

**KENDALL COUNTY FOREST PRESERVE DISTRICT
MEETING AGENDA**

TUESDAY, NOVEMBER 15, 2022

9:00 AM

KENDALL COUNTY OFFICE BUILDING - ROOMS 209 & 210

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Roll Call
- V. Approval of Agenda
- VI. Public Comments
- VII. ***CONSENT AGENDA**
 - A. Approval of Minutes
 - Kendall County Forest Preserve District Finance Committee Meeting of October 27, 2022
 - Kendall County Forest Preserve District Commission Meeting of November 1, 2022
 - Kendall County Forest Preserve District Operations Committee Meeting of November 2, 2022
 - Kendall County Forest Preserve District Committee of the Whole Meeting of November 9, 2022
 - B. *Approval of Claims in the Amount of \$385,427.90
 - C. **MOTION**: Approval of the Kendall County Forest Preserve District Employee Handbook
 - D. ***MOTION**: Approval of a Proposal from Hey and Associates, Inc. of Volo, Illinois for Engineering and Ecologic Consulting Services for the Removal of the Low Head Dam at Little Rock Creek Forest Preserve Including Concept Planning (\$9,500); Dam Removal Grant Application Assistance (\$4,500) and Site Master Planning Including Grant Application Assistance (\$5,000) for a Total Amount Not-to-Exceed \$20,000.00
 - E. ***MOTION**: Approval of the Renewal of a 1-Year Lease Agreement with Jay Teckenbrock, Hoover Supervisor and Resident for Use of the Hoover Residence Effective December 1, 2022 through November 30, 2023 for a \$250.00 Monthly Rent Payment
 - F. ***MOTION**: Approval of the Renewal of a 1-Year Lease Agreement with Shannon Prette, Ellis Resident and Caretaker for Use of the Ellis House Studio Apartment Effective December 1, 2022 through November 30, 2023 for a \$346.67 Monthly Rent Payment
 - G. **MOTION**: Approval of the Revised Environmental Education and Special Projects Manager Position Description
 - H. **MOTION**: Approval of the Kendall County Forest Preserve District FY23 Organizational Chart
 - I. **MOTION**: Approval of the Kendall County Forest Preserve District CY23 Annual Meeting and Holiday Schedule
- VIII. **OLD BUSINESS**

No items posted for consideration.
- IX. **NEW BUSINESS**
 - A. ***ORDINANCE #22-11-001**: Approval of the General Fund Tax Levy Ordinance of the Kendall County Forest Preserve District, Kendall County, Illinois for the Fiscal Year Beginning December 1, 2022 and Ending November 30, 2023 in the Amount of \$710,448.00
 - B. ***ORDINANCE #22-11-002**: Approval of the Combined Annual Budget and Appropriations Ordinance Setting Forth the Annual Budget of the Kendall County Forest Preserve District, Kendall County, Illinois for the Fiscal Year Beginning December 1, 2022 and Ending November 30, 2023 for an Amount Not-to-Exceed \$9,653,398.00
 - C. ***ORDINANCE #22-11-003**: Amending Ordinance #08-22-001 the Combined Annual Budget and Appropriations Ordinance of the Kendall County Forest Preserve District, Kendall County, Illinois for the Fiscal Year Beginning December 1, 2021 and Ending November 30, 2022 Reducing Total Appropriations from \$8,573,250.00 to \$8,472,995.00
 - D. ***MOTION**: Approval of the FY23 Salary and Benefits Schedule for December 1, 2022 through November 30, 2023, Including an Aggregate Sum for Scheduled Increases in the Amount of \$45,084.92
- X. Public Comments
- XI. Executive Session
- XII. **OTHER ITEMS OF BUSINESS**
 - A. Notice of Meeting Cancellation: KCFPD Commission Meeting of December 6, 2022 at 6 PM at the Kendall County Office Building
- XIII. Adjournment

(* Requires affirmative vote of the majority of those elected (6) for passage (KCFPD Rules of Order Section I.G.3.b.v.a)

**KENDALL COUNTY FOREST PRESERVE DISTRICT
FINANCE COMMITTEE MEETING MINUTES
OCTOBER 27, 2022**

I. Call to Order

Chairman Gengler called the meeting to order at 4:01 pm in the Kendall County Administration Building, Rooms 209 and 210.

II. Roll Call

| | | | |
|---|---------|---|-----------|
| | Cesich | | Gryder |
| X | DeBolt | X | Kellogg |
| | Flowers | | Koukol |
| X | Gengler | | Rodriguez |
| X | Gilmour | X | Vickers |

Commissioners DeBolt, Gilmour, Kellogg, Vickers, and Gengler were all present.

III. Approval of Agenda

Commissioner DeBolt made a motion to approve the meeting agenda as presented. Seconded by Commissioner Vickers. Aye, all. Opposed, none.

IV. Public Comments

No public comments were offered from citizens present.

V. Motion to Forward Claims to Commission for Approval

Commissioner DeBolt made a motion to forward claims to Commission. Seconded by Commissioner Vickers. Aye, all. Opposed, none.

Commissioner DeBolt made a motion to amend the claims listing of the Nicor Gas from \$6,056.00 to \$60.56. Seconded by Commissioner Gilmour. Aye, all. Opposed, none.

VI. Review of Financial Statements through September 30, 2022

Director Guritz presented an overview on the financial statements through September 30, 2022.

OLD BUSINESS

No items posted for consideration.

NEW BUSINESS

A. Reservation Woods Acquisition Project - Third Party Verification of Carbon Credits and National Sale Representation

A report was shared on the pending second national sale. Doug McPherson will continue to represent the District within the second sale scheduled to conclude in the first half of CY2023.

B. MOTION: Approval to Forward the FY23 Salary and Benefits Schedule to the Committee of the Whole

Commissioner Vickers made a motion to forward the FY23 Salary and Benefits Schedule to the Committee of the Whole for review. Seconded by Commissioner Gilmour. Aye, all. Opposed, none.

C. MOTION: Approval to Forward the Revised Environmental Education and Special Projects Manager Position Description to the Committee of the Whole

Commissioner Gilmour made a motion to forward the revised Environmental Education and Special Projects Manager position description to Committee of the Whole for review. Seconded by Commissioner Vickers. Aye, all. Opposed, none.

D. MOTION: Approval to Forward the FY23 Budget and Final Budget Ordinances to the Committee of the Whole

Commissioner Gilmour made a motion to forward the FY23 Budget and Final Budget Ordinance to the Committee of the Whole. Seconded by Commissioner DeBolt. Aye, all. Opposed, none.

E. MOTION: Approval to Forward Ordinance #22-11-001- FY23 Operating Fund Levy to the Committee of the Whole

Commissioner Vickers made a motion to forward Ordinance #22-11-001 FY23 Operating Fund Levy to the Committee of the Whole for review. Seconded by Commissioner Gilmour. Aye, all. Opposed, none.

F. MOTION: Approval to Forward Ordinance #22-11-002 - FY23 Combined Budget and Appropriations Ordinance to the Committee of the Whole

Commissioner DeBolt made a motion to forward Ordinance #22-11-002 FY23 Combined Budget and Appropriations Ordinance to Committee of the Whole for review. Seconded by Commissioner Kellogg. Aye, all. Opposed, none.

G. Pickerill-Pigott Estate House – Construction Updates

I. Construction Project Updates

II. Change Order Approvals

Antoinette White, Grounds and Natural Resources Division Supervisor presented updates on the Pickerill-Pigott Estate House renovation project including providing an updated construction schedule, and requested change order (pending) for the greenhouse interior finishes and replacement heating units.

VII. Fox River Bluffs RTP Project – Construction Updates

A. Construction Progress Updates

B. Change Order Approvals

Antoinette White, Grounds and Natural Resources Division Supervisor, presented final updates on the completion of the Fox River Bluffs RTP trail project.

VIII. MOTION: Approval to Forward the GRNE Solarfield 23, LLC Power Purchase and Site Lease for Solar Installation Agreements to the Kendall County State’s Attorney’s Office for Review

Commissioner Gilmour made a motion to forward the GRNE Solarfield 23, LLC Power Purchase and Site Lease for Solar Installation Agreements to Commission for approval. Seconded by Commissioner Vickers. Aye, all. Opposed, none.

IX. MOTION: Approval to Forward the Hey and Associates, Inc. Professional Services Proposal for Dam Removal Project at Little Rock Creek Forest Preserve to the Committee of the Whole

Commissioner Vickers made a motion to forward the Hey and Associates, Inc. Professional Services Proposal for Dam Removal Project at Little Rock Creek Forest Preserve to the Committee of the Whole for discussion. Seconded by Commissioner Kellogg. Aye, all. Opposed, none.

X. Other Items of Business

Director Guritz presented the Alliant / ICRMT Property & Casualty Insurance renewal proposal for 2022-2023.

Commissioner Kellogg made a motion to forward the Alliant / ICRMT Property & Casualty Insurance Renewal 2022-2023 to Committee of the Whole for approval. Seconded by Commissioner Vickers. Aye, all. Opposed, none.

XI. Public Comments

No public in attendance offered comment.

XII. Executive Session

None.

XIII. Adjournment

Commissioner DeBolt made a motion to adjourn. Seconded by Commissioner Vickers. Aye, all. Opposed, none.

Meeting adjourned at 5:03 pm.

Respectfully submitted,

David Guritz
Director, Kendall County Forest Preserve District

**KENDALL COUNTY FOREST PRESERVE DISTRICT
COMMISSION MEETING MINUTES
NOVEMBER 1, 2022**

I. Call to Order

President Gilmour called the meeting to order at 6:00 pm in the Kendall County Office Building - Second Floor Board Meeting Rooms 209 and 210.

II. Pledge of Allegiance

The Pledge of Allegiance was recited by all individuals in attendance.

III. Invocation

Vice President Gengler offered an invocation for the meeting.

IV. Roll Call

| | | | |
|---|---------|---|-----------|
| X | Cesich | X | Gryder |
| X | DeBolt | X | Kellogg |
| X | Flowers | X | Koukol |
| X | Gengler | X | Rodriguez |
| X | Gilmour | X | Vickers |

Roll call: Commissioners Cesich, DeBolt, Flowers, Gengler, Gryder, Kellogg, Koukol, Rodriguez, Vickers, and Gilmour were all present.

V. Approval of Agenda

Commissioner Koukol made a motion to approve the agenda with the removal of items D and E from Consent Agenda. Seconded by Commissioner Rodriguez. Aye, all. Opposed, none.

VI. Public Comment

No public comments were offered from citizens in attendance.

VII. CONSENT AGENDA

A. Approval of Minutes

- Kendall County Forest Preserve District Commission Meeting of October 18, 2022

B. *Approval of Claims in the Amount of \$17,445.75

C. *MOTION: Approval of Change Order #1 – A Contract Deduction of \$2,500 (Geotextile Fabric Savings) for the Fox River Bluffs Site Construction Project #939 (IDNR-RTP Project #19-155) with E. Hoffman, Inc. of Lombard, Illinois

~~**D. *MOTION: Approval of a Site Lease for Solar Installation Agreement between the District and GRNE Solarfield 23, LLC of Palatine, Illinois for the Installation of a Solar Panel Array on the Ken Pickerill Estate House Pavilion for an Initial 25 Year Lease Term**~~

~~E. *MOTION: Approval of a Solar Energy Power Purchase Agreement between the District and GRNE Solarfield 23, LLC of Palatine, Illinois for the Purchase of Electrical Power Generated by the Ken Pickerill Estate House Solar Panel Array at a Cost of \$0.065 per kWh for an Estimated Annual Production of 39,000 kWh for the 25-Year Lease Period~~

Commissioner Cesich made a motion to approve the Consent Agenda as presented. Seconded by Commissioner Flowers.

Motion: Commissioner Cesich
Second: Commissioner Flowers

Roll call: Consent Agenda

| Commissioner | Aye | Opposed | Commissioner | Aye | Opposed |
|---------------------|------------|----------------|---------------------|------------|----------------|
| Cesich | X | | Gryder | X | |
| DeBolt | X | | Kellogg | X | |
| Flowers | X | | Koukol | X | |
| Gengler | X | | Rodriguez | X | |
| Gilmour | X | | Vickers | X | |

Motion unanimously approved.

Roll call: Commissioners Cesich, DeBolt, Flowers, Gengler, Gryder, Kellogg, Koukol, Rodriguez, Vickers, and Gilmour, aye. Opposed, none. Motion unanimously approved.

VIII. OLD BUSINESS

No items posted for consideration.

IX. NEW BUSINESS

A. *MOTION: Approval of a Proposal from Alliant Insurance Services, Inc. of Chicago, Illinois for Renewal of the District’s Insurance Coverage Package in the Amount of \$48,496, and Worker’s Compensation Coverage in the Amount of \$18,114.00 through the Illinois Counties Risk Management Trust (ICRMT) for a Total Annual Premium of \$66,611.00 for the Policy Year Beginning December 1, 2022 Extending through December 1, 2023

Commissioner Flowers made a motion to approve a proposal from Alliant Insurance Services, Inc. of Chicago, Illinois for renewal of the District’s Insurance Coverage Package in the amount of \$48,496.00 and Worker’s Compensation Coverage in the amount of \$18,114.00 through the Illinois Counties Risk Management Trust (ICRMT) for a total annual premium of \$66,611.00 for the police year beginning December 1, 2022 extending through December 1, 2023. Seconded by Commissioner Cesich.

Motion: Commissioner Flowers
 Second: Commissioner Cesich
Roll call: Alliant-ICRMT Insurance Renewal for \$66,611.00

| Commissioner | Aye | Opposed | Commissioner | Aye | Opposed |
|--------------|-----|---------|--------------|-----|---------|
| Cesich | X | | Gryder | X | |
| DeBolt | X | | Kellogg | X | |
| Flowers | X | | Koukol | X | |
| Gengler | X | | Rodriguez | X | |
| Gilmour | X | | Vickers | X | |

Motion unanimously approved.

Roll call: Commissioners Cesich, DeBolt, Flowers, Gengler, Gryder, Kellogg, Koukol, Rodriguez, Vickers, and Gilmour, aye. Opposed, none. Motion unanimously approved.

B. *MOTION: Approval of a Site Lease for Solar Installation Agreement between the District and GRNE Solarfield 23, LLC of Palatine, Illinois for the Installation of a Solar Panel Array on the Ken Pickerill Estate House Pavilion for an Initial 25-Year Lease Term

Commissioner Cesich made a motion to approve the Site Lease for Solar Installation Agreement between the District and GRNE Solarfield 23, LLC of Palatine, Illinois for the Installation of a Solar Panel Array on the Ken Pickerill Estate House Pavilion for an Initial 25-Year Lease Term. Seconded by Commissioner Gryder.

Shawn Ajazi, Vice President of Progressive Business Solution was present at the meeting.

Commissioner Kellogg made a motion to amend the motion to correct the name on the site lease contract to ENRG-Nelnet, LLC, a Nebraska limited liability company on the agenda. Seconded by Commissioner Gengler.

Motion: Commissioner Kellogg
 Second: Commissioner Gengler
Roll call: Amendment of Solar Site Lease – Company Name

| Commissioner | Aye | Opposed | Commissioner | Aye | Opposed |
|--------------|-----|---------|--------------|-----|---------|
| Cesich | X | | Gryder | X | |
| DeBolt | X | | Kellogg | X | |
| Flowers | X | | Koukol | X | |
| Gengler | X | | Rodriguez | X | |
| Gilmour | X | | Vickers | X | |

Motion unanimously approved.

Roll call: Commissioners Cesich, DeBolt, Flowers, Gengler, Gryder, Kellogg, Koukol, Rodriguez, Vickers, and Gilmour, aye. Opposed, none. Motion unanimously approved.

Commissioner Cesich made a motion to approve the Site Lease for Solar Installation agreement with ENRT-Nelnet, LLC. Seconded by Commissioner Gryder.

Motion: Commissioner Cesich
 Second: Commissioner Gryder

Roll call: Site Lease for Solar Installation – ENRG-Nelnet, LLC

| Commissioner | Aye | Opposed | Commissioner | Aye | Opposed |
|--------------|-----|---------|--------------|-----|---------|
| Cesich | X | | Gryder | X | |
| DeBolt | X | | Kellogg | X | |
| Flowers | X | | Koukol | X | |
| Gengler | X | | Rodriguez | X | |
| Gilmour | X | | Vickers | X | |

Motion unanimously approved.

Roll call: Commissioners Cesich, DeBolt, Flowers, Gengler, Gryder, Kellogg, Koukol, Rodriguez, Vickers, and Gilmour, aye. Opposed, none. Motion unanimously approved.

C. *MOTION: Approval of a Solar Energy Power Purchase Agreement between the District and GRNE Solarfield 23, LLC of Palatine, Illinois for the Purchase of Electrical Power Generated by the Ken Pickerill Estate House Solar Panel Array at a Cost of \$0.065 per kWh for an Estimated Annual Production of 39,000 kWh for the 25-Year Lease Period

Commissioner Gryder made a motion to approve a Solar Energy Power Purchase Agreement between the District and GRNE Solarfield 23, LLC of Palatine, Illinois for the Purchase of Electrical Power Generated by the Ken Pickerill Estate House Solar Panel Array at a Cost of \$0.065 per kWh for an Estimated Annual Production of 39,000 kWh for the 25-Year Lease Period. Seconded by Commissioner DeBolt.

Commissioner Kellogg made a motion to amend the motion to change the name of the company posted to the agenda to ENRG-Nelnet, LLC, a Nebraska limited liability company. Seconded by Commissioner Rodriguez.

Motion: Commissioner Kellogg
 Second: Commissioner Rodriguez

Roll call: Amendment of Solar Power Purchase Agreement – Company Name

| Commissioner | Aye | Opposed | Commissioner | Aye | Opposed |
|--------------|-----|---------|--------------|-----|---------|
| Cesich | X | | Gryder | X | |
| DeBolt | X | | Kellogg | X | |
| Flowers | X | | Koukol | X | |
| Gengler | X | | Rodriguez | X | |
| Gilmour | X | | Vickers | X | |

Motion unanimously approved.

Roll call: Commissioners Cesich, DeBolt, Flowers, Gengler, Gryder, Kellogg, Koukol, Rodriguez, Vickers, and Gilmour, aye. Opposed, none. Motion unanimously approved.

Commissioner Gryder made a motion to approve the Solar Power Purchase Agreement with ENRG-Nelnet, LLC as amended. Seconded by Commissioner DeBolt.

Motion: Commissioner Gryder

Second: Commissioner DeBolt

Roll call: Solar Power Purchase Agreement – ENRG-Nelnet, LLC

| Commissioner | Aye | Opposed | Commissioner | Aye | Opposed |
|---------------------|------------|----------------|---------------------|------------|----------------|
| Cesich | X | | Gryder | X | |
| DeBolt | X | | Kellogg | X | |
| Flowers | X | | Koukol | X | |
| Gengler | X | | Rodriguez | X | |
| Gilmour | X | | Vickers | X | |

Motion unanimously approved.

Roll call: Commissioners Cesich, DeBolt, Flowers, Gengler, Gryder, Kellogg, Koukol, Rodriguez, Vickers, and Gilmour, aye. Opposed, none. Motion unanimously approved.

X. Public Comments

No public comments were offered from citizens in attendance.

XI. Executive Session

None.

XII. Other Items of Business

No items posted for consideration.

XIII. Adjournment

Commissioner Koukol made a motion to adjourn. Seconded by Commissioner Gryder. Aye, all. Opposed, none.

Meeting adjourned at 6:14 pm.

Respectfully submitted,

David Guritz
Director, Kendall County Forest Preserve District

**KENDALL COUNTY FOREST PRESERVE DISTRICT
OPERATIONS COMMITTEE MEETING MINUTES
NOVEMBER 2, 2022**

I. Call to Order

Commissioner Flowers called the meeting to order at 6:00 pm in the Kendall County Administrative Office Building – Kendall County Second Floor Board Meeting Rooms 209 and 210.

II. Roll Call

| | | | | |
|---|---------|------------------------------|---|-----------|
| X | Cesich | (Entered meeting at 6:02 pm) | | Gryder |
| | DeBolt | | | Kellogg |
| X | Flowers | | X | Koukol |
| | Gengler | | X | Rodriguez |
| | Gilmour | | | Vickers |

Commissioners Koukol, Rodriguez, and Flowers were all present.

Commissioner Cesich entered the meeting at 6:02 pm.

III. Approval of Agenda

Commissioner Koukol made a motion to approve the meeting agenda as presented. Seconded by Commissioner Rodriguez. Aye, all. Opposed, none.

IV. Public Comments

No public comments were offered from citizens in attendance.

V. Review of Financial Statements and Cost Center Reports through September 30, 2022

Antoinette White, Grounds and Natural Resources Division Supervisor presented an overview of the financial statements and cost center reports through September 30, 2022.

VI. MOTION: Approval to Forward the KCFPD Employee Handbook to the Committee of the Whole

Commissioner Cesich made a motion to forward the KCFPD Employee Handbook to the Committee of the Whole for review. Seconded by Commissioner Rodriguez. Aye, all. Opposed, none.

VII. MOTION: Approval to Forward the KCFPD Annual Meeting Calendar and Holiday Schedule to the Committee of the Whole

Commissioner Cesich made a motion to forward the KCFPD Annual Meeting Calendar and Holiday Schedule to Committee of the Whole for review. Seconded by Commissioner Koukol. Aye, all. Opposed, none.

VIII. Grounds and Natural Resources Reports

Antoinette White, Grounds and Natural Resources Division Supervisor gave updates on current grounds and natural resource projects.

IX. Environmental Education Reports

Antoinette White, Grounds and Natural Resources Division Supervisor, presented updates on current Environmental Education programs.

X. Other Items of Business

A. 2023 Community Events Discussion

- I. Fox River Bluffs Forest Preserve Opening
- II. Pickerill Estate House Opening
- III. Discussion: Other Event(s) / Fundraiser(s)

The Operations Committee discussed community event ideas.

B. Construction Project Updates

Antoinette White, Grounds and Natural Resources Division Supervisor, presented updates on the Fox River Bluffs RTP Trail project and the Pickerill Estate House construction projects.

XI. Public Comments

No public comments were offered from citizens in attendance.

XII. Executive Session

None.

XIII. Adjournment

Commissioner Cesich made a motion to adjourn at 6:50 pm. Seconded by Commissioner Koukol. Aye, all. Opposed, none.

Respectfully submitted,

Antoinette White

Grounds and Natural Resources Division Supervisor, Kendall County Forest Preserve District

**KENDALL COUNTY FOREST PRESERVE DISTRICT
COMMITTEE of the WHOLE MEETING MINUTES
NOVEMBER 9, 2022**

I. Call to Order

President Gilmour called the meeting to order at 4:30 pm in the Kendall County Office Building – Second Floor County Board Meeting Rooms 209 and 210.

II. Roll Call

| | | | |
|---|---------|---|---|
| X | Cesich | | Gryder |
| X | DeBolt | X | Kellogg (Adjourned at 5:28 pm, and did not return) |
| | Flowers | X | Koukol |
| X | Gengler | X | Rodriguez (Entered the meeting at 4:31 pm; adj. at 5:20 pm) |
| X | Gilmour | X | Vickers |

Commissioners Cesich, DeBolt, Gengler, Kellogg, Koukol, Rodriguez, Vickers, and Gilmour were all present.

Commissioner Rodriguez entered the meeting room at 4:31 pm and adjourned from the meeting at 5:20 pm.

Commissioner Kellogg adjourned from the meeting at 5:28 pm.

III. Approval of Agenda

Commissioner DeBolt made a motion to approve the meeting agenda. Seconded by Commissioner Koukol. Aye, all. Opposed, none.

Commissioner Rodriguez entered the meeting at 4:31 pm.

IV. Public Comments

No public comments were offered from citizens in attendance.

V. Executive Director’s Report

Director Guritz, provided an update on District projects.

VI. Motion to Forward Claims to Commission

Commissioner DeBolt made a motion to forward claims to Commission for approval. Seconded by Commissioner Gengler. Aye, all. Opposed, none.

VII. OLD BUSINESS

No items posted for consideration.

VIII. NEW BUSINESS

- a) **MOTION: Approval to Forward Ordinance #22-11-003 Amending Ordinance #08-22-001 the Combined Annual Budget and Appropriations Ordinance Setting Forth the Annual Budget of the Kendall County Forest Preserve District, Kendall County, Illinois for the Fiscal Year Beginning December 1, 2021 and Ending November 30, 2022 for an Amount Not-to-Exceed \$8,472,995.00 to Commission for Approval**

Commissioner Kellogg made a motion to forward Ordinance #22-11-003 amending Ordinance #08-22-001 the Combined Annual Budget and Appropriations Ordinance for the District for an Amount Not-to-Exceed \$8,472,995 to Commission for approval. Seconded by Commissioner Cesich. Aye, all. Opposed, none.

- b) **MOTION: Approval to Forward Ordinance #22-11-001 – FY23 Operating Fund (Fund 1900) Levy in the Amount of \$710,448.00 to Commission for Approval**

Commissioner Cesich made a motion to forward Ordinance #22-11-001 for the FY23 Operating Fund (Fund 1900) levy in the amount of \$710,448.00 to Commission for approval. Seconded by Commissioner Kellogg. Aye, all. Opposed, none.

- c) **MOTION: Approval to Forward Ordinance #22-11-002 – FY23 Combined Budget and Appropriations Ordinance in the Amount of \$9,653,398 to Commission for Approval**

Commissioner Cesich made a motion to forward Ordinance #22-11-002, the FY23 Combined Budget and Appropriations Ordinance in the amount of \$9,653,398 to Commission for approval. Seconded by Commissioner Gengler. Aye, all. Opposed, none.

- d) **MOTION: Approval to Forward the FY23 Salary and Benefits Schedule to Commission for Approval for December 1, 2022 through November 30, 2023, Including an Aggregate Sum for Scheduled Increases in the Amount of \$45,084.92**

Commissioner DeBolt made a motion to forward the FY23 salary and benefits schedule, with recommendation to approve the proposed aggregate sum for scheduled increases in the amount of \$45,084.92 to Commission for approval. Seconded by Commissioner Gengler. Aye, all. Opposed, none.

- e) **MOTION: Approval to Forward the FY23 Organizational Chart to Commission for Approval**

Commissioner Cesich made a motion to forward the FY23 Organizational Chart to Commission for approval. Seconded by Commissioner Gengler. Aye, all. Opposed, none.

f) MOTION: Approval to Forward the CY23 Annual Meeting and Holiday Schedule to Commission for Approval

Commissioner DeBolt made a motion to forward the CY23 Annual Meeting and Holiday Schedule to Commission for approval. Seconded by Commissioner Cesich. Aye, all. Opposed, none.

g) MOTION: Approval to Forward the Revised Environmental Education and Special Projects Manager Position Description (FLSA Exempt) to Commission for Approval

Commissioner Koukol made a motion to forward the revised Environmental Education and Special Projects Manager position description to Commission for approval. Seconded by Commissioner Rodriguez. Aye, all. Opposed, none.

h) MOTION: Approval to Forward the KCFPD Employee Handbook to Commission for Approval

Commissioner Cesich made a motion to forward the KCFPD Employee Handbook to Commission for approval. Seconded by Commissioner Kellogg. Aye, all. Opposed, none.

i) MOTION: Approval to Forward the FY23 Hoover Grounds Supervisor and Resident Lease Agreement to Commission for Approval

Commissioner Cesich made a motion to forward the FY23 Hoover Grounds Supervisor and Resident lease agreement to Commission for approval. Seconded by Commissioner Rodriguez. Aye, all. Opposed, none.

j) MOTION: Approval to Forward the FY23 Ellis House and Equestrian Center Resident and Caretaker Lease Agreement to Commission for Approval

Commissioner Cesich made a motion to forward the FY23 Ellis House and Equestrian Center Resident and Caretaker lease agreement to Commission for approval. Seconded by Commissioner Gengler. Aye, all. Opposed, none.

k) Little Rock Creek Forest Preserve Dam Removal Project Proposal - Hey and Associates, Inc.- Review and Discussion

Commissioner DeBolt made a motion to forward the Little Rock Creek Forest Preserve dam removal project proposal from Hey and Associates, Inc. to Commission for approval. Seconded by Commissioner Cesich. Aye, all. Opposed, none.

XVIII. Other Items of Business

- a. Pickerill Estate House Construction Project Updates**
- b. Fox River Bluffs Forest Preserve Construction Project Updates**
- c. End-of-Year Purchases Discussion (AED's; Changing Tables; Office Replacement Furniture)**

d. New Year's Day Food Drive Event – Kendall County Community Food Pantry

Antoinette White, Ground and Natural Resources Division Supervisor, presented updates on the Pickerill Estate House and Fox River Bluffs RTP Trail construction projects.

The Committee of the Whole gave direction for the Kendall County Forest Preserve District to host the New Year's Day Food Drive Event in cooperation with the Kendall County Community Food Pantry as a volunteer-staffed event.

Commissioner Rodriguez left the meeting at 5:20 pm.

XIX. Public Comments

No public comments were offered from citizens in attendance.

XX. Executive Session

Commissioner Kellogg left the meeting at 5:28 pm.

Commissioner Cesich made a motion to enter executive session under 2(c)21 of the Open Meetings Act for the purpose of discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. Seconded by Commissioner DeBolt. Aye, all. Opposed, none.

Executive session called to order at 5:28 pm.

Commissioner Vickers made a motion to adjourn executive session. Seconded by Commissioner Koukol. Aye, all. Opposed, none.

Regular meeting reconvened at 5:45 pm.

XXI. Summary of Action Items

Director Guritz, provided a summary of action items to be presented to Commission for approval.

XXII. Adjournment

Commissioner Cesich made a motion to adjourn. Seconded by Commissioner DeBolt. Aye, all. Opposed, none. Meeting adjourned at 5:50 pm.

Respectfully submitted,

David Guritz
Director, Kendall County Forest Preserve District

Claims Listing

11/9/2022 3:54:21 PM

| Department | Vendor # | Vendor Name | Invoice # | Invoice Description | GL Account | Description | Invoice Amount | |
|----------------------|----------|------------------------------|-----------------|---|------------|-----------------------------|-------------------------|-----------------|
| Ellis Barn | 51 | SYNCB/AMAZON | 1167-YRFH-MTNK | Fence insulator-Ellis | 19001161 | 68580 | Grounds and Maintenance | \$140.50 |
| | 51 | SYNCB/AMAZON | 17PD-YLJN-D4LF | Ellis-Lighting | 19001161 | 68580 | Grounds and Maintenance | \$29.90 |
| | 1323 | MENARDS | 57451 | Menards-Ellis-Drive bit, screws, brace, oil | 19001161 | 68580 | Grounds and Maintenance | \$63.13 |
| | | | | | | | Sub-Total | \$233.53 |
| | | | | | | Ellis Barn | Total | \$233.53 |
| Ellis House | 541 | FIRST NATIONAL BANK OF OMAHA | 6660VickOct2022 | Vick Credit Card-Oct 2022 | 19001160 | 62000 | Office Supplies | \$210.23 |
| | | | | | | | Sub-Total | \$210.23 |
| | 1323 | MENARDS | 53616 | Ellis House-Wiregard, toilet paper, splice | 19001160 | 68580 | Grounds and Maintenance | \$48.08 |
| | | | | | | | Sub-Total | \$48.08 |
| | | | | | | Ellis House | Total | \$258.31 |
| Ellis Riding Lessons | 51 | SYNCB/AMAZON | 13YG-476N-FVKW | Amazon-Ellis-Animals-Joint Supplement | 19001164 | 63000 | Animal Care & Supplies | \$57.80 |
| | 541 | FIRST NATIONAL BANK OF OMAHA | Guitz3583111522 | Guritz FNBO Credit Card Oct2022 | 19001164 | 63000 | Animal Care & Supplies | \$941.18 |
| | | | | | | | Sub-Total | \$998.98 |
| | | | | | | Ellis Riding Lessons | Total | \$998.98 |

| | | | | | | | | |
|--------------------------------|------|------------------------------|----------------------|---------------------------------------|--------------------------------|-------|-------------------------|----------|
| Ellis Sunrise Center | 541 | FIRST NATIONAL BANK OF OMAHA | 6660VickOct2022 | Vick Credit Card-Oct 2022 | 19001167 | 63000 | Animal Care & Supplies | \$306.45 |
| | | | | | Ellis Sunrise Center | | Sub-Total | \$306.45 |
| | | | | | Ellis Sunrise Center | | Total | \$306.45 |
| Ellis Weddings | 3985 | ALEC DUDLEY | 10.6.22SecDep Return | Ellis Sec Dep Return-Wedding Balance | 19001168 | 63040 | Security Deposit Refund | \$100.00 |
| | | | | | | | Sub-Total | \$100.00 |
| | | | | | | | Sub-Total | \$100.00 |
| Ellis Weddings | 3131 | GROOT INC | 9693552T102 | Waste Services | 19001168 | 63070 | Refuse Pickup | \$114.56 |
| | | | | | | | Sub-Total | \$114.56 |
| | | | | | | | Sub-Total | \$114.56 |
| | | | | | Ellis Weddings | | Total | \$214.56 |
| Environmental Educ. Natrl Beg. | 541 | FIRST NATIONAL BANK OF OMAHA | Wiencke3433111522 | Wiencke FNBO Credit Card Oct2022 | 19001178 | 63030 | Program Supplies | \$37.12 |
| | 1323 | MENARDS | 56279 | NB- Leaf bags, soap, pumpkins, lights | 19001178 | 63030 | Program Supplies | \$47.65 |
| | 1323 | MENARDS | 56587 | NB-PVC Pipe, bungee, elbows | 19001178 | 63030 | Program Supplies | \$50.45 |
| | 1323 | MENARDS | 56841 | Menards-NB-Batteries, PVC piping | 19001178 | 63030 | Program Supplies | \$42.39 |
| | | | | | | | Sub-Total | \$177.61 |
| | | | | | Environmental Educ. Natrl Beg. | | Total | \$177.61 |

**Forest Preserve
Director**

| | | | | | | |
|------|---|----------------------|------------------------------------|--------------|--------------------------|-----------------|
| 541 | FIRST NATIONAL BANK OF OMAHA | Guitz358311152 2 | Guritz FNBO Credit Card Oct2022 | 190011 62000 | Office Supplies | \$177.03 |
| 541 | FIRST NATIONAL BANK OF OMAHA | White593111152 2 | White Credit Card-Oct 2022 | 190011 62000 | Office Supplies | \$261.69 |
| 1304 | MARCO TECHNOLOGIES, LLC | 486438599F | Copiers 10/28-11/28/22 | 190011 62000 | Office Supplies | \$127.88 |
| | | | | | Sub-Total | \$566.60 |
| 839 | ILLINOIS ASSOCIATION OF CONSERVATION & FOREST PRES | 2022-23-009 | 2023 Annual Membership Dues | 190011 62030 | Dues | \$200.00 |
| | | | | | Sub-Total | \$200.00 |
| 2047 | COMED | 09270071631115 22 | ComEd Richard Young | 190011 63510 | Electric | \$23.41 |
| 2047 | COMED | 11231661021115 22 | ComEd Jay Woods | 190011 63510 | Electric | \$0.16 |
| 2047 | COMED | 55147100051115 22 | ComEd Harris Arena | 190011 63510 | Electric | \$22.65 |
| 2047 | COMED | 55147110021115 22 | ComEd Harris | 190011 63510 | Electric | \$62.23 |
| | | | | | Sub-Total | \$108.45 |
| 541 | FIRST NATIONAL BANK OF OMAHA | Guitz358311152 2 | Guritz FNBO Credit Card Oct2022 | 190711 66500 | Miscellaneous Expense | \$847.00 |
| 1323 | MENARDS | 56195 | Padlock | 190711 66500 | Miscellaneous Expense | \$53.97 |
| | | | | | Sub-Total | \$900.97 |

| | | | | | | | | |
|----------------------------------|--------------|-------------------------------|--------------------------|--|----------|---------------------------------|--------------------------|---------------------|
| Forest Preserve Director | 1665 | SHAW MEDIA | 10085118111522 | Website Hosting | 190011 | 68430 | Marketing / Publicity | \$59.99 |
| | | | | | | | Sub-Total | \$59.99 |
| | 1199 | KLUBER, INC. | 8232 | Pickerill Roofing | 190711 | 68500 | Project Fund Expenses | \$572.50 |
| | 2826 | LITE CONSTRUCTION INC | 19-429- 1250Roof11.22 | Pickerill Roofing | 190711 | 68500 | Project Fund Expenses | \$2,002.50 |
| | | | | | | | Sub-Total | \$2,575.00 |
| | 1323 | MENARDS | 56821 | Menards-Roofing and Decking Materials | 191411 | 68530 | Preserve Improvements | \$302.77 |
| | | | | | | | Sub-Total | \$302.77 |
| | 1789 | TRANE COMPANY | 313080559 | Access Door | 191311 | 70330 | Construction | \$236.27 |
| | 2826 | LITE CONSTRUCTION INC | 19-429- 1250Reno11.22 | Certificate for Payment- Pickerill Renovation | 191311 | 70330 | Construction | \$226,542.30 |
| | 3953 | E. HOFFMAN, INC. | 31106 | Fox River Bluffs- Construction | 190811 | 70330 | Construction | \$140,884.65 |
| | | | | | | Sub-Total | \$367,663.22 | |
| 1199 | KLUBER, INC. | 8231 | Pickerill Conversion | 191311 | 70650 | Professional Services (A&E) | \$5,208.11 | |
| | | | | | | Sub-Total | \$5,208.11 | |
| | | | | | | Forest Preserve Director | Total | \$377,585.11 |
| Grounds and Natural Resources | 107 | AUTOMOTIVE SPECIALTIES INC | F150 Pressure Sensor | 2014 F150 Repairs-Tire Pressure Sensor | 19001183 | 62160 | Equipment | \$269.35 |
| | | | | | | | | |

| 413 | DEKANE EQUIPMENT CORP | IA87193 | RTV Service Materials | 19001183 | 62160 | Equipment | \$288.43 |
|------|-------------------------|---------------------|---------------------------------|----------|-------|-------------------------|-------------------|
| 506 | ELBURN NAPA, INC. | 4860111522 | Equipment for vehicles | 19001183 | 62160 | Equipment | \$169.89 |
| 1060 | JOHN DEERE FINANCIAL | 1113-29745111522 | Grounds Equipment | 19001183 | 62160 | Equipment | \$38.95 |
| 1323 | MENARDS | 56820 | Menards-Hoover-Various Supplies | 19001183 | 62160 | Equipment | \$9.94 |
| | | | | | | Sub-Total | \$776.56 |
| 1153 | KENDALL CO HIGHWAY DEPT | Oct2022Fuel | Gas and Diesel for Oct 2022 | 19001183 | 62180 | Gasoline / Fuel / Oil | \$1,011.97 |
| 1323 | MENARDS | 56820 | Menards-Hoover-Various Supplies | 19001183 | 62180 | Gasoline / Fuel / Oil | \$47.16 |
| | | | | | | Sub-Total | \$1,059.13 |
| 4007 | JEFFREY KILLBURG | Bow Hunt Refund2022 | 2022 Bow Hunt Refund | 19001183 | 63040 | Security Deposit Refund | \$250.00 |
| 4008 | WILLIAM LOFTUS | Bow Hunt Refund2022 | 2022 Bow Hunt Refund | 19001183 | 63040 | Security Deposit Refund | \$250.00 |
| 4009 | MICHAEL LOBDELL | Bow Hunt Refund2022 | 2022 Bow Hunt Refund | 19001183 | 63040 | Security Deposit Refund | \$250.00 |
| | | | | | | Sub-Total | \$750.00 |
| 3131 | GROOT INC | 9693552T102 | Waste Services | 19001183 | 63070 | Refuse Pickup | \$410.09 |
| | | | | | | Sub-Total | \$410.09 |
| 1849 | VERIZON | 9918545270111522 | Cell Phones | 19001183 | 63540 | Telephones | \$50.30 |
| 3837 | T-MOBILE | 982008249111522 | T-Mobile Cell Phones | 19001183 | 63540 | Telephones | \$788.41 |

| Grounds and Natural Resources | | | | | | | | | | Sub-Total | | \$838.71 | |
|-------------------------------|------------------------|-------------------|---------------------------------|----------|-------|-------------------------|--|--|--|-------------------------------|------------------|-----------------|----------|
| Hoover | | | | | | | | | | Total | | \$3,834.49 | |
| | | | | | | | | | | Grounds and Natural Resources | | | |
| 3340 | ED REYES | 22-00255 | Kingfisher Sec Dep Return | 19001171 | 63040 | Security Deposit Refund | | | | | | | \$100.00 |
| 3348 | BETH BURNS | 22-00261 | Moonseed Sec Dep Return | 19001171 | 63040 | Security Deposit Refund | | | | | | | \$100.00 |
| 3364 | TROOP 41 DJ LACHAPELLE | 22-00232 | Kingfisher Sec Dep Return | 19001171 | 63040 | Security Deposit Refund | | | | | | | \$100.00 |
| 4014 | GLORIA TREVINO | 22-00257 | MHL Sec Dep Return | 19001171 | 63040 | Security Deposit Refund | | | | | | | \$285.00 |
| 4015 | TONIKA FLOWERS | 22-00287 | MHL Sec Dep Return | 19001171 | 63040 | Security Deposit Refund | | | | | | | \$150.00 |
| | | | | | | | | | | | Sub-Total | \$735.00 | |
| 1452 | NICOR | 88551401149111522 | Nicor Hoover Maintenance | 19001171 | 63090 | Natural Gas | | | | | | | \$60.56 |
| | | | | | | | | | | | Sub-Total | \$60.56 | |
| 2047 | COMED | 0793673015111522 | ComEd Hoover Multiple | 19001171 | 63100 | Electric | | | | | | | \$613.49 |
| 2047 | COMED | 1938021081111522 | ComEd Hoover Residence | 19001171 | 63100 | Electric | | | | | | | \$35.13 |
| 2047 | COMED | 75608107111522 | ComEd Hoover Residence | 19001171 | 63100 | Electric | | | | | | | \$158.79 |
| | | | | | | | | | | | Sub-Total | \$807.41 | |
| 1323 | MENARDS | 56820 | Menards-Hoover-Various Supplies | 19001171 | 63110 | Shop Supplies | | | | | | | \$12.99 |
| | | | | | | | | | | | Sub-Total | \$12.99 | |

| | | | | | | | | |
|--------------------|------|---------|---------------------|---------------------------------|----------|---------------------------|-------------------------|---------------------|
| Hoover | 1323 | MENARDS | 56820 | Menards-Hoover-Various Supplies | 19001171 | 63120 | Building Maintenance | \$37.31 |
| | | | | | | | Sub-Total | \$37.31 |
| | 1323 | MENARDS | 56820 | Menards-Hoover-Various Supplies | 19001171 | 68580 | Grounds and Maintenance | \$32.99 |
| | | | | | | | Sub-Total | \$32.99 |
| | | | | | | Hoover | Total | \$1,686.26 |
| Pickerill - Pigott | 2047 | COMED | 5514228011115 22 | ComEd Pickerill House | 19001184 | 63100 | Electric | \$118.93 |
| | 2047 | COMED | 5514229027115 22 | ComEd Pickerill | 19001184 | 63100 | Electric | \$13.67 |
| | | | | | | | Sub-Total | \$132.60 |
| | | | | | | Pickerill - Pigott | Total | \$132.60 |
| | | | | | | | Grand Total | \$385,427.90 |



Kendall County Forest Preserve District

EMPLOYEE HANDBOOK

Effective: November 15, 2022

EMPLOYEE HANDBOOK

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CHAPTER 1

INTRODUCTORY MATERIALS

Section 1.1 INTRODUCTION

Kendall County Forest Preserve District (hereinafter referred to as “Employer” or “District” or “Kendall County” or “County”) relies upon its dedicated employees to provide the highest level of service to the citizens of Kendall County, Illinois. As an employee of the District, you are responsible for reading, understanding, and complying with the provisions of this Employee Handbook.

This Employee Handbook contains many of the policies for the District. 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, your applicable department head, or Executive Director. We will do our best to resolve any questions or concerns.

Please be advised this Employee Handbook rescinds and replaces any and all prior versions of employee handbooks given to you during your employment with the District.

Also, to the extent that any policies contained within this Employee Handbook conflict with any applicable state or federal law or regulation and/or any term and condition set forth in an employee’s applicable union contract (if any), the applicable law, regulation and/or union contract term will prevail.

Section 1.2 DEFINITIONS

Employer – If an individual is employed to perform work for a Kendall County department, the “Employer” shall be the Kendall County Forest Preserve District.

Executive – The Employer’s applicable department head or Executive Director who oversees the employee’s department.

Designated HR Representative – Either the Executive, or the Individual assigned by the Executive to perform human resources functions.

County Administrator: For purposes of this Employee Handbook, the meaning of the term “County Administrator” refers to the Kendall County Administrator.

Section 1.2 AT-WILL EMPLOYMENT AND CONTRACT DISCLAIMER

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 THE EMPLOYMENT AT-WILL RELATIONSHIP IN ANY MANNER, NOR IS IT MEANT TO ALTER ANY TERMS OF THE EMPLOYEE'S APPLICABLE UNION CONTRACT.

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 FOREST PRESERVE DISTRICT BOARD OF COMMISSIONERS AND WILL NOT BE ENFORCEABLE UNLESS IT IS IN WRITING AND SIGNED BY YOU AND BY THE KENDALL COUNTY FOREST PRESERVE DISTRICT PRESIDENT. 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.

THE KENDALL COUNTY FOREST PRESERVE DISTRICT BOARD OF COMMISSIONERS RESERVES THE RIGHT TO MODIFY, SUPPLEMENT, OR RESCIND ANY PROVISION OF THIS EMPLOYEE HANDBOOK WITHOUT NOTICE. PLEASE NOTE THAT ONLY THE KENDALL COUNTY BOARD CAN APPROVE CHANGES TO THIS EMPLOYEE HANDBOOK.

Section 1.3 HOW TO USE THIS EMPLOYEE HANDBOOK

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

Section 1.4 WORKER CLASSIFICATIONS

All employees contribute different skills and experience to the workplace. Duties and work schedules may vary by employee and by worker classification. The worker classifications for the Employer are as follows:

- A. FULL-TIME EMPLOYEES:** A full-time employee shall be one who is employed to work on average at least thirty (30) hours of service per week or at least one hundred thirty (130) hours of service in a calendar month.

- B. PART-TIME EMPLOYEES:** A part-time employee shall be one who is employed to work on average less than thirty (30) hours of service per week or less than one hundred thirty (130) hours of service in a calendar month. Part-time employees are not eligible for many benefits offered to full-time employees including, but not limited to, employee health and dental coverage.
- C. PROBATIONARY EMPLOYEES:** Employees who have been employed to work on a full-time or part-time basis and who have been employed for a period of less than six (6) continuous months of employment with their Employer. An employee's successful completion of the probationary period will not alter the employee's at-will employment status.
- 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 at the Employer. A student learner/intern may or may not be paid for the work performed for the Employer. Student learners/interns are not eligible for benefits offered to full-time employees including, but not limited to, employee health and dental coverage.
- E. VOLUNTEERS:** A volunteer is an individual who performs hours of service for the Employer for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. Individuals shall be considered volunteers only where their services are offered freely and without pressure or coercion, direct or implied, from the Employer. An individual shall not be considered a volunteer if the individual is otherwise employed by the Employer to perform the same type of services as those for which the individual proposes to volunteer. Volunteers are not eligible for any benefits offered to employees.
- F. INDEPENDENT CONTRACTORS:** Independent contractors are outside vendors who are not employees. Independent contractors are not eligible for any benefits offered to employees.

THE KENDALL COUNTY FOREST PRESERVE DISTRICT BOARD OF COMMISSIONERS RESERVES THE RIGHT TO CHANGE ANY OR ALL OF THE ABOVE WORKER CLASSIFICATIONS AT ANYTIME AND WITHOUT NOTICE. PLEASE ALSO NOTE THAT, SUBJECT TO AN APPLICABLE UNION CONTRACT, NONE OF THE CLASSIFICATIONS CHANGE THE EMPLOYMENT AT-WILL RELATIONSHIP THE EMPLOYER HAS WITH ITS EMPLOYEES.

CHAPTER 2 DIVERSITY

Section 2.1 POLICY AGAINST UNLAWFUL DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT

A. STATEMENT OF POLICY

The Employer is fully committed to a policy of equal employment. The Employer will not tolerate or condone unlawful discrimination or unlawful harassment on the basis of creed, genetic information, or arrest record, or actual or perceived race, color, religion, sex, sexual orientation as defined by 775 ILCS 5/1-103(0-1) and any other applicable law, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, national origin, age, physical or mental disability, ancestry, marital status, military status, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law. Sexual misconduct is also prohibited. The Employer will neither tolerate nor condone unlawful discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom the Employer has a business, service, or professional relationship. For purposes of this policy only, "employee" includes any employee performing work, an apprentice, an applicant for apprenticeship, or an intern.

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

- Submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
- The 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 unwelcomed.

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

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars, or posters;
- Verbal conduct such as making derogatory comments, using epithets or slurs, making sexually explicit jokes or suggestive comments about a person's body or dress;
- Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes about disabled individuals; or
- Physical conduct such as unwanted touching, assaulting, impeding, or blocking movements.

Sexual misconduct is strictly prohibited by the Employer. 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

1. 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 their Executive and 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 his/her line of supervision;

5. Immediately reporting any complaint of unlawful harassment, unlawful discrimination, or sexual misconduct pursuant to the procedure set forth below; 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.

2. Employees

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

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

Failure to take action to stop known unlawful discrimination, unlawful harassment or sexual misconduct may be grounds for discipline up to and including termination of employment.

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

If another person advises you that your behavior is offensive and violates this policy, 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.

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

1. Bringing a Complaint

Any employee who believes that there has been a violation of this policy must bring the matter forward in one of the following ways:

1. The employee should file their complaint to any one or more of the following individuals: the employee's immediate supervisor, Executive, Kendall County's Ethics Officer and/or their designee, and/or Kendall County's Inspector General. For purposes of this policy, Kendall County's Ethics Officer is the Kendall County Administrator. The employee may contact the County Administrator in person, by email or phone at the Kendall County Office Building 111 W. Fox St. Suite 316 Yorkville, Illinois 60560, or (630) 553-4171. skoepfel@kendallcountyil.gov
2. **If the alleged offender is the Executive Director of the District:** the employee should file their complaint with the Kendall County Inspector General who shall act as Kendall County's Ethics Officer for all complaints made pursuant to this policy against the Executive Director. The employee may contact the Kendall County Inspector General in person, by email or phone at the Kendall County Sheriff's Office, 1102 Cornell Lane, Yorkville, Illinois 60560, Llapp@kendallcountyil.gov, or 630-381-9549. The Inspector General shall inform the Kendall County Forest Preserve District's President of any complaints against the Executive Director. In the event the Inspector General receives a complaint made pursuant to this policy against anyone other than the Executive Director, the Kendall County Inspector General will forward the complaint to Kendall County's Ethics Officer (i.e., the Executive Director) and Advisor.

The employee should present their complaint as promptly as possible after the alleged violation of this policy occurs. While not required, The Employer encourages anyone who makes a complaint under this policy to submit their complaint in writing and attach any pertinent records to their complaint. This will assist Kendall County's Ethics Officer to oversee a prompt and thorough investigation.

2. Resolution of a Complaint

All complaints received pursuant to this policy shall be forwarded to Kendall County's Ethics Officer. Kendall County's Ethics Officer shall be responsible for overseeing all investigations of complaints made pursuant to this policy. Kendall County's Ethics Officer reserves the right to designate the Inspector General and/or another individual (other than the alleged offender) to assist Kendall County's Ethics Officer with the investigation of complaints received. Kendall County's Ethics Officer will take steps to ensure that complaints made are kept confidential to the extent permissible under the law.

Promptly after a complaint is received, the Employer will undertake such investigation, corrective and preventative actions as are appropriate. In general, the procedure in resolving any complaints made pursuant to this policy can (but will not necessarily) include any of the following items:

1. A meeting between the employee making the complaint and an individual designated by Kendall County's Ethics Officer to investigate such complaints (hereinafter referred to as "the investigator"). Important data to be provided by the complaining employee includes the following:
 - a. A description of the specific offensive conduct;
 - b. Identification of all person(s) who engaged in the conduct;
 - c. The location where the conduct occurred;
 - d. The time when the conduct occurred;
 - e. Whether there were any witnesses to the conduct and, if so, the identities of all such witnesses;
 - f. Whether conduct of a similar nature has occurred on prior occasions and, if so, when and who witnessed the prior conduct;
 - g. Whether there are any documents that would support the complaining employee's allegations and, if so, provide a copy of said documents to the investigator; and
 - h. What impact the conduct had on the complaining employee.
2. *While 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 their complaint.*
3. After a complaint is submitted by the employee, the alleged offending individual should be contacted by the investigator. The alleged offending individual should be advised of the charges brought against them. At some point during the investigation, the alleged

offending individual should have an opportunity to explain their side of the circumstances, and may submit a written statement, if desired.

4. Any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately by the investigator.
5. The investigator and/or their designee shall be responsible for gathering all documents and witness statements the investigator, in their sole discretion, deems necessary for the investigations. An employee's refusal to cooperate with the investigation will be deemed a violation of this policy.
6. When investigating alleged violations of this policy, the investigator will look at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.
7. Once this investigation is completed, the investigator will provide an investigation summary to the Employer. 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 will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
 - a. Verbal or written reprimand;
 - b. Placing the offending employee on a corrective action plan for a period of time to be identified;
 - c. Delay in pay increases or promotions;
 - d. Suspending the offending employee from work without pay;
 - e. Demotion; and/or
 - f. Immediate termination.

If appropriate, the Employer will take other remedial action, as needed, to address any other concerns or issues raised in the investigation summary.

7. 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 (a) for making a complaint of unlawful discrimination, unlawful harassment, or sexual misconduct pursuant to this policy; (b) for engaging in protected activity under the Illinois Human Rights Act (775 ILCS 5/1 *et seq.*); and/or (c) for engaging in protected activity under the State Officials and Employees Ethics Act (5 ILCS 430/1 *et seq.*).

Also, pursuant to the Illinois Whistleblower Act (740 ILCS 174/1 *et seq.*), the Employer is prohibited from retaliating against any employee who (a) discloses information in a court proceeding, and administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule or regulations; (b) refuses to participate in an activity that would result in a violation of a state or federal law, rule or regulation, including but not limited to violations of the Freedom of Information Act; and (c) is disclosing or attempting to disclose public corruption or wrongdoing.

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 similar investigated. Complaints of retaliation should be brought to the attention of the Employer pursuant to the complaint procedures set forth above in this policy. The employee should present the complaint of alleged retaliation as promptly as possible after the alleged retaliation occurs.

E. DISCIPLINE, FINES AND PENALTIES

In addition to any and all other discipline that may be applicable pursuant to the Employer's policies and procedures, any person who violates the prohibition on sexual harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the Employer and any applicable fines and penalties established pursuant to any applicable local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline imposed by the Employer shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

F. FALSE REPORTS PROHIBITED

It is a violation of this policy for an employee to knowingly make a false report of unlawful discrimination, unlawful harassment, sexual misconduct, or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action up to and including termination of employment.

G. ADDITIONAL RESOURCES

If you have any questions concerning the Employer's policies on this matter, please see your immediate supervisor, Executive, the County Administrator, and/or Kendall County's Inspector General. Also, information may also be obtained from the Illinois Department of Human Rights (IDHR), 312-814-6200 or the U.S. Equal Employment Opportunity Commission (EEOC), 800-669-4000. Confidential reports of unlawful harassment or unlawful discrimination may also be filed with these agencies. For matters involving the abuse of minors, the Illinois Department of Children and Family Services (DCFS) may be contacted by dialing 800-25-ABUSE.

Section 2.2 OPEN DOOR POLICY

The Employer maintains an open-door policy. This means that all employees have the right to and are encouraged to speak freely with their immediate supervisors, their Executive and/or the County Administrator about their job-related concerns at any time.

We urge employees to go directly to their immediate supervisor to discuss their job-related ideas, recommendations, concerns, and any other issues that are important to the employee. If, after talking with their immediate supervisor, the employee feels the need for additional discussion, the employee is encouraged to speak with their Executive.

Section 2.3 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.

A. DISABILITY ACCOMMODATIONS

The Employer will reasonably accommodate qualified individuals with a disability so they can perform the essential functions of their job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the Employer.

All requests for reasonable accommodations should be directed in writing to the Employee's Designated HR Representative. Upon receipt of the applicant/employee's request for a reasonable accommodation, the Designated HR Representative may require the applicant/employee to engage in an interactive process with them to determine whether the applicant/employee is a qualified individual with a disability (if applicable) and what, if any, reasonable accommodation(s) can and should be made. This interactive process may include, but is not limited to, the applicant/employee engaging in a timely, good faith and meaningful exchange with their Designated HR Representative. Also, the Designated HR Representative may require the applicant/employee to provide certification from the employee's health care provider, which would assist the employer in determining whether the applicant/employee is a qualified individual with a disability (as defined by applicable state and federal law) and what, if any, reasonable accommodations can be made. It is the duty of the individual seeking

a reasonable accommodation(s) to timely engage in an interactive process with the employer and to timely submit to the employer any documentation that is requested in accordance with this policy. Failure to do so could result in denial of the requested accommodation(s).

B. PREGNANCY ACCOMMODATIONS

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

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

Absent of showing of undue hardship by the Employer, an employee who has been affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth must be reinstated to the same or equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits upon the employee's return to work and/or when the employee's need for reasonable accommodation ceases, whichever occurs later. Pursuant to applicable state law, a pregnant applicant/employee is not required to accept an accommodation they did not request.

In response to a request for a pregnancy accommodation, the employer is *not* required:

- To create additional employment positions that the employer otherwise would not have created;
- To discharge any employee;
- To transfer an employee with more seniority; or
- To promote any employee who is not qualified to perform the job.

All requests for reasonable pregnancy accommodations should be directed in writing to the employee's Designated HR Representative. Upon receipt of a request for a reasonable pregnancy

accommodation, the applicant/employee will be required to engage in a timely, good faith and meaningful exchange to determine effective reasonable accommodations. The Employer may require the requesting applicant/employee to provide a certification from the employee's health care provider concerning the need for the requested reasonable accommodation. The Employer may require the following information be included in the medical certification:

- The medical justification for the requested accommodation(s);
- A description of the reasonable accommodation(s) medically advisable;
- The date the accommodation(s) became advisable; and
- The probable duration of the reasonable accommodation(s).

It is the duty of the individual seeking a reasonable accommodation(s) to timely submit to the employer any documentation that is requested in accordance with this policy. An individual's failure to timely submit the requested documentation and to cooperate in the interactive process could result in denial of the requested pregnancy accommodation.

C. RELIGIOUS ACCOMMODATIONS.

The Employer prohibits discrimination on the basis of religion and is committed to providing a work environment that is respectful of applicants' and employees sincerely held religious beliefs. As part of this commitment, the Employer makes good faith efforts to provide reasonable religious accommodations to applicants and employees who's sincerely held religious beliefs conflict with a policy or employment requirement unless such an accommodation would create an undue hardship. The Employer is not required to grant a preferred accommodation if there is at least one alternative that eliminates the religious conflict.

D. RETALIATION IS PROHIBITED.

Retaliation is prohibited against any applicant or employee because the individual has requested, attempted to request, used, or attempted to use a reasonable accommodation pursuant to this policy.

CHAPTER 3 RECRUITMENT AND EMPLOYMENT POLICIES

Section 3.1 EMPLOYMENT OF MINORS

The Illinois Child Labor Law regulates the employment of minors under the age of 16 and requires 14- and 15-year-olds to have Employment Certificates. The Employment Certificates are issued by the city or county of local superintendent(s) of schools or their duly authorized agents in the applicable school district. While school is in session, children 14 and 15 years of age may work in non-hazardous jobs up to three hours per day and not to exceed 24 hours of work per week; the combined hours in school and work may not exceed eight hours a day. When school is not in session (including summer vacation, holidays, and weekends), children under the age of 16 may work in non-hazardous jobs not to exceed more than 8 hours of work a day; not more than 6 days a week; not more than 48 hours a week. Daily hours of work for children 14 and 15 years of age may be between the hours of 7:00 AM and 7:00 PM (except between June 1 and Labor Day when working hours may be extended from 7:00 AM to 9:00 PM). A meal period of at least 30 minutes must be provided no later than the 5th hour of consecutive work. The Employer shall post a schedule stating the hours of work and time of the lunch period for all employees under the age of 16 pursuant to the Illinois Child Labor Law. Also, the Employer shall furnish a statement to any employee under the age of 16, which describes the specific nature of work to be performed and the hours and days the minor is to work. In addition, minors under the age of 18 shall not operate any mechanically powered equipment.

Section 3.2 RECRUITMENT AND BACKGROUND CHECKS

Employment and educational history and references should be verified prior to hiring any employee. Other pre-employment investigation may include criminal history, review of the applicant's driver's license abstract and other matter when pertinent to performance of the position and in accordance with applicable law. The Employer also reserves the right to conduct criminal, employment and educational background checks as well as run a driver's license abstract on any student learner, volunteer and independent contractor who will be performing any work in buildings owned by Kendall County to the extent permitted by applicable law. Pursuant to the Job Opportunities for Qualified Applicants Act, the Employer will not consider or inquire into a job applicant's criminal record or criminal history until the applicant has been determined qualified for the position and notified of an impending interview or after a conditional offer of employment is made. The Employer shall not consider an applicant's conviction if the conviction has been sealed, expunged, or impounded pursuant to Section 5.2 of the Illinois Criminal Identification Act.

Also, pursuant to the Illinois Human Rights Act, the Employer will not consider an applicant's and/or employee's conviction record when making employment decisions, with two exceptions: (1) Where a "substantial relationship" exists between the conviction and the employment action at issue; or (2) where granting or continuing the person's employment would create an unreasonable risk to safety or property of specific individuals or the public. A conviction record is defined as "information indicating that a person has been convicted of a felony, misdemeanor, or other criminal offense, placed on

probation, fined, imprisoned, or paroled pursuant to any law enforcement or military authority.” 775 ILCS 5/103 (G-5). For purposes of this Policy, a “substantial relationship” exists between the conviction and the employment action where the position presents the person with an opportunity and circumstances to commit similar offenses to those reflected in their conviction. Pursuant to applicable law, the Employer will consider the following mitigating factors in determining whether a conviction is disqualifying: (1) the length of time since the conviction; (2) the number of convictions represented in the conviction record; (3) the severity of the conviction and its relationship to the safety of others; (4) the circumstances surrounding the conviction; (5) the age of the person at the time of the conviction; and (vi) any evidence of rehabilitation.

Before the Employer takes any adverse employment action based on a conviction record, the Employer must engage in an interactive process with the applicant or employee in accordance with the Illinois Human Rights Act. This process includes notifying the person of: (1) the specific conviction the Employer believes disqualifying and the Employer’s explanation of the reason for a preliminary disqualification; (2) a copy of the conviction history report, if any; and (3) an explanation of the person’s right to respond, including submissions of evidence challenging the accuracy of the conviction record or any evidence of mitigation. The Employer must allow the person five (5) business days to address the Employer’s notice before a final decision is made. In accordance with applicable law, the Employer will provide the person with written notice if the disqualifying conviction forms the basis of the final decision, and, in such written notice, the Employer will also provide the reason for the decision, any existing internal procedures to challenge the final decision, and the right to file a charge with the Illinois Department of Human Rights.

Section 3.3 PROBATIONARY PERIOD

All full-time and part-time employee appointments are made for a probationary period of six (6) months following the employee’s date of hire, during which time the employee’s performance is subject to review as to employee’s competency to carry out the assignments of the position for which the individual was employed. The Executive may extend this probationary period to a maximum of an additional three (3) months if, in the Executive’s opinion, it is necessary. The probationary period and the successful completion of the probationary period do not alter the employment “at will” relationship. An employee serving their probationary period may be released at any time without the right of appeal or hearing.

An employee who is reassigned to any other position may be required to serve a probationary period not to exceed six (6) months in the new position.

Section 3.4 PERSONNEL FILE

A personnel file will be established for all employees. An employee and/or the employee’s authorized representative may inspect the employee’s personnel file pursuant to the Illinois Personnel Records

Review Act and any other applicable federal and state laws. Any request to inspect the employee's personnel file should be in writing and directed to their employee's Designated HR Representative.

Section 3.5 CHANGE OF PERSONAL DATA

It is to each employee's advantage to see that all personnel records are up to date. If there is a change in an employee's name, address, telephone number, marital status, etc. at any time during employment, it is the employee's responsibility to promptly notify the Designated HR Representative, and the Kendall County Treasurer's Office in writing immediately.

Section 3.6 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. 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.

Section 3.7 OUTSIDE EMPLOYMENT OR WORK

Before a full-time employee may begin any outside or self-employment, the employee must have the prior written approval of the Executive. The Executive may give such approval only if the following items are understood and agreed to by the employee: (1) there is no conflict of interest between the individual's employment and the proposed outside work; (2) the proposed work will not interfere with the employee's regular work schedule; and (3) the proposed work will not, in the opinion of the Executive, interfere with the quality or quantity of the employee's regular work. Any changes in the nature or hours of previously approved outside work or self-employment shall be communicated to the Executive the purpose of determining continued approval of the outside work or self-employment. Under no circumstances are any part-time or full-time employees to conduct outside or self-employment activities during times for which they are being compensated by the Employer. Also, the Employer's supplies and support services are not to be used for outside work or self-employment.

Section 3.8 **PERFORMANCE EVALUATIONS**

Employees will be evaluated at the end of their probationary period. Employees will also receive a performance evaluation at least once per year prior to August 1st after the completion of their probationary period. Evaluations are an opportunity for both the Executive, and the employee to reflect upon all areas of the employee's performance, to consider whether improvement is needed in any areas, and to recognize areas where an employee has met or exceeded performance expectations. Evaluations are also a time to update performance expectations and to set future goals. Performance evaluations are conducted by the employee's Executive. Performance evaluations will be maintained in the employee's personnel file.

CHAPTER 4 WORKPLACE EXPECTATIONS

Section 4.1 RULES OF CONDUCT

The Employer expects all employees to exercise mature judgment and common sense in their employment; to give conscientious attention to their duties; to maintain a high level of efficiency; and to conduct themselves in a professional manner that reflects well upon themselves, as well as on the Employer. As part of a team providing services for the benefit of the public, each employee must cooperate with fellow workers and the public in order to set a high standard of work performance. Unwillingness or failure to comply with this policy may be cause for disciplinary action.

Section 4.2 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. 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); and/or having a romantic or sexual relationship. To avoid conflicts of interest, the Employer has implemented the following policy:

An employee may not supervise or hire a person with whom they are having a personal relationship. An employee may not work in a position where they have influence over the terms and conditions of the employment of a person with whom they have 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 immediate supervisor, the employees should report their relationship to their Designated HR Representative.

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

Section 4.3 CONFIDENTIALITY

Although the Employer is a public entity, the information contained in Employer's files, records, electronic records, or otherwise obtained by virtue of employment is strictly confidential (hereinafter collectively referred to as "confidential information"). Employees are prohibited from disclosing and/or disseminating confidential information outside the scope of their job responsibilities without the Executive's prior written approval. For security purposes, an employee shall also not forward any confidential information to the employee's personal email accounts and/or personal electronic devices (e.g., personal cell phones and tablets) or save any confidential information on the employee's

personal computers and/or personal electronic devices (e.g., cell phones and tablets) without the Executive's prior written approval. All employees, interns and volunteers are required to sign and follow a confidentiality agreement as a condition of their continued working/volunteer relationship with the Employer. An employee's failure to comply with this policy and the confidentiality agreement may subject the employee to discipline up to and including termination of employment.

Section 4.4 ETHICS POLICY

Employees must comply with all applicable requirements of the Illinois State Officials and Employees Ethics Act (5 ILCS 430/1 *et seq.*), the Illinois Public Officer Prohibited Activities Act (50 ILCS 105/1 *et seq.*) and the Kendall County Ethics Ordinance. This policy is adopted in accordance with these statutory requirements.

A. Prohibited Political Activity

The Employer prohibits employees from engaging in political activity during working time, in any areas where employees are working, or while in attire, which identifies them as an employee. The political activity prohibited by this policy shall be defined in accordance with the definition of "prohibited political activity" in the State Officials and Employees Ethics Act (5 ILCS 430/1-5) and/or the Kendall County Ethics Ordinance, as applicable.

The Employer also prohibits employees from requiring other employees to perform prohibited political activities as part of their job duties, as a condition of employment or during any compensated time off from work.

The Employer prohibits employees from misappropriating any property or resources for the purposes of political activity and/or for non-work-related activities. The Employer prohibits employees from awarding or promising to award other employees with additional compensation, employment benefits, bonuses, time off, continued employment or any other employment benefit for performing political activity.

The Employer supports the right of employees to support candidates and causes of their own choosing, to participate in the political process and to engage in political activities while on their own time, so long as these political activities do not pose a conflict of interest with the employee's duties on behalf of the Employer.

B. Gift Ban

Except as otherwise provided in this policy, no employee, and no spouse of or immediate family member living with any employee (collectively referred to herein as "recipients"), shall solicit or accept any gift from any prohibited source or solicit or accept any gift which is otherwise prohibited by law or ordinance.

A "prohibited source" is any person or entity who:

- (1) is seeking official action (i) by the Executive or (ii) by an employee, or another supervisor directing that employee; or
- (2) does business or seeks to do business (i) with the or (ii) with an employee, or with a County elected official the County Administrator, another supervisor directing that employee; or
- (3) conducts activities regulated (i) by the Executive or (ii) by an employee, or by a County elected official, the County Administrator, or another supervisor directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the County Administrator or another employee of Kendall County.

A "gift" is defined as any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of the employee. However, pursuant to applicable law, there are a few exceptions to this gift ban, which include the following:

- (1) Opportunities, benefits, and services which are available on the same conditions as for the general public.
- (2) Anything for which the employee, or their spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business related to the employee's official duties.
- (6) A gift from the employee's relative (e.g., the employee's father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister).
- (7) Anything provided by an individual on the basis of a personal friendship unless the employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the employee or their spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the

employee must consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

- (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this section, "catered," means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the employee's official duties), if the benefits have not been offered or enhanced because of the employee's employment, and such benefits are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts. For purposes of this section, "intra-governmental gift" means any gift given to the employee from a co-worker or a County elected official. "Inter-governmental gift" means any gift given to the employee by an officer or employee of another governmental entity, so long as the gift does not exceed \$100.00.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item(s) from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed above is mutually exclusive and independent of every other exception. Also, an employee does not violate this policy if (a) the employee promptly takes reasonable action to return the gift received from the prohibited source or (b) the employee gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended.

C. Conflicts of Interest in Projects Supported by State and Federal Grants

State and Federal law prohibit conflicts of interest in projects supported by State and Federal grants. In order to assure compliance with applicable law, any elected official and/or employee engaged in the selection, award, or administration of an Employer contract funded in whole or in part by a State or Federal grant may not have a real or apparent personal, financial, or fiduciary interest in that contract or the vendor, unless such interest is specifically permitted by an applicable State or Federal law. Any employee engaged in the selection, award, or administration of a contract funded by State or Federal

grants must notify their supervisor of any such real or apparent interest that employee may have in that contract or vendor so the potential conflict may be disclosed to the agency that awarded the grant.

D. Reporting Suspected Violations of This Policy

Any employees with questions or concerns regarding this policy should contact their Executive. Employees should report suspected violations of this policy to the employee's immediate supervisor, the Executive and/or the County Administrator. If the complaint alleges violations of this policy by the Executive Director or a County elected official, employees should report said complaints in writing to the Kendall County Inspector General.

The Executive Director will promptly and thoroughly investigate policy violation complaints and will take appropriate action against employees who violate this policy. Any complaint alleging a violation of this policy by the County Administrator will be investigated by the Kendall County Inspector General.

Section 4.5 WHISTLEBLOWER REPORTING AND ANTI-RETALIATION POLICY

It is the policy of the Employer to act in accordance with Section 4.1 of the Illinois Public Officer Prohibited Activities Act regarding retaliation against whistleblowers. See 50 ILCS 105/4.1. Thus, the Employer prohibits retaliation against its employees and contractors who: (1) report an improper governmental action; (2) cooperate with an investigation by an auditing official related to a report of improper governmental action; or (3) testify in a proceeding or prosecution arising out of an improper governmental action.

For purposes of this Policy, "improper governmental action" is defined as:

any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or a unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of their conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds.

50 ILCS 105/4.1. "Improper governmental action" does *not* include the following:

[A] unit of local government's personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

For purposes of this Policy, retaliation means any adverse change in an employee's employment status or the terms and conditions of employment that result from an employee's protected activity under this Policy and/or the Public Officer Prohibited Activities Act. Retaliation can include, but is not limited to, any of the following: denial of adequate staff to perform duties; frequent staff changes;

frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of the employee's protected activity under this Policy and the Public Officer Prohibited Activities Act.

Any report of retaliation shall promptly be reported to the County's Auditing Official for review pursuant to the complaint procedures set forth in this Policy. All employees are responsible for reporting improper government activities as well as reporting any retaliatory conduct resulting therefrom pursuant to the complaint procedures set forth in this Policy. Failure to do so may result in disciplinary action up to and including termination of employment.

THE COUNTY'S AUDITING OFFICIAL:

The County's Auditing Official is responsible for receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the County based upon the prohibitions set forth in this Policy. The County's appointed Auditing Official is:

Kendall County Inspector General
Kendall County Sheriff's Office
1102 Cornell Lane,
Yorkville, Illinois 60560
(630) 553-7500

In the event there is a vacancy in the Auditing Official's position, the Kendall County State's Attorney shall assume the Auditing Official's duties pursuant to Section 4.1(i) of the Public Officer Prohibited Activities Act.

COMPLAINT AND INVESTIGATION PROCEDURES:

All reports of alleged improper governmental activities and retaliation in violation of the Public Officer Prohibited Activities Act shall promptly be reported to the County's Auditing Official in writing within sixty (60) days of notice of the alleged act. All complaints received pursuant to this Policy will be promptly and thoroughly investigated by the Auditing Official or their designee in accordance with Section 4.1 of the Public Officer Prohibited Activities Act.

To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. The Auditing Official may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action. 50 ILCS 105/4.1(e).

At the conclusion of the investigation, the Auditing Official will decide whether the complaint has merit or whether the complaint does not have merit. If the Auditing Official determines the complaint has no merit, the Auditing Official can dismiss the complaint. If the Auditing Official concludes that an improper governmental action has taken place or concludes the applicable department/elected office, board member, or supervisory officials have hindered the Auditing Official's investigation, the Auditing Official shall notify in writing the Kendall County Board Chairperson and any other individual or entity

the Auditing Official deems necessary in the circumstances. If the Auditing Official deems it appropriate, the Auditing Official may transfer a report of improper governmental action to the Kendall County State's Attorney or local law enforcement agency for further investigation.

REMEDIES:

In the event the Auditing Official determines the complaint has merit, the Auditing Official has the authority to exercise any or all remedies as set forth in Section 4.1 of the Public Officers Prohibited Activities Act. Such remedies can include, but are not limited to the following: reinstatement, reimbursement for lost wages or expenses incurred, promotion, and/or providing some other form of restitution to the complainant who was subjected to retaliation in violation of this Policy.

Any person who engages in any violation of Section 4.1 of the Public Officer Prohibited Activities Act may also be subject to a monetary fine of no less than \$500 and no more than \$5,000 per violation; appropriate employment action (including, but not limited to suspension without pay, demotion, or discharge), civil or criminal prosecution, or any combination of these penalties.

DISTRIBUTION OF THIS POLICY

The Employer shall provide a copy of this Policy to every employee upon commencement of employment and on an annual basis thereafter to ensure employees understand their rights and the process in which they can report retaliation pursuant to this Policy.

Section 4.6 WORK HOURS AND EMERGENCY CLOSURES

The Employer's regular business hours are from 8:00 a.m. to 4:30 p.m. Monday through Friday. In general, employees shall be in the office and ready to begin work promptly at 8:00 a.m. However, the actual hours that an employee will work will be determined by the employee's Executive and/or their designee. Work schedules are subject to change based on the Employer's operational needs to the extent permitted by law and any applicable union contract. An employee must submit any request to alter their work schedule in writing to their Executive or their designee. The Executive retains sole discretion to determine work hours and schedules.

Except as otherwise provided in an applicable collective bargaining agreement, an employee who is to work for seven and a half (7 ½) continuous hours shall be permitted to take at least twenty (20) minutes for their meal period beginning no later than five (5) hours after the start of their work period. An employee who works in excess of seven and a half (7 ½) continuous hours is entitled to an additional twenty (20) minute meal period for every additional four and a half (4 ½) continuous hours worked. A meal period does *not* include reasonable time spent using the restroom facilities. The County's Executives will assign and communicate the meal and rest periods for their applicable departments/offices, provided eligible employees receive, at a minimum, the meal periods as set forth in this policy.

Pursuant to the Illinois One Day Rest in Seven Act (820 ILCS 140/1 *et seq.*), the Employer will allow every employee except those specified below at least twenty-four (24) consecutive hours of rest in

every consecutive seven-day period in addition to the regular period of rest allowed at the close of each working day. This one day of rest requirement does not apply to the following:

- Part-time employees whose total work hours for the Employer during a calendar week do not exceed twenty (20) work hours;
- Employees needed in the case of breakdown of machinery or equipment or other emergency requiring the immediate services of experienced and competent labor to prevent injury to person, damage to property, or suspension of necessary operation;
- Employees employed as a security guard; and
- Employees who are employed in a bona fide executive, administrative, or professional capacity, or in the capacity of an outside salesperson, as defined in Section 12(a)(10) of the Fair Labor Standards Act, as amended, and those employed as supervisors as defined in Section 2(11) of the National Labor Relations Act, as amended.

All County facilities shall be open at all times during regular business hours. In the event of an emergency and/or inclement weather, the Kendall County Forest Preserve District President will determine if/when to close Kendall County Forest Preserve District facilities. All employees shall report to work for their regular work schedules unless directed otherwise by their Executive and/or their designee.

Section 4.7 ATTENDANCE POLICY

Regular and consistent attendance by all employees is critical to the operation of the Kendall County Forest Preserve District. Attendance during scheduled work hours is an essential aspect of every position. Employees are expected to be present and ready to begin work at their workstation or assigned location at the scheduled start of their shift and are expected to diligently perform their work duties through the end of their shift, except during scheduled breaks or meal periods. An employee who exhibits unsatisfactory attendance or repeated tardiness without approval from their immediate supervisor may be subject to discipline up to and including termination.

Section 4.8 CALL IN PROCEDURES

Unless otherwise expressly stated in an applicable union contract, when an employee is absent from a normally scheduled workday or overtime assignment, the employee must call, text, or email their immediate supervisor and report their absence as far in advance as possible and, at a minimum, **at least one (1) hour prior to the start of their work shift** or otherwise required by the employee's supervisor (or as soon as possible in case of a bona fide emergency). When the employee calls in to report their absence, the employee should provide the following information:

- The reason for the employee's absence (e.g., the employee or employee's family member is sick; the employee is requesting FMLA leave; etc.);
- The anticipated duration of the employee's absence from work; and
- A brief description of any known assigned job duties that the employee needs covered during their absence.

Failure to properly report an absence or late arrival in accordance with this policy may result in disciplinary action up to and including termination.

Section 4.9 DRESS AND APPEARANCE

The personal hygiene appearance of employees conveys to the public a general impression of the Employer. Therefore, the Employer urges employees to use common sense and sound judgement when it comes to selecting their work attire. To assist you, here are a few broad guidelines to follow:

- Clothing should be neat, clean and free of tears, rips or holes, and appropriate for the duties performed.
- Clothing should be without offensive language or inappropriate designs.
- Employees are expected to adhere to appropriate personal grooming and hygiene standards in the performance of their respective responsibilities.

An employee who violates this policy may be subject to disciplinary action up to and including termination of employment. Also, an employee who violates this policy may be sent home from work without pay to change into appropriate attire that complies with this policy.

Section 4.10 SOLICITATION & VISITOR POLICY

Solicitation will not be permitted during working time or during non-working time in working areas. Distribution or circulation of printed material by employees will not be permitted during working time or during non-working time in working areas. "Working time" refers to that portion of any workday during which an employee is to be performing any job duties; it does not include other duty-free periods of time.

Section 4.11 TEMPORARY TELEWORK PROCEDURES

The Executive, in their sole discretion, may allow eligible employees to telecommute on a temporary or "as needed" basis in an effort to reduce the potential impacts of a communicable disease outbreak (e.g., COVID-19) and for any other reasons deemed necessary by the Executive. For purposes of these procedures, "telework" refers to a temporary work arrangement under which an employee performs the duties and responsibilities of the employee's position from home, or some other pre-approved remote location, while using technology to connect to the Employer's network.

A. Eligibility

Teleworking may not be suitable for all employees and/or positions. To be eligible to temporarily telework, the employee must, among other things: (1) have portable job duties; (2) have a work site and equipment (telephone, internet, office supplies, etc.) suitable for working at home or another pre-approved remote work location; and (3) be able to work independently and productively. The Executive has the sole discretion to decide which employees, if any, are eligible to temporarily telework pursuant

to these guidelines. Their Executive will notify the employee if the employee is eligible to participate in a temporary teleworking arrangement and will confirm any position-specific terms and conditions of such an arrangement.

All temporary telework arrangements will be evaluated on an ongoing basis and are subject to being modified or discontinued immediately upon written notice. Employees who are approved for temporary telework should have no expectation of ongoing telework.

B. Telework Schedule and Timekeeping

An employee's teleworking hours and break periods should be the same as the employee's regular office work hours unless the Executive has approved in writing an alternative teleworking schedule for the employee. All FLSA non-exempt teleworking employees must receive prior written authorization from their immediate supervisor before working any overtime hours.

Unless a flexible schedule is agreed to in writing by the Executive, employees should not permit non-work-related events and activities to disrupt or interfere with scheduled work time. Requests to use sick leave, vacation or other leave must be approved in the same manner as the employee who is working in the office. A teleworking employee must document all time worked and account for hours not worked with the appropriate leave designation (annual, sick, comp time, leave without pay, etc.) in accordance with the Employer's timekeeping policies and procedures.

C. Performance Expectations

Employees are responsible for the same performance and conduct expectations, including communications with supervisors and employees who they supervise, while teleworking as they are during normal business operations.

While telecommuting, the employee:

- Must continue to abide by all other policies and procedures including, but not limited to, those regarding computer use, social media and confidentiality;
- Must remain accessible by phone and electronically during the telecommuting work schedule;
- Must establish communication among co-workers and the public;
- Must check in with the employee's immediate supervisor to discuss work status and open issues; and
- Must be available for teleconferences, scheduled on an as-needed basis.

D. Teleworking Equipment and Supplies

On a case-by-case basis, and subject to change at any time, their Executive will determine what equipment, if any, to provide to the employee to facilitate the teleworking arrangement. Any Kendall County Forest Preserve District equipment provided to an employee as part of a teleworking arrangement shall remain the property of Kendall County Forest Preserve District, and Kendall County Forest Preserve District will maintain that equipment. The employee may be responsible for any theft, damage or loss of property belonging to Kendall County Forest Preserve District. Kendall County Forest Preserve District accepts no responsibility for theft, loss, damage or repairs to any non-District, owned equipment and property.

The Employer will reimburse the employee for certain necessary business-related expenses such as phone calls, shipping costs, etc. that are reasonably incurred in accordance with the employee's approved job responsibilities. However, the employee must obtain prior written approval from their Executive before incurring such reimbursable expenses.

E. Teleworking Work Sites

The teleworking employee shall designate a workspace, at the off-site work area, for installation of any equipment to be used while telecommuting. This workspace should be maintained in a safe condition, free from hazards to people and equipment. If the employee sustains a work-related injury while teleworking from a remote work site, the employee must immediately report their injury to the employee's immediate supervisor and the designated Human Resources Representative.

Kendall County and the Employer are not liable for any loss, destruction or injury that may occur in or to the employee's worksite without prior written consent from their Executive. Employees approved for temporary telework must apply appropriate safeguards to protect confidential information from unauthorized disclosure or damage. Also, employees must continue to comply with all record retention requirements set forth in the Illinois Local Records Act and all applicable Employer record retention policies and procedures.

F. Miscellaneous

Employees are responsible for addressing and resolving any questions about their ability to deduct expenses related to telework.

The Executive has the right to cancel or suspend an employee's telework privileges at any time for any reason or for no reason.

Section 4.12 IDENTITY PROTECTION

The Employer adopts this Identity-Protection Policy pursuant to the Identity Protection Act. 5 ILCS 179/1 *et seq.* The Identity Protection Act requires each local and State government agency to draft, approve, and implement an Identity-Protection Policy to ensure the confidentiality and integrity of

Social Security numbers (SSNs) agencies collect, maintain, and use.

SSN PROTECTIONS PURSUANT TO STATE LAW

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

THE EMPLOYER SHALL NOT:

- A. Publicly post or publicly display in any manner an individual's SSN. "Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.
- B. Print an individual's SSN on any card required for the individual to access products or services provided by the person or entity.
- C. Require an individual to transmit a SSN over the Internet, unless the connection is secure or the SSN is encrypted.

Print an individual's SSN on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless state or federal law requires the SSN to be on the document to be mailed. SSNs may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the SSN. A SSN that is permissibly mailed will not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

In addition, the Employer shall not:

1. Collect, use, or disclose a SSN from an individual, unless:
 - a. Required to do so under state or federal law, rules, or regulations, or the collection use, or disclosure of the SSN is otherwise necessary for the performance of the County Clerk and Recorder's duties and responsibilities;
 - b. The need and purpose for the SSN is documented before collection of the SSN; and
 - c. The SSN collected is relevant to the documented need and purpose.
2. Require an individual to use their SSN to access an Internet website.

3. Use the SSN for any purpose other than the purpose for which it was collected.

REQUIREMENT TO REDACT SSNS

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

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

EMPLOYEE ACCESS TO SOCIAL SECURITY NUMBERS

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

These prohibitions do not apply in the following circumstances:

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

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

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

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

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

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

STATEMENT OF PURPOSE FOR COLLECTION OF SOCIAL SECURITY NUMBERS

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

WHY DO WE COLLECT YOUR SSN?

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

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

WHAT DO WE DO WITH YOUR SSN?

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

Questions or Complaints About This Statement Of Purpose?

Please submit your questions or complaints in writing to: Kendall County, Illinois, Attention: Scott Koeppel, County Administrator, 111 West Fox Street, Yorkville, Illinois 60560.

CHAPTER 5 EMPLOYEE SAFETY AND WELLNESS

Section 5.1 SAFETY

Safety is a priority. 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.

An employee should report all safety incidents and concerns (including any injury, near injury or unsafe condition) as soon as practicable to their immediate supervisor and Designated HR Representative.

Section 5.2 PREVENTING AND REPORTING WORKPLACE VIOLENCE

Employees shall not engage in any violent behavior while on District or County property; while the employee is performing their assigned job duties; while the employee is on compensated time; 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;
- Sexual assault/abuse
- 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 their immediate supervisor immediately. Supervisors are directed to report all reports of violent behavior or threats of violent behavior immediately to their Executive who will conduct a prompt and thorough investigation. 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.

Section 5.3

POLICY PROHIBITING CONCEALED FIREARMS IN THE WORKPLACE

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

A. DEFINITIONS:

For purposes of this policy, the following terms shall have the following meanings unless expressly stated otherwise in this policy:

1. **Employee:** 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, student learners, interns and volunteers. 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.
2. **Prohibited Areas:** shall have the same definition as is set forth in the Illinois Firearm Concealed Carry Act, which includes the following:
 - 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 childcare facility, including any room or portion of a building under the control of a pre-school or childcare facility. (Nothing in this paragraph shall prevent the operator of a childcare facility in a family home from owning or possessing a firearm in the home or license under this Act, if no child under childcare at the home is present in the home or the firearm in the home is stored in a locked container when a child under childcare 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.
- 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 their 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 their 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.

- 3. Case: shall have the same definition as is set forth in the Illinois Firearm Concealed Carry Act, which includes 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.

B. 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:

- i. In any building, portion of a building or real property controlled by the Employer, District, and/or Kendall County;
- ii. At any work location controlled by the Employer, District, and/or Kendall County;
- iii. In any vehicle owned, leased or under the control of the Employer, District, and/or Kendall County;
- iv. At any time or in any area other than the employee's residence that is associated with the employee's work;

- v. 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;
- vi. In any area prohibited by state law; and
- vii. 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 while acting within the course and scope of their employment.

C. 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, District, and/or Kendall County.

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 and/or Kendall County must store their 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.

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 their employment.

D. 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 their duties and/or employment. The Employer, District, and/or Kendall County will not defend or indemnify any employee for an act or omission in violation of this policy.

Section 5.4 DRUG AND ALCOHOL USE/ABUSE POLICY

A. Scope

This policy applies to all employees, interns and volunteers of (shall herein be referred to collectively as "employees" for purposes of this policy only) while on the job and to situations where an employee's off-the-job or off-premises conduct impairs work performance or undermines the public confidence in or harms the reputation of the Employer. This policy shall also apply to all candidates for employment who have been given conditional offers of employment. Such persons are responsible to be familiar with and comply with this policy.

The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability, and testing for drugs and alcohol shall be conducted in accordance with and limited by such laws, notwithstanding any terms of this policy to the contrary. 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 right to manage the workplace and/or discipline employees.

B. Definitions

For purposes of this policy only, the following definitions shall apply:

1. **Drug**: includes any and all of the following:
 - a. Any controlled substance as defined in the Illinois Controlled Substances Act (720 ILCS 570/100 *et seq.*);
 - b. Cannabis as defined in Section 1-10 of the Illinois Cannabis Regulation and Tax Act (if Illinois House Bill 1438 is adopted into law) and Section 3(a) of the Illinois Cannabis Control Act;
 - c. A prescription drug prescribed to the employee but is not taken in accordance with the prescription given to the employee;
 - d. A prescription drug for which the employee has no valid prescription; and
 - e. Over-the-counter medications not used in accordance with product and/or physician instructions.
2. **Alcohol**: includes all alcohol, spirits, wine, beer, and alcoholic liquor as defined in Sections 1-3.01 through Section 1-3.05 of the Illinois Liquor Control Act (235 ILCS 5/1-3.01 *et seq.*)
3. **County property**: includes all land, buildings, structures, real property, parking lots, and means of transportation owned by, rented, or leased by or to Kendall County.
4. **Safety sensitive function**: includes a job in which the employee is directly responsible for the employee's own safety or the safety of other people. It can also refer to a job where an impairment, such as drug or alcohol use, can put a worker or others at risk of harm.

C. Policies

It is the responsibility of both the Employer and the employee to maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse. Consistent with this goal and in response to the requirements of the Illinois Drug Free Workplace Act (30 ILCS 580/1-11), the Employer has developed the following Drug and Alcohol Policy:

1. The Employer prohibits the following:
 - a. The possession, use, sale, transportation, distribution, manufacturing, and dispensing of drugs (including, but not limited to controlled substances and cannabis), drug paraphernalia, and/or alcohol, by anyone while on District or County property or while on business for the Employer, except in accordance with job duty requirements.
 - b. Being impaired or under the influence of drugs or alcohol away from District or County property, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or others, or puts at risk the Employer's reputation.
 - c. Possession, use, solicitation for, or sale of drugs or alcohol away from District or County property, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or others, or puts at risk the Employer's reputation.
2. It is the responsibility of all employees to report to their immediate supervisor, their Executive, and/or the County Administrator when reasonable suspicion exists that another employee is impaired or under the influence of drugs or alcohol while on County or District property and/or while on business for the Employer.
3. Any employee convicted of any criminal drug statute violation shall notify their Designated HR Representative, and the employee's immediate supervisor of such conviction in writing no later than five (5) calendar days after such conviction, unless the conviction has been sealed, expunged or impounded under Section 5.2 of the Criminal Identification Act. Any employment decision made by the Employer relating to this conviction record will comply with the requirements set forth in the Illinois Human Rights Act and all other applicable laws.
4. The Employer will not penalize an employee or applicant solely for (a) his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Pilot Program Act or (b) the employee's use of a prescription drug for which the employee has a valid prescription and for which the employee is taking the prescription drug in accordance with their doctor's instructions, unless failing to do so would put the Employer in violation of federal law or unless failing to do so would cause the Employer to lose a monetary or licensing-related benefit under federal law or rules. The Employer prohibits an employee's use and storage of medical

cannabis on District or County property and/or while performing their assigned job duties for the Employer. The employee shall promptly notify the their Executive, and the employee's immediate supervisor (in writing, if possible) if (a) the employee is a registered qualifying patient/registered designated caregiver and the lawful use of the medical cannabis would affect the employee's ability to safely and effectively perform the duties of their job or (b) the employee is lawfully using a prescription drug for which the employee has a valid prescription and the lawful use of the prescription drug would affect the employee's ability to safely and effectively perform the duties of their job.

5. The Illinois Cannabis Regulation and Tax Act will allow the recreational/non-medical use of cannabis in the State of Illinois. Section 10-50 of the Illinois Cannabis Regulation and Tax Act allows employers like the Employer to adopt a "zero tolerance" policy. As such, the Employer hereby adopts a "zero tolerance" policy and states that employees are prohibited from:

- Being under the influence of recreational/non-medical use cannabis while on District or County property; while performing the employee's job duties; during compensated time; and/or while the employee is on call for the Employer;
- Using, selling, distributing, and/or possessing recreational/non-medical use cannabis while on District or County property; during compensated time; while performing the employee's job duties for the Employer; and/or while the employee is on call for the Employer, except in accordance with job duty requirements;
- Using recreational/non-medical use cannabis four (4) or fewer hours before performing job functions that may involve safety-sensitive duties;
- Reporting for duty or remaining on duty while under the influence of recreational/non-medical use cannabis;
- Using recreational/non-medical use cannabis during eight (8) hours following a work-related accident, or until undergoing a post-accident test; or
- Refusing to take a drug and alcohol test in accordance with the testing procedures set forth below.

6. With respect to alcohol, the Employer hereby adopts a "zero tolerance" policy and states that employees are prohibited from:

- Being under the influence of alcohol while on District or County property; while performing the employee's job duties for the Employer; during compensated time; and/or while the employee is on call for the Employer;
- Using, selling, distributing and/or possessing alcohol while on District or County property; while performing the employee's job duties; during compensated time; and/or while the employee is on call for the Employer, except in accordance with job duty requirements;
- Using alcohol four (4) or fewer hours before performing job functions that may involve safety-sensitive duties;
- Reporting for duty or remaining on duty while under the influence of alcohol;

- Using alcohol during eight (8) hours following a work-related accident, or until undergoing a post-accident test; or
 - Refusing to take a drug and alcohol test in accordance with the testing procedures set forth below or, if a union employee, as set forth in the applicable union contract.
7. Any alcohol and/or drug that could affect performance of job duties is prohibited. This includes the use of any drug, except by doctors' prescription and only then if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform their job duties. It is the employee's responsibility to promptly inform (in writing, if possible) the employee's Executive and the employee's immediate supervisor if the employee is taking an over-the-counter medication and/or lawfully prescribed medication that may affect the employee's ability to safely and effectively perform the duties of their job. An employee shall not perform any work while under the influence of any over-the-counter medication and/or other lawfully prescribed medication that affects the employee's ability to safely and effectively perform their job duties.
 8. An off-duty employee shall not drive a vehicle for work-related purposes and/or report to a District facility within (2) hours after the employee has consumed any drugs or alcohol.
 10. Any employee who violates this policy may be subject to disciplinary action up to and including termination of employment.
 11. If the employee's employment is not terminated as a result of the employee's violation of this policy, the employee may be required to enroll in a drug or alcohol counseling rehabilitation or assistance program (EAP) at the employee's expense. If any employee who is in need of the EAP refuses to cooperate and/or attend the EAP, such conduct may constitute grounds for immediate termination of employment. Also, any employee who violates this policy and/or any employee who participates in an EAP and then violates this policy for a second time may be subject to immediate termination of employment. Any employee who is required by this policy to satisfactorily participate in an EAP shall furnish to their supervisor written proof of the satisfactory completion of the EAP.

C. Procedures

To provide a safe drug and alcohol-free working environment, the Employer shall:

1. Provide increased awareness through training, education and communication of the subject of alcohol and other drug abuse.
2. Recognize that there may be employees who have an alcohol, drug or stress problem and stand willing to assist in the resolution of that problem by encouraging employees to seek help through the Employee Assistance Program.
3. Cooperate with outside law enforcement agencies.

4. Conduct alcohol and drug testing in accordance with the Employer's Testing Policy as set forth below.
5. Take any other actions deemed necessary and appropriate including, but not limited to, disciplinary action up to and including termination of employment.

D. Employee Testing

1. **When Testing May Occur:** Employees working for the Employer may be required to submit to drug and alcohol testing, by breathalyzer test, urinalysis test and/or other appropriate drug and/or alcohol testing, in any one or more of the following situations:
 - Pre-employment for candidates that have received a contingent offer of employment for a safety sensitive position;
 - Post-accident;
 - Reasonable suspicion; and
 - Return to duty, when an employee has violated the prohibited drug and alcohol standards.

For purposes of this policy, "reasonable suspicion" means that at least two(2) of the Employer's representatives have observed and can describe specific symptoms of an employee while working that decrease or lessen their 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, or carelessness that results in any injury to the employee or others, or detection of alcohol, drug and/or drug paraphernalia in the area where an employee has/had been working.

The following employees 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:

- A registered qualifying user of medical cannabis under the Compassionate Use of Medical Cannabis Pilot Program Act;
- An employee taking a prescription drug for which the employee has a valid prescription; and
- An employee that is under the influence or impaired by cannabis

2. What Will Be Tested:

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

- Marijuana THC (metabolite)
- Cocaine, any form or derivative thereof
- Amphetamines (including methamphetamines)
- Opiates (including heroin, opium, etc.)
- Phencyclidine (PCP)

“Under the influence” or “impaired” by cannabis shall be defined for purposes of this Drug and Alcohol Policy as having a tetrahydrocannabinol concentration of 5 nanograms or more in the employee’s whole blood or 10 nanograms or more in another bodily substance of the employee. Also, an employee found to have a tetrahydrocannabinol concentration of 2.5 nanograms or more in the employee’s whole blood or 5 nanograms or more in another bodily substance of the employee shall not perform nor be permitted to perform any job functions for at least 24 hours following the test result and may be subject to the same procedures as a positive test result, which may include disciplinary action, not to exclude termination of employment.

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

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

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

4. Confidentiality: 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 or permitted by applicable state and federal 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, administrative proceeding or legal or other proceeding.

5. **Treatment:** An employee who voluntarily informs their Designated HR Representative that they have 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 this policy may be immediately discharged without regard to a request for further rehabilitation.
6. **EAP:** Employees who have questions about this policy should contact their Designated Human Resources Representative. The Employer shall continue to provide employees with access to an EAP similar to that which exists on the effective date of this Employee Testing Policy.
7. **Procedures for Testing:**
 - a. An applicant shall not be required to submit to alcohol and/or drug testing until after an offer of employment has been made to the applicant for a safety sensitive position. The applicant's offer of employment shall be contingent upon the applicant testing negative for drugs and/or alcohol.
 - a. An applicant or employee shall be required to submit to alcohol and/or drug testing at a time and place designated by the Designated HR Representative or whenever there is a finding that reasonable suspicion for such testing exists.
 - b. In the event of testing for reasonable suspicion, their Executive shall provide the employee with notice of the basis for reasonable suspicion. In addition, their Executive may require an employee to submit to alcohol and drug testing when an employee is involved in an on-duty incident involving significant damage to property or personal injury to anyone. The Employer shall use only licensed clinical laboratories for such testing.
 - c. All drug and alcohol tests will be conducted, reviewed and interpreted by professionally trained and certified technicians and/or medical review officers (MRO) who will follow a chain of custody, and other procedures prescribed by applicable state and federal laws, in order to ensure and confirm the accuracy of the test results. Test procedures shall conform to the NIDA Standards of the Federal Guidelines issued by the Department of Health and Human Services, Alcohol, Drug Abuse and Mental Health Administration. In the event there is a conflict between the procedures set forth in this policy and the NIDA standards, the NIDA standards shall control.
 - d. In cases where an applicant or employee receives a negative-dilute test result, the applicant or employee may be required to re-take the test. If there is a second negative-dilute test result, it will be accepted as a negative test result.
 - e. At the time of any urinalysis test, the employee may request that a blood sample be taken at the same time so that a blood test can be performed if the employee tests

positive in the urinalysis test. If an employee tests positive in any such test, the test results shall be submitted to their Executive for appropriate action. A portion of the tested sample shall be retained by the laboratory so that the employee may arrange for a confirmatory test to be conducted by a licensed clinical laboratory of the employee's choosing and at the employee's expense.

- f. In cases where an employee is notified of a positive drug or alcohol test, the employee shall be removed from duty for up to 72 hours. The employee may request that the second sample of the split sample be tested, at their own expense. If the results of the second sample come back as negative, the Employer will reimburse the employee for the cost of the negative test.
- g. The employee shall have the right to dispute the administration of the test and/or the significance and accuracy of the test. Any such dispute shall be submitted in writing to their Designated HR Representative.

8. Positive Test Results:

- a. If an applicant tests positive for drug(s) and/or alcohol in a test administered under this Policy, the Executive in their -their sole discretion, may rescind any offer of employment made to the applicant.
- b. If an employee tests positive for drug(s) and/or alcohol in a test administered under this Policy, the Executive, in their sole discretion, shall have the right to discipline the employee, up to and including termination.
- c. If an employee tests positive and is not terminated, the Executive, in their sole discretion, reserves the right to offer participation in an approved alcohol rehabilitation or drug abuse assistance program, at the employee's cost, as an alternative to, or in conjunction with discipline. However, the employee must satisfactorily complete the program as a condition of continued employment. Upon the employee's return to work, the Executive, in their sole discretion, may require such employee to submit to a random urinalysis or other appropriate alcohol and/or drug tests during the twelve (12) month period following the date any employee tests positive in any test and returns to work. Any such random tests shall occur at times and places designated by the Executive. In the event such an employee tests positive again, the employee shall be immediately terminated.

Section 5.5 NO SMOKING POLICY

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 District, or while performing job duties on behalf of the Employer.

Section 5.6 **NO TOBACCO USE POLICY**

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 District, or while performing job duties on behalf of the Employer.

Section 5.7 **SAFE DRIVING POLICY**

The purpose of this policy is to ensure the safety of those individuals who drive personal vehicles for the business of the Employer and to ensure the safety of their passengers and the public.

A. DRIVER RESPONSIBILITIES

Employees must comply with all of the following responsibilities while driving a vehicle for the business of the Employer:

- All drivers must be authorized to drive for work purposes.
- The Employer reserves the right to review both the driver's license and MVR of all authorized drivers at any time. For positions which require driving as an essential job function, applicants may receive a conditional offer of employment, contingent upon the results of the MVR review.
- It is the driver's responsibility to operate the vehicle in a safe and lawful manner to prevent injuries and property damage.
- Drivers must have a valid driver's license and insurance for the type of vehicle to be operated and must keep the license(s) with them at all times while driving. All CDL drivers must comply with all applicable D.O.T. regulations, including successful completion of medical, drug, and alcohol evaluations.
- All drivers and passengers must wear seat belts in accordance with state law.
- Employees must report all accidents, regardless of severity, to the police, to the employee's immediate supervisor and to their Executive. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, including termination.
- Drivers must comply with all traffic laws. Distracted driving of any type is prohibited.
- It is the responsibility of all employees to report the loss, bond issuance, suspension and/or revocation of his/her driver's license immediately to the employee's Executive.
- All traffic violations (including parking tickets), citations and fines incurred when driving for work purposes are the sole responsibility of the driver.
- Driving for work purposes while under the influence in violation of the Employer's Drugs and Alcohol Policy is forbidden and is sufficient cause for discipline, including termination.
- Drivers who perform safety sensitive functions must inform their immediate supervisor and their Designated HR Representative if taking any medications that may affect their ability to safely operate a vehicle for work purposes.

Employees required to use their own vehicle on business must have auto insurance with at least the following coverage:

- \$ 25,000 for injury or death of one person in an accident;
- \$ 50,000 for injury or death of more than one person in an accident;
- \$ 20,000 for damage to property of another person

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

Section 5.8 PORTABLE ELECTRONIC DEVICES

For purposes of this policy, “portable electronic devices” is any piece of lightweight, electrically powered equipment. These devices are typically consumer electronic devices capable of communications, data processing and/or utility. Examples range from handheld, lightweight electronic devices such as tablets, e-readers, and smartphones to small devices such as MP3 players, laptops, and personal gaming devices.

Employees are prohibited from using portable electronic devices when engaged in the following activities for the Employer and/or during compensated time:

- While driving or operating a moving vehicle unless a hands-free device is used;
- While driving in a school zone or construction zone, even if a hands-free device is used;
- While operating machinery;
- While in close proximity to moving equipment or machinery; and
- 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 use of portable electronic devices during work hours should be limited to emergency situations, during the employee’s break times and/or meal periods. Employees are expected to mute or lower the ring tone volume on their personal cell phones and other portable electronic devices during work hours so as not to disturb others. If personal use of a portable electronic device (including, but not limited to a cell phone) during work hours becomes necessary, employees are expected to exercise courtesy towards others in the workplace and to avoid being loud or disruptive. Frequent use of personal electronic devices for personal business may result in disciplinary action up to and including termination.

Portable electronic devices should not be used to transmit business communications or Confidential information attorney/client information, unless it is sent or receiving using the Kendall County network or using a secured access/virtual private network (VPN). No electronic documents/emails of the Employer shall be maintained on personal portable electronic devices. Also, any portable electronic devices that are used for the Employer business must be password protected at all times, and they must also have the capability to remotely wipe all information in the event the portable electronic device is lost or stolen.

Section 5.9 EQUIPMENT/SUPPLIES

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

Employees must use all equipment safely and 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.

Section 5.10 WORK RELATED INJURY OR ILLNESS REPORTING POLICY

Any employee who suffers an injury or illness arising out of and in the course of their employment (regardless of severity) shall report the injury or illness to his/her immediate supervisor promptly both verbally and in writing with a completed Incident Report (form to be provided to the employee by the Designated Human Resource Representative). The Incident Report shall include the following: the date, time, place injury/illness occurred, how the injury/illness occurred, the type of injury/illness, the identity of any witnesses, and whether medical assistance was obtained. The report shall be submitted to the Immediate Supervisor and the Designated Human Resource Representative by the end of the workday, if possible. The Immediate Supervisor and/or the Designated Human Resources Representative should then provide a copy of all such paperwork to Kendall County Administrative Services.

Any employee witnessing or receiving a report of an injury/illness 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 (form to be provided to the employee by the Immediate Supervisor and/or Designated HR Representative) and provide it to the Immediate Supervisor and/or the Designated Human Resource Representative by the end of the workday, if possible. The Immediate Supervisor and /or the Designated Human Resources Representative should then provide a copy of all such paperwork to Kendall County Administrative Services.

Any accident involving the / Kendall County's property or vehicles or involving a privately owned vehicle being operated for the Employer's business shall be reported promptly to the employee's supervisor both verbally and in writing with a completed Incident Report (form to be provided to the employee by the Immediate Supervisor and/or the Designated Human Resource Representative). 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 to the Immediate Supervisor and/or the Designated Human Resources Representative by the end of the workday, if possible. Employees are also required to notify law enforcement when appropriate.

Section 5.11 WORKERS' COMPENSATION

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

When an employee suffers an injury or illness arising out of and in the course of their scope of employment, the employee may be eligible for workers' compensation benefits.

An employee is required to report any and all injuries and/or illnesses that occur or may have occurred while performing their job duties as soon as the employee is aware of the injury or illness. The employee shall report such injuries and/or illnesses to the employee's immediate supervisor, and the Designated Human Resource Representative and shall comply with the Employer's Accident Reporting Policy set forth above.

The Employer prohibits retaliation against any employee for reporting a workplace injury or illness or for filing a workers' compensation claim. Any employee that retaliates against another employee for making a good faith request for workers' compensation is subject to discipline up to and including termination of employment.

CHAPTER 6

DISCIPLINE AND SEPARATION PROCEDURES

Section 6.1 DISCIPLINE AND CORRECTIVE ACTION

The following procedures relating to employee discipline and termination are meant to be a guide only. The Employer reserves the right to bypass any or all steps in this progressive discipline policy. Subject to an applicable union contract and/or employment agreement approved by the Employer, employment is at-will and may be terminated with or without cause and with or without notice. Employees who are in violation of the established policies, procedures, or practices of the Employer may be subject to corrective action. However, the Employer reserves the right to bypass any or all of these corrective action steps. The corrective action process may include any or all of the following:

A. CORRECTIVE ACTION PROCESS

1. Documented Verbal Counseling:

This is typically an informal verbal counseling issued by the employee's immediate supervisor, their or Executive, which may be noted in the employee's personnel file.

2. Written Warning:

The written warning will normally identify the specific violation of policy, procedure, or practice; the corrective action required to resolve the identified breach of policy, procedure or practice; and, if applicable, the timeframe in which the noted violation must be satisfactorily resolved.

The employee will be requested to sign verification of receipt of the written warning. Should the employee disagree with the basis for the warning, notation may be made by the employee directly on the written warning. The written warning will be maintained in the employee's file. If satisfactory resolution does not occur, the next step in the Corrective Action Process may be initiated.

3. Suspension:

Suspension with or without pay may be issued for an egregious or persistent violations of policy/policies, procedure(s), or accepted practice(s). There may be circumstances where an employee may be suspended even if the employee has not received a prior warning. Their Executive will determine the length of the suspension by the severity of the violation.

B. Dismissal:

Dismissal may also result from an egregious or persistent violation of policy/policies, procedure(s), and/or accepted practice(s). An employee is subject to dismissal even if the employee has not received a prior warning.

B. NON-EXHAUSTIVE LIST OF REASONS FOR CORRECTIVE ACTION

The following is a non-exhaustive list of reasons for which an employee may receive corrective action:

1. Possessing firearms or other weapons on Kendall County or District property;
2. Fighting or assaulting another individual;
3. Threatening or intimidating others;
4. Engaging in any form of unlawful harassment, unlawful discrimination and/or sexual misconduct;
5. Violating the Employer's Drug and Alcohol Use/Abuse Policy;
6. Disclosing confidential information obtained during the course of employment;
7. Disseminating any other records or information obtained during the course of employment to any third party or to an employee's personal email accounts without the prior written approval of the employee's immediate supervisor and/or their Executive;
8. Falsifying or altering any record or report prepared, received and/or preserved by the Employer;
9. Stealing, destroying, defacing, or misusing County property, or another's property;
10. Refusing to follow management's instructions concerning a job-related matter or insubordination;
11. Failing to wear assigned safety equipment or failing to abide by safety rules and policies;
12. Smoking where prohibited by state law, local ordinance or County or District rules;
13. Using profanity or abusive language or engaging in any other conduct that shall put the Employer in a bad light with the public;
14. Sleeping on the job without authorization;
15. Gambling on County property and/or while the employee is on compensated time;
16. Wearing improper attire or having an inappropriate personal appearance;
17. Incompetence, negligence, inefficiency, or failure or inability to perform your assigned duties;
18. Abusiveness in employee's attitude or language, or in their conduct resulting in physical harm, injury, or unlawful harassment to employees or the public
19. Conviction of a felony or any criminal misdemeanor set forth in Section 10-1-7 of the Illinois Compiled Statutes, which has not been sealed, expunged or impounded under Section 5.2 of the Criminal Identification Act;
20. Causing damage to public property or waste of supplies through negligence or willful misconduct, or failure to take reasonable care of County or District property;
21. Absence from scheduled work without prior authorization;
22. Claiming sick leave under false pretenses;
23. Absence without approved leave for a period of three (3) days (which may be considered to be a voluntary resignation), or a failure to report after leave of absence has expired or has been disapproved, revoked, or canceled by the employee's superior;
24. Work history shows excessive or chronic absenteeism. Excessive or chronic absenteeism shall be defined as any absence from work that is not otherwise accounted for with the use of approved vacation, sick/person leave, bereavement leave, jury duty, Family Medical Leave, IMRF Disability Leave, workers' compensation leave, VESSA leave, military leave or any other approved leave of absence;

25. Violation of any policies and/or procedures for the Employer; and
26. Any other reason as determined by the employee's supervisor and/or their Executive.

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

Section 6.2 SEPARATION PROCEDURES

- A. **RETURN OF PROPERTY:** An employee leaving employment, whether through resignation, lay-off or dismissal, shall return any and all property in the employee's possession that the employee obtained during their employment with the Employer including, but not limited to, all badges, uniforms, District logo items, identification cards, key cards, computers, software, cellular telephones, files, documents, and books.
- B. **REINSTATEMENT:** Employees who have resigned while in good standing may be rehired at the sole discretion of the Executive. The conditions of rehire will be as a new employee and there shall be no carry forward of accrued service time, unless the rehire date occurs within ninety (90) calendar days after the employee's last day of employment. Employees who resign while awaiting disciplinary action or who are discharged may not be eligible for re-employment.
- C. **EMPLOYEE REFERENCES:** All requests for reference information about a current or former employee should be referred to the Executive and/or Kendall County Treasurer's Office. It shall be the policy of the Employer that subjective or interpretive information about an employee's job performance will not be offered to those making reference inquiries. To the extent permitted by law, the Employer will only authorize the release of the following information:
 - Job title
 - Length of employment (starting date, termination date)
 - Final salary

Any other information provided will be considered a personal reference and the Employer will accept no responsibility for the information relayed.

CHAPTER 7 COMPENSATION AND BENEFITS

Section 7.1 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. 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, you must maintain a record of the total hours you work each day. These hours must be accurately recorded using our time record system.

You should not work any hours outside of your scheduled workday unless your Executive and/or their designee 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 to your immediate supervisor for verification and approval. Thereafter, the immediate supervisor shall promptly forward the timesheet to the Designated HR Representative. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked during the payroll period.

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;
- 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; and
- For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

An exempt employee's salary may also be reduced for certain types of deductions such as their portion of health, dental or life insurance premiums, state, federal or local taxes, social security, IMRF, etc.

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.

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit any member of management 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 to instruct an 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 instructs you to violate this policy, do not do so. You are to report it immediately to your immediate supervisor, the Executive, and/or the County Administrator.

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 the immediate supervisor, your designated

HR Representative, and the Kendall County Treasurer's Office (who performs payroll functions for employees). Also, if you believe that an improper deduction has been made from your wages, you should immediately report this to your immediate supervisor and/or designated HR Representative, and the Kendall County Treasurer's Office. Reports of errors or improper deductions will be promptly investigated. If it is determined that an error or improper deductions 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.

Section 7.2 REIMBURSEMENT POLICY

Pursuant to the Illinois Wage Payment and Collection Act, the Employer will reimburse an employee for all necessary expenditures or losses incurred by the employee within the employee's scope of employment and directly related to the services performed for the Employer. "Necessary expenditures" means all reasonable expenditures or losses required of the employee in the discharge of employment duties and that inure to the primary benefit of the Employer. However, the Employer is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft unless the theft was a result of the employer's negligence.

A. REIMBURSABLE NECESSARY EXPENDITURES

The following is a non-exhaustive list of expenditures that, depending on an employee's assigned job duties, may be authorized or required in writing by the Executive, and if so, could qualify as "necessary expenditures" subject to reimbursement pursuant to the terms and conditions of this policy:

- Membership fees in professional organizations, which are pre-approved in writing by the Executive;
- Registration fees for required business conferences and workshops, which are pre-approved in writing by the Executive;
- Cell phone expenses, which are pre-approved in writing by the Executive;
- Copying costs, which are pre-approved in writing by the Executive;
- Postage costs, which are pre-approved in writing by the Executive; and
- Office supplies that are pre-approved in writing by the Executive and that required for the employee to perform the employee's assigned job duties.

In addition to the above, the following travel-related expenses might, depending on an employee's assigned job duties, be authorized or required in writing by the Executive and, if so, could qualify as "necessary expenditures" subject to reimbursement pursuant to the terms and conditions of this policy:

- Travel Tickets: Although an employee may obtain travel tickets in advance for approved business-related trips, the employee must receive prior written approval from the Executive before purchasing the travel tickets.

- **Lodging:** Employees may be reimbursed for reasonable, business-related lodging expenses if an overnight stay is required. However, the employee must receive prior approval in writing from the Executive.
- **Mileage:** When attending a pre-approved training seminar, business conference and/or other meetings as part of the employee's job duties, which requires the use of the employee's personal vehicle, the employee shall be reimbursed at the mileage rate in accordance with the Internal Revenue Service's established rate, provided the employee has received prior written approval from the Executive. When submitting a mileage reimbursement form, the employee shall attach a printout from www.Mapquest.com or comparable website, which shows the total mileage traveled for which the employee is seeking reimbursement pursuant to the terms and conditions of this policy.
- **Meals:** Employees traveling overnight may be paid a per diem amount designed to cover the cost of three (3) meals per day for all days of travel other than the day of departure and return, provided such expense has been pre-approved in writing by the Executive. Reimbursement for meals within a 30-mile radius of Kendall County is generally not allowable, unless pre-approved in writing by the Executive. The Employer utilizes the per diem rates as established by the U.S. General Services Administration. These per diem rates may be found under the link "Per Diem Rates" at the following website: <http://www.gsa.gov>. If an employee is attending a conference or some other event and one or more meals are provided to the employee as part of the event, the amount of the employee's per diem shall be prorated based upon the number of meals received at the conference or event.

The employee shall not receive reimbursement for any expenses incurred by the employee's spouse or any other third party traveling with the employee. Also, no employee will be reimbursed for any alcohol or entertainment expenses as such expenses are not necessary expenditures. For purposes of this policy, "entertainment" includes, but is not limited to shows, amusement centers, theaters, circuses, casinos, concerts, and sporting events.

B. REIMBURSEMENT PROCEDURES

1. Employee Must Obtain Pre-Approval Before Incurring The Necessary Expenditure Or Loss.

Before incurring any necessary expenditure or loss, the employee shall be required to obtain written approval from the Executive that (a) the expense is a necessary expenditure or loss that would be subject to reimbursement pursuant to this policy; and (b) if so, what proportion of the necessary expenditure is directly related to the services performed and would be reimbursable. An employee's request for reimbursement may be denied by the Executive if the employee has failed to comply with this requirement prior to incurring the necessary expenditure or loss.

2. Employee Must Submit a Request for Reimbursement with Supporting Documentation.

In order to receive reimbursement for all necessary expenditures, the employee shall submit a request for reimbursement of any necessary expenditure with supporting documentation (i.e., a receipt or MapQuest printout) to the Executive within thirty (30) calendar days after the employee incurred the expense. If supporting documentation is nonexistent, missing, or lost, the employee shall submit a signed statement to the Executive in writing for approval.

C. FAILURE TO COMPLY WITH THE POLICY

If the employee fails to comply with any aspect of this policy, the Executive reserves the right in their sole discretion to deny the employee's request for reimbursement. Only pre-approved necessary expenditures and losses submitted in accordance with this policy will be reimbursed.

Section 7.3 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 Forest Preserve District Board of Commissioners for non-court related departments/offices and by the Chief Judge for court-related departments/offices. Designated holidays may be adjusted from year to year as deemed necessary by the Chief Judge.

Full-time and part-time employees may be eligible for holiday pay. Temporary employees, seasonal employees, interns, and volunteers are not eligible for holiday pay.

To be eligible for time off with holiday pay, the holiday must fall on the employee's regularly scheduled workday.

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).

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.

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

Employees must be working (i.e., on active paid status) to be 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 Executive. An employee requesting to take unpaid time off to observe a religious holiday must submit their request in writing to their immediate supervisor at least fourteen (14) calendar days prior to the proposed absence.

Section 7.4 OVERTIME

For non-exempt employees, overtime is any time worked over 40 hours a workweek. For all overtime worked, eligible employees will be paid one and one-half (1.5) times their regular pay rate or may be credited with compensatory time off at the rate of one and one-half (1.5) hours of time off for each hour of overtime worked. See the Compensatory Time Policy set forth in Section 7.5 below for more information regarding compensatory time. FLSA exempt employees are not eligible for overtime pay or compensatory time off. Please contact the Designated HR Representative their if you have questions regarding your overtime eligibility.

Overtime hours are provided on an as-needed basis by the Executive and are not guaranteed. An employee may not work overtime unless the overtime has been approved in advance in writing by the employee's Executive. Also, an employee must notify their Executive as soon as possible if the employee anticipates going over 40 hours of work in a workweek.

The employee's Executive will try to provide reasonable notice to the employee if the employee is needed to work overtime. Advance notice is not always possible, however, based on the Employer's needs.

Failure to comply with this policy may result in disciplinary action up to and including termination.

Section 7.5 COMPENSATORY TIME

Compensatory time refers to compensation, taken as time off with pay in lieu of a cash payout, for overtime hours worked in excess of 37.5 hours in a workweek. Just like overtime pay, compensatory time is only available for FLSA non-exempt employees. Each Executive will determine, in their sole discretion, whether compensatory time off in lieu of overtime pay will be permitted for employees working in their applicable department(s)/office(s). Also, this Compensatory Time Policy does not apply to employees covered by a collective bargaining agreement as the terms of said collective bargaining agreement would be applicable.

To be eligible for compensatory time, there must be a written agreement signed by the employee electing to receive compensatory time in lieu of overtime pay for the additional hours to be worked. This written agreement must be signed by the employee and the employee's immediate supervisor or

Executive *before* the employee works the overtime hours. An employee shall not be required to elect compensatory time in lieu of overtime pay.

If a non-exempt employee works in excess of their regularly scheduled 37.5 work hours but not more than 40 hours in the workweek, the employee would receive either straight time pay at their regular rate of pay for the additional hours worked or compensatory time on a straight time basis.

Nonexempt employees earn compensatory time at straight time for over time over 37.5 and under 40 hours a week, or rate of one and one half (1 ½) hours for every hour of overtime worked for time over 40 hours a week. An eligible employee may not accumulate more than eighty (80) hours of compensatory time. If an employee earns a compensatory time balance in excess of eighty (80) hours, said overtime must be paid in cash payment and cannot be banked as compensatory time. Compensatory time must be taken within the fiscal year it is earned except that up to forty (40) hours may be carried over from year to year. Upon mutual written agreement of the employee and the Executive, the County may buy out the accumulated compensatory time of each employee and render the cash payment equivalent to the employee.

The employee must give at least twenty-four (24) hours' written notice of their request to use of compensatory time. Such requests shall be directed to the employee's immediate supervisor and Designated HR Representative. Such requests shall not be unreasonably denied, provided the employee's requested use of the compensatory time does not unduly disrupt the operations of the department/elected office.

All payments for accrued, but unused compensatory time shall be paid at the regular rate of pay earned by the employee at the time the employee receives such payment. Upon termination of employment, an employee shall be paid for accrued but unused compensatory time earned at a rate of compensation not less than (a) the average regular rate received by such employee during the last three (3) years of the employee's employment (as defined pursuant to FLSA regulations); or (b) the final regular rate of pay received by such employee, whichever is higher.

Section 7.6 FLEXTIME POLICY

All exempt employees are expected to be at work during their regularly scheduled work hours unless approval is granted for discretionary flextime on a given workday. Flextime is an arrangement that, if approved (in their sole discretion) by the applicable Executive and/or their designee, allows an employee to alter the starting and/or end time of their workday; however, the employee still works the same number of scheduled hours in a work week as they would under their regular work schedule. For example, if an employee's regular work day schedule is 8:00 a.m. to 4:30 p.m., a flextime arrangement for that work week could be 7:00 a.m. to 1:00 p.m. day then 9:00 am to 7:00 p.m. the following.

Only full-time exempt employees who have successfully completed their probationary period may be eligible for flextime pursuant to this policy. Flextime for the employee should not negatively affect the workload or productivity of coworkers either by shifting burdens or creating delays and additional steps in the workflow. Also, flextime is not intended to be nor shall it result in a permanent change in the

employee's regular work schedule. The requested flextime should not require the Employer to incur additional overtime expense, if such request were granted by the Employer.

The employee's Executive has the sole discretion to approve or deny the use of flextime in their department/office. Flextime may not be appropriate for all positions, or in all office settings, or for all employees. When evaluating a request for flextime, the Executive may consider factors including, but not limited to the following: applicable union contract requirements; the reason for the requested flextime arrangement; staffing needs; office space considerations; business needs and hours of operation; health and safety issues; the employee's job duties; the employee's work record and ability to timely and accurately complete assigned tasks; the operational needs of the department/office; the employee's ability to return to a standard work schedule when needed; and any other factors deemed relevant by the Executive.

Flextime is not intended to be a permanent change to an employee's regularly scheduled work hours. An approved flextime arrangement may be suspended or cancelled at any time. Exempt employees must depart from any flextime arrangement to perform their jobs. Non-exempt employees may be asked to work overtime regardless of a flextime schedule. If approved for flextime, the employee may be required to alternate their work hours to attend to operational needs, as requested by the immediate supervisor and/or department head/elected official. Also, there may be times when the employee would be required to work or travel outside of scheduled flextime work hours. Pre-approved flextime hours may not be carried over to another work week – the employee must work their full work week.

Section 7.7 INSURANCE BENEFITS

Kendall County Forest Preserve District provides life insurance, accidental death and dismemberment insurance, medical and hospitalization insurance, dental insurance and vision insurance to eligible employees of the Employer. Plan documents for specific benefits are available through Kendall County's benefits administrator. Dependent coverage at group rates is available. Temporary or regular part-time employees, interns, volunteers and independent contractors are not eligible for these insurance benefits, except those grandfathered under previous policy of Kendall County Forest Preserve District, or as otherwise provided by law.

To be eligible for medical and hospitalization insurance, an eligible employee must consistently work a minimum of thirty (30) hours per week.

At the employee's option, the employee may elect coverage through any one of the applicable health insurance plans made available by the Employer. An employee will have up to thirty (30) days from the start of your employment to make your health insurance plan election. Once made, the employee's election is generally fixed for the remainder of the plan year. However, if a qualifying event (as defined under COBRA) occurs, an employee may make a mid-year change in coverage.

Health insurance coverage shall commence thirty (30) calendar days following the employee's starting date of employment and shall cease on the last day of the month in which any of the following events occur: the employee's final day of employment; when regularly scheduled hours are reduced below

30 hours per week; or upon another “qualifying event” as defined under the Consolidated Omnibus Budget Reconciliation Act (“COBRA”).

Summary plan descriptions (SPDs) which explain coverage of eligible health, dental, vision and life insurance benefits in greater detail are available through Kendall County’s benefits administrator. The actual plan documents are the final authority in all matters relating to benefits described in this Employee Handbook or in the summary plan descriptions and will govern in the event of any conflict. and the Employer and the County Board reserve the right to change insurance carriers, change health maintenance organizations, self-insure, and/or change or eliminate any benefits at any time, provided such changes are made in accordance with applicable law

If an eligible employee would otherwise lose group coverage because of a qualifying event as defined by applicable law, the employee and/or qualifying dependents may be eligible to continue such coverage under the Employer’s plan for such period of time as prescribed by law and applicable plan documents. The Employer will notify the employee of the time period for which continuation coverage may be provided, depending upon the employee’s qualifying event.

Section 7.8 CREDIT UNION

All regular full-time and part-time employees and their immediate families, as well as retired employees, are welcome to join the Aurora Earthmovers Credit Union. Employees can join any time beginning with the first day of employment. Please contact the Aurora Earthmovers Credit Union and/or the Kendall County Treasurer’s Office for additional details.

Section 7.9 EMPLOYEE ASSISTANCE PROGRAM

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

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

Confidentiality is one of the most important aspects of the program. Kendall County assumes the costs for the Employee Assistance Program assessment and referral. Other costs, like treatment, may be covered in part or in full by the employee's applicable group insurance plan. Asking for assistance does not mean that an employee will be obligated to accept or continue it. For more information, please see Kendall County's internal employee website or contact the Kendall County Treasurer's Office.

Section 7.10 **ILLINOIS MUNICIPAL RETIREMENT FUND (IMRF) BENEFITS**

The Illinois Municipal Retirement Fund (IMRF) provides eligible employees of units of local government and school districts in Illinois with a sound and efficient system for the payment of retirement, disability and death benefits. These benefits, payable to qualifying members are in addition to those provided by Social Security.

Participation is compulsory at the time of employment if the employee occupies an IMRF qualified position. Benefits are funded by employee and employer contributions. The Kendall County Treasurer is the authorized IMRF agent for Kendall County. For more information regarding the death, disability and retirement benefits under IMRF, please contact the Kendall County Treasurer's Office or visit the IMRF's website at <http://www.imrf.org>.

Section 7.11 **MISCELLANEOUS EMPLOYEE BENEFITS**

Additional employee benefits other than those set forth above may be provided by the District from time to time. These benefits are subject to change at any time with or without notice to employees. For more information, please visit Kendall County's internal employee website at <https://employee.co.kendall.il.us/>

CHAPTER 8 EMPLOYEE LEAVES OF ABSENCE

Section 8.1 PERSONAL AND BANKED 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. Regular part-time employees may earn personal/sick leave, but the amount of personal/sick leave earned is proportionate to their average number of hours worked per month.

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

- Seasonal employees;
- Temporary employees;
- Interns;
- Volunteers; 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 Designated HR Representative.

B. ACCRUAL OF PERSONAL LEAVE

On the first day of each fiscal year (which is currently December 1st) of employment, eligible employees will receive the equivalent of twelve (12) workdays of personal leave.

For purposes of this policy, a “workday” 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 workday, the employee’s “day” for purposes of this policy will be 7.5 hours of personal leave.

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. The number of hours per personal day is 7.5 hours for an employee that works 37.5 hours per week and 8 hours for an employee that works 40 hours per week.

Employees who become “eligible employees” after the first day of the fiscal year will be eligible to receive personal leave as follows:

| <u>Commencing work as an “eligible employee”</u> | <u>Number of Personal Days</u> |
|--|--------------------------------|
| Dec., Jan., Feb. | 12 personal days |
| March, April, May | 9 personal days |
| June, July, August | 6 personal days |
| Sept., Oct., Nov. | 3 personal days |

C. CARRYOVER OF UNUSED PERSONAL LEAVE (“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 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. Accrued banked sick leave may only be used 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 stepchild), or the employee’s parent (birth, adopted or stepparent); 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.

D. TRADING PERSONAL/BANKED SICK LEAVE

Employees have the option of trading up to a maximum of twelve (12) days of their current annual unused 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 Executive. The Executive will 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 personal leave days payback before their probationary period has been successfully completed.

E. NOTIFICATION AND APPROVAL OF PERSONAL/BANKED SICK LEAVE

All requests to use accrued personal/banked sick leave should be made so as to create minimal disruption of work schedules and regular business operations if possible. All requests to use accrued personal/banked sick leave should include the employee's best estimate of the duration of the absence, if possible.

Use of personal/banked sick leave is subject to approval by the employee's Executive. The Executive 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. 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. The employee must promptly report their absences charged to accrued personal leave and/or banked sick leave in writing to their immediate supervisor and Designated HR Representative for recordkeeping purposes.

If the employee is requesting to use accrued personal/banked sick time for an unforeseeable absence (e.g., the employee becomes ill): The employee should call Designated HR Representative or the employee's immediate supervisor and request the time off as soon as possible **but no later than one (1) hour prior to the start of the employee's work shift**, unless such notice is not practical and/or such notice requirement has been waived by the Executive.

If the employee is requesting to use accrued personal/banked sick time for a foreseeable absence (e.g., to attend a medical, optical or dental examination appointment or treatment or any other type of foreseeable absence): The employee should submit their request for time off in writing as soon as possible **but no later than twenty four (24) hours prior to the start of the employee's work shift**, unless such notice is not practical and/or such notice requirement has been waived by their Executive. Such requests should be submitted in writing first to the employee's immediate supervisor for approval and then forwarded to the Executive for final approval or denial. If the request is approved, the employee should then forward the request and approval to the Designated HR Representative for recordkeeping purposes.

F. MEDICAL CERTIFICATION

As a condition for eligibility for paid personal and/or banked sick leave under this policy, the Executive may require, in their 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 Executive 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, their Executive may, at their discretion, also require an employee to submit to an examination by a physician designated by the Employer at the Employer's expense.

G. 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.

Section 8.2 VACATION

All regular full-time employees are eligible for paid vacation benefits pursuant to the terms of this Vacation Policy.

A. VACATION ACCRUAL FOR FULL-TIME EMPLOYEES

Eligible full-time employees shall earn vacation time in accordance with the following schedule:

| <u>Years of Service</u> | <u>Available Vacation Hours Per Fiscal Year</u> |
|--------------------------------|---|
| 0-6 Years of Service | 10 vacation days |
| 7-14 Years of Service | 15 vacation days <i>This rate of accrual commences the first day of the month following the employee's completion of their 6th year of service</i> |
| 15 or More Years of Service | 20 vacation days <i>This rate of accrual commences the first day of the month following the employee's completion of their 14th year of service</i> |

The length of eligible service is calculated on the employee's date of hire. Eligible full-time employees are credited with accrued vacation time after each completed month of service. Employees that transfer from department or elected office to another keep all previous years of service when calculating their total years of service. Employees who leave employment retain their years of service for five (5) years in the event that they return to work for a Kendall County department or elected office. Vacation is accrued monthly at the rate of one-twelfth (1/12) the eligible full-time employee's annual accrual, as outlined in the following table:

| YEARS OF SERVICE | AMOUNT OF VACATION TIME DISTRIBUTED TO AN ELIGIBLE FULL-TIME EMPLOYEE ON THE FIRST OF THE MONTH FOLLOWING THEIR COMPLETED MONTH OF SERVICE | ANNUAL TOTAL |
|-------------------------|---|---------------------|
| 0-6 years | 1/12 of Annual Total | 10 days |
| 7-14 years | 1/12 of Annual Total | 15 days |
| 15 or more years | 1/12 of Annual Total | 20 days |

The number of hours per vacation day is 7.5 hours for an employee that works 37.5 hours per week and 8 hours for an employee that works 40 hours per week.

B. VACATION AVAILABILITY FOR PART-TIME EMPLOYEES AND EMPLOYEES ON A LEAVE OF ABSENCE

Part-time employees who work a minimum of one thousand forty (1,040) hours per year and a minimum of twenty (20) hours per work week will be eligible to accrue paid vacation time on a pro rata basis pursuant to the terms of this Vacation Policy. For example, an eligible part-time employee with one (1) year of completed service who works a standard workweek of 25 hours per week would accrue 50 vacation hours per fiscal year, which would be distributed at a rate of 4.167 vacation hours per completed month of service.

Employees on a leave of absence for the entire month shall not accrue vacation during their leave of absence unless otherwise required by law.

C. VACATION REQUESTS

All vacation requests shall be in writing and shall be submitted first to the employee's immediate supervisor for approval. If possible, the employee should make their vacation request at least two (2) weeks in advance. If the request is approved, the employee should then forward the request and approval to the Designated HR Representative for recordkeeping purposes. Vacations will be scheduled with prime consideration given to the efficient operation of the Employer. While employee's requests will be honored whenever possible, final approval or denial of vacation requests is in the sole discretion of the Executive.

D. MAXIMUM ACCUMULATION

Employees will be allowed to accrue and carryover no more than 225 hours of accrued but unused vacation at any time, unless approved by the Executive to work down vacation time over the maximum within the four (4) months of the fiscal year.

E. SEPARATION OF EMPLOYMENT

Upon an employee's separation of employment, the employee will be compensated for all vacation hours that are accrued but unused as of the employee's last day of employment. Such payment shall be made at the employee's current pay rate.

F. HOLIDAYS DURING APPROVED VACATION LEAVE

Whenever a paid holiday falls during an employee's 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.

Section 8.3 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. Such requests should be sent in writing to the employee's immediate supervisor for approval. If the request is approved, the employee should then forward the request and approval to Designated HR Representative for recordkeeping purposes. The Employer reserves the right to specify the timeframe during which the employee may be absent to vote.

Section 8.4 JURY AND WITNESS DUTY

Jury and witness duty leave shall be granted to employees who are called to jury duty or are required to be absent from work because of a subpoena from any legislative, judicial or administrative tribunal.

Paid time off for jury or witness testimony is available up to ten (10) workdays. After ten (10) workdays of jury and witness duty leave, any additional time off for jury duty and/or witness testimony is unpaid. For purposes of this policy, a "workday" 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 workday, the employee's "day" for purposes of this policy will be 7.5 hours of jury and witness duty leave.

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 for jury and witness duty leave, employees must provide a copy of the jury or subpoena to their immediate supervisor within ten (10) calendar days of receipt. If the request is approved, the employee should then forward the request and approval to the Designated H R Representative for recordkeeping purposes.

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 paid jury and witness duty leave.

Section 8.5 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 Designated HR Representative.

A. YOUR RIGHTS UNDER THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

1. REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- You ensure that your immediate supervisor and Executive receive advance written or verbal notice of your service;
- You have five years or less of cumulative service in the uniformed services while with the Employer;
- You return to work or apply for reemployment in a timely manner after conclusion of service; and
- You have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

2. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

Pursuant to USERRA, you have the right to be free from discrimination and retaliation if you:

- are a past or present member of the uniformed service;
 - have applied for membership in the uniformed service; or
 - are obligated to serve in the uniformed service;
- then an employer may not deny you
- initial employment;
 - reemployment;
 - retention in employment;
 - promotion; or
 - any benefit of employment

because of this status. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

3. HEALTH INSURANCE PROTECTION

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. Even if you do not elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., preexisting condition exclusions) except for service-connected illnesses or injuries.

4. ENFORCEMENT

The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USADOL or visit its Web site at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.html>. If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

B. RIGHTS UNDER ILLINOIS LAW

the Employer complies with the Illinois Service Member Employment and Reemployment Rights Act, 330 ILCS 61. Employees may be eligible under the Illinois Service Member Employment and Reemployment Rights Act for differential compensation, military leave, concurrent compensation, employer-based health plan benefits, and other protections as enumerated in the Act. The Employer

prohibits discrimination against persons who serve in the uniformed services. Employee eligibility under this statute is governed by all relevant statutory provisions.

Section 8.6 FAMILY MEDICAL LEAVE AND QUALIFYING EXIGENCY LEAVE POLICY

This policy document supersedes any other existing policy or policy document governing the handling of leave taken pursuant to the Family and Medical Leave Act of 1993 ("FMLA"). It is intended to conform with the Employer's obligations under 29 C.F.R. §825.300.

A. DEFINITIONS

1. CHILD. A child is a biological, adopted or foster child, stepchild, legal ward or a child for which an employee has daily responsibility for care and financial support of the child (i.e., in loco parentis), who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.
2. PARENT. A parent is the biological parent or who to whom the employee was the child of a parent in loco parentis. This does not include grandparents or in-laws unless the grandparent or in-laws are acting as parent in loco parentis. An employee stands in loco parentis to a child when the employee intends to assume the responsibilities of a parent with regard to the child through either day-to-day care or financial support.
3. SPOUSE. A husband or wife as defined or recognized under State law.
4. SERIOUS HEALTH CONDITION. This term means an illness, injury, impairment, or physical or mental condition that involves either:
 - a. In-patient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
 - b. Continuing treatment by a health care provider, which includes:
 - i. A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - a. Treatment two (2) or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven (7) days and both within thirty (30) days of the first day of incapacity); or

- b. One treatment by a health care provider (i.e., an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy, etc.); or
- c. Any period of incapacity related to pregnancy or for prenatal care. A visit to the healthcare provider is not necessary for each absence; or
- d. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
- e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
- f. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

B. ELIGIBILITY

To be eligible for FMLA benefits, an employee **must**:

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

C. FMLA LEAVE ENTITLEMENT

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

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

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

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

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

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

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

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

A husband and wife who are eligible for FMLA leave and are both employed are limited to a combined total of 26 workweeks of leave during the single 12-month period if the leave is taken to care for a covered service member with a serious injury or illness AND for the birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, to care for the child after placement, or to care for the employee's parent with a serious health condition.

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

- If FMLA leave is for birth and care or placement for adoption or foster care of a son or daughter, use of intermittent leave is subject to the employer's approval.
- FMLA leave may be taken intermittently whenever **medically necessary** to care for a qualified family member's serious health condition; to care for a seriously ill or injured service member; or because of the employee's own serious health condition.

D. LEAVE AVAILABILITY CALCULATION

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

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

E. SUBSTITUTION OF PAID LEAVE

An employee taking FMLA leave is required to substitute and use any remaining paid "leave" benefits that are available or become available during the FMLA leave (e.g., vacation, personal and banked sick leave), unless the employee is otherwise receiving compensation through Kendall County's disability benefit. Such paid leave is substituted for the unpaid FMLA leave and is not in addition to such FMLA leave. All other FMLA leave is unpaid. If the employee applies for and is granted disability benefits under the provisions of the Illinois Municipal Retirement Fund (IMRF), the requirement to utilize paid leaves as stated above is not in effect during the time of disability. (It is the employee's responsibility to promptly notify their Immediate Supervisor and/or Designated HR Representative if the employee is receiving IMRF disability benefits.) Also, for an employee's job-related illness or accident, paid benefits during this time will be according to workers' compensation requirements; however, if eligible, the leave time may be designated as FMLA leave including any time off for required therapy or doctor visits.

F. BENEFITS WHILE ON FMLA LEAVE

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

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

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

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

Holiday pay will not be paid during the FMLA leave, except in those instances where the employee is on an intermittent or reduced work schedule, which makes the employee otherwise eligible for holiday pay. If, while on an FMLA designated leave, the employee is required to serve on a jury or in the military, no make-up pay will be granted, nor will paid funeral leave benefits be paid. During the period of all FMLA leaves, the employee should verify with the IMRF representatives as to whether or not they will continue to be credited with service time without loss, for the purpose of calculating IMRF benefits.

G. PROCEDURE FOR REQUESTING FMLA LEAVE

Requests for FMLA leave should be submitted in writing (if possible) to the employee's immediate supervisor and the Designated HR Representative. When requesting FMLA leave for the birth, adoption or foster care placement of a child, an employee must give thirty (30) days' notice or, if not possible due to unforeseen circumstances, the maximum notice practicable.

For care of a covered family member with a serious health condition, or for an employee's own serious health condition, the employee must give thirty (30) days' notice, or if not possible due to unforeseen circumstances, as much notice as is practicable.

Employees must provide sufficient information for their Executive to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees must also inform their Immediate Supervisor and Designated HR Representative if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees will also be required to provide certification as specified below and may be required to provide periodic recertification supporting the need for FMLA leave.

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

travel order (ITO) or an invitational travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Additional copies of the certification forms can be obtained from your supervisor. Employees are required to furnish the completed certification within 15 calendar days of the Employer's request for certification. In the case of unforeseen leave, certification must be provided as soon as practicable. It is the employee's responsibility to communicate with their employer and to provide the completed certification and all other requested information in a timely manner. Failure to do so will be deemed a violation of this policy. Also, FMLA leave may be denied in accordance with the FMLA and FMLA regulations; the employee's absences may be deemed unexcused; and the employee may be subject to disciplinary action up to and including termination of employment.

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

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

If, at the conclusion of the employee's approved FMLA leave, the employee is unable to perform an essential function of the position because of a physical or mental condition (including, but not limited to, the continuation of a serious health condition or an injury or illness also covered by workers' compensation), the employee has no right to job restoration and/or restoration to another position under the FMLA. However, if the employee is a qualified individual with a disability under the Americans with Disabilities Act (ADA), the employee may request a reasonable accommodation pursuant to the Employer's Request for Accommodation Policy.

H. EMPLOYER RESPONSIBILITIES

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

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

I. UNLAWFUL ACTS

The FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; or

- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

J. WORKING PROHIBITED WHILE ON FMLA

An employee out on FMLA leave may not use that time to engage in work elsewhere, whether as an employee, independent contractor, volunteer or otherwise, unless prior written approval from the their Executive has been obtained. If an employee is taking FMLA leave, it must be because an FMLA-qualifying reason is preventing the employee from appearing at work for the Employer. Performing work elsewhere is contradictory to that premise and will create a presumption that the employee fraudulently obtained or continued FMLA leave in violation of this policy.

K. ENFORCEMENT

If an employee believes that a violation of the FMLA has occurred, the employee should report the alleged violation to their Executive. Pursuant to the FMLA, the employee also has the right to file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the employer if the employee believes that a violation of the FMLA has occurred.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any State or local law that may provide greater family or medical leave rights.

L. REFERENCE TO FMLA NOTICE POSTER

The Employer has posted on a bulletin board a notice setting forth the relevant provisions of the FMLA. The terms of the notice are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing themselves with the contents of the notice concerning all applicable employee rights and obligations under the FMLA.

Section 8.7 VICTIMS' ECONOMIC SECURITY AND SAFETY POLICY

Eligible employees may take unpaid leave under the Victims' Economic Security and Safety Act ("VESSA") to seek assistance in response to an act or threat of domestic, sexual, or gender violence, or any crime of violence. A "crime of violence" includes any conduct proscribed by Articles 9, 11, 12, 26.5, 29D, and 33A of the Criminal Code of 2012 or a similar provision of the Criminal Code of 1961." See 820 ILCS 180/10. Eligible employees may take this leave to seek services for a victim of domestic, sexual, or gender violence if the victim is: 1) the eligible employee, 2) a covered family member (spouse, child, parent, grandparent, grandchild, sibling, a party to a civil union, or any other person related by blood or by present or prior marriage or civil union, or any other person who shares a relationship through a child, or any other individual whose close association with the employee is the equivalent of a family relationship, as determined by the employee) or 3) a household member (who is currently residing with the eligible employee). VESSA leave is not allowed, however, if the employee's interests regarding the violent act are adverse to the victim's interests. The employee may take leave for a child who is a victim if that child is under age 18 or, if 18 years or older, the child is mentally or physically disabled and incapable of self-care. Eligible employees may take up to 12

weeks of unpaid VESSA leave within any 12-month period and be restored to the same or an equivalent position upon the employee's return from leave.

A. REASONS FOR VESSA LEAVE

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

B. NOTICE REQUIREMENTS

Employees must give the employee's immediate supervisor, the Designated HR Representative at least 48 hours prior written notice of the employee's request for VESSA leave, unless providing advance notice is not practicable under the particular circumstances. If the employee is unable to provide advance notice, the employee must provide notice when the employee is able to do so, within a reasonable period of time after the absence. Failure to provide the required notice may result in treatment of the absences as unexcused.

C. CERTIFICATION REQUIREMENTS

Eligible employees requesting VESSA leave must provide proper certification for all absences. The certification must show that: (1) the victim for whom the leave is requested is the employee, a covered family member, or a covered household member, (2) the victim was subjected to an act or threat of domestic, sexual, or gender violence, or any crime of violence, and (3) the leave is to seek assistance for a purpose covered by the Act.

The employee must provide two types of written documentation as certification: (1) a sworn statement by the employee showing that the leave qualifies for a purpose covered by VESSA and (2) if the employee has possession of such documentation, written documentation from the source from whom assistance was sought or who could otherwise verify the nature of the leave, such as documentation from:

- (a) a representative of a victim services organization, an attorney, member of the clergy, or a medical or other professional, from whom the employee has sought services on behalf of a covered victim to address domestic, sexual, gender violence or any crime of violence and the effects of the violence,

- (b) a police or court record; or
- (c) other corroborating evidence.

When certifying their request for VESSA leave, the employee shall choose which one of the above-referenced documents to submit with their sworn statement. The Employer will not request or require the employee to submit more than one (1) of these documents with the employee's sworn statement or at any other time during the same 12-month period VESSA leave is requested or taken if the reason for the VESSA leave is related to the same incident(s) of violence or the same perpetrator(s) of the violence.

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

D. REPORTING WHILE ON VESSA LEAVE

An eligible employee taking a VESSA leave of absence may be required to contact their supervisor and the Designated HR Representative on a regular basis regarding the status of the employee's VESSA leave and the employee's intention to return to work.

E. VESSA LEAVE IS UNPAID

VESSA leave is unpaid leave. The employee may choose, however, to use any accrued paid time off which would otherwise apply to the circumstances of the leave. For instance, if the leave was for the eligible employee, because the employee is temporarily disabled due to domestic, sexual, or gender violence, or any crime of violence, the employee may use any accrued sick time for the portion of the leave. The employee may use accrued vacation or other personal time for any of the purposes allowed under VESSA, but the employee is not required to do so. The substitution of paid leave time for unpaid leave time does not extend the 12-week VESSA leave period.

F. MEDICAL AND OTHER BENEFITS WHILE ON VESSA LEAVE

During an approved VESSA leave, the Employer will maintain the employee's health benefits, as if the employee continued to be actively employed. If paid leave is substituted for unpaid leave, Kendall County will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's VESSA leave is unpaid, the employee must pay their portion of the premium during the leave. The employee's group health care coverage may cease if the employee fails to make timely payments of the employee's share of the premiums. If the employee does not return to work at the end of the leave period, the employee may be required to reimburse Kendall County for the cost of the premiums paid by Kendall County for maintaining coverage during the employee's unpaid leave, unless the employee cannot return to work because of the continuance, onset or recurrence of domestic, sexual, or gender violence, any crime of violence, or other circumstances beyond the

employee's control. If that is the case, the employee will be required to produce written certification to confirm the circumstances beyond the employee's control.

Vacation, sick time, or other benefits will not accrue while on an approved unpaid VESSA leave. The employee will remain entitled to all of their benefits, which accrued prior to the employee's approved VESSA leave, however.

G. INTERMITTENT AND REDUCED SCHEDULE VESSA LEAVE

VESSA leave may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or weekday). If leave is unpaid, the Employer may request that the employee's salary is reduced based on the amount of time actually worked during the period of time that the employee took approved intermittent VESSA leave.

H. VESSA WILL RUN CONCURRENTLY WITH ANY OTHER APPLICABLE LEAVE

VESSA leave will run concurrently with any other applicable leave. For instance, leave taken under VESSA which also qualifies under the FMLA will be simultaneously designated as both VESSA and FMLA leave. Likewise, absences for which an employee receives sick time or short-term disability benefits for a purpose covered under VESSA will be designated as VESSA leave.

I. RETURNING FROM VESSA LEAVE

If an eligible employee wishes to return to work at the expiration of their approved VESSA leave, the employee may return to the same position held prior to the VESSA leave or to an equivalent position with equal pay, benefits and other terms and conditions of employment, subject to any applicable exceptions. However, an employee who took an approved VESSA leave does not have any greater right to reinstatement or other benefits and conditions of employment than if the employee had not taken approved VESSA leave. The employee must return to work immediately after the expiration of their approved VESSA leave in order to be reinstated to the same position held prior to the approved VESSA leave or to an equivalent position.

If the employee took VESSA leave because of the employee's own medical or psychological condition, the employee shall provide medical certification that the employee is fit to resume full-duty work.

J. REASONABLE ACCOMMODATION IN THE WORKPLACE

Pursuant to VESSA the Employer will consider making reasonable accommodations in a timely fashion to an employee or job applicant for a known limitation resulting from domestic, sexual, or gender violence, or any crime of violence, unless the accommodation would cause the Employer an undue hardship. If the eligible employee is an otherwise qualified individual who can perform the essential functions of their job, but needs such an accommodation, the Employer may provide a reasonable accommodation such as an adjustment to the job structure, an adjustment to the workplace facility, an adjustment to the employee's work requirements, changing the employee's work telephone number, changing the employee's seating assignment at work, or modifying the physical security of the employee's work area in response to a need covered by VESSA. the Employer may also consider a

request for transfer, reassignment, a modified work schedule, and/or assisting the employee in documenting domestic, sexual, or gender violence, or any crime of violence that occurs in the workplace or in a work-related setting, if needed due to a known limitation caused by an act or threat of domestic, sexual, or gender violence, or any crime of violence. Other safety measures may also be appropriate as a reasonable accommodation on a case-by-case basis.

Any employee covered by VESSA may make a request for VESSA leave or for a reasonable accommodation pursuant to VESSA in writing to the employee's immediate supervisor, the Designated HR Representative, and Executive.

K. CONFIDENTIALITY

All information provided to the Employer pursuant to this Policy will be kept confidential, except to the extent that disclosure is (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable federal or state law.

L. NO RETALIATION

The Employer strictly forbids any of its employees, managers of other representatives from discriminating and/or retaliating against an employee because the employee is or is perceived to be a victim of domestic, sexual, or gender or any crime of violence or has engaged in protected activity under VESSA. If an employee feels they have been denied VESSA rights or if the employee feels they have been retaliated against for having exercised any protected VESSA rights, the employee should immediately report such action to their Executive. If the employee feels that the County Administrator has retaliated against the employee for exercising the employee's VESSA rights, the employee should immediately report such action in writing to the Kendall County Inspector General.

A violation of this VESSA policy may result in disciplinary action up to and including termination of employment.

M. REFERENCE TO REQUIRED VESSA POSTING

The Employer has posted on the Employer's bulletin board a poster setting forth the relevant provisions of the VESSA. The terms of that poster are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of that poster concerning all applicable employee rights and obligations under the VESSA.

Section 8.8 BEREAVEMENT LEAVE

A. BEREAVEMENT LEAVE FOR IMMEDIATE FAMILY MEMBER'S DEATH

Up to three (3) paid days per occurrence may be allowed for a death in the employee's immediate family. Immediate family is defined for the purposes of this section to be legal spouse, mother, father, child, brother, sister, grandmother, grandfather, spouse's relatives of the same degree of blood relationship and any blood relative who resides in the employee's home. These paid days are

considered as bereavement days and not vacation/sick/personal days. If any additional time is needed, the time off may be taken from paid vacation/sick/personal days, with approval of the Executive. All bereavement leave requests shall be in writing and shall be submitted first to the employee's immediate supervisor for approval. If the request is approved, the employee should then forward the request and approval to the Designated HR Representative for recordkeeping purposes.

This bereavement leave policy is applicable to full-time and part-time employees working 20 hours per week or more

B. FAMILY BEREAVEMENT LEAVE

Pursuant to the Illinois Family Bereavement Leave Act, eligible employees may use up to a maximum of ten (10) workdays of unpaid bereavement leave for certain qualifying reasons as set forth below in this policy.

Only those employees who are otherwise "eligible employees" as defined by the Family and Medical Leave Act (FMLA) may be eligible for family bereavement leave pursuant to this policy. Thus, to be eligible for Family Bereavement Leave, an employee must:

- (1) Have worked for the Employer for a total of 12 months; and
- (2) Have worked at least 1,250 hours over the previous 12 months immediately prior to the commencement of the family bereavement leave; and
- (3) Work at a site with 50 or more employees within a 75-mile radius.

An employee will *not* be eligible for family bereavement leave if the family bereavement leave exceeds the unpaid leave allowed under or is in addition to the unpaid leave time permitted by, the FMLA.

1. Definitions

For purposes of this policy, the following definitions apply:

- a. A "covered family member" means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.
- b. A "child" is defined as the employee's biological, adopted, foster or stepchild, legal ward, or a child for whom the employee stood *in loco parentis*.
- c. A "domestic partner", as the term is used with respect to an unmarried employee, includes: (1) the person recognized as the domestic partner of the employee under any domestic partnership or civil union law of a state or political subdivision of a state; or (2) an unmarried adult person who is in a committed personal relationship with the employee, who is not a domestic partner as described in subsection (1) of this definition or in such a relationship with any other person, and who is designated by the employee as that employee's domestic partner.

- d. "Assisted reproduction" means a method of achieving a pregnancy through an artificial insemination or an embryo transfer and includes gamete and embryo donation. "Assisted reproduction" does *not* include any pregnancy achieved through sexual intercourse.

2. Qualifying Reasons for Family Bereavement Leave

An eligible employee may use family bereavement leave for any one or more of the following qualifying reasons:

- (1) to attend the funeral or alternative to a funeral of a covered family member;
- (2) to make arrangements necessitated by the death of a covered family member;
- (3) to grieve the death of the covered family member; or
- (4) to be absent from work due to any one or more of the following events that occurs to the eligible employee or the eligible employee's spouse, domestic partner, or surrogate:
 - (a) A miscarriage;
 - (b) An unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure;
 - (c) a failed adoption match or an adoption that is not finalized because it is contested by another party;
 - (d) a failed surrogacy agreement;
 - (e) a diagnosis that negatively impacts pregnancy or fertility; or
 - (f) a stillbirth.

3. Requests for Family Bereavement Leave and Certification Requirements

An employee shall provide their immediate supervisor and the designated HR Representative with at least 48 hours' advance notice of the employee's intention to take family bereavement leave, unless providing such notice is not reasonable and practicable.

An employee requesting family bereavement leave may be required to provide reasonable documentation to verify the need for family bereavement leave and such documentation may include the covered family member's death certificate, the covered family member's a published obituary, or written verification of the covered family member's death, burial or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.

If an employee is requesting family bereavement leave due to qualifying reason #4 set forth in Section 2 of this policy, the employee may be required to provide reasonable documentation, which shall include a form to be published by the Illinois Department of Labor, to be filled out by a healthcare practitioner who has treated the employee or the employee's spouse or domestic partner, or surrogate. When requesting family bereavement leave for qualifying reason #4, the employee shall not be required to identify which specific category of event the leave pertains to as a condition of exercising their right to family bereavement leave for this purpose.

4. Use of Family Bereavement Leave

Eligible employees must complete their family bereavement leave within sixty (60) calendar days after the date on which the employee receives notice of the covered family member's death or the date on which an event listed under qualifying reason #4 of Section 2 of this policy occurs.

If an employee suffers the loss of more than one covered family member in a 12-month period, the employee may be eligible for up to a maximum of six (6) workweeks of unpaid family bereavement leave during that applicable 12-month period.

Approved family bereavement leave shall be unpaid unless the employee elects to apply their accrued, paid leave time (i.e., personal days, sick days, vacation days and/or their paid bereavement leave time) toward their family bereavement leave. Such election must be made by the employee prior to the employee's use of the family bereavement leave.

5. Retaliation Is Prohibited

Pursuant to the Family Bereavement Leave Act, retaliation against employees who exercise their rights or attempt to exercise their rights under the Child Bereavement Leave Act is strictly prohibited.

Section 8.9 SCHOOL VISITATION LEAVE POLICY

In accordance with the Illinois School Visitation Rights Act, an employee who has worked for the Employer for at least six (6) consecutive months and works at least a half-time schedule may take up to eight (8) hours off during any school year, and no more than four (4) hours in one day to attend school conferences or classroom activities related to the employee's child, provided that the conference or classroom activity cannot be scheduled during non-working hours. Before taking leave pursuant to this policy, an employee must have exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to the employee except for sick leave and disability.

Employees who intend to take leave pursuant to this policy are required to provide a written request at least seven (7) days in advance to their immediate supervisor for approval. In emergency circumstances, only twenty-four (24) hours' notice will be required. If the request for school visitation leave is approved, the employee should then forward the request and approval to the Designated HR Representative for recordkeeping purposes. The employee is required to consult with their immediate supervisor to schedule the leave so as not to unduly disrupt operations. Employees who take leave pursuant to this policy will be given a reasonable opportunity to make up the time off taken on a different day or shift as directed by the Executive, but in no circumstances shall such make-up hours be scheduled so that they result in overtime pay to the employee. Employees are not required to make up the time, and if they choose not to do so, shall not be compensated for the time off. Employees are required to provide verification of the school visit to their supervisor within two (2) working days after the school visit.

Failure to comply with this policy may result in disciplinary action up to and including termination of employment.

Section 8.10 NURSING MOTHER POLICY

The Employer will provide reasonable paid break time each workday to an employee who needs to express breast milk for her infant child for up to one (1) year after the child's birth unless doing so would result in an undue hardship. Break time may run concurrently with any break time already provided to the employee. A private room (other than a restroom) will be made available to the employee to use for this purpose. An employee should direct their written request for break time to express breast milk and/or for a private room to use for this purpose to the employee's immediate supervisor, and the Designated HR Representative.

CHAPTER 9 TECHNOLOGY AND RECORD RETENTION POLICIES

Section 9.1 COMPUTER, INTERNET AND NETWORK USAGE

This policy applies to all employees, interns and volunteers. *This policy supersedes any and all other policies regarding or relating to information technology resources.* Logging onto the Employer's computers, electronic devices and/or network or using any other Technology device constitutes agreement with this policy.

A. DEFINITIONS

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

2. **Information Technology Resources:** The term *information technology (IT) resources* refers to the computer network used at the Employer. Specifically, *IT resources* includes, but is not limited to: individual workstations, file servers, communication servers, application servers, mail servers, fax servers, Web servers, laptops, software, data files and network cables, whether connected to the network or not, and any other electronic devices provided by the Employer including, but not limited to, cell phones, iPads and/or laptops, and the information that is stored, processed and/or transmitted from, to or through that equipment.

B. GUIDELINES

1. **For Authorized Uses Only:** the Employer's IT resources are to be used for authorized business. IT resources must be protected from accidental or unauthorized access, use, disclosure, modification, or destruction by employees, contractors, or any individual. Each user is authorized to access only information which is required to do his/her job. Unauthorized access to information is strictly prohibited. All users must safeguard the Employer's information and treat electronic documents/communications with the same level of care, both in production and storage, as is accorded documents and communications that are in print form. Access to IT resources will be immediately deactivated when an employee terminates employment or rights are withdrawn for any other reason. Any public records sent, received and/or stored on the Employer's IT resources shall remain the sole property of the Employer.

2. **Prohibited Activities:**
 - a. *Inappropriate or unlawful material.* Material that is fraudulent, sexually explicit, profane, obscene, defamatory; that is intended to harass, embarrass or intimidate; or that is unlawful or otherwise determined by the Executive to be

inappropriate shall not be sent by e-mail or other form of electronic communication (such as bulletin board systems, news groups, chat groups) or displayed on or stored in the IT resources. Users encountering or receiving this kind of material should immediately report the incident to the Executive.

- b. *Misuse of software.* All software must be approved in writing by the Executive prior to installation on any IT resources, workstations or servers. Users may not do any of the following:

- (i) Copy software for use on their home computers;
- (ii) Provide copies of software to any independent contractors or to any firm or individual, unless specifically authorized through an official County contract or agreement;
- (iii) install software on any of the IT resources, workstations or servers;
- (iv) download any software from the Internet or other online service to any of the IT resources, workstations or servers;
- (v) modify, revise, transform, recast, or adapt any software; or
- (vi) reverse engineer, disassemble, or decompile any software.

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident in writing to their Executive and/or the Kendall County's Inspector General.

- c. *Other prohibited uses.* Without prior written permission from the Executive, computer resources may not be used for dissemination or storage of personal advertisements, solicitations, promotions, destructive programs (i.e., viruses or self-replicating code), or any other unauthorized use.
- d. *Communication of confidential information.* Sending, transmitting, or otherwise disseminating without authorization the Employer's data or other information identified as confidential (e.g., attorney client privileged communications) is strictly prohibited.

3. Passwords:

- a. *Responsibility for passwords.* Users are responsible for safeguarding their passwords for access to the computer system and other IT resources. Individual passwords should not be printed, stored online, or given to others. Users are responsible for all transactions made using their passwords.
- b. *Passwords do not imply privacy.* Use of passwords to gain access to the Employer's computer system or to encode particular files or messages does not imply that users have an expectation of privacy in the material they create or receive on the computer system or other IT resource.
- c. *Password management.* Passwords should have a minimum length of six (6) characters. These measures will require that all system users use unique and

confidential passwords before using workstations on the network. Passwords shall be changed on a regularly scheduled basis.

4. Security:

- a. *Accessing other computers and networks.* A user's ability to connect to other computer systems through the network does not imply a right to connect to those systems or to make use of those systems unless specifically authorized by the operators of those systems.
- b. *Computer Security.* Each user is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of the IT resources. This duty includes taking reasonable precautions to prevent intruders from accessing the computer network without authorization and preventing introduction and spread of viruses.

5. Viruses:

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

6. Miscellaneous:

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

C. NO EXPECTATION OF PRIVACY:

IT resources are provided to users to assist them in the performance of their jobs. The Employer reserves the right to, among other actions, access, audit, block, delete, disclose, intercept, monitor, publish, recover, restrict, restore, review, screen, or trace any information at any time without notice. Use of IT resources will be audited and monitored. It is each user's responsibility to understand and comply with this policy. Noncompliance with this policy may be cause for disciplinary action as well as monetary charges being assessed where appropriate. If it is determined that an employee has misused IT resources, the employee will be subject to appropriate disciplinary action for misuse of the IT resources, up to and including discharge.

USERS DO NOT HAVE AN EXPECTATION OF PRIVACY IN ANYTHING THEY CREATE, STORE, SEND, OR RECEIVE ON ANY TECHNOLOGY RESOURCE. THE IT RESOURCES AND ALL OF THE ELECTRONIC DATA CONTAINED THEREIN BELONGS TO THE EMPLOYER AND MAY BE USED ONLY FOR JOB-RELATED PURPOSES.

USERS EXPRESSLY WAIVE ANY RIGHT OF PRIVACY OR EXPECTATION OF PRIVACY IN ANYTHING THEY CREATE, STORE, SEND, OR RECEIVE ON THE IT RESOURCES OR THROUGH THE INTERNET, E-MAIL OR ANY OTHER COMPUTER NETWORK. USERS CONSENT TO ALLOWING PERSONNEL SELECTED AT THE SOLE DISCRETION OF THE EMPLOYER TO ACCESS AND REVIEW MATERIALS USERS CREATE, STORE, SEND, OR RECEIVE ON THE IT RESOURCES OR THROUGH THE INTERNET, E-MAIL OR ANY OTHER COMPUTER NETWORK. USERS UNDERSTAND THAT THE EMPLOYER MAY USE HUMAN OR AUTOMATED MEANS TO MONITOR USE OF ITS IT RESOURCES.

D. JOURNAL COPY EMAIL ARCHIVE MANAGEMENT, RETENTION AND DISPOSAL

- 1. Retention and Disposal Requirements:** A duplicate copy of all emails sent and received via the Employer's email server will be stored on the journal copy email archive (hereinafter referred to as "archived emails"). All emails that are stored on the journal copy email archive remain the sole property of the Employer. The archived emails are convenience copies, which are not subject to the record retention requirements of the Illinois Local Records Act. Archived emails shall be retained in their electronic form in the archived emails for a period of at least seven (7) years from the date any email is sent or received. The seven (7) year retention period requirement set forth in this policy may be modified or waived upon entry of a court order or pursuant to applicable state or federal law. Upon the completion of the required retention period, the Kendall County Technology Services Department, on behalf of the Employer, shall permanently delete or purge the archived emails from the journal copy email archive. Because the archived emails are convenience copies, which are not subject to the Illinois Local Records Act, the Illinois Local Records Commission's prior approval for disposal of the archived emails is not necessary.
- 2. Preservation Notice:** The Employer acknowledges there may be situations that arise that require the Employer, by and through the Kendall County Technology Services Department, to retain certain archived emails beyond the required retention period set

forth above (e.g., pending litigation and/or a pending law enforcement investigation). The Executive will notify the Kendall County Technology Services Department when certain archived emails must be preserved beyond the required seven (7) year retention period. The Executive shall provide such notice in writing to the Kendall County Technology Services Department on a Preservation Notice Form. Upon receipt of the Preservation Notice Form, the Kendall County Technology Services Department shall take all steps reasonably necessary to preserve and retain the applicable archived emails. The Kendall County Technology Services Department shall then preserve and retain the archived emails until the Executive confirms, in writing, that the preservation hold is concluded, and the archived emails may be destroyed.

3. **ACCESS TO ARCHIVED EMAILS:** While the archived emails are retained in the journal copy email archive, the Kendall County Technology Services Department may provide access to archived emails as follows:

- A. Access may be provided to the individual employee or elected official who sent or received the archived email, provided the individual has submitted their request in writing to the Technology Services Department. Additionally, employees and elected officials may authorize, in writing, other employees to access their email (example to assist in answering a FOIA request).
- B. Access may be provided to an Executive for archived emails sent or received by employees supervised by the requesting Executive. The Executive requesting access to a subordinate employee's archived emails must make a written request to the Kendall County Technology Services Department by completing the "Technology Services Internal Request for Archived Email" form, which is attached as Exhibit 2.
- C. Access may be provided to the County Board Chairman, County Administrator, and Inspector General for archived emails sent or received by a County department head and/or employees supervised by a County department head.
- D. To the extent permitted by law, access may be provided to any third party pursuant to a validly issued subpoena and/or court order.

E. TECHNOLOGY SERVICES RESPONSIBILITIES

Computer files may be accessed to verify compliance with Employer policies. On suspicion that a security breach has occurred, the findings are to be reported to the County Administrator to determine if the breach is significant enough to warrant further investigation.

Kendall County's Technology Services staff assists the Employer in maintaining the integrity of the information environment. Although Technology Services staff may be provided, at times, access to a user's computer or private domain to provide support, they must not use that privilege for any other

purpose. Any support person who uses his/her privileges for purposes other than support, divulges confidential information gained from such support, or fails to comply with the principles set forth in this security policy should be reported immediately to the Executive. Compliance with this policy will be monitored by the ICT Director.

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

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

F. USER RESPONSIBILITIES

All employees are responsible for compliance with the following requirements:

1. **Restricted access to IT resources:** Access to IT resources must be protected by unique user accounts restricted by password or other controls. Passwords shall be confidential and protected by individual users to prevent unauthorized use and release of information.
2. **Dissemination of Data:** Dissemination of confidential data acquired when performing job responsibilities, in any form (printed, electronically, verbal, etc.) is strictly forbidden unless prior written permission has been granted, and such dissemination is not in conflict with any other policy.
3. **Computer Software:** All software and data files developed on Kendall County owned or controlled IT resources are primarily for official business. Employees must adhere to all terms and conditions for licensing agreements governing distribution and use of software. Violation of software license agreements and copyright laws may subject the offender to criminal prosecution and civil damages. No software will be run on the Employer's computers or any other IT resource that has not been reviewed and approved by the Executive. This review process ensures that the software is compatible (if required) with other existing software and is free from any computer viruses. This includes software available commercially or circulated public domain software.
4. **Backup Responsibilities:** Any user who uses systems not on the network or proprietary computer systems is responsible for backing up data and software of those systems. Users who store files on the Local Area Network (LAN) drives are protected due to a nightly LAN backup. If, however, an employee stores user files on the hard drive (C) or on the desktop, the employee is responsible for the file backup.
5. **Responsible Care:** All users shall maintain a clean work area and guard against potential damage to hardware or destruction of data through spillage, carelessness, etc. All equipment relocation shall be coordinated in advance through the County Administrator or their designee. A user must return any IT resource, which is in his/her possession prior to leaving employment.

6. **Use of the Internet:** The Internet is a tool to be primarily used in helping employees meet the requirements of their job (i.e., those who need information from a reliable Internet source to perform research duties or interface with organizations that use the Internet for conducting business with the Employer users must refrain from requesting information which is inappropriate in the workplace. Examples of inappropriate use of resources include, but are not limited to, any traffic that violates state and/or federal laws, the distribution of non-business related advertising, and propagation of computer worms and/or viruses, distribution of chain letters, attempts to make unauthorized entry into another network. The Executive shall notify Technology Services about the level of internet access to be assigned to employees. Internet use is monitored and reported to supervisors if requested.
7. **Electronic Mail:** Employees are to use the Employer's e-mail system primarily for business communications and are responsible to guard against e-mail abuse. Examples of abuse are chain letters, selling or purchasing of personal items, etc.
8. **Accountability:** Anyone observing what appears to be a breach of security where information could be compromised, modified, stolen, lost or destroyed must report the incident to the employee's Executive.
9. **Computer Hardware:** No hardware will be added to the Employer's computers or network that has not been reviewed and approved by the Information Communication and Technology Department. This review process ensures that the hardware is compatible with existing hardware standards. The purchaser will assume ongoing maintenance and support responsibility for peripheral devices (printers, scanners, phones with email functions, etc.) purchased without the Executive's prior written approval. The purchaser will also be responsible for purchasing any consumables that this equipment requires.

Section 9.2 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 (hereinafter collectively referred to as "portable data storage devices") take certain precautions to prevent theft or data breach.

All public records maintained on portable storage devices remain the sole property of the Employer. All portable data storage devices are to be used primarily for business.

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.

USERS DO NOT HAVE AN EXPECTATION OF PRIVACY IN ANYTHING THEY CREATE, STORE, SEND, OR RECEIVE ON ANY PORTABLE DATA STORAGE DEVICE. THE PORTABLE DATA STORAGE DEVICE AND ALL OF THE ELECTRONIC DATA CONTAINED THEREIN BELONGS TO THE EMPLOYER. USERS EXPRESSLY WAIVE ANY RIGHT OF PRIVACY OR EXPECTATION OF PRIVACY IN ANYTHING THEY CREATE, STORE, SEND, OR RECEIVE ON THE PORTABLE DATA STORAGE DEVICE. USERS CONSENT TO ALLOWING PERSONNEL SELECTED AT THE SOLE DISCRETION OF THE EXECUTIVE TO ACCESS AND REVIEW MATERIALS USERS CREATE, STORE, SEND, OR RECEIVE ON THE PORTABLE DATA STORAGE DEVICE. USERS UNDERSTAND THAT EMPLOYER MAY USE HUMAN OR AUTOMATED MEANS TO MONITOR USE OF ITS PORTABLE DATA STORAGE DEVICES.

Section 9.3 SOCIAL MEDIA POLICY AND GUIDELINES

This is the official policy for social media use at the Employer and provides guidance for employees 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

From time to time, the Employer may utilize various social media platforms (e.g., Facebook). Before engaging in any social media platform as a representative of the Employer, you must be authorized to post/comment as a representative of the Employer on social media platforms by the Executive. You may not post/comment on any Employer social media platform as a representative of the Employer unless you have been authorized in writing to do so by the Executive.

Once authorized to comment, you must:

- Disclose you are an employee of Employer and use only your own identity.
- Disclose and comment only on non-confidential information. Confidential information is defined in the Employer's Confidentiality Policy.

- Ensure that all content published is accurate and not misleading and complies with all of 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, 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

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. 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, and/or the Executive on how to comply with this policy. The Executive 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 Executive has designated in writing that you are 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. Also, do not disclose private or confidential information about the Employer's operations, employees, or about citizens that you obtained through your employment.

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 for personal or professional reasons 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 Executive 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.

Section 9.4 RECORD RETENTION POLICY

The Illinois Local Records Act (50 ILCS 205/1 *et seq.*) establishes requirements for the retention and disposal of public records. Therefore, the purpose of this policy is twofold: (1) to establish a records retention policy to control the retention and disposal of public records in accordance with the Illinois Local Records Act; and (2) to set forth guidelines for retaining public records that may be disposed of but, in the best interests of Employer, should be retained longer due to special circumstances.

A. WHAT IS A PUBLIC RECORD?

The Illinois Local Records Act defines a public record as:

any book, paper, map, photograph, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.

50 ILCS 205/3. Pursuant to the Local Records Act, the following are not public records: library or museum material made or acquired and preserved only for convenience of reference; and stocks of publications and of processed documents. *Id.* Whether an electronic record (e.g., an email message or voicemail message) is a public record depends upon the content of the electronic record.

Even if the public record contains privileged information, attorney work product and/or is otherwise exempt from production under the Illinois Freedom of Information Act ("FOIA"), the public record shall still be retained for purposes of the Local Records Act and this policy. For example, a prosecutor's handwritten trial notes may be attorney work product, but the prosecutor's trial notes are also public records subject to the Local Records Act's retention requirements because the prosecutor prepared the trial notes in connection with the transaction of public business. Thus, the prosecutor must preserve their handwritten trial notes in accordance with the Illinois Local Records Act and this policy as set forth below.

B. RETENTION OF PUBLIC RECORDS

All public records must be retained by the Employer pursuant to its Record Retention Schedule, as approved by the Illinois Local Records Commission. If employees would like a copy of the Employer's Record Retention Schedule, please submit your request to your Executive. All non-covered records (i.e., records that are not public records as defined by the Local Records Act) may be deleted as soon as they have fulfilled their purpose.

1. Reproduced Digital Records

A public record may be reproduced in a microfilm or digitized electronic format. The original of any reproduced digital record may be disposed of provided:

- (1) The reproduction process forms a durable medium that:
 - (i) Accurately and legibly reproduces the original record in all details;
 - (ii) That does not permit additions, deletions, or changes to the original document images; and
 - (iii) If electronic, that are retained in a trustworthy manner so that the records and the information contained in the records are accessible and usable for subsequent reference at all times while the information must be retained.
- (2) The reproduced original record is retained for the prescribed retention period; and
- (3) The Employer complies with the disposal procedures set forth in this policy.

2. E-mails and E-mail Attachments

Whether an e-mail message and/or e-mail attachment is a public record subject to the Local Records Act depends upon the content of the e-mail message and/or the e-mail attachment. If an e-mail message and/or attachment is a public record, the retention period for the e-mail message and/or attachment is determined by the content of the e-mail message and/or attachment. Therefore, the retention period for each e-mail depends upon what category the e-mails subject matter falls under the Employer's Records Retention Schedule and such e-mail shall be retained for the duration of time set forth for this category of public records in the Employer's Records Retention Schedule.

If the retention period has not yet expired, the e-mail shall be saved by one of the following methods:

- Print the e-mail (and any attachments) and store the hard copy in the appropriate file.
- Use the "save as" function to save the e-mail (and any attachments) to the user's network or Outlook folder. Note: If there is any doubt about whether the e-mail can be retrieved throughout the lifespan of the record's required retention period, the record should be printed and maintained in a hard copy file.

For purposes of this policy, the following individuals are responsible for retaining the following types of e-mails (and any attachments):

| Sender/Recipient | Who Retains The E-mail and Attachments |
|--|--|
| E-mail sent and received internally within the Employer | Sender retains the e-mail and attachments. All other copies of the e-mail and attachments are deemed "duplicate copies" and may be deleted. |
| E-mail sent by an employee to someone outside the Employer | Sender retains the e-mail and attachments. |
| E-mail sent by someone outside the Employer to an employee | The first named recipient who is employed by the Employer shall retain the e-mail and attachments. |

C. PROCEDURE FOR DISPOSAL OF PUBLIC RECORDS

The following procedures shall apply for the disposal of public records maintained by the Employer:

1. All public records shall be retained pursuant to the Employer’s Records Retention Schedule. All non-public records may be disposed of as soon as they have fulfilled their purpose (unless one or more of the below referenced special considerations apply).
2. Once the retention period expires, the employee seeking to dispose of a public record shall review the above special considerations and confirm that the public record does not need to be retained beyond the minimum retention period as set forth in the Employer’s Records Retention Schedule. If one or more of the below special considerations applies to the public record at issue, the employee shall not dispose of the public record until the public record is no longer needed by the Employer.
3. Before disposing of a public record, an employee must confirm that the public record is included in the Employer’s Records Retention Schedule. If the public record is not included in the Employer’s Records Retention Schedule, the public record must either be retained indefinitely or retained until the Local Records Commission approves an amended retention schedule, which includes a retention schedule for the public record at issue.
4. Before disposing of a public record, the Employer, by and through the Executive and/or shall complete and file a Local Records Disposal Certificate with the Local Records Commission seeking approval to dispose of the public record.
 - a. All Local Records Disposal Certificates must be signed by the Executive.
 - b. For recordkeeping purposes, the Employer shall permanently retain a copy of all Local Records Disposal Certificates submitted to the Local Records Commission.

- c. The Employer shall file the Local Records Disposal Certificate with the Local Records Commission at least sixty (60) days prior to the proposed disposal date.
5. Employer shall not dispose of a public record until the Local Records Commission returns the approved copy of the Local Records Disposal Certificate authorizing disposal of the public record. For recordkeeping purposes, the Employer permanently retain all approved copies of the Local Records Disposal Certificates received from the Local Records Commission.
6. Upon receipt of the approved Local Records Disposal Certificate, the Employer by and through the Executive, shall promptly dispose of the public record. The Employer shall permanently retain a copy of all disposal of records certificates, which shall provide, at a minimum, the name of the person who disposed of the public records and the date of disposal.

D. SPECIAL CONSIDERATIONS FOR THE RETENTION OF PUBLIC AND NON-PUBLIC RECORDS

Before disposing of any public records and/or non-covered records, employees should confirm that none of the following special circumstances exist such that continued retention of the record is necessary (even if the minimum retention period has expired for the public record):

1. Litigation Hold

If an employee receives notice of actual litigation or an imminent and probable likelihood of litigation involving the Employer, the employee shall immediately notify (in writing, if possible) the employee's immediate supervisor and the Kendall County State's Attorney. Once the SAO receives notice of actual litigation or an imminent and probable likelihood of litigation, the Employer shall take all reasonable steps necessary to preserve relevant records relating to the subject matter of the actual and/or probable litigation.

2. The Records Retain Value Beyond the Retention Period

If a record retains administrative, fiscal, legal/evidentiary, and/or historical value, the record should be retained until such value no longer exists. For example, if a record is necessary to comply with local, state and/or federal audit requirements, the record should be retained until all audit requirements have been met, even if the record retention period has expired for the record or if the record is not a public record required to be retained pursuant to the Local Records Act.

EXHIBIT 1

Kendall County Technology Services Preservation Notice

Effective immediately, please preserve until further written notice all of the following:

| |
|---|
| A brief description of the records to be preserved: |
| Dates: |
| To (if known): |
| From (if known): |
| Subject (if known): |
| Keywords: |
| Attachment Name (if known): |
| Reason for preservation: |
| Duration of preservation requirement (if known): |
| Other: |

_____ Date Requested
Elected or Appointed Department Head

_____ Date Delivered
Technology Services

EXHIBIT 2

Kendall County Technology Services Internal Request for Archived Emails

Please list dates, keywords, and/or email addresses below.

| |
|------------------|
| Dates: |
| To: |
| From: |
| Subject: |
| Keywords: |
| Attachment Name: |
| Other: |

Appointed Department Heads and Elected Officials shall only have access to emails sent or received by employees supervised by the Appointed Department Head or Elected Official while said emails are retained in the journal copy archive.

X _____
Elected or Appointed Department Head Date Requested

X _____
Technology Services Date Delivered

**ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING OF
THE KENDALL COUNTY FOREST PRESERVE DISTRICT
EMPLOYEE HANDBOOK (effective November 15, 2022)**

I have read, reviewed, and understand the regulations and policies stated in the Kendall County Forest Preserve District Employee Handbook (November 15, 2022). I will comply with the policies contained in this Employee Handbook.

By signing my name below, I hereby affirm my understanding that neither this Employee Handbook nor any of the individual policies contained in it is a contract for employment. Unless my employment is governed by a separate collective bargaining agreement or duly executed contract stating otherwise, I understand that my employment with the Employer is "at will", which means that my employment may be terminated at any time without cause or notice by either the Employer or me.

Printed Name: _____

Signature: _____

Date: _____

**ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING OF POLICY AGAINST
UNLAWFUL DISCRIMINATION, UNLAWFUL HARASSMENT AND
SEXUAL MISCONDUCT**

I have read and I understand the Policy against Unlawful Discrimination, Unlawful Harassment and Sexual Misconduct. I understand that if I ever have any questions or concerns, I can speak to my Executive. I have signed and dated this acknowledgment to confirm my receipt and understanding of the policy.

Please respond to the following questions, circle appropriate answer and initial:

Have you read, and do you understand this policy? Yes No Initials: _____

Do you have any questions about this policy? Yes No Initials: _____

Do you know how to file a complaint should you ever have a problem with unlawful discrimination, unlawful harassment, or sexual misconduct or if you see inappropriate behaviors at work?

Yes No Initials: _____

Are you aware of any behaviors going on either in our workplace or outside the workplace that may impact the workplace and that are inconsistent with this policy?

Yes No Initials: _____

If you answered yes to this question, please explain: _____

(Please attach additional sheets if necessary.)

Employee Signature: _____ Date: _____

Print name: _____

I certify that the above person has received the Policy against Unlawful Discrimination, Unlawful Harassment and Sexual Misconduct and that I have reviewed this checklist with him/her.

Supervisor Signature: _____ Date: _____

Print name: _____