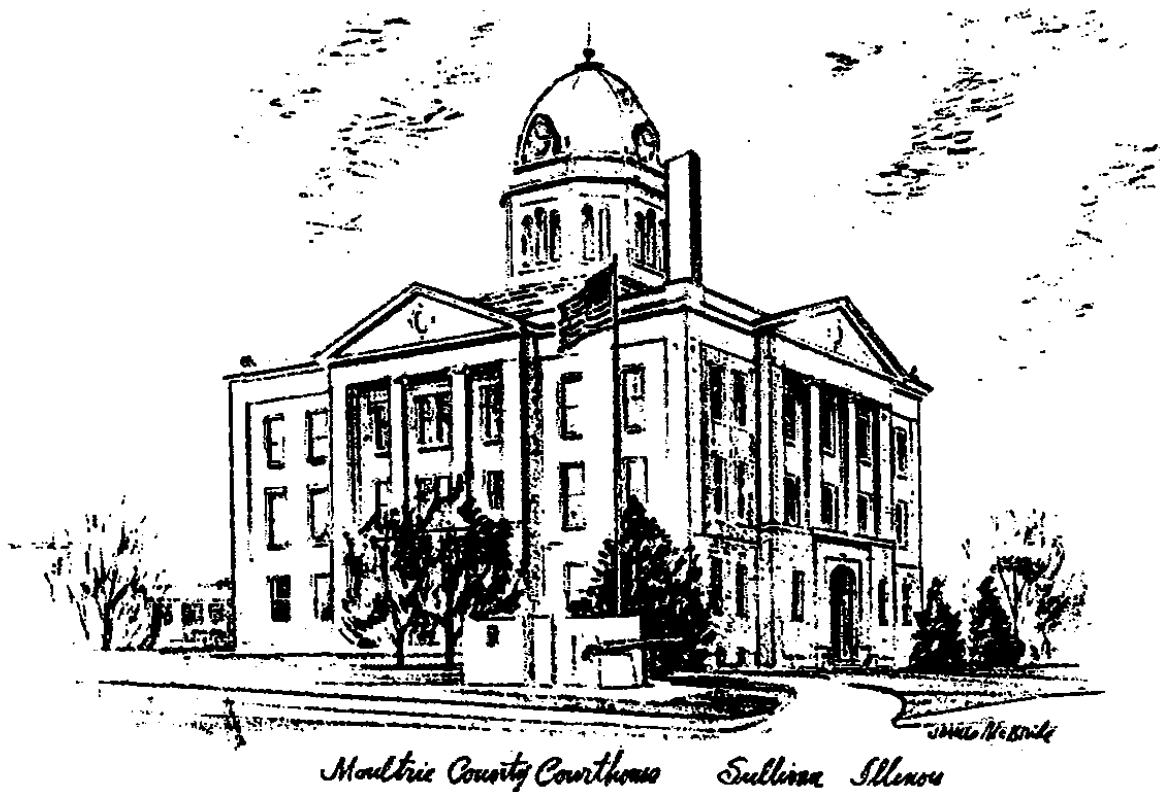


# MOULTRIE COUNTY EMPLOYEE HANDBOOK



<b>ADOPTED:</b>	<b>08/10/2006</b>
<b>REVISED:</b>	<b>04/09/2015</b>
Addendum 1; Resolution 17-02:	02/09/2017 Ch. III, Sec. 3.5(A)
Addendum 2; Resolution 18-01:	07/12/2018 Ch VI, Sec. 6.5, SS XIII
<b>REVISED:</b>	<b>03/09/2023</b>
Amended	06/15/2023

## Introductory Statement

This Employee Handbook has been prepared as a reference guide. It is designed to give employees of Moultrie County an understanding of the basic policies and rules that are applicable to them, as well as the benefits available to them as County employees. This Employee Handbook does not apply to employees of elected officials unless an elected official has chosen to adopt this Employee Handbook as his/her own reference guide. **Please note, however, that neither the handbook nor any of its individual terms constitute or represent binding contractual commitments between the County and its employees or modify the prevailing at-will employment relationship or modify the policies of the County's elected officials.**

The personnel policies, as prescribed herein, contain all official rules and regulations regarding the employment of individuals with the County and are compiled in accordance with the policies adopted from time to time by the County Board. These benefits, privileges and obligations are extended by the County in good faith and each employee is expected to fulfill his/her obligation in good faith. It is the employee's responsibility to read and understand this Employee Handbook. Any employee who has questions about the policies in this handbook should contact the Chair of the Personnel Committee or the State's Attorney.

The County Board reserves the right to unilaterally revise, supplement or discontinue any of the policies, rules or benefits described in this Employee Handbook. All employees will be duly informed of any such revisions, supplements or other changes.

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## **CHAPTER I GENERAL REGULATIONS**

### **Section 1.1 DESIGNATION**

This handbook shall be known as the "MOULTRIE COUNTY EMPLOYEE HANDBOOK" (Employee Handbook) and the same may be so cited and referred to for purpose of identification.

### **Section 1.2 SCOPE**

It is the express purpose of this Employee Handbook to bring to the attention of all concerned those benefits, privileges and obligations that are desirable on the part of both the employer and the employee.

This instrument is also designed to bring to the attention of all concerned the practices approved by the County Board together with benefits available to each employee.

The personnel policies, as prescribed herein, contain official rules and regulations regarding the employment of individuals with the County and are compiled in accordance with the policies adopted from time to time by the County Board. Once adopted, the personnel policies prescribed herein supersede and cancel any prior inconsistent written or oral policies, practices and agreements.

These benefits, privileges and obligations are extended by Moultrie County in good faith and each employee is expected to fulfill his/her obligation in good faith.

### **Section 1.3 CONSTRUCTION**

In the interpretation of this Employee Handbook, its provisions shall be construed as follows: where the context permits, words in the masculine gender shall imply the feminine and neuter genders and words in the singular number shall imply the plural number. The descriptive headings of the various sections or parts of this Employee Handbook are for convenience only and shall not affect the meaning or construction nor be used in the interpretation of any of the provisions of this Employee Handbook.

### **Section 1.4 ADOPTION**

These rules and regulations are adopted only by official action of the County Board. A new policy may be introduced at any regular meeting of the Personnel Committee of the County Board and referred to the County Board for action.

### **Section 1.5 REVISION**

The County Board may at any time abolish, alter, change, make additions to or otherwise amend these regulations by action at a regular or special meeting.

### **Section 1.6 INTERPRETATION**

Should any questions arise as to the proper interpretation of these regulations, the decision of the County Board shall be final. Department Heads/Elected Officials may adopt and enforce departmental regulations which clarify and add to these policies and which are not inconsistent with the policies of the County.

**Section 1.7 SAVINGS CLAUSE**

If any provision of this Employee Handbook or any application thereof should be rendered or declared unlawful, invalid or unenforceable by virtue of judicial action, or by existing or subsequently enacted Federal or State legislation, or by Executive Order or other competent authority, the remaining provisions shall remain in full force and effect. In such event, the County shall maintain the right to incorporate substitute provisions for those provisions rendered or declared unlawful, invalid or unenforceable.

**Section 1.8 DISTRIBUTION**

A copy of these policies will be issued by the County and made available to all employees upon employment. Employees will be required to sign the Acknowledgment of Receipt of Moultrie County Employee Handbook form, which will then be kept in the employee's personnel file. Any additions or significant changes to this Employee Handbook will be forwarded to each employee by the County Clerk's office when adopted by the County Board. It is the employee's responsibility to make sure that his/her Employee Handbook is kept current.

**Section 1.9 VIOLATIONS OF POLICIES**

An employee is expected to abide by the policies in this Employee Handbook. Failure to do so may lead to appropriate disciplinary action. Documentation of policy violations should be maintained in each individual's personnel file. A partial list of causes for possible disciplinary action is presented under Chapter VII, Section 7.2 of this Employee Handbook. This list is not to be considered all-inclusive.

**Section 1.10 EQUAL EMPLOYMENT STATEMENT**

Moultrie County provides equal employment opportunities for all employees or prospective employees. It does not discriminate in its employment policies and practices against any person and it prohibits discrimination or harassment on the basis of, sex, gender-identity, pregnancy, color, race, traits associated with race including hair texture and protective styles such as braids, locks, or twists, religion, creed, national origin, ancestry, age, marital status, sexual orientation, arrest record, military status, veteran status, unfavorable discharge from military service (excluding dishonorable discharge), physical or mental disability, status as the recipient of an order of protection, citizenship status, genetic information, or any other status protected by law.

**Section 1.11 REASONABLE ACCOMMODATIONS**

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

**Accommodations for Disability:** The County will provide reasonable accommodations to any qualified individual with a disability as required under federal, state and 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 a disability, the County will provide reasonable accommodations for medical and common conditions related to pregnancy or childbirth and for employees needing religious accommodation as required under federal, state, or local law so long as doing so does not cause the County undue hardship.

**To Make an Accommodation Request:** Direct your accommodation request in person or in writing to the Chair of the Personnel Committee or the State's Attorney. All requests for accommodation will be evaluated on a case-by-case basis taking into consideration all known circumstances.



## **CHAPTER II EMPLOYMENT POLICIES**

### **Section 2.1 DEFINITIONS OF EMPLOYMENT STATUS**

- A. **FULL-TIME EMPLOYEES:** Employees who are employed by the County and work an average of at least thirty-five (35) hours per week, interrupted only by absence with official permission, and who have completed the ninety (90) day probationary period required for full-time employees.
- B. **PROBATIONARY EMPLOYEES:** Employees who have been employed by the County on a full-time or part-time year-round basis for a period of less than ninety (90) days and who will become full-time employees or part-time year-round employees at the successful conclusion of ninety (90) consecutive days of employment. Successful completion of the probationary period will not alter the employee's at-will employment status.
- C. **PART-TIME EMPLOYEES:** Any employee who is employed by the County and works an average of fewer than thirty-five (35) hours per week, interrupted only by absence with official permission.
- D. **TEMPORARY EMPLOYEES:** Temporary continuous appointment (i.e., a position which is clearly understood to be six (6) months in duration at the maximum) may be made for specified positions.
- E. **APPOINTED OFFICIAL:** a person appointed in accordance with the law to hold a county office, except that the term does not include a person who is chosen to fill a vacancy in an unexpired elected office.
- F. **ELECTED OFFICIAL:** A person elected to hold a public office in the County or a person who is chosen to fill a vacancy in an unexpired elected office.

### **Section 2.2 EMPLOYMENT POLICIES**

- A. **PHYSICAL EXAMINATION:** Employees may be required to submit to a physical examination. Such examination shall be conducted by a physician approved by the County. All such employees must be certified by the physician as being able to meet the physical requirements of their positions. The cost of the examination shall be incurred by the County or by the department requiring the examination.
- B. **PROBATION:**
  - 1. **Purpose:** The probationary period shall be utilized as a period of training and close evaluation of the probationary full-time or part-time employee and for the release of any probationary employee whose performance does not meet the required standards of work. It is the final determination of whether the person should be given regular status. Successful completion of the probationary period will not alter the employee's at-will employment status. At-will employees may be terminated at any time during or after the completion of the probationary period with or without cause or notice.

2. **Period of Time:** All full-time and part-time employee appointments must complete a probationary period of ninety (90) days, during which time the employee's performance is subject to close review as to his/her competency to carry out the assignments of the position for which he/she was employed.

A Department Head/Elected Official may extend this probationary period to a maximum of an additional ninety (90) days if, in his/her opinion, it is necessary.

3. **Regular Appointment:** Appointment to full-time or part-time employee classification will be given to any probationary employee upon satisfactory completion of the ninety (90) day probationary period in the position to which he/she was appointed.
4. **Release:** An employee serving his/her probationary period may be released at any time without the right of appeal or hearing. At-will employees may be terminated at any time during their employment without cause or notice, even after completion of the probationary period.
5. **Promotion and Reassignment:** A full-time employee who is reassigned to any other position may be required to serve a probationary period not to exceed ninety (90) days in the new position. Part-time employees who have served ninety (90) days or over may, if appointed to a full-time position in the same class or position, acquire full-time status on the effective date of the transfer. The decision to grant full-time status on the effective date of the transfer resides with the supervisor of the new position.

- C. **SUPERVISION:** The organization of the County shall be such that all employees have a clear understanding of their duties and/or to whom they are responsible or accountable.

Line of responsibility shall be direct. Supervisory responsibility descends from the top organization "through channels" to the employee who performs the units of work for which the respective department is organized. The employee who performs any unit of work reports to and is responsible to his/her immediate supervisor. No employee shall be required to be accountable to or direct the work of another employee of equal rank unless directed by the supervisor.

- D. **PAYROLL:** Employees may be paid through direct deposit. The County Clerk's office has developed direct deposit procedures in conjunction with the Personnel Committee of the Board. The County's current Direct Deposit policy states that changes can only be in May and November unless there is a security issue with their account

- All County employees are paid on a bi-weekly basis (every two weeks) with a one-week delay. Department Heads/Elected Officials are provided a Payroll Schedule for the new fiscal year each November which includes the payroll date, pay period dates and date payroll claims are due by. Pay periods begin at 12:00 a.m. on Saturday and conclude two weeks later at 11:59 p.m. on Friday. The payroll date would be the following Friday. Example: If payroll is Friday, October 15, 2021, the pay period would be Saturday, September 25, 2021 through Friday, October 8, 2021.
- New Hire paperwork consisting of New Employee Information Form, copy of driver's license and social security card, and if using direct deposit a voided check for account to be used are due in the County Clerk's office no later than Thursday morning of end of pay period for next payroll date which includes employee's first pay period. Employee will be notified by the County Clerk's office when new hire packet is ready for their review and signatures.

- The Department Head/Elected Official must complete Termination Sheet listing any hours worked in the pay period and any remaining balance of compensatory and vacation time. Vacation accrued from employee's last anniversary date to termination date will be calculated by the County Clerk's office.
- Termination Sheets are due in the County Clerk's office no later than Thursday morning of the end of pay period for the next payroll date which includes employee's last pay period. Forms not received in a timely manner may result in only hours worked being paid for that payroll with delay of payment for accruals to the following payroll.

### **Section 2.3 WAGE AND SALARY POLICY**

- A. **Non-Exempt Employees:** The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States receive at least the federal minimum wage for all hours worked and receive overtime pay, or alternatively for public employees, compensatory time off, at the rate of one and one-half hours for each hour worked over forty (40) in a workweek. Note that law enforcement and fire protection employees may be entitled to overtime based on a different workweek. Employees who are subject to minimum wage and overtime laws are called "non-exempt." If you are eligible for overtime pay or compensatory time off (including pay due under our personnel policies or pursuant to a collective bargaining agreement), you must maintain a record of the total hours you work each day. These hours must be accurately recorded using our time-keeping system. You should not work any hours outside of your scheduled workday unless your supervisor has authorized the unscheduled work in advance. Do not start early, finish late, work during a meal break, or perform any extra work unless you are authorized to do so in advance, and the time is reported on your time-keeping record. You are required to verify that the reported hours worked are complete and accurate and that you have not worked any "off-the-clock" or unrecorded time. Your recorded hours worked must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each workweek, you should submit your completed time record to your Department Head/Elected Official for verification and approval. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked.
- B. **Exempt Employees:** Section 13 (a)(1) of the FLSA, however, provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, or 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.

**Executive Exemption:** To qualify for the executive employee exemption, all the following tests must be met:

- The employee must be compensated on a salary basis (as defined in the regulations) at a rate of not less than \$684 per week;
- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given weight.

**Administrative Exemptions:** To qualify for the administrative employee exemption, all the following tests must be met:

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate of no less than \$684 per week;
- The employee's primary duty must be the performance of office or non-manual work directly related to the management of general business operations of the employer or the employer's customers; and
- The employee's primary duty includes the exercise of discretion and independent judgement with respect to matters of significance.

**Professional Exemption:** To qualify for the **learned professional** employee exemption, all the following tests must be met:

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate no less than \$684 per week;
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;
- The advanced knowledge must be in a field of science or learning; and
- The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

To qualify for the **creative professional** employee exemption, all the following tests must be met:

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$684 per week;
- The employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

**Computer Employee Exemption:** To qualify for the computer employee exemption, the following tests must be met:

- The employee must be compensated **either** on a salary or fee basis (as defined in the regulations) at a rate of not less than \$684 per week **or**, if compensated on an hourly basis, at a rate not less than \$27.63 per hour;
- The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties described below;
- The employee's primary duty must consist of:
  1. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

2. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
3. The design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or
4. A combination of the aforementioned duties, the performance of which requires the same level of skills

**Highly Compensated Employees:** Highly compensated employees performing office or non-manual work and paid total annual compensation of \$107,432 or more (which must include at least \$684 per week on a salary or fee basis) are exempt from the FLSA if they customarily and regularly perform at least one of the duties of an exempt executive, administrative or professional employee identified in the standard tests for exemption.

**Blue-Collar Workers:** The exemptions provided by FLSA Section 13(a)(1) apply only to “white-collar” employees who meet the salary and duties tests set forth in Part 541 regulations. The exemptions do not apply to manual laborers or other “blue-collar” workers who perform work involving repetitive operations with their hands, physical skill and energy. FLSA-covered, non-management employees in production, maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under FLSA, and are not exempt under Part 541 regulations no matter how highly paid they might be.

**Police, Fire Fighters, Paramedics & Other First Responders:** The exemptions also do not apply to police officers, detectives, deputy sheriffs, state troopers, highway patrol officers, investigators, inspectors, correctional officers, parole or probation officers, park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victim; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

**Other Laws & Collective Bargaining Agreements:** The FLSA provided minimum standards that may be exceeded but cannot be waived or reduced. Employers must comply, for example, with any Federal, State or municipal laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the FLSA. Similarly, employers may, on their own initiative or under a collective bargaining agreement, provide a higher wage, shorter workweek, or higher overtime premium than provided under the FLSA. While collective bargaining agreements cannot waive or reduce FLSA protections, nothing in the FLSA or Part 541 regulation relieves employers from their contractual obligations under such bargaining agreements.

If you are classified as an exempt, salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for Moultrie County. The 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 receives a predetermined amount of compensation on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work, if the employer makes deductions from an employee's predetermined salary, i.e., because of the operation 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 the time when work is not available. Deductions from an exempt employee's pay are permissible under the following circumstances:

- When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability.
- For absences of one or more full days due to sickness or disability if the deductions are made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness.
- To offset amounts employees receive as jury or witness fees or for military pay.
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.
- In the initial or termination 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, cafeteria plan options, child support, garnishments or contributions to a 401(k) plan.

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

- C. **Accurate Timekeeping:** It is a violation of this policy for any employee to falsify a time-keeping record or to alter another employee's time-keeping record. It is a violation of County policy for another employee, manager, elected or appointed official to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time-keeping record to over- or under-report hours worked. If any employee, manager, elected or appointed official instructs you to violate this policy, do not do so. You are to report it immediately to the Personnel Committee Chair, Chairman of the County Board or the State's Attorney.

- D. **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 that the County does not allow deductions that violate FLSA.
- E. **Reporting Errors or Improper Deductions:** We make every effort to ensure all our employees are paid correctly. Occasionally, however, an 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 and the Moultrie County Clerk or the States Attorney's office.

If you believe that an improper deduction has been made from your salary, you should immediately report this to your direct supervisor and the Moultrie County Clerk or the States Attorney's office.

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

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

#### **Section 2.4 CANNABIS, DRUG AND ALCOHOL USE/ABUSE POLICY**

**Background:** The Cannabis Regulation and Tax Act—On June 25, 2019, Governor J.B. Pritzker signed into law the Cannabis Regulation and Tax Act (CRTA) that decriminalizes the use of marijuana by adults age 21 and older and became effective on January 1, 2020. The CRTA incorporated provisions of the state's medical marijuana law and specifically provides that nothing in the CRTA shall be construed to enhance or diminish protections afforded by any other law, including but not limited to the Compassionate Use of Medical Cannabis Pilot Program Act.

On December 4, 2019, Governor Pritzker signed a bill amending the CRTA. Public Act 101-0593 went into effect upon signature. The amendments clarify several confusing provisions of the CRTA. One notable clarification provides that an employer may withdraw a job offer based on a failed drug test. This implies that pre-employment/post-offer drug testing by private employers is allowed. Public employers must still address 4<sup>th</sup> Amendment concerns despite the additional language in the act.

The Compassionate Use of Medical Cannabis Program Act—On January 1, 2014, the Compassionate Use of Medical Cannabis Pilot Program Act (Medical Cannabis Program Act or MCPA) went into effect. It was amended on August 9, 2019, to remove the repeal language and make the law permanent. The MCPA establishes a patient registry program and protects registered qualifying patients, and their registered designated caregivers and health care-professionals, from "arrest, prosecution, or denial of any right or privilege." The list of qualifying medical conditions has been expanded to include 50 conditions, including migraines, PTSD and any condition for which an opioid has been or could be prescribed by a physician. The MCPA was also expanded to allow nurse practitioners and physicians' assistants make the determination regarding a patient's qualifying status.

The Right to Privacy in the Workplace Act—The Cannabis Regulation and Tax Act amended the Right to Privacy in the Workplace Act to read, "Except as otherwise specifically provided by law, including Section 10-50 of the Cannabis Regulation and

Tax Act, ...it shall be unlawful for an employer to refuse to hire or to discharge any individual, or otherwise disadvantage any individual, with respect to compensation , terms, conditions, or privileges of employment because the individual uses lawful products off the premises of the employer during nonworking and non-call hours.” The definition of on-call under this Act is identical to the definition found in the CRTA provided below.

The Agriculture Improvement Act of 2018—The Agriculture Improvement Act of 2018, also known as the 2018 Farm Bill, was signed into law by President Trump on December 20, 2018. The Farm Bill legalized the cultivation of “hemp,” defined as cannabis and cannabis derivatives with less than 0.3 percent THC. Hemp was removed from the definition of marijuana in the Controlled Substances Act. This is the first time that any form of marijuana was removed from the Controlled Substance Act.

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

The County recognizes that 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 that under federal law, marijuana is still illegal. The United States Drug Enforcement Agency lists marijuana as a Schedule 1 drug under the Controlled Substance Act. Schedule 1 drugs are defined as having no approved medical use and 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.

Moultrie 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 right to manage its workplace or discipline employees.

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

- ‘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 are also included under the definition.



- 'County time' shall include all times during which an employee is on County premises, meal and break times on or off County premises, or performing work off the premises for the benefit of the County, as a representative of the County.
- 'On-call' for purposes of the Cannabis Regulation and Tax Act means when and 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 work-related task.
- '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 and over-the-counter drug and (after January 1, 2020) cannabis as outlined in the Cannabis Regulation and Tax Act.
- 'Illegal drug' means any controlled substance the possession or sale of which is prohibited by law.
- 'Cannabis' or 'Marijuana' is a mixture of dried, shredded leaves, stem, seeds, and flowers or 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.
- '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 Moultrie County's drug-free workplace policy.
- '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).
- '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.
- '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 the 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.

- '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 (they) it may have been consumed, having an alcohol concentration within 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 employees who drive commercial motor vehicles, operate heavy or large mobile equipment, police officers, correctional officers and health care providers with direct patient care, 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).
- 'Safety sensitive function' was defined by the United State 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.
- '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 during County time; caused damage to any County owned or leased property; or commits repeated and/or flagrant violations of safety standards.

**Applicability:** 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.

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

Employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment or perform other safety sensitive functions including police officers, correctional officers, and health care providers with direct patient care in addition to the prohibitions above must not consume alcohol for four hours prior to duty time and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever comes first.

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 or 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 the employee to legal action.

**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 drugs and/or other legal drugs are responsible for being aware of any potential effect such drugs may have on their judgement or ability to perform their duties.

**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 may be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

**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, include drivers of commercial vehicles, operators of heavy equipment or large mobile equipment, police officers, correctional officers and health care providers with direct patient care. Where random testing is prohibited or restricted by applicable federal, state or local statute or regulation, or legally binding agreement, the County will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions in this policy.

**Reasonable Suspicion Testing:** If the County's representative has a reasonable suspicion that an employee is impaired based on the representative's observations of the employee at work, and in good faith can describe specific, articulable symptoms of that 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 property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, the County may conduct reasonable suspicion testing.

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

**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.

**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.

**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. The County should train its manager and supervisors on the specific, articulable symptoms of impairment as defined above.

**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 that is 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 Moultrie 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 who drive commercial motor vehicles, operate or repair heavy or large mobile equipment, police officers, correctional officers, and health care providers with direct patient care, 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 that a reasonable suspicion of impairment exists.

**Disciplinary Action:** Any employee who possesses, sells, purchases, uses, distributes, delivers, or transfers alcohol, cannabis or an illegal Substance on County's premises will be removed from the work area, and may be subject to immediate discharge.

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.

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 regulations; (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; (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.

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.

**A. Testing Procedures:** 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 agent in accordance with this Policy.

- 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.
- 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.
- 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.
- 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.

- 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 knowledge of the verified test results 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.
- 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.
- 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 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.
- 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.

**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 test and release the results of the testing to the County.

**Chain of Custody Procedures:** At the time the 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.

**Confidentiality and Privacy:** The employee's right to privacy will be respected, and the results of any testing shall be kept strictly confidential by the 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 the employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.

**Treatment:** An employee who voluntarily informs the County that he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a leave of absence, in accordance with the Moultrie 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: Searches:** Upon reasonable suspicion, authorized representatives or agents of the County 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.

Employees must notify the County within 5 days of any criminal drug statute conviction.

The County, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.

The Designated Employer Representative responsible for receipt of testing results and removal of employees from safety sensitive functions when they violate this policy is the Chair of the Personnel Committee or the State's Attorney.

Employees who have questions about this policy or who would like more information regarding the effects of alcohol misuse and controlled substances on an individual's health, work and personal life, signs and symptoms of an alcohol problem, and available methods of intervening when an alcohol and/or controlled substance problem is suspected, should contact the Chair of the Personnel Committee or the State's Attorney.

## **Section 2.5 SEPARATION PROCEDURES**

**SENIORITY/WORK FORCE REDUCTIONS:** In the event that management determines that a lay-off is necessary, Department Heads/Elected Officials will determine which job classifications will be affected by the lay-offs. All relevant factors will be considered in determining who to lay off, including, but not limited to, skill, qualifications, performance, ability, and seniority.

If an employee is qualified for an open position in another department as determined by the Department Head/Elected Official in the department with the opening, the employee may be considered for a transfer.

Seniority is the continuous length of time an individual has been a regular full-time employee of the County. A person whose continuous regular employment with the County has been broken by a period of more than ninety (90) calendar days where he/she was not employed by the County and where he/she was not on sick leave or other approved leave of absence shall not have his/her service with the County prior to his/her resumption of regular employment counted as part of his/her seniority.

A regular full-time employee who is laid off only as a result of the necessity to reduce the number of County employees (reduction in force) will be given preference in filling positions which subsequently open and for which the employee is qualified as determined by the Department Head/Elected Official of the department with an opening for a period of one year.

**RESIGNATION:** A regular full-time or regular part-time employee resigning from a position is requested to give sufficient notice of his/her intention to enable the County to make proper adjustments. Sufficient notice is generally two (2) weeks at a minimum. All regular full-time or regular part-time employee resignations shall be in writing and may contain the reasons for leaving, except for at-will employees, who are requested to, but not required to provide written notice of resignation. A resignation will be placed in the employee's personnel file. The Department

Head/Elected Official is authorized to accept all resignations. Appropriate written notification of resignations/terminations should be initiated by the immediate supervisor and forwarded to the County Clerk's Office so that all pertinent records and files can be updated.

Notice to the County Clerk's office should be immediate, however, a term sheet indicating amount of unused vacation, etc. should be within 1-2 days after term date but no later than Thursday morning of end of pay period for next payroll date (to allow time to prepare exit packet and calculate accrued vacation, etc.). Term sheets not received in a timely manner may result in only hours worked being paid for that payroll with a delay of payment for accruals to the following payroll.

**EXIT INTERVIEW:** Any time an employee permanently terminates employment with the County, an exit interview may be scheduled with his/her Department Head. A separate exit interview may be scheduled by the employee with the Personnel Committee.

The employee is encouraged to provide input into matters directly associated with his/her employment with the County, such as discussing job satisfaction, training both in-house and outside, employee's impression of supervision, compensation and employee benefits, and general suggestions for improvement of the delivery of services to residents.

**RETURN OF COUNTY PROPERTY:** An employee leaving County employment, whether through resignation, lay-off or dismissal shall return any property, including keys, equipment and identification cards in his/her possession to the appropriate location. Failure to return all County property may result in prosecution.

**REINSTATEMENT:** Employees who have resigned while in good standing may be rehired. The conditions of rehire will be as a new employee and there shall be no carry forward of accrued service time, unless the rehire date occurs within ninety (90) calendar days of separation of employment. Insurance and benefits will begin after a 90-day probation period, per county policy.

For retirement terminations on or after January 1, 2021, members may not work for any IMRF employer for at least 60 days after your pension start date. After 60 days from the pension start day, you may return to work for an IMRF employer, as long as there was no pre-arranged agreement made before retirement and the usual return to post-retirement work rules will apply. For questions or more information for returning to work after retirement contact the Moultrie County Clerk's Office or visit [www.imrf.org](http://www.imrf.org).

Employees who resign while awaiting disciplinary action or who are discharged shall not be eligible for re-employment.

**EMPLOYEE REFERENCES:** All requests for reference information about a current or former County employee should be referred to the appropriate Department Head. It shall be the policy of the County that subjective or interpretive information about an employee's job performance will not be offered to those making reference inquiries. The County will only authorize the release of the following information:

1. Job title
2. General description of job responsibilities
3. Length of employment (starting date, termination date)



Any other information provided by a Department Head/Elected Official will be considered a personal reference and the County will accept no responsibility for the information relayed.

## **Section 2.6 POLICY REGARDING CONSIDERATION OF CRIMINAL CONVICTIONS**

It is the policy of Moultrie County to comply with state and federal law in determining the appropriate course of action when an applicant or employee has been convicted of a crime. In accordance with the Illinois Human Rights Act, unless otherwise authorized by law, Moultrie County shall not use an applicant or employee's conviction record as a basis to: (1) refuse to hire; (2) segregate; (3) discharge; (4) discipline; (5) disqualify; or (6) take adverse action against with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, tenure, or terms, privileges or conditions of employment, unless:

1. There is a substantial relationship between one or more of the previous criminal offenses and the employment sought or held; or
2. The granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

When determining whether a "substantial relationship" exists pursuant to paragraph (1) above, Moultrie County will consider whether the employment position offers the opportunity for the same or a similar offense to occur and whether the circumstances leading to the conduct for which the person was convicted will recur in the employment position.

In making a determination under paragraphs (1) and (2) above, Moultrie County will consider the following factors:

- A. The length of time since the conviction.
- B. The number of convictions that appear on the conviction record.
- C. The nature and severity of the conviction and its relationship to the safety and security of others.
- D. The facts or circumstances surrounding the conviction.
- E. The age of the employee at the time of the conviction; and
- F. The evidence of rehabilitation efforts.

If after considering the mitigating factors set forth in (a) through (f) above, Moultrie County makes a preliminary decision that the individual's conviction record disqualifies the individual, Moultrie County shall notify the individual of this preliminary decision in writing. The notification shall explain that the disqualifying conviction(s) is/are the basis for the preliminary decision and the County's reasoning for the disqualification. The notification shall also provide a copy of the conviction history report, if any, and an explanation of the individual's right to respond to the notification before the decision becomes final. The notification shall also advise the individual of their right to provide a response that may include, but is not limited to, evidence challenging the accuracy of the conviction record or evidence in mitigation, such as rehabilitation. Moultrie County shall provide the individual with at least five (5) business days to respond to the notification before it will make a final decision.

Moultrie County shall consider information submitted by the individual before making a final decision. If Moultrie County makes a final decision to disqualify or take adverse action solely or in part due to the individual's conviction record, Moultrie County shall notify the individual in writing that the disqualifying convictions are the basis for the final decision and the employer's reasoning for the disqualification.

The employer shall also provide the employee with notice of any existing procedure to challenge the decision or request reconsideration. The employer shall also notify the employee of the right to file a charge with the Department of Human Rights

For purposes of this policy, "conviction record" means information indicating that a person has been convicted of a felony, misdemeanor, or other criminal offense, placed on probation, fined, imprisoned, or paroled pursuant to any law enforcement or military authority.

Employees or applicants with questions about this policy should contact the Chair of the Personnel Committee or the State's Attorney.

## **CHAPTER III ADMINISTRATIVE POLICIES**

### **Section 3.1 RULES OF CONDUCT**

Moultrie County expects its employees to exercise mature judgment and common sense in their employment, to give conscientious attention to their duties, to maintain a high level of efficiency and to conduct themselves in a manner that reflects well upon them, as well as on the County.

**EMPLOYEE COOPERATION:** As a part of a team providing services for the benefit of the public, each employee must cooperate with fellow workers and the public in order to set a high standard of work performance. Unwillingness or failure to cooperate shall be cause for disciplinary action.

The total staff of the County must function as a team, and each employee is required to make a positive contribution in the interest of reflective and efficient public service.

### **Section 3.2 PERSONAL APPEARANCE**

Appropriate dress, personal hygiene and neatness contribute to the morale of all employees and affect the image Moultrie County presents to citizens and visitors. During work hours, employees are expected to present a clean and neat appearance and dress in appropriate business attire.

The following information is intended to serve as a guide to help define appropriate professional/casual business wear for employees at Moultrie County. However, not all casual clothing is appropriate for the office. Casual business wear means clean, neat and professional clothing. It is never appropriate to wear stained, wrinkled, frayed, tight fitting, or revealing clothing to the workplace.

Listed below is a general overview of acceptable proper attire as well as a listing of some of the more common items that are not appropriate for the office. Obviously, neither group is intended to be all-inclusive. Rather, these items should help set the general parameters for proper business wear and allow you to make intelligent judgments about items that are not specifically addressed.

The following lists do not apply to employees in departments which require uniforms or other work-related clothing such as Sheriff's Department, Highway Maintenance, Building Maintenance, etc. Some departments may require more formal attire and/or there may be times when your scheduled activities dictate a more formal business attire.

Examples of acceptable business wear include:

- Business suits or sport coats
- Slacks
- Capri pants
- Casual dresses and skirts
- Golf shirts
- Turtlenecks
- Sweaters
- Loafers

Examples of inappropriate clothing items that should not be worn include:

- Denim/jeans all colors/denim skirts or denim Capris (unless during a designated casual day)
- Sweatpants/sweat suits/exercise wear
- Shorts
- Extremely tight-fitting clothing (tops or bottoms)
- Miniskirts or skorts (shorter than fingertips with arms at side, as a general rule)
- Spaghetti strap, strapless dresses, tank tops (unless covered by another shirt or jacket)
- Collar-less t-shirts
- Clothing with beer, alcohol, tobacco logos or offensive messages or images or any shirts with logos larger than 2 inches in diameter
- Halter tops
- Visible undergarments
- Flip flops(thongs) or foam beach type shoes, athletic shoes, slippers
- Crop tops (midriff showing)
- Low cut tops that are too revealing
- Sheer or see through blouses or shirts
- Ball caps or hats

Relaxed professional dress policy is the same as above except that it includes:

- Jeans or denim (which is not white-washed, acid washed or of similar nature, faded, frayed or torn which are not of a low rise or bib overall type)
- Clean athletic shoes
- Tucked in collar-less t-shirts

Employees, who do not meet with the public and who work in non-public areas, for example, computer operators in information systems, inspectors, and other field personnel, may dress according to a more relaxed professional dress policy. At certain times, days may be designated as casual days. When a casual day is designated by an Elected Official or Department Head, employees may dress according to the relaxed professional dress policy. The Department Head/Elected Official will determine whether an employee is eligible for the relaxed professional attire exceptions.

Management reserves the right to authorize variations or substitutions of the designated dress code policy as needed for medical, religious, or other extenuating circumstances. Also, an Elected Official or Department Head reserves the right to determine the appropriateness of all dress and grooming within Moultrie County offices.

Any employee who does not meet the dress code will be sent home by their Department Head/Elected Official on his or her own time to change to appropriate clothing. Consult your supervisor or Department Head/Elected Official if you have questions as to what constitutes appropriate attire.

### **Section 3.3 HOURS OF WORK**

- A. **WORK WEEK:** The standard work hours for County employees will be thirty-five (35) hours per week. Most County offices are open from 8:30 a.m. to 4:30 p.m. Monday through Friday. The actual hours that an employee will work will be determined by the Department Head/Elected Official in accordance with the office hours approved by the County Board or authorized by statute. An employee may have one (1) hour for lunch and two (2) rest periods (one in the morning and one in the afternoon) of fifteen (15) minutes each. All offices will be open during lunch and coffee breaks, unless designated otherwise by the Department Head or Elected Official, with the consent of the County Board.

- B. **OVERTIME AND COMPENSATORY TIME:** Each Department Head/Elected Official will handle overtime issues within his/her office. Each Department Head/Elected Official may design a compensatory time system that works best for his/her office. Up to 35 hours of compensatory time may be carried over to the next year. Working in excess of the normal work hours within a workweek requires **prior** approval by the employee's supervisor. The supervisor and the employee must agree, prior to working beyond the normal work hours, how time is to be compensated (i.e. compensatory time or cash payment).
- C. **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 workstations at the scheduled start of their shift, except during scheduled breaks or lunch periods. An employee who exhibits unsatisfactory attendance, including but not limited to repeated tardiness, leaving before shift end or excessive time off may be subject to discipline up to and including termination. Employees are expected to call and speak with or leave a voice message for their supervisor (text messages or emails are not acceptable forms of communication) 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 case of a late arrival) advising when the employee expects to arrive at work. Failure to properly report and receive approval of an absence or late arrival in accordance with this policy may result in disciplinary action up to and including termination.
- D. **EMERGENCY CLOSURES:** County facilities shall always be open during regular business hours. The buildings will be open in all instances except when the County Sheriff or his/her designee determines the County building should be closed. Moultrie County employees will not be required to use vacation, sick hours or personal time for the closure.
- E. **SUGGESTIONS:** Employees are urged to make any suggestions they feel will be of benefit to the County and which would save time, reduce waste, promote safety and increase efficiency. Suggestions should be made to Department Heads, Supervisors, Personnel Committee or the Health, Safety, and Welfare Committee.
- F. **NURSING MOTHER POLICY:** The County will provide reasonable paid breaktime each workday to an employee who needs to express breast milk for her infant child 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 (currently located in the Planning and Zoning Office) will be made available to the employee to use for this purpose.

#### **Section 3.4 SAFETY POLICY**

Moultrie County is committed to providing and maintaining a safe and healthy workplace for its employees. Employees are expected to share in this commitment. To ensure health and safety in the workplace, employees must:

- Follow safety protocols
- Wear appropriate protective clothing
- Use appropriate safety equipment
- Use only approved ladders or stepladders for retrieving out-of-reach items
- Inform management immediately of any observed unsafe conditions or practices
- Keep your work area tidy and remove any items that may pose a safety hazard
- Ensure that you know the location of emergency exits
- Ensure that any accident or injury is immediately reported to management

Moultrie County's policy is to provide safe and pleasant working conditions for all employees. Department Heads should follow insurance company recommendations for safety and utilize good judgment regarding health and safety for all employees. The County maintains workers' compensation insurance for work-related injuries. Upon occurrence of an accident, injury or emergency, the employee's immediate supervisor should be notified immediately. Delay in filing official notice may result in loss or delay in receiving benefits.

The County maintains that its residents and employees are its most important assets. Therefore, their safety is the County's greatest priority. In all the County's assignments, the health and safety of all should be the utmost consideration.

Department Heads and supervisory personnel at all levels of the County work force are directed to make safety a matter of top priority.

This program is part of management procedures designed to efficiently utilize County capital and personnel.

Every Department Head/Elected Official is responsible for developing positive safety attitudes among all the personnel under his/her supervision and emulating a safety program in conjunction with the County program that will reduce conditions that can cause unnecessary injuries and accidents. It will also be the Department Head's/Elected Official's responsibility to advise the Board Chairperson of any federal, state and local standards with which compliance is felt to be lacking. Within the operational activities of any endeavor, there may be exposure to personal injury or property damage. A review of operations should include consideration of hazards, which could be present. The possibility of unsafe job procedures and/or improper equipment can also contribute to the occurrence of an accident. Continual emphasis on safe working has been shown to significantly reduce injuries, property damage and work interruption. Every employee is charged with the responsibility of supporting and cooperating with the County Safety Program. All employees are expected, as a condition of employment, to adopt the concept that the safe way to perform a task is the most efficient and the only acceptable way to perform it. Safety adherence and performance will be considered as an important measure of supervisory and employee performance evaluation.

### **Section 3.5 REPORTS OF INJURY**

- A. **SAFE WORK HABITS:** Each employee is required, as a condition of employment, to develop and exercise safe work habits in the course of his/her employment, to prevent injuries to himself/herself, his/her fellow employees and to conserve the County's property and equipment.
- B. **REPORTING:** 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 and place the 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 with the employee's Incident Report to the County's insurance carrier. Contact the County Clerk's office for this information.

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 County's insurance carrier.

Any accident involving the County's property or vehicles 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 and place the 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.

- C. **IMMEDIATE MEDICAL CARE:** If an employee is injured to such an extent that the employee requires immediate medical care, the employee shall go immediately to a physician after notifying his/her supervisor.
- D. **RETURN TO WORK:** If the employee is released by his/her physician for regular or light duty, the employee shall obtain from the attending physician a certification that the employee can return to work. Employees shall be required to release all medical information relative to the injury to the County's authorized agents. In addition, the employee shall be responsible for securing the necessary documentation to justify worker's compensation payments. In the case of an employee who has been released for light duty, said employee may be placed on light duty, if available.

### **Section 3.6 BUSINESS EXPENSE REIMBURSEMENT POLICY**

Moultrie 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 Moultrie 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 Moultrie County. Moultrie 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 Moultrie 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 Moultrie County.

If the employee fails to comply with this policy, Moultrie 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 Moultrie County to the employee for the reasonable portion directly related to the services performed for Moultrie 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 (IRS Business Standard Mileage Rate)
- Meals (alcohol excluded, up to breakfast \$7, lunch \$ 15 and dinner \$20)
- Safety equipment
- Uniforms

Prior to incurring any expenses in the scope of employment, the employee should confer with his/her Department Head/Elected Official to determine whether the expense is necessary and authorized, and if so, the proportion of the expense that is directly related to the services performed for Moultrie 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 his/her Department Head/Elected Official for a determination on whether the expense is necessary.

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

### **Section 3.7 OTHER ADMINISTRATIVE POLICIES**

- A. **BULLETIN BOARDS:** Bulletins and bulletin boards are the County's "official" way of keeping everyone informed about new policies, changes in procedures and special events. Information of general interest is posted regularly on the bulletin boards. Employees should form the habit of reading the bulletin boards regularly so they will be familiar with the information posted on them. The County Board shall have the option of directing the removal of inappropriate material from all bulletin boards. The official bulletin boards will be in the West entryway of the courthouse, the County Clerk's Office, outside the County Board Room and in the lobby of the Court House. They will be maintained by the County Clerk's office.
- B. **AUTHORIZED DRIVERS AND MOTOR VEHICLE RECORD (MVR) CHECK POLICY AND PROCEDURE:** 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 of their passengers and the public.

#### **Policy Statements:**

- All drivers must be authorized to drive for work purposes and must immediately notify their supervisor of any changes in their driving status.
- The 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 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 always keep the license(s) with them while driving. All CDL drivers must comply with all applicable D.O.T. regulation, 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. 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 hands free device is used. All phone use is prohibited in 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 another website 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 intoxicants or other illicit drugs 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 key 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.

**The following is a non-exhaustive list of conduct resulting in traffic conviction 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 or drugs
- 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

C. **AUTO INSURANCE:** Employees required to use their own vehicle on County business must have auto insurance with at least the following coverage:

1. \$20,000 for injury or death of one person in an accident.
2. \$40,000 for injury or death of more than one person in an accident.
3. \$15,000 for damage to property of another person

The defense and indemnity by the County will be, in all cases, secondary to the policy coverage mentioned above. It is the responsibility of each employee that drives his or her own vehicle for work proposes to maintain coverage in force as specified above.

D. **USE OF COUNTY EQUIPMENT AND VEHICLES:** Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines.

The employee should not use or allow the use of County property for any activity other than official, approved duties.

An employee should notify his/her supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair. Prompt reporting could prevent the deterioration of equipment and possible injury to employees or others. Failure to report damage caused by accidents with County equipment and vehicles shall be considered grounds for disciplinary action, up to and including discharge. The supervisor can answer any questions about an employee's responsibility for maintenance and care of the equipment or vehicles used on the job.

The improper, careless, negligent, destructive or unsafe use or operation of vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

E. **USE OF COUNTY OFFICE EQUIPMENT:** Office equipment such as computers, printers and copiers must also be used with care by County employees. If any office machinery becomes inoperable or requires service, employees are to notify their supervisor and arrange for the necessary repair.

F. **NO SOLICITATION:** Solicitation will not be permitted during working time or during non-working time in areas where it will disturb other employees who are working. Distribution or circulation of printed material by employees will not be permitted during working time or during non-working time in areas where it will disturb other employees who are working nor will distribution be permitted at any time, including working and non-working time, in working areas. "Working time" refers to that portion of any workday during which an employee is supposed to be performing any actual job duties; it does not include other duty-free periods of time. Solicitation and distribution by non-employees on County property are strictly prohibited.

G. **RECORD RETENTION:** 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 information 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 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 Chair of the Personnel Committee or the State’s Attorney.

**Section 3.8 WORKPLACE VIOLENCE**

The County’s policy is to maintain a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behavior; physical abuse; vandalism; arson; sabotage; use of weapons, carrying unauthorized weapons of any kind while on duty, or any other activity that is not appropriate in the workplace. The policy applies in county vehicles, in any work area, and on County property. In addition, jokes or offensive comments regarding violent events will not be tolerated and may result in disciplinary measures.

If an employee feels he/she has been subjected to any of the behaviors listed above or has witnessed such behavior, the employee is requested to immediately report the incident to his/her Department Head/Elected Official or the Personnel Committee Chair and also provide a written statement of the occurrence. Complaints will be promptly investigated. Based upon the results of the investigation, disciplinary action up to and including termination may be taken against the offender.

The employee is also empowered and encouraged to contact the proper law enforcement authorities without first informing the employee’s Supervisor, if the employee reasonably believes a threat to his/her safety or that of others exists. Employees should contact law enforcement immediately in case of emergency.

**Section 3.9 IDENTITY PROTECTION POLICY**

- A. It is the policy of Moultrie 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 the 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 and appointed officials.
- B. 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 and documents.
- C. Moultrie County prohibits the following:
  - Publicly posting or publicly displaying in any manner, an individual’s social security number.
  - Printing an individual’s social security number on any card required for the individual to access products or services provided by the County.
  - 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.

- 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.
- D. 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 materials 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 post card or other mailer that does not require an envelope or be visible in an envelope without the envelope having been opened.
- E. Moultrie County prohibits the following:
- 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;
  - Requiring an individual to use his or her social security number to access an Internet website.
  - Using the social security number for any purpose other than the purpose for which it was collected.
- F. Notwithstanding any provision in this Policy to the contrary, social security numbers may be collected, disclosed or used in the following circumstances:
- 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 the 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;
  - The disclosure of social security numbers pursuant to a court order, warrant or subpoena.
  - 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 Service Act, and all persons working in or visiting a State or local government agency facility;
  - The collection, use, or disclosure of social security numbers for internal verification or administrative purposes.
  - 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.

- 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.
- G. 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.
  - H. 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.
  - I. 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 the County is collecting and using the social security number provided.
  - J. 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.
  - K. 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.
  - L. 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.
  - M. If 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.
  - N. 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 bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this Policy.
  - O. This Policy must be provided to the County Board of Moultrie 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.
  - P. The County will make a copy of this Policy available to any member of the public, upon request.
  - Q. If this policy is amended in the future, a copy will be provided to the County Board of Moultrie County, and employees will be promptly advised of the amended Policy and provided a copy of this Policy.
  - R. This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use or disclosure of social security numbers.
  - S. 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.

## **CHAPTER IV PERFORMANCE**

### **Section 4.1 PERFORMANCE APPRAISAL**

Each Department Head/Elected Official should strive to conduct annual performance appraisals with employees. Performance appraisals become part of the employee's personnel records and a copy of each shall be contained in the employee's personnel file. Department Heads' performance appraisals may be done by the Committee Chairperson to whom they report.

### **Section 4.2 PERSONNEL FILES**

Personnel files will be maintained on each employee in accordance with the terms of the Personnel Record Review Act. Employees may review their personnel files located in the County Clerk's office and/or their Department Head's/Elected Official's separate personnel files.

## **CHAPTER V BENEFITS**

### **Section 5.1 INSURANCE – EMPLOYEES AND DEPENDENTS**

The County currently provides life insurance, accidental death and dismemberment insurance, medical and hospitalization insurance, dental and vision insurance to full time employees who work an average of at least thirty-five (35) hours per week, interrupted only by absence with official permission. Part-time employees who work an average of at least thirty (30) hours per week, are eligible for health, dental and vision insurance coverage only. Plan documents for specific benefits are available in the County Clerk's Office. Dependent coverage at group rates is available except for health insurance.

At the employee's option, he/she may elect coverage through any one of the applicable health, dental, vision and life insurance plans made available by the County.

Health, dental and vision insurance coverage shall commence following the ninety (90) day probationary period and shall cease on the employee's final day of employment or when regularly scheduled hours are reduced below an average of thirty (30) hours per week, interrupted only by absence with official permission.

Life insurance coverage shall commence on the first day of the month after thirty (30) days of full-time employment. (Example: employee hire date is March 6; + 30 days = April 6; the first day of the month after April 6 then being May 1 for coverage to commence). Life insurance coverage shall cease on the employee's final day of employment or when regularly scheduled hours are reduced below an average of at least thirty-five (35) hours per week, interrupted only by absence with official permission.

The Moultrie County Clerk will furnish a "Guide to Benefits for Moultrie County Employees" to each full-time employee and a reduced Guide to Benefits to part-time employees upon his/her employment and during our annual Open Enrollment period.

After 90 days of employment, or during the Open Enrollment period in October, a Cafeteria Plan is available to full-time employees for additional benefits which are fully payable by the employee on both a pre-tax and after-tax basis. For those options that are selected on a pre-tax basis, the cost of that benefit is subtracted from gross wages before taxes are calculated reducing your taxable wages and thereby your taxes.

Any Elected Official or employee, whose position does not include paid health insurance through the County's program, may join said program at 100% their own expense. This option shall extend to former elected officials and former employees at the discretion of the County Board.

Summary plan descriptions that explain coverage of health, dental, vision and life insurance benefits in greater detail are available in the County Clerk's Office. The actual plan documents, which are available by making a written request to the County Clerk, are the final authority in all matters relating to benefits described in this Employee Handbook or in the summary plan descriptions and will govern in the event of any conflict. Additionally, the County reserves the right to change insurance carriers, change health maintenance organizations, self-insure, and/or change or eliminate any benefits at any time in accordance with applicable law.

Upon retirement or disability, the employee may be eligible to elect to continue certain coverage under the County's plans. If the employee is eligible, and he/she elects such

coverage, he/she must pay the entire premium. The insurance summary plan description should be reviewed for more details.

### **Continuation of Medical Coverage (COBRA)**

If an employee would otherwise lose his/her health insurance coverage because of a reduction in his/her working hours or the termination of his/her employment for reasons other than gross misconduct on the employee's part, he/she is eligible under the provisions of COBRA for a temporary extension of health coverage under the County's health plan for such period of time as prescribed by law. The County Clerk's office will notify the employee of the time period for which continuation coverage may be provided, depending upon the employee's individual situation. Premium payments are to be made in the County Clerk's office. The County Clerk will inform the employee of the date the premium is due.

If an employee elects to continue coverage, he/she is responsible for payment of the full premium, which amount may change from time to time.

Termination of COBRA Coverage occurs when the earliest of the following occurs:

1. End of the month during which the maximum continuation period ends. For example, if the maximum period ends 3/19, coverage would remain in effect through 3/31.
2. Retroactive to the last date paid if the employee fails to pay the premium.
3. The employee becomes a participant in another group health plan through employment or marriage/civil union, provided that the plan does not have a pre-existing waiting period.
4. The employee becomes eligible for Medicare.

## **Section 5.2 WORKERS' COMPENSATION**

The Workers' Compensation law provides protection for employees experiencing occupational disabilities through accidents or illness arising out of and in the course of employment.

When an employee suffers an on-the-job injury, a "Report of Injury" form must be completed in every instance and filed with the County's Insurance Carrier within 24 hours of the accident. In the event hospitalization is required, the Report of Injury form must be filed within 48 hours. If medical attention was required as a result of the injury or illness, a claim will then be filed with the County's Insurance Carrier by the hospital and/or attending physician as directed by the employee receiving treatment.

All expenses involved with the treatment of a work-related illness or injury are covered by the State of Illinois Workers' Compensation Act.

Employees receiving workers' compensation benefits should also contact the County Clerk's office for important information regarding IMRF disability benefits, rights and responsibilities.

## **Section 5.3 RETIREMENT**

The Illinois Municipal Retirement Fund ("IMRF") provides employees of local governments and school districts in Illinois with a sound and efficient system for the payment of retirement, disability and death benefits. These benefits, payable to qualifying members, are in addition to those provided by Social Security. The County Clerk is the County's Authorized IMRF Agent.



- A. EMPLOYEES COVERED: Participation is compulsory through payroll deduction at the time of employment if the employee occupies an IMRF qualified position expected to work 1,000 or more hours per anniversary year. If an employee's annual hours are to be reduced to less than 1,000 hours per anniversary year, the Department Head/Elected Official must notify the County Clerk's office of such in writing. See Section 2.5 Separation Procedures for more information.
  
- B. DETAILED IMRF INFORMATION: An IMRF Field Representative and an IMRF website are available to answer any questions; the IMRF field representative's contact information and the IMRF website address may be obtained from the County Clerk's Office.

## CHAPTER VI PAID AND UNPAID LEAVES

### Section 6.1 VACATIONS

- A. **VACATION BENEFITS:** All regular full-time employees are eligible for paid vacation benefits. The length of eligible service is calculated on the employee's date of hire. Eligible employees shall earn vacation time in accordance with the following schedule:
- 5 working days after one (1) full year of service
  - 10 working days after two (2) full years of service
  - 15 working days after five (5) full years of service
  - 20 working days after ten (10) full years of service
- B. **VACATION AVAILABILITY:** Vacation benefits will be available to all employees upon the anniversary of their hire date. With permission of the Department Head/Elected Official, one week of vacation may be deferred to the following year.
- C. **VACATION SCHEDULES:** Vacations will be scheduled with prime consideration given to the efficient operation of each department and requests for vacation will be submitted to Department Head/Elected Official in advance for approval. While employee's requests will be honored whenever possible, final approval must be given by the Department Head/Elected Official to provide continuity of operations.
- D. **VACATION TIME PAYMENT UPON TERMINATION OF EMPLOYMENT:** Any employee leaving the County shall be compensated for vacation leave earned and unused at the date of termination of employment, at the employee's current pay rate, or as may be prescribed by state and/or federal laws.
- E. **HOLIDAYS DURING VACATION LEAVE:** Whenever a paid holiday falls during an authorized vacation leave, the employee's leave on the date of the paid holiday shall be considered a holiday for payroll purposes and shall not be charged to the employee's accumulated vacation leave.
- F. **PAYMENT IN LIEU OF VACATION:** For active employees, no salary payment shall be made in lieu of vacation not taken on a yearly basis.

### Section 6.2 SICK DAYS AND PAID LEAVE:

The personnel policy regarding sick leave for County employees stipulates that:

- A. **SICK DAYS:** After completing the ninety (90) day probationary period, each full-time employee of the Moultrie County shall be eligible to use their sick leave under the following conditions:
1. Employees shall accrue one sick day per month of employment provided that the employee either works or is on paid leave for at least one-half of the month. For example, if an employee begins employment on April 11<sup>th</sup>, he or she will accrue one sick day on May 11<sup>th</sup>. If an employee begins working on the last day of a month and the next month has no corresponding numeric day, the employee will accrue a sick day on the last day of the next calendar month (i.e. an employee beginning employment on May 31<sup>st</sup> would accrue a sick day on June 30<sup>th</sup>).

Employees with less than ten (10) years of service may accumulate up to, but not more than 45 days of sick leave and may not use more than 45 days of accumulated sick leave in a 12-month period.

Employees with ten (10) years or more of service may accumulate up to, but not exceed 55 days of sick leave and may not use more than 55 days of accumulated sick leave in a 12-month period.

Each time an employee requests to use sick leave, the Department Head/Elected Official will review the preceding 12-month period. Any sick leave taken during that preceding 12 months will be deducted from the maximum usable sick leave.

Employees who participate in IMRF may accrue additional sick days, up to a maximum of 240, for the purpose of obtaining additional IMRF service credit upon retirement. If an employee has utilized his or her 45 or 55 maximum accrued sick days, any additional days which the employee had accrued for IMRF purposes may then be re-classified as "usable" sick days, however, an employee is still limited to taking no more than 45 or 55 days of sick leave in a 12-month period based on their anniversary date.

2. In addition to personal illness, sick leave may be granted for sickness in the employee's immediate family, child birth by an employee or by employee's spouse/civil union partner, adoption, to meet physical, dental, and vision examinations that cannot be scheduled during the employee's off duty hours for employee or employee's immediate family, or to take other necessary measures to insure good physical health of employee or employee's immediate family. For purposes of determining authorized sick leave under this provision, "immediate family" is defined to be spouse/civil union or domestic partner, sibling, mother, father, mother-in-law, father-in-law, child (birth, adopted or step), grandchild, grandparent or stepparent, and any blood relative that resides full-time in the employee's home.

**B. PERSONAL LEAVE:** Personal leave is granted by the County to transact personal business. After completion of the ninety (90) day probationary period, each employee may take five (5) personal paid days of leave per employment year, unless noted differently in Union Contract or applicable state or federal law. Personal leave is non-accumulative, and any unused time will be forfeited at the end of the 12-month period. Elected Officials/Appointed Officials/Department Heads may require up to seven days' advanced notice for a request for paid leave unless the need is unforeseeable, in which case employees need to only provide notice as soon as practicable. If advance notice is required by an employer, a written policy that contains procedures for the employee to provide notice must be adopted. Upon the end of employment, employees are not entitled to pay of unused time. However, if the employee is rehired within 12 months, the unused time must be reinstated. Elected Officials/Appointed Officials/Department Heads must comply with all applicable state and federal laws regarding maintaining and retaining accurate records for each employee's hours worked, paid leave accrued and used, and remaining paid leave balance.

**C. UNUSED DAYS:** In no event shall any compensation be paid to any employee for unused sick or paid leave days. Any employee leaving the County shall be compensated for vacation days earned and unused at the date of termination of employment, at the employee's current pay rate, or as may be prescribed by state and/or federal laws.

- D. **APPROVAL OF SICK/PERSONAL DAYS:** Use of sick/personal leave 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.

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 to create minimal disruption of work schedules.

For periods of absence of more than three consecutive workdays or suspected abuse of sick leave, the employee may be required to provide a physician's statement confirming the reason for the absence.

- E. **IMRF CREDIT:** Retiring IMRF members, 55 years and older, qualify for a maximum of one year of additional pension service credit for unpaid, unused sick leave accumulated at the rate of one month for every 20 days of unpaid, unused sick leave or fraction thereof.

### **Section 6.3 BEREAVEMENT**

Full-time employees may take three (3) days of paid bereavement leave for the death of spouse/civil union partner, mother, father, child, brother, sister, grandmother, grandfather, grandchild, spouse/civil union's relatives of the same degree of blood relationship and any blood relative who resides full-time 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/Elected Official.

Part-time employee may take one (1) day of paid bereavement leave for the death of spouse/civil union partner, mother, father, child, brother, sister, grandmother, grandfather, grandchild, spouse/civil union's relatives of the same degree of blood relationship and any blood relative who resides full-time in the employee's home.

Eligible employees (as that term is defined in Section 101(2) of the federal Family and Medical Leave Act, 29 U.S.C et seq.) are also entitled to take a maximum of 2 weeks (10 working days) of unpaid bereavement leave for the reasons described below.

- A. Employees may take leave for the following reasons relating to the death of a covered family member
- a. To attend the funeral or alternative to a funeral of a covered family member;
  - b. To make arrangements necessitated by the death of a covered family member;
  - c. To grieve the death of a covered family member

In the event of the death of more than one covered family member 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

When an employee takes leave for reasons listed under Paragraph A, above, Moultrie County may require 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.

- B. Employees may take leave for the following reasons relating to pregnancy, fertility, adoption, and surrogacy:
- a. Due to a miscarriage;
  - b. Due to an unsuccessful round of intrauterine insemination or of an assisted

- reproductive technology procedure;
- c. Due to a failed adoption match or an adoption that is not finalized because it is contested by another party;
- d. Due to a failed surrogacy agreement;
- e. Due to a diagnosis that negatively impacts pregnancy or fertility;
- f. Due to a stillbirth

When an employee takes leave for reasons under Paragraph B, above, Moultrie County may require reasonable documentation including a Department of Labor form filled out by a health care practitioner who has treated the employee or the employee's spouse or domestic partner, or surrogate, for an event listed under Paragraph B above, or documentation from the adoption or surrogacy organization that the employee or his or her spouse or domestic partner has experienced an event listed under Paragraph B. Moultrie County does not require that the employee identify which category of event under Paragraph B the leave pertains to as a condition of exercising the rights under this policy.

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 cover family member or the date on which an event listed under Paragraph B occurs. An employee is required to provide the County with at least 48 hours' advanced notice of the employee's intention to take bereavement leave unless providing such notice is not reasonable and practicable.

For purposes of this policy, covered family members include an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

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 that the employee believes to be in violation of this policy, or supports the exercise of rights of another under this policy.

This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or in addition to the unpaid leave time permitted by the federal Family and Medical Leave Act of 1993.

#### **Section 6.4 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 summons or 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. Employees are expected to return to work on days when their attendance in court is not required or when they are excused from jury service for a sufficient amount of time during the business day to allow them to return to work.

#### **Section 6.5 TIME OFF TO VOTE**

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

## Section 6.6 FAMILY AND MEDICAL LEAVE ACT AND MILITARY LEAVE (FMLA) POLICY

This policy document supersedes any other existing policy or policy document governing the handling of leave taken pursuant to the Family and Medical Leave Act of 1993 ("FMLA"). It is intended to conform with Moultrie County's obligations under 29 C.F.R. §825.300. Employee should contact their Department Head/Elected Official for all required forms

### A. ELIGIBILITY

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

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

### B. 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 childbirth.

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

Spouses employed by the County may be limited to a **combined** total of 12 work weeks of family leave for the following reasons:

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

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

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member (as defined by federal regulation) who is recovering from a serious illness or injury sustained in the line of duty on active duty, is entitled to up to 26 weeks of unpaid leave in a single 12-month period to care for the 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 FMLA-qualifying reason during a 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,
- Because of a qualifying exigency.

A husband and wife both employed by Moultrie County are eligible for FMLA leave, limited to a combined total of 26 workweeks of leave during a single 12-month period if the leave is taken to care for a covered servicemember with 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 service member, 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 regarding the child through either day-to-day care or financial support.

### **C. SERIOUS HEALTH CONDITION**

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

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

#### **D. LEAVE AVAILABILITY CALCULATION**

Moultrie 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 service member. Under the rolling 12-month period, in order to determine the amount of available FMLA leave, the calculation is made each time an employee commences an FMLA leave. From that date, the preceding 12-month period is examined. Any FMLA leave used during that preceding 12 months is deducted from the 12 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 service member with a serious injury or illness, the single 12-month period begins on the first day the eligible employee takes FMLA leave.

#### **E. SUBSTITUTION OF PAID LEAVE**

Any employee taking FMLA leave is required to substitute and use any remaining paid “leave” benefits which are available or become available during the FMLA leave. This includes vacation, personal, sick days, and compensatory time (in offices where compensatory time is granted). 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.

#### **F. 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, the 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.

During FMLA leave, the County will continue like insurance coverage it currently provides to full-time employees. Employees participating in Cafeteria Plan options will be contacted for them to make payment arrangements to prevent a lapse in coverage for those options. 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.



## **G. 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. Employee should contact their Department Head/Elected Official for all required forms.

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 because of a qualifying exigency or to care for a covered service member with a serious injury or illness must also be supported by a certification in the form attached to this policy except that an employee taking leave to care for a covered service member may provide an invitational travel order (ITO) or an invitational travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Additional copies of the certification forms can be obtained from the County Clerk's office. 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 FMLA Rules and Regulations if appropriate certification is not provided. Employee should contact their Department Head/Elected Official for all required forms.

## **H. 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).

## **I. EMPLOYER RESPONSIBILITIES**

The County must inform employees requesting leave if they are eligible under FMLA. If they are eligible, the notice must specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, the County will provide a reason for the ineligibility. Employee should contact their Department Head/Elected Official for all required forms

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.

## **J. 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.

## **K. WORKING PROHIBITED WHILE ON FMLA**

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

## **L. 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.

## **M. 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.

### **Section 6.7 IMRF DISABILITY LEAVE**

All employees who may be eligible for IMRF disability benefits should contact the IMRF Field Representative (contact information available in the County Clerk's office) for important, detailed information regarding IMRF disability benefits, rights and responsibilities.

### **Section 6.8 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

leave request to the Personnel Committee Chair or the State's Attorney.

**YOUR RIGHTS UNDER USERRA:**

**A. THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS 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.

**B. 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 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.

**C. 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.

**D. 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, Veteran's Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

For assistance in filing a complaint, or 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.
- F. **RIGHTS UNDER ILLINOIS LAW:** Moultrie County 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. Moultrie 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.

## **Section 6.9 GENERAL LEAVE OF ABSENCE**

- A. **LEAVE REQUESTS:** Employees may request a general unpaid leave of absence. The decision to grant such leave shall be at the sole discretion of the Department Head/Elected Official. Requests for leave can include, but are not limited to the following:
- 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.
  - To recover from their own illness or attend to family illness beyond the 12 weeks allowed under FMLA. (See Family Leave Section 6.5)
  - 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 Department Head/Elected Official.
  - 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.
- B. **PROCEDURE:** Employees may submit a written request to their Department Head/Elected Official 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. Authorization for such leave shall be within the sole discretion of the Department Head/Elected Official whose decision will be based upon the operational needs of the department, the work record of the individual and the reason for the request. An employee is required to exhaust available paid vacation and sick/personal leave before an unpaid general leave of absence is commenced.

- C. **BENEFITS:** If the current Insurance Policy provider allows, for the remainder of the month during which a general leave begins, the County will continue to provide group health insurance coverage under the same conditions as it did before the leave began. At the conclusion of the month, 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.

Except for group health, life, dental and vision coverage, an employee is not entitled to accrue any other employment benefit while on a general leave.

Unless otherwise stated or otherwise required by law, length of service shall not accrue for an employee who is on an approved non-paid leave status. Accumulated length of service shall remain in place during that leave and shall begin to accrue again when the employee returns to work on a pay status. Unless otherwise stated, an employee returning from leave will have his/her seniority reinstated after the period of the leave. Upon return, the County will place the employee in his/her previous assignment, if vacant; if not vacant, the employee will be placed in the first available assignment according to the employee's seniority, where skill and ability to perform the work without additional training is equal.

If, upon the expiration of a leave of absence, there is no work available for the employee or if the employee could have been laid off according to his/her seniority except for his/her leave, he/she shall go directly on layoff.

During an approved unpaid leave of absence or layoff, an employee shall be entitled to coverage under applicable health, life, dental and vision insurance plans to the extent provided in such plan(s), provided the employee makes arrangements for the change and arrangements to pay the entire insurance premium involved, including the amount of premium previously paid by the County. The amount of this premium may change from time to time. The employee's premium payment is to be made in the County Clerk's office. The County Clerk will inform the employee of the date the premium is due.

- D. **DURATION:** A general leave of absence may be granted for up to twelve (12) workweeks. Extensions may be granted for an additional period at the discretion of the County Board Chairperson.
- E. **RETURN TO DUTY:** A return date shall be set by the Department Head/Elected official at the time the general leave is granted.

An employee may request an extension of the general leave by making application to the County through the County Board Chairperson in the same manner as on original application, but such extension may not be granted in excess of the limits set forth above.

Prior to reinstatement after a general leave of absence for an employee's own illness, the employee must present to the Department Head/Elected Official a physician's written statement certifying that the employee is capable of returning to work and performing, either with or without reasonable accommodations, the essential functions of the employment position involved.

- F. **RESIGNATION:** An employee who fails to return from a general leave on the designated return date, either as originally agreed or as extended, shall be considered as having abandoned and resigned his/her employment position with the County.

#### **Section 6.10 WORKERS' COMPENSATION LEAVE**

An employee experiencing occupational disability due to an accident or illness arising out of and in the course of his/her employment may be placed on Workers' Compensation Leave; such workers' compensation leave, including any time off for required therapy or doctor visits, shall also be designated as FMLA, assuming that all FMLA qualifications are satisfied. Participating employees should apply for IMRF Disability Benefits if eligible.

While on FMLA, an employee still employed by the County who is receiving workers' compensation 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 Clerk's office. After FMLA has been exhausted, the employee will be required to pay his/her share of health insurance premiums on the same schedule as he/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.

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 (County Clerk's office) will provide Salary Withholding Authorizations forms to be completed by the employee.

Other elective payroll deductions are the responsibility of the employee. Costs advanced by the County are subject to the same Salary Withholding Authorization as health insurance benefits.

#### **Section 6.11 SCHOOL VISITATION LEAVE**

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 the 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 that the conference or classroom activity cannot be scheduled during non-working hours. Before taking leave pursuant to this policy, an employee must have exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to the employee except for sick leave and disability. Employees who intend to take leave pursuant to this policy are required to provide a written request at least seven (7) days in advance to their supervisor. In emergency circumstances, only twenty-four (24) hours' notice will be required. The employee is required to consult with his or her supervisor to schedule the leave so as not to unduly disrupt operations. Employees who take leave pursuant to this policy will be given a reasonable opportunity to make up the time off taken on a different day or shift as directed by the supervisor, 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. Retaliation against an employee for exercising his/her rights under this policy is prohibited.

### **Section 6.12 INABILITY TO CONTACT**

If after reasonable efforts, the employee cannot be contacted regarding his/her intent to return to work after an approved leave of absence, the employee shall be deemed to have resigned his/her position with the County.

### **Section 6.13 VICTIMS' ECONOMIC SECURITY AND SAFETY (VESSA) POLICY**

**DISCRIMINATION AND HARRASSMENT PROHIBITED:** Moultrie County prohibits discrimination against or harassment of an individual who is or who is perceived to be a victim of domestic violence, sexual violence, gender violence, or any other crime of violence, or who has a family member who is a victim of domestic violence, sexual violence, or gender violence, or any other crime of violence. Moultrie 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 violence, sexual violence, or gender violence or any other crime of violence. Moultrie County further prohibits discrimination against or harassment of an individual because the individual has requested an adjustment to a job structure, workplace facility, or work requirement in response to an actual or threatened act of domestic violence, sexual violence, gender violence or other crime of violence. Any individual who believes this policy has been violated should promptly make a report to Moultrie 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:** Moultrie County will provide up to twelve (12) weeks of unpaid leave from work to an employee who is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence (or who has a family or household member who is a victim of domestic violence, sexual violence, gender violence or any other crime of violence) to address domestic violence, sexual violence, gender violence, or other crime of violence if the employee is :

1. Seeking medical attention for, or recovering from, physical or psychological injuries to the employee or employee's family or household member caused by domestic violence, sexual violence, gender violence, or other crime of violence.
  2. Obtaining services from a victim services organization for the employee or the employee's family or household member.
  3. Obtaining psychological or other counseling for the employee or the employee's family or household member.
  4. 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 violence, sexual violence, gender violence, or other crime of violence or to ensure economic security; or
  5. 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 violence, sexual violence, gender violence, or other crime of violence.
- "Family or household member" means a spouse, party to a civil union, parent,

grandparent, child, grandchild, sibling, any other person related by blood or by present or prior marriage or civil union, other person who shares a relationship through a child or any other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to domestic violence, sexual violence, gender violence, or other crime of violence.

**PERIOD OF LEAVE:** Employee shall be entitled to a total of twelve (12) workweeks 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 leave 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 Moultrie County with at least 48 hours' advance notice of the employee's intention to take leave, unless providing such notice is not practicable.

When an unscheduled absence occurs, Moultrie 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 shown under the next section.

**EMPLOYEE CERTIFICATION:** Moultrie County may require the employee to provide certification to Moultrie County that:

1. The employee or the employee's family or household member is a victim of domestic violence, sexual violence, gender violence, or other crime of violence: and
2. The leave is for purposes enumerated in the first paragraph above.

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

An employee may satisfy the above certification requirement by providing to Moultrie County a signed and dated statement of the employee, and if the employee has possession of such document, the employee shall provide one of the following documents:

1. Documentation from an employee, agent, or volunteer of a victim service 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 violence, sexual violence, gender violence, or other crime of violence and the effects of the violence;
2. A police or court report; or
3. Other corroborating evidence.



The employee shall choose which document to submit, and Moultrie County shall not request or require more than one document to be submitted during the same 12-month period of leave is requested or taken if the reason for leave is related to the same incident or incidents of violence or the same perpetrator or perpetrators of violence.

**CONFIDENTIALITY:** All information provided to Moultrie 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 or a reasonable accommodation pursuant to this policy, shall be retained in the strictest confidence by Moultrie 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 OF POSITION:** In general, an employee who takes leave under this policy shall be entitled, on return from such leave:

1. To be restored by Moultrie County to the position of employment held by the employee when the leave commenced; or
2. 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:

1. The accrual of any seniority or employment benefits during any period of leave; or
2. 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 leave.

**REPORTING TO THE EMPLOYER:** Moultrie County may require the employee on leave under this policy to report periodically to Moultrie 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 that an employee takes leave under this policy, Moultrie 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:** Moultrie 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:

1. The employee fails to return from leave under this policy after the period of leave to which the employee is entitled has expired; and
2. The employee fails to return to work for a reason other than;
  - The continuation, recurrence, or onset of domestic violence, sexual violence, gender violence, or other crime of violence that entitles the employee to leave; or
  - Other circumstances beyond the control of the employee.

Moultrie County may require an employee who claims the employee is unable to return to work because of a reason described in the section above to provide, within a reasonable period after making the claim, certification to Moultrie County that the employee is unable to return to work because of that reason.

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

1. A sworn statement of the employee;
2. 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 violence, sexual violence, gender violence, or other crime of violence and the effects of that violence;
3. A police or court report; or
4. Other corroborating evidence.

The employee shall choose which document to submit and Moultrie County shall not require more than one document to be submitted.

Moultrie 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:** Moultrie 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:** Moultrie County shall provide reasonable accommodations to the known limitations of an employee resulting from circumstances relating to being a victim of domestic violence, sexual violence, gender violence, or any crime of violence or having a family or household member who is a victim of domestic violence, sexual violence, gender violence, or other crime of violence, unless doing so would impose undue hardship on Moultrie County. Reasonable accommodations may include adjustment to 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 violence, sexual violence, gender violence, or other crime of violence that occurs at the workplace or in work-related settings, or any other reasonable accommodation in response to actual or threatened domestic violence, sexual violence, gender violence, or other crime of 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 County 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 Personnel Committee Chair or the State's Attorney.

**REFERENCE TO REQUIRED POSTING:** Moultrie County has posted in each department, a poster setting forth the relevant provisions of the Victims' Economic Security and Safety Act. The terms of that poster are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of that poster concerning all applicable employee rights and obligations under the Act.

#### **Section 6.14 HOLIDAY PAY.**

Holiday pay will be available to all full-time employees from the employee's date of hire. Any employee on unpaid leave of more than seven days prior to a holiday will not receive pay for that holiday.

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

### **Section 7.1 STANDARD OF CONDUCT**

Whenever people gather together to achieve goals, 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/her fellow employees to adhere to certain rules of behavior and conduct. When each person is aware that he/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 himself/herself in a professional and respectful manner. Failure to do so may subject the employee to discipline, appropriate under the circumstances, inclusive of discharge.

Typically, an immediate supervisor will initiate disciplinary action when he or she deems it necessary. The immediate supervisor may also recommend to the Department Head/Elected Official such disciplinary action as the circumstances may warrant. Depending on the circumstances, disciplinary action may also be imposed by another member of management. Disciplinary action may be imposed upon an employee for any cause deemed appropriate under the circumstances.

An employee may be reprimanded, suspended or discharged whenever it is determined to be in the best interest of the County. Such determination may be made for any such lawful reason, including, without limitation, any one or more of the following:

1. Possessing firearms or other weapons on County property, except that concealed carry permit holders may store a firearm in their vehicle in accordance with the Concealed Carry Act.
2. Fighting or assaulting another individual.
3. Threatening or intimidating others.
4. Engaging in any form of sexual or other harassment.
5. Reporting to work under the influence of alcohol or illegal drugs or narcotics or using, selling, dispensing, or possessing alcohol or illegal drugs or narcotics on County premises.
6. Disclosing confidential County information.
7. Falsifying or altering any County record or report.
8. Stealing, destroying, defacing, or misusing County property or another employee's or customer's property.
9. Refusing to follow management's instructions concerning a job-related matter or insubordination.
10. Failing to wear assigned safety equipment or failing to abide by safety rules and policies.
11. Smoking in a location prohibited by local ordinance, County rules, or State law.
12. Using profanity or abusive language.
13. Sleeping on the job without authorization.
14. Gambling on County property.
15. Playing pranks, practical jokes, or engaging in horseplay.
16. Wearing improper attire for job duties.

17. Incompetence, negligence, inefficiency, or failure or inability to perform assigned duties.
18. Abusiveness in attitude or language, or in conduct resulting in physical harm, injury, or harassment to County employees or the public.
19. Conviction of a felony or any criminal misdemeanor in compliance with the Illinois Human Rights Act.
20. Causing damage to public property or waste of County supplies through negligence or willful misconduct, or failure to take reasonable care of County property.
21. Absence from scheduled work without prior authorization.
22. Claiming sick leave under false pretenses.
23. Absence without leave for a period of three (3) days (an involuntary resignation), or a failure to report after leave of absence has expired or has been disapproved, revoked, or canceled by the employee's superior.
24. Having a work history that shows abuse of sick leave or excessive or chronic absenteeism. Excessive or chronic absenteeism is typically defined as any absence from work that is not otherwise accounted for with the use of approved vacation, sick/personal leave, bereavement leave, jury duty, Family Medical Leave, IMRF Disability Leave, VESSA Leave, military leave or a general leave of absence;
25. Falsifying any employment or county records including, but not limited to, failure to account for or report time off.
26. Any other reason as determined by the employee's supervisor, employee's Department Head/Elected Official or the County Board.

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

With respect to all employees, it is normally the policy of the County to apply progressive discipline in the forms prescribed below where appropriate. The County may forego lesser forms of discipline and proceed immediately to more severe discipline or dismissal depending upon the nature of the employee's conduct.

In general, any action or attitude which adversely affects job performance, or the reputation of Moultrie County government may be cause for disciplinary action.

The following is a recommended procedure for employee discipline which may be utilized unless otherwise provided by Statute or Collective Bargaining Agreement. While a system of progressive discipline may be followed, it is not always appropriate that each step be completed before moving to the next level or that any step be taken prior to discharge:

- Documented Verbal Reprimand: The immediate supervisor may give a verbal reprimand and explanation to the employee of what he/she did wrong and why it is important that the episode not be repeated. The immediate supervisor will then make a short-written record of their conversation. The supervisor and employee will both initial the written record, and both will retain a copy. This record will become part of the employee's departmental and County personnel file.
- Written Reprimand: If the employee continues to have difficulties in the same areas, or if the violation or infraction warrants, the immediate supervisor may prepare a written warning which contains a statement as to the date and nature of the infraction, and any other pertinent data including corrective measures to be taken. This record will be retained in the employee's personnel file.

- **Disciplinary Probations:** Repetition of conduct otherwise meriting a lesser form of discipline, or commission of more serious misconduct, may result in an employee being placed on probation for a period of from one to three months. This may be done simultaneously with or following a written reprimand.
- **Suspension:** The Department Head/Elected Official may use suspension as a disciplinary action. In appropriate circumstances, the Department Head/Elected Official may order an employee suspended from duties without pay for a period not to exceed 30 calendar days.
- **Dismissal:** The County retains the right to dismiss any employee and that remains the right of the Department Head, Elected Official or County Board.

### **Section 7.3 GRIEVANCE PROCEDURE**

- A. **GENERAL:** A grievance is a non-probationary employee complaint arising from a situation that an employee believes, in good faith to have been handled contrary to regular and ordinary employment practices and falls in one of the following categories:
1. Safety
  2. Working Conditions
  3. Wages and Hours

- B. **DEFINITIONS AND RULES FOR GRIEVANCE PROCEDURE:** Workdays are Monday through Friday, exclusive of County observed holidays.

A grievance filed by an employee of the County shall be filed in accordance with provisions of this policy.

If at any step in the grievance procedure the representative of the employer fails to respond within the time limits set forth, the employee may appeal the grievance to the next step within the time limits set forth. Time limits may be extended by mutual consent of both parties involved provided their decision has been communicated to the County Board.

The Grievance Committee shall consist of the County Board Chair, the Vice-Chair, and the Personnel Committee Chair. If there is a conflict of interest or a member of the committee declines to sit on the committee, the County Board Chair shall appoint a County Board member replacement.

- C. **GRIEVANCE FILING PROCEDURE:** These procedures are intended to encourage open communications between employees and their supervisors, and a swift resolution.

1 **Step 1:** The goal of a swift resolution can best be achieved if an employee will present his/her grievance verbally to his/her immediate supervisor. This should be done as soon as the cause for the grievance is known, but not later than five (5) workdays from the occurrence or circumstance. The immediate supervisor should respond verbally as soon as possible, ideally within ten (10) workdays from receipt of the grievance. Many, if not most grievances can be resolved swiftly in this informal manner.

- 2 **Step 2:** If the grievance is not settled at Step 1, the employee may file a written grievance with the Department Head/Elected Official, within five (5) workdays after the immediate supervisor's response in Step 1. The Department Head/Elected Official and the Supervisor shall discuss the grievance with the employee at a time mutually agreeable to the parties (typically within ten (10) workdays). The Department Head/Elected Official shall strive to provide a written answer to the grievance within five (5) workdays following the meeting with the employee. If the Department Head/Elected Official is the immediate supervisor referred to in Step 1, then the employee will proceed to Step 3 immediately.
- 3 **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 Personnel Committee Chair. The committee chairperson shall notify the County Board Chair 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 on a date agreeable to the parties typically 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 following the Committee's resolution of the grievance.

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 his/her Department Head/Elected Official 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 Personnel Committee Chair.

#### **Section 7.4 ILLINOIS CLEAN INDOOR AIR/SMOKE FREE WORKPLACE**

In accordance with the Smoke-free Illinois Act, smoking is prohibited in all county buildings and vehicles and within 15 feet of entrances and exits, windows that open and ventilation intakes. Use of electronic cigarettes is also prohibited in the aforementioned areas.

#### **Section 7.5 MOULTRIE COUNTY'S POLICY AGAINST DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT**

**A. STATEMENT OF POLICY:** It is the County's policy that it will not tolerate or condone discrimination or harassment in violation of state or federal law on the basis of actual or perceived race, traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks and twists, 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, conviction 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 will neither tolerate nor condone discrimination, harassment or sexual misconduct directed against anyone by employees, managers, supervisors, elected

officials, co-workers, or non-employees. "Employee," for purposes of this policy only, includes any individual performing work for Moultrie County, an apprentice, an applicant for apprenticeship, or an unpaid intern.

Moultrie County has appointed the State's Attorney as its ethics officer to receive and oversee investigations of complaints made pursuant to this policy and is referred to in this policy as Moultrie County's "Ethics Officer" and can be contacted by phone at 217-728-4353. Moultrie County reserves the right to change the Ethics Officer from time to time.

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

"Harassment" means any unwelcomed conduct on the basis of an individual's actual or perceived 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, conviction record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

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 the opposite sex.
- The harasser can be the employee's supervisor, an agent of the public body, 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 judgement 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:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- 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.
- Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
- Verbal conduct such as making derogatory comments, using epithets or slurs, making sexually explicit jokes or suggestive comments about a person's body or dress.
- Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a protected group, such as racial or ethnic stereotypes or stereotypes about disabled individuals.
- 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 conduct or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

## **B. RESPONSIBILITIES**

**Management:** Each member of management shall be responsible for ensuring compliance with this policy, including the following:

- Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct.
- Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violated the criminal laws of the State of Illinois.
- Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complaint of conduct involves the abuse of a minor.
- Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether the involved employees are within his/her line of supervision.
- Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the State's Attorney or to the Ethics Officer, and:
- 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.

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

- Refraining from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct.
- 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).
- Encouraging any employee who confides that he/she is a 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 in violation of this policy 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 unwelcomed sexual behavior. An individual 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 a clear unequivocal indication to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcomed. 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 the employee, including supervisory and management employees.

### **C. APPLICABLE PROCEDURES:**

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

Any person who is subject to conduct in violation of this policy is encouraged to directly inform the offending that the conduct is unwelcome and must stop. The individual should use the County's complaint procedure to advise the County of any perceived violation of this policy

**Bringing a Complaint:** Any person, who believes there has been a violation of this policy, may bring the matter to the attention of Moultrie County using any of the following methods:

- Advising his/her supervisor or the Ethics Officer for the County; or
- Advising the offending employee's supervisor, the County State's Attorney or Personnel Committee Chair and/or County Board Chair in the event the alleged harasser is the State's Attorney.
- An elected official of the governmental unit can bring a complaint against an elected official of Moultrie County by advising the Ethics Officer or the County State's Attorney or the County Clerk. Moultrie County will assign an independent reviewer to investigate such complaints

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

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

Moultrie County will take steps to ensure that 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 matters confidential to the fullest extent permitted under the law.

**Resolution of a Complaint:** Promptly after a complaint is submitted, the County will undertake such investigation, corrective and preventive actions as are appropriate including, but not limited to ensuring impartial investigation of the matter. In general, the procedure for reviewing and 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 impartial individual designated by the County to investigate such complaints. Important data to be provided by the complaining employee includes the following:
  - A description of the specific offensive conduct.
  - Identification of all person(s) who engaged in the conduct.
  - The location where the conduct occurred.
  - The date and time when the conduct occurred.
  - Whether there were any witnesses to the conduct.
  - Whether conduct of a similar nature has occurred on prior occasions.
  - Whether there are any documents which would support the complaining individual's allegations.
  - 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, 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 the 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:
  - Verbal or written reprimand.
  - Placing the offending employee on a corrective action plan for a period of time to be identified.
  - Delay in pay increases or promotions.
  - Suspending the offending employee from work without pay.
  - Demotion.
  - Immediate termination.
6. Upon completion of the investigation, the County will advise the complaining individual 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 incident 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.

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

**Non-Retaliation:** Under no circumstances will there be any retaliation against any individual 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 Personnel Committee Chair and/or the County Board Chair. Illinois law provides protections to whistle blowers as set forth in 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 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 above.

**Sexual Harassment Prevention Training:** All employees are required to complete sexual harassment prevention training on an annual basis in accordance with Workplace Transparency Act. "Acknowledgement of Receipt and Understanding of Policy Against Discrimination, Harassment and Sexual Misconduct" form to be completed after annual training and turned into the County Clerk's office where it will be maintained with the employee's personnel file.

**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.

**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 that you have the right to be free from unlawful discrimination and sexual harassment. This means that 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 rights to complain about discrimination.

Confidential reports of harassment or discrimination may be made to the Ethics Officer, the offending employee's supervisor, your own supervisor, the County State's Attorney or County Board Chair if 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. Additionally, you can contact 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 St.  
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.

Please acknowledge receipt and review of this policy by completing the acknowledgment form at the end of this policy and returning it to the County Clerk's office.

## **Section 7.6 Bullying Policy**

Moultrie County prohibits bullying in the workplace and will not tolerate it under any circumstance. 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 officials and appointed officials, and any 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, or 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 non-exhaustive, meaning that conduct not listed here may also constitute bullying. This list is meant to provide some examples of prohibited conduct, including, but not limited to:

- 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 or the Personnel Committee Chair. 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 that they witness or experience regardless of the identity of the alleged offender (e.g. supervisor, co-worker, department head, elected official, appointed official, volunteer, outside contractor, etc.). Employees should encourage anyone who confides that 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 that the conduct in violation of this policy is unwelcomed and must stop.

Supervisors 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 State's Attorney or the Personnel Committee Chair. 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 State's Attorney or Personnel Committee Chair.

**CHAPTER VIII  
ETHICS ORDINANCE  
(Adopted June 15, 2017)**

**Section 8.1 DEFINITIONS**

For the purposes of this ordinance, the following terms shall be given these definitions:

- **“Campaign for elective office”** means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.
- **“Candidate”** means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10ILCS 5/1-3).
- **“Collective bargaining”** has the same meaning as that term is defined in Section 3 of the Illinois Labor Relations Act (5 ILCS 315/3).
- **“Compensated time”** means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.
- **“Compensatory time off”** means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.
- **“Contribution”** has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).
- **“Employee”** means a person employed by Moultrie County, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.
- **“Employer”** means Moultrie County, Illinois.
- **“Gift”** means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.
- **“Leave of absence”** means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.
- **“Officer”** means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.
- **“Political activity”** means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include

activities (i)relating to the support or opposition of any executive, legislative, or administrative action, (ii)relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

- **“Political organization”** means party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a County Clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or County Clerk.
- **“Prohibited political activity”** means
  1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
  2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
  3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
  4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
  5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
  6. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
  7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the poll.
  8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum questions.
  9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
  10. Preparing or reviewing responses to candidate questionnaires.
  11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
  12. Campaigning for any elective office or for or against any referendum question.
  13. Managing or working on a campaign for elective office or for or against any referendum question.
  14. Serving as a delegate, alternate, or proxy to a political party convention.
  15. Participating in any recount or challenge to the outcome of any election.
- **“Prohibited source”** means any person or entity who:
  1. is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee.
  2. does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee.
  3. conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
  4. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.



## **Section 8.2 POLITICAL ACTIVITIES AND CONTRIBUTIONS**

The County prohibits 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 Moultrie 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 (5ILCS 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 Moultrie County.

Any employee with questions or concerns regarding this policy should contact the State's Attorney or the Personnel Committee Chair.

Employees should report suspected violations of this policy to the State's Attorney or the Personnel Committee Chair.

The County will promptly and thoroughly investigate policy violation complaints and will take appropriate action against employees who violate this policy.

## **Section 8.3 GIFTS AND GRATUITIES:**

- A. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.
- B. Exceptions. Section A is not applicable to the following:
  - Opportunities, benefits, and services that are available on the same conditions as for the general public.
  - Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
  - Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
  - Educational materials and missions.
  - Travel expenses for a meeting to discuss business.

- A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, half-brother, half-sister, and including father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether the gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as (i) the history of the relationship between the individual giving the gift and the recipient, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- Food or refreshment not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshment are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For purposes of this Section, "catered" means food or refreshment that are purchased ready to consume which are delivered by any means.
- Food, refreshment, lodging, transportation, and other benefit resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the office or employee, and are customarily provided to others in similar circumstances.
- Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- Bequests, inheritances, and other transfers on death.
- Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

- C. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return the gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

#### **Section 8.4 ETHICS ADVISOR**

The County Board Chair, with the advice and consent of the County Board shall designate an Ethics Advisor for Moultrie County. The duties of the Ethics Advisor may be delegated to an officer or employee of Moultrie County unless the position has been created as an office by Moultrie County.

The Ethics Advisor shall provide guidance to the officers and employees of Moultrie County concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by Moultrie County.

#### **Section 8.5 ETHICS COMMISSION**

There is hereby created a commission to be known as the Ethics Commission of Moultrie County. The Commission shall be comprised of three members appointed by the County Board Chair with the advice and consent of the County Board. No person shall be appointed as a member of the Commission who is related, either by blood or marriage up to the degree of first cousin, to any elected officer of Moultrie County. No more than two members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms.

At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two commissioners.

The County Board Chair, with the advice and consent of the County Board, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days notice. Vacancies shall be filled in the same manner as original appointments.

The Commission shall have the following duties:

- To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 8.6 of this Ordinance and refer violations of Section 8.3 and/or Section 8.4 of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.
- To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.

- To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of Moultrie County to cooperate with requests by the Commission during its investigation. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

**Complaints:**

Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.

- A) Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- B) Upon not less than 48 hours public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on the probable cause to proceed within 7 business days after receiving the complaint.
- C) If the complaint is deemed sufficient to allege a violation of Section 8.3 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complainant's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Section 8.2 of this Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

- D) On the scheduled date and upon at least 48 hours public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- E) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the violator and to the County Board Chair or other person having the

authority to discipline the violator, or impose a fine upon the violator, or both. The findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public record.

- F) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the County Board Chair or other person having authority to discipline the violator or impose a fine upon the violator, or both.
- G) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decisions required under section E within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.
- H) The Commission may fine any person who intentionally violates any provision of Section 8.3 of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.
- I) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

## **Section 8.6 PENALTIES**

- A. A person who intentionally violates any provision of Section 8.2 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.
- B. A person who intentionally violates any provision of Section 8.3 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- C. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.
- D. A violation of Section 8.2 of this Ordinance shall be prosecuted as a criminal offense by the Moultrie County State's Attorney, or a special prosecutor appointed by the county board if the state's attorney is conflicted, by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond reasonable doubt.

A violation of Section 8.3 of this Ordinance may be prosecuted as a quasi-criminal offense by the Moultrie County State's Attorney, or a special prosecutor appointed by

the County Board if the state's attorney is conflicted, or, if an Ethics Commission has been created by the Commission through the designated administrative procedure.

- E. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 8.2 or Section 8.3 of this Ordinance is subject to discipline or discharge.

## **CHAPTER IX NETWORK AND SOCIAL MEDIA POLICY**

### **Section 9.1 ORDER**

Information Technology (IT) resources are assets of Moultrie County and must be protected from accidental or unauthorized access, use, disclosure, modification, or destruction by employees, contractors, or any individual whether on County or non-County provided equipment.

This policy applies to Moultrie County employees, Moultrie County Board Members, Elected Officials and their employees.

### **Section 9.2 OVERVIEW**

The general use of IT resources is covered in this Employee Handbook. IT resources include, but are not limited to, electronic data processing equipment and software, and the information which is stored, processed, or transmitted from, to, or through that equipment. IT resources must be used for authorized County business purposes. Personal use is allowed only with permission of the Department Head/Elected Official. The County reserves the right to, among other actions, access, audit, block, delete, disclose, intercept, monitor, publish, recover, restrict, restore, review, screen, or trace any information at any time without notice. Logging onto the County Network or using any other Technology device constitutes agreement with this policy.

**EMPLOYEES HAVE NO EXPECTATION OF PRIVACY WITH RESPECT TO THEIR USE OF COUNTY-PROVIDED I.T. RESOURCES, INCLUDING, BUT NOT LIMITED TO, COMPUTERS, LAPTOPS, EMAIL, VOICE MAIL, PHONES, CELL PHONES, OR INTERNET ACCESS.**

### **Section 9.3 SECURITY**

Examples of job-related use could be accessing external databases and files to obtain reference information or to conduct research; corresponding with constituents and providing document delivery; disseminating newsletters, press releases, or other documents to large groups of people, etc. Unauthorized access to information is strictly prohibited. All users must safeguard all County information. Users should be aware that many electronic documents and communications may be subject to disclosure under the Freedom of Information Act. A broader range of documents could be subject to disclosure in response to a subpoena issued as part of a lawsuit or a criminal investigation. Therefore, users must treat electronic documents and communications with the same level of care, both in production and storage, as is accorded documents and communications that are in print form. Access to IT resources will be immediately deactivated when a County employee terminates employment or rights are withdrawn for any other reason.

### **Section 9.4 ENFORCEMENT**

Use of any County IT resource may be audited and monitored. It is each user's responsibility to understand and comply with the set forth Policy. Noncompliance with this Policy may be cause for disciplinary action, up to and including termination, as well as monetary charges being assessed where appropriate. If it is determined that an employee has used IT resources for personal use, without permission from the Department Head/Elected Official, the employee will be subject to appropriate disciplinary action for misuse of County property, up to and including discharge.

## Section 9.5 DEFINITIONS

- A. **USERS:** The term "users" refers to all employees, independent contractors, consultants, temporary workers and other persons or entities who use County Information Technology resources.
- B. **INFORMATION TECHNOLOGY RESOURCES:** The term "information technology resources" refers to the County's entire computer and phone network. Specifically, information technology resources includes, but is not limited to: individual workstations, file servers, communication servers, application servers, mail servers, fax servers, Web servers, laptops, software, data files, network cables, voice mail, email, cell phones, text messaging, telephones and internet access whether connected to the network or not.

## Section 9.6 GUIDELINES

### A. PRIVACY

1. **No Expectation of Privacy:** The phones, computers and computer accounts are given to users to assist them in performance of their jobs. Users do not have an expectation of privacy in anything they create, store, send, or receive on any technology resource. The computer system belongs to the County.
2. **Waiver of Privacy Rights:** Users expressly waive any right of privacy or expectation of privacy in anything they create, store, send, or receive on the phone and computer or through the Internet or any other computer network. Users consent to allowing personnel selected at the sole discretion of the County to access and review materials users create, store, send, or receive on the phone and computer or through the Internet or any other computer network. Users understand that the County may use human or automated means to monitor use of its phone and computer resources.

### B. PROHIBITED ACTIVITIES

1. **Misuse of Software:** Without prior written authorization in the form of a "Request for Waiver" from the Department Head/Elected Official, users may not do any of the following:
  - Copy software for use on their home computers
  - Provide copies of software to any independent contractors of the County or to any firm or individual, unless specifically authorized through an official County contract or agreement
  - Install software on any of the County workstations or servers
  - Download any software from the Internet or other online service to any of the County workstations or servers
  - Modify, revise, transform, recast, or adapt any software; or
  - Reverse-engineer, disassemble, or decompile any software. Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their Department Head/Elected Official.



2. **Prohibited Uses:** Without prior written permission from the Department Head/Elected Official, County computer resources may not be used for dissemination or storage of personal advertisements, solicitations, promotions, destructive programs (i.e., viruses or self-replicating code), or any other unauthorized use.
3. **Communication of Confidential Information:** Sending, transmitting or otherwise disseminating without authorization proprietary County data or other information identified as confidential is strictly prohibited.

#### C. PASSWORDS

1. **Responsibility for Passwords:** Users are responsible for safeguarding their passwords for access to the phone and computer system. Individual passwords should not be printed, stored online, or given to others. Users are responsible for all transactions made using their passwords.
2. **Passwords Do Not Imply Privacy:** Use of passwords to gain access to the phone and computer system or to encode particular files or messages does not imply that users have an expectation of privacy in the material they create or receive.

#### D. SECURITY

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

#### 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 computer disc, flash drive or other 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 disks 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. **MISCELLANEOUS**

1. **Compliance with Applicable Laws and Licenses:** In their use of computer resources, users must comply with all software licenses; copyrights; and all other state, federal and international laws governing intellectual property and online activities.
2. **Other Policies Applicable:** In their use of computer resources, users must observe and comply with all other county policies and guidelines.

**Section 9.7 SOCIAL MEDIA POLICY AND GUIDELINES**

This is the official policy for social media use at Moultrie 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 Department Head/Elected Official. You may not comment as a representative of the County unless you are authorized to do so.

When Authorized to comment, you must:

- Disclose you are an employee or elected official of the County and use only your own identity.
- Disclose and comment only on non-confidential information.
- 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 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 that you may wish to use social media in your own personal life. This policy does not intend to discourage or unduly limit your personal expression or online activities.

However, you should recognize the potential for damage caused (either directly or indirectly) to the County in certain circumstances via your personal use of social media when you can be identified as a County employee. Accordingly, you should comply with this policy to ensure that risk of such damage is minimized.

You are personally responsible for the content you publish in a personal capacity on any form of social media platform. Remember that all posts are public and often permanent. When in doubt, you should seek guidance from your Department Head/Elected Official on how to comply with this policy. The County reserves the right to read what you write or say publicly and decide if it meets this policy.

- Represent yourself accurately. Unless the County has designated you to speak officially for the County, you should not state that you write or speak on behalf of the County or that your viewpoints are the same as the County, 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 that you obtained through your employment with the County. Confidential information is information that is exempt from disclosure under Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7.
- Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be construed as, vulgar, obscene, threatening, intimidating, harassing, or a violation of the County's workplace policies against discrimination, harassment on account of age, race, religion, sex, sexual orientation, ethnicity, nationality, disability, or other protected class, status, or characteristic.
- If you 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 are consistent with how you wish to present yourself with colleagues and clients.
- Employees who access social media during working hours or on County owned equipment should still comply with the County computer usage policy. There is no right to privacy on County owned equipment.
- 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 dispute. 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 outweighs the interests of the employee in commenting on such matters of public concern.

Nothing in this policy shall be interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the Illinois Public Labor Relations Act. The County has and always will comply fully with the obligations under the Illinois Public Labor Relations Act. Likewise, nothing in this policy should be construed to violate an employee's right under federal or state constitutions. The employer has and always will comply with its obligations under federal and state law.

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

## **CHAPTER X WHISTLE BLOWER POLICY**

### **Section 10.1 Whistleblower Protections of Section 4.1 of the Public Officer Prohibited Activities Act, 5 ILCS 105/4.1**

#### **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 provide employees who reasonably believe they may be subject to bodily harm for reporting improper governmental 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 efforts 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 receive a copy of the written process 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 the 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, 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 government regarding, but not limited to, employee grievances, complaints, reemployment, performance evaluations, reductions in pay, dismissal, 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 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 of pay, denial or 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.

## **Section 10.2 Policy and Procedure of Moultrie County Pursuant to Section 4.1 of the Act**

**RETALIATION PROHIBITED:** In Accordance with Section 4.1 of the Public Officer Prohibited Activity Act, Moultrie County prohibits retaliation against any 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.

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 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 the 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 the action amounts to retaliation.

**AUDITING OFFICIAL:** Moultrie County has appointed the State's Attorney as its Auditing Official who can be reached at 217-728-4353 or by mail at 10 South Main, Suite 13, Sullivan, IL 61951.

**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 governmental 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 Moultrie County (where appropriate). 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 Moultrie County. Employees may use the form attached to this policy when making a report.

The Auditing Official, designee, or State's Attorney of Moultrie 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 procedures 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 description of the specific improper governmental action or retaliatory action.
  - Identification of all person(s) who engaged in the conduct.
  - The location where the conduct occurred.
  - The time when the conduct occurred.
  - Whether there were any witnesses to the conduct.
  - Whether conduct of a similar nature has occurred on prior occasions.
  - Whether there are any records which would support the complaining individual's allegations.
  - 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 complaining individual or the alleged offending individual may be interviewed.
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 governmental action:
  - The Auditing Official may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.
  - 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.

### Section 10.3

#### Additional Policies

**POLICY:** In addition to the policies set forth above, Moultrie County requires employees to observe the highest standards of business and personal ethics when acting on behalf of Moultrie 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.

Moultrie County prohibits retaliation against any employee who reports a suspected ethics violation, conflict of interest, or unlawful conduct. Moultrie County 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 proceedings. Moultrie County 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. Moultrie County 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. Moultrie County 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 conduct in violation of this policy should contact the Auditing Official or State's Attorney of Moultrie 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 Moultrie County.



## ACKNOWLEDGMENT OF RECEIPT

I have read, reviewed, and understand the regulations and policies stated in the Moultrie County Employee Handbook and will comply with the policies contained in this manual. I understand this policy manual is not a contract for employment and that unless I am subject to a collective bargaining agreement or a separate, duly executed employment contract providing otherwise, I am an at-will employee, which means that my employment may be terminated at any time without cause or notice by either Moultrie County or me.

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

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

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

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

Effective December 14, 2017, Moultrie County implemented a Policy against Discrimination, Harassment and Sexual Misconduct.

Effective January 1, 2020, the Illinois Workplace Transparency Act requires annual sexual harassment training for all employers who have at least one employee. Employers who do not comply with the law will be subject to civil penalties.

**Remember:** It is your responsibility to read, understand, and abide by this policy and procedure. If you have any questions or concerns, please speak to your Supervisor, the Ethics Officer, or the State’s Attorney. Please sign and date this memo to acknowledge that you have received and understand the policy and training.

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

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

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

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

If you ever have a problem or concern regarding discrimination, harassment, sexual misconduct, or retaliation in the workplace, please list three individuals within our organization who 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 that are inconsistent with this policy?  
                                                                                                                          Yes            No            Initials: \_\_\_\_\_

\_\_\_\_\_  
Please print your name

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

**This form must be returned to the County Clerk’s Office by:** \_\_\_\_\_

**Moultrie County  
Drug and Alcohol Use/Abuse Policy  
Certificate of Receipt**

This is to certify that I have received, read and understand Moultrie County’s Drug and Alcohol Use/Abuse Policy.

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

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

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

**Employee Authorization for Motor Vehicle Review**

I acknowledge that the information contained in the Moultrie County Motor Vehicle Record (MVR) Policy has been reviewed by 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 an 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 an 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

## Grievance Form

It is the purpose of the Grievance Procedure to establish a method whereby grievances of employees will be resolved fairly and effectively. The filing of a grievance will in no way prejudice the status of the employee. Please see the Employee Handbook for a full description of the procedure and proper steps to be taken.

**Employee:** \_\_\_\_\_

**Job Title:** \_\_\_\_\_

**Supervisor:** \_\_\_\_\_

**STATEMENT OF GRIEVANCE** (Write the nature of the grievance: who, what, where, when, why): \_\_\_\_\_

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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 complaining: \_\_\_\_\_

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Please attach any records or documents that support the allegations of your grievance.

**REMEDY SOUGHT:** \_\_\_\_\_

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\_\_\_\_\_  
**Printed Employee Name**

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

\_\_\_\_\_  
**Date**