

COUNTY OF KENDALL, ILLINOIS
ADMIN HR COMMITTEE
County Office Building
County Board Room 210
Monday, January 7, 2019 at 5:30p.m.

MEETING AGENDA

- 1. Call to Order**
- 2. Roll Call:** Elizabeth Flowers (Chair), Judy Gilmour, Scott Gryder, Matthew Prochaska, Robyn Vickers
- 3. Approval of Agenda**
- 4. Approval of Minutes from December 19, 2018**
- 5. Department Head and Elected Official Reports**
- 6. Public Comment**
- 7. Committee Business**
 - *Discussion and Review of Revised Kendall County Employee Handbook*
- 8. Executive Session**
- 9. Items for Committee of the Whole**
- 10. Action Items for County Board**
- 11. Adjournment**

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time

COUNTY OF KENDALL, ILLINOIS
ADMIN HR MEETING
County Office Building
111 W. Fox Street, Room 210; Yorkville
Thursday, December 19, 2018

CALL TO ORDER - Committee Chair Elizabeth Flowers called the meeting to order at 5:30p.m.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Elizabeth Flowers	Present		
Judy Gilmour	Here		
Scott Gryder		5:46p.m.	
Matthew Prochaska	Here		
Robyn Vickers	Here		

Others in Attendance: Bob Jones, Scott Koeppel

APPROVAL OF AGENDA – Motion made by Member Prochaska, second by Member Vickers to approve the agenda. With four members voting aye, the agenda was approved by a 4-0 vote.

APPROVAL OF MINUTES – Motion made by Member Prochaska, second by Member Gilmour to approve the November 29, 2018 minutes. With four members voting aye, the minutes were approved by a 4-0 vote.

DEPARTMENT HEAD AND ELECTED OFFICIAL REPORTS

Treasurer's Office – Bob Jones reported that he had completed the MetLife census on December 10, 2018, and information on dental cards and supplemental life insurance is forthcoming. Mr. Jones also stated that Blue Cross Blue Shield began mailing insurance cards to employees on December 13, 2018.

The Medical Loss Ratio rebate was set for December 28, 2018, and information was sent to employees last week on the amount that their premium would be reduced for that one pay period.

Administration Department – Scott Koeppel briefed the committee on the possibility of County Office Building employee I.D. badges as part of the new accounting/payroll/time clock system. Mr. Koeppel was asked to provide additional information and pricing on this proposal for the next meeting.

PUBLIC COMMENT - None

COMMITTEE BUSINESS

- *Discussion of Employee Handbook Update* – Scott Koeppel reported that the Board Chair had suggested that the Labor & Grievance Committee assume the responsibility of reviewing and updating the Employee Handbook. After discussion, Committee Chair Flowers stated that one of her goals for the committee this year was to review, update and complete a revised employee handbook, and that she was not in favor of the Labor & Grievance Committee assuming this responsibility. **There was consensus that the Administrative HR Committee would continue with the Employee handbook updating and revision.**

- *Discussion of 2020 Wellness Program* - Discussion on additional incentives and program ideas. **The committee asked Scott Koeppel to contact other counties about their wellness programs, and to bring those findings, as well as proposed ideas and incentives back to the committee at the January 16, 2019 meeting. Mr. Koeppel was also instructed to invite The Horton Group to attend the meeting to present their ideas and incentives on Wellness Programs.**

- *Health Insurance Enrollment Update* – Mr. Jones reported that 15 employees chose the \$2800 deductible H.S.A. plan, 225 employees chose the \$1500 deductible H.S.A. plan, 57 employees selected the HMO plan, and 11 employees did not submit wellness forms. Mr. Jones stated that his office only received fifty percent response from retirees for insurance coverage, and twenty-five percent of employee insurance forms were incomplete, requiring his follow-up, completion and submission. Mr. Jones stated that fifty–seventy percent of employees participated in the Benefit Fair and contacted him with questions on the changes, new plans and enrollment.

- *Discussion of Management Internship in Administration* – Mr. Koeppel reported that Aurora University (AU) approached Administrative Services regarding their Internship Program. Mr. Koeppel said that AU offers Master Level internships to organizations, and that interns are paid \$15 per hour. Mr. Koeppel will research further and report at a future meeting.

EXECUTIVE SESSION – Not needed

ITEMS FOR COMMITTEE OF THE WHOLE – None

ACTION ITEMS FOR COUNTY BOARD - None

ADJOURNMENT – Member Prochaska made a motion to adjourn the meeting, second by Member Gryder. **With five members voting aye, the meeting was adjourned at 6:08p.m.**

Respectfully Submitted,

Valarie McClain
Administrative Assistant and Recording Secretary

**KENDALL COUNTY
EMPLOYEE HANDBOOK**

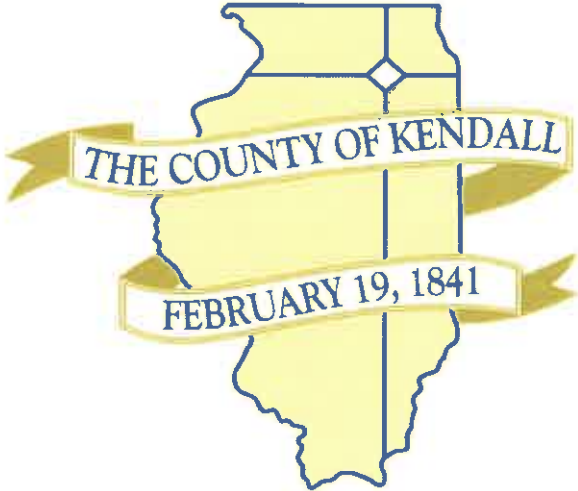


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CHAPTER 1

FILL IN WHEN COMPLETED

**Acknowledgement of Receipt
Of
Employee Handbook & Employment At-Will**

I hereby acknowledge that I have received a copy of the Kendall County Employee Handbook. I will read and abide by the policies and procedures set forth in the Employee Handbook.

I UNDERSTAND THAT MY EMPLOYMENT WITH KENDALL COUNTY IS EMPLOYMENT "AT-WILL", WHICH MEANS THAT MY EMPLOYMENT MAY BE TERMINATED AT ANY TIME, WITH OR WITHOUT CAUSE. I FURTHER UNDERSTAND THAT NOTHING IN THE EMPLOYEE HANDBOOK IS INTENDED TO AND/OR DOES CREATE A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED.

Signature of Employee

Date

This acknowledgment form is to be signed and returned to the employee's immediate supervisor. The signed acknowledgment form will be held in the employee's personnel file.

CHAPTER 1

INTRODUCTORY MATERIALS

Section 1.1 Introduction

Kendall County, Illinois and its elected offices rely upon their dedicated employees to provide the highest level of service to the citizens of Kendall County.

This Employee Handbook contains many of the policies for your employer, Kendall County, Illinois (hereinafter referred to as "Employer" or "County"). However, it is a reference guide only. It is impossible to address every issue that may occur at work in this Employee Handbook. If an issue is not addressed in this Employee Handbook, please bring this issue to the attention of your immediate supervisor or your department head. We will do our best to resolve any questions or concerns.

To the extent that any policies contained within this Employee Handbook conflict with an applicable collective bargaining agreement, the policies in the collective bargaining agreement will control. Also, to the extent that any policies contained within this Employee Handbook conflict with any applicable state or federal law or regulation, the applicable law or regulation will prevail.

Section 1.2 At-Will Employment

THIS EMPLOYEE HANDBOOK AND THE INDIVIDUAL POLICIES CONTAINED HEREIN DO NOT CREATE ANY CONTRACTUAL RIGHTS. UNLESS YOUR EMPLOYMENT IS GOVERNED BY A SEPARATE COLLECTIVE BARGAINING AGREEMENT OR DULY EXECUTED CONTRACT STATING OTHERWISE, YOU ARE AN AT-WILL EMPLOYEE. THAT MEANS THAT THE EMPLOYMENT RELATIONSHIP IS FOR NO DEFINITE OR DETERMINABLE PERIOD OF TIME, AND REGARDLESS OF SALARY, POSITION OR RATE OF PAY MAY BE TERMINATED BY EITHER YOUR EMPLOYER OR BY YOU, THE EMPLOYEE, AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE. NOTHING IN THIS EMPLOYEE HANDBOOK IS MEANT TO ALTER THAT RELATIONSHIP IN ANY MANNER.

Furthermore, no manager, supervisor, or representative of the Employer has the authority to enter into any agreement or contract for employment for any specified duration, or to make any agreement, promise, guarantee or commitment that contradicts the above.

Any agreement that contradicts your at-will status must be approved by a majority vote of the Kendall County Board and will not be enforceable unless it is in writing and signed by

you and by the Kendall County Board Chairperson. The agreement must specifically state that the at-will relationship between you and the Employer has changed and a new standard is to be applied.

Additionally, this Employee Handbook cannot address every circumstance that may occur while you are performing your duties. It cannot list every act you are permitted or not permitted to do while employed or answer every question you may have. Therefore, consult your immediate supervisor or your department head if you have a question that this Employee Handbook does not address. If something is not addressed in this Employee Handbook, the Employer will act in its discretion and in accordance with the law.

The Employer reserves the right to modify, supplement, or rescind any provision of this Employee Handbook without notice. Please note that only a majority vote of the Kendall County Board can approve changes to this Employee Handbook and that those changes must be in writing and signed by the Chairperson of the Kendall County Board.

Section 1.3 How to Use This Handbook

You should use this Employee Handbook as a guide regarding the Employer's policies. If you have any questions regarding the policies, please direct your questions to your immediate supervisor and/or your department head.

Section 1.4 Worker Classifications

All employees contribute different skills and experience to the workplace. Duties and work schedules may vary by employee.

The Employer reserves the right to change this Employee Handbook, including the employee classifications listed below, in its discretion and without notice.

Please also note that none of the classifications changes the at-will relationship the Employer has with its employees.

The classifications are:

- A. FULL-TIME EMPLOYEES:** A full-time employee shall be one who is employed full time on a minimum of thirty-four (34) hours per week basis for continuous service and who has completed a minimum of six (6) months of continuous work or service, interrupted only by

Commented [11]: Please confirm what you want for full-time status? It can be the same for health insurance and all other aspects of employment (e.g., accrual of time off, etc.) or different.

absence with official permission. For employees hired prior to December 21, 1993, thirty (30) hours per week shall be utilized to determine full-time status.

- B. PROBATIONARY EMPLOYEES:** Employees who have been employed on a full-time or part-time year-round basis for a period of less than six (6) months and who will become full-time employees at the successful conclusion of six (6) consecutive months of employment. Successful completion of the probationary period will not alter the employee's at-will employment status.
- C. PART-TIME EMPLOYEES:** Any employee who is employed on a less than thirty-four (34) hours per week basis for continuous service and who has completed a minimum of six (6) months of continuous work or service, interrupted only by absence with official permission. For employees hired prior to December 21, 1993, less than thirty (30) hours per week shall be utilized to determine part-time status. Part-time employees are not eligible for employee health and dental coverage. Sick/personal days are earned proportionate to the anticipated number of hours worked per month.
- D. STUDENT LEARNERS/INTERNS:** A student learner/Intern is a student in high school, college or a post-graduate school who may or may not receive course credit for participating in school-approved work study programs. A student learner/Intern may or may not be paid for the work performed for the Employer. Student learners/interns are not eligible for employee health and dental coverage.
- E. EXEMPT EMPLOYEES:** These employees hold positions that fall within certain exempt categories as defined by the Fair Labor Standards Act (FLSA) and the Illinois Minimum Wage Law. Exempt employees are paid on a salaried basis, and they are not eligible for overtime pay.
- F. NON-EXEMPT EMPLOYEES:** These employees hold positions that do not fall into the exempt categories as defined by the FLSA and the Illinois Minimum Wage Law. Non-exempt employees may be paid on an hourly or salaried basis. Non-exempt employees are paid a wage based on the amount of time spent working, and they are eligible to receive overtime pay in accordance with state and federal wage laws.
- G. INDEPENDENT CONTRACTORS:** Independent contractors are outside vendors who are not employees of the Employer. Independent contractors are not eligible for any benefits offered to employees.

Commented [12]: Do you want to maintain a probationary period? If so, for how long? There is no legal requirement for a probationary period. The only way a probationary period will really serve any function is if there is actually an evaluation at the end of the probationary period. If you don't take any steps to check on status of their work at end of probationary period, what is the purpose for this probationary period then?

Commented [13]: Please confirm if you want to allow part-time employees to accrue any benefits (e.g., sick time, vacation time, etc.)

Commented [14]: Does the County utilize (A) contract employees or (B) volunteers? If so, those categories should be included in this list, too

Commented [15]: Does the county still use any independent contractors? If so, do they have independent contractor agreements? The only example I can think of is Mike Hoffman in PBS

Section 1.5 Wage and Salary Policy

A. Non-Exempt Employees

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States receive at least the federal minimum wage for all hours worked and receive overtime pay, or alternatively for public employees, compensatory time off, at the rate of one and one-half hours for each hour worked over forty (40) in a workweek. Note that law enforcement and fire protection employees may be entitled to overtime on the basis of a different workweek. Employees who are subject to minimum wage and overtime laws are called "non-exempt." If you are eligible for overtime pay or compensatory time off (including pay due under our personnel policies or pursuant to a collective bargaining agreement), you must maintain a record of the total hours you work each day. These hours must be accurately recorded using our time-keeping system. You should not work any hours outside of your scheduled work day unless your supervisor has authorized the unscheduled work in advance. Do not start early, finish late, work during a meal break, or perform any extra work unless you are authorized to do so in advance, and the time is reported on your time-keeping record. You are required to verify that the reported hours worked are complete and accurate and that you have not worked any "off-the-clock" or unrecorded time. Your recorded hours worked must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each workweek, you should submit your completed time record for verification and approval. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked.

B. Exempt Employees

Section 13(a)(1) of the FLSA, however, provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. Job titles do not determine exempt status. In order for an employee to qualify as "exempt" from minimum wage and overtime, an employee's specific job duties and salary must meet all the requirements of the Department of Labor's regulations. If you are classified as an exempt, salaried employee, you will receive a salary, which is intended to compensate you for all hours that you may work for the Employer. This salary will be set at the time of hire or whenever you become classified as an exempt employee. Your salary may be subject to review and modification from time to time, such as during salary review time.

Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which

they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Deductions from an exempt employee's pay are permissible under the following circumstances:

- When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- For absences of one or more full days due to sickness or disability if the deductions are made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- To offset amounts employees receive as jury or witness fees or for military pay;
- Or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- In the initial or terminal week of employment in the event you work less than a full week;
- For penalties imposed in good faith for infractions of safety rules of major significance;
- For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

Commented [16]: These are the deductions that are permitted by law. Does the County want all of these to apply for their exempt employees?

An exempt employee's salary may also be reduced for certain types of deductions such as his or her portion of health, dental or life insurance premiums, state, federal or local taxes, social security, IMRF, or contributions to a 401(k) plan.

Please note that you will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability. However, an exempt employee's salary will not be reduced for partial day absences if he or she does not have accrued paid time off.

Commented [17]: Please confirm if you want to require staff to use their accrued time off for full or partial day absences. If so, it needs to be a consistent application of this policy. In other words, you can't let some elect unpaid vs. others being required to use it.

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit any member of management, elected or appointed official from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the Employer does not allow improper salary deductions that violate the FLSA.

C. Accurate Time-Keeping

It is a violation of this policy for any employee to falsify a time-keeping record or to alter another employee's time-keeping record. It is a violation of the Employer's policy for another employee, manager, elected or appointed official to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time-keeping record to over- or under-report hours worked. If any employee, manager, elected or appointed official instructs you to violate this policy, do not do so. You are to report it immediately

to your supervisor, your department head/elected official, the Kendall County Treasurer, or to the Kendall County Board Chairperson.

Commented [18]: Please confirm these are the people you want to receive such complaints.

D. Reporting Errors or Improper Deductions

We make every effort to ensure that all of our employees are paid correctly. Occasionally, however, an inadvertent error can occur. Please review your paystub every pay period. If you find an error, please call it to our attention immediately by reporting it to your immediate supervisor, your department head/elected official or to the Kendall County Treasurer.

If you believe that an improper deduction has been made from your wages, you should immediately report this to your direct supervisor, your department head/elected official or to the Kendall County Treasurer.

Reports of errors or improper deductions will be promptly investigated. If it is determined that an error or improper deduction has occurred, it will be promptly corrected and you will be promptly reimbursed for any improper deduction made.

No employee will be retaliated against for reporting violations of this policy or for cooperating in an investigation of a reported violation.

DRAFT

CHAPTER 2 DIVERSITY

Section 2.1 Policy against Unlawful Discrimination, Harassment and Sexual Misconduct

A. STATEMENT OF POLICY

The Employer does not tolerate or condone unlawful discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, 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 or any other classification prohibited under federal or state law. The Employer also prohibits sexual misconduct. The Employer neither tolerates nor condones unlawful discrimination, harassment or sexual misconduct by employees, elected officials, or non-employees with whom the Employer has a business, service, or professional relationship. "Employee" for purposes of this policy includes any individual performing services for the Employer, an apprentice, an applicant for apprenticeship, or an unpaid intern. The Employer prohibits retaliation against (a) an employee who complains about or reports any act of unlawful discrimination, unlawful harassment or sexual misconduct in violation of this policy or (b) any employee who participates in an investigation pursuant to this policy. The Employer is committed to ensuring and providing a work place free of unlawful discrimination, harassment, sexual misconduct and retaliation. Any employee who violates this policy is subject to disciplinary action up to and including termination of employment.

Unlawful 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 unlawful 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.

Unlawful 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 others may perceive as unlawful sexual harassment or unlawful harassment based on any status protected by law.

The Employer strictly prohibits sexual misconduct. Sexual misconduct 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).

B. RESPONSIBILITIES

I. Supervisors

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

1. Monitoring the workplace environment for signs of unlawful discrimination, unlawful 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 unlawful discrimination, unlawful harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within the supervisor's line of supervision;

5. Immediately reporting any complaint of unlawful harassment, unlawful discrimination or sexual misconduct to the applicable department head or elected official; and
6. Taking immediate action to limit the work contact between the individuals when there has been a complaint of unlawful discrimination, unlawful harassment or sexual misconduct, pending investigation.

II. Employees

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

1. Refrain from participation in, or encouragement of, unlawful discrimination, unlawful 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 required 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 unlawful discrimination, unlawful harassment or sexual misconduct may be grounds for discipline.

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 Employer 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.

C. COMPLAINT PROCEDURES

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

The employee should directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the Employer's complaint procedure to advise the Employer of any violation of this policy as soon as it occurs.

I. Bringing a Complaint

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

1. Advising the employee's immediate supervisor;
2. Advising the offending employee's immediate supervisor; or
3. Advising the department head or elected official for the applicable County department or elected office.

If the alleged offender is the employee's department head or elected official, the employee should submit their complaint to the Chairperson of the Kendall County Board or the Chairperson of the Kendall County Human Resources/Administration Committee.

The employee should present the complaint as promptly as possible after the alleged violation of this policy occurs.

II. Resolution of a Complaint

Upon receipt of a complaint, the Employer 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 the Employer to investigate such complaints. The complaining employee should provide the following important data:
 - 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;

Commented [10]: You must decide who you want to receive complaints of unlawful harassment and/or unlawful discrimination. This person needs to be neutral and well trained in how to respond to such complaints. More importantly, if the complaint is against the department head, who will the complaint go to? If the complaint is against the elected official, who does the complaint go to? If the complaint against the County Administrator, who will receive the complaint? If the complaint is against a board member, who receives the complaints? There always needs to be a mechanism to report to someone else other than the employee's supervisor. If the County wants an independent investigator or ombudsperson, who will it be and how will employees contact them?

- g. Whether there are any documents that would support the complaining employee's allegations; and
 - h. What Impact the conduct had on the complaining employee.
2. Although not required, the Employer encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records to assist the Employer with its investigation.
 3. After the employee submits the complaint, the alleged offending individual should be contacted by the Employer's designated investigator. 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 the investigation is completed, the Employer will take such action as is appropriate based upon the information obtained in the investigation. In the event that the Employer finds merit in the charges made by the complaining employee, disciplinary action may be taken up to and including termination of employment.
 6. Upon completion of the investigation, the Employer will advise the complaining employee of the results of the investigation.

D. NON-RETALIATION

Under no circumstances will there be any retaliation against any employee making a complaint of unlawful discrimination, unlawful 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 charge and will be similarly investigated. Complaints of retaliation should be brought to the attention of the Employer in one of the following ways:

1. Advising the employee's immediate supervisor;
2. Advising the offending employee's immediate supervisor; or
3. Advising the employee's department head or elected official.

If the alleged offender is the employee's department head or elected official, the employee should submit their complaint to the Chairperson of the Kendall County Board or the Chairperson of the Kendall County Human Resources/Administration Committee. The employee should present the complaint as promptly as possible after the alleged violation of this policy occurs.

If you have any questions concerning the Employer's policies on this matter, please see your immediate supervisor, your department head/elected official, and/or the Kendall County Board Chairperson. 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.

Section 2.2 Requests for Accommodation

It is the intent of the Employer to provide equal opportunity in its workplace for applicants and employees. Circumstances may arise where a reasonable accommodation for an applicant or employee is necessary to meet this objective.

The Employer will provide reasonable accommodation to any qualified individual with a disability as required under federal, state or local law so long as doing so does not cause the Employer undue hardship.

In addition to providing reasonable accommodation to persons with a disability, the Employer will provide reasonable accommodation for medical or common conditions related to pregnancy or childbirth and for employees needing a religious accommodation as required under federal, state or local law so long as doing so does not cause the Employer undue hardship.

Employees should direct their requests for accommodation in person or in writing to their immediate supervisor or to their department head/elected official. The Employer will evaluate all requests for accommodation on a case-by-case basis taking into consideration all known circumstances.

Commented [LJ10]: Please confirm this is the person to whom such requests should be directed. I know the County previously adopted an ADA policy and I believe Jim Smiley is the coordinator. However, that is with respect to facilities. If an issue related to job duties, who is to receive this?

2.3 Employment of Relatives

The Employer prohibits the employment of a relative in any full-time or part-time position for the employer if such employment shall cause the new employee to come under the direct supervision of or provide direct supervision to a related employee in that department/elected office. For purposes of this policy, "relative" includes any one or more of the following:

- Spouse/Partner (including common law spouse or civil union partner);
- Parent;
- Sibling;
- Child;
- Grandchild;
- In-laws (including parent, brother and sister in-laws);
- Uncle or aunt;
- Nephews or nieces;
- First cousins; and
- Fiancé.

Commented [111]: Do you want to allow employment of relatives? If not, which level of relatives should be prohibited? I have listed the usual ones, but this is up to the client as to who you want to include.

2.4 Personal Relationships with Other Employees

Working relationships can sometimes evolve into personal relationships. When employees are engaged in a personal relationship, a conflict of interest may arise in certain instances. In order to avoid conflicts of interest the Employer has implemented the following policy.

For purposes of this policy, *personal relationship* includes dating; engagement to be married; cohabitation within the same household and living in a romantic partnership (excludes platonic roommates sharing living expenses); having a romantic or sexual relationship.

An employee may not supervise or hire a person with whom he or she is having a personal relationship. An employee may not work in a position where he or she has influence over the terms and conditions of the employment of a person with whom he or she has a personal relationship.

Employees that are in a personal relationship must immediately report the relationship to their immediate supervisors if either employee supervises the other; is in a position to hire the other; or has any influence over the other employee's terms and conditions of employment. If one of the employees in the personal relationship is the department head, the employees should report their relationship to the Kendall County Administrator or Kendall County Board Chairperson.

Commented [112]: Please confirm who you want to receive notice of this.

Failure to comply with this policy can lead to discipline, up to and including termination.

2.5 Outside Employment or Work

Employees are prohibited from holding outside employment if that employment poses a conflict of interest with the employee's work for the Employer or if the job duties or hours of the other position hinder the employee's ability to perform to the best of his or her ability in his or her position with the Employer.

Employees must promptly notify their department head/elected official in writing of any outside employment.

2.6 Disclosure of Confidential Information

In the course of your employment, you may have access to information, including but not limited to, private or personal information about other employees or citizens of Kendall County that is confidential. Confidential information generally includes information that is exempt from disclosure under the Freedom of Information Act including but not limited to social security numbers, dates of birth, driver's license numbers, biometric identifiers, personal financial information, medical records, home and personal telephone numbers, personal email addresses, home addresses, personal license plate numbers, other information where the disclosure would constitute a clearly unwarranted invasion of privacy or information which is specifically exempted or prohibited from disclosure by law. ***The unauthorized disclosure of confidential information is strictly prohibited.***

An employee should direct all questions regarding the application of this policy to their immediate supervisor and/or department head.

2.7 Safety

Safety is a priority at the Employer. The Employer is committed to providing a safe workplace for its employees and all visitors to the workplace.

Employees are required to do their part including wearing reasonably necessary safety equipment, following safety protocols, following manufacturer instructions for equipment and machinery, and using common sense.

Employees should report safety incidents and concerns, including any injury, near injury or unsafe condition, promptly to their immediate supervisors and/or department head/elected official.

Commented [J13]: Does the County want a safety coordinator? This person would be responsible for receiving reports of injury; logging injuries with OSHA; dealing with OSHA investigations; maintaining safety records and making recommendations for changes re: safety hazards.

2.8 Preventing and Reporting Workplace Violence

Employees shall not engage in any violent behavior while on the Employer's property; while the employee is performing their assigned job duties; while in the Employer's vehicles; and while the employee is attending Employer-sponsored events in their official capacity. The following are examples of violent behavior that are prohibited by this policy:

- Physical restraint or confinement;
- Assault;
- Battery;
- Stalking;
- Intentionally endangering the safety of another person; and
- Violent destruction of property.

Employees who exhibit or threaten violent behavior in the workplace will be subject to disciplinary action up to and including termination. Any employee who becomes aware of violent behavior or the threat of violent behavior (whether by another employee or by any other person) shall inform his or her immediate supervisor immediately. Supervisors are directed to report all reports of violent behavior or threats of violent behavior immediately to their department head who will conduct a prompt and thorough investigation. If the employee's complaint of violence is against their department head, the employee should direct their complaint to the Kendall County Board Chairperson.

The Employer takes all reports of violent behavior seriously, and will take appropriate action to investigate complaints and/or report complaints of violent behavior to law enforcement as appropriate.

Employees and supervisors are directed to immediately contact law enforcement if the employee believes that a crime has been committed and/or the employee believes there is a threat of imminent physical danger.

Commented [LJ14]: The Board needs to decide how they want to set up the complaint process. If complaint against department head, who should receive the complaint? If to the County Administrator, to whom should complaints go to if against County Administrator? For now, I have simply listed County Board Chairperson.

2.9 Policy Prohibiting Concealed Firearms In the Workplace

A. Purpose:

The Employer seeks to protect the safety of employees, visitors and citizens of Kendall County. In recognition of the Illinois Firearm Concealed Carry Act (430 ILCS 66), the Employer adopts the following policy:

B. Definition:

Employee, for purposes of this policy, shall mean all persons performing work for the Employer in any job classification, including but not limited to, full-time employees, part-time employees, temporary employees, seasonal employees, probationary employees, contractual employees, elected or appointed officials, elected or appointed members of any committee or commission, volunteers working on behalf of the Employer or volunteers working on behalf of any elected or appointed official.

This definition shall not include, for purposes of this policy, law enforcement officers who are specifically authorized by law to carry a firearm or any other employee specifically authorized by law, other than pursuant to the Illinois Firearm Concealed Carry Act, to carry a firearm.

C. Prohibited Conduct:

Employees shall not carry or possess firearms in any of the following areas, regardless of any license or permit that an individual may have which would otherwise authorize the individual to carry firearms, and may be subject to discipline up to and including immediate termination for violating this policy:

- i. In any building, portion of a building or real property controlled by the Employer;
- ii. At any work location controlled by the Employer;
- iii. At any job site controlled by the Employer;
- iv. In any vehicle owned, leased or under the control of the Employer;
- v. At any time or in any area other than the employee's residence that is associated with the employee's work with the Employer;
- vi. At any time other than when the employee is working from home while the employee is acting within the scope and course of his/her employment with the Employer;
- vii. In any area prohibited by state law; and
- viii. In any area where firearms are prohibited under federal law.

Employees are also prohibited from carrying a firearm on or into one of the prohibited areas defined by the Illinois Firearm Concealed Carry Act while acting within the course and scope of his or her employment and may be subject to disciplinary action up to and

Including termination for violating this policy. The Illinois Firearm Concealed Carry Act defines "prohibited areas" as:

- i. Any building, real property, and parking area under the control of a public or private elementary or secondary school;
- ii. Any building, real property, and parking area under the control of a pre-school or child care facility, including any room or portion of a building under the control of a pre-school or child care facility. (Nothing in this paragraph shall prevent the operator of a child care facility in a family home from owning or possessing a firearm in the home or license under this Act, if no child under child care at the home is present in the home or the firearm in the home is stored in a locked container when a child under child care at the home is present in the home.)
- iii. Any building, parking area, or portion of a building under the control of any officer of the executive or legislative branch of government, providing that nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area or building where firearm possession is permitted as established by the Department of Natural Resources under Section 1.8 of the Wildlife Code.
- iv. Any building designated for matters before a circuit court, appellate court, or the Supreme Court, or any building or portion of a building under the control of the Supreme Court.
- v. Any building or portion of a building under the control of a unit of local government including, but not limited to the Employer.
- vi. Any building, real property, and parking area under the control of an adult or juvenile detention or correctional institution, prison, or jail.
- vii. Any building, real property, and parking area under the control of a public or private hospital or hospital affiliate, mental health facility, or nursing home.
- viii. Any bus, train or form of transportation paid for in whole or in part with public funds, and any building, real property and parking area under the control of a public transportation facility paid for in whole or in part with public funds.
- ix. Any building, real property, and parking area under the control of any establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol. The owner of an establishment who knowingly fails to prohibit concealed firearms on its premises as provided in this paragraph or who knowingly makes a false statement or record to avoid the prohibition on concealed firearms under this paragraph is subject to the penalty under subsection (c-5) of Section 10-1 of the Liquor Control Act of 1934.

- x. Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business or vehicle.
- xi. Any building or real property that has been issued a Special Event Retailer's license as defined in Section 1-3.17.1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special Event Retailer's license, or a Special use permit license as defined in subsection (q) of Section 5-1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special use permit license.
- xii. Any public playground.
- xiii. Any public park, athletic area, or athletic facility under the control of a municipality or park district, provided nothing in this Section shall prohibit a licensee from carrying a concealed firearm while on a trail or bikeway if only a portion of the trail or bikeway includes a public park.
- xiv. Any real property under the control of the Cook County Forest Preserve District.
- xv. Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization, property, whether owned or leased, any real property, including parking areas, sidewalks, and common areas under the control of a public or private community college, college or university.
- xvi. Any building, real property, or parking area under the control of a gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975, including an inter-track wagering location licensee.
- xvii. Any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event.
- xviii. Any building, real property, or parking area under the control of a public library.
- xix. Any building, real property, or parking area under the control of an airport.
- xx. Any building, real property, or parking area under the control of an amusement park.
- xxi. Any building, real property, or parking area under the control of a zoo or museum.
- xxii. Any street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission. The licensee shall not under any circumstance store a firearm or ammunition in his or her vehicle or in

any compartment or container within a vehicle located anywhere in or on the street, driveway, parking area, property, building, or facility described in this paragraph.

xxiii. Any area where firearms are prohibited under federal law.

D. Firearm Storage:

Any employee who does not possess a valid license to carry a concealed firearm is prohibited from bringing a firearm onto a parking lot owned, leased or under the control of the Employer.

An employee with a valid license to carry a concealed weapon who chooses to carry a concealed weapon while driving to and from work and park in a parking lot owned, leased or under the control of the Employer must store his or her firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. The Illinois Firearm Concealed Carry Act defines "case" to include a glove compartment or console that completely encloses the concealed firearm and ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box or other container. An employee with a valid license to carry a concealed weapon may carry a concealed weapon within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. An employee with a valid license to carry a concealed firearm must make certain that the firearm is properly stored in accordance with this policy and Illinois law prior to acting in the course and scope of his or her employment.

E. Policy Violations:

Any employee who violates this policy is subject to discipline up to and including termination of employment, and shall be considered as acting outside the scope and course of his or her duties and/or employment. The Employer will not defend or indemnify any employee for an act or omission in violation of this policy.

2.10 Drug and Alcohol Use/Abuse Policy

A. Intent:

The Employer is concerned about the ultimate effects of the use of illegal drugs and the use of alcohol upon the health and safety of its employees and the public. We recognize that studies show that alcohol abuse and the illegal use of drugs leads to increased accidents and medical claims. Employees who abuse drugs and alcohol present a danger to themselves, their fellow employees, their employer and the public. In addition, the increased medical costs incurred by employees who use/abuse drugs and/or alcohol and the associated decreased productivity of these individuals, because of accidents, absenteeism and turnover adversely affect achievement of the employer's mission and goals.

The Employer will not penalize an employee or applicant solely for his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Pilot Program Act, unless failing to do so would put the Employer in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules. The Employer prohibits the use and storage of medical cannabis on its property, at all workplaces and in any Employer-owned vehicles.

No part of this policy, nor any of the procedures hereunder, guarantees employment, continued employment, or terms or conditions of employment or limits in any way the Employer's rights to manage their workplaces or discipline their employees.

B. Definitions:

For purposes of this policy, the following terms shall have the following meanings:

1. **Premises:** Includes all work sites, work areas, property owned or leased by the Employer, or vehicles owned, operated, leased, or under the control of the Employer. Privately owned vehicles parked or operated on property owned, leased or managed by the Employer is also included under the definition.
2. **Time:** Includes all times during which an employee is on the Employer's premises, meal and break times on or off the Employer's premises, or performing work off the premises for the benefit of the Employer, as a representative of the Employer.
3. **Legal drug:** Any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed for the employee and over-the-counter drugs.

Commented [115]: Does the County want to require drug testing? If so, under what circumstances:

- 1.Pre-employment for safety sensitive jobs or security sensitive jobs? If so, what positions will this apply to?
- 2.Reasonable suspicion?
- 3.Post accident?

Also, who is subject to drug testing -- employees? Volunteers? Both?

What drugs do you want tested? (I would check with entity you have contracted to provide drug testing to see what is currently tested. I have included the most common panel test here.)

4. **Illegal drug:** Any controlled substance the possession or sale of which is prohibited by law.
5. **Under the influence:** The condition wherein any of the body's sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to substances. This also means the detectable presence of substance(s) within the body, regardless of when or where it (they) may have been consumed, having an alcohol concentration within the violation range specified by the laws of the State of Illinois, and/or having a positive test for any other substance(s). With respect to employees subject to the Federal Motor Carrier Safety Administration (FMCSA) regulations, U.S. Department of Transportation regulations, or performing safety-sensitive functions including, but not limited to those employees who drive commercial motor vehicles, operate heavy or large mobile equipment, and law enforcement officers, under the influence is defined in accordance with FMCSA regulations as having an alcohol concentration of 0.04 or greater.
6. **Substance:** Any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his or her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; "synthetic or designer" drugs; illegal inhalants; "look-alike" drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).
7. **Traceable in the employee's system:** Means that the results of a laboratory's analysis of the employee's urine or blood specimen is positive for the tested substance.
8. **Reasonable suspicion:** Means that the Employer's representatives have observed and can describe specific symptoms of an employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including, but not limited to symptoms related to the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing

process, or carelessness that results in any injury to the employee or others, or detection of a prohibited substance in the area where an employee has/had been working. A registered qualifying user of medical cannabis under the Compassionate Use of Medical Cannabis Pilot Program Act must first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on a reasonable suspicion of impairment.

9. **Safety sensitive function:** Includes any job function fraught with the risk of injury to others such that even a momentary lapse of attention can have disastrous consequences as well as any function described as safety sensitive by applicable FMCSA or other applicable regulations.
10. **Work related cause:** Means the employee has incurred a work-related injury requiring medical attention at a medical facility; caused the injury of another person on the Employer's premises or during the Employer's time; caused damage to any Employer owned or leased property; or commits repeated and/or flagrant violations of safety standards.
11. **The designated Employer Representatives** responsible for receipt of testing results and removal of employees from safety sensitive functions when they violate this policy are the following:
 - i. The employee's department head;
 - ii. The County Administrator; or
 - iii. The Employer's human resources personnel.

Commented [116]: Who is going to be the designated Employer representatives?

Who is to oversee drug testing program?

C. Applicability:

1. This policy applies to all employees and volunteers of the Employer as well as candidates for employment with the Employer who have been given conditional offers of employment. Such persons are responsible to be familiar with and comply with this policy.
2. The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability, and testing for substances shall be conducted in accordance with and limited by such laws, notwithstanding any terms of this policy to the contrary.

D. Policy:

1. **Alcohol or Illegal Drugs or Substances:** The possession, sale, purchase, use, distribution, delivery or transfer of alcohol or an illegal drug or substance while on the Employer's premises or while on the

Employer's time is prohibited. In addition, employees may not report to work or be on the Employer's premises or the Employer's time under the influence of alcohol or with any traceable illegal drug or substance in their system. Employees who drive commercial motor vehicles, operate heavy or large mobile equipment or perform other safety-sensitive functions including, but not limited to law enforcement duties, in addition to the prohibitions above must not consume alcohol for four (4) hours prior to duty time and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever comes first. The Employer shall not disqualify from employment individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act based solely on the detected presence of cannabis on a drug test, unless failing to do so would put the Employer in violation of a federal law or cause the Employer to lose a federal contract or funding. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act may not report to work under the influence of cannabis. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

2. **Legal Drugs:** The employer does not condone the abuse of legal drugs or working under the influence of legal drugs to the extent that job performance and/or safety is adversely affected. Employees using prescription and/or over-the-counter drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties.
3. **Pre-Employment Substance Testing:** Upon receipt of a contingent offer of employment, candidates for safety-sensitive or security-sensitive positions may be subject to pre-employment drug testing. Individuals to whom a contingent offer is made whose pre-employment drug test returns positive (except with respect to legally prescribed drugs and over-the-counter medications) will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.
4. **Random Selection Testing:** The Employer maintains a drug-free workplace and reserves the right to conduct random testing on employees with safety-sensitive or security-sensitive job duties. The following positions include safety-sensitive or security-sensitive functions, and as such are subject to random testing: law enforcement officers, drivers of commercial motor vehicles, and operators of heavy or large mobile equipment. Where random testing is prohibited or restricted by applicable federal, state or local

Commented [117]: If you do this, you should have a list of jobs that this applies to and strictly follow it. No one holding these jobs should begin employment until drug test is successfully completed. However, no test should be done until contingent offer of employment made, which is contingent upon successful completion of drug test.

Commented [118]: Do you want to do random testing for these jobs? If so, you need to figure out who will oversee this and how will it be done.

statute or regulation, or other legally-binding agreement, the Employer will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions of this policy.

5. **Post-Accident Testing:** If the Employer has reasonable cause to believe an employee has caused an on-the-job injury that is considered recordable under OSHA guidelines (i.e. requiring medical treatment) as a result of being under the influence, the supervisor may require the injured employee to undergo a post-accident substance test. The employee will also be required to undergo post-accident testing if required by FMCSA, DOT or other applicable regulation.
6. **Fitness for Duty:** Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of substances may be subject to substance testing. Employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to a fitness for duty substance test before being permitted to return to work.
7. A driver subject to FMCSA or DOT regulations, or any other employee who is required to perform a safety-sensitive function and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.
8. **Searches:** Upon reasonable suspicion, the employer's authorized representatives or agents may conduct searches of personal effects, vehicles, lockers, desks and rooms located on the employer's property for drugs/alcohol and related paraphernalia, dangerous weapons. The Employer may turn over items discovered through such searches to law enforcement authorities.
9. **Criminal Conviction:** Employees must notify their immediate supervisor of any criminal drug statute conviction within five (5) calendar days after the conviction occurs.
10. **Drug/Alcohol Free Workplace.** The Employer, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.

Commented [119]: Who will be your "authorized representatives"?

Commented [120]: How many days do you want to give employee to notify you of drug conviction?

E. Disciplinary Action:

1. Any employee who possesses, sells, purchases, uses, distributes, delivers or transfers alcohol or an illegal substance on the Employer's premises will be removed from the work area, and may

be subject to immediate disciplinary action up to and including discharge.

2. Any employee who reports to work under the influence of alcohol or with an illegal drug or substance traceable in his/her system will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.
3. An employee who refuses to submit to testing when required under this policy will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge. Refusal to submit to testing shall include, but may not be limited to any one or more of the following:
 - i. Failure to appear for any test within a reasonable amount of time, after being directed to do so by the employer, consistent with this policy and/or applicable regulations, including but not limited to FMCSA or DOT regulation;
 - ii. Failure to remain at the testing site until testing is complete;
 - iii. Failure to provide a sufficient breath, saliva, blood or urine specimen for any drug or alcohol test required by this policy or applicable FMCSA or DOT regulation;
 - iv. In the case of directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen;
 - v. Failure to provide a sufficient amount of saliva, breath, blood or urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - vi. Failing or declining to take a second test that the Employer or the collector has directed the employee to take;
 - vii. Failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process or as directed by the Designated Employer Representative;
 - viii. Failure to cooperate with any part of the testing process;
 - ix. Having a verified adulterated or substituted test result as reported by the Medical Review Officer.
4. Any employee who refuses to participate in rehabilitation/treatment as recommended as a result of a positive test and evaluation by a substance abuse professional, will not be allowed to perform work for the employer and may be subject to disciplinary action up to and including discharge.

F. Testing Procedures:

Commented [121]: Please confirm if these are the testing procedures the County currently uses with their drug testing provider.

1. The Employer may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by the employer, immediately upon the request of the Employer's authorized representatives or agents in accordance with this policy.
2. Where the Employer has reasonable suspicion that an employee is under the influence of a substance, the Employer will remove the employee from the work area and provide the employee with transportation to the place of testing. The Employer should call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.
3. Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to the Employer as permitted by law.
4. At the discretion of the Employer, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative, the employee will be reimbursed for any salary lost during administrative leave.
5. Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and may be grounds for immediate termination of employment or ineligibility for hire.
6. Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of the employer. The candidate or employee will have the option of requesting testing of the split specimen within 72 hours at the Employer's expense unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result or inability to contact the Medical Review Officer prevented a timely request. If the candidate fails to request testing of the split specimen within 72 hours and the candidate or employee has not presented sufficient documentation to excuse the delay, the employer will take appropriate action including but not limited to discipline or discharge.

7. If the test of the split specimen is also positive, the candidate or employee will have the opportunity to explain the results. The employer retains the discretion to determine the appropriate disciplinary action, including discharge, following two positive drug tests.
 8. An employee who has been removed from the work area or barred from the working as a result of violating this policy, may be subject to disciplinary action up to and including immediate discharge.
 9. If an employee has not been terminated as a result of a violation, the employee may not commence or return to work unless the employee provides sufficient documentation of the following:
 - a. That the employee has tested negative for the presence of a substance and is not under the influence of a substance;
 - b. That the employee has been approved to commence or return to work under the terms of this policy;
 - c. That the employee has received an evaluation from a Substance Abuse Professional;
 - d. That the employee has successfully complied with the recommendations of the Substance Abuse Professional; and
 - e. That testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal or state regulation.
 10. The Employer will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.
- G. Consent:** The employee may be required to sign a consent form authorizing the medical clinic or other location as designated by the Employer to perform the aforementioned tests and release the results of the testing to the employer.
- H. Chain of Custody Procedures:** At the time specimens are taken, standard 'chain of custody' or 'chain of possession' procedures will be followed and the employee shall be given a copy of these specimen collection procedures.
- I. Confidentiality and Privacy:** The employee's right to privacy will be respected, and the Employer shall keep the results of any testing strictly confidential to the extent required and permitted by law. However, the Employer may use the results to decide upon an action to be taken towards

an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.

- J. **Treatment:** An employee who voluntarily informs the Employer that he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a leave of absence, in accordance with the Employer's Family and Medical Leave Act policy, provided the employee is otherwise eligible for such leave pursuant to the Family and Medical Leave Act policy. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.
- K. **Employee Assistance:** Employees who have questions about this policy or who would like more information regarding the effects of alcohol misuse and controlled substances on an individual's health, work and personal life, signs and symptoms of an alcohol problem, and available methods of intervening when an alcohol and or controlled substance problem is suspected should contact their Employer's human resources personnel.

2.11 No Smoking

In accordance with Illinois law, the Employer prohibits smoking in the workplace or at any work site, while driving any vehicle owned or leased by the Employer or while performing job duties on behalf of the Employer.

2.12 No Tobacco Use

The Employer prohibits the use of tobacco products in the workplace or at any work site, while driving any vehicle owned or leased by the Employer or while performing job duties on behalf of the Employer.

2.13 Safe Driving

Employees are required to engage in safe driving of Employer owned vehicles ("work vehicles") or the employee's own vehicle while conducting business on behalf of the Employer.

The Employer prohibits the following acts while employees are driving work vehicles or while driving another vehicle while performing their job duties:

- Driving under the influence of alcohol or drugs;
- Operating any vehicle without a license;
- Disobeying any traffic laws;
- Operating a vehicle carelessly or negligently;
- Driving a vehicle without the use of a seatbelt or safety restraint;
- Operating a vehicle while holding or manually operating a cellular phone or other electronic device;
- Using a cell phone (even in hands-free mode) in a school zone or construction zone;
- Disabling vehicle safety devices, like airbags;
- Driving while distracted.

Violation of this policy may result in disciplinary action up to and including termination.

2.14 Computer, Internet and Network Usage

The Employer has e-mail and internet access systems in place for the Employer's business. We also have software and systems in place that can monitor and record all internet usage. The e-mail and internet access systems in place are the sole property of the Employer. The technology is in place for business related to the Employer. Employees may use the technology for limited personal purposes as long as that use does not interfere with the employee's work, or jeopardize the integrity of the employer's computer system, e-mail system or internet access. The technology may also not be used for any purpose that would violate the employer's policies or state or federal law. If an employee is found to be abusing the technology, his or her access may be limited or eliminated altogether. An employee is also subject to discipline, up to and including termination. Nothing on the internet system or any property of the employer, including phones or voice mail, is or can become the private property of any employee.

Commented [122]: Do you want to allow limited personal use of technology? Or no personal use whatsoever?

THERE CAN BE NO EXPECTATION OF PRIVACY OR ASSURANCE OF CONFIDENTIALITY FOR ANY MESSAGES OR FOR ANY USE OR PATTERN OF USAGE OF THE EMPLOYER'S INTERNET, PHONES OR ANY OTHER PROPERTY.

A. Management and Administration of the Internet and Phone System

Commented [123]: Scott, this is the policy recommended by IFMG and our outside counsel for internet and phone use. However, please confirm if this will work with our technology administration and current practices.

We want you to be aware that our security systems are capable of recording for each and every user, each World Wide Web site visit, each chat, and each newsgroup or e-mail message accessed on each of the employer's computer stations. The system is also capable of recording each file transfer into and out of our internal networks. We reserve at all times the right to monitor such activity. No employee should have any expectation of privacy as to any internet usage or telephone system. The Employer and its authorized representatives may review Internet activity, voice mail messages, and analyze usage patterns in an effort to maintain the highest levels of productivity. We reserve the right to inspect any and all files stored in private areas of our network in order to assure compliance with this policy.

The Employer's systems must never be used in violation of our policy against unlawful discrimination and unlawful harassment. The display or access of any kind of sexually explicit image or document on the employer's system is a violation of both this Internet policy and the Employer's nondiscrimination and harassment policy. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources. The Employer may use independently-supplied software and data to identify inappropriate or sexually-explicit internet sites. We may block access from within our networks to all such sites. If you find yourself inadvertently connected to a site that contains sexually explicit or offensive material, you must immediately disconnect from that site, regardless of whether that site has been previously deemed acceptable by any monitoring, screening or rating program.

The Employer's internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, county, municipality, province or other local jurisdiction in any material way. Use of any of the Employer's resources for illegal activity is grounds for immediate dismissal, and we will cooperate with any legitimate law enforcement agency in the investigation of such activity.

Any software or files downloaded via the internet into the employer's computer network become the property of the employer. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.

No employee may use the Employer's facilities knowingly to download or distribute pirated software or data. No employee may use the employer's internet facilities to deliberately propagate any virus, worm, "Trojan horse," or trap-door program code. No employee may use the employer's internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

Each employee using the Employer's internet facilities shall identify himself or herself honestly, accurately and completely, including the affiliation and function for the

Employer, when participating in employer-related chat groups, newsgroups, message boards, or discussion lists, or when setting up accounts on outside computer systems on behalf of the employer. Employees may not represent their statements as the employer's official policy or practice without proper authorization from the employee's department head or elected official. Participating in non-employer related chat groups, newsgroups, message boards or discussion lists by use of the Employer's hardware is prohibited.

Any material posted to any forum, newsgroup, chat group, or internet site in the course of an employee's duties, remains the property of the employer. Employees are reminded that chat groups and newsgroups are public forums where it is inappropriate to reveal confidential information as defined in this manual. Employees releasing confidential information via any internet facility, whether intentional or inadvertent, may be subject to disciplinary actions, including termination.

Use of the Employer's internet facilities to commit infractions such as misuse of the employer's assets or resources, sexual harassment, unauthorized public speaking and misappropriation or theft of intellectual property are also prohibited and will be subject to discipline, including termination.

It is a violation of this policy for the employee to store, view, print or redistribute any document or graphic file that is not directly related to the employee's job or the Employer's business activities and which would constitute a violation of the Employer's policy against unlawful discrimination and unlawful harassment.

Employees may from time to time use the employer's internet facilities for non-business research outside of work hours provided they request permission from their supervisor before engaging in such use, and provided all other usage policies are observed.

The Employer will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on any individual employee's internet activities.

Employees must take care to understand federal and state copyright, trademark, libel, slander and public speech control laws so that our use of the internet does not violate any laws which might be enforced against us.

Employees with internet access may download only software with direct business use, and must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.

Employees may not use the Employer's internet facilities to download entertainment software or games, or to play games over the internet, including games against opponents.

Employees with internet access may not use the Employer's internet facilities to download images or videos unless there is an explicit business-related use for the material.

Employees with Internet access may not download any software licensed to the employer or data owned or licensed by the employer without explicit authorization from the supervisor responsible for the software or data.

B. Security

The Employer has installed a variety of firewalls, proxies, address screening programs and other security systems to assure the safety and security of the employer's networks. Any employee who attempts to disable, defeat or circumvent the employer's security facility will be subject to discipline, including immediate termination.

Computers that use their own modems to create independent data connections sidestep our network security mechanisms. An individual computer's private connection to any outside computer can be used by an attacker to compromise the employer's network to which that computer is attached. That is why any computer used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from the employer's internal networks. Only those Internet services and functions with documented business purposes for the employer will be enabled at the Internet firewall.

C. No Expectation Of Privacy

EMPLOYEES WHO MISUSE THE EMPLOYER'S INTERNET/EMAIL SYSTEM MAY BE SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION. REMEMBER THAT YOU HAVE NO EXPECTATION OF PRIVACY IN ANY OF THE EMPLOYER'S EQUIPMENT OR PROPERTY, INCLUDING BUT NOT LIMITED TO DESKS, COMPUTERS, INTERNET ACCESS, VOICE MAIL, OR E-MAIL.

2.15 Security of Portable Data Storage Devices

The Employer requires that employees who have been issued laptop or tablet computers, cell phones and other information storage devices take certain precautions to prevent theft or data breach.

With all portable data storage devices such as laptop or tablet computers, cell phones or other information storage devices, the employer requires that:

- a. Strong passwords are used to secure information on the device;
- b. No unauthorized persons are allowed to access to the information storage device;
- c. Usernames or passwords are not shared with any person, with the exception of authorized employees;

- d. Only authorized hardware, software or information security programs are installed on the device with authorization and approval from management;
- e. Care is taken to ensure the device is properly locked and secured when it is not in the immediate possession of the employee; and
- f. In the event that a device is lost or stolen, or in the event that information security has been breached, employees are to advise their supervisor immediately.

2.16 Cell Phones

Employees are prohibited from using cell phones when engaged in the following activities:

- a. While driving or operating a moving vehicle unless a hands free device is used;
- b. While driving in a school zone or construction zone, even if a hands free device is used;
- c. While operating machinery;
- d. While in close proximity to moving equipment or machinery; and
- e. At any time when the use of a cell phone might place you or others at risk.

Employees are discouraged from conducting personal business on portable electronic devices during work hours. Personal cell phone use during work hours should be limited to emergency situations. Employees are expected to mute or lower the ring tone volume on their personal cell phones during work hours so as not to disturb others. If cell phone use during work hours becomes necessary, employees are expected to exercise courtesy towards others in the workplace and to avoid being loud or disruptive.

Commented [124]: What type of limitations, if any, do you want on cell phone use during working hours. This is a standard policy. However, it can be more stringent or less stringent, too, if you prefer.

2.17 Equipment/Supplies

The Employer provides equipment and supplies to assist employees in performing their work on behalf of the Employer. Employer-provided equipment and supplies are solely to be used for work purposes.

Employees must use all equipment safely, for its intended use and in accordance with manufacturer specifications. Employees are asked to conserve resources and use only those supplies necessary to perform their job.

The Employer prohibits the use of equipment or supplies for personal use.

2.18 Social Media Policy and Guidelines

Commented [125]: This is IPMG's recommended social media policy. However, please confirm if this the route the County would like to go with social media.

This is the official policy for social media use at the 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.

A. Professional Use of Social Media

Before engaging in social media as a representative of the Employer, you must be authorized to comment by your immediate supervisor and/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 of the Employer'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 the Employer's reputation or bring it into disrepute.

B. Personal Use of Social Media

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.

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 the 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 immediate supervisor on how to comply with this policy. The 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 the Employer has designated you to speak officially for the Employer, you should not state that you write or speak on behalf of the Employer or that your viewpoints are the same as the Employer's viewpoints, and you should make this clear to those reading or listening to your points of view.
- Do not disclose private or confidential information about the Employer's operations, employees, or about citizens that you obtained through your employment with the Employer. Confidential Information is information that is exempt from disclosure under Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7.
- 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 the 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 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 Employer owned equipment should still comply with the Employer's computer usage policy. There is no right to privacy on Employer owned equipment.
- The Employer may discipline employees for making a comment or posting any material that might otherwise cause damage to the 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, the Employer may discipline the employee in situations where the interests of the Employer 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. The 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. The Employer 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.

2.19 Whistleblower Policy

A. Code of Conduct:

The Employer requires employees to observe the highest standards of business and personal ethics in conducting their duties on behalf of the Employer. Compliance with all applicable federal, state and local laws, rules and regulations is required. All employees are expected to fulfill their duties honestly and with integrity.

B. Reporting Responsibility:

Employees are encouraged and expected to report suspected violations of federal, state or local law, rules or regulations or suspected ethical violations.

C. Retaliation Prohibited:

The Employer prohibits retaliation against any employee who, in good faith, reports a suspected ethics violation or suspected unlawful conduct. Anyone who violates this policy against retaliation is subject to disciplinary action, including but not limited to, termination of employment.

D. Reporting Procedure:

The Employer has an open door policy and expects and encourages employees to address questions, concerns and complaints with their supervisor. Employees are required to report complaints regarding suspected unethical or illegal conduct in writing to their immediate supervisor. If an employee is not comfortable speaking with his/her immediate supervisor or is not satisfied with the immediate supervisor's response, he/she may discuss the matter with their department head/elected official. If a complaint involves suspected conduct of the employee's department head/elected official, a complaint may be brought directly to the County Administrator (for all County departments) or to the County Board Chairperson (for all County departments/elected offices). The County Administrator and the County Board Chairperson are responsible for informing the County Board of all complaints they receive regarding alleged unethical or unlawful conduct pursuant to this policy.

Commented [126]: Please confirm the reporting procedures and person to receive complaints here.

2.20 Accident Reporting Policy

Any employee who is injured while on duty (regardless of severity) shall report the injury to his/her supervisor immediately both verbally and in writing with a completed Incident Report. The Incident Report shall include the following: the date, time, place injury occurred, how the injury occurred, the type of injury, the identity of any witnesses, and whether medical assistance was obtained. The report shall be submitted by the end of the workday. Supervisors are required to accurately complete a Form 45 with respect to all on-the-job injuries and submit it as well the employee's Incident Report to their department head. The department head should then provide a copy of all such paperwork to Administrative Services.

Commented [127]: Please confirm if this is where you want paperwork to go.

Any employee witnessing or receiving a report of an injury to a visitor shall verbally report the injury to the employee's supervisor immediately. The employee may also be required to complete a written Incident Report. Supervisors are required to submit all required information to their department head/elected official. The department head should then provide a copy of all such paperwork to Kendall County Administrative Services.

Any accident involving the Employer's property or vehicles or involving a privately owned vehicle being operated for the Employer's business shall be reported immediately to the employee's supervisor both verbally and in writing with a completed Incident Report. The Incident Report shall include the following: the date, time, place incident occurred, how the incident occurred, the identity of any witnesses, and the extent and type of damage, if applicable. The report shall be submitted by the end of the workday. Employees are also required to notify law enforcement when appropriate.

**CHAPTER 3
EMPLOYEE LEAVE & EMPLOYEE BENEFITS**

3.1 Personal/Sick Leave

There are times that an employee may need time away from work due to illness, injury or to attend to health needs that cannot be addressed during non-working hours. Pursuant to the terms of this policy, the Employer provides paid time off to eligible employees (as defined below) to address these needs.

A. Eligible Employees

For purposes of this policy, "eligible employees" includes all full-time employees who have completed a minimum of six (6) months of continuous work or service as a full-time employee for the Employer.

Personal/sick leave is not available to the following employees (who are not eligible employees):

- Full-time employees who have worked less than six (6) months of continuous work or service for the Employer;
- Seasonal employees;
- Temporary employees;
- Interns; and
- All other employee classifications not specifically listed as eligible for personal leave or banked sick leave.

If you have questions regarding your eligibility for personal or banked sick leave, please contact your department head/elected official.

B. Personal Leave and Banked Sick Leave

I. Personal Leave

On the first day of each fiscal year (i.e., December 1), all eligible employees (as defined below) will receive twelve (12) days of sick/personal leave. For purposes of this policy, a "day" is the average number of hours an eligible employee is regularly scheduled to work in a workday. So, for example, if the employee regularly works a seven and one-half (7 ½) hour work day, the employee's "day" for purposes of this policy will be 7.5 hours of personal leave

Commented [L328]: Is there any minimum increment of time you want the personal/sick leave to have to be used in? E.g., at least 1 hour increments? Or, are you ok if they use any increment they want (e.g., 5 minutes, 27 minutes, etc.) I didn't see any restrictions to this in current policy. Per my discussion with Mr. Wilkins, I have listed the increment as ¼ day.

Commented [L329]: Please confirm this is the current practice. There is no definition for "days" in the current policy. What if an employee's hours vary?

Sick leave and personal leave are one and the same during the fiscal year it is earned and shall be referred to as "personal leave" throughout this policy. Personal leave may be used for any purpose, subject to the provisions in this policy.

Employees who become "eligible employees" after the first day of the fiscal year can earn personal leave at the rate of one (1) personal day for each full month remaining during the fiscal year after the employee becomes eligible for personal leave. For example, if the employee becomes eligible for personal leave on March 15th, the employee would accrue eight (8) personal days because there would be eight (8) full months remaining in that fiscal year following the employee's eligibility date (April through November).

Part-time employees may earn personal leave proportionate to their average number of hours worked per month.

Personal leave must be used in minimum increments of at least a half (1/2) day.

II. Banked Sick Leave

Any accrued personal leave that is not used on or before the last day of the fiscal year it is earned may be carried over by eligible employees (as defined below) to the next fiscal year but may only be carried over as accrued banked sick leave (not personal leave). Banked sick leave may only be used after all personal days granted in the active fiscal year have been exhausted.

Eligible employees may only utilize banked sick leave for one or more of the following reasons:

- The employee is sufficiently ill so that good judgment would determine it best not to report to work;
- The employee cannot report to work due to an illness or injury not arising out of or in the course of their employment;
- The employee must attend a medical, optical and/or dental appointment for one or more of the following individuals: the employee, the employee's legal spouse, the employee's child (birth, adopted or step child), or the employee's parent (birth, adopted or step parent); and/or
- The employee is absent due to an FMLA qualifying reason, and the employee is concurrently using FMLA leave for the absence.

Banked sick leave may be accumulated up to a sum not to exceed two hundred forty (240) banked sick leave days.

Banked sick leave must be used in minimum increments of at least a half (1/2) day.

C. Notification Requirements for Personal Leave and Banked Sick Leave

Employees are required to provide notice of their intent to use personal leave or banked sick leave for foreseeable medical, optical and dental examinations or treatments at least twenty-four (24) hours prior to the beginning of the absence. Employees should provide the notice to their immediate supervisor or any other individual designated by the Employer to receive such notice. Employees should make their routine medical, dental

Commented [L130]: The existing policy has a different calculation for employees like this. It lists # of days based on quarters when the employee "commenced work" (and not based on when they become eligible). I've received numerous complaints about why an employee who starts in December receives the same number of personal days as a person who starts work a couple of months later in February. So, I've tried to address those concerns by issuing a personal day per month.

Commented [L31]: This is from the current policy. However, I'm not sure if you want to leave it this way. First, what is it "proportionate" to - how is it calculated? Second, are there any eligibility requirements for part-time employees? FT employees must complete 6 months of employment, but what about PT employees? Do they have to complete 6 months, too? Third, what happens if a part-time employee starts working half way through the year? Do they get same number of days as a part-time employee who has been there all year.

Commented [32]: What is the minimum increment of time you want to require for use of personal leave?

Commented [L33]: This is broader than what is currently contained in the County's existing handbook. I have made this broader so that sick leave may be used in conjunction with FMLA leave. That way, an employee would have the 12 weeks of FMLA but no additional banked sick leave left to use thereafter.

Commented [34]: What is minimum increment of time you want to require for use of banked sick? 1 hour? Half day? Entire day? 10 minutes?

Commented [L35]: There are no specific notice requirements in the County's existing employee handbook. For now, I have created these notice requirements. However, please review and confirm if acceptable.

and optical appointments at times that would create the least disruption to work schedules and to the employer's operations, if possible.

Employees are required to provide notice of their intent to use personal leave or banked sick leave for any other permitted purpose (e.g., the employee is sick) at least one (1) hour prior to the start of the employee's shift. Employees should provide the notice to their immediate supervisor or any other individual designated by the Employer to receive such notice. If an employee is incapacitated or an emergency arises such that an employee is unable to provide sufficient advance notice pursuant to the terms of this policy, it is the employee's responsibility to notify his or her immediate supervisor at the earliest possible moment.

Commented [136]: Please confirm how much notice you want

Notification of the use of personal leave and banked sick leave should always include the employee's best estimate of the duration of the absence, if possible.

Use of personal leave and banked sick leave is subject to approval by the employee's department head or designee. Disapproved personal leave and/or banked sick leave requests will be promptly returned to the employee with an explanation for the denial of the time off request. All absences charged to personal leave and/or banked sick leave must be reported by the employee's certification on a Leave Request Form, which must be provided to the employee's immediate supervisor .

Commented [137]: Do you use a leave request form? How do you want such time off requests and approval documented?

The Employer reserves the right to deny specific requests of certain dates or times requested for personal and/or banked sick leave in order to ensure that the Employer's operational and scheduling needs are met.

E. Short-Term Disability

An employee who is injured or ill may qualify for short-term disability. Please see your immediate supervisor for questions regarding eligibility.

Commented [138]: Please confirm if you want employees to go to supervisor first? Or, directly to Treasurer's Office first?

F. Medical Certification

As a condition for eligibility for paid personal and/or banked sick leave under this policy, the Employer may require, at its discretion, any employee to submit a healthcare provider's certification of illness or injury if any one or more of the following occurs:

- The employee has been off sick for three (3) or more consecutive workdays;
- The employee has had repeated illnesses of shorter periods;
- The employee calls in sick on the day of, before or after a holiday, vacation day, or day off; or
- In any circumstance where the Employer has a reasonable belief of sick leave abuse by the employee.

The Employer may also require the employee to provide a statement from the employee's healthcare provider indicating the employee is physically able to return to work before an employee may return to work. In the above circumstances, the Employer may, at its

Commented [139]: I've left this more broad than what is currently in the County's employee handbook. Currently, the county may only request medical certification if there has been abuse of sick time and employee has been counseled. This greatly restricts management's right to curb sick leave abuse. So, I've left it broad enough to give management more rights/control over this

discretion, require an employee to submit to an examination by a physician designated by the Employer at the Employer's expense.

G. Requests to Trade Personal Days

Employees have the option of trading up to a maximum of twelve (12) days of their current personal leave benefit for one-fourth (1/4) of their daily pay rate of the year of accrual. Application for this trade must be made in writing no later than October 31 of the fiscal year. Employees wishing to trade their unused personal leave days must request this in writing from their department head. The employee's department head will then certify the number of days which the employee is entitled to trade and submit this information in writing to the Kendall County Treasurer's Office. If the employee uses any of these personal days 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 (12) personal days. Employees are not eligible to receive the personal days payback before their six (6) month probationary period has been successfully completed.

H. Separation of Employment

Upon separation of employment, the employee is not entitled to any additional compensation for any unused personal days in the current year and for any accrued banked sick days from prior years. However, retiring IMRF members, 55 years of age and older, may qualify for a maximum of up to one (1) year of additional pension service credit for accrued, unused banked sick leave accumulated at the rate of one (1) month of IMRF pension service credit for every twenty (20) days of accrued, unused banked sick leave or fraction thereof.

3.2 Vacation

The Employer provides paid vacation to eligible employees in accordance with the following vacation policy:

A. Eligible Employees

For purposes of this policy, eligible employees include all full-time employees for the Employer who have completed a minimum of six (6) months of continuous work or service for the Employer. Also, part-time employees who have completed a minimum of six (6) months of continuous work or service for the Employer and whose regular work schedule includes a minimum of twenty (20) hours of work per work week may receive vacation time on a pro rata basis.

Those employees who are not eligible for vacation leave include:

Commented [LJ40]: It is unclear if the vacation and sick leave policies only grant vacation time and personal time to those FT employees who have completed at least 6 months of service for the Employer. In current handbook, it defines full-time employees as employees who have completed at least 6 months of service. However, in the existing leave policies, it suggests such leave begins to accrue on day 1 of full-time employment. For purposes of this draft, I have addressed both policies to apply to those with 6 months or more of service. If that is not the past practice, though, you will need to grandfather those new hires who are currently accruing the time with less than 6 months of full-time service.

Commented [LJ41]: This is from your current policy. However, it is unclear what is the "pro rata" calculation for part-time employees. Also, it is unclear whether part-time employees must complete 6 months of service like full-time employees or not.

- Full-time employees who have worked less than six (6) months of continuous work or service for the Employer;
- Part-time employees who have worked less than six (6) months of continuous work or service for the Employer;
- Part-time employees who have worked six (6) months or more of continuous work or service for the Employer but do not regularly work a minimum of twenty (20) hours of work per work week for the Employer;
- Seasonal employees;
- Temporary employees; and
- Interns.

If you have questions regarding eligibility for vacation time, please consult your immediate supervisor or your department head/elected official.

B. Vacation Accrual

Employees on a leave of absence or layoff shall not accrue vacation time during their leave of absence.

Vacation accrual is calculated based on the fiscal year (December 1 to November 30). For vacation accrual purposes, the employee's start date will be considered the employee's first day of work for the Employer.

Eligible employees shall accrue vacation time in accordance with the following schedule:

Continuous Years of Service

Available Hours/Days of Vacation Leave Per Fiscal Year

- | | | |
|---|---|--|
| <p>The first (1st) day of the month after the eligible employee completes six (6) months of continuous service for the Employer through the last day of the month when the eligible employee completes six (6) years of continuous service for the Employer</p> | - | <p>6.25 paid hours of vacation accrued on the first day of each month (which equals up to a maximum of 75 paid vacation hours per fiscal year).</p> |
| <p>The first (1st) day of the month after the eligible employee completes six (6) years of continuous service for the Employer through the last day of the month when the eligible employee completes fourteen (14) years of continuous service for the Employer</p> | - | <p>9.375 paid hours of vacation accrued on the first day of each month (which equals up to a maximum of 112.5 paid vacation hours per fiscal year)</p> |
| <p>The first (1st) day of the month after the eligible employee completes fourteen</p> | - | <p>12.5 paid hours of vacation accrued on the first day of each month (which</p> |

Commented [L342]: The vacation accrual system is very complex and difficult for staff to follow. For example, it states you accrue vacation on the first day of the month, yet vacation accrual is at the conclusion of the month. See the chart which states "distribution at beginning first of month?" Yet, then in Section A. Vacation Availability, it states, "this vacation will be available to all employees as stated with distribution at the end of each month."

Also, you have accruals based on hours and days. Yet, no idea which system applies to whom. Additionally, accrual is based on 7.5 hour day. Yet, some employees work 8 hour days. Do you want to address this?

I would strongly suggest you work on simplifying the policy so that it is easy to understand the accrual process. I've done my best to work within the confines of the current accrual system, but please review.

Commented [L343]: I do not see anything in the current policy regarding accrual of vacation time while on a LOA. For now, I have put this sentence in the policy for you to consider the issue. However, this has come up multiple times in the past, so I do think it is worth addressing in the policy. The board needs to decide what it wants to do for employees that are on a LOA the entire month or a portion of the month.

Commented [L344]: Please confirm how you want accrual set - in days or hours.

(14) or more years of completed service for the Employer

equals up to a maximum of 150 paid vacation hours per fiscal year)

Probationary employees will earn vacation time pursuant to the above schedule, but cannot use any earned vacation time until after the completion of their probationary period.

Vacation pay shall be paid at the rate of the employee's regular straight-time hourly rate of pay in effect for the employee's regular job classification on the pay day immediately preceding the employee's vacation.

C. Requesting Vacation

Eligible employees shall submit, in writing, to the Employer, any request for vacation leave at least two weeks in advance of the taking of such leave, and the Employer shall provide a response to the request in writing within seventy-two (72) hours after receipt of the vacation request. The Employer, in its sole discretion, may permit an employee to take one or two vacation days with less than two weeks' notice. An employee may take off a maximum of fifteen (15) consecutive business days at one time. The fifteen (15) day period may be extended upon approval by the Employer, if operational needs of the office are satisfied during the employee's extended absence.

Reasonable efforts will be made to accommodate vacation requests, however, the Employer reserves the right to deny specific vacation dates or times requested in order to ensure that the Employer's operational and scheduling needs are met.

D. Vacation Time Not Used

Eligible employees shall be allowed to carry over from month to month no more than one and one-half (1 ½) times an employee's available days of vacation leave per year. For example, an eligible employee who has completed two (2) continuous years of service with the Employer can carry over no more than 112.5 hours of paid vacation leave from one month to the next.

No salary payment shall be made in lieu of vacation time not used by an eligible employee during the fiscal year. Upon termination of employment, the Employer will pay employees for accrued but unused vacation days, at the employee's current pay rate.

E. Holidays During Vacation Leave

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

Commented [L345]: There is nothing in current policy regarding what the pay rate will be for vacation time. So, I took this from several County CBAs. However, if the board prefers to use different language, please let me know. Regardless, I would suggest the board discuss this issue and include in policy if possible.

Commented [L346]: Do you want the vacation requests submitted to any specific person (e.g., immediate supervisor? Department head? HR person?) If so, please identify that here.

Commented [L347]: I did not see any notice requirements to use vacation time. I would suggest you include some type of notice requirements. Whatever you choose, though, is a management decision and not a legal one. So, I will leave that up to the Board. Also, do you have a certain procedure you want the employees to use to request vacation time (e.g., a form they must complete)? For purposes of this rough draft, I have followed the language the Board has approved for County CBAs.

3.4 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 the Employer reserves the right to specify the time frame during which the employee may be absent to vote.

3.5 Jury and Witness Duty

All employees are granted time off from work to perform jury duty or if summoned to testify as a witness.

Paid time off for jury or witness testimony is available up to three (3) workdays for full-time employees who have worked more than six (6) continuous months for the Employer.

Commented [148]: Please confirm how much time off you want to leave as paid time for jury duty and/or witness testimony?

After three (3) work days of jury duty leave, any additional time off for jury duty and/or witness testimony is unpaid.

Any fee received by an employee for serving on a jury or providing testimony will be deducted from the employee's wages during paid time off.

To request time off employees must provide a copy of the jury or witness summons to their immediate supervisor within ten (10) calendar days of receipt.

While serving on a jury or testifying as a witness, employees are required to advise their immediate supervisor about their availability for work each workday. Employees who are released from jury duty or witness testimony during the workday are expected to report to work immediately to complete their work shift.

If an employee is required to perform jury duty or is summoned to testify as a witness while the employee is on an approved leave of absence (e.g., FMLA leave), the employee shall not be eligible to receive jury/witness duty pay.

3.6 Military Leave

The Employer will comply with all applicable federal, state and local laws providing military leave and benefit protections to employees. Please direct any questions or requests for leave to your immediate supervisor.

3.7 Holiday Pay

All eligible employees will receive time off with pay or will receive holiday pay if required to work on designated holidays. Designated holidays are established annually by the Kendall County Board for non-court related departments/offices and by the Chief Judge for court-related departments/offices. The Employer will distribute the approved holiday schedule to all departments/offices for posting. Designated holidays may be adjusted from year to year as deemed necessary by the Kendall County Board.

Full-time and part-time employees under County Board jurisdiction who are budgeted to work a minimum of twenty (20) hours per workweek may be eligible for holiday pay. Temporary employees, seasonal employees, interns, and volunteers are not eligible for holiday pay.

Commented [LJ49]: Please review and confirm who are "eligible employees" for holiday pay purposes. Your current policy doesn't really address these types of employees.

To be eligible for time off with holiday pay, the holiday must fall on the employee's regularly scheduled workday. Also, an eligible employee must work the last scheduled workday before the holiday and the first scheduled workday after holiday, in order to be compensated for the holiday, unless absence on either or both days is pre-approved by the employee's immediate supervisor.

Commented [LJ50]: Please review this language. It isn't clear from existing policy whether this is the case. What is your existing practice? Do you give holiday pay to an employee who regularly has that day off anyway? Some holiday policies do and some do not. Ultimately, this is a management decision for the Board. So, please advise what route you would like to go, and I can update the language accordingly.

An eligible full-time employee will be paid for the scheduled holiday at the employee's regular rate of pay as computed for one (1) workday (if the designated holiday is a full workday) or one half (1/2) day (if the designated holiday is a half of a workday). Assuming the holiday falls on the employee's regularly scheduled workday, an eligible part-time employee will receive holiday pay proportionate to the average number of hours the employee would normally work on the holiday (e.g., if the employee normally works four (4) hours a day, the employee will receive four (4) hours of holiday pay).

Commented [LJ51]: This was not in the County's current policy, but such language is common in many handbooks. This helps to cut back on those employees who resign the day after a holiday. If they do, they don't receive holiday pay. However, please confirm if you would like this language in the policy.

Commented [LJ52]: Please review as your existing policy does not address the rate of pay for full-time employees. I've tried to include what I believe is existing past practice, but I'm not sure what was done for the 1/2 day holidays in the past. Please confirm.

If an eligible FLSA non-exempt employee works on a designated holiday, the employee will receive holiday pay plus wages at one and one-half times their regular rate of pay for the hours the employee worked on the holiday.

Commented [LJ53]: Please confirm. This is in current policy. Just want to confirm Board wants to keep it that way. An alternative would be as follows: "When an eligible employee works on a designated holiday, equivalent time off will be granted within the following twelve (12) month period, at a time convenient to the employee, the employee's supervisor and the department's operation. Compensation for the holiday will be paid at straight time."

When a holiday falls during an eligible employee's scheduled vacation period, the employee will be paid for the holiday instead of vacation pay.

Commented [LJ54]: Please confirm. This is not addressed in County's current policy, but I believe this is past practice.

Employees must be working (i.e., on active paid status) to be eligible for holiday pay. Employees on an unpaid leave of absence are not eligible for holiday pay.

Employees who observe a religious holiday on days which do not fall on a designated holiday should use accrued vacation, personal days, or compensatory time (if any). However, if the employee does not have accrued time available, such religious holidays may be taken without pay, provided the employee has obtained the written approval of the employee's department head. An employee requesting to take unpaid time off to observe a religious holiday must submit their request to their department head at least fourteen (14) calendar days prior to the proposed absence.

Commented [LJ55]: This is not in the County's current holiday policy. However, it should be addressed so as to reduce risk of religious discrimination claims.