MEETING AGENDA

1. Call to Order
2. Roll Call: Lynn Cullick (Chair), Bob Davidson, Judy Gilmour (Vice Chair), Matthew Prochaska, John Purcell
3. Approval of Agenda
4. Approval of Minutes from November 22, 2016 Meeting
5. CBIZ Update
6. Department Head and Elected Official Reports
7. Public Comment
8. Committee Business
   ➢ Department Heads Review
   ➢ County Administrator Review
   ➢ Board Member Training
   ➢ Determine 2017 Regular Meeting Schedule
   ➢ Employee Handbook Updates
9. Action Items for County Board
10. Public Comment
11. Executive Session
12. Adjournment
COUNTY OF KENDALL, ILLINOIS
ADMINISTRATION HUMAN RESOURCES COMMITTEE
Meeting Minutes
Tuesday, November 22, 2016

CALL TO ORDER
The meeting was called to order by Admin HR Committee Chair Lynn Cullick at 5:44 p.m.

ROLL CALL
Committee Members Present: John Purcell - yes, Judy Gilmour – here, Lynn Cullick – here

Committee Members Absent: Dan Koukol

John Shaw entered the meeting at 5:45 p.m. and left the meeting at 6:20 p.m.

Others present: Scott Koeppel, Jeff Wilkins

APPROVAL OF AGENDA: Member Gilmour made a motion to approve the agenda, second by Member Purcell. With three members in agreement, the motion carried.

APPROVAL OF MINUTES: Member Gilmour made a motion to approve the October 24, 2016 meeting minutes, second by Member Purcell. With three members in agreement, the motion carried.

PUBLIC COMMENT – None

DEPARTMENT HEADS AND ELECTED OFFICIALS REPORTS

Technology – Scott Koeppel updated the committee on current projects, and the end of year computer purchase of the Surface computers and the new desk top computers for those that are in need of being replaced/updated.

COMMITTEE BUSINESS

- Approve Systems Administrator Job Description – Scott Koeppel stated that this job description would be filled by a current employee, and has been reviewed by the State’s Attorney’s Office.

- Approve Computer Support Specialist Job Description – This would be for a new employee to assume the responsibility of the position.

Member Gilmour made a motion to forward the Systems Administrator and Computer Support Specialist job descriptions to the County Board for approval, second by Member Purcell. With four members voting ave, the motion carried.
• *Employee Handbook Updates* – Item tabled to a future meeting

• *Discuss New Board Member Training* – Member Cullick stated that the new Board Member Training will be held on December 15, 2016 at the Committee of the Whole meeting. Other topics that will be included are the Open Meetings Act, Technology, Board Rules of Order, Ethics Ordinance, Elected Officials and Appointed Department Heads, Timesheets, Pay Vouchers, attendance forms, as well as other various topics.

• *Update Wellness and Healthcare Program* – Jeff Wilkins reported that the Wellness Program and the Alternate Contribution Structure will not be implemented until 2018.

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

**ITEMS FOR COUNTY BOARD**

• *Approve Systems Administrator Job Description and Computer Support Specialist Job Description*

**EXECUTIVE SESSION – Not needed**

**ADJOURNMENT** – Member Gilmour moved to adjourn the meeting at 7:43p.m., Member Purcell seconded the motion. *The motion was unanimously approved by a voice vote.*

Respectfully Submitted,

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

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

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

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

When an employee is injured in the course of employment, the employee may be eligible for workers' compensation benefits.

Respective Injuries

An employee is required to report any and all injuries that occur or may have occurred while performing his or her job. If an employee is aware of the injury to him or her himself or to the Human Resources Coordinator.

Refrain from Retaliation

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

Section 5.3 EDUCATIONAL REIMBURSEMENT:

Qualified employees of the County and/or its elected officials may be eligible to apply for and receive up to a maximum of fifty percent (50%) reimbursement for qualified educational expenses. For purposes of this policy, "qualified educational expenses" include only the cost of the employee's tuition and required books for up to one (1) educational or training course per semester or quarter toward the employee's undergraduate or graduate degree. The course work must be directly related to the employee's job functions or proposed job functions.

To be eligible for educational reimbursement pursuant to this policy, the employee must be a full-time, active employee of the County and/or a County elected official who has completed at least one (1) year of continuous service immediately prior to the start of the course for which the employee is seeking reimbursement. For purposes of this policy, "full-time active employee" means an employee who is regularly scheduled to work a minimum of 37.5 or more hours per week and who is not on a leave of absence at the time of taking the course.

An employee's eligibility shall cease upon notice of termination of employment. No educational reimbursements will be made to former employees, to employees who have given notice of resignation, or who have been notified that they will be involuntarily terminated. This includes situations in which approval of such reimbursement was previously provided and/or the course was satisfactorily completed prior to the date of termination of employment.

An employee shall not be eligible to receive educational reimbursement from the County if the employee receives educational reimbursement from a third party (e.g., veterans' tuition
this in writing from their immediate supervisor who will then submit this request to the department head/elected official/County committee chairperson. That individual will certify the number of days which they are entitled to trade and submit this information in writing to the County Treasurer’s office. If sick/personal days are taken after the trade and prior to the first day of the next fiscal year, they will be deducted from the next fiscal year’s twelve days for sick/personal. Employees are not eligible to receive the sick/personal day payment before their six (6) month probationary period has been successfully completed.

D. Banked sick leave may only be used for an employee’s illness. Sick leave is a privilege, not a right, extended to regularly scheduled employees and qualified part-time employees. Sick leave shall be allowed only when the employee is actually sick or disabled, or when there is an illness in the employee’s family (i.e., spouse, child (birth, adopted step) or parent). A maximum of twelve (12) sick days may be used when there is an illness in the employee’s family per year. Banked sick leave may only be used after all sick/personal days granted in the active fiscal year have been exhausted. (Revision date: 9/17/02)

E. Approval of Sick/Personal Days

1. Use of sick/personal is subject to approval by the employee’s supervisor. When an employee is incapacitated it is his/her responsibility to notify the supervisor at the earliest possible moment. Such notification should include the employee’s best estimate of the duration of the absence, if possible.

2. Requests for sick day use for medical, optical and dental examinations or treatments must be made prior to the beginning of the absence and should be made so as to create minimal disruption of work schedules.

3. All absences charged to sick/personal days must be reported by the employee’s certification on the County Leave Request Form. Sick leave requests should be submitted weekly in cases where an employee is absent for an extended period of time. Disapproved sick/personal day requests will be returned to the employee with full explanation for denial.

4. When a supervisor has reason to believe that the sick day privilege is being abused, proof may be required of individual employees for every absence, regardless of the period of time. Prior to use of this control, the employee in question must be counseled and notified of the constraint being placed upon the use of sick days. For periods of absence of more than three consecutive work days, the employee may be required to provide a physician’s statement.

Section 6.3

**BEREAVEMENT LEAVE:** Up to three (3) paid days per occurrence may be allowed for a death in the immediate family. Immediate family is defined for the purposes of this section to be spouse, mother, father, child, brother, sister, grandmother, grandfather, spouse’s relatives of the same degree of blood relationship and any blood relative who resides in the employee’s home. These paid days are considered as bereavement days and not sick/personal days. If any additional time is needed, the time off may be taken from paid vacation/sick/personal days with approval of the department head. This is applicable only to full-time employees.

Full-time employees may take 2 days of paid bereavement leave for the death of an immediate family member. For purposes of this policy, immediate family member is defined as a spouse, parent, child, brother, sister, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, step-parent, step-parent-in-law or legal guardian.
Eligible employees (as that term is defined in Section 1912) 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 cumulative days) of unpaid bereavement leave to: (a) attend the funeral or alternative to a funeral of a relative who made arrangements necessary for the death of a child; or (b) attend the funeral of a child. An employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period.

Bereavement leave under this policy must be completed within 90 days after the date on which the employee receives notice of the death of the child. An employee is required to provide leave with at least 48 hours advance notice of the employee's intention to take bereavement leave. Leave exceeding such notice is not reasonable and practicable. Employees may request reasonable documentation, including a death certificate, a published obituary, or written verification of death, burial, or memorial services from a religious, funeral home, burial mutual, temple, burial society, religious institution or government agency.

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

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

Section 6.4 HOLIDAYS: Annually, the County Board specifies the paid holidays for court-related and the Chief Judge specifies the paid holidays for court-related offices for the coming year.

Regular part-time employees shall receive pay proportionate to the average number of hours normally worked (i.e., normally work four (4) hours a day - shall receive four (4) hours pay).

If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on the holiday.

Regular part-time employees working a minimum of twenty (20) hours per week shall be entitled to holiday pay if the holiday falls on the employee's regularly scheduled work day.

Section 6.6 JURY DUTY: Court leave shall be granted to employees who are called to jury duty or are required to be absent from work because of subpoena from any legislative, judicial, or administrative tribunal. Time away from work with pay and regular benefits shall be granted for such purposes. Per Diem court reimbursement must be written over to the County so jury duty pay will be written over to the County for the portion of the day normally worked by a part-time employee. Mileage will not be paid for those employees working at the Government Center unless called by a court outside Kendall County. Employees are expected to return to work whenever possible during jury time and carry out as many of their job responsibilities as time permits during regularly scheduled working hours.

Section 6.6 TIME OFF TO VOTE: Employees are requested to vote before or after work if possible. However, if work can span only during work hours or you are unable to vote before or after work, vote the time to vote during work so long as the time taken does not exceed two hours. Employees must request time off to vote in advance of the election date, and Kendall County reserves the right to modify the time frames during which an employee may be absent to vote.
Section 6.6  FAMILY MEDICAL LEAVE (FMLA) POLICY: The Family and Medical Leave Act (FMLA, 1993) mandates a maximum of twelve (12) weeks of unpaid leave to eligible employees under certain circumstances.

A. FMLA EFFECTIVE CONDITIONS

1. The birth of a child by birth, adoption or foster care placement for the purpose of bonding, if the biological, adoptive, or foster parent(s) are the child's parents, or if the parents are both employees, the total combined leave is twelve (12) weeks, not twenty-four (24) weeks. This right to a "bonding" leave expires twelve (12) months from birth or placement for adoption or foster care.

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

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

B. ELIGIBILITY

To qualify for FMLA leave, an employee must have accumulated twelve (12) months of employment by the date the requested leave is in effect and must have worked one thousand five hundred and fifty (1,550) hours during the prior twelve (12) months. If an employee meets these qualifications, an employee will receive 12 weeks of leave in the 12-month period measured forward from the date an employee's first FMLA leave begins.

C. NOTIFICATION REQUIREMENTS

1. The request for FMLA leave should be submitted in writing to the department head of the department in which the employee works. If a department head is requesting FMLA leave, then the appropriate committee chairman shall be the deciding authority.

2. When requesting leave for the birth, adoption, or foster care placement of a child, an employee must give thirty (30) days notice or, if not possible due to unforeseen circumstances, the maximum notice practicable. An employee will be required to take all twelve (12) weeks consecutively.
3. For care of a seriously ill child, spouse or parent, or for an employee's own serious health condition, the employee must give thirty (30) days notice, or if not possible due to unforeseen circumstances, as much notice as is practicable. In any event, the employee must provide medical certification of the need for the employee to provide care or of the employee's disability within fifteen (15) days of the commencement of the leave.

If the employee requests and the request is medically certified as necessary, the County will arrange an intermittent or reduced leave schedule for taking the twelve (12) weeks leave (480 hours for administrative personnel, 480 hours for sworn police and other non-administrative personnel). An intermittent or reduced leave for regular part-time employees will translate to the number of hours in their regular work-week times twelve (12) hours. The alternative schedule must be the least disruptive to County operations and may include transfer to another position that has equivalent pay and benefits.

D. PAID TIME SUBSTITUTIONS FOR UNPAID FMLA

1. For a personal non-job related illness or accident, the employee is required to use all paid sick leave, personal days and vacation days toward the FMLA leave, unless otherwise receiving compensation through the County’s disability benefits. If the employee applies for and is granted disability benefits under the provisions of the Illinois Municipal Retirement Fund (IMRF) or Sheriff’s Law Enforcement Police (SLEP), the requirement to utilize paid leave as stated above is not in effect during the time of disability.

2. For the adoption or foster care placement of a child, the employee is required to use all vacation days toward the FMLA leave.

3. For care of a spouse, child or parent with a serious health condition, the employee is required to use all vacation days toward the FMLA leave.

4. For an employee’s job related illness or accident, paid benefits during this time will be according to Workers Compensation requirements; however, leave time shall be designated as an FMLA leave including any time off for required therapy or doctor visits.

E. HEALTH CARE AND OTHER BENEFITS

1. An employee granted FMLA leave under this policy will continue to be covered under the County’s group health insurance plan under the same conditions that the employee would have been provided if the employee had been continuously employed during the leave period.

Employee contributions will be required either through payroll deduction or by direct payment to the County.

a. If paid leave is substituted for unpaid FMLA leave, the County will deduct the employee’s portion of the health plan premium as a regular payroll deduction.

b. If FMLA leave is unpaid, the employee will be required to pay his or her share of health insurance premiums on the same time schedule as he or she would under COBRA. Employee contribution amounts are subject to any change-in-rate that occurs while the employee is on leave. If an employee’s contribution is more than 30 days late and 12 weeks of FMLA leave have been utilized, the County will terminate the employee’s insurance coverage. The employee will be notified at least 15 days before the coverage lapses.

2. Pursuant to this policy, the County has the right to seek reimbursement from the employee for costs incurred for health insurance premiums on behalf of the employee during the leave of absence. Prior to leave and again upon returning to work, the payroll office will provide Salary Withholding Authorization forms to be completed by the employee.
9. Other elective payroll deductions including but not limited to FLAC, pre-paid legal services, and I Bonds, are the responsibility of the employee. Costs advanced by the County are subject to the same Salary Withholding Authorization as health-insurance benefits.

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

4. If hired on an FMLA-designated leave, the employee is required to serve on a jury or in the military as make-up pay will be granted, not paid federal leave (emergency leave) benefits be paid.

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

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

F. RETURNING TO WORK

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

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

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

4. If the employee fails to return to work upon expiration of the designated FMLA leave, the employee may lose the right to restoration to the job. If the employee is not returning from the FMLA leave for reasons within the employee's control, the County will remove the employee and the County is not of health care-premium costs, paid on the employee's behalf during the FMLA leave.

G. DEFINITIONS

1. Child. A child is a biological, adopted or foster child, step child, legal ward or a child for whom an employee has a duty to support the child, i.e., in law parents.

35
Additionally, a child, as above defined, includes one or two (18) and in either a mentally or physically impaired, that he or she requires active assistance with activities of daily living due to substantially limited major life activities.

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

3. SPOUSE. The legal spouse.

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

5. CONTINUING TREATMENT.

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

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

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

6. INTERRELATION OF LEAVES. Any leave taken pursuant to this policy, either Family leave, a collective bargaining agreement, or law which qualifies as leave under the FMLA or any applicable state, family, or medical leave act, will be counted against the employee's available-leave under the applicable law. For purposes of collective bargaining, and/or law, as well as the applicable law under the FMLA, or applicable state law, to the extent permitted by such applicable law.

ELIGIBILITY

To be eligible for FMLA benefits, an employee must:

1. have worked for Kendall County for a total of 12 months; and
2. have worked at least 1,200 hours over the previous 12 months;
3. work at a site with 50 or more employees within a 75 mile radius.

LEAVE ENTITLEMENT

36
A covered employee is entitled to up to a total of 12 weeks 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 childbirth.

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

Employees 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 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, children 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 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 Reserve, who is undergoing medical treatment, recuperation, or therapy; is otherwise in a disablity related to active duty; or, is undergoing medical treatment, recuperation, or therapy for a serious illness or injury. A covered servicemember also includes a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury. An eligible employee is entitled to a combined total of 26 weeks of leave for any FMLA-qualifying reason during the single 12-month period, but is entitled to no more than 12 weeks of leave for:

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

A husband and wife who are eligible for FMLA leave and are both employed by Kendall County are entitled to a combined total of 26 workweeks of leave during the single 12-month period.
period if the leave is taken for the birth of the employee’s son or daughter or to care for the child’s illness, or in the placement of a son or daughter with the employee’s adoption or foster care, or to care for the child after placement, is not for the employee’s parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness.

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

- If FMLA leave is for birth and care, or placement for adoption or foster care of a son or daughter, use of intermittent leave is subject to the employee’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 the child’s or other daily activities.

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

LEAVE AVAILABILITY CALCULATION

The Kendall County has adopted the “rolling 12 month period” method of calculation available FMLA leave for all leaves of issues 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 entire 12-month period begins on the first day the eligible employee takes FMLA leave.

SUBSTITUTION OF PAID LEAVE

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

MEDICAL INSURANCE BENEFITS WHILE ON FMLA LEAVE

During FMLA leave, the Kendall County will maintain the employee’s health coverage under any group health plan, under the same terms as if the employee had continued to work. If the employee was required to pay a portion of the premiums for coverage, that obligation continues while on leave. Premiums are not expected to be made in the same amount, and at the same time (i.e., each payroll date) as were made while working. If any payment is more than 30 days late, medical coverage may be canceled pursuant to the FMLA Rules and Regulations.

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

If the coverage is continued while on FMLA leave, and the employee does not return to work at the end of the FMLA leave period, the Kendall County will bill the employee for the amount of premiums paid for the amount of time the employee was covered for the leave period. If the employee does not return to work due to a reason unrelated to the reason for which the employee was covered, the employee will be billed for the amount of premiums paid for the leave period.

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

PROCEDURE FOR REQUESTING FMLA LEAVE

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

Employees must provide sufficient information for an employee to determine if the leave may qualify for FMLA protection and the anticipated start 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 medical care or continuous treatment by a health care provider, or circumstances preventing the need for military family leave. Employees must also inform Kendall County if the requested leave is for a reason for which FMLA leave was previously taken or denied. 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 on the form attached to this policy. An employee taking leave due to a serious health condition or to care for a covered family member with a serious injury or illness must also be supported by a certification in the form attached to the policy except that an employee taking leave to care for a covered service member may provide an
Involuntary travel order (ITO) or an involuntary travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Additional copies of the certification form can be obtained from your supervisor. Employees are required to furnish the completed certification within 15 calendar days of the Kendall County(C) 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 healthcare 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 he/she held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The Kendall County reserves the right to deny restoration to "new employees" as defined by the FMLA regulations whose restoration will cause "substantial and irrefracible economic injury" to the operations of the Kendall County.

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

EMPLOYER RESPONSIBILITIES

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

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

UNLAWFUL ACTS BY EMPLOYER

The FMLA makes it unlawful for any employer to:

• Interfere with, restrain, or deny the exercise of any right provided under FMLA;
• Discriminate 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 state office to provide lawsuit against an employee.

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

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

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

Absent a showing of undue hardship by Kendall County, an employee who has been affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth must be reinstated to the same or equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits upon the employee's return to work and/or when the employee's need for reasonable accommodation ceases, whichever occurs later.
Retaliation is prohibited against any applicant or employee because she has requested, attempted to request, used or attempted to use a reasonable accommodation pursuant to the Illinois Human Rights Act.

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

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

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

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

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

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

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

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

Section 6.10 EMPLOYEE SICK LEAVE ACT: An employee may use personal sick leave benefits for absence due to an illness, injury, or medical treatment of the employee’s child, spouse, domestic partner, sibling, parent, step-parent, parent-in-law, stepparent, or grandparent, 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. Kendell County limits the use of personal sick leave benefits for absence due to an illness, injury, or medical treatment of the employee’s
Section 6.10 GENERAL LEAVE OF ABSENCE: Employees may request a general unpaid leave of absence for personal matters. Leaves are granted on the assumption that the employee will be available to return to regular employment when the conditions necessitating the leave permit. The decision to grant such leave shall be at the sole discretion of the County Board Chairman. Such leave may be requested for:

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

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

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

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

E. GENERAL LEAVES OF ABSENCE – PROCEDURE

1. Employees may submit a written request to their Department Head asking for a leave of absence without pay. The request shall be in writing, stating the reasons for the request, the date desired for the start of the leave and probable date of return. The request along with the written recommendation of the Department Head shall be forwarded to the County Board Chairman for authorization.

2. Authorization for such leave shall be within the sole discretion of the County Board Chairman whose decision will be based upon the operational needs of the department, the work record of the individual and the reason for the request.

3. An employee is required to exhaust available paid vacation and sick/personal leave before unpaid general leave of absence is commenced.

F. GENERAL LEAVES OF ABSENCE – BENEFITS

1. For the remainder of the month during which a general leave begins, thereafter the County will continue to provide group health insurance coverage under the same conditions as it did before the leave began. Subsequently, such insurance coverage, if desired by the employee and otherwise available through the County, shall be fully paid by the employee through the duration of the leave.
such action to the Office of Administrative Services. The County will investigate your concerns and take corrective action if it determines that someone has violated the County’s VESSA policy.

B. SCHOOL VISITATION RIGHTS ACT:

In accordance with the School Visitation Rights Act, an employee who has worked for 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 or classroom activities related to the employee’s child. Provided that the conference or classroom activity cannot be scheduled during non-working hours. Before taking leave pursuant to this policy, an employee must have exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave that may be available 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) hour notice will be required. The employee is required to consult with his or her supervisor to schedule the leave so as not to unduly disrupt operations. Employees who take leave pursuant to this policy will be given a reasonable opportunity to make up the time off taken on a different day or shift as directed by the employer, but in no circumstances shall such make-up hours be scheduled so that they result in overtime pay to the employee. Employees are not required to make up the time, and if they choose not to do so, shall not be compensated for the time off. Employees are required to provide verification of the school visit to their supervisor within two (2) working days. Failure to provide verification may result in disciplinary action.

CHAPTER VII
DISCIPLINARY AND SEPARATION ACTION

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

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

It shall be the duty of the immediate supervisor to initiate disciplinary action on his own or to recommend to the department head such disciplinary action as the circumstances may
grievance. Many, if not most grievances, can be resolved swiftly in this informal manner.

Step 2
If the grievance is not settled at Step 1, the employee may file a written grievance with the department head, within five (5) workdays after the immediate supervisor's response in Step 1. The department head and the supervisor shall discuss the grievance with the employee at a time mutually agreeable to the parties (within five (5) workdays). The department head shall provide a written answer to the grievance with five (5) workdays following the meeting with the employee. If the department head is the immediate supervisor referred to in Step 1, then the employee will proceed to Step 3 immediately.

Step 3
If the grievance is not settled in Step 2 and the employee wishes to appeal the grievance further, the employee shall assume the responsibility of referring the written grievance within five (5) workdays to the committee chairman of the County Board to which the employee’s department reports. The committee chairman shall notify the County Board Chairman to call a Grievance Committee meeting. A meeting will be held between the Grievance Committee and the employee, the employee’s representative (if applicable) and the immediate supervisor agreeable to the parties not to exceed twenty-one (21) workdays after the grievance is presented to the committee. The Grievance Committee shall provide the employee with a written answer to the grievance within five (5) workdays following the meeting.

D. Decision
The decision of the Grievance Committee of the County Board shall be final.

E. Accelerated Grievance Procedure of Suspension without Pay
In grievance cases involving suspension without pay, the employee may elect to follow the following “fast track” grievance procedure. Omit Step 1 and go immediately to Step 2 unless this department head was the one who took the action to suspend the employee without pay or terminate the employee involuntarily then the employee shall proceed immediately to Step 3 and file the written grievance with the appropriate committee chairman.

Section 7.4
ILLINOIS CLEAN INDOOR AIRSMOKE FREE WORKPLACE:
[Revised Public Act 098-0646, June 6, 2005 established that nonsmoking is the policy for the State of Illinois and prohibits smoking in all public places and places of work, regardless of size, except where specifically excluded from coverage. Kendall County considers vehicles rented or leased by the County to be places of work and thus smoking in County vehicles is prohibited.]

Endorse the Use of Electronic Cigarettes
Kendall County proclaims smoking and the use of electronic cigarettes in the workplace and at work sites while driving any vehicle owned or leased by Kendall County or while performing job duties on behalf of Kendall County. Smoking and the use of electronic cigarettes is also prohibited within 16 feet of the entrance or exit, any window that opens or ventilation intake of any building owned or operated by Kendall County.
Section 7.5

HARASSMENT POLICY:

It is the policy of the County to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, discriminates, or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status or sex. Special attention should be paid to the prohibition of sexual harassment. Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment and, in particular, sexual harassment. No supervisor is to threaten or intimidate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, non-supervisory employees, or non-employees, is also prohibited. This conduct includes unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions, or harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references, commenting, tearing, humiliating, or sexually suggestive comments about an individual's personal appearance, the display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs, demeaning, taunting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages. Any of the above conduct, or other offensive conduct, directed at individuals because of their race, national origin, religion, disability, pregnancy, age, or military status is also prohibited.

Any employee who believes that a supervisor, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made in writing to the employee's supervisor or to the department head of the complaint involves the supervisor. Complaints of harassment will be handled and investigated under the County's grievance policy, unless special procedures are considered appropriate. All complaints of harassment will be investigated promptly and in an impartial and confidential manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

Any employee or supervisor who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The County prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment. However, if any investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

An employee who believes that he or she has been the subject of harassment or retaliation for complaining about harassment also has a right to file a charge of civil rights violations with the Illinois Department of Human Rights within 180 days of the harassment, to have that charge investigated by the Department and, if substantial evidence to support the charge is found to exist, to have such an opportunity as to be provided by law and applicable regulations to engage in consultation with the employee and/or to have the charge heard in a public hearing before an Administrative Law Judge of the Illinois Human Rights Commission.

For further information, any such employee may call or write to

Illinois Department of Human Rights
400 West Randolph Street, Room 40-100m
Chicago, Illinois 60606

53
I. STATEMENT OF POLICY

It is the County of Kendall policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, gender expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, marital status, medical status, military status, current or former service in the military, age, or any other classification prohibited under federal or state law. Sexual misconduct is also prohibited. The County of Kendall will neither tolerate nor condone discrimination, harassment, or sexual misconduct by employees, contractors, consultants, elected officials, or non-employees with whom County of Kendall has a business, patronize, or professional relationship. "Employees," for purposes of this policy includes any individual performing services for County of Kendall, an independent contractor, or an unpaid intern. Supervisors cannot require an employee who is underwriting a review of the conduct of another person. Supervisors cannot require an employee who is overseeing an investigation of the conduct of another person. Employees must not participate in an investigation if they are thought to be involved in the conduct. The County of Kendall is committed to ensuring and providing a workplace free of discrimination, harassment, sexual misconduct, and retaliation. County of Kendall will take disciplinary actions, 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 other verbal or physical conduct of a sexual nature which:

1. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the employee;

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the employee;

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 employer, sexual or otherwise nature of the conduct.

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

- The employee and also 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 victim in sexually harasses but could be anyone affected by the offensive conduct.
- Unwelcome 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 any conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that harassment or discrimination in the workplace and to violation of our policy:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Requiring or threatening retaliation after a positive response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
4. Verbal conduct such as teasing, making offensive jokes, sexually explicit jokes, derogatory or suggestive comments about a person's body or dress.
5. 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 stigmatization or stereotyping of disabled individuals.
6. Written or electronic communications which are offensive to individuals in a particular protected group, such as racial or ethnic stigmatization or stereotyping of disabled individuals.
7. Physical conduct such as unwanted touching, pinching, pressing or blocking movements.

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

A. Responsibilities

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) (1-800-256-2800) or 1-800-255-2672) if the observed or complained of conduct involves the abuse of a minor.
4. Immediately discipline any observed acts of discrimination, harassment or sexual misconduct.
5. Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the State's Attorney and/or County Board.
6. Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.
B. Employees

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

1. Refrain from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct.

2. Immediately reporting any violations of this policy to a supervisor and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances). Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g., men, women, supervisor, elected official, co-worker, volunteer, vendor, member of public).

3. Encouraging any employee who believes 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 between a mutual attraction and a consensual exchange and an 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 forming a relationship with 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 uncontested indications to the contrary. In other words, another person does not have to tell you to stop to 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 perceive with the person's perceptions of your intentions.

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

III. APPLICABLE PROCEDURES

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

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

56
procedure to advise the County of Kendall of any perceived violation of this policy as soon as it occurs.

A. Procedure: A Complainant

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

1. Discussing the matter with his or her supervisor;

2. Discussing the specifics of the complainant, the County’s Attorney, or the County Board Chairman in the event that the alleged harasser is the County’s Attorney.

If the complaint involves someone in the employee’s direct line of command, then the complaint should be directed to the County’s Attorney or County Board Chairman.

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

B. Investigation of a Complaint

Promptly after a complaint is submitted, the County of Kendall will undertake such investigations, corrective and preventive action as are appropriate. In general, the following procedure in reaching any complaint case that will not necessitate initiate any of the following items:

1. A meeting between the employee raising the complaint and an individual designated by County of Kendall to investigate such complaints. Important data to be provided by the complaining employee includes the following:
   a. A description of the specific offensive conduct;
   b. Identification of all personnel 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 or other exceptions;
   g. Whether there are any documents which would support the complaining employee’s allegations;
   h. What impact the conduct had on the complaining employee.

2. While not required, County of Kendall encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attach any relevant records.

3. After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of County of Kendall. The alleged offending individual should be advised of the charges brought against him or
he, and may be provided with a copy of the written statement of complaint made by the complaining employees, 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.

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

B. Once this investigation is completed, County of Kendall will take such action as it deems appropriate based upon the information obtained in the investigation. In the event that County of Kendall finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. The 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 determined;
c. Taking any other actions, or taking no action.

d. Suspension of the offending employee from work without pay;

e. Demotion;
f. Immediate termination.

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

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

Non-Retaliation

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

If you have any questions concerning the County of Kendall's policies on this matter, please see your supervisor or the State's Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 332-394-6296, or the Equal Employment Opportunity Commission (EEOC), 800-669-4000 or for matters involving the abuse of minors, the Illinois Department of Children and Family Services (DCFS) 800-36-ABUSE.
to obtain authorization from the Director of Technology and appropriate network security permissions to allow access will be approved. The same process will apply for any department/agency requesting a waiver from any part of the Kendall County network security policy.

E. Viruses

1. Virus detection. Viruses can cause substantial damage to computer systems. Each user is responsible for taking reasonable precautions to ensure he/she does not introduce viruses into the County's network. To that end, all material received on magnetic or optical medium and all material downloaded from the Internet or from computers or networks that do not belong to the County must be scanned for viruses and other destructive programs before being placed onto the computer system. Users should understand that home computers and laptops might contain viruses. All data transferred from these computers to the County's network must be scanned for viruses.

2. Accessing the Internet. To ensure security and avoid the spread of viruses, users accessing the Internet through a computer attached to the County's network must do so through an approved firewall.

F. Social Media Policy and Guidelines

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

All employees are responsible for knowing and understanding this policy.

1. Professional Use of Social Media

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

Once authorized to comment, you must:

- Disclose your name as an employee or elected official of the [Employer], and use only your own identity.
- Disclose and comment only on non-confidential information. Confidential information is defined in the policy.
- Ensure that all content published is accurate and not misleading and complies with all [Employer] policies.
- Comment only on your area of expertise and authority.
- Ensure comments are respectful and refrain from posting or responding to material that is offensive, obscene, defamatory, threatening, harassing, abusive, and discriminatory. Ifcce, or makes or posts comments that might otherwise create damage to the [Employer], remove or withdraw it into accordance.

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

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

Represent yourself accurately. Unless [employer] has designated you to speak officially for [employer], you should not state that you write or speak on behalf of [employer] or that your viewpoint is the same as [employer’s].

Do not disclose private or confidential information about [employer], employees, or about others that you obtained through your employment with [employer]. Confidential information is information that is exempt from disclosure under Section 6 of the Illinois Freedom of Information Act, 8 ILCS 140/7 or which is prohibited from being disclosed under state or federal law.

Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be construed as, vulgar, obscene, threatening, intimidating, harassing or a violation of [employer’s] workplace policies against discrimination, harassment or account of sexual, race, religion, sex, sexual orientation, gender identity, nationality, disability, or other protected class status, or characteristic.

If you choose to identify your work affiliation on a social network, you should regard all communication on that network as you would in a professional network. Ensure your profile, photographs and related content is consistent with how you wish to present yourself with colleagues and clients.

Employees who access social media during work hours or on [employer] owned equipment should still comply with [employer’s] computer usage policy. There is no right to browse on [employer] owned equipment.

[Employer] may discipline employees for making a comment or posting any material that might otherwise cause damage to [employer’s] reputation or bring it into disrepute. When the employee’s comment is made as a citizen and not as an employee and is made on a matter of public concern, [employer] may discipline the employee in situations where the interests of [employer] in suppressing criticism 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. [Employer] has and always will comply fully with the obligations under the Illinois Public Labor Relations Act. Likewise, nothing in this policy shall be interpreted in a manner that unlawfully restrains an employee’s right under the federal or state Constitution. [Employer] has and always will comply with federal and state law.

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