

- *Approval of the 2017 Property Liability Workers Compensation Coverage Proposal from IPMG*

- *Approval of the Resolution Authorizing Execution of Section 5311-Downstate Operating Assistance Grant Agreement for Kendall Area Transit Program*

**PUBLIC COMMENT – None**

**EXECUTIVE SESSION – Not Needed**

**ADJOURNMENT – Member Gilmour moved to adjourn the meeting at 4:21p.m., second by Member Koukol. The motion was unanimously approved by a voice vote.**

Respectfully Submitted,

Valarie McClain  
Administrative Assistant/Recording Secretary

## MONTHLY MEDICAL INSURANCE REPORT

October 31, 2016

	Non-Union    Union		<u>Total Enrolled</u>				Annual Cost Plan per EE	<u>Others</u>
			<u>Oct-15</u>	<u>Nov-15</u>	<u>Oct-16</u>	<u>Nov-16</u>		
HMO Employee	29	21	57	56	58	57	\$9,230.38	7
HMO Family	12	21	43	43	39	40	\$23,075.38	7
PPO Employee	3	14	52	50	17	17	\$12,134.63	0
PPO Family	0	9	34	35	12	12	\$29,065.22	3
H.S.A. - Emp	46	20	37	37	77	77	\$9,526.48 *	11
H.S.A. - Fam	35	36	53	53	75	75	\$22,063.20 *	4
<b>Total Enrolled</b>	<b>125</b>	<b>121</b>	<b>276</b>	<b>274</b>	<b>278</b>	<b>278</b>		<b>32</b>
<b>Total Eligible</b>	<b>175</b>	<b>145</b>						
			Dental EE		162			
			Dental Family		178		41	
							27	
			<b>Total Enrolled</b>		<b>340</b>		<b>68</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)\* 86.5% 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	347954	339151	344322	347599	342557	344748	342333	342917	333821	335258	338151		\$3,758,911
Lincoln Life Dental Premium	23476	24220	24192	23782	23921	23806	23580	23721	23049	23330	23196		\$280,253
Lincoln Life Premium	726	732	725	727	721	725	718	723	708	714	708		\$7,924
Health Savings Account	343500	0	0	0	0	10000	0	0	0	0	0		\$353,500
FSA Admin Fee	148	148	148	148	148	156	156	156	156	156	156		\$1,678
<b>TOTALS</b>	<b>\$715,805</b>	<b>\$384,251</b>	<b>\$368,387</b>	<b>\$372,256</b>	<b>\$367,347</b>	<b>\$379,435</b>	<b>\$366,765</b>	<b>\$367,516</b>	<b>\$357,833</b>	<b>\$359,458</b>	<b>\$362,211</b>	<b>\$0</b>	<b>\$4,382,266*</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	\$ 315,855	\$ 322,904	\$ 323,368	\$ 321,771	\$ 328,759	\$ 329,521	\$ 318,882	\$ 322,074	\$ 319,795	\$ 313,546	\$ 313,232	\$ 323,642	\$ 3,853,148
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>\$ 363,198</b>	<b>\$ 363,345</b>	<b>\$ 362,285</b>	<b>\$ 370,415</b>	<b>\$ 370,984</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) \$28,077 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	\$ 327,651	\$ 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	23,768	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	7430	\$ 15,687
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>

Benefits Paid as of 10/31/16

\* Note: Information compares year to year premiums. "TOTALS" do not include other expenditures for employee premium reimbursements or premiums typically paid in prior fiscal year.



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	\$99,491.49	Y	N	
WC	05/10/14	Sheriff's	injured multiple body parts	\$114,045.85	Y	Y	
WC	08/31/14	Sheriff's	contusion	\$16,263.38	Y	Y	
WC	02/01/15	Facilities	shoulder / repetitive motion	\$55,470.36	Y	Y	
WC	05/05/15	Facilities	Strain/Sprain arm	\$89,977.45	Y	Term	
WC	12/08/16	State's Attorney	stuck by door	\$144.25	N	Y	
WC	03/25/16	Sheriff's	struck by person / injured shoulder	\$3,110.32	N	Y	
WC	04/10/16	Forest Preserve	slip / contusion ankle	\$6,279.50	Y	Y	Y
WC	04/12/16	Sheriff's	contusion toe	\$31,955.39	Y	N	
WC	05/13/16	Sheriff's	strain back	** \$333.28	N	Y	
WC	07/16/16	Animal Control	cat bite	** \$0.00	N	Y	
WC	08/22/16	Sheriff's	strain finger	\$1,036.04	N	Y	Y
WC	08/22/16	Sheriff's	dislocation thumb	\$0.00	N	Y	Y
WC	09/13/16	Sheriff's	training / strain	\$589.89	N	Y	
WC	10/04/16	Administration	slip / contusion hand	\$0.00	N	Y	Y
WC	09/14/16	Sheriff's	Strain/back	\$0.00	N	Y	N
WC	10/01/16	Sheriff's	exposure to bodily fluids	\$0.00	N	Y	N
				\$418,697.20			

Open Claim Type	Incident Date	Department	Cause / Incident	Paid	Paid by KC	Coverage Type
Liability	4/6/2009	HWY	wrongful death	\$15,000.00	\$0.00	General Liability
Liability	01/02/14	VAC	wrongful termination	\$0.00	\$0.00	Errors & Omissions
Liability	05/15/14	Sheriff's	discrimination	\$169,417.57	\$25,000.00	Errors & Omissions
Liability	01/06/15	Circuit Clerk	work discrimination	\$12,797.30	\$12,797.30	Errors & Omissions
Liability	09/28/15	Circuit Clerk	work discrimination	\$9.70	\$0.00	Errors & Omissions
Liability	07/20/16	Sheriff's	excessive force	\$0.00	\$0.00	Law Enforcement Liability
Liability	07/20/16	Sheriff's	assault	\$0.00	\$0.00	Law Enforcement Liability
Liability	07/08/16	Sheriff's	auto liability accident	** \$4,021.85	\$4,779.04	Law Enforcement Liability
				\$201,246.42	\$42,576.34	

\* Denied  
\*\* Closed Out  
\*\*\* Re-Opened  
As of 10/01/16



**AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR  
ADMINISTRATIVE AND TREASURY SERVICES  
IGAM \_\_\_\_\_ - \_\_\_\_\_**

**THIS AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR ADMINISTRATIVE AND TREASURY SERVICES** is by and between the County of Kendall, a unit of local government of the State of Illinois (“*Kendall County*”), Jill Ferko, in her official capacity as Kendall County Treasurer (“*Treasurer*”) and the Kendall County Emergency Telephone Systems Board (“*KenCom*”).

**WITNESSETH:**

**WHEREAS**, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

**WHEREAS**, Kendall County and KenCom (the “*parties*”) are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*; and

**WHEREAS**, the Treasurer is a county officer within the meaning of Article VII, Section 4 of the Illinois Constitution of 1970 who is authorized to act as treasurer of any unit of local government in her county when requested by any such unit; and

**WHEREAS**, the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, provides that any county may participate in an intergovernmental agreement under this Act notwithstanding the absence of specific authority under the State law to perform the service involved, provided

that the unit of local government contracting with Kendall County has authority to perform the service; and

**WHEREAS**, in an effort to reduce costs to the taxpayers of Kendall County, the parties entered into an Intergovernmental Agreement on or about November 29, 2012, wherein Kendall County and the Treasurer shall provide various administrative services for KenCom including, but not limited to, payroll, accounting and treasurer services by the Treasurer and insurance, administration and recordkeeping by Kendall County; and

**WHEREAS**, the parties now wish to amend the prior agreement to take into account special needs regarding technology assistance, and Paragraph 9 of the above named IGA allows for such modification of the Agreement if prepared in writing and approved by the parties.

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants hereafter set forth, the parties agree as follows:

1. The foregoing preambles are hereby incorporated into this Amendment as if fully restated in this paragraph 1.
2. The Intergovernmental Agreement for Administrative and Treasury Services entered into on or about November 29, 2012, is hereby amended to include the following modifications:

a. The following provision is added to Paragraph 2:

“m. Kendall County will provide operation and maintenance of all KenCom PCs, Servers, Software, Network, and all other technology systems. KenCom is still responsible for the purchasing of all such equipment (with the exception of paper and toner).

b. The following is added as the last sentence in Paragraph 4:

“Notwithstanding anything to the contrary above, KenCom agrees that it will transfer a base amount of \$45,000.00 per year, with an annual increase of three percent (3%) to be calculated and added, to Kendall County as reimbursement for the costs and services that Technology Services is taking on pursuant to the terms of this agreement. The three percent (3%) annual increase shall be cumulative.”

c. The above provisions Sub paragraphs a & b may be terminated by either of the parties hereto any time after two years from the date of the adoption of this amendment by giving 365 days’ notice to the other party.

3. The remaining provisions of the Intergovernmental Agreement for Administrative and Treasury Services entered into on or about November 29, 2012 remain unchanged with only the above new provisions being added at this time.
4. Kendall County, the Treasurer and KenCom each hereby warrant and represent that their respective signatures set forth below have been, and are on the date of this Agreement, duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement;

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment to the Intergovernmental Agreement for Administrative and Treasury Services to be executed by their duly authorized officers on the last date below.

**County of Kendall, Illinois**

**Kendall County Emergency Telephone  
Systems Board**

\_\_\_\_\_  
Chair, Kendall County Board

\_\_\_\_\_  
Chair, KenCom Executive Board

*Attest:*

\_\_\_\_\_  
County Clerk and Recorder

\_\_\_\_\_  
Date

*Attest:*

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

**Kendall County Treasurer and Collector**

\_\_\_\_\_  
Kendall County Treasurer and Collector

*Attest:*

\_\_\_\_\_  
County Clerk and Recorder

\_\_\_\_\_  
Date

**RESOLUTION AUTHORIZING EXECUTION AND AMENDMENT OF SECTION 5311 PUBLIC TRANSPORTATION  
SERVICE GRANT AGREEMENT**

WHEREAS, the provision of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, 49 U.S.C. § 5311 ("Section 5311"), makes funds available to the State of Illinois to help offset certain operating deficits and administrative expenses of a system providing public transit service in non-urbanized areas; and

WHEREAS, the State of Illinois, acting by and through the Illinois Department of Transportation, is authorized by 30 ILCS 740/3-1 *et seq.* to provide the Section 5311 grant; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient, including the provision by it of the local share of funds necessary to cover costs not covered by funds provided under Section 5311.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF  
THE County of Kendall

Section 1. That an application be made to the Office of Intermodal Project Implementation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 for fiscal year 2017, for the purpose of off-setting a portion of the Public Transportation Program operating deficits of County of Kendall

Section 2. That while participating in said operating assistance program the County of Kendall will provide all required local matching funds.

Section 3. That County Board Chairman \_\_\_\_\_ of the County of Kendall is hereby authorized and directed to execute and file on behalf of the County of Kendall such application.

Section 4. That the County Board Chairman \_\_\_\_\_ of the County of Kendall is authorized to furnish such additional information as may be required by the Office of Intermodal Project Implementation and the Federal Transit Administration in connection with the aforesaid application for said grant.

Section 5. That County Board Chairman \_\_\_\_\_ of the County of Kendall is hereby authorized and directed to execute and file on behalf of the *Name of Applicant* a Section 5311 Grant Agreement ("Agreement") with the Illinois Department of Transportation, and amend such Agreement, if necessary, in order to obtain grant assistance under the provisions of Section 5311 for fiscal year 2017.

Section 6. That County Administrator \_\_\_\_\_ *Official of the* County of Kendall is hereby authorized to provide such information and to file such documents as may be required to perform the Agreement and to receive the grant for fiscal year 2017.

PRESENTED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
*John A. Shaw*

\_\_\_\_\_  
*Debbie Gillette, County Clerk and Recorder*

\_\_\_\_\_  
*County Board Chairman*

\_\_\_\_\_  
*(Date)*

# KENDALL COUNTY

Resolution No. \_\_\_\_\_

## **RESOLUTION ESTABLISHING REQUIREMENTS FOR CONTINUED IMRF PARTICIPATION BY CURRENT COUNTY BOARD MEMBERS PURSUANT TO PUBLIC ACT 099-0900**

WHEREAS, Kendall County is a unit of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970, organized and operated under the laws of the State of Illinois; and

WHEREAS, the Public Act 099-0900 became effective August 26, 2016 and changed IMRF participation requirements for County Board members; and

WHEREAS, Public Act 099-0900 makes any person, first so elected to the County Board after August 26, 2016, ineligible for participation in IMRF; and

WHEREAS, in order to continue IMRF participation of current County Board members pursuant to Public Act 099-0900, the Kendall County Board shall approve and file a resolution with IMRF no more than 90 days after each general election in which a current participating member of the County Board is elected; and

WHEREAS, in order to continue IMRF participation of current County Board members pursuant to Public Act 099-0900, current County Board members must submit monthly time sheets to the County Treasurer documenting the time spent on official government business as an elected member of the County Board; and

WHEREAS, IMRF requires submittal of detailed time-tracking reports from participating County Board members in order to continue participation in IMRF.

**BE IT RESOLVED**, by the County Board of Kendall County, as follows:

**SECTION 1.** The County Board of Kendall County approves the continued IMRF participation of County Board members first so elected prior to August 26, 2016.

**SECTION 2.** To continue IMRF participation, County Board members must work at least 600 hours annually on official government business as defined by IMRF.

**SECTION 3.** To continue IMRF participation, County Board members must submit monthly time sheets in electric or paper format to the County Treasurer documenting time spent on official government business as an elected member of the County Board as required by IMRF. The County Treasurer shall maintain the submitted timesheets for five years.

**SECTION 4.** A participating County Board member who fails to submit time sheets or fails to conduct 600 hours of official government business annually as defined by IMRF shall not be eligible to continue participation in IMRF.

**SECTION 5.** To continue participation in IMRF, each County member understands their responsibility to become familiar and comply with all reporting requirements imposed by IMRF.

**SECTION 6.** The County Clerk is directed to file this resolution with IMRF no more than 90 days after the November 8, 2016 general election and provide an executed copy to the County Treasurer.

**Approved and adopted by the County Board of Kendall County, Illinois on this 15<sup>th</sup> day of November, 2016.**

---

John A. Shaw, Chairman  
County Board

Attest:

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Debbie Gillette  
County Clerk



September 9, 2016

## You must meet new requirements to continue participating in IMRF

Dear IMRF Member,

You are currently participating in IMRF as a County Board member. Recent legislation has changed the IMRF participation requirements for County Board members.

To continue participating in IMRF, **you must:**

1. Keep a detailed time-tracking record of all time you spend on official government business.

This record must include:

- o Each date you conducted business for the County
- o The length of time you spent on County business, for *each* date
- o A description of the business you performed for the County on *each* date

2. File this detailed time-tracking record **every month** with your County's fiscal officer (or designee). This record:

- o Can be in electronic or paper format
- o Must be filed by the 10<sup>th</sup> of the month following the reporting month. (For example, September's record must be filed **no later** than October 10<sup>th</sup>.)
- o Must be filed for **every** month, even if you are reporting no hours worked that month.

3. Prove you have met your IMRF hourly standard by working and documenting at least 600 hours for the County within each 12-month period.

### **New resolution needed after each election**

In addition, your County Board must pass a resolution stating work done by County Board members will require at least 600 hours in a 12-month period. This resolution must be adopted and filed with IMRF within 90 days **after each election** where a member or members of your County Board are elected or reelected.

**Your first detailed time tracking record must be filed no later than October 10, 2016, and must include all of your time for September 2016.**

—Continued—



**If you don't meet these requirements, you can't participate in IMRF**

Your participation with IMRF will be terminated immediately if:

- You fail to file any of your reports
- You file your report late for more than two consecutive months. A report is considered late if it is filed after the 20<sup>th</sup> of the month following the reporting month.
- Your County Board fails to adopt the required resolution within 90 days after an election.
- You do not work and document at least 600 hours on official County business within each 12-month period. Your 12-month period will start over every September, and go through August of the next year.

If you are terminated for failing to file or filing late, you can never participate in IMRF again as a County Board member. If your County Board fails to adopt the required resolution within 90 days after an election, the **entire County Board** will become ineligible to participate in IMRF, and the termination of participation will be irrevocable.

**What is considered official government business?**

Official government business is defined as:

- Attendance at:
  - County Board and committee meetings
  - Official County functions
  - Meetings of other local governmental Boards related to County business
  - Meetings of civic and commercial organizations related to County business
- Meetings and communications with:
  - County staff
  - Constituents
  - Other elected officials
- Preparation for County Board and committee meetings
- Other activities related to County business, including office hours at the County administration building

Official government business does not include:

- Activities related to campaigning for public office;
- Activities defined as "prohibited political activity" at section 1-5 of the State Officials and Employees Ethics Act (5 ILCS 430/1-1 et seq.);
- Time spent "on-call" or informally available to constituents.

—Continued—

**If you don't meet these requirements, you can't participate in IMRF**

Your participation with IMRF will be terminated immediately if:

- You fail to file any of your reports
- You file your report late for more than two consecutive months. A report is considered late if it is filed after the 20<sup>th</sup> of the month following the reporting month.
- Your County Board fails to adopt the required resolution within 90 days after an election.
- You do not work and document at least 600 hours on official County business within each 12-month period. Your 12-month period will start over every September, and go through August of the next year.

If you are terminated for failing to file or filing late, you can never participate in IMRF again as a County Board member. If your County Board fails to adopt the required resolution within 90 days after an election, the **entire County Board** will become ineligible to participate in IMRF, and the termination of participation will be irrevocable.

**What is considered official government business?**

Official government business is defined as:

- Attendance at:
  - County Board and committee meetings
  - Official County functions
  - Meetings of other local governmental Boards related to County business
  - Meetings of civic and commercial organizations related to County business
- Meetings and communications with:
  - County staff
  - Constituents
  - Other elected officials
- Preparation for County Board and committee meetings
- Other activities related to County business, including office hours at the County administration building

Official government business does not include:

- Activities related to campaigning for public office;
- Activities defined as "prohibited political activity" at section 1-5 of the State Officials and Employees Ethics Act (5 ILCS 430/1-1 et seq.);
- Time spent "on-call" or informally available to constituents.

—Continued—

AN ACT concerning public employee benefits.

**Be It enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 10. The Illinois Pension Code is amended by changing Section 7-137 and by adding Section 7-137.2 as follows:

(40 ILCS 5/7-137) (from Ch. 108 1/2, par. 7-137)

Sec. 7-137. Participating and covered employees.

(a) The persons described in this paragraph (a) shall be included within and be subject to this Article and eligible to benefits from this fund, beginning upon the dates hereinafter specified:

1. Except as to the employees specifically excluded under the provisions of this Article, all persons who are employees of any municipality (or instrumentality thereof) or participating instrumentality on the effective date of participation of the municipality or participating instrumentality beginning upon such effective date.

2. Except as to the employees specifically excluded under the provisions of this Article, all persons, who became employees of any participating municipality (or instrumentality thereof) or participating instrumentality after the effective date of participation of such

municipality or participating instrumentality, beginning upon the date such person becomes an employee.

3. All persons who file notice with the board as provided in paragraph (b) 2 and 3 of this Section, beginning upon the date of filing such notice.

(b) The following described persons shall not be considered participating employees eligible for benefits from this fund, but shall be included within and be subject to this Article (each of the descriptions is not exclusive but is cumulative):

1. Any person who occupies an office or is employed in a position normally requiring performance of duty during less than 600 hours a year for a municipality (including all instrumentalities thereof) or a participating instrumentality. If a school treasurer performs services for more than one school district, the total number of hours of service normally required for the several school districts shall be considered to determine whether he qualifies under this paragraph;

2. Except as provided in items 2.5 and 2.6, any ~~Any~~ person who holds elective office unless he has elected while in that office in a written notice on file with the board to become a participating employee;

2.5. Except as provided in item 2.6, any person who holds elective office as a member of a county board, unless:

(i) the person was first elected as a member of a

county board before the effective date of this amendatory Act of the 99th General Assembly;

(ii) the person has elected while in that office, in a written notice on file with the board, to become a participating employee;

(iii) the county board has filed the resolution required by subsection (a) of Section 7-137.2 of this Article; and

(iv) the person has submitted the required time sheets evidencing that the person has met the hourly standard as required by subsection (b) of Section 7-137.2 of this Article;

2.6. Any person who is an elected member of a county board and is first so elected on or after the effective date of this amendatory Act of the 99th General Assembly;

3. Any person working for a city hospital unless any such person, while in active employment, has elected in a written notice on file with the board to become a participating employee and notification thereof is received by the board;

4. Any person who becomes an employee after June 30, 1979 as a public service employment program participant under the federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

5. Any person who is actively employed by a

municipality on its effective date of participation in the Fund if that municipality (i) has at least 35 employees on its effective date of participation; (ii) is located in a county with at least 2,000,000 inhabitants; and (iii) maintains an independent defined benefit pension plan for the benefit of its eligible employees, unless the person files with the board within 90 days after the municipality's effective date of participation an irrevocable election to participate.

(c) Any person electing to be a participating employee, pursuant to paragraph (b) of this Section may not change such election, except as provided in Section 7-137.1.

(d) Any employee who occupied the position of school nurse in any participating municipality on August 8, 1961 and continuously thereafter until the effective date of the exercise of the option authorized by this subparagraph, who on August 7, 1961 was a member of the Teachers' Retirement System of Illinois, by virtue of certification by the Department of Registration and Education as a public health nurse, may elect to terminate participation in this Fund in order to re-establish membership in such System. The election may be exercised by filing written notice thereof with the Board or with the Board of Trustees of said Teachers' Retirement System, not later than September 30, 1963, and shall be effective on the first day of the calendar month next following the month in which the notice was filed. If the written notice is filed with

such Teachers' Retirement System, that System shall immediately notify this Fund, but neither failure nor delay in notification shall affect the validity of the employee's election. If the option is exercised, the Fund shall notify such Teachers' Retirement System of such fact and transfer to that system the amounts contributed by the employee to this Fund, including interest at 3% per annum, but excluding contributions applicable to social security coverage during the period beginning August 8, 1961 to the effective date of the employee's election. Participation in this Fund as to any credits on or after August 8, 1961 and up to the effective date of the employee's election shall terminate on such effective date.

(e) Any participating municipality or participating instrumentality, other than a school district or special education joint agreement created under Section 10-22.31 of the School Code, may, by a resolution or ordinance duly adopted by its governing body, elect to exclude from participation and eligibility for benefits all persons who are employed after the effective date of such resolution or ordinance and who occupy an office or are employed in a position normally requiring performance of duty for less than 1000 hours per year for the participating municipality (including all instrumentalities thereof) or participating instrumentality except for persons employed in a position normally requiring performance of duty for 600 hours or more per year (i) by such participating

municipality or participating instrumentality prior to the effective date of the resolution or ordinance and (ii) by a participating municipality or participating instrumentality, which had not adopted such a resolution when the person was employed, and the function served by the employee's position is assumed by another participating municipality or participating instrumentality. Notwithstanding the foregoing, a participating municipality or participating instrumentality which is formed solely to succeed to the functions of a participating municipality or participating instrumentality shall be considered to have adopted any such resolution or ordinance which may have been applicable to the employees performing such functions. The election made by the resolution or ordinance shall take effect at the time specified in the resolution or ordinance, and once effective shall be irrevocable.

(Source: P.A. 96-1140, eff. 7-21-10; 97-328, eff. 8-12-11; 97-609, eff. 1-1-12.)

(40 ILCS 5/7-137.2 new)

Sec. 7-137.2. Participation by elected members of county boards.

(a) An elected member of a county board is not eligible to participate in the Fund with respect to that position unless the county board has adopted a resolution, after public debate and in a form acceptable to the Fund, certifying that persons



in the position of elected member of the county board are expected to work at least 600 hours annually (or 1000 hours annually in a county that has adopted a resolution pursuant to subsection (e) of Section 7-137 of this Code). The resolution must be adopted and filed with the Fund no more than 90 days after each general election in which a member of the county board is elected.

(b) An elected member of a county board that participates in the Fund with respect to that position shall monthly submit, to the county fiscal officer, time sheets documenting the time spent on official government business as an elected member of the county board. The time sheets shall be (1) submitted on paper or electronically, or both, and (2) maintained by the county board for 5 years. An elected member of a county board who fails to submit time sheets or fails to conduct official government business with respect to that position for either 600 hours or 1000 hours (whichever is applicable) annually shall not be permitted to continue participation in the Fund as an elected member of a county board. The Fund may request that the governing body certify that an elected member of a county board is permitted to continue participation with respect to that position.

Section 99. Effective date. This Act takes effect upon becoming law.

# KENDALL COUNTY

Resolution No. \_\_\_\_\_

## RESOLUTION ESTABLISHING THE REIMBURSEMENT OF ALL TRAVEL, MEAL, AND LODGING EXPENSES OF OFFICERS AND EMPLOYEES OF KENDALL COUNTY, ILLINOIS PURSUANT TO PUBLIC ACT 99-0604

WHEREAS, Kendall County is a unit of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970, organized and operated under the laws of the State of Illinois; and

WHEREAS, the Local Government Travel Expense Control Act, Public Act 99-0604, requires all local public agencies, including counties, to regulate, by ordinance or resolution, the reimbursement of all travel, meal, and lodging expenses of their officers and employees; and

WHEREAS, Public Act 99-0604 has an effective date of January 1, 2017 and states "On and after 180 days after the effective date of this Act of the 99<sup>th</sup> General Assembly, no travel, meal, or lodging expense shall be approved or paid by a local public agency unless regulations have been adopted under this Section".

**NOW THEREFORE, BE IT RESOLVED**, by the County Board of Kendall County, that the following regulations for reimbursement of all travel, meal, and lodging expenses of the officers and employees of Kendall County are hereby adopted:

### **SECTION I: Definitions.**

The following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Entertainment: includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

Travel: any expenditure directly incident to official travel by employees and officers of the County involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

## **SECTION II: Non-Reimbursable Expenses**

No officer or employee of the County shall be reimbursed by the County for any entertainment, alcoholic beverages, parking fines or fines for other traffic violations.

## **SECTION III: Official Business for which Travel Expenses May Be Reimbursed.**

- 1) A County Board member of Kendall County shall be entitled to reimbursement for travel, meals or lodging, related to the official assignments approved by the County Board in accordance with the County Board Rules of Order as amended.
- 2) An officer or employee shall be entitled to reimbursement for travel, including meals or lodging, incurred while conducting official County business or while attending conferences, seminars or training benefiting the officer or employee and their work for the County. Elected Officials and Department Heads are responsible for authorizing travel and verifying that expenses are necessary and reasonable. Additionally, Elected Officials and Department Heads are responsible for confirming that budgetary funding is available to support the expenses and ensuring that their employees have read and are aware of applicable policies.

## **SECTION IV: Maximum Allowable Reimbursement for Travel Expenses**

Unless otherwise excepted herein, the maximum allowable reimbursement for an employee or officer of the County shall be as follows:

- 1) mileage – Internal Revenue Service (IRS) standard mileage rate applicable at the time of the travel
- 2) lodging – block reservation rate set for conference/seminar or maximum of 20% greater than CONUS Government Service Administration (GSA) hotel rate for location and time of travel
- 3) meals – meals shall only be reimbursed after travel exceeds 18 hours in any one day. Each meal reimbursement shall be the actual cost of the meal up to \$25.00 plus

maximum of 20% gratuity, however, total meal reimbursement for each day shall not exceed \$50.00 plus corresponding gratuities.

- 4) All other travel expenses shall not exceed the corresponding CONUS Government Service Administration (GSA) travel rate for location and time of travel.
- 5) An employee of the County incurring overnight travel for more than two consecutive nights, may request an advance for travel expense at the rates above. The employee shall submit corresponding travel receipts and expenses and reimburse the County for any unused advance or undocumented advance for travel expenses. The employee's Elected Official or Department Head is responsible to review and reconcile travel expense receipts to the advance for travel expenses.

#### **SECTION V: Approval of Expenses**

The Board must approve the following reimbursements for travel, including meals or lodging, by a roll call vote at an open meeting of the Board:

- (1) Any expense of any officer or employee that exceeds the maximum permitted in Section IV; or
- (2) Any expense of any member of the County Board.

#### **SECTION VI: Documentation of Expenses**

Before any reimbursement for travel, including meals or lodging, may be approved pursuant to Section V, a standardized form for submission of travel, meal, and lodging expenses supported by the following minimum documentation shall first be submitted to the County Board:

- (1) an estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred;
- (2) the name of the individual who received or is requesting the travel, meal, or lodging expense;
- (3) the job title or office of the individual who received or is requesting the travel, meal, or lodging expense; and
- (4) the date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended.

All documents and information submitted under this Section are public records subject to disclosure under the Freedom of Information Act, 5 ILCS 140/1 *et seq.*

**SECTION VII: Effective Date.**

This Resolution shall be in full force and effect from and after its passage.

**Approved and adopted by the County Board of Kendall County, Illinois on this 15<sup>th</sup> day of November, 2016.**

---

John A. Shaw, Chairman  
County Board

Attest:

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Debbie Gillette  
County Clerk

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Local Government Travel Expense Control Act.

Section 5. Definitions. As used in this Act:

"Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

"Local public agency" means a school district, community college district, or unit of local government other than a home rule unit.

"Travel" means any expenditure directly incident to official travel by employees and officers of a local public agency or by wards or charges of a local public agency involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

Section 10. Regulation of travel expenses. All local public agencies shall, by resolution or ordinance, regulate the reimbursement of all travel, meal, and lodging expenses of officers and employees, including, but not limited to: (1) the

types of official business for which travel, meal, and lodging expenses are allowed; (2) maximum allowable reimbursement for travel, meal, and lodging expenses; and (3) a standardized form for submission of travel, meal, and lodging expenses supported by the minimum documentation required under Section 20 of this Act. The regulations may allow for approval of expenses that exceed the maximum allowable travel, meal, or lodging expenses because of emergency or other extraordinary circumstances. On and after 180 days after the effective date of this Act of the 99th General Assembly, no travel, meal, or lodging expense shall be approved or paid by a local public agency unless regulations have been adopted under this Section.

Section 15. Approval of expenses. On or after 60 days after the effective date of this Act of the 99th General Assembly, expenses for travel, meals, and lodging of: (1) any officer or employee that exceeds the maximum allowed under the regulations adopted under Section 10 of this Act; or (2) any member of the governing board or corporate authorities of the local public agency, may only be approved by roll call vote at an open meeting of the governing board or corporate authorities of the local public agency.

Section 20. Documentation of expenses. Before an expense for travel, meals, or lodging may be approved under Section 15 of this Act, the following minimum documentation must first be

submitted, in writing, to the governing board or corporate authorities:

(1) an estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred;

(2) the name of the individual who received or is requesting the travel, meal, or lodging expense;

(3) the job title or office of the individual who received or is requesting the travel, meal, or lodging expense; and

(4) the date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended.

All documents and information submitted under this Section are public records subject to disclosure under the Freedom of Information Act.

Section 25. Entertainment expenses. No local public agency may reimburse any governing board member, employee, or officer for any entertainment expense.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING THE  
REIMBURSEMENT OF ALL TRAVEL, MEAL, AND LODGING EXPENSES OF  
OFFICERS AND EMPLOYEES IN THE COUNTY OF \_\_\_\_\_, ILLINOIS**

WHEREAS, \_\_\_\_\_ County, Illinois is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution;

WHEREAS, the Local Government Travel Expense Control Act, Pub. Act 99-0604, requires all non-home rule local public agencies, including counties, to regulate, by ordinance or resolution, the reimbursement of all travel, meal, and lodging expenses of their officers and employees by the effective date of January 1, 2017; and

WHEREAS, the Board of Supervisors of \_\_\_\_\_ County has determined that it must comply with the Act by passage of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF \_\_\_\_\_ COUNTY, ILLINOIS, THAT THE FOLLOWING ORDINANCE TO REGULATE THE REIMBURSEMENT OF ALL TRAVEL, MEAL, AND LODGING EXPENSES OF THEIR OFFICERS AND EMPLOYEES BE AND HEREBY IS ADOPTED:

**SECTION I: Definitions.**

The following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Entertainment: includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

Travel: any expenditure directly incident to official travel by employees and officers of the County or by wards or charges of the County involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

**SECTION II: Official Business for which Expenses May Be Reimbursed.**

- (1) An official of the County shall be entitled to reimbursement for travel, including meals or lodging, related to the following types of official business:
  - a. Education conferences related to the duties of the officer of the County;
  - b. Site visits to current or potential vendors of the County
  - c. [If desired, insert additional authorization(s)]
- (2) An employee shall be entitled to reimbursement for travel, including meals or lodging, related to the following types of official business:
  - a. Education conferences related to the duties of the employee of the County;
  - b. Site visits to current or potential vendors of the County
  - c. [If desired, insert additional authorization(s)]

**SECTION III: Maximum Allowable Reimbursement for Expenses**

- (1) Unless otherwise excepted herein, the maximum allowable reimbursement for an employee or officer of the County shall be those rates set by the Reimbursement Schedule of the Governor's Travel Control Board in effect at the time the expense was incurred.
- (2) The following exceptions shall not be controlled by the Reimbursement Schedule of the Governor's Travel Control Board and shall be limited as indicated:
  - a. [If desire to make exceptions, insert here].
  - b. [If desire to make exceptions, insert here].

**SECTION IV: Approval of Expenses**

The Board must approve the following reimbursements for travel, including meals or lodging, by a roll call vote at an open meeting of the Board:

- (1) Any expense of any officer or employee that exceeds the maximum permitted in Section III; or
- (2) Any expense of any member of the Board.

**SECTION V: Documentation of Expenses**

Before any reimbursement for travel, including meals or lodging, may be approved pursuant to Section IV, a standardized form for submission of travel, meal, and lodging expenses supported by the following minimum documentation shall first be submitted to the Board:

- (1) an estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred;
- (2) the name of the individual who received or is requesting the travel, meal, or lodging expense;
- (3) the job title or office of the individual who received or is requesting the travel, meal, or lodging expense; and
- (4) the date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended.

All documents and information submitted under this Section are public records subject to disclosure under the Freedom of Information Act, 5 ILCS 140/1 *et seq.*

**SECTION VI: Entertainment Expenses**

No employee or officer of the County shall be reimbursed by the County for any entertainment expense.

**SECTION XII: Effective Date.**

This Ordinance shall be in full force and effect from and after its passage.

Passed by the Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

AYES:

NAYS:

PRESENT:

ABSTAIN/ABSENT: \_\_\_\_\_

\_\_\_\_\_  
COUNTY CLERK

Passed and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHAIRMAN, \_\_\_\_\_ COUNTY

ATTEST:

\_\_\_\_\_  
COUNTY CLERK

Page	Section	Policy Topic	Status	Issue	ICRMT Policy vs. KC	Law / Effective
53 - 58	7.5	Sexual Orientation	Has not been discussed at HR Admin Committee	Discrimination against Sexual Orientation	ICRMT covers sexual orientation and harassment but does not include complaint procedure, KC policy does not discuss sexual orientation	Illinois Human Rights Act 1-1-06 / Also see IL Equal Employment Opportunity Statement from the Office of Executive Inspector General
52	7.4	e-cigarette	Has not been discussed at HR Admin Committee	KC policy currently does not have a policy that affects/reflects e-cigarettes	ICRMT policy prohibits e-cigarette, but does not mention vehicle use	IGA Approved (02/08/16) for Consideration Bill HB2404
66 - 67	8.6	IL Privacy Act / Social Media	Has not been discussed at HR Admin Committee	Personal online Social Media accounts	Covered in ICRMT, not KC handbook	Amendment to current privacy act, new law takes effect January 1, 2017
42 - 43	6.10	Employee Sick Leave Act	Has not been discussed at HR Admin Committee	Use of employee sick time	ICRMT covers all qualified family members, KC does not	Public Act 99-0841, effective January 1, 2017
33 - 41	6.6	Healthcare contributions after FMLA exhausted	Discuss to KC handbook	To pay total cost of healthcare premium(s) after 12 weeks FMLA is exhausted	Consider "after 12 weeks of FMLA has been exhausted the employee will be required to pay 100% share of health insurance premiums on the same schedule as he or she would under COBRA"	Family Medical Leave Act
25	5.2	Workers' Compensation (OSHA Workplace Safety Reporting) and Anti-Retaliation Regulations	Has not been discussed at HR Admin Committee	KC policy currently does not reflect. Employee notification of injuries and retaliation for reporting work related injuries	ICRMT policy covers new OSHA law, KC policy does not	OSHA Tracking and Record Keeping, Effective January 1, 2017
31 - 32	6.3	Child Bereavement Leave Act	Has not been discussed at HR Admin Committee	Requires employers to provide unpaid leave for the death of a child	ICRMT covers this policy, nothing in KC handbook	820 ILCS 154/1, became effective 07/29/16
48	6.13	School Visitation Right	Has not been discussed at HR Admin Committee	KC policy currently does not reflect this activity in its policy handbook	ICRMT covers policy, KC does not	(820 ILCS 147/) School Visitation Rights Act
32 - 33	6.5	Time off to Vote	Has not been discussed at HR Admin Committee	KC policy currently does not reflect this activity in its policy handbook	ICRMT covers policy, KC does not	(10 ILCS 5/17-15) (from Ch. 46, par. 17-15) Sec. 17-15

**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.~~

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

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~~The safety and health of our employees is very important to Kendall County. Despite our best efforts at prevention, accidents in the workplace can sometimes occur.~~

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~~When an employee is injured in his or her scope of employment, the employee may be eligible for workers' compensation benefits.~~

**Reporting Injuries**

~~An employee is required to report any and all injuries that occur or may have occurred while performing his or her job duties as soon as he or she is aware of the injury to his or her manager or to the Human Resources Coordinator.~~

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**Retaliation Prohibited**

~~Kendall County prohibits retaliation against any employee for reporting a workplace injury or filing a workers' compensation claim. Any employee that retaliates against another employee for making a good faith request for workers' compensation is subject to discipline or termination.~~

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**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

this in writing from their immediate supervisor who will then submit this request to the department head/elected official/County committee chairperson. 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 LEAVE:** 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.~~

Full-time employees may take 3 days of paid bereavement leave for the death of an immediate family member. For purposes of this policy, immediate family member is defined as a spouse, parent, child, brother, sister, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, step-parent, step-parent-in-law or legal guardian.

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Eligible employees (as that term is defined in Section 101(2) of the federal Family and Medical Leave Act, 29 U.S.C. 2601 et seq.) are also entitled to take a maximum of 2 weeks (10 working days) of unpaid bereavement leave to: (a) attend the funeral or alternative to a funeral of a child; (b) make arrangements necessitated by the death of a child; or (c) grieve the death of a child. In the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period.

Bereavement leave under this policy must be completed within 60 days after the date on which the employee receives notice of the death of the child. An employee is required to provide (employer) with at least 48 hours' advance notice of the employee's intention to take bereavement leave unless providing such notice is not reasonable and practicable. (Employer) may require reasonable documentation, including a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution or government agency.

An employee who is entitled to take paid or unpaid leave, may elect to substitute any period of paid leave for an equivalent period of unpaid bereavement leave.

Kendall County prohibits retaliation against any employee who exercises his or her rights under this policy, opposes any practice that the employee believes to be in violation of this policy, or supports the exercise of rights of another under this policy.

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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

**TIME OFF TO VOTE:** Employees are requested to vote before or after work if possible. However, if polls are open only during work hours or you are unable to vote before or after work, voters may take time to vote during work so long as the time taken does not exceed two hours. Employees must request time off to vote in advance of the election date, and Kendall County reserves the right to specify the time frame during which the employee may be absent to vote.

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~~Illinois employers with 25 or more employees are also required to accommodate employees engaging in other election-related activities, such as serving as an election judge. An employee appointed to serve as an election judge is entitled to be absent from work for serving in that capacity. An employee must give his or her employer at least 20 days written notice of his or her absence.~~

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## 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-locco-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.~~

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~~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 insurable 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.~~

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### B. 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.~~

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### C. 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.~~

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~~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 (460 hours for administrative personnel, 480 hours for sworn police and other non-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.

#### D. 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.

#### E. 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.

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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.

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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.

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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.

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

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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.

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#### F. RETURNING TO WORK

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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.

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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.

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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.

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4. If the employee fails to return to work upon expiration of the designated 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.

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#### G. 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 emotionally or physically impaired, that he or she requires active assistance with activities of daily living due to substantially limited major life activities.

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

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3. SPOUSE. The legal spouse.

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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.

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5. CONTINUING TREATMENT.

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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.

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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.

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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.

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8. 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.

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## ELIGIBILITY

To be eligible for FMLA benefits, an employee must:

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- (1) have worked for Kendall County for a total of 12 months; and
- (2) have worked at least 1,250 hours over the previous 12 months;
- (3) work at a site with 50 or more employees within a 75 mile radius.

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## LEAVE ENTITLEMENT

A covered employee is entitled to up to a total of 12 workweeks of unpaid leave in a 12 month period for one or more of the following reasons:

- For the birth of a son or daughter, and to care for the newborn child;
- for the placement with the employee of a son or daughter for adoption or foster care;
- to care for the employee's spouse, son or daughter or parent (but not parent-in-law) who has a serious health condition;
- when the employee is unable to perform the functions of the employee's job because of a serious health condition, or because of incapacity due to pregnancy, prenatal medical care or child birth.

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Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

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Spouses employed by the same employer may be limited to a combined total of 12 workweeks of family leave for the following reasons:

- birth and care of a child;
- for the placement of a child for adoption or foster care, and to care for the newly placed child; and,
- to care for an employee's parent who has a serious health condition.

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Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status as defined by applicable federal regulations may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include the following as defined and limited by federal regulation: short notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, parental care, and additional activities arising out of the military member's covered active duty or call to covered active duty status as agreed by employer and employee.

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An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember (as defined by federal regulation) who is recovering from a serious illness or injury sustained in the line of duty on active duty, is entitled to up to 26 weeks of unpaid leave in a single 12-month period to care for the servicemember. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness. Covered servicemember also includes a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period, but is entitled to no more than 12 weeks of leave for:

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- the birth of a son or daughter of the employee and in order to care for such son or daughter;
- because of the placement of a son or daughter with the employee for adoption or foster care;
- in order to care for the spouse, son, daughter or parent with a serious health condition;
- because of the employee's own serious health condition,
- or because of a qualifying exigency.

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A husband and wife who are eligible for FMLA leave and are both employed by Kendall County are limited to a combined total of 26 workweeks of leave during the single 12-month

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period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness.

Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

- If FMLA leave is for birth and care or placement for adoption or foster care of a son or daughter, use of intermittent leave is subject to the employer's approval.
- FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or seriously ill or injured servicemember, or because the employee is seriously ill and unable to work.

The terms "son or daughter" are defined as biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability. An employee stands in loco parentis to a child when the employee intends to assume the responsibilities of a parent with regard to the child through either day-to-day care or financial support.

#### **SERIOUS HEALTH CONDITION**

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

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

#### **LEAVE AVAILABILITY CALCULATION**

The Kendall County has adopted the "rolling 12 month period" method of calculating available FMLA leave for all types of leave with the exception of leave to care for a seriously ill or injured servicemember. Under the rolling 12-month period, in order to determine the amount of available FMLA leave, the calculation is made each time an employee commences an FMLA leave. From that date, the preceding 12 month period is examined. Any FMLA leave used during that preceding 12 months is deducted from the 12 weeks annual leave granted by the FMLA. The employee is entitled to take no more than the remaining balance of FMLA leave.

For FMLA leave requests made to care for a covered servicemember with a serious injury or illness, the single 12-month period begins on the first day the eligible employee takes FMLA leave.

#### **SUBSTITUTION OF PAID LEAVE**

Any employee taking FMLA leave is required to substitute and use any remaining paid "leave" benefits which are available or become available during the FMLA leave. This includes vacation, personal, and sick days. Such paid leave is substituted for the unpaid FMLA leave, and is not in addition to such FMLA leave.

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All other FMLA leave is unpaid.

#### **MEDICAL INSURANCE BENEFITS WHILE ON FMLA LEAVE**

During FMLA leave, the Kendall County will maintain the employee's health coverage under any group health plan, under the same terms as if the employee had continued to work. If the employee was required to pay a portion of the premiums for coverage, that obligation continues while on leave. Payment is expected to be made in the same amounts, and at the same time (i.e. each payroll date) as was made while working. If any payment is more than 30 days late, medical coverage may be canceled pursuant to the FMLA Rules and Regulations.

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An employee can elect not to continue medical coverage while on leave. If this election is made, the Kendall County will immediately place the coverage into COBRA.

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If the coverage is continued while on FMLA leave, and the employee does not return to work at the end of the FMLA leave period, the Kendall County will bill the employee for the amount of premiums paid by the Kendall County during the leave period unless the employee does not return to work due to a reason exempted from this provision by FMLA Rules and Regulations.

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No other employment benefits provided by the Kendall County to employees are continued during FMLA leave. All such benefits are instead held in abeyance until the employee returns to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

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#### **PROCEDURE FOR REQUESTING FMLA LEAVE**

An employee must provide Kendall County with at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If 30 days notice is not possible, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

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

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Any employee taking leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position must be supported by a certification issued by the health care provider of the employee or the employee's family member on the form attached to this policy. An employee taking leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness must also be supported by a certification in the form attached to this policy except that an employee taking leave to care for a covered servicemember may provide an

Invitational travel order (ITO) or an Invitational travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Additional copies of the certification forms can be obtained from your supervisor. Employees are required to furnish the completed certification within 15 calendar days of the Kendall County's request for certification. In the case of unforeseen leave, certification must be provided as soon as practicable. FMLA leave may be denied in accordance with the FMLA Rules and Regulations if appropriate certification is not provided.

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### **CONSEQUENCES OF TAKING FMLA LEAVE**

Any FMLA leave taken will be counted against the available leave allowed by statute. Any employee seeking to return to work after leave taken because of the employee's own "serious health condition" must submit a medical certification of fitness to return to duty, signed by the attending health care provider, before the employee will be allowed to return to work. Failure to comply with this requirement does not extend the leave.

On return from FMLA leave, the employee will be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The Kendall County reserves the right to deny restoration to "key employees" as defined by the FMLA regulations where restoration will cause "substantial and grievous economic injury" to the operations of the Kendall County.

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If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The employee may, however, fall under the Americans with Disabilities Act (ADA).

### **EMPLOYER RESPONSIBILITIES**

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

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

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### **UNLAWFUL ACTS BY EMPLOYERS**

The FMLA makes it unlawful for any employer to:

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

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### **ENFORCEMENT**

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

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



## REFERENCE TO FMLA NOTICE POSTER

The Kendall County has posted in each department a notice setting forth the relevant provisions of the FMLA. The terms of the notice are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of the notice concerning all applicable employee rights and obligations under the FMLA.

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### 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 workspaces;
- 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** **EMPLOYEE SICK LEAVE ACT:** An employee may use personal sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. Kendall County limits the use of personal sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's

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child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to an amount that would be accrued during six months at the employee's current rate of entitlement.]

Retaliation Prohibited

[Employer] strictly prohibits retaliation against an employee for exercising his or her right to use personal sick leave benefits in accordance with this policy.

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**Section 6.1** **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**

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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.

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.

## **B. SCHOOL VISITATION RIGHTS ACT**

In accordance with the School Visitation Rights Act, an employee who has worked for [employer] for at least six (6) consecutive months and works at least a half-time schedule may take up to eight (8) hours off during any school year, and no more than four (4) hours in one day to attend school conferences or classroom activities related to the employee's child, provided that the conference or classroom activity cannot be scheduled during non-working hours. Before taking leave pursuant to this policy, an employee must have exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to the employee except for sick leave and disability. Employees who intend to take leave pursuant to this policy are required to provide a written request at least seven (7) days in advance to their supervisor. In emergency circumstances, only twenty-four (24) hours' notice will be required. The employee is required to consult with his or her supervisor to schedule the leave so as not to unduly disrupt operations. Employees who take leave pursuant to this policy will be given a reasonable opportunity to make up the time off taken on a different day or shift as directed by the employer, but in no circumstances shall such make-up hours be scheduled so that they result in overtime pay to the employee. Employees are not required to make up the time, and if they choose not to do so, shall not be compensated for the time off. Employees are required to provide verification of the school visit to their supervisor within two (2) working days. Failure to provide verification may result in disciplinary action.

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## **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

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 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.

**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 appropriate committee chairman.

**Section 7.4**

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

~~The Illinois Clean Indoor Air Law (Public Act 96-1048), 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.~~

**Smoking and the Use of Electronic Cigarettes**

~~Kendall County prohibits smoking and the use of electronic cigarettes in the workplace and at any work site, while driving any vehicle owned or leased by Kendall County or while performing job duties on behalf of Kendall County. Smoking and the use of electronic cigarettes is also prohibited within 15 feet of the entrance or exit, any window that opens or ventilation intake of any building owned or operated by Kendall County.~~

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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 intimidate, 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 complaint 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 an impartial and confidential 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 60604~~

Telephone 312.814.8200

or Illinois Human Rights Commission  
400 West Randolph Street, Room 5-400  
Chicago, Illinois 60604  
Telephone 312.814.8289

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## I. STATEMENT OF POLICY

It is the County of Kendall policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification prohibited under federal or state law. Sexual misconduct is also prohibited. The County of Kendall will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom County of Kendall has a business, service, or professional relationship. "Employee" for purposes of this policy includes any individual performing services for County of Kendall, an apprentice, an applicant for apprenticeship, or an unpaid intern. Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. The County of Kendall is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. County of Kendall will take disciplinary action, up to and including termination, against an employee who violates this policy.

As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

1. submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;
2. submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
3. the harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

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

- The employee as well as the harasser may be a woman or a man. The employee does not have to be of the opposite sex.
- The harasser can be the employee's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The employee does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the employee.
- The harasser's conduct must be unwelcome.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that Employer deems inappropriate and in violation of our policy:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Retaliating or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
4. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
5. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, derogatory or suggestive comments about a person's body or dress.
6. Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes regarding disabled individuals.
7. Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

Sexual misconduct is strictly prohibited by County of Kendall and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault, or ANY sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

## **II. RESPONSIBILITIES**

### **A. Supervisors**

Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

1. Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
2. Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.
3. Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-26-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.
4. Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
5. Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the State's Attorney and / or County Board.
6. Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.



## B. Employees

Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

1. Refrain from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;
2. Immediately reporting any violations of this policy to a supervisor and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of public).
3. Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.

Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.

There is a clear line most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

The County of Kendall does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

## III. APPLICABLE PROCEDURES

The County of Kendall takes allegations of discrimination, harassment and sexual misconduct very seriously. It will actively investigate all complaints.

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the County of Kendall complaint

procedure to advise the County of Kendall of any perceived violation of this policy as soon as it occurs.

A. Bringing a Complaint

Any employee of County of Kendall, or an employee who believes that there has been a violation of this policy may bring the matter to the attention of County of Kendall in one of the following ways:

1. Advising his or her supervisor or
2. Advising the offending employee's supervisor, the County State's Attorney, or the County Board Chair in the event that the alleged harasser is the State's Attorney.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the State's Attorney or County Board Chair.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

B. Resolution of a Complaint

Promptly after a complaint is submitted, the County of Kendall will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedure in resolving any complaints can (but will not necessarily) include any of the following items:

1. A meeting between the employee making the complaint and an individual designated by County of Kendall to investigate such complaints. Important data to be provided by the complaining employee includes the following:
  - a. A description of the specific offensive conduct;
  - b. Identification of all person(s) who engaged in the conduct;
  - c. The location where the conduct occurred;
  - d. The time when the conduct occurred;
  - e. Whether there were any witnesses to the conduct;
  - f. Whether conduct of a similar nature has occurred on prior occasions;
  - g. Whether there are any documents which would support the complaining employee's allegations;
  - h. What impact the conduct had on the complaining employee.
2. While not required, County of Kendall encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.
3. After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of County of Kendall. The alleged offending individual should be advised of the charges brought against him or

her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.

4. After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately.

5. Once this investigation is completed, County of Kendall will take such action as is appropriate based upon the information obtained in the investigation. In the event that County of Kendall finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:

- a. Verbal or written reprimand;
- b. Placing the offending employee on a corrective action plan for a period of time to be identified;
- c. Delay in pay increases or promotions;
- d. Suspending the offending employee from work without pay;
- e. Demotion;
- f. Immediate termination.

6. Upon completion of the investigation, County of Kendall will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, [employer] looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

#### **Non-Retaliation**

Under no circumstances will there be any retaliation against any employee making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining employee, an accused employee, witnesses, or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Complaints of retaliation should be addressed to the State's Attorney, or County Board Chair.

If you have any questions concerning the County of Kendall's policies on this matter, please see your supervisor or the State's Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-8200, or the Equal Employment Opportunity Commission (EEOC), 800-669-4000 or for matters involving the abuse of minors the Illinois Department of Children and Family Services (DCFS), 800-25-ABUSE.

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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. Social Media Policy and Guidelines

This is the official policy for social media use at [Employer] and provides guidance for employees and elected officials on their professional and personal use of social media.

All employees are responsible for knowing and understanding the policy.

##### 1. Professional Use of Social Media

Before engaging in social media as a representative of [employer], you must be authorized to comment by an elected official or department head. You may not comment as a representative of the [employer] unless you are authorized to do so.

Once authorized to comment, you must:

- Disclose you are an employee or elected official of the [employer], and use only your own identity.
- Disclose and comment only on non-confidential information. Confidential information is separately defined in this policy.
- Ensure that all content published is accurate and not misleading and complies with all [employer] policies.
- Comment only on your area of expertise and authority.
- Ensure comments are respectful and refrain from posting or responding to material that is offensive, obscene, defamatory, threatening, harassing, bullying, and discriminatory, infringes copyright, breaches a Court order, or is otherwise unlawful.
- Refrain from making comments or posting material that might otherwise cause damage to the [employer]'s reputation or bring it into disrepute.

##### 2. Personal Use of Social Media

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The [employer] recognizes that you may wish to use social media in your own personal life. This policy does not intend to discourage or unduly limit your personal expression or online activities.

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However, you should recognize the potential for damage caused (either directly or indirectly) to the [employer] in certain circumstances via your personal use of social media when you can be identified as an employee of [employer]. Accordingly, you should comply with this policy to ensure that risk of such damage is minimized. You are personally responsible for the content you publish in a personal capacity on any form of social media platform. Remember that all posts are public and often permanent. When in doubt, you should seek guidance from your department head on how to comply with this policy. [Employer] reserves the right to read what you write or say publicly and make a determination if it meets this policy.

- Represent yourself accurately. Unless [employer] has designated you to speak officially for [employer], you should not state that you write or speak on behalf of [employer] or that your viewpoints are the same as [employer's], and you should make this clear to those reading or listening to your points of view.
- Do not disclose private or confidential information about [employer], employees, or about citizens that you obtained through your employment with [employer]. Confidential information is information that is exempt from disclosure under Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7 or which is prohibited from being disclosed under state or federal law.
- Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be construed as, vulgar, obscene, threatening, intimidating, harassing, or a violation of [employer's] workplace policies against discrimination, harassment on account of age, race, religion, sex, sexual orientation, ethnicity, nationality, disability, or other protected class, status, or characteristic.
- If you choose to identify your work affiliation on a social network, you should regard all communication on that network as you would in a professional network. Ensure your profile, photographs and related content is consistent with how you wish to present yourself with colleagues and clients.
- Employees who access social media during work hours or on [employer] owned equipment should still comply with [employer] computer usage policy. There is no right to privacy on [employer] owned equipment.
- [Employer] may discipline employees for making a comment or posting any material that might otherwise cause damage to [employer's] reputation or bring it into disrepute. When the employee's comment is made as a citizen and not as an employee and is made on a matter of public concern, [employer] may discipline the employee in situations where the interests of [employer] in promoting efficient operations outweighs the interests of the employee in commenting on such matters of public concern.

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Nothing in this policy shall be interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the Illinois Public Labor Relations Act. [Employer] has and always will comply fully with the obligations under the Illinois Public Labor Relations Act. Likewise, nothing in this policy shall be interpreted in a manner that unlawfully restricts an employee's rights under the federal or state Constitution. [Employer] has and always will comply with federal and state law.

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A violation of this policy may subject an employee to discipline, up to and including termination.