



**COUNTY OF KENDALL, ILLINOIS  
ADMIN HR COMMITTEE  
County Office Building  
County Board Rooms 209-210**

**Tuesday, December 27, 2016 ~ 5:30p.m.**

**MEETING AGENDA**

- 1. Call to Order**
- 2. Roll Call:** Lynn Cullick (Chair), Judy Gilmour (Vice Chair), Bob Davidson, Matthew Prochaska, John Purcell
- 3. Approval of Agenda**
- 4. Approval of Minutes from December 15, 2016 Meeting**
- 5. CBIZ Update**
- 6. Department Head and Elected Official Reports**
- 7. Public Comment**
- 8. Committee Business**
  - *Per Diem/Salary Discussion*
  - *Department Heads Review*
  - *County Administrator Review*
  - *Employee Handbook Updates*
- 9. Action Items for County Board**
- 10. Public Comment**
- 11. Executive Session**
- 12. Adjournment**

**COUNTY OF KENDALL, ILLINOIS**  
**ADMINISTRATION HUMAN RESOURCES COMMITTEE**  
**Meeting Minutes**  
**Tuesday, December 13, 2016**

**CALL TO ORDER**

The meeting was called to order by Admin HR Committee Chair Lynn Cullick at 9:01a.m.

**ROLL CALL**

Committee Members Present: Judy Gilmour – here, Lynn Cullick – here, John Purcell – yes, Matthew Prochaska - here. With four members present, a quorum was established to conduct committee business.

Committee Members Absent: Bob Davidson

County Personnel Present: Glen Campos, Scott Koeppel

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

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

**CBIZ Update** – Jim Pajauskas said the census has been submitted to United Healthcare and will be upload it into their system so that id cards can be distributed prior to January 2017.

Glen Campos reported:

- 18 employees in the PPO family switched to the HSA, and 14 single employees switched from the PPO to the HSA, leaving three families and 4 singles on the PPO from Probation, KenCom, the Sheriff's Patrol Deputies, and the Sheriff's Patrol Sergeants.

**DEPARTMENT HEAD AND ELECTED OFFICIAL REPORTS**

**Technology** – Mr. Koeppel reported that their new employee began on 12/12/2016, and is currently being trained by Technology personnel.

Mr. Koeppel also reported on some changes to the procedures for ordering toners, supplies and service on the Konica Copiers. Designated staff in each department or office will now be responsible for direct contact with Konica when ordering supplies, service, etc. Mr. Koeppel said that they are working with a new company to recycle toners.

Technology also made some changes to the Animal Control printers, and the Coroner's office rearranging things, hooking up computers, etc.

Mr. Koeppel has scheduled meetings with KenCom to ensure that their needs are being met, to discuss issues that KenCom would like resolved, and to observe their system.

**PUBLIC COMMENT – None**

**COMMITTEE BUSINESS**

- *Department Heads Review* – Member Cullick reminded committee members that the Board approved evaluation tools that would allow the County Administrator to conduct Department Head reviews for Facilities Management, Technology, Animal Control, and PBZ. Discussion on including the Chief Assessor and the County Engineer in the process as well. The committee had previously talked about having these reviews in January each year. After the County Administrator conducts an evaluation, each committee will review the Department Head evaluations, and then the Board will review the evaluations at a Committee of the Whole meeting.
- *County Administrator Review* – Member Cullick reminded the committee that the Board approved conducting an annual review of the County Administrator in January each year. The committee will review the evaluation forms at the next committee meeting and decide how to proceed.
- *Board Member Training* – Member Cullick stated that Mr. Koeppel, Mr. Weis, Ms. Ferko and Ms. Gillette will be addressing the Board during training.
- *Determine 2017 Regular Meeting Schedule* – Discussion on the days and times for meeting as a committee on a regular basis. There was consensus by the committee to meet on the first Monday of the month at 5:30p.m. and on the fourth Tuesday of the month at 5:30p.m.
- *Employee Handbook Updates* – Item tabled to a later meeting

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

**ACTION ITEMS FOR COUNTY BOARD - None**

**PUBLIC COMMENT – None**

**EXECUTIVE SESSION – Not Needed**

**ADJOURNMENT** – Member Purcell moved to adjourn the meeting at 10:41a.m., second by Member Gilmour.

Respectfully Submitted,

Valarie McClain  
Administrative Assistant/Recording Secretary



**KENDALL COUNTY DEPARTMENTAL FORM  
EMPLOYEE GOALS & PERFORMANCE REVIEW**

Employee:		Evaluator/Supervisor:	
Department:		Title:	
Hire Date:	Date of Review:	Date of Last Review:	
Evaluation (check one): <input type="checkbox"/> Annual <input type="checkbox"/> Probationary    Performance Period: _____ to _____			

**Review Achievement of Goals for Previous Performance Period \_\_\_\_\_ to \_\_\_\_\_**

<b>1.</b>
<b>Comments:</b>
<b>2.</b>
<b>Comments:</b>
<b>3.</b>
<b>Comments:</b>
<b>4.</b>
<b>Comments:</b>

**Supervisor and employee list any special accomplishments or recognition achieved by the employee during the performance period under review:**

**CORE TO SUCCESS:**

(completed by supervisor)

Rating Key: EE = Exceeds Expectations ME = Meets Expectations NI = Needs Improvement U= Unacceptable

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**JOB KNOWLEDGE** (Possesses clear understanding of the responsibilities and tasks he/she must perform)

**Comments:**

**JOB PRODUCTIVITY** (Demonstrates commitment to efficiently and effectively complete projects/ tasks to meet deadlines, seeks extra assignments and able to complete on a timely basis)

**Comments:**

**ORGANIZATION** (Keeps office neat and files organized, timely attends to job duties and limits idle time)

**Comments:**

**FLEXIBILITY** (Open to suggestions and new ideas and freely adapts to changes in procedures and work duties)

**Comments:**

**COOPERATION** (Provides courteous response to citizens, co-workers, supervisors; provides assistance whenever possible; avoids speaking, writing or actions that could be seen as disrespectful of people in their absence; recognizes and shows respect for the strengths and contributions of others)

**Comments:**

**ATTENDANCE** (Arrives for work on time, limits breaks and lunch times appropriately)

**Comments:**

**PROFESSIONALISM** (Dresses appropriately, displays professional appearance and demeanor, uses proper grammar, refrains from profanity)

**Comments:**

**SUPERVISION / DIRECTION** (Gives appropriate supervision to subordinate employees; follows direction and constructive direction from supervisor)

**Comments:**

**Core to Success Rating Guidelines:**

- (1) Exceeds Expectations (EE):** Performance consistently far exceeds expectations in all competencies, and the quality of work was overall superior. Annual goals were completed earlier than anticipated. Made an exceptional or unique contribution in support of department or County objectives. This rating should be reserved for employees with strong, commendable performance. Concrete examples of these results must be given to issue this rating. This rating should be used sparingly and reserved for truly extraordinary performance throughout the performance cycle.
- (2) Meets Expectations (ME):** Performance consistently meets expectations in all or almost all competencies, and the quality of work overall met expectations. All or almost all goals were met. The employee is a dependable, competent, knowledgeable individual who meets and occasionally exceeds expectations of the position. The rating conveys solid, effective performance.
- (3) Needs Improvement (NI):** Performance is adequate in most competencies, but needs improvement in one or more significant competencies that are critical to the position, and/ or one or more of the most critical goals were not met. Work product requires improvement in one or more areas to meet the County's expectations. This rating conveys that performance is below expectations in one or more areas and must be improved.
- (4) Unacceptable (U):** Performance was frequently below in all or almost all competencies, and/or reasonable progress toward critical goals was not made. Significant improvement is needed in all or almost all competencies. A performance improvement plan must be outlined, including timelines and monitored to measure progress.

**REMEDATION REQUIRED:**

*(supervisor list any issues employee must remediate, suggested remediation, and date for additional review)*

**ADDITIONAL NOTES:**



**Develop Goals for Next Performance Period \_\_\_\_\_ to \_\_\_\_\_**

**(Collaborative discussion between supervisor and employee)**

**1.**

**Comments:**

**2.**

**Comments:**

**3.**

**Comments:**

**4.**

**Comments:**

**Suggested Training and Development:**

(supervisor and employee list any training or personal development activities employee should consider prior to next review)

**Evaluator's comments:**

**Employee's comments:**

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**I have read this evaluation and had the opportunity to review it with my supervisor, and have been given a copy of this evaluation. My signature does not necessarily denote my agreement with the conclusions of the evaluator.**

Employee:

Date:

Supervisor:

Date:

Department Head:

Date:

Received by Human Resources:

Date:

Page	Section	Policy Topic	Status	Issue	ICRMT Policy vs. KC	Law / Effective
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
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
33 - 41	6.6	Family Medical Leave	Discuss to KC handbook	Employee cost of healthcare premium(s) during the 12 weeks FMLA	Current policy states "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
42 - 43	6.10	Employee Sick Leave Act	Has not been discussed at HR Admin Committee	Use of employee sick time	ICRMT policy covers all qualified family members, KC does not	Public Act 99-0841, effective January 1, 2017
48	6.14	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
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
53 - 58	7.5	Sexual Harassment Policy ( Includes Sexual Orientation)	Has not been discussed at HR Admin Committee	Discrimination against Sexual Orientation not included in current policy	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
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

**Section 5.2 WORKERS' COMPENSATION:** ~~The Workers' Compensation law provides protection for employees experiencing occupational disabilities through accidents or illness arising out of and in the course of employment:~~

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

~~B. All expenses involved with the treatment of the illness or injury are covered by the State of Illinois Workers' Compensation Act [GC1]~~

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.

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.

**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.

**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. (GC2)~~

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.

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 Kendall County 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. Kendall County 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[GC3].

**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 6.5 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, employees 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.

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.

## Section 6.6

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

### A. FMLA EFFECTIVE CONDITIONS

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

~~2. The care of a child, parent or spouse who has a serious health condition if it is medically determined that the care given by an employee is necessary. The term "parent" does not include in-laws for the purpose of this policy. For purpose of these care giving leaves, the child, parent or spouse must be either: (a) an overnight in hospital patient; (b) in a hospice; (c) in a nursing home; (d) absent from work or school for more than three (3) days; (e) require active assistance with daily life activities; (f) be under continuing treatment by, or supervision of a health care provider; or (g) have either an incurable condition or one that if not cared for, would cause incapacity for more than three (3) days. The care giving twelve (12) week leave is available to each of the employee parents of the child or the employee child of the parent.~~

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

### 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.~~

### 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.~~

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

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

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

#### ~~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.~~



~~2. Other elective payroll deductions including but not limited to AFLAC, prepaid legal services, and 1-Bonds, are the responsibility of the employee. Costs advanced by the County are subject to the same Salary Withholding Authorization as health insurance benefits.~~

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

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

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

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

#### ~~F. RETURNING TO WORK~~

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

~~2. Upon the expiration of the designated FMLA leave, the employee will be restored to the regular position or to an equivalent position in pay, benefits and other terms and conditions of employment, if the employee would not have been terminated during the period while the employee was on leave because of general economic conditions of employment or due to a restructuring of the department, division or the County. That is, the designated FMLA leave does not guarantee a restoration of employment. The employee will be treated the same as any other employee similarly positioned and actively at work on the date of the reduction in force and/or restructuring.~~

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

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

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

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

~~3. SPOUSE. The legal spouse.~~

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

~~5. CONTINUING TREATMENT.~~

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

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

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

~~6. INTERRELATION OF LEAVES. Any leave taken pursuant to this policy, other County policies, a collective bargaining agreement, or law which qualifies as leave under the FMLA or any applicable state, family or medical leave act, will be counted against the employee's available leave under the applicable County policy(ies), collective bargaining, and/or law, as well as the available leave under the FMLA or applicable state law, to the extent permitted by such applicable law.~~

## ELIGIBILITY

To be eligible for FMLA benefits, an employee must:

- (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.

## 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.

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

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.

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.

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:

- 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.

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

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.

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.

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.

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, Kendall County will bill the employee for the amount of premiums paid by the Kendall County for employee premium contributions, 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.

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.

### **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.

Employees must provide sufficient information for Kendall County 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.

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. 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, 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. Copies of the certification forms can be obtained from your supervisor or the Human Resources Coordinator. 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.

### **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. 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 Kendall County.

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.

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.

### **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.

### **ENFORCEMENT**

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

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

## REFERENCE TO FMLA NOTICE POSTER

Kendall County has posted notices setting forth the relevant provisions of 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.

[GC4]

### Section 6.7

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

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

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

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

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

**Section 6.8** **IMRF DISABILITY LEAVE:** IMRF may provide temporary or total disability benefits for those employees unable to continue the performance of their job responsibilities. If the employee applies for and is granted temporary disability benefits under the provisions of the Illinois Municipal Retirement Fund (IMRF) or Sheriff's Law Enforcement Police (SLEP), this leave time shall be designated as FMLA leave, assuming that all FMLA qualifications are satisfied.

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

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

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

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

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

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

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

**Section 6.10** **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 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**

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

**Section 6.110 GENERAL LEAVE OF ABSENCE:** Employees may request a general unpaid leave of absence for personal matters. Leaves are granted on the assumption that the employee will be available to return to regular employment when the conditions necessitating the leave permit. The decision to grant such leave shall be at the sole discretion of the County Board Chairman. Such leave may be requested for:

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

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

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

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

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

1. Employees may submit a written request to their Department Head asking for a leave of absence without pay. The request shall be in writing, stating the reasons for the request, the date desired for the start of the leave and probable date of return. The request along with the written recommendation of the Department Head shall be forwarded to the County Board Chairman for authorization.
2. Authorization for such leave shall be within the sole discretion of the County Board Chairman whose decision will be based upon the operational needs of the department, the work record of the individual and the reason for the request.
3. An employee is required to exhaust available paid vacation and sick/personal leave before unpaid general leave of absence is commenced.

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

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

## B. SCHOOL VISITATION RIGHTS ACT

In accordance with the School Visitation Rights Act, an employee who has worked for Kendall County 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.

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

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

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

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

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

**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.**

**Section 7.5**

**HARASSMENT POLICY:**

~~It is the policy of the County to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with~~

another's work performance or that creates an intimidating, offensive, or hostile environment. Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status or sex. Special attention should be paid to the prohibition of sexual harassment. Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment and, in particular, sexual harassment. No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, non-supervisory employees, or non-employees, is also prohibited. This conduct includes: unwanted physical contact or conduct of any kind, including sexual flirtations, touching advances, or propositions, verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references, demeaning, insulting, intimidating, or sexually suggestive comments about an individual's personal appearance; the display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs, demeaning, insulting, intimidating or sexually suggestive written, recorded, or electronically transmitted messages. Any of the above conduct, or other offensive conduct, directed at individuals because of their race, national origin, religion, disability, pregnancy, age or military status is also prohibited.

Any employee who believes that a supervisor's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaints should be made to the employee's supervisor; or to the department head if the complaint involves the supervisor. Complaints of harassment will be handled and investigated under the County's grievance policy, unless special procedures are considered appropriate. All complaints of harassment will be investigated promptly and in 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 312.814.6200

or Illinois Human Rights Commission  
100 West Randolph Street, Room 5-100

## I. STATEMENT OF POLICY

It is the policy of Kendall County 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. Kendall County will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom the County of Kendall has a business, service, or professional relationship. "Employee" for purposes of this policy includes any individual performing services for Kendall County, 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. Kendall County is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. Kendall County 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:

- Submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
- 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 Kendall County 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 Kendall County 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 (1-800-25-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.

Kendall County 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

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

### A. Bringing a Complaint

Any employee of Kendall County or an employee who believes that there has been a violation of this policy may bring the matter to the attention of Kendall County 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, Kendall County 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 Kendall County 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, Kendall County 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 Kendall County. 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, Kendall County will take such action as is appropriate based upon the information obtained in the investigation. In the event that Kendall County 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, Kendall County 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, Kendall County 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 Kendall County'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, 312-814-6200, 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. JGC7

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 Guideline**

This is the official policy for social media use at Kendall County 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 Kendall County, you must be authorized to comment by an elected official or department head. You may not comment as a representative of Kendall County unless you are authorized to do so.

Once authorized to comment, you must:

- Disclose you are an employee or elected official of the Kendall County, 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 of Kendall County's 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 Kendall County's reputation or bring it into disrepute.

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

Kendall County 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.

However, you should recognize the potential for damage caused (either directly or indirectly) to the County of Kendall in certain circumstances via your personal use of social media when you can be identified as an employee of Kendall County. 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. Kendall County reserves the right to read what you write or say publicly and make a determination if it meets this policy.

- Represent yourself accurately. Unless Kendall County has designated you to speak officially for the County of Kendall, you should not state that you write or speak on behalf of Kendall County or that your viewpoints are the same as Kendall County'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 Kendall County, employees, or about citizens that you obtained through your employment with Kendall County. 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 Kendall County'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 chose 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 Kendall County's owned equipment should still comply with Kendall County's computer usage policy. There is no right to privacy on Kendall County's owned equipment.
- Kendall County may discipline employees for making a comment or posting any material that might otherwise cause damage to Kendall County'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, Kendall County may discipline the employee in situations where the interests of Kendall County in promoting efficient operations outweighs the interests of the employee in commenting on such matters of public concern.

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. Kendall County 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. Kendall County has and always will comply with federal and state law.

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

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#### **F.G. Miscellaneous**

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

### **Section 8.7 JOURNAL COPY EMAIL ARCHIVE MANAGEMENT, RETENTION AND DISPOSAL**

#### **A. RETENTION AND DISPOSAL REQUIREMENTS**

1. A duplicate copy of all emails sent and received via the County's email server will be stored on the County's journal copy email archive (hereinafter referred to as "archived emails"). The archived emails are convenience copies, which are not subject to the record retention requirements of the Illinois Local Records Act.
2. Archived emails shall be retained in their electronic form in the County's journal copy email archive for a period of at least seven (7) years from the date any email sent or received.
3. The seven (7) year retention period requirement set forth in Section 8.7(A)(2) above may be modified or waived upon entry of a court order or pursuant to applicable state or federal law.
4. Upon the completion of the required retention period, the Kendall County Technology Services Department shall permanently delete or purge the archived emails from the County's journal copy email archive. Because the archived emails are convenience copies, which are not subject to the Illinois Local Records Act, the Illinois Local Records Commission's prior approval for disposal of the archived emails is not necessary.

#### **B. PRESERVATION NOTICE**

1. The County acknowledges there may be situations that arise that require the Kendall County Technology Services Department to retain certain archived emails beyond the required retention period set forth in Section 8.7(A) above (e.g., pending litigation and/or a pending law enforcement investigation). It is the applicable County department head and/or elected official's responsibility to notify the Kendall County Technology Services Department when certain archived emails must be preserved beyond the required seven (7) retention period. The