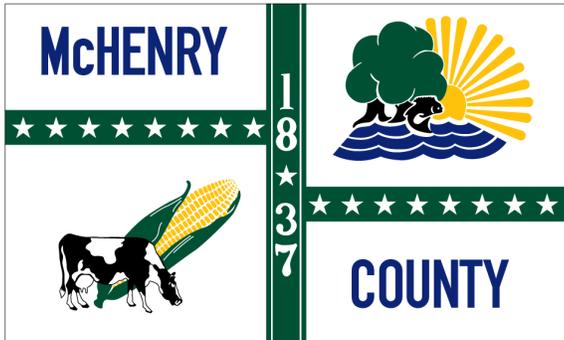


# County of McHenry



## Personnel Policy Manual

*Effective October 1, 2016*

**COUNTY OF MCHENRY  
PERSONNEL POLICY MANUAL  
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## **ARTICLE 1 GENERAL PROVISIONS**

### **Section 1.1 Disclaimer**

This manual is intended solely as a means of communicating information to new and existing employees concerning the County's discretionary authority in controlling the internal operations of the County. Nothing in this manual establishes contractual rights or obligations. No representative of the County, no employee or agent has the authority to make any agreement contrary to the provisions of this manual except: (1) the County Administrator; (2) the full County Board provided any such modification is in writing; or (3) in the case of Elected Officials and those departments established by a separate statute or governed by a separate Board, those Elected Officials and Boards may only modify the provisions of this manual in accordance with governing law.

Where any provision in this manual conflicts with a valid collective bargaining agreement between the County and a recognized bargaining unit, the collective bargaining agreement shall take precedence over this manual to the extent of that specific conflict only.

An employee and the County each have the mutual right to terminate their employment relationship at any time for any reason – with or without cause and with or without notice. Unless otherwise provided in a written contract, employees of the County of McHenry are employed on an “at-will” basis, and the employment relationship may be terminated at any time without notice and without cause. The decision to stay or to leave, whether it is the employee's decision or the decision of the County, is at the sole discretion of the party making that decision.

The County reserves the right to add, amend, or delete portions of the Personnel Policy Manual at any time, without notice, at its sole discretion. Because this manual will be updated periodically, employees are expected to consult the Human Resources Department and/or, if applicable per Section 1.4, page 2, their own Department Head to determine whether any particular provision in the copy of the manual they possess or have referenced constitutes the current version of the manual.

Every employee shall certify receipt of a copy of this manual upon hire or as distributed to current employees.

### **Section 1.2 Introduction**

The County of McHenry is pleased to have you as a member of our staff. We hope that your employment with us is both challenging and rewarding.

You are a part of a large organization serving the people of the County of McHenry. Every job is an important part of the total government operation and plays a significant role in providing services throughout the County. Only through your efforts are we able to provide the quality of service that our citizens have come to expect.

### **Section 1.3 Purpose**

The purpose of this Personnel Policy Manual is to provide employees (except employees in departments headed by Elected Officials and/or Boards who have adopted and disseminated different guidelines and procedures), with a summary of the personnel guidelines and procedures applicable to county employees, to explain some of the principles behind these, and to clarify that all employees who are not working pursuant to a Collective Bargaining or other written contract are employees-at-will.

### **Section 1.4 Management Prerogatives**

The County has the authority under state statute to control and manage most County Departments. Illinois law provides that departments headed by Elected Officials, and persons employed by such departments, are not in precisely the same situation as other departments and employees. Any person employed in a department headed by an Elected Official and/or Boards who have adopted and disseminated different guidelines and procedures shall consult the personnel policies and procedures of their own department in addition to this document. These departments are:

Clerk of the Circuit Court  
County Auditor  
County Coroner  
County Clerk  
County Recorder  
County Sheriff  
County Treasurer  
Regional Office of Education  
State's Attorney  
Health Department  
Mental Health Department/Mental Health Board  
Veteran's Assistance Commission  
Workforce Network

As limited by the immediately preceding paragraphs, the County has the exclusive statutory authority and responsibility to control the internal operations of the County and to manage its affairs. The rights vested in the County include, but are not limited to, the following:

1. establishing the budget, policies, operation, and service of the departments;
2. establishing standards for quality of services rendered, introducing new methods of operation, and maintaining efficiency in all aspects of the departments;
3. directing and supervising all employees of the departments;

4. establishing the internal structure of the departments and determining the work to be performed therein;
5. eliminating, relocating, transferring, assigning, or subcontracting work;
6. terminating employment because of lack of work, budgetary considerations, restructuring, downsizing, or for no reason at all;
7. assigning and re-assigning employees to such work at such locations as the County in its sole discretion deems appropriate;
8. establishing the hours of work, including hours in excess of the minimum workweek, and determining work schedules and assignments;
9. establishing and enforcing rules, regulations, policies, and procedures governing the performance and conduct of employees of the County; and
10. hiring, promoting, commending, disciplining, suspending, and discharging employees.

### **Section 1.5 Equal Employment Opportunity**

McHenry County is an equal employment opportunity employer committed to compliance with federal antidiscrimination laws. We also comply with Illinois law, which prohibits discrimination and harassment against any employees or applicants for employment based on race, color, sex (including married women and unmarried mothers), religion, age (40 or older), national origin, ancestry, marital status, protective order status, military status, unfavorable discharge from military service, sexual orientation, ancestry, religion pregnancy (including childbirth or medical or common conditions related to pregnancy or childbirth, past pregnancy condition and the potential or intention to become pregnant), certain arrest or criminal history records, homelessness (i.e., lack of permanent mailing address or a mailing address that is a shelter or social service provider), arrest records and expunged or sealed criminal convictions and use of lawful products outside of work during nonworking hours. The County will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law. McHenry County also complies with the Illinois law that restricts the circumstances under which employers may base employment decisions on an individual's credit report or credit history.

All personnel decisions will be based on the individual's qualifications for the job in question.

### **Section 1.6 Americans with Disabilities Act (ADA)**

It is the policy of the County of McHenry to comply with all provisions of the Americans with Disabilities Act (ADA). The County will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on

a physical or mental disability. If an individual is qualified to perform the essential and fundamental functions and duties associated with a job, the County will make reasonable accommodations as necessary for applicants and employees with disabilities, provided that such accommodations do not cause undue hardship to the County.

It is the employee's responsibility to request an accommodation. Individuals in need of accommodation must contact their department head to discuss the need for an accommodation. The department head and employee will meet to discuss the essential functions of the job, discuss how the employee's disability limits the performance of those essential functions, and identify reasonable accommodations that will assist the employee in overcoming those limitations. The department head will select the reasonable accommodation most appropriate for the County and the requester, if one is available. If the request is approved, the department head will notify the employee and make arrangements to implement the reasonable accommodation. If the request is denied, the employee may ask the Director of Human Resources to reconsider the department head's decision by making a request in writing to the Director of Human Resources within thirty calendar days of the department head's decision. The Director of Human Resources or his designee, after speaking with the employee and the department head, will affirm or deny the department head's decision.

### **Section 1.7      Pregnancy Accommodation**

Employees and applicants for employment may request a reasonable accommodation for pregnancy, childbirth or related medical or common conditions to enable them to perform the essential functions of their job. In accordance with the Illinois Human Rights Act (IHRA), a reasonable accommodation will be provided unless the accommodation will impose an undue hardship on business operations.

The county may request certain documents from an employee or applicant's health care provider regarding the need for an accommodation. It is the employees or applicant's duty to provide the requested documentation to the County.

The County will not deny employment opportunities or take adverse employment actions against employees or otherwise qualified applicants for employment based on the need to make such reasonable accommodations, nor will the County retaliate against applicants or employees who request, use or attempt to use accommodations or otherwise exercise their rights under the IHRA.

Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should first contact their immediate supervisor, who will work with Human Resources if necessary, to discuss an accommodation.

## **ARTICLE II      GENERAL EMPLOYMENT CONDITIONS**

### **Section 2.1      Employment Status Categories**

Employees may be classified as regular full-time, regular part-time, temporary full-time, temporary part-time, and/or seasonal.

**Regular Full-time:** Regular full-time employees are those employees that are regularly scheduled to work a full-time schedule, a minimum of thirty (30) hours per week, and maintain continuous employment status. Such employees are generally eligible for the County's benefit programs subject to the terms, conditions, and limitations of each program. A full-time employee may work less than thirty (30) hours per week for a specified short-term (ninety (90) days maximum) without being reclassified.

**Regular Part-time:** Regular part-time employees are those employees that are regularly scheduled to work less than thirty (30) hours per week but at least 600 hours per year, and maintain continuous employment status. While they receive all legally mandated benefits, they are not eligible for the County's benefit programs, unless specifically included in the benefit program description. Part-time employees scheduled to work less than 600 hours per year are ineligible to receive benefits except as required by law.

**Temporary Employees:** Temporary employees (full-time or part-time) are those employees that are hired on a temporary basis for a specified limited period of time (less than 1,000 hours per year). Such employees may work on a full-time or part-time basis. While they receive all legally mandated benefits, they are not eligible for any of the County's benefit programs.

**Seasonal Employees:** Seasonal employees are those employees whose service is intended to be of a limited duration (less than 600 hours per year) such as summer months or winter snow season. Such employees may work on a full-time or part-time basis. While they receive all legally mandated benefits, they are not eligible for any of the County's benefit programs.

### **Section 2.2      Employee Training Period**

The County of McHenry is dedicated to providing the highest quality service to the public. In order to accomplish this goal, the County attempts to ensure that all employees are hired and assigned to positions that are consistent with their skills and abilities.

It is the policy of the County of McHenry to have an Employment Training Period (ETP) for all new regular full-time employees, new regular part-time employees, and current employees starting a new position. The ETP is a ninety (90) day period when the employee becomes familiar with the basic requirements and expectations of the job and determines whether their position is suitable. The ETP begins on the employee's first day of employment. It is also a time for the County to assess the qualifications of the employee to successfully perform the essential requirements of the job under actual

working conditions. For that reason, an employee's work performance may be evaluated more frequently during this period. The ETP may be extended up to an additional sixty (60) days if the County feels more time is needed to evaluate the employee.

All County employees are at-will employees unless otherwise provided in a written contract or by law. The County of McHenry may discharge an at-will employee at any time for any reason, with or without notice, and with or without cause.

**Holidays:** Employees in ETP are eligible for holiday pay in accordance with Section 5.8, page 28.

**Vacation and Sick Leave:** New employees earn sick leave benefits from the date of hire in accordance with Section 5.10, page 29. Upon successful completion of ETP, new employees are eligible to earn vacation leave benefits in accordance with Section 5.11, page 31.

### **Section 2.3 Exempt Employees**

An "exempt employee" is an employee who is not eligible for overtime pay under the Fair Labor Standards Act. Exempt employees include executive, administrative, and professional employees as defined by the Fair Labor Standards Act. Exempt employees are paid a salary and are not paid an hourly wage.

### **Section 2.4 Hours of Work and Compensation for Exempt Employees**

The current business hours of County offices are a minimum requirement, and exempt employees may be required to work additional hours as may be necessary to complete required assignments or for any other business purposes as may be directed by the County from time to time. The work required to be performed by an exempt employee is defined by the work itself that needs to be done as opposed to being defined by the normal business hours of the County. The compensation for exempt employees is designed to be the remuneration for the performance of assigned duties regardless of the hours needed to complete those tasks. Exempt employees shall receive no cash compensation or compensatory time off in lieu of cash compensation for hours worked in excess of forty per workweek. The County reserves the exclusive right to determine the office hours of each exempt employee. Exempt employees are allowed a lunch hour not to exceed one (1) hour.

### **Section 2.5 Non-exempt Employees**

Non-exempt employees are all employees who are not defined by the Fair Labor Standards Act as "exempt." Non-exempt employees are paid hourly and are eligible for overtime compensation.

## **Section 2.6 Workweek for Non-exempt Employees**

Full-time non-exempt employees shall be required to work, at a minimum, thirty (30) hours during each workweek. Most full-time non-exempt employees have a 37.5 or 40 hour workweek. Hours to be determined by the Department Head and defined in the position description. The workweek consists of the period from Sunday through Saturday, and shall be five (5) consecutive days, normally Monday through Friday. Any work assignment, meeting, seminar, or other function which the County has directed the employee to attend (including reasonable travel time to and from such event) shall count toward the weekly hour requirement. The County also pays for time spent in a court of law or in any administrative tribunal when the employee is required by the County to be in attendance. If the time spent in court or administrative tribunal falls into overtime, the employee will be paid overtime accordingly.

Non-exempt employees may be required to work additional hours in excess of their weekly hour requirement in order to complete assignments or for other business purposes as may be directed by the County from time to time.

## **Section 2.7 Hours of Work and Compensation for Non-exempt Employees**

**Normal Business Hours:** The current business hours of the County offices for non-exempt employees are Monday through Friday, 8:00 a.m. to 4:30 p.m.

**Flexing Hours:** While the standard workday is 8:00 to 4:30, hours may be flexed at the discretion of the Department Head as long as flexing does not diminish the ability of the organization to conduct business or provide excellent customer service.

The County reserves the exclusive right to determine the normal business hours of any non-exempt employee. Full-time, non-exempt employees will be provided with a one hour unpaid lunch period and two fifteen (15) minute paid breaks during a full work day.

## **Section 2.8 Overtime Compensation for Non-exempt Employees**

All non-exempt employees will be paid at the rate of one and one-half times their normal hourly rate for work in excess of forty (40) hours in a workweek. Non-exempt employees will be paid at their regular hourly rate for work in excess of thirty-seven and one half (37.5) hours per week, but less than forty (40) hours in a workweek. For the purpose of calculating overtime, the workweek begins on Sunday at 12:00 a.m. and ends seven (7) days later on Saturday at 11:59 p.m.

For the purpose of calculating overtime, vacation hours and holidays shall be counted as time worked.

Non-exempt employees should not work overtime without advance authorization from a supervisor. Failure to obtain a supervisor's authorization prior to working any overtime,

including working through an unpaid lunch, may result in disciplinary action, up to and including termination.

### **Section 2.9            Compensatory Time Off for Non-exempt Employees**

In order to receive compensatory time off, a non-exempt employee and his or her supervisor must agree that the employee will receive compensatory time off in lieu of compensation prior to the performance of any overtime work. An employee earns one (1) hour of compensatory time off for each hour worked in excess of thirty-seven and one half (37.5), but less than forty (40). For each hour worked beyond forty (40) in a workweek, an employee earns one and one half (1.5) hours of compensatory time off for each hour worked. Non-exempt employees may accrue up to a maximum of forty (40) hours, at any given time, of compensatory time off. Compensatory time off shall be taken in a minimum of one (1) hour increments unless otherwise authorized by the employee's supervisor or Department Head.

Non-exempt employees must make a written request to and receive approval from a supervisor prior to using compensatory time off.

Accrued compensatory time off shall, if practicable, be used within the same fiscal year in which it was accrued. Employees can accrue up to forty (40) hours at any given time, however, compensatory time cannot be carried over from one fiscal year to the next. Any compensatory time not used by November 16<sup>th</sup> will be converted to pay. Any compensatory time off which an employee has at the time of separation from the County shall be paid at the employee's hourly rate of pay as of the employee's last day of employment.

### **Section 2.10           Bi-Weekly Pay Periods**

**Pay periods:** Employees are paid for bi-weekly periods of work on alternating Fridays. The standard pay period begins on Sunday at 12:00 a.m. and ends fourteen (14) calendar days later on Saturday at 11:59 p.m. Paychecks are disbursed on the Friday of the week following the end of each pay period.

Employees separating from the County are normally paid for any hours due (hours worked, vacation, and comp time) during the pay period of separation when the payroll is processed for that pay period. Sick time and personal time are not paid out at separation.

### **Section 2.11           Change of Employee Information**

Employees must notify their department and Human Resources Department of any changes in personal information within five (5) business days. Personal information includes, but is not limited to, home address, home telephone number, secondary employment, number of dependents, emergency contacts, and marital status.

Failure to report changes in a timely manner may jeopardize benefits. Falsification of information may result in disciplinary action.

## **Section 2.12 Employee Identification Badges**

All employees will be given an identification badge. Employees must wear the identification badges during scheduled work hours. Identification badges are not transferable and may not be used for any private purposes. Should an ID badge be lost, employees are responsible for the cost of replacement – currently \$15.

## **Section 2.13 Attendance**

Regular and punctual attendance at work shall be required of all employees. Employees who fail to observe attendance requirements and procedures for recording and reporting of attendance shall be subject to disciplinary action, up to and including dismissal.

## **Section 2.14 Abandonment of Position**

When an employee is absent from work three (3) days or longer without communicating the cause for the absence to the Department Head, this will be construed as job abandonment and that the employee has resigned their employment position.

## **Section 2.15 Layoffs**

Layoffs are terminations resulting from reorganization, a reduction in supporting funds, or the deletion of work functions. When conditions dictate that the County must reduce staff through a layoff, the County at its sole discretion will determine which employees shall be laid off. If there is more than one employee in the same classification performing the same tasks, layoff may be determined by relative qualifications, merit, or seniority. Employees may apply for any available posted position that is not subject to the layoff.

## **ARTICLE III EMPLOYEE CONDUCT**

### **Section 3.1 Customer Service, Care, Courtesy and Loyalty**

All employees of the County represent the County in the view of those who have business with the County. With respect to all employee responsibilities, the employee's obligations and loyalty shall be to the County and citizens of McHenry County. All employees shall perform their duties and assignments competently with skill and diligence and consistent with the highest standards of honesty and integrity. Employees must respond to requests for assistance promptly and are required to communicate with the public in a friendly and courteous manner. Employees must assist any person without regard to the individual's race, age, religion, national origin, political affiliation, sex, disability status, or any other protected classification. Similarly, employees must support their supervisors and work with each other in a cooperative, prompt, and courteous manner.

Employees whose assistance is sought relative to matters beyond their own job responsibilities are to assist in directing members of the public to the proper office or person in the County.

County employees shall not give legal advice, or provide "personal" beliefs, opinions or references while functioning in a paid capacity of the organization.

### **Section 3.2 Honesty and Confidentiality**

Honesty and confidentiality are critically important to the operations of County government and the people of McHenry County.

County employees who have access to confidential government information and other privileged and sensitive information concerning the County's business activities and other operational matters shall keep this information confidential. Employees shall not disclose at any time, during or subsequent to their employment, any confidential information as described above.

Dishonesty in the performance of an employee's job or the disclosure of confidential information may subject the employee to discipline, discharge, potential criminal charges, or civil action.

### **Section 3.3 Outside Employment**

Outside employment is defined as labor performed or services rendered for remuneration in cash or in kind which is not undertaken on behalf of the County of McHenry. This does not encompass labor performed or services rendered for bona fide charitable organizations done on a volunteer basis before or after office hours. Such activities for charitable organizations are encouraged to the extent they do not interfere with or take precedence over employees' responsibilities to the County. No employee shall engage in

outside employment that would: (1) present a conflict of interest with one's status as an employee of the County of McHenry; (2) cause or contribute to the neglect or absence from duties, or interfere with the effectiveness as an employee of the County; or (3) be in violation of Illinois statutes and any other applicable laws.

Employees shall provide written notification of outside employment to their respective department heads, advising the department of the name of the outside employer, its address and providing a statement of the job duties and functions required by this outside employment.

### **Section 3.4      Employer's Property**

Employees may be issued documents, equipment, and other property to be used in connection with their employment. Any equipment, files, papers, records, notes, and documents of any kind which are provided to employees, or which employees may personally develop, or receive from any other person, firm, or entity concerning the business of the County's operations shall be deemed to be the property of the County and shall remain with or be returned to the County when the employment relationship is terminated. Employees should have no expectation of privacy related to these County properties or materials. No employee shall use or permit others to use County property except as required by the employee's job responsibilities or as permitted by the County Administrator.

Employees should maintain their workspace in a professional manner.

No employee shall utilize County owned vehicles except for the conduct of County business and in compliance with County of McHenry Owned or Leased Vehicle Operation Policy.

### **Section 3.5      Preferential Treatment and Gifts**

Under no circumstances shall employees use or attempt to use their positions or place of employment to gain any form of special or preferential treatment that would not otherwise be available to a member of the general public. Any gift, gratuity, or favor that would give the appearance of a conflict of interest, the appearance of impropriety, or is contrary to the County Ethics Ordinance, must be declined. The offer of such a gift and declination thereof should be reported to the employee's supervisor, Department Head, or the County Administrator.

### **Section 3.6      Professional Conduct & Appearance**

County employees represent the County at all times while on the job and may be viewed as County representatives by the public even outside of the employee's regular working hours. Employees are to conform their conduct and appearance to a professional standard while on the job and are not to engage in any conduct while not working that would reflect negatively on the County.

At a minimum, employees must dress and present themselves in a manner evidencing cleanliness, neatness and good taste. Even casual attire must be business appropriate.

### **Section 3.7      Infractions of the Law**

All employees are expected to abide by the law. Employees shall promptly advise their Department Head of any infraction by them that occurs in any jurisdiction.

### **Section 3.8      Workplace Violence**

The County does not tolerate violence in the workplace. This policy applies at all times during working hours, on County property and while an employee is conducting County business (whether officially during working hours or not).

Employees who become aware of violence or the potential for violence are required to report this to the employee's supervisor, Department Head or Human Resources immediately. In case of emergency, dial 9+911.

Violence includes, but is not limited to, the following acts and any threats to engage in the following acts:

1. Any physical behavior that involves aggressive physical contact with any other person, including pushing, hitting, fighting, throwing objects, or otherwise intentionally injuring another person or attempting to injure another person;
2. Any physical behavior that would place a reasonable person in fear of receiving imminent physical injury or other aggressive physical contact of the sort described above;
3. Possession of a weapon such as a gun, knife, razor, or other instrument not authorized for use in the workplace or in the performance of duties that could be used as a weapon;
4. Regardless of whether an employee possesses a concealed weapons permit (CWP) or is allowed by law to possess a weapon, weapons are prohibited on/in County property or in any location in which the employee represents the company for business purposes unless they are required for performance of their County assigned duties.
5. Verbal behavior which involves threatening physical harm, either directly or implicitly, against any person;
6. Any act of vandalism or other intentional damage or destruction of County or private property.

### **Section 3.9 Drug and Alcohol Free Workplace**

To ensure that employees can perform their duties without endangering themselves, County property, or the public, employees must be free from illegal drugs and alcohol at all times when in the workplace, performing any work or job-related duties, or driving a County vehicle.

In accordance with the Drug Free Workplace Act it is the policy of the County to prohibit employees from the manufacture, distribution, sale, dispensing, possession, or use of a controlled substance on any County premises or work sites (including County vehicles and any private vehicles parked on any County property or work sites), including but not limited to cannabis and other substances regulated by the Controlled Substances Act (21 U.S.C. 801 et seq), and alcohol. This does not apply to items such as sealed alcohol purchased for home use and stored in a personal vehicle or legally prescribed or non-prescription medicine.

No detectable amount of alcohol, illegal drugs (illegal drugs includes legal drugs used without a valid prescription), controlled substances, or any combination thereof, can be present in the employee's system while on the job, either during the regularly scheduled workday, during performance of any overtime, or during an emergency response. Many legal and illegal drugs used for recreational purposes may remain in the system for several days. Residual amounts of illegal drugs discovered in the system are included in this policy.

The County recognizes chemical dependency as a life threatening disease that can be treated. Employees needing assistance are encouraged to use their health insurance plan or seek assistance through the Employee Assistance Program. The County of McHenry maintains an Employee Assistance Program (Refer to Section 5.6, page 27 of this manual: Employee Assistance Program) designed to offer help to employees who have personal problems that may affect their work attendance or performance. EAP counselors are available and can be reached at (815) 385-6400.

Any employee who is taking prescription or non-prescription medicine should notify his immediate supervisor if the product information or doctor or pharmacist warnings indicate that the substance may be reasonably expected to impair the employee's performance. Any necessary precautions to be taken as a result of the drug's use (i.e. should not drive or operate equipment, should avoid exposure to the sun, etc.) are to be furnished to the supervisor as well. Failure to do so could subject the employee to corrective action, up to and including termination.

Violations of this policy will be reported to the appropriate licensing authority according to state and federal laws and regulations. Additionally, employees who are convicted of any criminal drug statute must report the conviction to the Director of Human Resources within five days of the conviction. The County takes its responsibility seriously and

violations could result in corrective action, up to and including discharge and/or criminal prosecution.

Employees do not have any expectation of privacy in their work areas, desks, computers, any county property, including but not limited to, lockers, storage areas, telephones, voice mail, or vehicles. The County may, at its discretion, search any County property at any time.

### **Section 3.9 (a) Drug Testing Policy**

#### **Statement of Policy:**

It is the policy of the Employer that the public has the right to expect persons employed by the Employer to be free from the effects of drugs and alcohol. As the Employer, it has the right to expect its employees to report for work fit and able for duty. The purpose of this policy shall be achieved in such a manner as not to violate any established rights of the employees.

#### **Prohibitions:**

Employees shall be prohibited from:

- a) Consuming or possessing alcohol (unless in accordance with duty requirements) or illegal drugs at any time during the work day or anywhere on any County premises or job sites, including all Employer buildings, properties, vehicles and while engaged in Employer's business;
- b) Illegally selling, purchasing or delivering any illegal drug during the work day or on the Employer's premises;
- c) Failing to report to their supervisor any known adverse side effects of medication or prescription drugs, which they are taking.

#### **Drug and Alcohol Testing Permitted:**

Where the Employer has reasonable suspicion to believe that an employee is under the influence of alcohol or illegal drugs during the course of the workday, including an employee designated as a "Qualifying Patient" under the Compassionate Use of Medical Cannabis Act., the Employer shall have the right to require the employee to submit to alcohol or drug testing as set forth in this Policy. The Employer or his designated representative must certify their reasonable suspicions concerning the affected employee prior to any order to submit to the testing authorized herein. There shall be no random or unit-wide testing of employees, except random testing of an individual employee as authorized in Section below. The cost of this testing will be covered by the County.

The employer has the right to conduct such tests in association with any work related accident or injury.

The foregoing shall not limit the right of the Employer to conduct such tests as it may deem appropriate for persons seeking employment as employees prior to their date of hire.

**Order to Submit to Testing:**

Within twenty-four (24) hours after the time an employee is ordered to submit to testing authorized by this Policy, the Employer shall provide the employee with a written notice of the order, setting forth all of the objective facts and reasonable inferences drawn from those facts which have formed the basis of the order to test. Refusal to submit to such testing may subject the employee to discipline, but the employee's taking of the test shall not be construed as a waiver of any objection or right that he may have. The employee must take the test within sixty (60) minutes for alcohol and four (4) hours for drugs of being ordered to do so or it shall be deemed a refusal.

**Test to be Conducted:**

In conducting the testing authorized by this Policy, the Employer shall:

- a) Use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory Act that has or is capable of being accredited by the National Institute of Drug Abuse (NIDA);
- b) Establish a chain of custody procedure for both sample collection and testing that will insure the integrity of the identity of each sample and test result;
- c) Collect a sufficient sample of the same body fluid or materials from an employee to allow for initial screening, a confirmatory test and a sufficient amount to be set aside reserved for later testing if requested by the employee;
- d) Collect samples in such a manner as to insure high degree of security for the sample and its freedom from adulteration;
- e) Confirm any sample that tests positive in the initial screening for drugs by testing the second portion of the same sample by gas chromatography mass spectrometry (GCMS) or an equivalent or better scientifically accurate and accepted method that provides quantitative data about the detected drug or drug metabolites;
- f) Provide the employee tested with an opportunity to have the additional sample tested by a clinical laboratory or hospital facility of the employee's own choosing, at the employee's own expense provided the employee notifies the Employer within seventy-two (72) hours of receiving the results of the tests;
- g) Require that the laboratory or hospital facility report to the Employer that a blood or urine sample is positive only if both the initial screening and confirmation test are positive for a particular drug. The parties agree that should any information concerning such testing or the results thereof be obtained by the Employer inconsistent with the understandings expressed herein, the Employer will not use such information in any manner or form adverse to the employee's interests;
- h) Require that with regard to alcohol testing, for the purpose of determining whether the employee is under the influence of alcohol, test results that show an alcohol concentration of .04 or more based upon the grams of alcohol per 100 milliliters of blood be considered positive. If a test is greater than 0.0 but less than .04, the employee shall be presumed to be not under the influence of alcohol. If the test is .10 or greater, the employee shall be conclusively presumed to be under the influence of alcohol. If the test is less than .04, the Employer shall not be precluded from demonstrating the employee was under the influence, however, no presumption will be attached to said results and the Employer shall bear the burden of proof in such cases;

- i) Provide each employee tested with a copy of all information and reports received by the Employer in connection with the testing and the results;
- j) Insure that no employee is the subject of any adverse employment action except temporary reassignment or relief from duty during the pendency of any testing procedure.

**Voluntary Requests for Assistance:**

The Employer shall take no adverse employment action against an employee who voluntarily seeks treatment, counseling or other support for an alcohol or drug related problem, prior to an order to test, other than the Employer may require reassignment or temporary suspension of the employee if he is then unfit for duty in his current assignment. All such requests shall be confidential and any information received by the Employer, through whatever means, shall not be used in any manner adverse to the employee's interest, except reassignment as described above.

**Discipline:**

In the first instance that an employee tests positive on both the initial and confirmatory test for drugs or is found to be under the influence of alcohol, and all employees who voluntarily seek assistance with drug and/or alcohol related problems, shall not be subject to any disciplinary or other adverse employment action by the Employer. The foregoing is conditioned upon:

- a) The employee agreeing to appropriate treatment as determined by the physician(s) involved;
- b) The employee discontinues his use of illegal drugs or abuse of alcohol;
- c) The employee completes the course of treatment prescribed, including an "after-care" group for a period of up to twelve (12) months;
- d) The employee agrees to submit to random testing during hours of work during the period of "after-care."

Employees who do not agree to or who do not act in accordance with the foregoing, or who test positive for a second or subsequent time for the presence of illegal drugs or alcohol during the hours of work shall be subject to discipline up to and including discharge.

The foregoing shall not be construed as an obligation on the part of the Employer to retain an employee on active status throughout the period of rehabilitation if it is appropriately determined that the employee's current use of alcohol or drugs prevents such individual from performing his duties or whose continuance on active status would constitute a direct threat to the property or safety of others. Such employees shall be afforded the opportunity to use accumulated paid leave or take an unpaid leave of absence, at the employee's option, pending treatment. The foregoing shall not limit the Employer's right to discipline employees for misconduct provided such discipline shall not be increased or imposed due to alcohol or drug abuse.

### **Section 3.10 Smoking and Other Tobacco Use Policy**

Smoking and use of other tobacco products is prohibited in County owned or rented vehicles and all County owned, leased or controlled buildings. Smoking (including e-cigarettes) and use of other tobacco products will only be allowed in clearly marked designated areas away from buildings, as outlined by State law. Cigarette butts and other tobacco product waste must be disposed of properly in provided receptacles.

### **Section 3.11 Computer, E-Mail, and Internet**

Proper use by every employee of computer technology, e-mail, and internet is critical to the same, lawful, and efficient operation of County government. Every employee is required to know, understand, and comply with the County's policies on computer and internet usage. Refer to Section VIII, page 46 of this manual: County of McHenry Electronic Acceptable Use Policy.

### **Section 3.12 Phone Usage**

Employees shall answer all calls respectfully. Employees shall seek to provide each caller with as much service as is reasonably possible at the time of the call, considering the other demands being made on the employee at the time and whether it is in the caller and County's mutual best interest that the information sought on the telephone not be delivered orally, because information should be provided in a face-to-face or written communication that would remove inherent ambiguity from the inquiry.

While the telephone system is intended to be used for business purposes, the County of McHenry recognizes that some personal calls are necessary. Employees are permitted to make and receive personal calls that are urgent, extremely difficult, or impractical to schedule outside of work hours. Such calls should be infrequent and as brief as possible. Employees should make their personal calls during meal or break periods. The County shall not bear any expense for personal long distance calls.

Employees shall refrain from using 411 or other telephone services that incur additional charges unless this option is the only reasonably available one for obtaining necessary information.

**Cellular Phone Use:** The employee must keep the cellular phone on silent or vibrate so it will not disturb fellow employees or disrupt the work flow of the office. Employees are permitted to make and receive personal calls that are urgent, extremely difficult, or impractical to schedule outside of work hours. Such calls should be infrequent and as brief as possible. Employees should make their personal calls during meal or break periods.

The County is not liable for the loss or damage of personal cellular phones brought into the workplace.

### **Section 3.13      Comment to the Media**

Department Heads serve as the primary media contacts concerning matters that arise out of the business of their respective departments. Department Heads, other than Elected Officials, may develop policies with further detail regarding media relations within their own departments provided they receive approval from the County Administrator for any such policies developed. In the case of matters involved in litigation, the State's Attorney's Office shall be consulted before statements are made to the media. Elected Officials require no such approval by the County Administrator. Employees shall make no media statements relative to their employment or County business except in accordance with their department's approved policy and otherwise applicable law.

### **Section 3.14      Political Activity**

Employees are permitted to exercise their lawful right to engage in political activity but shall not engage in any political activity during working hours. An employee shall not directly or indirectly use or seek to use their authority or the influence of the employee's position to control or modify the political action of another.

An employee may speak and/or write on issues of legitimate public concern. However, false statements, knowingly or recklessly made which interfere with an employee's proper performance of his or her assigned duties or the safe and efficient operation of County government, are prohibited.

Employees must comply with the County Ethics Ordinance.

### **Section 3.15      Leaving the Employ of the County**

Prior to the termination of their employment, employees shall meet with their immediate supervisors to establish a clear understanding of what is expected of the employees before their last day in the office. The Human Resources Department and the Sheriff's Department must be notified prior to separation for legal requirements (i.e. COBRA notification), security reasons (access to computer programs and buildings) and organizational planning reasons (i.e. scheduling exit interviews). Employees and supervisors shall agree upon what work is to be completed and what work will not. They will further arrange for an orderly transition of duties, cases, or assignments to other appropriate people in the office. Also, employees and supervisors will conduct inventory of all office property such as manuals, books, keys, badges, parking passes, etc. These items are to be accounted for and turned in prior to the last full day of employment. Substantial non-compliance by employees with any of the above mentioned requirements could lead to legal action by the County.

### **Section 3.16 Employment of Relatives**

It is the policy of the County of McHenry to provide all employees with equal employment opportunities for career advancement without fear of favoritism or penalty, actual or implied, based on family relations.

No relative shall be assigned or hired into a position where the employee would be required to supervise or be supervised by another relative, whether directly or indirectly. This policy is not intended to preclude employment of relatives in other departments within the County of McHenry. In addition, it does not apply to temporary/seasonal or student intern employees.

If employees in a supervisory relationship become related after employment, every effort will be made to transfer one of the employees to a position or shift where no supervisory relationship exists.

This policy is intended to comply with the requirements of all applicable federal, state, and local laws.

### **Section 3.17 Whistleblower Protection**

The County is committed to full compliance with all federal and state laws that protect an employee who discloses information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, rule, or regulation.

County employees who have reasonable cause to believe that a violation of a state or federal law, rule, or regulation is occurring at the County shall report the matter to the Director of Human Resources or the County Administrator.

### **Section 3.18 Employee Work Health and Safety Policy**

McHenry County is committed to its responsibility to provide a healthy and safe work environment for employees, volunteers and vendors. Employees and volunteers need to be aware of their responsibility and comply with the County's health and safety policies and procedures. Only through cooperative efforts can an affective health and safety program be preserved.

Employee and volunteers play a vital role in maintaining a healthy and safe workplace through:

- Being involved in the workplace health and safety program and following all health and safety rules and procedures;
- Reporting hazardous conditions or threatening concerns to supervisor;
- Wearing and using protective clothing and equipment as and when required;

- Reporting any job-related injury or illness to supervisors and seeking medical treatment as necessary;
- Refraining from the operation of any equipment without both proper instruction and authorization;
- Helping new employees, trainees, volunteers and visitors understand the right safety procedures and why they exist; and
- Keeping the work place tidy to minimize the risk of trip and falls.

Specific responsibilities of supervisors include:

- Comply with all relevant occupational health and safety legislation;
- Review and improve occupational health and safety performance;
- Provide a working environment free from recognized health and safety hazards;
- Inform new employees and volunteers of their safety and health responsibilities, procedures policies, rules and regulations;
- Assure that required equipment and personal protection devices are provided, maintained and used;
- Take prompt action when unsafe acts or conditions are report or noted;
- Investigate and report all job-related safety and health problems promptly;
- Investigate and report all work-related injuries or illnesses with appropriate completed paperwork within two (2) business days; and
- Coordinate or conduct internal inspections to assure safe and health working conditions.

There is no rule book that can cover every situation; therefore, when in doubt about a situation, condition or procedures consult a supervisor.

## **ARTICLE IV    SEXUAL HARASSMENT/NON-DISCRIMINATION**

### **Section 4.1        Sexual Harassment /Hostile Work Environment**

The County of McHenry is an equal opportunity employer that will not tolerate harassment or illegal discrimination at any level within the workplace. While the policy below is written with express reference to sexual harassment, to the extent applicable, the policy applies to other forms of prohibited harassment, including harassment based upon race, religion, disability, and sexual orientation.

Sexual harassment, according to the Equal Employment Opportunity Commission and the Illinois Department for Human Rights, and for purposes of this policy, consists of unwelcome sexual advances, requests for sexual favors, other verbal, nonverbal, or physical acts of a sexual or sex-based nature, where:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. an employment decision affecting an employee is based on that individual's acceptance or rejection of such conduct; or
3. such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Sexual harassment can occur between men and women or between members of the same gender. This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips, court appearances, and business-related social events.

It is also unlawful to retaliate in any way against anyone who has complained about harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual.

Harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually-oriented or sex-based conduct has no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a higher management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

**Prohibited Conduct:** Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others.

Examples of conduct which could be considered sexual harassment include, but are not limited to:

1. persistent or repeated unwelcome flirting, pressure for dates, sexual comments, or touching;
2. sexually suggestive jokes, gestures, or sounds directed toward another or sexually oriented or degrading comments about another;
3. preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial or employment, benefits, or advancement for refusal to consent to sexual advances;
4. the open display of sexually oriented pictures, posters, calendars, reading materials, or other material offensive to others; and
5. retaliation against an individual for reporting or complaining about harassing conduct.

**Complaint Process:** While it may be appropriate in some circumstances for individuals who believe they are being harassed to notify the offender that the behavior is unwelcome firmly and promptly, it is also recognized that power and status disparities between an alleged harasser and a target may make such a confrontation impossible or unlikely. In the event that informal, direct communication with the offender has not resulted in a cessation of the harassment, or that such confrontation is not taken by the alleged target, then the following steps should be taken to report a sexual harassment complaint.

Any employee who feels that they are the victim of sexual harassment or any employee who becomes aware of a sexual harassment situation shall immediately notify and then make a written complaint of any suspected harassment to the Director of Human Resources or the Human Resource Analyst as well as to their immediate supervisor/department head, if possible, or the person designated as an EEO Officer in their department. If a department has an EEO Officer, they will be clearly identified.

When a written complaint has been provided, an investigation of the reported harassment will be promptly initiated and at the completion of the process, the complaining party will be advised of the results of the investigation and corrective action, if any is found to be appropriate, taken. The County may take reasonable interim measures during the pendency of an investigation, including requiring reassignment or a leave of absence of one or more employees.

Employees who report incidents of harassment are encouraged to keep written notes in order to accurately record the offensive conduct.

**Confidentiality:** Although complete confidentiality in an investigation of discrimination or harassment cannot be assured, the County will attempt to preserve confidentiality to the extent possible without compromising its commitment to enforcing this policy. Further, in the event of a civil complaint or lawsuit, however, records of the County and the complainant may not be considered privileged from disclosure.

**Discipline and Sanctions:** The County will neither retaliate against an individual who reports harassment nor permit any employee to do so. Retaliation is a serious violation of this non-discrimination and harassment policy and should be reported immediately. Any employee found to have retaliated against another individual for reporting harassment will be subject to the same disciplinary action provided for the harassment offenders.

Disciplinary action will be taken against any employee found to have engaged in the harassment of any person in violation of this policy. The extent of sanctions will depend upon the nature of the offense. The County has the right to apply any sanction or combinations of sanctions, up to and including termination.

Where a hostile work environment has been found to exist, the County will take all reasonable steps to eliminate the conduct creating such environment.

If an investigation results in a finding that the complainant knowingly or in a malicious manner falsely accused another of sexual harassment, the complainant will be subject to appropriate sanctions, including the possibility of termination.

#### **Section 4.2 Non-Discrimination/Anti-Harassment**

The County of McHenry is committed to maintaining an environment free from discrimination, harassment, and inappropriate or offensive conduct. Employees shall not make any statements or engage in any conduct that discriminates, harasses, embarrasses, humiliates, or ridicules any other person on account of race, age, gender, religion, national origin, sexual preference, disability, veteran or military discharge status, or membership in any other legally protected category. Even when such discriminatory or harassing speech or conduct is not sufficiently severe or pervasive to create legal liability, all such speech and behavior in the workplace is prohibited.

All County employees have the responsibility to conduct themselves in compliance with this policy and to report any observations of conduct inconsistent with this policy.

Any employee who believes he or she has been subjected to any form of harassment is expected to report the circumstances to their Department Head and/or the Director of Human Resources so that prompt preventative and corrective action may be taken. Harassment should be reported even if the source of the harassment is not an employee of the County of McHenry.

If a subordinate indicates to his or her supervisor that he or she has been subjected to harassment or has witnessed or otherwise has knowledge of such conduct, the supervisor must report the matter immediately to their Department Head and/or the Director of Human Resources.

All complaints of harassment will be promptly investigated, and corrective action will be taken as deemed appropriate under the circumstances. Violation of this policy may subject an employee to disciplinary action, up to and including termination.

## **ARTICLE V      EMPLOYEE BENEFITS**

### **Section 5.1      Group Medical and Dental Insurance**

Regular full-time employees are eligible to participate in the group health and dental insurance programs provided by the County. Part-time, temporary, and seasonal employees are ineligible for group health and dental insurance. Employees who work an average of 30 or more hours a week will be offered health insurance, in accordance with the Affordable Care Act.

**Enrollment:** An exempt, full-time employee is eligible to enroll on the first day of the month following their hire date. A non-exempt, full-time employee is eligible to enroll on the first of the month following sixty (60) days of consecutive, active full-time employment. Enrollment must occur within 10 days of the eligibility date or coverage may be denied. Employees who do not initially enroll in the group health and dental program upon starting with the County may do so only during the annual open enrollment period.

**Coverage:** The employer has the right to change the plan coverage annually as resolved by the County Board. Specific provisions of the plans available are described in the Benefits Handbooks provided to each employee by the Human Resource Department.

**Coverage Changes:** Annually, there is an open enrollment period during which employees may elect to change group health and/or dental plans. Coverage changes at other times are allowed when there is a qualifying event (i.e. marriage, divorce, birth of a child, etc.). Please contact the Human Resource Department for a complete listing. Notification of a change must be made as soon as possible, but not later than 30 days following the qualifying event. If new dependents are not added to the list of current dependent members during this thirty (30) day period, they will not be able to enroll in the health plan until the next annual open enrollment period with coverage becoming effective on the first of the new plan year.

**Premium Only Plan (Section 125):** Under Section 125 of the Federal IRS Tax Code, employees making premium contributions for medical related insurance plans can elect to have those payments made on a pre-tax basis through a Premium Only Plan. If employees elect the Plan, it reduces individual federal, state, and social security (FICA) taxes. The election to participate continues automatically from plan year to plan year. At any annual open enrollment period employees may elect to withdraw participation in the Premium Only Plan. Employees who elected not to participate in the Premium Only Plan when hired by the County may enroll into the plan during any annual open enrollment plan.

**Continuing Coverage After Termination:** Upon termination of employment with the County, the employee may elect to continue coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Cost of this continuation coverage shall be borne

solely by the participant, unless otherwise required by law. The Department of Human Resources provides eligible employees with information on COBRA.

## **Section 5.2 IMRF Retirement and Disability Program**

The County of McHenry has a retirement and disability program that is provided through the Illinois Municipal Retirement Fund (IMRF) Program. IMRF is established under statutes adopted by the Illinois General Assembly.

**Participation:** All regular full-time employees and regular part-time employees who are budgeted to work at least one thousand (1,000) hours per year are required to participate in and contribute to IMRF. Eligible Elected Officials have the option of participating.

**Contributions:** Contributions are made by both the County and eligible employees beginning with the first paycheck.

**Retirement Benefits:** IMRF is the sole authority in determining benefit eligibility and the amount of benefit payments. The IMRF retirement pension is based in part on the employee's length of service and average earnings. An IMRF plan description booklet and information packet are provided by IMRF, through the mail, once an employee is enrolled. Information can also be accessed through their website at [IMRF.org](http://IMRF.org), or by calling 1-800-ASK.IMRF. Employees first enrolled in IMRF prior to January 1, 2011 shall be enrolled in and receive benefits under Tier 1. Employees first enrolled in IMRF on or after January 1, 2011 shall be enrolled in and receive benefits under Tier 2. Some exclusions may apply.

**Disability Benefits:** IMRF is the sole authority in determining benefit eligibility and the amount of benefit payments. A disabled employee, who has contributed to IMRF for at least one year immediately preceding the date of disability, may be entitled to receive disability payments from IMRF following the initial thirty (30) calendar days of disability. The employee may elect to use accumulated paid hours off in lieu of benefits from IMRF. While receiving IMRF disability benefits, an employee can continue to participate in the County Group Health Insurance Program. Contact the Human Resources Department for further information.

**IMRF Death Benefit:** IMRF is the sole authority in determining benefit eligibility and the amount of benefit payments. Upon the death of a participating IMRF member who has at least one (1) year of service, the named beneficiary is eligible for a death benefit as determined by IMRF.

**Group Health Insurance – IMRF:** In accordance with the Illinois Pension Code, as amended by Public Act 86-1444, IMRF retirees who were first enrolled in IMRF prior to January 1, 2011 who retire at age 55 or older, with at least eight (8) years of service credit, are allowed to participate in the County Group Health Insurance Program. In accordance with the Illinois Pension Code, as amended by Public Act 96-0889, IMRF retirees who were first enrolled in IMRF on or after January 1, 2011 who retire at age 62

or older with at least 10 years of service credit, are eligible to participate in the County Group Health Insurance Program until they become eligible for Medicare. Contact the Human Resource Department for specific information and the cost of participation in the program.

**Group Health Insurance – Selected Sheriff’s Department Employees:** In accordance with applicable statutes, eligible retirees who were first enrolled in IMRF prior to January 1, 2011 who retire at age 50 or older, with at least twenty (20) years of service credit are allowed to participate in the County Group Health Insurance Program. In accordance with the Illinois Pension Code, as amended by Public Act 96-1495, eligible employees first enrolled in IMRF on or after January 1, 2011 who retire at age 50 or older with at least 10 years of service credit are allowed to participate in the County Group Health Insurance Program until they become eligible for Medicare. Contact the Human Resource Department for specific information and the cost of participation in the program.

**Additional IMRF benefits and programs:** For information regarding other non-mandatory IMRF programs and benefits, please refer to their website at [IMRF.org](http://IMRF.org).

### **Section 5.3 County Death Benefit Policy**

The County of McHenry provides a death benefit for regular full-time employees. Part-time, temporary, and seasonal employees are not eligible for the Death Benefit.

**Date of Coverage:** An exempt, full-time employee is enrolled on their first day of work. A non-exempt full-time employee is enrolled on the first of the month following sixty (60) days of consecutive, active full-time employment.

**Amount:** The amount of the death benefit is based on the employee’s job classification. The current coverage is as follows:

| <u>Job Classification</u>   | <u>Death Benefit</u> |
|---|----------------------|
| Regular Full-Time Employees                                       | \$10,000.00          |
| Elected Officials, Department Heads, and Law Enforcement Officers | \$15,000.00          |

**Accidental Death:** There is double indemnity for accidental death.

**Disbursement:** Upon notification of the death of an employee the named beneficiary or, in the absence of a named beneficiary, the estate of the employee, shall receive the death benefit. The death benefit will be reported on a 1099 form for tax purposes.

### **Section 5.4 Deferred Compensation Program**

The County of McHenry provides an option for all regular full and part-time employees to invest a portion of their present earnings in a deferred compensation program (IRS, Section 457), which is currently being administered through the Nationwide Retirement Solutions.

**Program:** A deferred compensation plan offers County employees the opportunity to design a supplemental retirement program by investing pre-tax dollars into an individual account. Employees pay no current state and federal income taxes on money contributed or earnings as their account grows. Employees pay taxes on money when it is withdrawn from the deferred compensation account (generally during retirement).

**Enrollment:** Program information booklets and enrollment forms are available in the Human Resource Department. The employee must complete and return the forms to the Human Resource Department before deductions will begin.

**Deductions:** Deductions are made directly from each paycheck and sent to the employees account. The minimum deduction is \$10.00 (ten dollars) per pay period.

For additional information, please contact the Human Resources Department.

## **Section 5.5 Workers' Compensation**

All County of McHenry employees are covered by the Illinois Workers' Compensation Act. Workers' compensation is a statutory requirement provided by law to all eligible workers who sustain job-related injuries or illness.

**Reporting of Injuries:** Any employee injured on the job is required to report the incident immediately to his/her supervisor and County Administration – Risk Management. Immediate reporting of an injury is necessary to ensure prompt and accurate submission of a workers' compensation claim. The failure to immediately report a work-related injury may result in disciplinary action, up to and including immediate termination.

**Injury Status Reports:** If an employee is unable to work due to a work-related injury, it is the employee's responsibility to keep his/her supervisor informed as to the status of the injury. The injured employee shall report to his/her supervisor on a weekly basis (or other pre-determined interval as approved by the supervisor) to report on the status of the injury and indicate when the employee is expected to return to work. Failure to call one's supervisor as required could result in disciplinary action, up to and including termination. All time away from work shall be supported by a physician's statement.

Whenever possible, the County attempts to provide temporary, modified duty. This is done to allow an employee to return to duty as soon as possible when an on the job injury limits the employee's ability to perform the essential job functions. Modified duty assignments are made only when there is a reasonable expectation that the employee will be able to resume full duty within six (6) months. The County is not obligated to create

new modified duty positions. If modified duty is available and an employee refuses the offer of modified duty, the employee may cease to be eligible for temporary total disability benefits under workers' compensation provisions.

**Benefits:** Eligible employees are entitled to receive benefits for compensable work related injuries or illness. Benefits include payment for all medical and rehabilitative care and, in cases that involve lost time, Temporary Total Disability Benefits (TTD).

According to the Illinois worker's compensation law, no compensation is payable to an employee for a work-related injury for the first three (3) complete working days of the employee's incapacity, unless the incapacity continues for 14 or more calendar days. If the injured employee is incapacitated for more than 14 calendar days, workers' compensation will pay the employee retroactively for the first three (3) days of incapacity.

Employees who receive TTD benefits are not eligible for IMRF disability benefits. However the employee should contact IMRF and the Human Resource Department if they are unable to work for thirty (30) or more days in order to maintain service credits.

**Return to Work:** The employee is responsible for notifying his/her supervisor, the Human Resource Department, and County Administration – Risk Management when released to return to work from a work-related injury or illness. Written notice from the physician, specifying work restrictions, if any, is required before the employee can return to work.

## **Section 5.6 Employee Assistance Program**

The County of McHenry maintains an Employee Assistance Program designed to offer help to employees who have personal problems that may affect their work attendance or performance. These problems include but are not limited to: emotional, family, marital, and financial difficulties and alcohol/drug abuse. The Employee Assistance Program is a professional, confidential assessment and referral service, designed to help employees and their families to resolve personal problems that may interfere with their lives and more specifically their job performances. The initial evaluation provided by the EAP is free of charge to the employee and covered dependents. If a referral to the program is accepted by the employee or dependent, it will be billed through the employee or dependents insurance. Participants are responsible for the payment of charges over insurance. All services provided by EAP to employees are confidential, except as required by law or regulation. EAP counselors are available and can be reached at (815) 385-6400. For further information, contact the Human Resources Department.

## **Section 5.7 Tuition Reimbursement Program**

The County of McHenry supports employees who wish to continue their education to secure increased responsibility and growth within their employment at the County. All regular full-time employees are eligible for benefits under this policy. Employees may

pursue a degree or take individual courses at approved and accredited educational institutions under this program, provided the course of study is related to the employees current position or might lead to promotional opportunities at the County.

The County will reimburse up to a maximum of \$1,000.00 per fiscal year for college course(s) tuition, provided said courses are job related. Employees must earn a passing grade of “B” or better. Funds for reimbursement are dependent upon budget availability.

**Procedure and Approval:** Prior to enrolling in the course, a Tuition Reimbursement Request form with a cost estimate must be submitted to the employees’ Department Head for approval (forms may be obtained from the Human Resources Department). The Department Head should assess the costs, course, and/or degree while taking into account the employee’s current and future assignments and the potential impact on the employee’s work responsibilities. The request requires the approval of both the Department Head and the Director of Human Resources.

If approved by the Department Head, the form must be sent to the Human Resources Department for review and approval. A copy of the approved request will be returned to the employee and Department Head.

Upon completion of the course, the employee should resubmit the Tuition Reimbursement Request form with the reimbursement section filled out, including appropriate signatures, as well as receipts and evidence of a passing grade.

The Human Resource Department will coordinate the approved tuition reimbursement with County Administration.

## **Section 5.8        Holidays**

Regular full-time and regular part-time employees shall receive holidays with pay each year as established by Resolution of the McHenry County Board.

Regular part-time employees shall be compensated for holidays according to hours of work that are normally scheduled for that workday. The holiday must fall on a day normally scheduled as a workday for regular part-time employees to be eligible for compensation.

Employees regularly scheduled to work on a holiday, and required to work on a holiday will receive:

- Equivalent time off within the same or following pay period at a time convenient to the employee and consistent with the department needs.    OR
- If the employee is hourly/non-exempt, will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday, unless the hours worked exceed 40 hours a week when overtime shall apply.

To be eligible for holiday pay, an employee must work or take a pre-approved paid benefit day (vacation, sick, comp or personal day):

- The last scheduled work day before the holiday; and
- The first scheduled workday after the holiday.

At the discretion of the County, an employee on a non-pre-approved sick leave the day before or after a holiday may be awarded holiday pay if a Doctor's note is provided to verify illness. Without a note, the employee may not be charged sick leave for that specific holiday, but may take that day as unpaid.

### **Section 5.9          Personal Days**

Regular full-time employees will receive personal days each year as established by the McHenry County Board, generally two (2) days per year.

Newly hired regular full-time employees will receive one (1) personal day upon the completion of 6 months of continuous service and will receive one (1) personal day upon the completion of 12 months of continuous service. After an employee's first anniversary date, personal days are awarded at the beginning of every calendar year (January 1<sup>st</sup>).

Regular part-time employees are eligible for personal leave on a pro-rata basis on the same basis as regular full-time employees.

Except for emergency situations that preclude the making of prior arrangements, leave is to be scheduled with the consent of the employee's supervisor sufficiently enough in advance as to not adversely impact the operational needs of the County. Personal leave may not be taken in less than one (1) hour increments.

Unused personal leave is not cumulative and cannot be carried over from one calendar year to the next. Personal days not used in the calendar year are forfeited.

Pay for personal leave not used is not permissible. There shall be no payment for unused personal days upon termination of employment.

### **Section 5.10       Sick Leave**

The sick leave program enables regular full-time and regular part-time employees to accrue benefit time to be used when the employee is incapacitated due to a non-work related illness, injury or disability or to care for an ill/disabled immediate family member (child, (biological, adopted, foster, step, legal ward, or child of a person standing in loco parentis) spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) and/or in conjunction with an approved family medical leave. Sick leave may be used for time missed due to medical appointments (self

or immediate family member) if the employee receives prior approval from the Department Head or designee, and the appointment is scheduled so that it is not unduly disruptive of the employee's work schedule or the department's operation. If an employee has accrued sick leave benefits, the employee will be paid for approved absences that occur during the employees normally scheduled work hours. Sick leave may be used in increments of not less than one (1) hour.

Sick leave pay shall not be considered a right that an employee may use at his/her discretion, use of sick leave for purposes other than those noted above is unauthorized and may be grounds for disciplinary action, up to and including termination.

An employee is required to notify their Department Head or designee, in the case of absence from work due to illness or illness in the employee's immediate family, as far as possible in advance of the starting time for the scheduled work day. If an employee misses more than one (1) day of work, the employee is still required to call their supervisor each day of their absence.

An employee may be required, at the discretion of the Department Head, to provide a doctors statement when an employee has been absent due to illness or injury for a period of three (3) or more days.

**Accrual of Sick Leave:** Sick leave is accrued on the following basis:

Regular full-time employees accrue sick leave according to the schedule below. Regular part-time employees (those scheduled to work at least 600 hours per year) accrue sick leave on a pro rata basis.

**Schedule of Benefits:** Employees earn sick leave on a bi-weekly, twenty-six (26) cycle basis and may use only time already earned. Employees will begin earning the new accrual rate on the first full pay period following the completion of ten (10) and fifteen (15) years.

An employee is allowed to accrue up to a maximum of 240 days.

| <u>Years of Service</u>                  | <u>Sick Days Earned per Year</u> |
|--|----------------------------------|
| <b>Date of hire through year 10</b>      | <b>12 days per year</b>          |
| <b>Beginning year 11 through year 15</b> | <b>15 days per year</b>          |
| <b>Beginning year 16 and greater</b>     | <b>20 days per year</b>          |

Sick pay for hours not worked is excluded when computing overtime for that week. Sick leave is not earned during any personal leave of absence.

An employee may be disciplined and/or denied the use of paid benefit time if the employee's attendance record reflects an abuse of sick leave. Evidence of such abuse may include, but is not limited to, a pattern of missed Mondays and/or Fridays (i.e. first or last day of the work week) or of attempts to use the sick leave the day after and/or the

day before a regularly scheduled day off (i.e. a paid holiday, vacation day, compensatory day, personal day, or a combination thereof) or any other pattern of excess use of sick leave.

Employees are encouraged to bank sick leave to meet serious medical conditions that may arise but employees should be cognizant of not putting the health of fellow employees at risk. Department heads may direct an employee who appears to be ill to use sick leave time and leave work to protect the health of other employees.

At the discretion of the County, an employee on sick leave on a holiday may not be charged sick leave for that specific holiday.

An employee who becomes ill during an authorized vacation shall immediately report this to the employee's supervisor. At the sole discretion of the County, the absence during the period of illness may be charged to sick leave rather than vacation time.

Employees may accrue up to a maximum of 240 days of sick leave. Upon separation of employment from the County, any accrued sick leave is forfeited. Employees eligible for retirement through IMRF may be credited for IMRF pension benefits up to a maximum of 240 days. Unused sick time cannot be added to the end of an employee's service to the County, thereby causing extended benefits and obligations of the County to that Employee. The last day worked will be the date of separation.

Employees, both exempt and non-exempt, cannot begin a fiscal year with more than 240 days. Employees who have accrued more than 240 sick days as of December 1 of each year must determine if they wish to be credited for additional vacation days or to be paid for this unused sick leave. In either case, earned sick days in excess of the 240 maximum allowable may be converted at two (2) sick days in exchange for one (1) regular day. However, no more than five (5) days (10 sick days ÷ 2 = 5 days) can be converted to pay.

**Section 5.11      Vacation**

Vacation time off with pay is available to regular full-time and regular part-time employees to provide opportunities for rest, relaxation, and personal pursuits. All vacation eligibility is computed on continuous County employment. Regular full-time employees accrue vacation time as follows:

| <u>Years of Service</u>                 | <u>Vacation Days Earned per Year</u> |
|---|--------------------------------------|
| <b>Completion of ETP through year 5</b> | <b>10 days per year</b>              |
| <b>Beginning year 6 through year 10</b> | <b>15 days per year</b>              |
| <b>Beginning year 11 and greater</b>    | <b>20 days per year</b>              |

Employees will begin earning the new accrual rate on the first full pay period following the completion of five (5) and ten (10) years.

Upon the successful completion of ETP, employees will accrue vacation from date of hire.

Regular part-time employees earn vacation on a pro-rata basis.

Employees accrue paid vacation time on a bi-weekly, twenty-six (26) cycle basis and may use only time already accrued. At the discretion of the Department Head, employees may take vacation time in the calendar year it will be earned but prior to the actual accrual, if the employee agrees in writing that if they leave the employ of the County for any reason, they will repay any used vacation time that has not been earned, or allow for the deduction from their final paycheck of any unearned vacation that was used.

**Accrual Limits:** Employees are allowed to accrue up to 150% of their respective annual accrual, and at no time shall their vacation balance exceed the 150% maximum limit. The maximum accrual limits are as follows:

| <u>Years of Service</u>                 | <u>Annual</u>  | <u>150% Maximum Limit</u> |
|---|----------------|---------------------------|
| <b>Completion of ETP through year 5</b> | <b>10 days</b> | <b>15 days</b>            |
| <b>Beginning year 6 through year 10</b> | <b>15 days</b> | <b>22.5 days</b>          |
| <b>Beginning year 11 and greater</b>    | <b>20 days</b> | <b>30 days</b>            |

**Partial Vacation Days:** Vacation leave will not be granted in intervals of less than one half (1/2) day unless otherwise agreed to by the Department Head and the employee.

**Vacation Approval:** Employees shall request vacation approval from their supervisors in writing, providing sufficient advance notice so that operations of the department will not be affected by their absence. When the vacation request will be for several days or more, advance notice of two weeks is preferable.

Employees on an authorized vacation during a designated holiday shall not be charged with vacation for that day(s).

Employees may not receive vacation pay in lieu of time off unless the Department Head requests that the employee waive vacation to avoid hardship on the department.

**Accumulated Vacation at Separation:** Upon separation of employment, an employee shall be paid for all unused accrued vacation time.

In the event of the employees death, compensation for all unused vacation time will be paid to the employees designated life insurance beneficiary or, if none, the estate.

## **Section 5.12 Bereavement/Funeral Leave**

The County of McHenry recognizes the importance of family and the difficulties employees face following the loss of a loved one. For that reason, the County grants its employees bereavement leave in accordance with the following provisions:

Regular full-time and regular part-time employees will be allowed bereavement leave, without loss of pay, to attend the funeral of a husband, wife, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, mother, mother-in-law, father, father-in-law, grandchildren, grandparents, grandparents-in-law, step-mother, step-father, or step-children of a current marriage.

Bereavement leave shall be limited to up to three (3) consecutive workdays per funeral and shall be given at regular pay. For the purposes of this section, “workday” means the number of hours or portion of a day that the employee would normally work.

In accordance with the Illinois Child Bereavement Act (Public Act 099-0703), all employees shall be entitled to a maximum of 2 weeks (10 days) of unpaid leave, within 60 days after the date of notice of death of a child (biological, adopted, foster, step, legal ward, or child of a person standing in loco parentis) to manage arrangements, attend the funeral and grieve. Employees may elect to substitute their paid vacation, personal, sick or comp time toward the additional seven (7) days of leave.

Employees will be allowed two (2) hours, without loss of pay, bereavement leave to attend the funeral of a co-worker; four (4) hours if the employee is a pallbearer.

An employee must notify their immediate supervisor of the need for bereavement leave within 24 hours of the start of the absence or as soon as practicable.

### **Section 5.13      Jury Duty**

Employees are expected to honor all subpoenas for jury duty.

- Subpoenas directly related to an employee’s position within the County will be recorded as time worked provided they turn any pay received for responding to the subpoena over to County Administration.
- Personal time off will be approved so an employee can respond to subpoenas of a personal nature, not related to their position within the County

Employees are to notify their respective supervisors immediately upon receipt of a jury notice or subpoena so that arrangements can be made to cover their assignments.

Regular full-time and regular part-time employees required to report for jury duty or jury service will receive full pay for time not worked while serving on jury duty for the term of the jury service, provided they turn their jury pay over to County Administration.

### **Section 5.14      Election Support**

Employees who choose to take an approved paid day off (vacation, personal, comp time) to support the election process will retain their election judge stipend.

## ARTICLE VI LEAVES OF ABSENCE

### Section 6.1 FMLA Leave

The Family and Medical Leave Act (FMLA) of 1993 (29 USCA §2601 *et seq.*) provides for up to twelve (12) weeks of unpaid leave to an employee who has been employed for at least twelve (12) months and who has performed at least 1,250 hours of work for the County during the previous twelve (12) month period. The information contained in Section 6.1 is current as of the date of publication. Where a conflict exists between the language of Section 6.1 and State or Federal law, the law shall prevail. The Department of Labor's publication, *Employee Rights and Responsibilities Under the Family and Medical Leave Act* (WHD 1420, Revised February 2013), is hereby incorporated and made part of this Personnel Policy Manual. *See Appendix A.*

The County of McHenry uses a rolling 12 month calendar to calculate an employee's Family Medical Leave. Each time an employee requests Family Medical Leave, the County of McHenry will compute the amount of available time based upon the date of the employee's previous leave, if applicable.

**Guidelines:** An eligible employee shall be entitled to unpaid leave for one or more of the following:

1. For birth of a son or daughter, and to care for the newborn child (An employee's entitlement to FMLA leave for a birth expires at the end of the 12-month period beginning on the date of the birth);
2. For placement with the employee of a son or daughter for adoption or foster care (An employee's entitlement to leave for adoption or foster care expires at the end of the 12-month period beginning on the date of the placement);
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition,
  - a. Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.
  - b. son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence,
  - c. Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (c) of this section. This term does not include parents "in law."
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
5. Because of any qualifying exigency (see 29 C.F.R. § 825.126) arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; and

6. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (Employees caring for a covered service member may be entitled to take up to 26 weeks of leave to care for the service member during a 12-month period).

All questions concerning eligibility for FMLA leave should be directed to the Human Resources Department.

A husband and wife who are eligible for FMLA leave and are employed by the County may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for 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, or to care for the child after placement. Similar limitations exist when caring for a covered service member with a serious injury or illness or to care for the employee's parent with a serious health condition. Please contact Human Resources for more information.

**Intermittent or Reduced FMLA Leave:** If it is medically necessary, FMLA leave may be taken intermittently (a few days/hours at a time) or on a reduced leave schedule to care for a covered family member with a serious health condition, because of the employee's personal serious health condition, to care for a covered service member with a serious injury or illness, or when necessary because of a qualifying exigency. For planned treatment, employees must make a reasonable effort to schedule such leave so as not to interfere with or disrupt departmental operations. Employees requesting a leave intermittently or a reduced leave schedule for the birth of the employee's child, or the child's placement with the employee for adoption or foster care do not have a legal right to take intermittent leave and can do so only with Department Head approval.

**Requesting a Leave:** When the anticipated leave is foreseeable, the employee shall provide not less than thirty (30) days written notice to his or her supervisor that the person is seeking leave. If the leave is not foreseeable, notice of a request for the leave shall be provided as soon as practicable.

An eligible employee should contact the Human Resources Department to obtain and complete the Certification of Health Care Provider Form.

**Paid or Unpaid FMLA:** All paid leave, including Worker's Compensation or available disability leave, will run concurrently with an employee's FMLA. An employee must use any accrued vacation, sick, or other paid personal time before unpaid FMLA leave begins. The combined total of paid and unpaid FMLA leave shall not exceed twelve (12) weeks or the employee's entitlement. With Department Head approval, an employee may retain up to five (5) days of accrued leave (any combination of time) to be used by the employee as needed following an approved FMLA leave.

**Medical Certification:** The County requires that an employee's 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 be supported by a certification issued by the

health care provider of the employee or the employee's family member. Such certification is also required for leave to care for a covered service member with a serious injury or illness.

The employee shall provide, in a timely manner, a copy of such certification to the Director of Human Resources. The Certification of Health Care Provider form is available in the Human Resources Department.

At its discretion and expense, the County may require a second opinion as to the employee's health condition. In case of differing opinions, a third medical opinion from a mutually agreed upon provider may be required at the expense of the County, which shall be binding.

The County may require employees to re-certify continued eligibility for FMLA leave, but not more frequently than every thirty (30) days. If the employee fails to provide the required medical certification, the County may delay or deny the FMLA leave.

**Status of Benefits:** The employee's coverage (including dependent coverage) under the County's Group Health Insurance Program, during the period of a FMLA leave, will continue under the same terms and conditions as if the employee had continued to work unless and until the employee informs the County that he or she will not return to work following the leave. Employees are obligated to continue to make the same co-payments of insurance premiums as made while actively employed. This includes the payment of any increases in insurance premiums that occur during a FMLA leave.

1. Insurance premiums of employees using paid personal leave during a FMLA leave will be deducted from each paycheck.
2. Employees going onto an unpaid FMLA leave will be informed at the beginning of the unpaid leave period of the right to continue insurance, the responsibility for premiums, the amount due, and frequency of insurance premium payments. Premium payments more than thirty (30) days late may result in the County terminating health care coverage.
3. An employee who expects to be absent from work due to personal illness or injury for more than thirty (30) days may be eligible for IMRF Disability benefits.
4. When an employee returns to work, the employee must reimburse the County for his share of the health insurance premiums the County made on the employees' behalf during FMLA leave. If the employee fails to return to work, the County will seek reimbursement for the employer's share of the health insurance premium.

An employee is required to inform the County on a regular basis of his or her status and intent to return to work. An employee shall not take a longer FMLA leave than is necessary to resolve the circumstances that precipitated the need for the leave. If the circumstances of an FMLA leave change and the employee is able to return to work, the

employee is required to notify the County at least two (2) working days prior to the employee's intent to report to work.

The County does not maintain life insurance or other benefits during the FMLA period.

While on paid FMLA leave, employees continue to earn service, vacation, and sick leave. Employees will be paid for holidays that occur during a paid FMLA leave.

While on unpaid FMLA leave, service, vacation, and sick leave accrual cease. Employees will not be paid for holidays that occur during an unpaid FMLA leave. All service and leave accrual rates in effect at the time of the start of an unpaid FMLA leave will resume upon completion of the leave.

While on unpaid FMLA leave, the employee does not receive IMRF pension service credit. In order to continue such IMRF benefits during the FMLA leave, to the extent possible, the employee must contact the Human Resources Department.

**Return to Work Authorization:** Where the leave is based upon the employee's own serious health condition, the employee must provide medical certification that the employee is able to return to work before the employee will be permitted to return to work. This provision does not apply when the employee takes an intermittent leave.

**Reinstatement at the Conclusion of the Leave:** An employee who timely returns from FMLA leave and who used the leave for the stated purpose will be reinstated to the same position that the employee would have held had the employee not taken leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, unless the employee would no longer be employed had the employee not taken the leave.

**Prohibitions:** The following employee conduct is strictly prohibited in relation to an FMLA leave:

1. engaging in fraud, misrepresentation, or providing false information to the County or health care provider;
2. failure to comply with the employee's obligations under this policy; or
3. failure to timely return from the leave.

An employee who engages in such conduct will be subject to loss of benefits, denial or termination of leave, and discipline, including but not limited to, discharge and recovery of health care payments.

## **Section 6.2 VESSA**

The Victims' Economic Security and Safety Act of 2005, 820 ILCS 180/1 *et seq.* protects employees who are victims of domestic or sexual violence or have a family or household member (spouse, parent, son daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter) who is

a victim of domestic or sexual violence, whose interests are not adverse to the employee as it relates to the domestic or sexual violence, and provides that such persons may take unpaid leave from work to address domestic or sexual violence as further detailed in that Act. Employee may elect to substitute any period of unpaid VESSA leave with accrued vacation, sick, personal or comp time.

**Guidelines:** An eligible employee shall be entitled to a total of twelve (12) work weeks of unpaid leave for one or more of the following: seeking medical attention for or recovering from physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

1. obtaining services from a victim services organization for the employee or the employee's family or household member;
2. obtaining psychological or other counseling for the employee or the employee's family or household member;
3. participating in safety planning, including relocation or taking other precautionary actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security;
4. seeking legal assistance or other remedies to secure 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 or sexual violence.

**Term of Leave:** The employee must state a qualifying reason for the leave to allow the County to determine whether the purpose for the leave is one permitted under the Act and this policy.

1. The entitlement to leave under the Act is not in addition to the twelve (12) week leave period provided for under the Family and Medical Leave Act (FMLA) or the County's FMLA policy.
2. Leave taken under this policy which also qualifies as FMLA leave shall run concurrently under both VESSA and FMLA, and shall be counted against the twelve (12) week entitlement under both VESSA and FMLA.
3. Leave may be taken on an intermittent basis (in separate blocks of time) or on a reduced schedule (reducing the usual number of hours per week or per day).
4. The County of McHenry uses a rolling twelve (12) month calendar to calculate an employee's VESSA entitlement. Each time an employee requests VESSA, the County of McHenry will compute the amount of available time based upon the date of the employee's previous leave, if applicable.

**Notice and Certification Requirements:** When the leave is foreseeable, the employee is required to notify the County of the intention to take leave pursuant to this policy not less than 48 hours before the date the leave is to begin. If the circumstances require the leave to begin in less than 48 hours, the employee shall notify the County as soon as practicable. When an unscheduled absence occurs, the employee will be required to

provide certification that the leave was for one of the reasons cited by law. The County may deny an employee's leave request should the employee fail to provide timely advance notice for foreseeable leave. The County may require that employees seeking leave under this policy submit a sworn statement certifying that the leave is for one of the reasons cited by law.

All information provided to the County under this policy, including any certifications or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be maintained as confidential, except to the extent that disclosure is requested or consented to in writing by the employee or otherwise required by law.

**Status of Benefits:** The employee's coverage (including dependent coverage) under the County's Group Health Insurance Program, during the period of VESSA leave, will continue under the same terms and conditions as if the employee had continued to work unless and until the employee informs the County that he or she will not return to work following the leave. Employees are obligated to continue to make the same co-payments of insurance premiums as made while actively employed. This includes the payment of any increases in insurance premiums that occur during a VESSA leave.

1. Insurance premiums of employees using paid personal leave during a VESSA leave will be deducted from each paycheck.
2. Employees going onto an unpaid VESSA leave will be informed at the beginning of the unpaid leave period of the right to continue insurance, the responsibility for premiums, the amount due, and frequency of insurance premium payments. Premium payments more than thirty (30) days late may result in the County terminating health care coverage.
3. When employees return to work from a VESSA leave, the County is entitled to the reimbursement of any payments made of employee insurance co-payments during an unpaid VESSA leave. The County will also seek reimbursement for employee insurance co-payments made if the employee fails to return to work.

While on paid VESSA leave, employees continue to earn service, vacation, and sick leave. Employees will be paid for holidays that occur during a paid VESSA leave.

While on unpaid VESSA leave, service, vacation, sick leave accrual and other benefits including life insurance cease. All service and leave accrual rates in effect at the time of the start of an unpaid VESSA leave will resume upon completion of the leave. Employees will not be paid for holidays that occur during an unpaid VESSA leave.

While on unpaid VESSA leave, the employee does not receive IMRF pension service credit. In order to continue such IMRF benefits during the FMLA leave, to the extent possible, the employee must contact the Human Resources Department.

**Reinstatement at the Conclusion of the Leave:** An employee who timely returns from VESSA leave and who used the leave for the stated purpose will be reinstated to the same position that the employee would have held had the employee not taken leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, unless the employee would no longer be employed had the employee not taken the leave. Circumstances or danger facing the employee or his/her family /household member shall be considered in determining whether an accommodation is reasonable.

### **Section 6.3 Unpaid Personal Leave of Absence**

Regular full-time employees who have completed their Employee Training Period may request an Unpaid Personal Leave of Absence for compelling or urgent reasons (not for outside employment) for a period not to exceed twelve (12) weeks. The leave is granted at the discretion of the Department Head with the concurrence of the Director of Human Resources.

Requests for an unpaid personal leave of absence must be submitted in writing to the Department Head as far in advance as practical. The request shall state the reasons for the leave of absence and the requested length of time. Employees may request that the exact nature of the request be kept confidential.

The Department Head and Director of Human Resources shall review the request and recommend either approval or disapproval of the request, based on the needs of the department, the availability of temporary substitute employees, and the reason for the request.

While on an unpaid personal leave of absence, vacation and sick leave accrual cease. The employee is ineligible for holiday pay during the unpaid leave of absence.

Employees may continue to participate in the County's Group Health Insurance Program during an unpaid personal leave of absence with payment of the full monthly premiums (employer and employee share). Arrangements are to be made with the Human Resources Department. Failure to make such arrangements, or regularly scheduled premium payments at the beginning of each month, will result in cancellation of benefits. If a benefit is canceled, the rules and regulations of the carrier shall apply when the employee returns and seeks such coverage.

If an unpaid personal leave of absence is granted, regardless of its duration, there is no guarantee that the employee's job will remain unfilled or that the position will not be eliminated or changed by reorganization. If the employee's job is still vacant upon the conclusion of the leave of absence, the employee shall resume the position with the same status. Employees must understand that there is no guarantee of reinstatement to any position in the County upon completion of the leave.

Failure of the employee to report for duty at the expiration of the leave shall result in termination.

## **Section 6.4 Military Leave**

It is the County's policy to comply with all applicable Federal and State laws granting leave to employees who serve in the uniformed services.

In accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), reemployment rights generally extend to persons who have been absent from a position of employment because of service in the uniformed services. Service in the uniformed services means the performance of duty on a voluntary or involuntary basis in a uniformed service, including, but not limited to:

1. Active Duty
2. Active Duty Training
3. Inactive Duty Training
4. Funeral Honors Duty (See 10 U.S.C. 12503; 32 U.S.C. 115)

To be eligible for reemployment,

1. The County must have advance notice of the employee's service;
2. The employee must have five or fewer years of cumulative service in the uniformed services during his or her employment with the County;
3. The employee must timely return to work or apply for reemployment; and
4. The employee must not be separated from service with a disqualifying discharge or under other than honorable conditions.

There are qualifications and exceptions to these general eligibility requirements, which are described in detail in the Code of Federal Regulations 20 C.F.R. 1002.73 through 1002.138.

### **Procedures:**

1. As soon as an employee is aware that he or she will be absent because of service in the uniformed services, the employee must notify his or her supervisor and Human Resources. Notification in writing is preferred, but verbal notification is acceptable.
2. If eligible pursuant to the Local Government Employees Benefits Continuation Act (50 ILCS 140/2 et seq.) or the Military Leave of Absence Act (5 ILCS 325/1 et seq.), an employee will receive his or her regular compensation as a public employee minus his or her base pay for military services.

During leaves for annual training, an employee will continue to receive his or her regular compensation as a public employee. During leaves for basic training, for up to 60 days of special or advanced training, and for any other training or duty

required by the United States Armed Forces, if the employee's compensation for military activities is less than his or her compensation as a public employee, he or she shall receive his or her regular compensation as a public employee minus the amount of his or her base pay for military activities. 5 ILCS 325/1.

In addition, an employee who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, and who is mobilized to active military duty on or after August 1, 1990 as a result of an order of the President of the United States, shall for each pay period beginning on or after August 1, 1990, continue to receive the same regular compensation that he or she receives as an employee at the time he or she is mobilized to active military duty, plus any health insurance and other benefits he or she is receiving or accruing at that time, minus the amount of his base pay for military service, for the duration of his active military service. 50 ILCS 140/2.

3. Employees may be eligible to continue health insurance benefits during their military leave period. The cost to an employee depends upon the nature and length of the employee's military leave. For military service beyond 30 days, employees may be required to pay up to 102 percent of the health insurance premium. Please contact Human Resources for further information.

### **Return to Work:**

1. Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority.
2. The period an employee has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

### **IMRF/SLEP Continuation**

Participation in IMRF/SLEP will continue with the IMRF/SLEP employee contribution being deducted from the County issued compensation. The employee will be responsible for paying the required contribution on the difference (applicable military pay) between the County issued compensation and their normal County compensation.

## **ARTICLE VII DISCIPLINARY POLICY AND PROCEDURES**

### **Section 7.1 Generally**

Employees must acquaint themselves with the performance criteria for their job and with all applicable rules, procedures and standards of conduct. The County expects its employees to perform their job duties in a satisfactory manner, maintain a high level of professionalism, and conduct themselves in an honest, safe and efficient manner at all times.

Disciplinary action may result from performance deficiencies and for misconduct. The County recognizes the principles of progressive discipline, but retains the absolute discretion to impose whatever disciplinary action it deems appropriate in a given case. Discipline may not always be gradual or progressive.

Disciplinary action may be in one or more of the following forms: oral coaching/warning, written warning/reprimand, suspension without pay, demotion, or discharge.

### **Section 7.2 Post-Disciplinary Hearing**

Regular full-time and regular part-time employees who receive disciplinary action consisting of suspension without pay for more than five (5) days, demotion, or dismissal may request a post-disciplinary hearing. The request must be made within seven (7) calendar days of the date of the imposition of the disciplinary action and must be in writing.

The written request for a post-discipline hearing must be delivered in person or sent via certified mail, return receipt requested, to the County Administrator.

The employee's request for a post-discipline hearing must state with particularity why the employee believes the disciplinary action was inappropriate and why and how the employee believes it should be modified. The County Administrator will respond to the employee's request within seven (7) calendar days of its receipt and notify the employee of the decision to grant or deny the employee's request for a post-discipline hearing.

Should the County Administrator grant the employee's request, the County Administrator or the person designated by the Administrator will serve as the hearing officer.

The Administrator will promptly schedule the post-disciplinary hearing, if the request for a hearing is granted. The hearing will be held within thirty (30) calendar days of the Administrator's receipt of the request for a hearing. The Administrator will promptly advise the employee of the name of the hearing officer and the date, time, and place of the hearing.

The hearing officer will preside at the hearing and has the authority to determine the order of presentation, relevancy, the form and scope of cross-examination and other matters relevant to the fair and expeditious conduct of the hearing. All hearings will be

limited to four hours in length and must be completed in one day. Traditional rules of evidence will not apply.

Both the County and the employee may be represented by counsel at the hearing. The County or the employee may request a court reporter. The requesting party shall bear the expense of the court reporter.

The County bears the burden of proof by a preponderance of the evidence that the discipline imposed on the employee was appropriate. It is at all times understood that County employees are employed on an at-will basis and may be discharged at any time and for any reason or no reason at all.

After the close of the hearing and within five (5) calendar days thereof, unless an extension is granted by the County Administrator, the hearing officer will prepare a written decision. A copy of said decision shall be supplied to the County's representative. The decision of the hearing officer is final.

## **ARTICLE VIII ELECTRONIC ACCEPTABLE USE and other POLICIES**

The County Board has approved numerous electronic acceptable use policies. These policies are located on SharePoint. It is your responsibility to review and comply with these policies.

**Section 8.1 Security Framework**

**Section 8.2 Software Policy**

**Section 8.3 Remote Network Access Policy**

**Section 8.4 User Authentication Policy**

**Section 8.5 Electronic Messaging Policy**

**Section 8.6 Software Management Policy**

**Section 8.7 Wireless Communication Policy**

**Section 8.8 Application and System Account Authentication Policy**

**Section 8.9 Other Miscellaneous Polices Located on SharePoint.**

Please refer to SharePoint for information on additional Policies including but not limited to:

- Privately Owned Vehicle Policy
- Fraud, Waste and Abuse Policy
- Ethics Policy
- Purchasing Policy
- Parking Policy
- Administration Building - Video Surveillance System Policy
- Travel and Business Expense Policy

Acknowledgment of Receipt of McHenry County  
Personnel Policy Manual  
Effective October 1, 2016

I, \_\_\_\_\_,  
Please print name clearly

Hereby acknowledge that I have received a copy of the McHenry County Personnel Policy Manual, effective October 1, 2016 and that I am responsible for familiarity and compliance with all of the provisions contained in the Personnel Policy Manual. I understand this Manual, and other County Policies are all available to employees on SharePoint.

I agree to ask my Department Head or Human Resources any questions regarding the policies, procedures, or standards contained within this manual, or posted on SharePoint, within 10 days of receipt.

I acknowledge that this manual supersedes and replaces all previous policies and procedures and that the County reserves the right to add, eliminate, or otherwise amend, at any time, any of the policies, procedures, or standards contained in the manual.

I understand that negotiated policies and procedures within a Collective Bargaining Agreement, if different, supersede the policies within this Manual.

I agree to abide by these policies during my employment. I also understand and acknowledge that this manual does not constitute a contract, nor should it be interpreted as a contract, between McHenry County and myself.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department