



# County of Union Employment Manual

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## 1.1 Welcome Statement

Welcome to employment with the County of Union. The County relies upon its dedicated employees to provide the highest level of service to the citizens of Union County.

This employee handbook contains many of the County's policies. It is impossible to address every issue that may occur at work in this manual. If an issue is not addressed in this employee handbook, please bring this issue to the attention of your manager, supervisor, Human Resources Department or State's Attorney. We will do our best to resolve any questions or concerns.

**To the extent that any policies contained within this handbook conflict with an applicable collective bargaining agreement or applicable state or federal law, the policies in the collective bargaining agreement or applicable law will control.**

## 1.2 At-Will Employment

This handbook and the individual policies contained herein do not create any contractual rights. Unless your employment is governed by a separate collective bargaining agreement, duly executed contract, or state law providing otherwise, you are an at-will employee. That means 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 the County or by the employee at any time with or without cause or notice. Nothing in this handbook is meant to alter that relationship in any manner.

Furthermore, no manager, supervisor, or representative of the County 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 the Board of Commissioners and will not be enforceable unless it is in writing and signed by you and by Board Chairperson. The agreement must specifically state the at-will relationship between you and the County has changed and a new standard is to be applied.

Additionally, this handbook cannot address every circumstance that may occur while you are performing your duties. It cannot list every act you are permitted or not permitted to do while employed or answer every question you may have.

Therefore, consult your manager, supervisor, or Human Resources Department if you have a question this handbook does not address. If something is not addressed

in this handbook, the County will act in its discretion and in accordance with the law.

The County also reserves the right to modify, supplement, or rescind any provision of this handbook without notice.

Please note only the Board of Commissioners can approve changes to this handbook and those changes must be in writing and signed by the Board Chairperson.

### **1.3 How to Use This Handbook**

You should use this employee handbook as a guide regarding the County's policies. If you have any questions regarding the policies, please direct your questions to your manager or the Human Resources Department.

### **1.4 Worker Classifications**

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

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

Please also note none of the classifications change the at-will relationship the County has with its employees.

#### Classifications

The classifications are:

Full-Time Employees  
Part-Time Employees  
Seasonal Employees  
Contract Employees  
Temporary Employees  
Volunteers

#### Non-Exempt or Exempt

Employees will also be classified as exempt or non-exempt.

Non-exempt employees are those employees eligible to receive overtime under state and federal law.

Exempt employees are employees that meet the criteria to be exempt from overtime under state and federal law.

## **1.5 Wage and Salary Policy**

### Non-Exempt Employees

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

### 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 you may work for the County. 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 biweekly, 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 work week 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 work week 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 deduction(s) is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- To offset amounts employee receive as jury or witness fees or for military pay in some cases;
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- In the initial or terminal week of employment in the event you work less than a full week;
- For penalties imposed in good faith for infractions of safety rules of major significance;
- For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

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

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

#### Accurate Timekeeping

It is a violation of this policy for any employee to falsify a timekeeping record or to alter another employee’s timekeeping record. It is a violation of the County’s policy

for another employee, manager, elected or appointed official to instruct another employee to incorrectly or falsely report hours worked or alter another employee's timekeeping record to over or under report hours worked. If any employee, manager, elected or appointed official instructs you to violate this policy, do not do so. You are to report it immediately to the State's Attorney, at (618) 833-7216 or Human Resources Department at (618) 833-5316.

#### Prohibition of Improper Salary Deductions

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

#### Reporting Errors or Improper Deductions

We make every effort to ensure all of our employees are paid correctly. Occasionally, however, an inadvertent error can occur. Please review your paystub every pay period. If you find an error, please call it to our attention immediately by reporting it to your immediate supervisor or to the Human Resources Department at (618) 833-5316.

If you believe an improper deduction has been made from your salary, you should immediately report this to your direct supervisor or to the Human Resource Department at (618) 833-5316.

Reports of errors or improper deductions will be promptly investigated. If it is determined an error or improper deductions have occurred, it will be promptly corrected and you will be reimbursed on the next payroll 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.

### **1.6 Performance Review Policy**

#### Purpose

The performance appraisal process provides a means for discussing, planning and reviewing the performance of each employee.

Performance appraisals can influence salaries, promotions and transfers, and it is critical managers are objective in conducting performance reviews and in assigning overall performance ratings.

#### Eligibility

All full and part-time employees are provided an annual performance review.

### Performance Review Schedule

Performance appraisals are conducted annually on a fiscal year basis. Each County manager is responsible for the timely and equitable assessment of the performance and contribution of subordinate employees.

### Processes

The completed evaluations will be retained with HR in the employee's personnel file.

## **2.1 County of Union, Illinois Policy against Discrimination, Harassment and Sexual Misconduct (Ordinance No. 2018-1)**

### Statement of Policy

It is the County of Union's policy it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law. Sexual misconduct is also prohibited. The County of Union will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, appointed officials, co-workers, or non-employees with whom the County of Union has a business, service, or professional relationship. "Employee," for purposes of this policy only, includes any individual performing work for the County of Union, an apprentice, an applicant for apprenticeship, or an unpaid intern. The County of Union has appointed the Director of Human Resources as its ethics officer to receive and oversee investigations of complaints made pursuant to this policy and he/she is referred to in this policy as the County's "Ethics Officer." He/she can be contacted by email or phone at [aknupp@unioncountyil.gov](mailto:aknupp@unioncountyil.gov) or (618) 833-5316. The County reserves the right to change the Ethics Officer from time to time.

Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. The County is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. The County will take disciplinary action, up to and including termination, against an employee who violates this policy.

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

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

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

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

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

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Retaliating or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
4. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.

5. Verbal conduct such as making derogatory comments, using epithets or slurs, making sexually explicit jokes or suggestive comments about a person's body or dress.
6. Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes about disabled individuals.
7. Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

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

#### Responsibilities

##### A. Supervisors

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

1. Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
2. Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois;
3. Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.
4. Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
5. Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the State's Attorney or to the Ethics Officer, and;

6. Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.

B. Employees

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

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

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

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

The County 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.

#### Applicable Procedures

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

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

#### A. Bringing a Complaint

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

1. Advising his or her supervisor or the Ethics Officer for the County; or
2. Advising the offending employee's supervisor, the State's Attorney or the County Clerk in the event that the alleged harasser is the State's Attorney.

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

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

The County will take steps to ensure complaints made are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

## B. Resolution of a Complaint

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

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

4. After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately.
5. Once this investigation is completed, the County will take such action as is appropriate based upon the information obtained in the investigation. In the event the County finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
  - a. Verbal or written reprimand;
  - b. Placing the offending employee on a corrective action plan for a period of time to be identified;
  - c. Delay in pay increases or promotions;
  - d. Suspending the offending employee from work without pay;
  - e. Demotion;
  - f. Immediate termination.
6. Upon completion of the investigation, the County will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

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

#### Non-Retaliation

Under no circumstances will there be any retaliation against any employee making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining employee, an accused employee, witnesses, or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Complaints of retaliation should be addressed to the Ethics Officer, State's Attorney, or the County Clerk. Illinois law provides protections to whistleblowers as set forth in the Whistleblower Act, 740 ILCS 174/15 and the Illinois Human Rights Act, 775 ILCS 5/6-101.

#### False Reports Prohibited

It is a violation of this policy for an employee to knowingly make a false report of discrimination, harassment, sexual misconduct, or retaliation. An employee who is

found to have knowingly made a false report is subject to disciplinary action, as set forth in Section III.B.5, above.

#### Additional Resources

If you have any questions concerning the County's policies on this matter, please see your supervisor, the Ethics Officer, or the State's Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200 or the Equal Employment Opportunity Commission (EEOC), 800-669-4000. Confidential reports of harassment or discrimination may also be filed with these state 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.

Please acknowledge receipt and review of this policy by completing the acknowledgment form at the end of this handbook and returning it to the Human Resource Director.

#### Sexual Harassment Prevention Training

All employees are required to complete sexual harassment prevention training on an annual basis in accordance with the Workplace Transparency Act. Records of employee attendance will be maintained by the Human Resources Representative.

#### Equal Employment Opportunity Commission

Federal law provides protection against unlawful discrimination and harassment. Further information may be obtained from the Equal Employment Opportunity Commission (EEOC), 800-669-4000.

#### Illinois Department of Human Rights

The Illinois Human Rights Act ("the Act") states you have the right to be free from unlawful discrimination and sexual harassment. This means an employer may not treat people differently based on race, age, gender, pregnancy, disability, sexual orientation or any other protected class named in the Act. This applies to all employment actions including hiring, promotion, discipline and discharge.

Employees also have the right to reasonable accommodations based on pregnancy and disability. This means you can ask for reasonable changes to your job if needed because you are pregnant or disabled.

It is unlawful for an employer to treat people differently because they have reported discrimination, participated in an investigation, or helped others exercise their right to complain about discrimination.

Confidential reports of harassment or discrimination may be made to the Ethics Officer, your supervisor or the State's Attorney or the County Clerk in the event the alleged harasser is the State's Attorney.

You can also contact the Illinois Department of Human Rights (IDHR) to file a charge at the locations listed below. You can also call the Illinois Sexual Harassment and Discrimination Helpline at 1-877-236-7703 to talk to someone about your concerns.

IDHR Chicago Office  
James R. Thompson Center  
100 West Randolph St., Suite 10-100  
Chicago, IL 60601  
(312) 814-6200  
(866) 740-3952 (TTY)  
(312) 814-6251 (Fax)

IDHR Springfield Office  
535 W. Jefferson Street  
1<sup>st</sup> Floor  
Springfield, IL 62702  
(217) 785-5100  
(866) 740-3953 (TTY)  
(217) 785-5106 (Fax)

#### Department of Children and Family Services

For matters involving the abuse of minors the Illinois Department of Children and Family Services (DCFS) may be contacted by dialing 800-25-ABUSE.

## **2.2 Requests for Accommodation**

It is the intent of the County 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.

#### Accommodations for Disability

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

#### Other Accommodations

In addition to providing reasonable accommodations to persons with disabilities,

the County will provide reasonable accommodation for any of the following reasons so long as doing so does not cause the County undue hardship.

- medical or common conditions related to pregnancy or childbirth
- religious beliefs or practices
- limitations resulting from circumstances of being a victim of domestic, sexual, or gender violence or a family or household member being a victim of domestic, sexual, or gender violence

#### To Make an Accommodation Request

Direct your accommodation request to your supervisor or the Human Resources Department. All requests for accommodation will be evaluated on a case-by-case basis taking into consideration all known circumstances.

### **2.3 Employment of Relatives - Please refer to Prohibiting Nepotism in County Hiring Ordinance No. 2017-1.**

The County allows the employment of relatives under limited circumstances.

Under no circumstance will one relative be allowed to hire or supervise another or be in a position to influence the other's terms and conditions of employment.

### **2.4 Personal Relationships with Other Employees**

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

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

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

#### Disclosure

Employees that are in a personal relationship must immediately report the relationship to their supervisor 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.

Employees who work in the same department are required to report the personal relationship to their supervisor.

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

## **2.5 Conflict of Interest - Outside Employment or Work**

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

## **2.6 Disclosure of Confidential Information**

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

Any questions regarding whether information is confidential should be referred to your manager or the Human Resources Department.

## **2.7 Safety**

Safety is a priority at the County and 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.

### Reporting Safety Incidents and Concerns

Employees should report safety incidents and concerns, including any injury, near injury or unsafe condition, to your manager immediately.

## **2.8 Preventing and Reporting Workplace Violence**

The County prohibits violence in the workplace. Violent behavior is strictly prohibited on County property, on adjacent property, while working at any location on behalf of the County, in County vehicles or during events sponsored by the County. This prohibition includes not only actual acts of violence, but also direct or implied threats of violence. Employees who exhibit or threaten violent behavior will be subject to criminal prosecution and disciplinary action up to and including termination. The County 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.

**In the case of an imminent danger, an emergency situation, or actual or suspected criminal conduct, employees and supervisors are directed to immediately contact law enforcement.**

The following is a non-exhaustive list of violent behavior that is prohibited by this policy:

- Fighting
- Physical restraint or confinement
- Assault
- Battery
- Horseplay
- Stalking
- Intentionally endangering the safety of another person
- Violent destruction of property
- Any other act that a reasonable person would perceive as a violent act.

## **2.9 Weapons**

### Weapons

Union County Government prohibits weapons in its buildings, vehicles, job sites or on County parking lots and on Employer's parking lots while performing a job function.

### Weapons Prohibited

Prohibited weapons include, but are not limited to, firearms of any sort; air guns, stun guns, stun devices, knives with blades longer than three inches, explosive material, including fireworks, brass knuckles or other fighting instruments, martial

arts weapons such as nun chucks or throwing stars; and all other dangerous weaponry.

### Reporting Weapons

If you know of a violation of this policy or reasonably suspect a violation of this policy and you have reasonable suspicion potential imminent violence could occur, you should call 911 immediately, if possible, and inform your supervisor at once. If you have known of or heard of a violation of this policy, but you do not reasonably believe violence could occur or is imminent, you should contact your supervisor or the Human Resources Department.

## **2.10 Cannabis, Drug and Alcohol Use/Abuse Policy (Resolution No. 2019-31)**

### **INTENT:**

The County recognizes the state legislature has accepted that modern medical research confirms the beneficial uses of cannabis in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions. For these reasons, the State of Illinois has decriminalized the use of marijuana both for medical and recreational purposes. The County also recognizes under federal law, marijuana is still illegal. The United States Drug Enforcement Agency lists marijuana as a Schedule I drug under the Controlled Substances Act. Schedule I drugs are defined as having no approved medical use and a high potential for abuse.

The County recognizes its obligations and responsibilities under these conflicting laws to implement a reasonable drug free workplace policy to ensure the safety of employees and the public at large while protecting the rights of all employees. The County will not penalize an employee or applicant solely for his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Program Act, unless failing to do so would put the County in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules. The County prohibits the use and storage of both medical and recreational cannabis on its property, at all workplaces and in any employer-owned vehicles.

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

### **DEFINITIONS:**

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

- A. 'Premises' shall include all work sites, work areas, property owned or leased by the County, or vehicles owned, operated, leased, or under the control of the County. Privately-owned vehicles parked or operated on property owned, leased or managed by the County is also included under the definition.
- B. 'County time' shall include all times during which an employee is on the County's premises, meal and break times on or off the County's premises, or performing work off the premises for the benefit of the County or as a representative of the County.
- C. 'On-call' for purposes of the Cannabis Regulation and Tax Act means when an employee is scheduled with at least 24 hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task.
- D. 'Legal drug' means any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed for the employee, over-the-counter drugs and (after January 1, 2020) cannabis as outlined in the Cannabis Regulation and Tax Act.
- E. 'Illegal drug' means any controlled substance the possession or sale of which is prohibited by law.
- F. 'Cannabis' or 'Marijuana' is a mixture of dried, shredded leaves, stems, seeds and flowers of the hemp plant, *Cannabis sativa*. The main active chemical in cannabis is tetrahydrocannabinol (THC), a psychoactive ingredient that produces a "high" or feeling of being "stoned." The strength of the cannabis or marijuana is correlated to the amount and potency of the THC it contains.
- G. 'Cannabidiol' or 'CBD' is one of over 60 different cannabinoid compounds in marijuana. CBD a non-psychoactive ingredient of cannabis and does not make a person feel "high" or "stoned." CBD is used to provide relief from chronic pain, anxiety, inflammation and epilepsy and its benefits are still being researched. Currently, there are no uniform standards for production of CBD so it is very possible a CBD product contains small amounts of THC that would show up on a drug test. Such a test result would violate the County's drug-free workplace policy.
- H. 'Substance' means any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his or her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; "synthetic or designer" drugs; illegal inhalants; "look-alike" drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).
- I. 'Traceable in the employee's system' means that the results of a laboratory's analysis of the employee's urine, saliva, breath or blood specimen is positive for the tested substance.
- J. 'Reasonable suspicion of impairment' means that the County's representatives have observed and in good faith can describe specific, articulable symptoms of an employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, or detection of a prohibited substance in the area where an employee has/had been working. A registered qualifying user of medical cannabis under the Compassionate Use of Medical Cannabis Program Act must first be given a reasonable

opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment. A user of cannabis under the Cannabis Regulation and Tax Act must also first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment.

- K. 'Under the influence' means the condition wherein any of the body's sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to drugs or alcohol. This also means the detectable presence of Substance(s) within the body, regardless of when or where it (they) may have been consumed, having an alcohol concentration within the violation range specified by the laws of the State of Illinois, and/or having a positive test for any other Substance(s). With respect to employees subject to the Federal Motor Carrier Safety Administration (FMCSA) regulations, U.S. Department of Transportation regulations, or performing safety-sensitive functions including **those employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment, police officers, correctional officers, jailers and EMTs**, under the influence of alcohol is defined in accordance with FMCSA regulations as having an alcohol concentration of 0.04 or greater (compared to the BAC of 0.08 for non-safety sensitive positions). Under the influence of cannabis currently means testing positive for any amount of cannabis (until the legislature determines a specific level of THC in the blood that constitutes statutory impairment).
- L. 'Safety sensitive function' was defined by the United States Supreme Court as any job function fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences. The category of safety sensitive functions includes job duties described as safety sensitive by applicable FMCSA or other applicable regulations, statutes, or case law. Courts have also held that an employer may prohibit the off-duty use of cannabis, alcohol and other drugs by an employee in a safety sensitive position because these employees can cause great human loss before any signs of impairment become noticeable to supervisors or others.
- M. 'Work related cause' means the employee has: incurred a work-related injury requiring medical attention at a medical facility; caused the injury of another person on County premises or during County time; caused damage to any County owned or leased property; or commits repeated and/or flagrant violations of safety standards.

**APPLICABILITY:**

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

**POLICY:**

- A. Alcohol, Cannabis or Illegal Drugs or Substances:  
The possession, sale, purchase, use, distribution, delivery or transfer of alcohol, or an illegal drug or substance while on the County's premises, while on the County's time or while driving a vehicle owned, operated, rented, leased or under the control of the County is expressly prohibited. This includes cannabis used for medical purposes in accordance with the Compassionate Use of Medical Cannabis Program Act. In addition, employees may not report to work, be on the County's premises or on County time under the influence of alcohol or cannabis or with any traceable illegal drug or substance in their system.

Those employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment, police officers, correctional officers, jailers, and EMTs in addition to the

prohibitions above must not consume alcohol for 8 hours prior to duty time and up to 8 hours following an accident or until employee undergoes a post-accident test, whichever comes first.

Individuals who are registered users of medical cannabis will not be disqualified from employment based solely on the detected presence of cannabis on a drug test, unless failing to do so would put the County in violation of a federal law of cause it to lose a federal contract or funding. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Program Act and individuals who use cannabis in accordance with the Cannabis Regulation and Tax Act may not report to work under the influence of cannabis. This policy prohibits the undertaking of any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice or professional misconduct. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

B. Legal Drugs:

The County does not condone the abuse of legal drugs or working under the influence of legal drugs to the extent that job performance and/or safety is adversely affected. Employees using prescription, over-the-counter and/or other legal drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties.

C. Drug Panel:

DOT Regulations (49 CFR Section 40.85) provides the five drugs or classes of drugs that must be tested for in a DOT drug test. They are: (a) marijuana metabolites, (b) cocaine metabolites, (c) amphetamines, (d) opioids, and (e) phencyclidine (PCP). The County cannot exclude cannabis from a drug test performed pursuant to DOT Regulations. The DOT Regulations also prohibit a Medical Review Officer from verifying a test as negative based on information that a physician prescribed the use of marijuana or other Schedule I drug.

D. Limited Pre-Employment Substance Testing:

Upon receipt of a contingent offer of employment, candidates for safety-sensitive or security-sensitive positions may be subject to pre-employment drug testing. Individuals to whom a contingent offer is made and whose pre-employment drug test returns positive for cannabis, alcohol or illegal drugs will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

E. Random Selection Testing:

The County is a drug-free workplace and reserves the right to conduct random testing on employees with safety-sensitive or security-sensitive job duties. The following positions include safety-sensitive or security-sensitive functions, and as such are subject to random testing: those employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment, police officers, correctional officers, jailers, and EMTs. Where random testing is prohibited or restricted by applicable federal, state or local statute or regulation, or other legally-binding agreement, the County will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions of this policy.

F. Reasonable Suspicion Testing:

If the County's representative has a reasonable suspicion an employee is impaired based on the representative's observations of the employee at work, and in good faith can describe specific symptoms of the employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing

process, or carelessness that results in any injury to the employee or others, then the County may conduct reasonable suspicion testing.

G. Post-Accident Testing:

If the County has reasonable cause to believe an employee has been involved in an on-the-job injury that is considered recordable under OSHA guidelines (i.e. requiring medical treatment) as a result of being under the influence, the supervisor may require the injured employee to undergo a post-accident Substance test. The employee will also be required to undergo post-accident testing if required by FMCSA, DOT or other applicable regulation.

H. Fitness for Duty:

Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of Substances may be subject to Substance testing. Employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to and successfully pass a fitness for duty substance test before being permitted to return to work.

I. Blood Alcohol Concentration:

A driver subject to FMCSA or DOT regulations, or any other employee who is required to perform a safety-sensitive function and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

J. THC Concentration:

As of this writing, the State of Illinois has no established limit of tetrahydrocannabinol (THC) in the bloodstream that constitutes impairment under the law. A person may be under the influence of marijuana as defined by a positive test for cannabis without being visibly impaired. Managers and supervisors should be trained on the specific symptoms of impairment as defined above.

K. Reasonable Zero Tolerance or Drug-Free Workplace Policy:

Under the law, the County has the right to implement a reasonable zero tolerance or drug-free workplace policy applied in a non-discriminatory manner. With the enactment of the Cannabis Regulation and Tax Act and the amendment to the Right to Privacy in the Workplace Act, the County is limited in its ability to prohibit or limit the use of cannabis and other Substances considered legal under Illinois law by County employees while off duty and not on-call unless those employees perform safety sensitive functions. For employees in safety sensitive positions, such as those employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment, police officers, correctional officers, jailers, and EMTs, it is reasonable for the County to implement and consistently apply a zero tolerance or drug-free workplace policy that includes a prohibition on off duty use and to terminate any safety sensitive employee who violates this policy. Such a restrictive policy is reasonable because if these employees used cannabis or other Substances while off duty, they could cause great human loss while at work before any signs of impairment become noticeable to supervisors or others. For those employees who work in non-safety sensitive positions, the County can test the employee for cannabis or other Substances if first the County's representative can articulate after observing the employee at work a reasonable suspicion of impairment exists.

L. Disciplinary Action:

- a. Any employee who possesses, sells, purchases, uses, distributes, delivers or transfers alcohol, cannabis or any illegal substance on the County's premises will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.
- b. Any employee who reports to work under the influence of alcohol, cannabis or with an illegal drug or Substance traceable in his/her system will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.
- c. An employee who refuses to submit to testing when required under this policy will be removed from the work area, and may be subject to immediate disciplinary action up to

and including discharge. Refusal to submit to testing shall include, but may not be limited to: (1) failure to appear for any test within a reasonable amount of time, after being directed to do so by the County, consistent with this policy and/or applicable regulations, including but not limited to FMCSA or DOT regulation; (2) failure to remain at the testing site until testing is complete; (3) failure to provide a sufficient breath, saliva, blood or urine specimen for any drug or alcohol test required by this policy or applicable FMCSA or DOT regulation; (4) in the case of directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen; unless restricted by applicable federal, state or local statute or regulation, or other legally-binding agreement, the County will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions of this policy; (5) failure to provide a sufficient amount of saliva, breath, blood or urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; (6) failing or declining to take a second test that the County or the collector has directed the employee to take; (7) failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process or as directed by the Designated Employer Representative; (8) failure to cooperate with any part of the testing process; (9) having a verified adulterated or substituted test result as reported by the Medical Review Officer.

- d. Any employee who refuses to participate in rehabilitation/treatment, as recommended as a result of a positive test and evaluation by a substance abuse professional, will not be allowed to perform work for the County and may be subject to disciplinary action up to and including discharge.

#### **TESTING PROCEDURES:**

- A. Testing: The County may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by the County, immediately upon the request of authorized County representatives or agents in accordance with this policy.
  1. Where the County has reasonable suspicion that an employee is under the influence of a substance, he or she will be removed from the work area and provided with transportation to the place of testing. The County should call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.
  2. Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to the County as permitted by law.
  3. At the discretion of the County, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative; the employee will be reimbursed for any salary lost during administrative leave.

4. Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and may be grounds for immediate termination of employment or ineligibility for hire.
5. Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of the County. The candidate or employee will have the option of requesting testing of the split specimen within 72 hours at the County's expense unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result or inability to contact the Medical Review Officer prevented a timely request. If the candidate fails to request testing of the split specimen within 72 hours and the candidate or employee has not presented sufficient documentation to excuse the delay, the County will take appropriate action including but not limited to discipline or discharge; unless restricted by applicable federal, state or local statute or regulation, or other legally-binding agreement, the County will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions of this policy.
6. If the test of the split specimen is also positive, the candidate or employee will have the opportunity to explain the results. The County retains the discretion to determine the appropriate disciplinary action, including discharge, following two positive drug tests; unless restricted by applicable federal, state or local statute or regulation, or other legally-binding agreement, the County will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions of this policy.
7. An employee who has been removed from the work area or barred from working as a result of violating this policy, may be subject to disciplinary action up to and including immediate discharge. If an employee has not been terminated as a result of a violation, he or she may not commence or return to work unless he or she provides sufficient documentation that he or she has tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; has received an evaluation from a Substance Abuse Professional, has successfully complied with the recommendations of the Substance Abuse Professional, and testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal or state regulation.
8. The County will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.

- B. Consent: The employee may be required to sign a consent form authorizing the medical clinic or other location as designated by the County to perform the aforementioned tests and release the results of the testing to the County.
- C. Chain of Custody Procedures: At the time specimens are taken, standard 'chain of custody' or 'chain of possession' procedures will be followed and the employee shall be given a copy of these specimen collection procedures.
- D. Confidentiality and Privacy: The employee's right to privacy will be respected, and the results of any testing shall be kept strictly confidential by County to the extent required and permitted by law. However, the County may use the results to decide upon an action to be taken towards an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.
- E. Treatment: An employee who voluntarily informs the County he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a leave of absence, in accordance with the County's Family Medical Leave Act policy. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. An employee with an alcohol abuse problem may also qualify for an accommodation under the Americans with Disabilities Act, if appropriate. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.

**ADDITIONAL POLICIES:**

- A. Searches: Upon request by manager due to reasonable suspicion, County Sheriff or a sworn deputy may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, County property or property of other employees. Items discovered through such searches may be turned over to law enforcement authorities.
- B. Employees must notify the County within 5 days of any criminal drug statute conviction.
- C. The County, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.

**2.11 Smoking and the Use of Electronic Cigarettes**

The County prohibits smoking and the use of electronic cigarettes in the workplace and at any work site, while driving any vehicle owned or leased by the County. Smoking and the use of electronic cigarettes is also prohibited within 15 feet of the

entrance or exit, any window that opens or ventilation intake of any building owned or operated by the County.

## **2.12 Safe Driving**

Safe driving of County vehicles or your own vehicle while conducting County business is required at all times.

Union County prohibits the following acts while driving County vehicles or while driving another vehicle while performing your job duties:

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

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

## **2.13 Technology Resources Policy**

The County of Union may provide employees with access to technology resources to assist in the performance of their work (including, but not limited to, telephones, cell phones, voice mail, text messaging, email, software, laptop computers, tablets, desktop computers, hard drives, servers, internet and intranet access). The County reserves the right to monitor employee usage of technology resources. The technology resources are the sole property of the County. The technology resources are in place for business related to the County. Employees may use the technology resources for limited personal purposes as long as that use does not interfere with the employee's work, violate County policies, or jeopardize the integrity of the County's technology resources. The technology resources may not be used for any purpose which would violate the County's policies or state or federal law. If an employee is found to be abusing the technology resources, the employee is subject to disciplinary action up to and including termination. The County also reserves the right to limit or eliminate an employee's use of or access to its technology resources.

Nothing stored on the County's technology resources is or can become the private property of any employee.

**THERE CAN BE NO EXPECTATION OF PRIVACY OR ASSURANCE OF CONFIDENTIALITY WITH RESPECT TO ANY DATA OR INFORMATION STORED ON COUNTY TECHNOLOGY RESOURCES, NOR CAN THERE BE ANY EXPECTATION OF PRIVACY OR ASSURANCE OF CONFIDENTIALITY WITH RESPECT TO AN EMPLOYEE'S USE OR PATTERN OF USE OF COUNTY TECHNOLOGY RESOURCES.**

The County reserves the right to search, monitor, and inspect all data and information stored on County technology resources. The County reserves the right to monitor employee use of County technology resources as well as employee usage patterns. No employee should have any expectation of privacy as to any use of County technology resources regardless of whether the employee accesses the County's technology resources through a password.

The technology resources must never be used in violation of our policy against discrimination and harassment. The creation, display or access of any kind of sexually explicit image or record on any of County technology resources violates both this policy and the County's policy against discrimination, harassment and sexual misconduct. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our technology resources. The County may use software and data to identify inappropriate or sexually-explicit internet sites. The County may block access from within our networks to all such sites. If you find yourself inadvertently connected to a site that contains sexually explicit or offensive material, you must immediately disconnect from that site, regardless of whether that site has been previously deemed acceptable by any monitoring, screening or rating program.

County technology resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, province or local jurisdiction. Use of any County technology resources for illegal activity is grounds for disciplinary action, up to and including, immediate dismissal, and the County will cooperate with any legitimate law enforcement agency in the investigation of such activity.

Any software or files downloaded via the internet into the County technology resources become the property of the County. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.

No employee may use County technology resources to knowingly download or distribute pirated software or data. No employee may use the County's technology

resources to deliberately propagate any malware, virus, worm, "Trojan horse," or trap-door program code. No employee may use the County technology resources knowingly to disable or overload any computer system or network or to circumvent any system intended to protect the privacy or security of the County or another user.

Each employee using the technology resources of the County shall identify himself or herself honestly, accurately and completely, including the County affiliation and function, when participating in County related chat groups, newsgroups, message boards, or discussion lists, or when setting up accounts on outside computer systems on behalf of the County. Employees may not represent their statements as official County policy or practice without proper authorization. Participating in non-County-related chat groups, newsgroups, message boards or discussion lists by use of the County technology resources is prohibited.

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

Use of the County technology resources to commit infractions such as misuse of County assets or resources, harassment or discrimination, unauthorized public speaking, misappropriation or theft of intellectual property is prohibited and will subject an employee to discipline, up to and including termination.

It is a violation of the County policy to store, view, and print or redistribute any document or graphic file which would constitute a violation of County policy against discrimination and harassment.

Employees may from time to time use County technology resources for non-business research outside of work hours provided they request permission from their supervisor before engaging in such use, and provided all other usage policies are observed.

The County will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives relating to an employee's use of County technology resources.

Employees must take care to understand federal and state copyright, trademark, libel, slander and public speech laws so use of County technology resources does not violate the law.

Employees may download only software with direct business use, and must confer with County IT to ensure software is safe to download, properly licensed, and registered. Downloaded software must be used only under the terms of its license.

Employees may not use the County technology resources to download entertainment software or games, or to play games over the internet, including games against opponents.

Employees may not use County technology resources to download images or videos unless there is a legitimate business-related use for the material.

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

No employee may create or implement any password other than the password issued by the County for access to County technology resources without permission of the employee's department head.

The County may use firewalls, proxies, address screening programs and other security systems to assure the safety and security of the County technology resources. Any employee who attempts to disable, defeat or circumvent any security facility will be subject to discipline, up to and including immediate termination.

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

**EMPLOYEES WHO MISUSE TECHNOLOGY RESOURCES MAY BE SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION. REMEMBER YOU HAVE NO EXPECTATION OF PRIVACY WHEN USING ANY COUNTY TECHNOLOGY RESOURCES, INCLUDING BUT NOT LIMITED TO, TELEPHONES, CELL PHONES, VOICE MAIL, TEXT MESSAGING, EMAIL, SOFTWARE, LAPTOP COMPUTERS, TABLETS, DESKTOP COMPUTERS, HARD DRIVES, SERVERS, INTERNET AND INTRANET ACCESS.**

## **2.14 Security of Portable Data Storage Devices**

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

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

- Strong passwords are used to secure information on the device;
- No unauthorized persons are allowed to access to the information storage device;
- Usernames or passwords are not shared with any person, with the exception of authorized employees;
  
- Only authorized hardware, software or information security programs are installed on the device with authorization and approval from management;
- Care is taken to ensure the device is properly locked and secured when it is not in the immediate possession of the employee.

In the event a device is lost or stolen, or in the event information security has been breached, employees are to advise the County Administrator immediately.

## **2.15 Cell Phones**

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

- 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;
- At any time when the use of a cell phone might place you or others at risk.

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

## **2.16 Equipment/Supplies**

The County provides equipment and supplies to assist employees in performing their work on behalf of the County. Employees must use all equipment safely, for its intended use and in accordance with manufacturer specifications. Employees are asked to conserve resources and use only those supplies necessary to perform their job.

## **2.17 Social Media Policy and Guidelines**

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

All employees are responsible for knowing and understanding the policy.

### Professional Use of Social Media

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

Once authorized to comment, you must:

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

### Personal Use of Social Media

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

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

- Represent yourself accurately. Unless the County has designated you to speak officially for the County, you should not state you write or speak on behalf of the County or your viewpoints are the same as the County's, and you should make this clear to those reading or listening to your points of view.
- Do not disclose private or confidential information about the County, employees, or about citizens you obtained through your employment with the County. Confidential information is information that is exempt from disclosure under Sections 7 or 7.5 of the Illinois Freedom of Information Act, 5 ILCS 140/7; 5 ILCS 140 7.5, or which is prohibited from being disclosed under state or federal law.
- Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be construed as, vulgar, obscene, threatening, intimidating, harassing, or a violation of County 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 the 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 County owned technology resources should still comply with County technology resource policy. There is no right to privacy on County owned technology resources.
- The County may discipline employees for making a comment or posting any material that might otherwise cause damage to the County's reputation or bring it into disrepute. When the employee's comment is made as a citizen and not as an employee and is made on a matter of public concern, the County may discipline the employee in situations where the interests of the County in promoting efficient operations outweigh 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 County has and always will comply fully with the obligations under the Illinois Public Labor Relations Act. Likewise, nothing in this policy shall be interpreted in a manner that unlawfully restricts an employee's rights under the federal or state constitutions. The County has and always will comply with federal and state law. A violation of this policy may subject an employee to discipline, up to and including termination.

## **2.18 Whistleblower Policy**

### Code of Conduct

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

### Reporting Responsibility

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

### Retaliation Prohibited

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

### Reporting Procedure

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

## **2.19 Accident Reporting Policy**

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

Any employee witnessing or receiving a report of an injury to a visitor shall verbally report the injury to the employee's supervisor immediately. The employee may also be required to complete a written Incident Report. Supervisors are required to submit all required information to the Human Resources Department.

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

## **2.20 Policy against Bullying**

The County of Union prohibits bullying in the workplace and will not tolerate it under any circumstances. This policy against bullying applies to all employees, including but not limited to full-time, part-time, contract, temporary, supervisory, and department heads. It also applies to elected and appointed officials, and non-employees with whom the County has a business, service or professional relationship.

This policy applies during working hours, at work-related functions, at on-site and off-site work locations, and during work-related travel. The County prohibits retaliation against anyone who makes a complaint of bullying or who participates in any way in an investigation of bullying. Retaliation in violation of this policy is considered a separate offense, and complaints of retaliation will be promptly investigated and dealt with under this policy.

The following are examples of conduct that violate this policy against bullying. This list is not exhaustive which means conduct not listed here may also constitute bullying. This list is meant to provide some examples of prohibited conduct, including:

- Addressing an individual in an abusive manner
- Exclusion or social isolation
- Personal attacks
- Spreading rumor and innuendo
- Unreasonable criticism
- Setting unreasonable demands
- Sabotage of another's work product
- Public humiliation
- Unwelcome touching
- Any conduct that a reasonable person would find hostile, offensive and unrelated to the employer's legitimate business interests

The County encourages all employees to promptly report any instance of bullying behavior to either the State's Attorney at (618) 833-7216 or the Human Resources Director at (618) 833-5316. Reports of bullying will be treated seriously and will be investigated in a prompt and impartial manner.

Employees are to refrain from participation in or encouragement of any conduct that could be considered bullying in violation of this policy. Employees are also expected to immediately report any conduct in violation of this policy they witness or experience regardless of the identity of the alleged offender. Employees should encourage anyone who confides he or she has been the victim of conduct in violation of this policy to report it. Employees, if they feel comfortable doing so, are also encouraged to advise an alleged offender the conduct in violation of this policy is unwelcome and must stop.

Supervisors/Elected Officials are expected to monitor the workplace for signs of bullying, and to take immediate action to stop instances of bullying. Supervisors are also expected to immediately report any conduct in violation of this policy or complaint of conduct in violation of this policy to the State's Attorney at (618) 833-7216 or the Human Resources Director at (618) 833-5316. Supervisors are also expected to take appropriate action to limit workplace contact between an alleged victim and an alleged offender when a complaint of bullying has been made, pending investigation.

The County will promptly and thoroughly investigate all complaints of bullying and will take appropriate action against any individual who violates this policy, up to and including termination of employment.

Employees who have questions regarding this policy should direct them to their supervisor or the Human Resources Director.

### **2.21 Political Activity Policy (Please review Ordinance No. 2009-2)**

The County has by Ordinance 2009-2 prohibited employees from engaging in political activity during working time, in any areas where employees are working, or while in a uniform which identifies them as an employee of the County. 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).

The County 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 County prohibits employees from misappropriating any property or resources owned by the County for the purposes of political activity.

The County 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 County 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 County.

Employees should report suspected violations of this policy to the County Administrator or the Human Resources Director. The County will investigate policy violation complaints, and will take appropriate action against employees who violate this policy.

### **2.22 Travel Expense Reimbursement Policy (Ordinance 2017-2)**

For purposes of this policy, these terms are defined as follows:

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

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

The County has by Ordinance 2017-2 limited and regulated the reimbursement of all travel, meal, and lodging expenses of officers and employees to those expenses required for official business of the County, educational conferences approved in advance by the County, and training approved in advance by the County.

The maximum allowable reimbursement for expenses shall be those set by the aforementioned ordinance. Only in case of emergency or other extraordinary circumstances will expenses in excess of the maximum allowable reimbursement be permitted, and only upon approval by the governing board of the County, after a roll call vote at an open meeting.

All documents submitted in accordance with this policy are public records subject to disclosure under the Freedom of Information Act.

No employee or officer will be reimbursed for any entertainment expenses.

### **2.23 Business Expense Reimbursement Policy**

The County shall reimburse an employee for all necessary expenditures or losses incurred by the employee within the employee’s scope of employment and directly related to services performed for the County. “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 County. The County 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 County’s negligence. The employee shall submit any necessary expenditure with appropriate supporting documentation within 30 calendar days after incurring the expense. If supporting documentation is nonexistent, missing, or lost, the employee shall submit a signed statement to the County.

If the employee fails to comply with this policy, the County may reject the request for reimbursement. Only authorized or required expenditures submitted in accordance with this policy will be reimbursed.

The following is a non-exhaustive list of expenses that, depending on an employee’s job duties, may be authorized or required, and if so, would be reimbursed by the County to the employee for the reasonable portion directly related to the services performed for the County:

- Cell phone
- Computer, laptop or tablet
- Talk, text and/or data plan
- Internet access
- Other office supplies
- Rental car, taxi, ride-share, bus, train, plane or other transportation expense
- Tolls
- Hotel
- Mileage
- Meals (alcohol excluded)
- Safety equipment
- Uniforms

Prior to incurring any expenses in the scope of employment, the employee should confer with the supervisor to determine whether the expense is necessary and authorized, and if so, the portion of the expense that is directly related to the services performed for the County and which will be reimbursed to the employee in accordance with this policy.

Employees are not authorized to incur a work-related expense without first conferring with the supervisor for a determination on whether the expense is necessary.

Please also note the provisions of the Travel Expense Reimbursement Policy also apply to expenses relating to work-related travel.

## **2.24 Identity Protection Policy**

It is the policy of Union County to protect social security numbers from unauthorized disclosure in accordance with the Illinois Identity Protection Act, 5 ILCS 179/1 et. seq. All employees of Union County are required to comply with this Identity Protection Policy (“Policy”). For purposes of this policy, only, “employee” shall be defined as any person performing work on behalf of the County including, but not limited to, full-time, part-time, seasonal, temporary or contractual employees, volunteers, interns, and elected or appointed officials.

Any employee of the County who has access to social security numbers in the course of performing their duties will be trained to protect the confidentiality of social security numbers and will be trained on the requirements of this Policy. Training will include instructions on the proper handling of information and documents that contain social security numbers from the time of collection through the destruction of the information or documents.

The County prohibits the following:

1. Publicly posting or publicly displaying in any manner an individual's social security number;
2. Printing an individual's social security number on any card required for the individual to access products or services provided by the County;
3. Requiring an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted;
4. Printing an individual's social security number 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 social security number to be on the document to be mailed.

Notwithstanding any provision in this Policy to the contrary, social security numbers 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 social security number. A social security number that may be permissibly mailed under this Policy may 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.

The County prohibits the following:

1. The collection, use or disclosure of a social security number from an individual, unless (i) required under State or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the social security number is documented before collection of the social security number; and (iii) the social security number collected is relevant to the documented need and purpose;

2. Requiring an individual to use his or her social security number to access an Internet website;
3. Using the social security number for any purpose other than the purpose for which it was collected.

Notwithstanding any provision in this Policy to the contrary, social security numbers may be collected, disclosed or used in the following circumstances:

1. The disclosure of social security numbers 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 individual acting on behalf of Union County first receives from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy of protecting an individual's social security number will be achieved;
2. The disclosure of social security numbers pursuant to a court order, warrant, or subpoena;
3. The collection, use, or disclosure of social security numbers 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; youth in care as defined in Section 4d of the Children and Family Services Act, and all persons working in or visiting a State or local government agency facility;
4. The collection, use, or disclosure of social security numbers for internal verification or administrative purposes;
5. The disclosure of social security numbers by a State agency to any entity for the collection of delinquent child support or of any State debt or to a government agency to assist with an investigation or the prevention of fraud;
6. The collection or use of social security numbers 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 unclaimed property benefit.

Only employees who are required to use or handle information or documents that contain social security numbers are permitted to have access to such information or documents.

When the County must request an individual provide a social security number, it must be provided in a manner that makes the social security number easy to redact if the record is required to be released as part of a response to a public records request.

When collecting a social security number, or upon request by an individual, the County will provide a statement of the purpose or purposes for which collecting and using the social security number be provided.

Any individual responding to a Freedom of Information Act request or other request for records, must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.

This Policy does not apply to the collection, use or disclosure of a social security number as required by State or federal law, rule, or regulation.

This Policy does not apply to documents that are recorded with a county recorder or required to be open to the public under any State or federal law, rule or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois. Notwithstanding this section, county recorders must comply with 5 ILCS 179/35.

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any employee of the County that complies with that federal law shall be deemed to be in compliance with this Policy.

The County prohibits the encoding or embedding of a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this Policy.

This Policy must be provided to elected officials of the County within thirty (30) days of approval and employees will be promptly advised of the existence of this Policy and will be provided a copy of this Policy promptly upon approval.

The County will make a copy of this Policy available to any member of the public, upon request.

If this Policy is amended in the future, a copy will be provided to elected officials of the County, and employees will be promptly advised of the amended Policy and provided with a copy of the Policy.

This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use or disclosure of social security numbers. Anyone violating this policy is subject to disciplinary action, up to and including termination of employment and/or criminal prosecution as provided in 5 ILCS 179/45 or any other applicable law.

### **3.1 Sick Leave**

There are times an employee may need time away from work due to illness, injury, medical appointments or to attend to health needs that cannot be addressed during non-working hours. The County provides paid time off to qualified employees to address these needs.

#### Eligible Employees

Sick leave is available to full time employees. Please refer to your contract, offer agreement, etc. on accrual hours. If you have questions regarding the amount of sick leave to which you are entitled, contact your manager or the Human Resources Director.

#### Notification Requirements

Employees are required to provide notice to their manager of their intent to take sick leave and the reason for the leave. In case of emergency, notice should be provided as soon as possible. Refer to your department manager on notice requirements.

#### Use of Sick Leave to Attend to a Family Member

An employee may use personal sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. The County limits the use of personal sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to an amount that would be accrued during six months at the employee's current rate of entitlement.

### Retaliation Prohibited

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

### Medical Certification

The County may require a signed, written statement from a healthcare provider to verify the reason for the employee's absence.

## **3.2 Vacation**

The County provides paid vacation to full time employees. The number of vacation days available to eligible employees is determined by contract agreement, offer letter, etc. If you have questions regarding vacation time, consult your manager or Human Resources Director. At the time of termination of employment the County will pay employees for accrued but unused vacation days.

## **3.3 Personal Time Off**

The County provides paid personal time off to full time employees. If you have questions regarding personal time off, consult your supervisor or the Human Resources Department.

### Requesting Personal Time Off

To request personal time off, you should provide notice to supervisor. Failure to provide proper notice may result in denial of personal leave requests. The County reserves the right to deny specific requests of certain dates or times requested for personal time off in order to ensure County needs are met.

### Personal Time Not Used

Personal time off not used during the time period provided does not carry forward to the next fiscal year.

## **3.4 Time off to Vote**

Employees are requested to vote before or after work if possible. However, if polls are open only during work hours or you are unable to vote before or after work, registered voters may take time to vote during work so long as the time taken does not exceed two (2) hours. Employees must request time off to vote in advance of the election date, and the County reserves the right to specify the time frame during which the employee may be absent to vote.

### **3.5 Time off to serve as an Election Judge**

An employee who is appointed as an election judge may be absent from work for the purpose of serving as an election judge so long as the employee has provided the County at least twenty (20) days' notice of the need for leave. The employee may take the time off on an unpaid basis or may use accrued paid time off.

### **3.6 Jury and Witness Duty**

All employees are granted time off from work to perform jury duty or if subpoenaed to testify as a witness. Paid time off for jury or witness testimony is available for full time employees.

#### Requesting Leave

To request time off employees must provide a copy of the jury summons or witness subpoena to their manager within 10 days of receipt.

#### Return to Work

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

### **3.7 Military Leave**

The County will comply with all applicable federal, state and local laws providing military leave and benefit protections to eligible employees. Please direct any questions or requests for leave to Human Resources Department.

#### Your Rights Under USERRA

##### A. The Uniformed Services Employment and Reemployment Act

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.

##### C. 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 employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular 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.

#### D. 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.

#### E. 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 don't 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.

#### E. 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.htm>.

- 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.

#### Rights Under Illinois Law

The County of Union complies with the Illinois Service Member Employment and Reemployment Rights Act, 330 ILCS 61. Employees may be eligible under the Act for differential compensation, military leave, concurrent compensation, employer-based health plan benefits, and other protections as enumerated in the Act. The County prohibits discrimination against persons who serve in the uniformed services. Employee eligibility under each of the referenced statutes is governed by all relevant statutory provisions.

### **3.8 Holidays**

Full time employees are provided with paid holidays as designated by the County Board and/or Collective Bargaining Agreements.

County Board Approved Holidays: New Year's Day, Martin Luther King Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve, Christmas Day.

### 3.9 Family Medical Leave and Military 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 to the County's obligations under 29 C.F.R. §825.300.

#### Eligibility

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

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

#### Leave Entitlement

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

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

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

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

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

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

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

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

Spouses who are eligible for FMLA leave and are both employed by Union County 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 servicemember 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 seriously ill family member or seriously ill or injured servicemember, or because the employee is seriously ill and unable to work.

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

#### Serious Health Condition

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

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

#### Leave Availability Calculation

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

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

#### Substitution of Paid Leave

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

All other FMLA leave is unpaid.

#### Medical Insurance Benefits While on FMLA Leave

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

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

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

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

#### Procedure for Requesting FMLA Leave

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

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

Any employee taking leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position must be supported by a certification issued by the health care provider of the employee or the employee's family member. An employee taking leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness must also be supported by a certification except that an employee taking leave to care for a covered servicemember may provide an invitational travel order (ITO) or an invitational travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Copies of the certification forms can be obtained from your Human Resources Department. Employees are required to furnish the completed certification within 15 calendar days of the County's request for certification. In the case of unforeseen leave, certification must be provided as soon as practicable. FMLA leave may be denied in accordance with the FMLA Rules and Regulations if appropriate certification is not provided.

#### Consequences of Taking FMLA Leave

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

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

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

#### Employer Responsibilities

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

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

#### Working Prohibited While on FMLA

An employee out on FMLA leave may not use the time to engage in work elsewhere, whether as an employee, independent contractor, volunteer or otherwise, unless prior written approval from the County 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 County. Performing work elsewhere is contradictory to that premise and will create a presumption the employee fraudulently obtained or continued FMLA leave.

#### Unlawful Acts by Employers

The FMLA makes it unlawful for any employer to:

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

#### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

#### Reference to FMLA Notice Poster

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

### **3.10 Workers' Compensation**

The safety and health of our employees is very important to the County. Despite our best efforts at prevention, accidents in the workplace can sometimes occur. When an employee is injured in his or her scope of employment, the employee may be eligible for workers' compensation benefits.

#### Reporting Injuries

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

#### Retaliation Prohibited

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

### **3.11 Victims' Economic Security and Safety Policy**

#### Discrimination and Harassment Prohibited

The County prohibits discrimination against or harassment of an individual who is or who is perceived to be a victim of domestic, sexual or gender violence or who has a family or household member who is a victim of domestic, sexual or gender violence. The County further prohibits discrimination against or harassment of an individual for attending, participating in, preparing for, or requesting leave to attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic, sexual, or gender violence. The County further prohibits discrimination against or harassment of an individual because the individual has requested an adjustment to job structure, workplace facility, or work requirement in response to an actual or threatened act of domestic, sexual, or gender violence. Any individual who believes this policy has been violated should promptly make a report to the County using the procedures outlined in the Policy against Discrimination, Harassment and Sexual Misconduct. All reports will be promptly investigated.

#### Unpaid Leave for Employees due to Domestic and Sexual Violence

The County will provide up to twelve (12) weeks of unpaid leave from work to an employee who is a victim of domestic, sexual or gender violence (or who has a family or household member who is a victim of domestic, sexual or gender violence) to address domestic, sexual or gender violence if the employee is:

- A. seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic, sexual or gender violence to the employee or the employee's family or household member;
- B. obtaining services from a victim services organization for the employee or the employee's family or household member;
- C. obtaining psychological or other counseling for the employee or the employee's family or household member;
- D. participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic, sexual or gender violence or ensure economic security; or
- E. seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic, sexual or gender violence.

“Family or household member” means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic, sexual or gender violence.

"Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

#### Period of Leave

Employee shall be entitled to a total of twelve (12) work weeks of unpaid leave during any 12-month period. Any leave that qualifies for both FMLA and VESSA will run concurrently as both FMLA and VESSA leave. A VESSA leave, or part

thereof, shall only be in addition to FMLA leave if an employee's VESSA leave does not qualify for FMLA leave. Leave may be taken intermittently or on a reduced work schedule.

#### Existing Leave

The employee may use any available paid or unpaid leave (including family, medical, sick, annual, personal, etc.) from employment, pursuant to federal, State or local law, a collective bargaining agreement, or an employment benefits program or plan, in substitution for any period of such leave for an equivalent period of leave.

#### Employee Notice Requirements

The employee shall provide the County with at least 48 hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable.

When an unscheduled absence occurs, the County will not take any action against the employee if the employee, within a reasonable period after the absence (generally defined herein as 15 days) provides certification as described under the next section.

#### Employee Certification

The County requires the employee to provide certification to the County that:

- A. the employee or the employee's family or household member is a victim of domestic, sexual or gender violence; and
- B. the leave is for one of the purposes enumerated in this policy.

The employee shall provide such certification to the County within a reasonable period after the County requests certification.

An employee may satisfy the above certification requirement by providing to the County a signed and dated statement of the employee, and upon obtaining such documents the employee shall provide:

- A. documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic, sexual or gender violence and the effects of the violence;
- B. a police or court record; or

- C. other corroborating evidence.

#### Confidentiality

All information provided to the County, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be retained in the strictest confidence by the County, 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.

#### Restoration to Position

In general, an employee who takes leave under this policy shall be entitled, on return from such leave:

- A. to be restored by the County to the position of employment held by the employee when the leave commenced; or
- B. to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

#### Loss of Benefits

The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. An employee may elect to substitute available paid leave for any period of leave under this policy. An employee will not be required to substitute available paid leave for the leave provided under this policy.

An employee who takes leave under this policy for the intended purpose of the leave shall be entitled upon return from such leave to be restored to the same position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

However, the employee is not entitled to:

- the accrual of any seniority or employment benefits during any period of leave; or
- any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

#### Reporting to the Employer

The County may require an employee on leave under this policy to report periodically to the County on the status and intention of the employee to return to work.

#### Maintenance of Health Benefits

Except as provided under "Failure to Return From Leave," during any period an employee takes leave under this policy, the County shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

#### Failure to Return from Leave

The County may recover the premium the County paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this policy if:

- A. the employee fails to return from leave under this policy after the period of leave to which the employee is entitled has expired; and
- B. the employee fails to return to work for a reason other than:
  - (i) the continuation, recurrence, or onset of domestic, sexual or gender violence that entitles the employee to leave; or
  - (ii) other circumstances beyond the control of the employee.

The County may require an employee who claims the employee is unable to return to work because of a reason described in Section (B)(i) or (B)(ii) above to provide, within a reasonable period after making the claim, certification to the County the employee is unable to return to work because of that reason.

An employee may satisfy the certification requirement above by providing to the County:

- a sworn statement of the employee;
- documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic, sexual or gender violence and the effects of that violence;
- a police or court record; or
- other corroborating evidence.

The County will not fail to hire, refuse to hire, discharge, constructively discharge, or harass any individual exercising their rights under this policy or otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner for exercising their rights under this policy.

#### Leave Availability Calculation

The County has adopted a “rolling 12 month period” method of calculating available leave. In order to determine the amount of available leave, the calculation is made each time an employee commences leave. From that date, the preceding 12 month period is examined. Any leave used during that preceding 12 months is deducted from the total amount of leave available under this policy. An employee is entitled to take no more than the remaining balance of leave.

#### Reasonable Accommodation

The County shall provide reasonable accommodations to the known limitations of an employee resulting from circumstances relating to being a victim of domestic, sexual or gender violence or a family or household member being a victim of domestic, sexual or gender violence, who is an otherwise qualified individual, unless doing so would impose undue hardship on the County. Reasonable accommodation may include adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic, sexual or gender violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic or sexual violence.

Undue hardship means an action requiring significant difficulty or expense, when considered in light of: (1) the nature and cost of the reasonable accommodation needed; (2) the overall financial resources of the facility, the number of persons employed by the facility, the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility; (3) the overall financial resources of the employer, the overall size of the business of the employer with respect to the number of employees of the employer, and the number, type and location of the facilities of an employer; (4) the type of operation of the employer, including the composition, structure, and functions of the workforce of the employer, the geographic separateness of the facility from the employer, and the administrative or fiscal relationship of the facility to the employer.

Employees who are seeking leave or another reasonable accommodation under this policy should contact the Human Resources Department.

### Reference to Required Posting

The County has posted in each building, a poster setting forth the relevant provisions of the Victims' Economic Security and Safety Act. The terms of the 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 Act.

### **3.12 Bereavement Leave**

Full-time employees may take up to three (3) days of paid bereavement leave for the death of an immediate family member. For purposes of this policy, *immediate family member* is defined as a spouse, parent, child, brother, sister, maternal or paternal grandparent, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, legal guardian and step relations in the same categories as the aforesaid.

Full-time employees may take one (1) day paid bereavement leave for the death of aunt and uncle.

More time may be taken with approval if needed and can be charged to vacation, sick or personal leave.

Eligible employees (as that term is defined in Section 101(2) of the federal Family and Medical Leave Act, 29 U.S.C. 2601 et seq.) are also entitled to take a maximum of 2 weeks (10 working days) of unpaid bereavement leave to: (a) attend the funeral or alternative to a funeral of a child; (b) make arrangements necessitated by the death of a child; or (c) grieve the death of a child. In the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period. For purposes of this policy, "child" is defined as an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

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

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

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

### **3.13 School Visitation Leave Policy**

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

### **3.14 Health Care Benefits**

Health care benefits are available to eligible employees. Employees will be advised at the time of hiring as to available benefits.

### **3.15 Nursing Mother Policy**

The County will provide reasonable paid break time each work day to an employee who needs to express breast milk for her nursing infant child each time the employee has a need to express milk for up to one 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.

#### **4.1 Work Hours**

Your supervisor will advise you of your work schedule upon hiring. Work schedules are subject to change based on County needs.

Requests to alter your work schedule must be made to your manager. The County retains sole discretion to determine work hours and schedules.

#### **4.2 Attendance**

Regular and consistent attendance by all employees is critical to the operation of the County. Attendance during scheduled work hours is an essential aspect of every position at the County. Employees are expected to be present and ready to begin work at their work station 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 lunch periods. An employee who exhibits unsatisfactory attendance or repeated tardiness may be subject to discipline up to and including termination. Employees are expected to call their supervisors at least one (1) hour prior to the start of their shift (or as soon as possible in case of emergency) if they will be absent or late for work, advising the supervisor of the reason for the absence or late arrival, and (in the case of a late arrival) advising when the employee expects to arrive at work. Failure to properly report an absence or late arrival in accordance with this policy may result in disciplinary action up to and including termination.

#### **4.3 Overtime**

For most non-exempt employees, *overtime* is any time worked over 40 hours a work week. 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.

Please contact your manager if you have questions regarding your overtime eligibility. Your manager will try to provide reasonable notice to you if you are needed to work overtime. Advance notice is not always possible, however, based on County needs.

Overtime hours are provided on an as-needed basis by the County and are not guaranteed. An employee may not work overtime unless the overtime has been approved in advance by his or her manager. An employee who works overtime without authorization is subject to disciplinary action up to and including termination.

Exempt employees are not eligible for overtime pay or compensatory time.

#### **4.4 Personnel Files**

Personnel files will be maintained on each employee in accordance with the provisions of the Personnel Record Review Act. Employees may review their personnel files in accordance with the Personnel Record Review Act.

#### **4.5 Dress**

Employees are expected to present themselves professionally. Good hygiene and grooming are expected. Appropriate work attire will be determined by your manager consistent with your job duties.

#### **4.6 Record Retention Policy**

The Illinois Local Records Act prohibits a public entity from destroying public records without first receiving approval from the Local Records Commission. The 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 205/2. A public record may take the form of an electronic record, including but not limited to, emails (and/or attachments thereto), text messages or other electronic data. In order to ensure compliance with the Local Records Act, employees are prohibited from altering, destroying or deleting public records unless and until appropriate approval has been received from the Local Records Commission. Any questions with respect to this policy should be directed to the County Administrator.

#### **4.7 Motor Vehicle Record (MVR) Checks**

##### Introduction

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

### Policy Statements

- All drivers must be authorized to drive for work purposes.
- County vehicles are not to be used for personal or non-work related purposes.
- The County reserves the right to review both the driver's license and MVR of all authorized drivers at any time.
- MVR review will typically be run for authorized drivers a minimum of every 6 months.
- For positions which require driving as an essential function, applicants will receive a conditional offer of employment, contingent upon the results of the MVR review.

### Requirements to Become an Authorized Driver

- Must be a current employee or contracted individual.
- Must complete the Employee Authorization for MVR Review.
- Must present and maintain a favorable MVR (see guidelines below)
- Must provide a current copy of a valid driver's license for the type of vehicle to be driven.

### Driver Responsibilities

- It is the driver's responsibility to operate the vehicle in a safe manner to prevent injuries and property damage.
- Drivers must have a valid driver's license for the type of vehicle to be operated, and must keep the license(s) with them 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.
- Employees must report all accidents, regardless of severity, to the police and to the County Administrator. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, including termination.
- Authorized drivers are prohibited from reading or typing text messages, emails or posts of any type while driving. Phone use is also prohibited, unless a hands free device is used. All phone use is prohibited school zones and construction zones regardless of whether a hands-free device is used. Authorized drivers are prohibited from surfing the internet or reviewing websites or posting on social media or other websites while driving. Authorized drivers are prohibited from taking or posting photos while driving.
- Distracted driving of any type is prohibited.

- It is the responsibility of all authorized drivers to report the loss, bond issuance, suspension and/or revocation of his/her driver's license immediately to the County.
- All traffic violations (including parking tickets), citations and fines incurred when driving for work purposes are the sole responsibility of the authorized driver.
- Driving for work purposes while under the influence of alcohol, other intoxicants, illegal drugs or marijuana is forbidden and is sufficient cause for discipline, including termination.
- Authorized drivers who perform safety sensitive functions must inform the County if taking any medications that may affect their ability to safely operate an automobile.
- Drivers are responsible for the security of vehicles being used by them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended. If the vehicle is left with a parking attendant, only the ignition key is to be left. Vehicles requiring continuous operation should be equipped with an ignition override system or develop a method where the engine can remain running and the vehicle doors locked.

The following is a non-exhaustive list of conduct resulting in traffic convictions that may result in rescinding an offer of employment, terminating driving privileges, or other disciplinary action, up to and including termination.

- Reckless or negligent driving
- Driving while impaired by or under the influence of alcohol, other intoxicants, illegal drugs or marijuana
- Homicide, negligent homicide, or involuntary manslaughter by vehicle
- Fleeing or attempting to elude police officers
- Driving without a license or while license is suspended or revoked
- Hit and run or failure to stop after an accident
- Using a motor vehicle for the commission of a felony
- Operating a motor vehicle without the owner's authority (theft)
- Speeding
- "At fault" accident
- Any moving violation

## **5.1 Work Performance Evaluations**

Completing performance evaluations is a best practice that affords both supervisors and employees time to review job performance, share successes, establish goals, discuss professional development, and open lines of communication. Employees

typically both want and need feedback on their performance in order to feel successful at their job.

### Performance Evaluation Form

Given the variety of tasks performed throughout the City, departments have the freedom to adopt and utilize their own evaluation forms. Appraisal forms should clearly provide performance ratings on categories involving essential job duties and general work ethic such as attendance; customer service; communication; efficiency and accuracy. A standard evaluation form is also available through Human Resources.

### Evaluation Cycle

*Probationary Employees:* the immediate supervisor, after establishing probationary goals & objectives, should provide the probationary employee with a written evaluation two weeks PRIOR to the conclusion of the probationary period and to include a recommendation as to whether the employee should be converted to permanent status

*Permanent Employees:* employees shall be evaluated annually, on or before November 30<sup>th</sup>.

Department heads are in-charge of the overall employee performance evaluation program within their departments. It is the department head's responsibility to ensure all employees are evaluated annually and that performance ratings issued by the immediate supervisor reflect the employee's actual performance.

Department heads may charge immediate supervisors with the task of completing timely performance evaluations on those employees to whom they provide at least 50% oversight and who fall within their supervisory purview in their current job description.

### Evaluating Performance

Performance evaluation results should not be a surprise to the employee as open communication with clear expectation between employees and supervisors should occur throughout the year. The selected performance scores by category should be fair and reflect the year-long effort made by the employee in the area measured by the scoring criteria. Examples should be provided to affirm the ranking selected, and supervisors should outline specific areas where the employee can improve as appropriate. Supervisors may, at their discretion, request employees to complete a self-evaluation and/or develop a series of professional goals.

Employees will have a clearer understanding of expectations if reasonable goals and objectives are agreed upon annually with the immediate supervisor. This step

establishes the framework of future evaluations targeting areas where changes are needed to improve performance.

### Evaluation Meeting

In advance of the evaluation meeting, the supervisor and employee should select a meeting time and place when a relaxing, uninterrupted, private discussion can take place. Employees should feel comfortable providing the supervisor feedback and/or discussing potential inaccuracies in the performance evaluation. Employees should be granted the latitude to provide a timely written response if desired, and such response is to be attached to the evaluation form.

An employee's signature on the evaluation form documents that the evaluation was completed and reviewed with them; it does not necessarily indicate agreement.

If there are items that are left open for whatever reason, the Supervisor should make every effort to follow-up and close the item in a reasonable time period.

### Work Plans

When behavior and/or performance fall below the satisfactory rank, supervisors may implement a specific work plan for the employee. Work plans focus on current behavior, why it's unacceptable, and what the desired result should be within a clearly established timeframe. Work plans should be both objective and measurable. The plan may specify the consequences for not meeting stated objectives within the prescribed timeframe.

Communication between the supervisor and the employee should be more frequent in order to provide direct feedback during the duration of the work plan.

### Filing

Once completed and executed, employee performance evaluations and work plans shall be sent to Human Resources and incorporated in the employee's personnel file.

## **5.2 Discipline and Corrective Action**

The following procedures relating to employee discipline and termination are meant to be a guide only. The County reserves the right to bypass any or all steps in this progressive discipline policy. Unless your employment is governed by a collective bargaining agreement, a duly executed contract stating otherwise, or statutory provisions stating otherwise, employment with the County is at-will and may be terminated at any time with or without cause and with or without notice. Employees who are in violation of the established policies, procedures, or practices of the County are subject to corrective action. However, the County reserves the right to bypass any or all of these corrective action steps and proceed to more severe

discipline or termination. The corrective action process may include any or all of the following:

**Verbal Counseling:** This is typically an informal verbal counseling issued by the employee's supervisor which may be noted in the employee's file.

**Written Warning:** This is the first formal step in the Corrective Action Process. The written warning will normally identify three (3) areas:

- 1) Specific violation of policy, procedure, or practice.
- 2) Corrective action required to resolve the identified breach of policy, procedure or practice.
- 3) The time frame in which the noted violation must be satisfactorily resolved.

The employee will be requested to sign a 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 warning will be maintained in the employee's personnel file. If satisfactory resolution is not noted in the identified time frame, the next step in the Corrective Action Process may be initiated.

**Suspension:** Suspension without pay may be issued for an egregious or persistent violation of policy, procedure, or accepted practice. There may be circumstances where an employee may be suspended even if the employee has not received a prior warning. The length of the suspension will be determined by the severity of the violation.

**Termination:** Termination may also result from an egregious or persistent violation of policy, procedure, or accepted practice. An employee is subject to termination even if the employee has not received a prior warning.

The following is a non-exhaustive list of reasons for which an employee may be disciplined:

1. Abusive or inconsiderate treatment of others, including but not limited to, coworkers, supervisors, volunteers, other staff or members of the public
2. Dishonesty, stealing, or falsification of records
3. Disorderly conduct or fighting
4. Insubordination
5. Endangering your own safety or that of someone else
6. Using or being under the influence of alcohol, other intoxicants, illegal

- drugs, or cannabis while on duty
7. Unauthorized disclosure of confidential information
  8. Repeated absences or tardiness
  9. Violation of established safety policy, procedure, or practice
  10. Willful destruction of property
  11. Sleeping during scheduled work hours
  12. Violation of the policy against discrimination or harassment
  13. Failure to satisfactorily perform job duties
  14. Violation of any other Union County policy.

## Acknowledgment of Receipt and Understanding of County

I have read, reviewed, and understand the policies and procedures stated in the County handbook. I will comply with the policies and procedures contained in this handbook. I understand neither this policy manual nor any of the individual policies or procedures contained in it is a contract for employment and unless my employment is governed by a collective bargaining agreement, a duly authorized contract of employment, or a statute providing otherwise, I am an at-will employee, which means my employment may be terminated by either the County or me at any time with or without cause or notice.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Signed acknowledgement to be submitted to HR to be retained in personnel file*

**Acknowledgment of Receipt and Understanding of Policy against  
Discrimination, Harassment and Sexual Misconduct**

I have read and I understand the Policy against Discrimination, Harassment and Sexual Misconduct. I understand if I ever have any questions or concerns I can speak to my supervisor, the Ethics Officer or the State's. 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 questions about this policy? Yes No Initials: \_\_\_\_\_

Do you know how to file a complaint should you ever have a problem with discrimination, harassment or sexual misconduct or if you see inappropriate behaviors at work? Yes No Initials: \_\_\_\_\_

If you ever have a problem or concern regarding discrimination, harassment or sexual misconduct in the workplace, please list who within our organization you can address your concerns with: 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_ Initials: \_\_\_\_\_

Are you aware of any behaviors going on either in our workplace or outside the workplace that may impact the workplace and are inconsistent with this policy? Yes No Initials: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Print name: \_\_\_\_\_

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

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Print name: \_\_\_\_\_

**Employee Authorization for MVR Review**

I acknowledge the information contained in the County MVR policy has been reviewed with me, and a copy of the policy has been furnished to me. As a driver of a County vehicle or a private vehicle on County business, I understand that it is my responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage.

I also understand that my employer will periodically review my Motor Vehicle Record to determine continued eligibility. In accordance with the law, I have been informed that a MVR will be periodically obtained on me for continued qualification and employment purposes.

I acknowledge the receipt of the above disclosure and authorize my employer or its designated agent to obtain a MVR report. This authorization is valid as long as I am an employee or employee candidate and may only be rescinded in writing.

\_\_\_\_\_  
Employee Name (printed)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**Whistleblower Protections of Section 4.1 of the  
Public Officer Prohibited Activities Act, 5 ILCS 105/4.1  
*Addendum to Employment Manual 2.18 Whistleblower Policy***

**Summary of the Law:**

Section 4.1 of the Public Officer Prohibited Activities Act (“the Act”) prohibits a unit of local government, any agent or representative of a unit of local government, or another employee from retaliating against an employee or contractor who:

- (1) Reports an improper governmental action;
- (2) Cooperates with an investigation by an auditing official related to a report of improper governmental action; or
- (3) Testifies in a proceeding or prosecution arising out of an improper governmental action.

To invoke the protections of Section 4.1 of the Act, an employee must make a written report of improper governmental action to the appropriate “auditing official.”

An employee who believes that he or she has been retaliated against in violation of Section 4.1 of the Act must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action. If the auditing official is the individual accused of improper government action, then the report may be submitted to any State’s Attorney.

Each auditing official is required by Section 4.1 of the Act to establish written processes and procedures for managing complaints filed under Section 4.1 of the Act, and each auditing official is required to investigate and dispose of reports of improper governmental action in accordance with the processes and procedures. If an auditing official concludes that an improper governmental action has taken place or concludes that the relevant unit of local government, department, agency, or supervisory officials have hindered the auditing official's investigation into the report, the auditing official shall notify in writing the chief executive of the unit of local government and any other individual or entity the auditing official deems necessary in the circumstances.

An auditing official may transfer a report of improper governmental action to another auditing official for investigation if an auditing official deems it appropriate, including, but not limited to, the appropriate State's Attorney.

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. Auditing officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.

Pursuant to Section 4.1 of the Act, the following remedies are available to employees subjected to adverse actions for reporting improper government action:

- (1) Auditing officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.
- (2) In instances where an auditing official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.

A person who engages in prohibited retaliatory action under Section 4.1 of the Act is subject to the following penalties: A fine of no less than \$500 and no more than \$5,000; Suspension without pay; Demotion; Discharge; Civil or criminal prosecution; Or any combination of these penalties, as appropriate.

Every employee shall receive a written summary or a complete copy of Section 4.1 of the Act upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable auditing official.

As used in Section 4.1 of the Act, "auditing official" means any elected, appointed or hired individual, by whatever name, in a unit of local government whose duties are similar to, but not limited to, receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the unit of local government; investigating the performance of officers, employees, functions, and programs, and promoting economy, efficiency, effectiveness, and integrity in the administration of the programs and operations of the municipality. If a unit of local government does not have an auditing official, the auditing official shall be the State's Attorney of the county in which the unit of local government sits.

As used in Section 4.1 of the Act, "employee" means anyone employed by a unit of local government, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers, members of appointed boards or commissions, whether or not paid, and persons who have been terminated because of any report or complaint submitted under Section 4.1 of the Act.

"Improper Governmental Action," as used in Section 4.1 of the Act, means 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 unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds.

The action need not be within the scope of the official duties of an employee, elected official, board member, commission member, or committee member to be subject to a claim of "improper governmental action." "Improper governmental action" does not include a personnel action of a unit of local government regarding, 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.

"Retaliate," "retaliation," or "retaliatory action," as used in Section 4.1 of the Act means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under Section 4.1 of the Act. "Retaliatory action" includes, but is not limited to, 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 an employee's protected activity under Section 4.1 of the Act.

### **Policy and Procedure of the County of Union Pursuant to Section 4.1 of the Act**

#### **Retaliation Prohibited:**

In accordance with Section 4.1 of the Public Officer Prohibited Activity Act, the County of Union prohibits retaliation against any employee or contractor who:

- (a) Reports an improper governmental action;
- (b) Cooperates with an investigation by an auditing official related to a report of improper governmental action; or
- (c) Testifies in a proceeding or prosecution arising out of an improper governmental action.

For purposes of this policy, "Improper Governmental Action," means 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 unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the official duties of an employee, elected official, board member, commission member, or committee member to be subject to a claim of "improper governmental action." "Improper governmental action" does not include a personnel action of a unit of local government regarding, 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.

**Auditing Official:**

The County of Union has appointed Angie Johnson, County Administrator, as its Auditing Official who can be reached at (618) 833-8276, [ajohnson@unioncountyil.gov](mailto:ajohnson@unioncountyil.gov), 309 W. Market Street, Room 110, Jonesboro, IL 62952.

**Reporting Responsibility:**

Employees are encouraged and expected to report in writing to the Auditing Official any suspected improper governmental action as well any retaliatory action in violation of Section 4.1 of the Act and this policy. Complaints of retaliation must be submitted within 60 days of gaining knowledge of the alleged retaliatory action.

**Confidentiality:**

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.

**Process and Procedure for Reporting and Investigating Complaints:**

All complaints pursuant to this policy will be investigated and resolved in a timely manner by the Auditing Official, his or her designee, or State's Attorney of Union County. Where a complaint alleges improper governmental action or retaliatory action on the part of the Auditing Official, the complaining individual should submit the complaint to the State's Attorney of Union County. Employees may use the form attached to this policy when making a report.

The Auditing Official, designee, or State's Attorney of Union County will acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

The process and procedure for reviewing and resolving complaints will typically involve the following steps, although the Auditing Official, designee, or State's

Attorney may, in his or her discretion, modify the process and procedure as deemed necessary to conduct an appropriate investigation:

1. A meeting will typically be held between the individual making the complaint and Auditing Official, designee, or State's Attorney to investigate the complaint. Important data to be provided by the complaining individual includes the following:

- a. A description of the specific improper governmental action or retaliatory action;
- b. Identification of all person(s) who engaged in the conduct;
- c. The location where the conduct occurred;
- d. The time when the conduct occurred;
- e. Whether there were any witnesses to the conduct;
- f. Whether conduct of a similar nature has occurred on prior occasions;
- g. Whether there are any records which would support the complaining individual's allegations;
- h. What impact the conduct has had on the complaining individual.

2. The alleged offending individual will be contacted by the Auditing Official, designee, or the State's Attorney. The alleged offending individual will be advised of the charges brought against him or her. The alleged offending individual will have an opportunity to fully explain his or her position, and may also submit a written statement, and any supporting records, if desired.

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

4. Any relevant records will be reviewed, and any other investigation deemed necessary will be conducted.

5. Once this investigation is completed, the Auditing Official, designee, or the State's Attorney will take such action as is appropriate based upon the information obtained in the investigation.

6. The following remedies are available to employees subjected to adverse actions for reporting improper government action:

- (a) The Auditing Official may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.
- (b) In instances where the Auditing Official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.

7. A person who engages in prohibited retaliatory action under Section 4.1 of the Act is subject to the following penalties: A fine of no less than \$500 and no more than \$5,000; Suspension without pay; Demotion; Discharge; Civil or criminal prosecution; Or any combination of these penalties, as appropriate.

### **Additional Policies**

#### **Policy:**

In addition to the policies set forth above, the County of Union requires employees to observe the highest standards of business and personal ethics when acting on behalf of Union County. Employees are required to comply with all applicable federal, state, and local laws, rules and regulations in performing their duties. In addition, employees are expected to avoid engaging in conduct that would constitute a conflict of interest.

The County of Union prohibits retaliation against any employee who reports a suspected ethics violation, conflict of interest, or unlawful conduct. The County of Union prohibits retaliation against any employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding. The County of Union also prohibits retaliation against an employee for disclosing information to a government or law enforcement agency regarding an ethics violation, conflict of interest, or violation of federal, state, or local law, rule or regulation. The County of Union prohibits retaliation against an employee for refusing to participate in an activity that would result in an ethics violation, conflict of interest, or violation of federal, state, or local law, rule or regulation. The County of Union prohibits both actual retaliation and threats of retaliation for any conduct protected by this policy. Any employee who violates this policy is subject to disciplinary action, including, but not limited to, termination of employment.

**Procedure:**

Any employee who wishes to report a suspected ethics violation, conflict of interest, unlawful conduct, actual or threatened retaliation, or other conduct in violation of this policy should contact the Auditing Official or State's Attorney of Union County using the procedure set forth above. Employees may use the form attached to this policy when making a report.

All reports will be promptly investigated using the procedure set forth above.

**Violations:**

Violations may be prosecuted under the law of the State of Illinois. In addition, employees found to be in violation of this policy are subject to disciplinary action, including, but not limited to termination of employment.

Employees with questions regarding these policies should address them to the Auditing Official or the State's Attorney of Union County.

**Complaint of Improper Governmental Action and/or Retaliation**

Employee name: \_\_\_\_\_

Position held: \_\_\_\_\_

Employee address: \_\_\_\_\_

Employee phone number: \_\_\_\_\_

Employee email address: \_\_\_\_\_

Date: \_\_\_\_\_

Nature of Complaint (check all that apply):

\_\_\_\_ violation of federal, state, or local law, rule or regulation

If you checked the box above, identify the specific law, rule, or regulation

you believe was violated \_\_\_\_\_

\_\_\_\_ abuse of authority

\_\_\_\_ violation of public trust or expectation

\_\_\_\_ substantial and specific danger to public health or safety

\_\_\_\_ gross waste of public funds

\_\_\_\_ conflict of interest

\_\_\_\_ unethical conduct

\_\_\_\_ retaliation

Provide the name, title and contact information for any person who engaged in the conduct about which you are complaining.

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Provide the name, title, and contact information for any person(s) who witnessed or may have knowledge of the conduct about which you are complaining:

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Location(s) where the conduct occurred:

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Date(s) of the conduct: \_\_\_\_\_

In the space provided below, provide a summary of the conduct about which you are complaining. If more space is needed, please attach a separate sheet.

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Has conduct of a similar nature occurred on prior occasions? \_\_\_\_\_

If you answered "yes" to the previous question, provide a summary including the nature of the prior conduct, date(s) of prior conduct, witness(es) to prior conduct, and location of prior conduct. If more space is needed, please attach a separate sheet:

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Do you have any records that support the allegations of your complaint? \_\_\_\_\_

If you answered "yes" to the previous question, please attach the records to this form.

Describe the effect that the complained of conduct has had on you:

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\_\_\_\_\_  
Signature of Complaining Employee