

## CONTENTS – FULTON COUNTY PERSONNEL MANUAL

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*Note: Policy Section numbers may have changed due to updates in the manual. The manual is subject to revision from time to time at the discretion of the County Board.*

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# 1 SECTION 1

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## **1.1 PERSONNEL POLICY PURPOSE AND DISCLAIMERS**

### **STATEMENT OF POLICY:**

**General Purpose:** These policies are enacted by the Fulton County Board in order to further the following goals:

1. To provide a uniform and transparent system of personnel administration throughout the County organization.
2. To ensure that decisions regarding recruitment, selection, placement, promotion, retention and separation of County employees are based upon employees' qualifications and fitness and are in compliance with federal and state laws.
3. To assist supervisors and department heads in the development of sound management practices and procedures, and to make effective and consistent use of human resources throughout the County.
4. To promote communication between department heads, supervisors and employees.
5. To ensure, protect and clarify the rights and responsibilities of employees.

**Scope:** These Personnel Policies and Procedures shall apply to all County employees and where indicated, elected officials. In the event of conflict between these rules and any collective bargaining agreement, employment contract, County ordinance, or state or federal law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall apply.

In the event of the amendment of any ordinance or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

**At-Will Employment Policy:** Unless otherwise provided by an applicable collective bargaining agreement, employment contract, or law providing otherwise, employment with the County is on an at-will basis. This means that the employment relationship may be ended at any time, by either the employee or the County, for any reason with or without cause or notice so long as there is no violation of applicable federal, state, or local law. This Employee Personnel Manual does not alter the at-will relationship, and nothing in this Employee Personnel Manual should be interpreted as a guarantee of continued employment or benefits.

**THE COUNTY SPECIFICALLY RESERVES THE RIGHT TO REPEAL, MODIFY OR AMEND THESE POLICIES AT ANY TIME, WITH OR WITHOUT NOTICE. NONE OF THESE PROVISIONS SHALL BE DEEMED TO CREATE A VESTED CONTRACTUAL RIGHT IN ANY EMPLOYEE OR TO LIMIT THE POWER OF THE COUNTY BOARD TO REPEAL OR MODIFY THESE RULES. THE POLICIES ARE NOT TO BE INTERPRETED AS PROMISES OF SPECIFIC TREATMENT.**

## 1.2 AMERICANS WITH DISABILITIES ACT (ADA) POLICY

**PURPOSE:** To provide a reasonable policy and procedure that will ensure:

1. Equal opportunities for disabled persons to participate in and benefit from services, programs, or activities sponsored by the County;
2. A bias free environment for disabled employees, or for disabled persons who seek employment with the County; and,
3. Prompt and equitable resolution of complaints alleging discrimination on the basis of a disability.

**STATEMENT OF POLICY:** The County provides qualified individuals with disabilities equal opportunity to participate in or enjoy the benefits of County services, programs, or activities, and to allow employees with disabilities a work environment that is accessible and free from discrimination on the basis of disability. The County, upon request, will provide reasonable accommodation in compliance with the Americans With Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), unless such request poses an undue hardship on the County.

The County is committed to ensuring equal opportunities for County employees with disabilities with respect to all terms and conditions of employment including, but not limited to, hiring, training, testing, transfer, promotion, compensation, benefits, discipline, and termination. An employee with a disability who believes that they need accommodation from Fulton County in order to perform the essential functions of their position should notify their immediate supervisor of the need for accommodation as soon as possible along with the type of accommodation requested. Fulton County may require medical documentation from the employee, and will discuss the requested accommodation with the employee to determine if the County can provide the accommodation requested or some other type of reasonable accommodation that allows the employee to perform the essential functions of his or her position.

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation will be provided upon request during an application/interview process.

The County is also committed to ensure equal opportunity for disabled persons to participate on boards and commissions. Board and commission meetings will be held in accessible locations, requested auxiliary aids will be provided, and reasonable accommodation will be provided during the selection process of board and commission members. All future construction and renovation of County-owned buildings and facilities will be carried out in accordance with the Illinois Environmental Barriers Act, the Illinois Accessibility Code, and ADA.

### **1.3 EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

#### **STATEMENT OF POLICY:**

It is the policy of the County to ensure equal employment opportunity for all employees and Board appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees and County representatives, and to assure equal employment opportunity to all persons regardless of race, religion, color, creed, national origin, ancestry, sex, sexual orientation, gender-identity, marital status, age, order of protection status, disability, military status, pregnancy, or unfavorable discharge from military service, genetic information, arrest record, conviction record, citizenship status or any other status protected by federal or state law.

The goals and objectives of the Equal Employment Opportunity Policy are to:

1. Ensure fair treatment and prohibit discrimination in County hiring, County employment and in appointments to and service on County boards and commissions.
2. Ensure compliance with state and federal equal opportunity laws and regulations.
3. Provide a basis for encouraging those who do business with the County to practice Equal Employment Opportunity.

## **1.4 PROHIBITING DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT**

### **STATEMENT OF POLICY:**

It is the **Fulton County**'s policy that it will not tolerate or condone discrimination or harassment in violation of state or federal law on the basis of actual or perceived race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, conviction record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law. Sexual misconduct is also prohibited. Fulton County will neither tolerate nor condone discrimination, harassment or sexual misconduct directed against anyone by employees, managers, supervisors, elected officials, co-workers, or non-employees. "Employee," for purposes of this policy only, includes any individual performing work for Fulton County, an apprentice, an applicant for apprenticeship, or an unpaid intern.

Fulton County has appointed the State's Attorney as its ethics officer to receive and oversee investigations of complaints made pursuant to this policy and he is referred to in this policy as Fulton County's "Ethics Officer." He can be contacted by phone at (309) 547-3041 extension 609. Fulton County reserves the right to change the Ethics Officer from time to time. Retaliation against an individual who complains about or reports any act of discrimination, harassment, or misconduct in violation of this policy is prohibited. Retaliation against any individual who participates in an investigation pursuant to this policy is likewise prohibited. Fulton County is committed to ensuring and providing a workplace free of discrimination, harassment, sexual misconduct and retaliation. Fulton County will take disciplinary action, up to and including termination, against an employee who violates this policy.

"Harassment" means any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, conviction record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

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

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

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

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

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

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Retaliating or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
4. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars, or posters.
5. Verbal conduct such as making derogatory comments, using epithets or slurs, making sexually explicit jokes or suggestive comments about a person's body or dress.
6. Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes about disabled individuals.
7. Physical conduct such as unwanted touching, assaulting, impeding, or blocking movements.

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

## **II. RESPONSIBILITIES**

### **A. Management**

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

1. Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
2. Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.
3. Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.
4. Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved individuals are within his/her line of supervision;
5. Immediately reporting any complaint of harassment, discrimination, or sexual misconduct to the Ethics Officer or County Clerk, and:
6. Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment, or sexual misconduct, pending investigation.

### **B. Employees**

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

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

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

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

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions. Fulton County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction conduct in violation of this policy on the part of any employee, member of management, elected official, appointed official or non-employee.

### **III. APPLICABLE PROCEDURES**

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

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

#### **A. Bringing a Complaint**

Any person, who believes that there has been a violation of this policy, may bring the matter to the attention of Fulton County using any of the following reporting methods:

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

An elected official of a governmental unit can bring a complaint against an elected official of Fulton County by advising the Ethics Officer or the or the County Clerk. Fulton County will assign an independent reviewer to investigate such complaints.

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

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

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

## **B. Resolution of a Complaint**

Promptly after a complaint is submitted, Fulton County will undertake such investigation, corrective and preventive actions as are appropriate, including, but not limited to ensuring impartial investigation of the matter. In general, the procedure for reviewing and resolving any complaints can (but will not necessarily) include any of the following items:

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

will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:

- a. Verbal or written reprimand;
- b. Placing the offending employee on a corrective action plan for a period of time to be identified;
- c. Delay in pay increases or promotions;
- d. Suspending the offending employee from work without pay;
- e. Demotion;
- f. Immediate termination.

Upon completion of the investigation, Fulton County will advise the complaining individual of the results of the investigation, including action taken, if any, against the offending individual. When investigating alleged violations of this policy, Fulton County looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

### **Discipline, Fines and Penalties**

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

### **Non-Retaliation**

Under no circumstances will there be any retaliation against any individual making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining individual, an accused individual, witnesses, or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated.

Complaints of retaliation should be addressed to the Ethics Officer or the County Clerk. Illinois law provides protections to whistleblowers as set forth in the Whistleblower Act, 740 ILCS 174/15 and the Illinois Human Rights Act, 775 ILCS 5/6-101.

### **False Reports Prohibited**

It is a violation of this policy to knowingly make a false report of discrimination, harassment, sexual misconduct, or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action, as set forth in Section III.B.5, above.

### **Sexual Harassment Prevention Training**

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

### **Additional Resources**

If you have any questions concerning Fulton County's policies on this matter, please see your supervisor or the Ethics Officer.

### **Equal Employment Opportunity Commission**

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

### **Illinois Department of Human Rights**

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

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

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

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

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

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

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

**Department of Children and Family Services**

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

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

## 1.5 WHISTLEBLOWER POLICY

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

Summary of the Law:

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

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

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

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

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

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

To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. Auditing officials may take reasonable measures to protect employees

who reasonably believe they may be subject to bodily harm for reporting improper government action.

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

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

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

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

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

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

“Improper Governmental Action,” as used in Section 4.1 of the Act, means any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, state, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the official duties of an employee, elected official, board member, commission member, or committee

member to be subject to a claim of “improper governmental action.” “Improper governmental action” does not include a personnel action of a unit of local government regarding, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

“Retaliate,” “retaliation,” or “retaliatory action,” as used in Section 4.1 of the Act means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under Section 4.1 of the Act. “Retaliatory action” includes, but is not limited to, denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, reduction in pay, denial of promotion, transfer or reassignment, suspension or dismissal, or other disciplinary action made because of an employee's protected activity under Section 4.1 of the Act.

**Policy and Procedure of Fulton County Pursuant to Section 4.1 of the Act  
Retaliation Prohibited:**

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

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

For purposes of this policy, “Improper Governmental Action,” means any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, state, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the official duties of an employee, elected official, board member, commission member, or committee member to be subject to a claim of “improper governmental action.” “Improper governmental action” does not include a personnel action of a unit of local government regarding, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

**Auditing Official:**

Fulton County has appointed the State's Attorney as its Auditing Official who can be reached at phone number (309) 547-3041 extension 609 or by mail at Fulton County State's Attorney, 100 N. Main Street, Room 202, Lewistown IL 61542

**Reporting Responsibility:**

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

**Confidentiality:**

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

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

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

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

The process and procedure for reviewing and resolving complaints will typically involve the following steps, although the Auditing Official, designee, or State's Attorney may, in his or her discretion, modify the process and procedure as deemed necessary to conduct an appropriate investigation:

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

2. A description of the specific improper governmental action or retaliatory action;
  - a. Identification of all person(s) who engaged in the conduct;
  - b. The location where the conduct occurred;
  - c. The time when the conduct occurred;
  - d. Whether there were any witnesses to the conduct;
  - e. Whether conduct of a similar nature has occurred on prior occasions;
  - f. Whether there are any records which would support the complaining individual's allegations;
  - g. What impact the conduct has had on the complaining individual.
3. The alleged offending individual will be contacted by the Auditing Official, designee, or the State's Attorney. The alleged offending individual will be advised of the charges brought against him or her. The alleged offending individual will have an opportunity to fully explain his or her position, and may also submit a written statement, and any supporting records, if desired.
4. After the alleged offending individual is interviewed, any witnesses identified by either the complaining individual or the alleged offending individual may be interviewed separately.
5. Any relevant records will be reviewed, and any other investigation deemed necessary will be conducted.
6. Once this investigation is completed, the Auditing Official, designee, or the State's Attorney will take such action as is appropriate based upon the information obtained in the investigation.
7. The following remedies are available to employees subjected to adverse actions for reporting improper government action:
  - a. The Auditing Official may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.
  - b. In instances where the Auditing Official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.
8. A person who engages in prohibited retaliatory action under Section 4.1 of the Act is subject to the following penalties: A fine of no less than \$500 and no more than \$5,000; Suspension without pay; Demotion; Discharge; Civil or criminal prosecution; Or any combination of these penalties, as appropriate.

## **Additional Policies**

### **Policy:**

In addition to the policies set forth above, Fulton County requires employees to observe the highest standards of business and personal ethics when acting on behalf of Fulton County. Employees are required to comply with all applicable federal, state, and local laws, rules, and

regulations in performing their duties. In addition, employees are expected to avoid engaging in conduct that would constitute a conflict of interest.

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

#### **Procedure:**

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

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

#### **Violations:**

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

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

#### **Code of Conduct:**

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

**Reporting Responsibility:**

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

**Retaliation Prohibited:**

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

**Reporting Procedure:**

Fulton County has an open-door policy and expects and encourages employees to address questions, concerns, and complaints with their supervisor. Supervisors are required to report complaints regarding suspected unethical or illegal conduct in writing to the State's Attorney. If an employee is not comfortable speaking with his/her supervisor or is not satisfied with the supervisor's response, he/she may discuss the matter with the State's Attorney.

## **1.6 POLICY AGAINST BULLYING**

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

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

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

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

Fulton County encourages all employees to promptly report any instance of bullying behavior to either their Department Head or the County Clerk. Reports of bullying will be treated seriously and will be investigated in a prompt and impartial manner.

Employees are to refrain from participation in or encouragement of any conduct that could be considered bullying in violation of this policy. Employees are also expected to immediately report any conduct in violation of this policy that they witness or experience regardless of the identity of the alleged offender (e.g. supervisor, co-worker, department head, elected official, appointed official, volunteer, outside contractor, etc.). Employees should encourage anyone who confides that he or she has been the victim of conduct in violation of this policy to report it. Employees, if they feel comfortable doing so, are also encouraged to advise an alleged offender that the conduct in violation of this policy is unwelcome and must stop.

Supervisors are expected to monitor the workplace for signs of bullying, and to take immediate action to stop instances of bullying. Supervisors are also expected to immediately report any

conduct in violation of this policy or complaint of conduct in violation of this policy to *the* County Clerk or the County Board Chairman. Supervisors are also expected to take appropriate action to limit workplace contact between an alleged victim and an alleged offender when a complaint of bullying has been made, pending investigation.

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

Employees who have questions regarding this policy should direct them to their Department Head or County Clerk.

## 1.7 PREVENTING AND REPORTING WORKPLACE VIOLENCE

Fulton County prohibits violence in the workplace. Violent behavior is strictly prohibited on Fulton County property, on adjacent property, while working at any location on behalf of Fulton County, in Fulton County vehicles or during events sponsored by Fulton County. This prohibition includes not only actual acts of violence, but also direct or implied threats of violence. Employees who exhibit or threaten violent behavior will be subject to criminal prosecution and disciplinary action up to and including termination. Fulton County takes all reports of violent behavior seriously and will take appropriate action to investigate complaints and/or report complaints of violent behavior to law enforcement as appropriate.

Any employee who becomes aware of violent behavior or the threat of violent behavior (whether by another employee or by any other person) is directed to inform his or her supervisor immediately. Supervisors are directed to report all reports of violent behavior or threats of violent behavior immediately to the Fulton County Sheriff's Department who will conduct a prompt and thorough investigation. **In the case of an imminent danger, an emergency situation, or actual or suspected criminal conduct, employees and supervisors are directed to immediately contact the Fulton County Sheriff's Department.**

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

1. Fighting
2. Physical restraint or confinement
3. Assault
4. Battery
5. Horseplay
6. Stalking
7. Intentionally endangering the safety of another person
8. Violent destruction of property
9. Any other act that a reasonable person would perceive as a violent act.

## **1.8 POLICY PROHIBITING CONCEALED FIREARMS IN THE WORKPLACE**

**Purpose:** Fulton County seeks to protect the safety of employees, visitors and citizens of Fulton County. In recognition of the Illinois Firearm Concealed Carry Act (430 ILCS 66), Fulton County adopts the following policy.

**Definition:** Employee, for purposes of this policy, shall mean all persons performing work for Fulton County in any job classification, including but not limited to, full-time employees, part-time employees, temporary employees, seasonal employees, probationary employees, contractual employees, elected or appointed officials, elected or appointed members of any committee or commission, volunteers working on behalf of Fulton County or volunteers working on behalf of any elected or appointed official.

This definition shall not include, for purposes of this policy, law enforcement officers who are specifically authorized by law to carry a firearm or any other employee specifically authorized by law, other than pursuant to the Illinois Firearm Concealed Carry Act, to carry a firearm.

### **Prohibited Conduct:**

Pursuant to this policy, employees of Fulton County are prohibited from carrying or possessing firearms in any of the following areas, regardless of any license or permit that an individual may have which would otherwise authorize the individual to carry firearms, and may be subject to discipline up to and including immediate termination for violating this policy.

Employees are prohibited from carrying on their person or otherwise possessing firearms:

1. In any building, portion of a building or real property controlled by Fulton County;
2. At any work location controlled by Fulton County;
3. At any job site controlled by Fulton County;
4. In any vehicle owned, leased or under the control of Fulton County
5. At any time or in any area other than the employee's residence that is associated with the employee's work with Fulton County;
6. At any time, other than when the employee is working from home, while the employee is acting within the scope and course of his/her employment with Fulton County.
7. In any area prohibited by state law;
8. In any area where firearms are prohibited under federal law.

Employees are also prohibited from carrying a firearm on or into one of the prohibited areas defined by the Illinois Firearm Concealed Carry Act while acting within the course and scope of his or her employment and may be subject to disciplinary action up to and including termination for violating this policy. Prohibited areas are defined by the Illinois Firearm Concealed Carry Act as:

1. Any building, real property, and parking area under the control of a public or private elementary or secondary school;
2. Any building, real property, and parking area under the control of a pre-school or child-care facility, including any room or portion of a building under the control of a pre-school or child-care facility. Nothing in this paragraph shall prevent the operator of a child care facility in a family home from owning or possessing a firearm in the home or license under this Act, if no child under child care at the home is present in the home or the firearm in the home is stored in a locked container when a child under child care at the home is present in the home.
3. Any building, parking area, or portion of a building under the control of any officer of the executive or legislative branch of government, providing that nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area or building where firearm possession is permitted as established by the Department of Natural Resources under Section 1.8 of the Wildlife Code.
4. Any building designated for matters before a circuit court, appellate court, or the Supreme Court, or any building or portion of a building under the control of the Supreme Court.
5. Any building or portion of a building under the control of a unit of local government.
6. Any building, real property, and parking area under the control of an adult or juvenile detention or correctional institution, prison, or jail.
7. Any building, real property, and parking area under the control of a public or private hospital or hospital affiliate, mental health facility, or nursing home.
8. Any bus, train or form of transportation paid for in whole or in part with public funds, and any building, real property and parking area under the control of a public transportation facility paid for in whole or in part with public funds.
9. Any building, real property, and parking area under the control of any establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol. The owner of an establishment who knowingly fails to prohibit concealed firearms on its premises as provided in this paragraph or who knowingly makes a false statement or record to avoid the prohibition on concealed firearms under this paragraph is subject to the penalty under subsection (c-5) of Section 10-1 of the Liquor Control Act of 1934.
10. Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business or vehicle.
11. Any building or real property that has been issued a Special Event Retailer's license as defined in Section 1-3.17.1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special Event Retailer's license, or a Special use permit license as defined in subsection (q) of Section 5-1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special use permit license.

12. Any public playground.
13. Any public park, athletic area, or athletic facility under the control of a municipality or park district, provided nothing in this Section shall prohibit a licensee from carrying a concealed firearm while on a trail or bikeway if only a portion of the trail or bikeway includes a public park.
14. Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization, property, whether owned or leased, any real property, including parking areas, sidewalks, and common areas under the control of a public or private community college, college or university.
15. Any building, real property, or parking area under the control of a gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975, including an inter-track wagering location licensee.
16. Any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event.
17. Any building, real property, or parking area under the control of a public library.
18. Any building, real property, or parking area under the control of an airport.
19. Any building, real property, or parking area under the control of an amusement park.
20. Any building, real property, or parking area under the control of a zoo or museum.
21. Any street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission. The licensee shall not under any circumstance store a firearm or ammunition in his or her vehicle or in any compartment or container within a vehicle located anywhere in or on the street, driveway, parking area, property, building, or facility described in this paragraph.
22. Any area where firearms are prohibited under federal law.

**Firearm Storage:** Any employee who does not possess a valid license to carry a concealed firearm is prohibited from bringing a firearm onto a parking lot owned, leased or under the control of Fulton County.

An employee of Fulton County with a valid license to carry a concealed weapon who chooses to carry a concealed weapon while driving to and from work and park in a parking lot owned, leased or under the control of Fulton County must store his or her firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. The Illinois Firearm Concealed Carry Act defines “case” to include a glove compartment or console that completely encloses the concealed firearm and ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box or other container. An employee with a valid license to carry a concealed weapon may carry a concealed weapon within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle’s trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. An employee with a valid license to carry a concealed firearm must make certain that the firearm is properly stored in accordance with this policy and Illinois law prior to acting in the course and scope of his or her employment.

**Policy Violations:** Any employee who violates this policy is subject to discipline up to and including termination of employment, and shall be considered as acting outside the scope and course of his or her duties and/or employment. Fulton County will not defend or indemnify any employee for an act or omission in violation of this policy.

## **1.9 IDENTITY PROTECTION POLICY**

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

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

Fulton County prohibits the following:

1. Publicly posting or publicly displaying in any manner an individual’s social security number;
2. Printing an individual’s social security number on any card required for the individual to access products or services provided by Fulton County;
3. Requiring an individual to transmit his or her social security number over the Internet, unless the connection is secure, or the social security number is encrypted;
4. Printing an individual’s social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the social security number to be on the document to be mailed.

Notwithstanding any provision in this Policy to the contrary, social security numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may be permissibly mailed under this Policy may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

Fulton County **prohibits** the following:

1. The collection, use or disclosure of a social security number from an individual, unless:
  - a. Required under State or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities;
  - b. The need and purpose for the social security number is documented before collection of the social security number; and
  - c. the social security number collected is relevant to the documented need and purpose;
2. Requiring an individual to use his or her social security number to access an Internet website;
3. Using the social security number for any purpose other than the purpose for which it was collected.

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

1. The disclosure of social security numbers to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities, and if disclosing to a contractor or subcontractor, prior to such disclosure, the individual acting on behalf of Fulton County first receives from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy of protecting an individual's social security number will be achieved;
2. The disclosure of social security numbers pursuant to a court order, warrant, or subpoena;
3. The collection, use, or disclosure of social security numbers in order to ensure the safety of: State and local government employees; persons committed to correctional facilities; local jails, and other law enforcement facilities or retention centers; wards of the State; youth in care as defined in Section 4d of the Children and Family Services Act, and all persons working in or visiting a State or local government agency facility;
4. The collection, use, or disclosure of social security numbers for internal verification or administrative purposes;

5. The disclosure of social security numbers by a State agency to any entity for the collection of delinquent child support or of any State debt or to a government agency to assist with an investigation or the prevention of fraud;
6. The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm-Leach-Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or unclaimed property benefit.

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

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

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

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

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

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

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

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

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

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

If this Policy is amended in the future, a copy will be provided by the Fulton Count Board and employees will be promptly advised of the amended Policy and provided with a copy of the Policy.

This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use or disclosure of social security numbers.

Anyone violating this policy is subject to disciplinary action, up to and including termination of employment and/or criminal prosecution as provided in 5 ILCS 179/45 or any other applicable law.

## 1.10 HIRING PROCESS AND CRITERIA

### STATEMENT OF POLICY:

The County hires the most qualified personnel consistent with budget and staffing requirements and in compliance with Board policy on **Equal Employment Opportunity**.

#### **Hiring:**

1. The Employer/Department Head will post union vacancies per the department Collective Bargaining Agreement.
2. Non-bargaining employee vacancies shall be posted on Fulton County website for a minimum of five (5) days and include a job description, salary, and benefit package.
3. Each applicant shall complete the Fulton County Application for Employment. Applicants shall provide official copies of applicable college transcripts, registration, license, and other appropriate information when requested.
4. Applications shall be kept on file within the department for **two years**.
5. The County retains the right to discharge or eliminate from further consideration any employee or applicant who falsifies, or omits facts from, his or her employment application or other employment documents.
6. The County does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation.
7. The County reserves its right to authorize background inquiries into criminal record check when it deems it appropriate to do so, in accordance with applicable laws. **See Consideration of Criminal Conviction Policy.**
8. Qualifying applicant shall provide proof of eligibility for employment within the United States.
9. If applicant will be awarded driving privileges, a Motor Vehicle Records check shall be completed.
10. Upon receipt of a contingent offer of employment, candidates for safety sensitive or security sensitive positions may be subject to pre-employment drug testing.

Applicable policy:

- a. Equal Employment Opportunity Policy
- b. Conditions of Employment Policy
- c. Motor Vehicle Record (MVR) check Policy
- d. Employment of Relatives (Nepotism) Policy
- e. Cannabis, Drug and Alcohol Use/Abuse Policy

## **1.11 EMPLOYMENT OF RELATIVES (NEPOTISM)**

See Ordinance Regarding Nepotism.

## **1.12 DISCLOSURE OF CONFIDENTIAL INFORMATION**

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

Any questions regarding whether information is confidential should be referred to the Fulton County Clerk.

## **1.13 SAFETY & ACCIDENT REPORTING POLICY**

Safety is a priority at Fulton County and Fulton County is committed to providing a safe workplace for its employees and all visitors to the workplace.

Employees are required to do their part including wearing reasonably necessary safety equipment, following safety protocols, following manufacturer instructions for equipment and machinery, and using common sense.

### **Reporting Safety Incidents and Concerns**

Employees should report safety incidents and concerns, including any injury, near injury or unsafe condition, to their supervisor and the Fulton County Clerk, immediately.

### **Reporting an Accident**

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

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

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

Any employee who, in the course of their work, is involved in an incident resulting in damage to the property of another person or injury to another person shall immediately report the incident to the employee's supervisor both verbally and in writing with a completed Incident Report. The Incident Report shall include the following: the date, time, place incident occurred, how the incident occurred, the identity of any witnesses, and the extent and type of damage or injury, if applicable. The report shall be submitted by the end of the workday. Employees are also required to notify law enforcement when appropriate.

## **1.14 SOCIAL MEDIA POLICY AND GUIDELINES**

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

All employees are responsible for knowing and understanding the policy.

### **Professional Use of Social Media**

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

Once authorized to comment, you must:

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

### **Personal Use of Social Media**

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

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

1. Represent yourself accurately. Unless Fulton County has designated you to speak officially for Fulton County, you should not state that you write or speak on behalf of

- Fulton County or that your viewpoints are the same as Fulton County's, and you should make this clear to those reading or listening to your points of view.
2. Do not disclose private or confidential information about Fulton County, employees, or about citizens that you obtained through your employment with Fulton County. Confidential information is information that is exempt from disclosure under Sections 7 or 7.5 of the Illinois Freedom of Information Act, 5 ILCS 140/7, 7.5 or which is prohibited from being disclosed under state or federal law.
  3. Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be construed as, vulgar, obscene, threatening, intimidating, harassing, or a violation of Fulton County's workplace policies against discrimination, harassment on account of age, race, religion, sex, sexual orientation, ethnicity, nationality, disability, or other protected class, status, or characteristic.
  4. If you chose to identify your work affiliation on a social network, you should regard all communication on that network as you would in a professional network. Ensure your profile, photographs and related content is consistent with how you wish to present yourself with colleagues and clients.
  5. Employees who access social media during work hours or on Fulton County owned equipment should still comply with Fulton County computer usage policy. There is no right to privacy on Fulton County owned equipment.
  6. Fulton County may discipline employees for making a comment or posting any material that might otherwise cause damage to Fulton County's reputation or bring it into disrepute. When the employee's comment is made as a citizen and not as an employee and is made on a matter of public concern, Fulton County may discipline the employee in situations where the interests of Fulton County in promoting efficient operations outweigh the interests of the employee in commenting on such matters of public concern.

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

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

## **1.15 RECORD RETENTION POLICY**

The Illinois Local Records Act prohibits a public entity from destroying public records without first receiving approval from the Local Records Commission. The Local Records Act defines a public record as “any book, paper, map, photograph, born digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.” 50 ILCS 205/2. A public record may take the form of an electronic record, including but not limited to, emails (and/or attachments thereto), text messages or other electronic data. In order to ensure compliance with the Local Records Act, employees are prohibited from altering, destroying or deleting public records unless and until appropriate approval has been received from the Local Records Commission. Any questions with respect to this policy should be directed to the County Clerk.

## **1.16 EMPLOYEE PERSONNEL RECORDS**

**PURPOSE:** To establish procedures and responsibilities for the maintenance of employee Records.

### **STATEMENT OF POLICY:**

Establishment of procedures and responsibilities for the maintenance of personnel records. Department Heads are responsible for the inclusion of official records in the personnel files of those employees assigned to their department.

**The Department Head is responsible for notifying the Clerk and/or Treasurer's Office of any change in employee status that may affect these records.**

### **Official Employee Personnel Records**

#### **County Clerk's Office Records**

The County Clerk's Office is responsible for establishing and maintaining an official personnel records file for each employee of the County, including but not limited to the following:

- HIPAA forms;
- Health care, dental, and vision insurance;
- Worker's compensation and life insurance;
- Accident Report forms;
- FMLA (Family Medical Leave Act) forms;
- Elected official training certification forms;
- Contracts for all Appointed Official Department Heads, copy sent to payroll.
- County Board personnel contracts, copy sent to payroll.

Employee medical records will be maintained in a secure and separate Employee Medical Records file pursuant to the Americans with Disabilities Act (ADA), accessible by only the employee or those individuals authorized by the ADA and applicable regulations

#### **County Treasurer's Office Records – Payroll Department**

The County Treasurer's Office is responsible for establishing and maintaining an official personnel records file for each employee of the County, including but not limited to the following:

- Job Title and classification;
- Salary or Rate of Pay;
- Time sheets;
- Vacation accrual and vacation used;
- Sick leave accrual and sick leave used;
- Employee Authorization to work in the US;
- State and Federal Tax withholding forms;

- Wage garnishment information (confidential)
- IMRF (Illinois Municipal Retirement Fund) forms,
- Direct deposit forms,
- Deferred compensation forms;
- Short term disability forms.
- Leave of absence forms; (excluding FMLA, see County Clerk section), treasurer must be notified for tracking leave.
- Travel expense forms.

### **Department Records**

The Department Head is responsible for establishing and maintaining an official personnel records file for each employee of the County. Records which contain medical information regarding the employee must be maintained separately in a confidential and secure file. Records that may be maintained on the department level include but are not limited to the following:

- ADA request forms;
- Pregnancy accommodation request forms;
- VESSA (Victims Economic Safety and Security Act) forms;
- Performance Evaluation forms;
- Employee Complaint forms;
- Employee Written warnings and Disciplinary Action;
- Motor Vehicle Records Checks;
- Acknowledgement of receipt and understanding of the personnel manual;

Employees may have access to their personnel file in accordance with the provisions of the Illinois Personnel Records Review Act *at any mutually convenient time scheduled with the County Clerk, Treasurer, or Department Head.* The County Clerk, the Treasurer, the Department Head, or their designee, must be present during any audit of the file. Only the County Clerk, Treasurer, or Department Head may remove items from the respective files with notification to the employee in accordance with the Illinois Personnel Records Review Act. The purpose of the audit or inspection is to ensure accuracy and completeness of the file. Any employee may add a statement of explanation to his/her personnel file regarding anything contained in such file. Employees may also request a copy of their personnel file in accordance with the Personnel Record Review Act.

### **Employee responsibility:**

When an employee moves, changes a contact telephone number, or has other changes in their personal information, the County Clerk and Treasurer's office must be informed of such changes. It is the employee's responsibility to see that the County has accurate and up-to-date information so that the County may communicate with the employee as needed.

## **Sheriff's Office Merit Commission**

Files related to proceedings before the Sheriff's Office Merit Commission will be maintained by the Merit Commission, which will include all material of a confidential nature to include, but are not limited to:

- Psychological Profiles
- Written Test Results
- Polygraph Results
- Background Checks
- Oral Board Results

Access to the Merit Commission files will be allowed only with the prior approval of the Merit Commission, except as required by the Illinois Personnel Records Review Act, and except that the Sheriff has reasonable access to such file.



## 2.1 EMPLOYEE ETHICS AND POLITICAL ACTIVITY

### STATEMENTS OF POLICY:

1. **Conflicts of Interest.** No County employee or official shall engage in any act which is in conflict or creates an appearance of unfairness or conflict with the performance of official duties. An employee or official shall be deemed to have a conflict if the employee:
  - a. Has any financial interest in any sale to the County of any goods or services when such financial interest was received with prior knowledge that the County intended to purchase the property, goods, or services.
  - b. Participates in his/her capacity as a County employee or official in the issuing of a purchase order or contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the County.
  - c. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value, when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.
  - d. Except as otherwise provided in this policy, directly or indirectly, gives or receives, or agrees to give or receive any compensation, gift, reward, commission or gratuity from any source except the County for any matter directly connected with or related to his or her official services as such employee or official with this County.
  - e. Discloses or uses without authorization confidential information concerning property or affairs of the County to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the County.
  - f. Has a financial interest or personal interest in any legislation coming before the County Board and participates in discussion with or gives an official opinion to the County Board, unless the employee discloses on the record of the Board the nature and extent of such interest.

An employee should not make a unilateral decision, if there is any doubt about his/her private employment, the County Clerk's office should be consulted.

2. **Gifts and Gratuities.** County employees and officials are prohibited from soliciting any gift, gratuity, service, or item of value in exchange for performance of their duty as

County employees or officials, and from accepting any gift, gratuity, or valuable service(s) in exchange for, or as a result of, the performance of their duty as County employees or officials. Furthermore, the Gift Ban provisions (5 ILCS 430/10-10, et seq.) of the State Officials and Employees Ethics Act (5 ILCS 430/1-1, et seq.) limit a County employee's or officer's ability to accept any gift.

Pursuant to the Gift Ban provisions of the Ethics Act, County employees and officials are prohibited from receiving a gift from someone seeking action to be taken by an employee or official during the performance of their duties as County employees or officials, doing business or seeking to do business with the County, conducting activities regulated by the County or County employees, or who has interests that can be substantially affected by the performance or non-performance of their duties as County employees or officials. A gift includes any tangible or intangible item having monetary value. The Gift Ban provisions of the Ethics Act also prohibit an employee's or official's spouse, civil union partner, or immediate family members living with the employee from receiving such gifts.

Numerous specific exceptions exist under the Gift Ban provisions of the Ethics Act which may allow a County employee or official to accept a gift, including (but not limited to) receiving a gift from a relative, a friend (if circumstances show that gift was not provided because of the employee's or official's official position with the County), or a co-worker. Other exceptions which allow a County employee or official to accept a gift include receiving a bequest, inheritance, or other transfer at death, receiving food or beverages not exceeding \$75 per person in value consumed on the premises from which they were purchased, or receiving any other item or items during any calendar year totaling less than \$100 in value. If an employee has a question about whether the Gift Ban provisions of the Ethics Act apply to a specific situation not specified above, the employee should contact the employee's Department Head for further clarification.

- 3. Use of Public Property.** No employee of the County shall request, use, or permit the use of County-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such County property is to be restricted to such services as are available to the County generally and for the conduct of official County business.

Authorized personal uses include taking an assigned County vehicle to lunch on workdays as needed, stopping to run personal errands when the destination point is in conjunction with official or authorized business, and other nominal personal uses as permitted by the County Vehicle policy.

- 4. Political Activities:-**While County employees have the right to become involved in the political process during their personal time, they are not permitted to engage in prohibited political activities, as that term is defined in 5 ILCS 430/1-5, on the job or while on duty or in circumstances in which a reasonable person would construe the employee to be acting as a County employee while engaging in such activity. Employees shall not use County stationery, vehicles, office equipment, or any other

County resources, or appear in any County uniform for unauthorized personal purposes or for political purposes. Political literature shall not be distributed or displayed in or on County owned property or equipment, and County employees shall refrain from engaging in any political campaigning while on duty. This restriction shall not be applied to prevent employees from communicating with co-workers about political issues while off duty, or to prevent an employee from seeking political office.

Employees who are elected to public office of the County shall resign from County employment prior to taking office.

Any employees with questions or concerns regarding this policy should contact their Department Head or the County Clerk.

Employees should report suspected violations of this policy to their Department Head or the County Clerk.

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

## **2.2 CANNABIS, DRUG AND ALCOHOL USE/ABUSE POLICY**

### **Background:**

#### The Cannabis Regulation and Tax Act

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

#### The Compassionate Use of Medical Cannabis Program Act

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

#### The Right to Privacy in the Workplace Act

The Cannabis Regulation and Tax Act amended the Right to Privacy in the Workplace Act to read, "Except as otherwise specifically provided by law, including Section 10-50 of the Cannabis Regulation and Tax Act, . . . it shall be unlawful for an employer to refuse to hire or to discharge any individual, or otherwise disadvantage any individual, with respect to compensation, terms, conditions or privileges of employment because the individual uses lawful products off the premises of the employer during nonworking and non-call hours." The definition of on-call under this Act is identical to the definition found in the CRTA provided below.

#### The Agriculture Improvement Act of 2018

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

### **Intent:**

Fulton County is concerned about the ultimate effects of the use of cannabis, alcohol and illegal drugs upon the health and safety of its employees and the public. We recognize that studies show that alcohol and drug abuse leads to increased accidents and medical claims. Employees who abuse drugs and alcohol present a danger to themselves, their fellow employees, Fulton

County and the public at large. In addition, the increased medical costs incurred by employees who use/abuse drugs and/or alcohol and the associated decreased productivity of these individuals, because of accidents, absenteeism and turnover adversely affect achievement of the County's mission and goals.

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

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

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

**Definitions:**

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

1. 'Premises' shall include all work sites, work areas, property owned or leased by *County*, or vehicles owned, operated, leased, or under the control of the *County*. Privately-owned vehicles parked or operated on property owned, leased or managed by the *County* is also included under the definition.
2. 'Fulton County time' shall include all times during which an employee is on *Fulton County*'s premises, meal and break times on or off *Fulton County*'s premises or performing work off the premises for the benefit of the *County* or as a representative of *Fulton County*.
3. 'On-call' for purposes of the Cannabis Regulation and Tax Act means when an employee is scheduled with at least 24 hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment

either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task.

4. 'Legal drug' means any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed for the employee, over-the-counter drugs and (after January 1, 2020) cannabis as outlined in the Cannabis Regulation and Tax Act.
5. 'Illegal drug' means any controlled substance the possession or sale of which is prohibited by law.
6. 'Cannabis' or 'Marijuana' is a mixture of dried, shredded leaves, stems, seeds and flowers of the hemp plant, *Cannabis sativa*. The main active chemical in cannabis is tetrahydrocannabinol (THC), a psychoactive ingredient that produces a "high" or feeling of being "stoned." The strength of the cannabis or marijuana is correlated to the amount and potency of the THC it contains.
7. 'Cannabidiol' or 'CBD' is one of over 60 different cannabinoid compounds in marijuana. CBD a non-psychoactive ingredient of cannabis and does not make a person feel "high" or "stoned." CBD is used to provide relief from chronic pain, anxiety, inflammation and epilepsy and its benefits are still being researched. Currently, there are no uniform standards for production of CBD so it is very possible that a CBD product contains small amounts of THC that would show up on a drug test. Such a test result would violate Fulton County's drug-free workplace policy.
8. 'Substance' means any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his or her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; "synthetic or designer" drugs; illegal inhalants; "look-alike" drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).
9. 'Traceable in the employee's system' means that the results of a laboratory's analysis of the employee's urine, saliva, breath or blood specimen is positive for the tested substance.
10. 'Reasonable suspicion of impairment' means that Fulton County's representatives have observed and in good faith can describe specific, articulable symptoms of an employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious

damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, or detection of a prohibited substance in the area where an employee has/had been working. A registered qualifying user of medical cannabis under the Compassionate Use of Medical Cannabis Program Act must first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment. A user of cannabis under the Cannabis Regulation and Tax Act must also first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment.

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

**Applicability:**

1. This policy applies to all employees and volunteers of Fulton County as well as candidates for employment with Fulton County who have been given conditional offers

of employment. Such persons are responsible to be familiar with and comply with this policy.

2. The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability and testing for substances shall be conducted and in accordance with and limited by such laws, notwithstanding any terms of this policy to the contrary.

**Policy:**

1. Alcohol, Cannabis or Illegal Drugs or Substances:

- a. The possession, sale, purchase, use, distribution, delivery or transfer of alcohol, cannabis or an illegal drug or substance while on Fulton County's premises, while on Fulton County's time or while driving a vehicle owned, operated, rented, leased or under the control of Fulton County is expressly prohibited. This includes cannabis used for medical purposes in accordance with the Compassionate Use of Medical Cannabis Program Act. In addition, employees may not report to work, be on Fulton County's premises or on Fulton County time under the influence of alcohol or cannabis or with any traceable illegal drug or substance in their system.
- b. Employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment or perform other safety-sensitive functions including police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care in addition to the prohibitions above must not consume alcohol for four hours prior to duty time and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever comes first.
- c. Individuals who are registered users of medical cannabis will not be disqualified from employment based solely on the detected presence of cannabis on a drug test, unless failing to do so would put the *County* in violation of a federal law or cause it to lose a federal contract or funding. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Program Act and individuals who use cannabis in accordance with the Cannabis Regulation and Tax Act may not report to work under the influence of cannabis. This policy prohibits the undertaking of any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice or professional misconduct. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

2. Legal Drugs:

- a. Fulton County does not condone the abuse of legal drugs or working under the influence of legal drugs to the extent that job performance and/or safety is adversely affected. Employees using prescription, over-the-counter and/or

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

3. 3. Drug Panel:

- a. DOT Regulations (49 CFR Section 40.85) provides the five drugs or classes of drugs that must be tested for in a DOT drug test. They are: (a) marijuana metabolites, (b) cocaine metabolites, (c) amphetamines, (d) opioids, and (e) phencyclidine (PCP). Fulton County cannot exclude cannabis from a drug test performed pursuant to DOT Regulations. The DOT Regulations also prohibit a Medical Review Officer from verifying a test as negative based on information that a physician prescribed the use of marijuana or another Schedule I drug.
- b. Limited Pre-Employment Substance Testing:  
Upon receipt of a contingent offer of employment, candidates for safety-sensitive or security-sensitive positions may be subject to pre-employment drug testing. Individuals to whom a contingent offer is made and whose pre-employment drug test returns positive for cannabis, alcohol or illegal drugs will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

4. Random Selection Testing:

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

5. Reasonable Suspicion Testing:

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

6. **Post-Accident Testing:**  
If Fulton County has reasonable cause to believe an employee has caused an on-the-job injury that is considered recordable under OSHA guidelines (i.e. requiring medical treatment) as a result of being under the influence, the supervisor may require the injured employee to undergo a post-accident Substance test. The employee will also be required to undergo post-accident testing if required by FMCSA, DOT or other applicable regulation.
7. **Fitness for Duty:**  
Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of Substances may be subject to Substance testing. Employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to and successfully pass a fitness for duty substance test before being permitted to return to work.
8. **Blood Alcohol Concentration:**  
A driver subject to FMCSA or DOT regulations, or any other employee who is required to perform a safety-sensitive function and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.
9. **THC Concentration:**  
As of this writing, the State of Illinois has no established limit of tetrahydrocannabinol (THC) in the bloodstream that constitutes impairment under the law. A person may be under the influence of marijuana as defined by a positive test for cannabis without being visibly impaired. Fulton County should train its managers and supervisors on the specific, articulable symptoms of impairment as defined above.
10. **Reasonable Zero Tolerance or Drug-Free Workplace Policy:**  
Under the law, Fulton County has the right to implement a reasonable zero tolerance or drug-free workplace policy that is applied in a non-discriminatory manner. With the enactment of the Cannabis Regulation and Tax Act and the amendment to the Right to Privacy in the Workplace Act, Fulton County is limited in its ability to prohibit or limit the use of cannabis and other Substances considered legal under Illinois law by County employees while off duty and not on-call unless those employees perform safety sensitive functions. For employees in **safety sensitive positions**, such as those employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care, it is reasonable for the County to implement and consistently apply a zero tolerance or drug-free workplace policy that includes a prohibition on off duty use and to terminate any safety sensitive employee who violates this policy. Such a restrictive policy is reasonable because if these employees used cannabis or other Substances while off duty, they could cause great human loss while at work before any signs of impairment become noticeable to supervisors or others. For those employees who work in non-safety sensitive positions, Fulton County can test the

employee for cannabis or other Substances if first the County's representative can articulate after observing the employee at work that a reasonable suspicion of impairment exists.

11. Disciplinary Action:

- a. Any employee who possesses, sells, purchases, uses, distributes, delivers or transfers alcohol, cannabis or any illegal substance on *Fulton County's* premises will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.
- b. Any employee who reports to work under the influence of alcohol, cannabis or with an illegal drug or Substance traceable in his/her system will be removed from the work area and may be subject to immediate disciplinary action up to and including discharge.
- c. An employee who refuses to submit to testing when required under this policy will be removed from the work area and may be subject to immediate disciplinary action up to and including discharge. Refusal to submit to testing shall include, but may not be limited to: (1) failure to appear for any test within a reasonable amount of time, after being directed to do so by County, consistent with this policy and/or applicable regulations, including but not limited to FMCSA or DOT regulation; (2) failure to remain at the testing site until testing is complete; (3) failure to provide a sufficient breath, saliva, blood or urine specimen for any drug or alcohol test required by this policy or applicable FMCSA or DOT regulation; (4) in the case of directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen; (5) failure to provide a sufficient amount of saliva, breath, blood or urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; (6) failing or declining to take a second test that County or the collector has directed the employee to take; (7) failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process or as directed by the Designated Employer Representative; (8) failure to cooperate with any part of the testing process; (9) having a verified adulterated or substituted test result as reported by the Medical Review Officer.
- d. Any employee who refuses to participate in rehabilitation/treatment, as recommended as a result of a positive test and evaluation by a substance abuse professional, will not be allowed to perform work for Fulton County and may be subject to disciplinary action up to and including discharge.

**Testing Procedures:**

Testing: Fulton County may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by the County, immediately upon the request of authorized Fulton County representatives or agents in accordance with this policy.

1. Where Fulton County has reasonable suspicion that an employee is under the influence of a substance, he or she will be removed from the work area and provided with transportation to the place of testing. The County should call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.
2. Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to the County as permitted by law.
3. At the discretion of Fulton County, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative; the employee will be reimbursed for any salary lost during administrative leave.
4. Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test and may be grounds for immediate termination of employment or ineligibility for hire.
5. Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of Fulton County. The candidate or employee will have the option of requesting testing of the split specimen within 72 hours at the County's expense unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result or inability to contact the Medical Review Officer prevented a timely request. If the candidate fails to request testing of the split specimen within 72 hours and the candidate or employee has not presented sufficient documentation to excuse the delay, Fulton County will take appropriate action including but not limited to discipline or discharge.
6. If the test of the split specimen is also positive, the candidate or employee will have the opportunity to explain the results. Fulton County retains the discretion to determine the appropriate disciplinary action, including discharge, following two positive drug tests.
7. An employee who has been removed from the work area or barred from the working as a result of violating this policy, may be subject to disciplinary action up to and including immediate discharge. If an employee has not been terminated as a result of a violation, he or she may not commence or return to work unless he or she provides sufficient documentation that he or she has tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; has received an evaluation from a Substance Abuse Professional, has successfully complied with the recommendations of the Substance Abuse Professional, and testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal or state regulation.
8. The County will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.

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

**Additional Policies:**

1. Searches: Upon reasonable suspicion, authorized representatives or agents of Fulton County may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, Fulton County property or property of other employees. Items discovered through such searches may be turned over to law enforcement authorities.
2. Employees must notify the County within 5 days of any criminal drug statute conviction.
3. Fulton County, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.
4. The Designated Employer Representatives responsible for receipt of testing results and removal of employees from safety sensitive functions when they violate this policy are the Department Head or Shift Supervisor.
5. Employees who have questions about this policy or who would like more information regarding the effects of alcohol misuse and controlled substances on an individual's health, work and personal life, signs and symptoms of an alcohol or drug problem, and available methods of intervening when an alcohol and or controlled substance problem is suspected should contact their supervisor or the County Clerk.

## **2.3 OUTSIDE EMPLOYMENT OR WORK**

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

Employees are expected to notify their supervisor of any outside employment.

## **2.4 PERSONAL RELATIONSHIPS WITH OTHER EMPLOYEES**

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

For purposes of this policy personal relationships includes:

1. dating; engagement to be married;
2. cohabitation within the same household and living in a romantic partnership (excludes platonic roommates sharing living expenses);
3. having a romantic or sexual relationship.

### **Disclosure**

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

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

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

## **2.5 COMPUTER, INTERNET, NETWORK, AND E-MAIL USAGE**

Fulton County has e-mail and internet access systems in place for Fulton County business. We also have software and systems in place that can monitor and record all internet usage. The e-mail and internet access systems in place are the sole property of Fulton County. The technology is in place for business related to Fulton County. Employees may use the technology for limited personal purposes as long as that use does not interfere with the employee's work, or jeopardize the integrity of Fulton County computer system, e-mail system or internet access. The technology may also not be used for any purpose which would violate Fulton County policies or state or federal law. If an employee is found to be abusing the technology, his or her access may be limited or eliminated altogether. An employee is also subject to discipline, up to and including termination. Nothing on the internet system or any property of Fulton County, including, but not limited to , computers, laptops, phones, or voice mail, is or can become the private property of any employee.

**THERE CAN BE NO EXPECTATION OF PRIVACY OR ASSURANCE OF CONFIDENTIALITY FOR ANY MESSAGES OR FOR ANY USE OR PATTERN OF USAGE OF FULTON COUNTY INTERNET, COMPUTERS, LAPTOPS, PHONES, VOICE MAIL OR ANY OTHER PROPERTY.**

Management and Administration of the Internet and Phone System:

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

Fulton County's internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, Fulton County, province or other local jurisdiction in any material way. Use of any Fulton County resources for illegal activity is grounds for immediate dismissal, and we will cooperate with any legitimate law enforcement agency in the investigation of such activity.

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

No employee may use Fulton County facilities knowingly to download or distribute pirated software or data. No employee may use Fulton County's internet facilities to deliberately propagate any virus, worm, "Trojan horse," or trap-door program code. No employee may use Fulton County's internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

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

Any material posted to any forum, newsgroup, chat group, or internet site in the course of an employee's duties, remains the property of Fulton County.

Employees are reminded that chat groups and newsgroups are public forums where it is inappropriate to reveal confidential Fulton County information as defined in this manual. Employees releasing confidential information via any internet facility, whether intentional or inadvertent, may be subject to disciplinary actions, including termination.

Use of Fulton County internet facilities to commit infractions such as misuse of Fulton County assets or resources, sexual harassment, unauthorized public speaking and misappropriation or theft of intellectual property are also prohibited by general Fulton County policy, and will be subject to discipline, including termination.

It is a violation of Fulton County policy to store, view, print or redistribute any document or graphic file that is not directly related to the user's job or Fulton County's business activities and which would constitute a violation of Fulton County's policy against discrimination and harassment.

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

Fulton County will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on any individual employee's internet activities.

Employees must take care to understand federal and state copyright, trademark, libel, slander and public speech control laws so that our use of the internet does not violate any laws which might be enforced against us.

Employees with internet access may download only software with direct business use and must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.

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

Employees with internet access may not use Fulton County internet facilities to download images or videos unless there is an explicit business-related use for the material.

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

## **Security**

Fulton County has installed a variety of firewalls, proxies, address screening programs and other security systems to assure the safety and security of Fulton County's networks. Any employee who attempts to disable, defeat or circumvent any Fulton County security facility will be subject to discipline, including immediate termination.

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

Employees who misuse the Fulton County internet/email system may be subject to discipline up to and including termination. Remember that you have no expectation of privacy in any Fulton County equipment or property, including but not limited to desks, computers, internet access, voice mail, or email.

## **2.6 SECURITY OF PORTABLE DATA STORAGE DEVICES**

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

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

Strong passwords are used to secure information on the device;

No unauthorized persons are allowed to access to the information storage device;

Username or passwords are not shared with any person, with the exception of authorized employees;

Only authorized hardware, software or information security programs are installed on the device with authorization and approval from management;

Care is taken to ensure the device is properly locked and secured when it is not in the immediate possession of the employee.

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

## **2.7 EQUIPMENT/SUPPLIES**

Fulton County provides equipment and supplies to assist employees in performing their work on behalf of Fulton County. Fulton County-provided equipment and supplies are solely to be used for work purposes.

Employees must use all equipment safely, for its intended use and in accordance with manufacturer specifications. Employees are asked to conserve resources and use only those supplies necessary to perform their job.

Fulton County prohibits the use of county equipment or supplies for personal use.

## **2.8 PERSONAL USE OF TELEPHONE AND MAIL SYSTEMS**

### **STATEMENT OF POLICY:**

Phones, including fax machines, are to be used for County business, and may be used for local personal business on a very limited basis only.

The use of County-paid postage for personal correspondence is not permitted.

To assure effective telephone communications, employees should always use an appropriate greeting and speak in a courteous and professional manner: Please confirm information received from the caller and hang up only after the caller has done so.

Personal telephone calls received during business hours, including those received on the employee's personal cell phone, must be held to both a minimum number and time limit and must not interfere with the employee's work.

It is the employee's responsibility to ensure that no cost to the County results from personal telephone or fax calls.

Violation of this policy will minimally result in cost reimbursement to the County and may subject the employee to disciplinary action.

Employees may carry personal cellular phones and may make limited use of their personal cellular phones, when such limited use will not interfere with the performance of their duties as a County employee. The employee will make non-emergency calls on the employee's own time and the employee agrees to turn off his or her cellular phone at appropriate times, when requested by a supervisor.

Fulton County prohibits the use of county equipment or supplies for personal use.

## 2.9 CELL PHONES AND GENERAL USE OF COUNTY OWNED PHONES

**Purpose:** This policy is to provide guidance and regulation in regards to the use of cell phones by employees and officials during the course of business for the County.

Personal use of cell phones should be kept to a minimum and must not interfere with County business.

County owned phones: County owned cell phones may be issued when a Department Head determines that the job function of the employee requires the employee to be accessible outside of the office or outside of scheduled or normal work hours.

Cell phones usage shall be limited to County business whenever possible.

**Prohibited Use.** Any use of a County owned cell phone for inappropriate or unauthorized purposes is prohibited. This includes, but is not limited to, the following:

1. While driving or operating a moving vehicle unless a hands-free device is used;
2. While driving in a school zone or construction zone, even if a hands-free device is used;
3. While operating machinery;
4. While in close proximity to moving equipment or machinery;
5. Any time when the use of a cell phone might place you or others at risk.
6. Transmitting messages that violate the County's policy against discrimination and harassment.
7. Use of County-owned cell phones to harass another person.
8. Obtaining, viewing, creating, or transmitting any obscene, pornographic, profane, or sexually explicit materials including indecent images, videos, cartoons or jokes-
9. Using a County-owned cell phone to engage in personal attacks on coworkers or business associates-including, but not limited to, sending hate mail or texts, or sending mail or texts that include vulgar or otherwise offensive language.
10. Accessing or transmitting copyrighted or trademarked material in a way that violates copyright or trademark laws.
11. Using the cell phone for any illegal purpose or activity.
12. Use which would be considered a security violation, meaning: Copying, disclosing, transferring, examining, renaming, or changing information or programs belonging to another user unless express permission to do so is given by the user responsible for the information or programs.
13. Unauthorized use of a password or mailbox unless specifically authorized to maintain and support the system.
14. Representing yourself as someone else, fictional or real.
15. Knowingly or inadvertently spreading viruses by use of the electronic communications device. "Viruses" are any programs that can destroy valuable programs and data or disrupt the communications system.

The Fulton County Board, or its designee, reserves the right to review, audit and monitor its electronic equipment, including the employee's itemized cell phone usage, call history (incoming and outgoing) and phone book entries at its discretion in the ordinary course of business.

Employees and officials have no expectation of privacy in any County owned cell phone or any information stored thereon, including, but not limited to, text messages, emails, call histories, voice mail messages, and photographs. Information or communications transmitted by, received by, or stored on a County owned cell phone is also subject to production in response to requests under the Freedom of Information Act.

The employee is responsible for the loss or damage of any cell phone and accessories and must pay for replacement of the cell phone unless sufficient proof can be supplied that the phone was stolen, damaged or lost outside the control of the employee. Determinations, on a case by case basis, shall be made by the Department Head.

Use of the service in any manner contrary to this policy local, state, or federal laws will constitute misuse, and could result in disciplinary action.

Allowance for use of personal phones. If an employee's job duties include the frequent need for wireless communication, as determined by the Department Head, then he/she may be eligible for an allowance to cover the anticipated business-related wireless expense. When authorized in writing by the Department Head, the cost of using a personal cell phone for official business may be reimbursed to the employee. Any allowance will be for reasonable cost of a base plan plus any additional fees such as roaming fees, text messaging, data service, equipment, insurance, IT installed software, or other fees and taxes incurred as a direct result of the business use. Adjustments to the allowance amount based upon documented need, e.g. additional minutes for business use, may be made by the Department Head.

The total monthly amount will be divided in two and paid twice a month.

This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases in base pay due to annual pay increases, job upgrades, etc. As job responsibilities change, this allowance will be reviewed. If wireless service is no longer required, the allowance will be eliminated.

Employee Responsibility. The employee must retain active wireless service as long as the Cell Phone allowance is in place. The employee must make this number available for County use and agree to accept calls. The County may periodically request a copy of the billing or other documentation to ensure the service remains in effect and to review the appropriateness of the allowance amount. Because the wireless service is owned personally by the employee, the employee may use the phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features not required by the County as desired.

Use of the service in any manner contrary to this policy, local, state, or federal laws will constitute misuse, and could result in immediate termination of the cell phone allowance and/or possible disciplinary action.

## **2.10 BUSINESS AND TRAVEL EXPENSE REIMBURSEMENT POLICY**

As set by Resolution June Session 2020.

### **I. Definitions.**

The following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Travel: any expenditure directly incidental to official travel by employees and officers of the County or by wards or charges of the County involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

“Necessary expenditures” means all reasonable expenditures or losses required of the employee in the discharge of employment duties and that inure to the primary benefit of Fulton County.

### **II. Official Business for which Expenses May Be Reimbursed.**

#### **Travel Expenses**

Officials and employees of the County shall be entitled to reimbursement for travel, including meals or lodging, related to the following types of official business:

1. Education conferences and meetings related to the duties of the officer/employee of the County.
2. Site visits to current or potential vendors of the County
3. Business Expenses as defined below.

#### **Business Expenses**

Reasonable and necessary expenses in the conduct of county business. Employees are not authorized to incur a work-related expense without first conferring with their Supervisor or Department Head for a determination on whether the expense is necessary. The following is a non-exhaustive list of expenses that, depending on an employee’s job duties, may be authorized or required, and if so, would be reimbursed by Fulton County to the employee for the reasonable portion directly related to the services performed for Fulton County:

1. Cell phone (talk, text and/or data plan)
2. Computer, laptop or tablet

3. Internet access
4. Other office supplies
5. Business telephone calls
6. Public Transit (taxicab, hotel transportation, rental car, ride-share, bus, train, plane, etc.).
7. Parking fees
8. Storage of baggage
9. Rental of meeting room or dining room for official business of Fulton County (only when appropriate and pre-approved)
10. Tolls
11. Meals (alcohol excluded)
12. Mileage (personal vehicle)
13. Lodging
14. Specific equipment, safety equipment, and uniforms

Fulton County is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft unless the theft was a result of Fulton County's negligence.

### **III. Maximum Allowable Reimbursement for Expenses**

#### **Lodging & Meals**

Unless otherwise excepted herein, the maximum allowable reimbursement for an employee or officer of the County shall be those rates set by the Governor's Travel Control Board for the State of Illinois in effect at the time of the expense at the following website:

<https://cms.illinois.gov/employees/travel/travelreimbursement.html>

Itemized Meal receipts shall not exceed the per diem per day as set by the State of Illinois above.

#### **Exceptions:**

Only in case of emergency or other extraordinary circumstances will expenses in excess of the maximum allowable reimbursement be permitted and must meet one of the following criteria:

1. Conferences, meetings, or education seminar lodging rates that exceeds maximum allowable may be reimbursed if the lodging for the conference and/or educational seminar rates are above maximum allowed. A copy of the agenda and lodging rates shall be attached to the Fulton County Expense Voucher.
2. All other exceptions to maximum allowed expenses require the Lodging Expense Exception Request form to be completed and approved by the governing board of Fulton County.
3. Exceptions to maximum per diem for meals require the Meals Expense Exception Request form to be completed and approved by the governing board of Fulton County.

#### **IV. Approval of Expenses**

County officials and employees are expected to exercise good judgment and proper regard for public funds when incurring business and travel expenses as follows:

1. All expenses are expected to be reasonable and necessary. All expenses shall be first approved by the elected official or department head, then submitted to assigned committee who shall **review** the expenses and attached receipts, then the county board, and finally to accounts payable in the County Clerk's office.

The Fulton County Board must approve the following reimbursements for travel, including meals or lodging, by a roll call vote at an open meeting of the Board:

1. Any expense of any officer or employee that exceeds the maximum expense and requires a Lodging Expense Exception Form or Meal Expense Exception Form as defined in this policy.
2. Any Travel expense of any member of the Board.

#### **V. Documentation of Expenses**

Before any reimbursement for travel, including meals or lodging, may be approved pursuant to section IV, a standardized form (Fulton County Expense Voucher) shall be completed and supported by the following minimum documentation:

1. A receipt for the cost of the travel, meals or lodging;
2. The name of the individual who received or is requesting the travel, meal, or lodging expense;
3. The job title or office of the individual who received or is requesting the travel, meal, or lodging expense; and
4. The date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended.
5. Expenses that exceed maximum allowed per this policy require the following documentation:
  - a. Conference and/or education seminar lodging rates that exceeds maximum allowable per this policy require a copy of the agenda and lodging rates attached to the Fulton County Expense Voucher.
  - b. All other exceptions to maximum allowed lodging expenses require the Lodging Expense Exception Request form to be completed and approved by the governing board of Fulton County.
  - c. Exceptions to maximum per diem for meals require the Meals Expense Exception Request form to be completed and approved by the governing board of Fulton County.

The employees/officers shall submit any necessary Expense Voucher with appropriate supporting documentation, including Expense Exception requests, within 30 calendar days after incurring the expense. If supporting documentation is nonexistent, missing, or lost, the employee shall submit a signed statement to Fulton County for consideration.

All documents and information submitted under this Section are public records subject to disclosure under the Freedom of Information Act, 5 ILCS 140/1 et seq.

## **VI. Travel Advance**

Travel Advances are not allowed.

## **VII. Ineligible Expenses**

No employee or officer of the County shall be reimbursed by the County for:

1. Any entertainment expenses
2. Alcohol
3. Room service
4. Mileage reimbursement of transportation of the employee or officer from his/her home to the County at the beginning and end of the workday.
5. It is not considered prudent to use public funds for overnight lodging for a one-day meeting/seminar/ workshop within a 75-mile radius of the County complex, therefore it is not normally reimbursed.

### **Exceptions:**

1. When documented business meetings extend beyond 8:00 p.m. Business meetings, in this instance include dinners, receptions or social functions sponsored for attendees during the evening hours which are a scheduled event and part of the agenda for the meeting/seminar/workshop.
2. If weather conditions make a return trip unsafe, then an overnight stay may be reimbursable.

## **VIII. Expense Voucher**

All travel, meal, and lodging expenses will not be reimbursed unless the Fulton County Expense Voucher is properly filled out by the individual seeking to be reimbursed. All itemized receipts must be attached.

Within 30 days of completion of travel an Expense Voucher shall be completed with required documentation.

The employee/officer will not be responsible for reimbursing the County if the Conference is cancelled or the dates of the Conference are changed for any reason. The employee will not be responsible for reimbursing the County if the employee is unable to attend the Conference due to illness, including illness in the employee's family, unexpected family or business emergency, and/or weather conditions that restrict travel if accompanied with an approved documented explanation.

A standard Fulton County Expense Voucher, Lodging Expense Exception form, and Meal Expense Exception form, can be found in the "Forms" section of this manual.

### **IX. Petty Cash**

There shall be allowed each month to each county department a reasonable claim for petty cash not to exceed Fifty Dollars (\$50) except the Fulton County Nursing Home shall be authorized to establish and maintain a petty cash fund not to exceed Two Hundred Dollars (\$200), for which each department head shall be responsible. However, receipts disclosing the nature of goods or services received from the use of petty cash must be kept by each department, including the Fulton County Nursing Home, making use of such petty cash. The Finance Committee of the County Board reserves the right to view any department's documented use of petty cash at their discretion.

### **X. Misuse of Fulton County Expenses:**

Any misrepresentation or misuse of County funds or violation of these policies shall be grounds for disciplinary action and/or criminal or civil liability.

## **2.11 SMOKING AND THE USE OF ELECTRONIC CIGARETTES**

### **STATEMENT OF POLICY:**

Fulton County adheres to Smoke Free Illinois Act which prohibits smoking in public places, places of employment and governmental vehicles. No person shall smoke in any County building or facility or within 15 feet of any County building or facility. No person may smoke in any vehicle owned, leased, or operated by the County. Smoking is permitted only in designated areas, and each individual is responsible for properly disposing of his or her smoking materials, including but not limited to, cigarette butts and ash.

For purposes of this policy, smoking includes the lighting and/or smoking of cigarettes, cigars, and pipes, and also includes the use of electronic cigarettes, vaping devices, and smokeless tobacco products.

## **2.12 MOTOR VEHICLE RECORD (MVR) CHECKS**

### **Introduction**

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

### **Policy Statements:**

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

### **Requirements to Become an Authorized Driver**

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

### **Driver Responsibilities**

1. It is the driver's responsibility to operate the vehicle in a safe manner to prevent injuries and property damage.
2. Drivers must have a valid driver's license for the type of vehicle to be operated and must keep the license(s) with them at all times while driving. All CDL drivers must comply with all applicable D.O.T. regulations, including successful completion of medical, drug, and alcohol evaluations.
3. All drivers and passengers must wear seat belts.
4. Employees must report all accidents, regardless of severity, to the police and to Fulton County. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, including termination.

Authorized drivers are prohibited from reading or typing text messages, emails or posts of any type while driving. Phone use is also prohibited unless a hands-free device is used. All phone use is prohibited school zones and construction zones regardless of whether a hands-free device is used. Authorized drivers are prohibited from surfing the internet or reviewing websites or

posting on social media or other websites while driving. Authorized drivers are prohibited from taking or posting photos while driving.

Distracted driving of any type is prohibited.

It is the responsibility of all authorized drivers to report the loss, bond issuance, suspension and/or revocation of his/her driver's license immediately to Fulton County.

All traffic violations (including parking tickets), citations and fines incurred when driving for work purposes are the sole responsibility of the authorized driver.

Driving for work purposes while under the influence of intoxicants or other illicit drugs is forbidden and is sufficient cause for discipline, including termination. Authorized drivers who perform safety sensitive functions must inform Fulton County if taking any medications that may affect their ability to safely operate an automobile.

Drivers are responsible for the security of vehicles being used by them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended. If the vehicle is left with a parking attendant, only the ignition key is to be left.

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

1. Reckless or negligent driving
2. Driving while impaired by or under the influence of alcohol or drugs
3. Homicide, negligent homicide, or involuntary manslaughter by vehicle
4. Fleeing or attempting to elude police officers
5. Driving without a license or while license is suspended or revoked
6. Hit and run or failure to stop after an accident
7. Using a motor vehicle for the commission of a felony
8. Operating a motor vehicle without the owner's authority (theft)
9. Speeding
10. "At fault" accident
11. Any moving violation

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

## **2.13 DATE OF HIRE**

### **STATEMENT OF POLICY:**

Date of hire shall mean the effective date of the individual's employment with the County. This means the actual date upon which a new employee reports to duty and works a compensable period of time as opposed to merely reporting for pre-employment testing or paperwork.

A regular employee who is promoted, demoted, or transferred will not have his/her date of hire changed to the effective date of the promotion, demotion, or transfer.

## **2.14 CONDITIONS OF EMPLOYMENT**

Applicants selected for employment will be required to:

- a. Complete the Fulton County Application for Employment,
- b. Provide official copies of applicable college transcripts, registrations, license, and other appropriate information when requested.
- c. Meet the Minimum Requirements of the Job Description of the position applied for.
- d. Provide proof of eligibility for employment within the United States.
- e. Submit to post-offer/pre-employment drug test if the employee will hold a safety sensitive position.
- f. Complete necessary background checks.
- g. Comply with Fulton County policies as set forth in this manual.
- h. Sign an acknowledgment of receiving policy manual.

## **2.15 EMPLOYEE IDENTIFICATION CARDS**

### **STATEMENT OF POLICY:**

It is the policy of Fulton County to issue employee identification cards to all regular full-time and regular part-time employees assigned to the Courthouse. Cards may also be issued to other employees who may require County identification while working in remote job sites.

The card should be carried at all times when an employee is acting in an official capacity. The card shall be used as identification, if requested by a member of the public or another County employee.

Unauthorized or inappropriate use of the employee identification card is prohibited and may result in disciplinary action.

The Sheriff's Office is responsible for the preparation of the identification card. Each employee is responsible for possession of their identification card and to take care to protect it from loss, theft or misuse.

Should a card be lost, damaged, or destroyed, it should be immediately reported to the Sheriff's Office. All identification cards remain the property of the County and shall be returned to the Sheriff's Office upon termination of employment or by special request by the employee's Department Head.

It shall be the employee's responsibility to ensure accurate and timely updates of information contained on the employee identification card. All requests for re-issuance of employee identification cards shall be made by the employee to the Sheriff's Office. All old cards shall be returned to the Sheriff's Office before issuance of a new card.

## **2.16 PERSONAL APPEARANCE**

### **STATEMENT OF POLICY:**

It shall be the responsibility of all employees to represent the County to the public in a manner which shall be courteous, efficient, and helpful.

County employees should always be well-groomed and dressed in a manner suitable for the public service environment and to reflect favorably on the County. It shall be the responsibility of Department Heads to establish and enforce appropriate standards for their department.

The employee's supervisor will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the County.

## 2.17 WORKER CLASSIFICATION

### STATEMENT OF POLICY:

The types of County employment are:

Probationary Employee: An employee on a trial status during the initial period of employment. All newly hired County employees are on a probationary status which, unless provided otherwise by Merit Commission rules, collective bargaining agreement or other documents, extends for one 6 months from the date of hire. Probationary periods may be extended under special circumstances. Successful completion of the probationary period does not alter the at-will status of an at-will employee. An at-will employee can be terminated with or without cause or notice at any time during their employment.

**Regular Status** A probationary employee shall attain regular status only after successful completion of a probationary period.

Regular Full-Time Employee: A full-time employee who has successfully completed the probationary period and works thirty (30) hours or more per week.

Regular Part-Time Employee: An employee who has successfully completed the probationary period and works a shift schedule of fifteen (15) hours or more, but less than thirty (30) hours, per week.

Temporary Full-Time Employee: An employee whose work assignment is limited in duration to less than twelve (12) months and works a shift schedule which coincides with departmental full-time employees.

Temporary Part-Time Employee: An employee whose work assignment is limited in duration to less than twelve (12) months and works a shift schedule which calls for fewer hours than full time departmental employees. This includes seasonal employees.

Intermittent Employee: An employee qualified to work in one or more job assignments who is on call to work at irregular intervals in one or more County departments.

## **2.18 HOURS OF WORK**

### **STATEMENT OF POLICY:**

Except as otherwise provided by collective bargaining agreement, building schedule, or department policy, the normal working hours for employees are (7) seven hours per day, five (5) days per week. This does not include personnel engaged in shift work. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The lunch period will be scheduled to allow for continuous staffing of all offices with at least one (1) person, if possible.

In general, employees shall receive a rest period of not less than fifteen (15) minutes, on the County's time, for each four (4) hour work period. Rest periods shall be approved by the employee's supervisor prior to being taken.

Subject to department policy, the County shall provide each employee with a one (1) hour unpaid meal break during each work shift. All rest breaks and lunch breaks shall be arranged by the employee at the discretion of his/her supervisor.

Daily attendance records will be maintained by each department, including date and time of absences and leave taken. These will be sent to the payroll department. Departments may also retain attendance records. Attendance may be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the County. Frequent unexcused tardiness or other attendance irregularities may be cause for disciplinary action up to and including termination.

## **2.19 ATTENDANCE**

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

## **2.20 WORK PERFORMANCE EVALUATIONS**

Employees will usually be evaluated at the end of the probation period, and annually thereafter. Evaluations are an opportunity for both Fulton County and the employee to reflect upon all areas of the employee's performance, to consider whether improvement is needed in any areas, and to recognize areas where an employee has met or exceeded performance expectations. Evaluations are also a time to update performance expectations and to set future goals.

The evaluations may be one factor considered in determining compensation. Compensation decisions are subject to a number of other factors, including, but not limited to budgetary constraints.

Performance evaluations are generally conducted by an employee's direct supervisor, with documentation placed in the employee's personnel file.

Performance evaluation forms will be provided by the individual departments due to the diverse activities performed in each department.

## **2.21 PROMOTIONS, DEMOTIONS, AND TRANSFERS POLICY**

### **Promotions:**

The County attempts, but is not obligated, to fill all vacant positions with qualified County employees before advertising to the general public, following a policy of upward mobility whenever possible.

Employees are encouraged to apply for any vacancy for which they may qualify.

Generally, employees are expected to serve in their current position for at least two (2) years before being considered for a promotion in grade or transfer to a different job classification.

Selection of an employee for a promotion in classification (or lateral transfer) is based on past work record, education, and knowledge of the job duties.

Promotions in classification do not change the person's date of hire.

### **Demotions:**

An employee reassigned to a position in a lower classification, regardless of the reason (disciplinary, in lieu of layoff, department reorganization, etc.) will receive a cut in pay commensurate with the nature of the demotion as determined by the County Board.

An employee being demoted shall be notified two (2) weeks prior to demotion except in emergency situations.

No employee shall be demoted to a position for which he or she does not possess the minimum qualifications.

Demotions do not change the person's date of hire.

### **Transfers:**

Any current regular full-time employee interested in applying for a transfer must file a completed County application form with the Department Head with the desired job opening in accordance with instructions listed on the employment opportunities notice.

If the employee meets the stated requirements for the position, he/she will proceed through the regular hiring procedures with all other applicants.

The personnel file of the transfer applicant will be made available to the Department Head responsible for filling the open position.

Transfers may also be initiated by the County's hiring authority in instances where the County's best interests may be served. Transfers do not change a person's date of hire.

## **2.22 RECLASSIFICATION AND WORKING OUT OF CLASSIFICATION POLICY**

### **Reclassification:**

When a new position is requested by a Department Head or the duties of an old position are substantially changed, the Department Head should submit a written recommendation to the County Board, including justification for the reclassification, emphasizing changes in position responsibilities or requirements for qualifications (i.e. experience, education, certification, etc.).

The request will be reviewed by the Personnel Committee. No reclassification involving an upgrade of salary will be made without County Board approval.

### **Working out of Classification:**

Compensation for working out of classification may be provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification. The performance of such duties must be for an extended period of time, wherein a need exists to fulfill the duties and responsibilities of the vacant position in order to qualify for out of classification pay.

Temporary assignments made pursuant to prior mutual agreement between the employee and his or her immediate supervisor for the purpose of providing a training opportunity to the employee, for a mutually agreed upon period of time are not eligible for out of classification pay.

## **2.23 WAGE AND SALARY POLICY – NON-EXEMPT / EXEMPT**

### **Non-Exempt Employees**

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

**Overtime:** The County will compensate overtime for non-exempt employees at the rate of one and one-half for hours worked in excess of forty (40) hours per work in accordance with the Fair Labor Standards Act. Employees must obtain authorization from a supervisor prior to working any overtime hours.

It is the responsibility of the individual employee to request compensatory time in lieu of overtime if so desired.

Upon termination, eligible employees are given credit for all overtime accrued and all unused compensatory time within the limitations established by this policy.

This policy shall constitute the agreement of understanding between the County and its employees with regard to the use of compensatory time off in lieu of payment of overtime, except that compensatory time for employees subject to a collective bargaining agreement shall be granted on the terms provided in such collective bargaining agreement.

**Compensatory Time:** The County will grant compensatory time off in lieu of overtime at the rate of one and one-half hours of compensatory time per one hour of overtime worked, Employees requesting compensatory time shall be permitted to take such time within a

reasonable period of the request, provided that granting such request will not unduly disrupt the operations of the County. In that case, the employee will not be permitted to take requested compensatory time until such time as doing so will not unduly disrupt the operations of the County. Typically, the County will not permit an employee to schedule and take compensatory time off if by allowing such time off the County would be required to pay another employee overtime. Compensatory time off may be accumulated to a maximum of forty (40) hours. Employees must obtain approval of their Department Head prior to taking compensatory time.

## **Exempt Employees**

Section 13(a)(1) of the FLSA, however, provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. Job titles do not determine exempt status. In order for an employee to qualify as “exempt” from minimum wage and overtime, an employee’s specific job duties and salary must meet all the requirements of the Department of Labor’s regulations. If you are classified as an exempt, salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for Fulton County. This salary will be set at the time of hire or whenever you become classified as an exempt employee. Your salary may be subject to review and modification from time to time, such as during salary review time.

Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation on a bi-weekly basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee’s predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a “salary basis.” If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Deductions from an exempt employee’s pay are permissible under the following circumstances:

1. When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
2. For absences of one or more full days due to sickness or disability if the deductions are made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
3. To offset amounts employees receive as jury or witness fees or for military pay in some cases;
4. Or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
5. In the initial or terminal week of employment in the event you work less than a full week;

6. For penalties imposed in good faith for infractions of safety rules of major significance;
7. Weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

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

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

### **Accurate Timekeeping**

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

### **Prohibition of Improper Salary Deductions**

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

### **Reporting Errors or Improper Deductions**

We make every effort to ensure that all of our employees are paid correctly. Occasionally, however, an inadvertent error can occur. Please review your paystub every pay period. If you find an error, please call it to our attention immediately by reporting it to your immediate supervisor or to the payroll department.

If you believe that an improper deduction has been made from your salary, you should immediately report this to your direct supervisor or to the payroll department.

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

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

## **2.24 -DISCIPLINE AND CORRECTIVE ACTION**

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

### **Corrective Action Process:**

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

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

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

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

### **Suspension:**

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

### **Dismissal:**

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

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

1. Abusive or inconsiderate treatment of others, including but not limited to, coworkers, volunteers, other staff or members of the public
2. Dishonesty, stealing, or falsification of records
3. Disorderly conduct or fighting
4. Insubordination
5. Endangering your own safety or that of someone else
6. Intoxication or use of alcohol or illegal controlled substances while on duty
7. Unauthorized disclosure of confidential information
8. Repeated absences or tardiness
9. Violation of established safety policy, procedure, or practice
10. Willful destruction of property
11. Sleeping during scheduled work hours
12. Violation of the policy against discrimination or harassment
13. Failure to satisfactorily perform job duties

## **2.25 GRIEVANCE PROCESS**

**PURPOSE:** To establish standardized grievance procedures for employees not subject to a collective bargaining agreement or employment contract.

### **STATEMENT OF POLICY:**

A "grievance" shall mean a claim or dispute by an employee with respect to the interpretation, meaning or application of the provisions of County's policies and procedures, whether contained in this personnel manual or otherwise.

It is the policy of Fulton County to afford all employees a means of obtaining further consideration of problems when they remain unresolved at the supervisory level, and to establish policies and procedures that provide for timely resolution of grievances.

Strict adherence to the procedures outlined below is mandatory for all concerned, except that time limits may be extended for good cause shown unless other procedures are provided by federal or state law or regulations.

Every attempt will be made to resolve the grievance to the mutual satisfaction of the employee and the County.

### **PROCEDURE:**

Step 1: An Employee must present a grievance within ten (10) working days of its alleged occurrence to the employee's Department Head, who shall attempt to resolve it within ten (10) working days after it is presented to him or her.

Step 2: If the employee is not satisfied with the solution by the Department Head, the employee may submit the grievance, in writing, to the County Clerk's office within ten (10) working days of the decision by the Department Head. The County Clerk will submit the complaint to the County Board Chairman who shall assign the grievance to appropriate committee.

This written notice shall include the following:

- a. Statement of the grievance and relevant facts.
- b. Remedy sought.
- c. Reasons for dissatisfaction with the Department Head's solution.

The Committee shall attempt to resolve the grievance within ten (10) working days after it has been presented to them at their next regularly scheduled meeting and shall set forth its decision in writing. The Committee is the final authority within the County on grievances presented by non-represented employees. No part of the above procedure shall be in conflict with or a violation of state or federal laws and regulations. Nothing in this policy shall be construed to alter the at-will nature of employment with the County. Termination decisions cannot be grieved pursuant to this policy.

## **2.26 EMPLOYEE SEPARATION PROCESS**

### **STATEMENT OF POLICY:**

Service Retirement is voluntary termination after having satisfied the age and length of employment requirements of the applicable Pension System.

Disability Retirement is voluntary termination necessitated by an injury or illness which renders the employee incapable of performing his/her usual job.

Employee – Initiated Resignation is voluntary termination for any reason other than formal retirement. An employee wanting to leave the County in good standing shall provide a written resignation to his/her immediate supervisor at least fourteen (14) calendar days prior to the effective date of resignation. The resignation letter should include the reason for leaving as well as the proposed effective date. Two (2) week notice is understood to mean that the resigning employee will be available for work during this time so as to aid in the transition process.

Supervisor – Initiated Resignation is termination requested by the supervisor which permits the employee to resign in lieu of being discharged. A termination of this type occurs only after the supervisor's consultation with the County Administrator. An evaluation of the circumstances is conducted, including reasons for the request, supporting documentation, and alternatives. Guidelines are similar to those for discharge.

Discharge is termination of an employee by the County.

Probationary Termination is discharge of an employee during the established probationary (introductory employment) period.

Layoff is the furlough of an employee by the County for lack of work, lack of funds, or other changes that have taken place.

Employees shall receive pay for work performed through the last hour worked and for unused benefits as stipulated by policy and laws governing such payments.

Termination pay shall be reduced by any authorized legal deductions; authorized pension plan; tax sheltered annuity; United Way; union dues; and any other amounts specifically authorized by law or by the employee.

The official date of termination will be the last full day worked or the last day the employee uses earned leave. Benefits will continue through the last day worked or through the last day an employee uses accumulated vacation, personal leave and compensatory time. If such time takes the employee through the first day of the month, health care, life insurance benefits will continue through the last day of the month.

## **2.27 VOTING POLICY**

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

## **2.28 TUITION REIMBURSEMENT**

### **STATEMENT OF POLICY:**

#### **Qualification**

In order to qualify for educational reimbursement, the area of study or hours completed must be in a curriculum related to the employee's job assignment and must have approval of the Department Head and Personnel Committee prior to registration. This policy is limited to **non-bargaining unit employees**.

#### **Reimbursement**

Any employee who enrolls in courses at a public university or community college whose course of study has been approved for reimbursement by their department head shall have the costs of tuition and books reimbursed subject to the requirements listed below.

#### **Reimbursement Requirement**

The cost of tuition only will be reimbursed for up to six (6) credit hours per semester at the following rate: 100% reimbursement for a grade of "A" or its equivalent; 75% for a grade of "B" or its equivalent; 50% for a grade of "C" or its equivalent.

#### **Payment**

Reimbursement meeting the requirements of this policy will be made after the employee completes 24 months of work following the course of study.



### **3.1 GROUP MEDICAL INSURANCE AND LIFE INSURANCE BENEFITS POLICY.**

#### **STATEMENT OF POLICY:**

A Health Benefits Handbook, which explains coverage of the benefits in greater detail, will be available. The actual medical plan documents are available in the County Clerk's Office. All matters relating to the benefits described in this handbook will govern in the event of any conflict. Additionally, the County reserves the right to change or eliminate any benefits at any time in accordance with applicable law.

The County offers eligible employees and all eligible dependents a group medical insurance program. In order to be eligible for group insurance benefits as an employee the person must be a full-time employee, working at least 30 hours per week, and be eligible to participate in and contribute to the IMRF (Illinois Municipal Retirement Fund) pension fund.

Benefits include:

- Medical
- Dental
- Vision
- Basic Life Insurance and Accidental Death and Dismemberment (AD&D)

Employees covered by Group Medical Insurance must pay their portion of the insurance benefit as determined by the Fulton County Board on a yearly basis. Fulton County will fund the remaining portion.

Enrollment forms are available from the County Clerk's Office. It is the employee's responsibility to notify the County Clerk's Office of any change in dependent status, by completing updated enrollment forms.

#### **Benefit Enrollment Period:**

The Benefit Choice Period is normally held in December. During this 31-day period, employees may change their coverage elections or re-enroll in the program following an opt-out or waiver of coverage. Coverage elected during the annual Benefit Choice Period becomes effective January 1st. Elected coverage remains in effect throughout the entire plan year, unless the employee experiences a qualifying change in status, or the Department institutes a special enrollment period which would allow the member to change their coverage elections. Documentation is required when adding dependent coverage.

#### **Qualifying Change in Status:**

Coverage changes allowed outside of the enrollment period must be done within **31** days of the following qualifying event:

1. New Employees beginning service with the County, using their date of hire.
2. Employees wanting to add an eligible dependent.
3. Employees who want to drop a dependent.

### **Basic Life Insurance and AD&D**

All employees that qualify for group medical insurance also qualify for term life insurance policies that are paid for by the County. Specific benefits and terms of the policy are provided each new employee by the County Clerk's Office.

It is the employee's individual responsibility to keep information on file related to this policy up to-date as to name, address, and beneficiaries.

### **Eligibility as Dependents is defined in the Fulton County Health Insurance Policy:**

Eligible dependents of an employee may participate in the Program. Dependent coverage is an additional cost for all employees.

Employees must certify eligibility for dependents during enrollment. The County may ask the employee to certify their dependent randomly or during any audit anytime during the year.

Employees with dependents turning age 26 may have additional documentation requirements to certify the dependent still qualifies for coverage. Failure to certify the dependent's eligibility will result in the dependent's coverage being terminated effective the end of the birth month.

Reinstatement of Dependent Coverage. If coverage for a dependent is terminated for failure to certify and the employee provides the required documentation within 30 days from the date the termination was processed, coverage will be reinstated retroactive to the date of termination. After 30 days the coverage will be reinstated only with a qualifying change in status (see 'Qualifying Change in Status'). Termination of coverage for failure to certify is not a qualifying change in status. Nonretroactive reinstatement will cause a break in coverage which would prevent a dependent from qualifying for continued coverage.

NOTE: Dependents with life insurance coverage only, as well as dependents of COBRA participants, must also certify eligibility for coverage.

### **Enrollment Options:**

- a. Elect not to participate in the health plan. See the 'Opt-Out and Waiver of Coverage' section in this chapter for details.
- b. Add or drop dental coverage (enrollment in the health plan is required if electing the dental coverage).

- c. Add or drop dependent coverage. When adding coverage, documentation, including social security numbers (SSNs), must be provided within 10 days of the last day of the Benefit Choice Period. If the documentation is not provided within the 10-day period, the dependent coverage will not be added.
- d. Increase, decrease or terminate Member Optional Life insurance coverage; add or drop AD&D, Spouse Life or Child Life coverage. An approved evidence of insurability is required to increase or add Member Optional Life or Spouse Life coverage. Evidence of insurability is not required to add Child Life or, to add or increase AD&D coverage.
- e. Enroll or re-enroll in the Flexible Spending Accounts (FSA) Program. See Flexible Spending Account Policy.

**Termination of Employment and Continued Coverage:**

Upon termination of employment with the County, other than for gross misconduct, or other qualifying event, the employee or their qualified beneficiaries may elect to continue medical coverage under the Consolidated Omnibus Budget Reconciliation Act (P.L. 99-272) (COBRA). Employees or qualified beneficiaries who elect COBRA continuation coverage must pay the full cost of such coverage. The County Clerk's Office provides eligible employees with information on COBRA.

**RETIREMENT HEALTH INSURANCE**

**Eligibility (Employees hired before 12/1/2023):**

- a. Employees who have become entitled to a pension under the provisions of Illinois Municipal Retirement fund (IMRF) and have at least ten (10) years of service with Fulton County at the time of retirement, shall be eligible to have the County pay the amount of the applicable premium for such insurance until the retiree and their spouse have attained the age of sixty-five (65) years.
- b. Upon attaining the age of sixty-five (65) years, or such other age as Congress may subsequently determine for Medicare, this coverage shall terminate, and the retired employee shall make application to Medicare or its successor program. The County shall offer Medicare supplemental insurance through the County's group insurance carrier. Retirees who elect to buy Medicare supplemental insurance through the County shall pay the same percentage as those retirees under the age of sixty-five (65) years.

**Eligibility (Employees hired after November 30, 2023)**

- a. Employees who have reached the minimum retirement age under the provisions of Illinois Municipal Retirement Fund (IMRF) and have at least twenty (20) years of service with Fulton County at the time of retirement, shall be eligible to have the County pay the applicable percentage of the premium for insurance for the retiree and their spouse at the time of retirement, if any, until the retiree has attained the age of sixty-five (65) years. The retiree shall be responsible for one hundred percent (100%) of the premium for any other dependents.
- b. Upon attaining the age of sixty-five (65) years, or such other age as Congress may subsequently determine for Medicare, this coverage shall terminate, and the retired

employee shall make application to Medicare or its successor program. The County shall offer Medicare supplemental insurance through the County's group insurance carrier. Retirees who elect to buy Medicare supplemental insurance through the County shall pay the same percentage as those retirees under the age of sixty-five (65) years based upon the retiree's years of service with Fulton County.

- c. The retiree shall be responsible for sixty-seven percent (67%) of the premium for the person who was their spouse at the time of retirement, if any, until said spouse has attained the age of sixty-five (65) years.
- d. Once said spouse, if any, has attained the age of sixty-five (65) years, the County shall pay the applicable percentage of the premium based upon the retiree's years of service with Fulton County. The retiree shall be responsible for one hundred percent (100%) of the premium for any other dependents.
- e. The applicable percentages of the premiums for employees hired after November 30, 2023 to be paid by the County can be found in Appendix B at the end of this policy.

**Ineligible:**

- a. A retiree who chooses to terminate their health insurance coverage with Fulton County will not be permitted to re-enroll in the health insurance plan at a later date.
- b. County Board Members and Part-time Employees (as defined by policy) do not qualify for Retirement Health Insurance.

**Coverage:**

The insurance coverage for retired employees shall consist of the overall group plan of hospital, health, dental, and vision coverage offered to employees of the County. The insurance coverage may change from time to time as it is changed for the entire group and the County reserves the right to change coverages or premium co-pays for the entire group without discrimination between its employee participants and its retirees in accordance with the terms and conditions of the policy provisions as they may exist from time to time and continued coverage is conditioned upon the retiree's obligation to pay the monthly premium directly to the County in accordance with the premium payments determined by the County. Notice of continued coverage and election of continued coverage shall be in accordance with 215 ILCS 5/367e as it exists or is amended from time to time.

## **3.2 WORKERS' COMPENSATION**

See "Safety and Accident Reporting Policy"

All employees are covered by the Workers' Compensation Act (820 ILCS 305/1 et.seq.) and the Workers' Occupational Diseases Act (820 ILCS 310/1 et.seq.) (Collectively the 'Act'), a program of insurance to protect workers, their families and dependents from loss due to an on-the-job accident or illness.

Any employee involved in an on-the-job injury, or an occupational illness as defined by the Act, must report the incident to his/her immediate supervisor or Department Head within twenty-four (24) hours or as soon thereafter as possible.

Hours lost due to the injury or illness should be reported on the employee time sheet as "disability" and such hours will be charged against the employee's accrued sick leave, vacation leave, or other compensated leave time available until the Workers' Compensation coverage begins. Once eligibility for payment under Workers' Compensation has been approved, the employee will be eligible for benefits as provided by the Act.

### 3.3 FAMILY MEDICAL LEAVE ACT - FMLA

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

#### Eligibility

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

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

#### Leave Entitlement

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

1. For the birth of a son or daughter, and to care for the newborn child;
2. For the placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son or daughter or parent (but not parent-in-law) who has a serious health condition;
4. When the employee is unable to perform the functions of the employee's job because of a serious health condition, or because of incapacity due to pregnancy, prenatal medical care or childbirth.
5. Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

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

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

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

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

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

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

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

If FMLA leave is for birth and care or placement for adoption or foster care of a son or daughter, use of intermittent leave is subject to the employer's approval.

FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or seriously ill or injured servicemember, or because the employee is seriously ill and unable to work.

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

## **Serious Health Condition**

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

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

## **Leave Availability Calculation**

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

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

## **Substitution of Paid Leave**

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

All other FMLA leave is unpaid.

## **Medical Insurance Benefits While on FMLA Leaved**

During FMLA leave, Fulton County will maintain the employee's health coverage under any group health plan, under the same terms as if the employee had continued to work. If the employee was required to pay a portion of the premiums for coverage, that obligation continues while on leave. Payment is expected to be made in the same amounts, and at the same time (i.e.

each payroll date) as was made while working. If any payment is more than 30 days late, medical coverage may be canceled pursuant to the FMLA Rules and Regulations.

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

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

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

### **Procedure for Requesting FMLA Leave**

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

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

Any employee taking leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position must be supported by a certification issued by the health care provider of the employee or the employee's family member on the form attached to this policy. An employee taking leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness must also be supported by a certification in the form attached to this policy except that an employee taking leave to care for a covered servicemember may provide an invitational travel order (ITO) or an invitational travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Additional copies of the certification forms can be obtained from your supervisor. Employees are required to furnish the completed certification within 15 calendar days of Fulton County's request for certification. In the case of unforeseen leave,

certification must be provided as soon as practicable. FMLA leave may be denied in accordance with the FMLA Rules and Regulations if appropriate certification is not provided.

### **Consequences of Taking FMLA Leave**

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

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

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

### **Employer Responsibilities**

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

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

### **Working Prohibited While on FMLA**

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

## **Unlawful Acts by Employers**

The FMLA makes it unlawful for any employer to:

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

## **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

## **Reference to FMLA Poster**

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

### **3.4 PENSIONS**

#### **STATEMENT OF POLICY:**

All County employees working over 1000 hours a year in eligible positions are required to participate in the Illinois Municipal Retirement Fund (IMRF), unless the employee is covered by another retirement program created by the State of Illinois.

Pension benefits accrue from both employee and employer contribution to the Pension fund. Participation in this fund is mandatory for eligible positions and contributions are deducted from the member's salary each payroll period. Enrollment and benefits forms are available through the County Treasurer's Office.

It is the employee's individual responsibility to keep information on file up to date related to their retirement account as to name, address, and beneficiary(s). Employees who plan to retire are encouraged to contact the appropriate pension fund at least one hundred twenty (120) days in advance of the anticipated retirement date to secure estimate of benefits information and to finalize the retirement date. This action should also be coordinated with the County Treasurer's Office.

### **3.5 DEFERRED COMPENSATION**

#### **STATEMENT OF POLICY:**

The County provides an option to any regular employee to invest a portion of his/her present earnings in a deferred compensation plan. This is an arrangement where a certain dollar amount can be designated by the employee to be withheld from his/her paycheck and invested for payment at a later date, usually at retirement. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to current federal income taxes until such time as the employee receives payment from the plan.

Employees interested in this benefit should contact the County Treasurer's Office for details.

Enrollment can be arranged through the County Treasurer's (Payroll) Department and is open to any individual who has achieved regular employee status with the County. Contributions to the program are financed solely by the employee, either through direct deposit or payroll deduction.

Benefits received through this program are in addition to any Social Security or pension benefits for which the participating employee would be eligible.

### **3.6 FLEXIBLE SPENDING ACCOUNT (OLD NAME CAFETERIA PLAN)**

#### **STATEMENT OF POLICY:**

The County has established a "Flexible Spending Account" pursuant to Section 125 of the Internal Revenue Code. The Plan is open to all regular full-time employees. The advantage of the Plan is that employees can pay certain expenses with "pre-tax" dollars. Under the Plan, employees may designate an amount to be withheld from their paycheck, which will then be credited to an account and used to pay for qualifying expenses.

Benefits available under the County's flexible spending account plan include:

1. A health flexible spending account
2. A dependent care flexible spending account.

An employee may establish one or both types of accounts. Money is withheld from the employee's pay and credited to the account(s) each pay period up to a maximum allowed by the Plan. Employees pay for qualifying medical or dependent care expenses and submit receipts to the Plan Administrator for reimbursement. Employees must use all the money contributed to their spending account(s) during the applicable Plan Year. Any money not used is forfeited.

An open enrollment period is held for the Plan each December and participating employees can change their type or level of participation in the Plan, as well as add dependents, at that time. Dependents may be added during the Plan Year upon the occurrence of a qualifying event, such as marriage or the birth of a child. The Plan year is January through December of each year.

For further information on the Plan, contact the County Clerk's Office.

### **3.7 PREGNANCY ACCOMMODATION POLICY**

#### **Statement of Policy**

The County shall provide reasonable accommodations, as may be requested by an employee, related to any medical or common condition related to pregnancy or childbirth, including, but not limited to leave time to recover from childbirth, unless doing so would create an undue hardship to the County, as that term is defined in Section 2-102 of the Illinois Human Rights Act (775 ILCS 5/2-102). All reasonable efforts will be made to restore an employee to her original position or to an equivalent position with equivalent pay upon returning from leave taken in accordance with this paragraph. Employees needing an accommodation related to pregnancy or childbirth should notify their immediate supervisor of the need for an accommodation, along with the type of accommodation requested.

Notice of Pregnancy Rights: When an employee is pregnant, is recovering from childbirth, or has a medical or common condition related to her pregnancy, the employee has the following rights:

1. To request a reasonable accommodation for the employee's pregnancy or related condition, such as more frequent bathroom breaks, assistance with heavy work, a private space for expressing milk, or time off to recover from the pregnancy.
2. To reject an accommodation for the pregnancy offered by the County that the employee did not request.
3. To continue working during the pregnancy if a reasonable accommodation is available that allows the employee to continue performing her job.

Furthermore, the **County cannot**:

1. Discriminate against the employee because of her pregnancy.
2. Retaliate against the employee because the pregnant employee has requested a reasonable accommodation.

It is illegal for the County to discharge an employee, refuse to hire a job applicant, or refuse to provide an employee with a reasonable accommodation because of the employee's or applicant's pregnancy. For more information regarding these rights, a fact sheet can be obtained from the Illinois Department of Human Rights website at [www.illinois.gov/dhr](http://www.illinois.gov/dhr). For immediate help or if an employee has additional questions regarding these rights, an employee can call the Illinois Department of Human Rights at (312) 814-6200 (Chicago), (217) 785-5100 (Springfield), or (866) 740-3953 (TTY). The Springfield Office for the Illinois Department of Human Rights is located at 222 South College, Room 101-A, Intake Unit, Springfield, IL 62704. The charge process for an alleged violation of these rights can be initiated by completing the charge form at [http:// www.illinois.gov/dhr](http://www.illinois.gov/dhr).

### **3.8 NURSING MOTHER POLICY**

Fulton County will provide reasonable paid break time each workday to an employee who needs to express breast milk for her infant child for up to one year after the child's birth unless doing so would result in an undue hardship. Break time may run concurrently with any break time already provided to the employee. A private room (other than a restroom) will be made available to the employee to use for this purpose.

### **3.9 CORONAVIRUS (COVID-19) PROCEDURES AND POLICY**

#### *A. General Provisions*

- i. *Covered Employees*: All employees of the County of Fulton (hereinafter “employee” or “employees”).

- B. Coronavirus/COVID-19. Any employee who tests positive for the Coronavirus/COVID-19 or becomes ill with or displays symptoms of the Coronavirus/COVID-19, should notify their supervisor immediately. Employees testing positive for Coronavirus/COVID-10 shall notify their supervisor as soon as practicable upon learning of such test results. Guidance on quarantine can be found at the following link: [COVID-19 Quarantine and Isolation | CDC](#). Any medical information provided by employees will be kept confidential by the County. The County will take steps as reasonably necessary to maintain a safe workplace.

THE COUNTY OF FULTON RESERVES THE RIGHT TO AMEND, REVOKE, AND/OR SUPPLEMENT ITS PERSONNEL POLICIES, INCLUDING THE POLICIES SET FORTH IN THIS DOCUMENT, ACCORDING TO APPLICABLE LAW.

**4 SECTION 4**

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## 4.1 VICTIMS' ECONOMIC SECURITY AND SAFETY POLICY – VESSA

Unpaid Leave for Employees due to Domestic, Sexual, and Gender Violence.

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

1. **Seeking medical attention** for, or recovering from, physical or psychological injuries caused by domestic, sexual, or gender violence to the employee or the employee's family or household member;
2. **Obtaining services from a victim services organization** for the employee or the employee's family or household member;
3. **Obtaining psychological or other counseling** for the employee or the employee's family or household member;
4. **Participating in safety planning, temporarily or permanently relocating**, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or
5. **Seeking legal assistance or remedies** to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic, sexual, or gender violence.

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

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

### **Period of Leave:**

Employee shall be entitled to a total of “twelve (12)” workweeks of unpaid leave during any 12-month period. Any leave that qualifies for both FMLA and VESSA will run concurrently as both FMLA and VESSA leave. A VESSA leave, or part thereof, shall only be in addition to FMLA leave if an employee's VESSA leave does not qualify for FMLA leave. Leave may be taken intermittently or on a reduced work schedule.

### **Existing Leave:**

The employee may use any available paid or unpaid leave (including family, medical, sick, annual, personal, etc.) from employment, pursuant to federal, State or local law, a collective

bargaining agreement, or an employment benefits program or plan, in substitution for any period of such leave for an equivalent period of leave.

**Employee Notice Requirements:**

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

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

**Employee Certification:**

The Employer may require the employee to provide certification to the Employer that:

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

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

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

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

**Confidentiality:**

All information provided to the Employer, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be retained in the strictest confidence by the Employer, except to the extent that disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable Federal or State law.

**Restoration to Position:**

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

1. To be restored by the Employer to the position of employment held by the employee when the leave commenced; or

2. To be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

**Loss of Benefits:**

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

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

However, the employee is **not** entitled to:

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

**Reporting to the Employer:**

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

**Maintenance of Health Benefits:**

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

**Failure to Return from Leave:**

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

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

The Employer may require an employee who claims that the employee is unable to return to work because of a reason described in (a.) or (b.) above to provide, within a reasonable period

after making the claim, certification to the Employer that the employee is unable to return to work because of that reason.

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

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

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

**Leave Availability Calculation:**

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

**Reference to Required Posting:**

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

## **4.2 MILITARY LEAVE - USERRA**

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

### **Rights under USERRA (Uniformed Services Employment and Reemployment Act):**

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

### **Reemployment Rights**

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

1. You ensure that your employer receives advance written or verbal notice of your service;
2. You have five years or less of cumulative service in the uniformed services while with that particular employer;
3. You return to work or apply for reemployment in a timely manner after conclusion of service; and
4. You have not been separated from service with a disqualifying discharge or under other than honorable conditions.
5. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

### **Right to be free from Discrimination and Retaliation**

You have a right to be free from discrimination and retaliation if you:

1. Are a past or present member of the uniformed service;
2. Have applied for membership in the uniformed service; or
3. You are obligated to serve in the uniformed service;

If you meet the requirements of the above terms, then an employer may not deny you:

1. initial employment;
2. reemployment;
3. retention in employment;
4. promotion; or
5. any benefit of employment

because of this status.

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

### **Health Insurance Protection**

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., preexisting condition exclusions) except for service-connected illnesses or injuries.

### **Enforcement**

The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USADOL or visit its Web site at <http://www.dol.gov/vets>.

An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation.

You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

Fulton County complies with the Illinois Service Member Employment and Reemployment Rights Act, 330 ILCS 61 (ISERRA). Employees may be eligible under the Act for differential compensation, military leave, concurrent compensation, employer-based health plan benefits, and other protections as enumerated in the Act. Fulton County prohibits discrimination against persons who serve in the uniformed services.

Employee eligibility under each of the referenced statutes is governed by all relevant statutory provisions.

### **4.3 BEREAVEMENT LEAVE**

#### **STATEMENT OF POLICY:**

##### **Paid Leave**

An employee is eligible for Bereavement leave after 1250 hours of service during the previous 12-month period.

Eligible employees shall receive:

1. Up to five (5) working days off with pay as bereavement leave to grieve the loss of or arrange and/or attend funeral activities for the death of the employee's parents, spouse, domestic partner, the parents of an employee's spouse, or children. Child means an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.
2. Three (3) days for stepparents, grandchildren, brothers, sisters, grandparents, grandparents-in-law, brothers-in-law, and sisters-in-law., The same time will be given for any other blood relatives residing in the employee's household.

##### **Unpaid Leave**

Pursuant to the Child Bereavement Leave Act (820 ILCS 154/1 et seq.), employees will be granted up to ten (10) working days of *unpaid* leave in addition to paid leave as provided above to:

1. Attend the funeral of a covered family member;
2. Make arrangements necessitated by the death a covered family member; or
3. Grieve the death of a covered family member.

Covered family member" means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

1. Be absent from work for due to:
  - a. a miscarriage;
  - b. an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure;
  - c. a failed adoption match or an adoption that is not finalized because it is contested by another party;
  - d. a failed surrogacy agreement;
  - e. a diagnosis that negatively impacts pregnancy or fertility;
  - f. a stillbirth.

The employee may (if they choose to do so) substitute paid leave for any portion of the 10 unpaid days.

Bereavement leave pursuant to the Child Bereavement Leave Act must be taken within 60 days of-the date the employee receives notice of the death of the child. In the event of the death of

more than one of the employees' children in a 12-month period, the employee will be granted up to a total of six (6) weeks of bereavement leave in the 12-month period. An employee may choose to substitute any accrued paid leave for unpaid leave provided under the Child Bereavement Act.

If additional time is necessary, it shall be taken as vacation or personal leave, or in the event that the employee's vacation and personal leave have been exhausted, as unpaid leave, with advance authorization by the appropriate Department Head. Time for attendance at the funeral of others may be granted without pay or made up within the same pay period.

The employee must notify their immediate supervisor upon making determination to take time off from work. Such notice shall be given as early as possible to prevent disruption of department schedules.

Fulton County may require reasonable documentation to certify that an employee requesting time off under the Family Bereavement Leave Act (FBLA), but employees are not required to identify the specific event that qualifies them for the leave. Reasonable documentation includes death certificates, published obituaries, and documentation from an adoption or surrogacy organization.

Employees who fail to return to work on the date specified to the Department Head without receiving an extension are subject to disciplinary action up to and including termination.

## **4.4 JURY/COURT LEAVE**

### **STATEMENT OF POLICY:**

Any regular full-time or part-time employee who is required to serve on a jury, or as a result of official Fulton County duties is required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay less any amount received for stipend. Court payments are to be retained by the employee.

An employee who receives notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. Employees are to return to work after jury duty. However, no more than the regularly scheduled number of hours for work, including hours spent on jury duty, shall be required. If excused as a juror on any given day, the employee is expected to immediately contact his or her supervisor and to report to work as instructed. Time away from work for jury duty will not affect vacation, sick leave or personal leave accruals.

Employees who appear in court as the plaintiff or defendant in any action not related to their official duties shall not be paid for time away from work unless that time is taken as accrued vacation or personal leave.

An employee may keep any court payment for services performed on the days of his or her regularly scheduled weekend or performed while on vacation, personal leave, or compensatory time off.

## **4.5 LEAVE OF ABSENCE WITHOUT PAY**

### **STATEMENT OF POLICY:**

Requests for any leave of absence without pay shall be in writing and shall state specifically the reasons for the request, the date desired to begin the leave, and the date of return. The request shall be submitted by the employee to the affected Department Head. The Department Head may grant the employee an unpaid leave of absence, up to a total of 5 days, without action by the County Board.

When more than 5 days of unpaid leave of absence is requested, the Department Head shall transmit the request to the County Clerk (ex-officio clerk of the Board). The County Clerk must transmit the request to the County Board. The County Board shall then make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee, and the requirements of any applicable state and federal laws. The County Board may grant a full-time regular employee a leave of absence without pay not to exceed three (3) months for non-medical purposes. Non-medical leave is unpaid leave time for career advancement, or personal or family situations not covered by FMLA, or similar reasons. Such leaves may be granted after accrued vacation and personal leave has been exhausted. Sick leave accruals may not be used for nonmedical leaves.

Medical leave without pay may be granted for a period not to exceed six (6) months. Medical leave may be used for disability/illnesses (including maternity-related disabilities), which extend beyond the period of accrued sick leave and other applicable medical leave. Accrued vacation and personal leave must also be used before starting an unpaid medical leave after sick leave accruals are exhausted. A medical leave under this policy may be granted as an addition to medical leave under FMLA.

Under no circumstances may an employee use a leave of absence to work for another employer or to pursue self-employment. Leaves are designed to accommodate employees who have critical personal situations only.

No sick leave, holiday, vacation benefits, personal leave or any other fringe benefits shall accrue while the employee is on leave of absence without pay. Non-medical leave of absence without pay will not be counted for the purposes of computing longevity.

Any employee on an approved leave of absence may continue his or her medical and life insurance coverage by paying the full cost to the County in advance for each month or portion thereof of which he or she is absent, subject to limitations set by the insurance carrier.

Upon expiration of the leave of absence, the employee shall be reinstated in the position held at the time the leave was granted or another equivalent position.

Upon extenuating circumstances, the County Board may grant an extension of a leave period upon written request by the employee. Such extension may not exceed three (3) months and will be based on departmental as well as employee considerations.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action, up to and including termination.

## **4.6 SCHOOL VISITATION LEAVE POLICY**

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

## **5 SECTION 5**

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## **5.1 FULTON COUNTY, IL COURTHOUSE EMERGENCY CLOSURE POLICY**

### **I. Statement of Policy on Emergency Closings**

This policy sets forth the protocols regarding the management of emergency conditions that impact the safety and welfare of the administrative offices of the Fulton County Courthouse, employees, and the public. An emergency condition may require the closing of the Courthouse.

The Sheriff of the County may declare the courthouse closed if weather or other hazardous or emergency conditions or events are, or become such, that the safety and welfare of employees and citizens are threatened.

Every effort will be made to continue the courthouse operations unless closing is absolutely necessary. In many circumstances, operations can be sustained by limiting staffing to essential personnel.

This policy outlines levels of authority and protocols for an emergency closing during what would be normal business hours as defined by Illinois Statute and Board Resolution.

### **II. Procedures**

#### **a. Authority and Notification Process**

A decision to evacuate and/or close the courthouse as a result of an emergency for reasons of severe weather or other conditions, shall be made as follows:

- i. The Sheriff or their designee shall have the authority to close the courthouse per 55 ILCS 5/3-6017.
- ii. The Chief Circuit Judge shall have the authority to close the Circuit Court as outlined in the Supreme Court of Illinois Emergency Closing Policy and Procedures.

### **III. Coordination Among Offices:**

- a. The Sheriff ordering the courthouse closed due to an emergency condition should first communicate with each affected department head within the courthouse and notify the county board chairman. For purposes of this policy, the county board office is considered an administrative office of the courthouse.

### **IV. Public Service Announcements of Closures:**

- a. Upon making a decision to close the courthouse, the Administrative Authority, or their designee, should request that appropriate news media organizations make public

service announcements of such closings and post social media notification where applicable.

**V. Courthouse Open:**

- a. If the courthouse is open, all county offices shall remain open as defined by Illinois Statute. When the courthouse is open and non-exempt county employees choose not to report to work, come to work late, or leave work early, they may use any paid time off in lieu of losing pay due to a severe weather event.

**VI. Courthouse Closed:**

- a. If the courthouse is closed during normal business hours, employees that are scheduled to work will be paid for their normal workday.

## **5.2 RETIREMENT RECOGNITION POLICY**

### **PURPOSE:**

Provide uniform recognition across all employees, department heads, and elected officials for service to the county.

### **I. STATEMENT OF POLICY**

- a. All personnel and elected officials with more than ten (10) years of service shall be entitled to a “Certificate of Appreciation” for their service to Fulton County and a “Proclamation” presented by the County Board.

### **II. RETIREMENT RECOGNITION PROCEDURES:**

- a. Department Heads or Elected Officials will notify the County Board Administrative Assistant of a retirement within their department. Information on the employee’s length of service shall be provided at the time of request. Information for the proclamation may be different and shall be provided at the time of request (e.g., departments served, length served, any outstanding achievements to be noted, and any other recognition to be included in the proclamation).
- b. In addition to the recognition provided in Article II, an employee that has served the County for no less than 10 years shall receive a small recognition plaque containing their name, job title, department, and retirement date. (Cost should not exceed \$50.00)
- c. In addition to the recognition provided in Article II, an employee that has served the County for no less than 15 years but less than 25 years shall receive a medium sized recognition plaque containing their name, job title, department, and retirement date. (Cost should not exceed \$100.00)
- d. In addition to the recognition provided in Article II, an employee that has served the County for more than 25 years shall receive a large sized recognition plaque containing their name, job title, department, and retirement date. (Cost should not exceed \$150.00)

## **5.3 PROCUREMENT CARD POLICY**

### **Departmental Credit Card/Procurement Card (P-Card)**

**Statement of Policy:** A department Credit Card/Procurement Card (P-Card) program has been designed and implemented to allow for direct small dollar purchases. The card should be used in order to eliminate the need for direct reimbursements. The P-card should not be used if there is an alternate form of purchase i.e., an invoice can be obtained. All credit card purchases must comply with Fulton County policies, as well as with all applicable State and Federal statutes.

#### **I. Requests for P-Card**

1. Department heads may request a P-Card through the County Treasurer's Office by completing the P-Card application/agreement form.
2. All requests to obtain a P-Card must be approved by the Finance Committee.

#### **II. CARDHOLDER RESPONSIBILITIES:**

1. Charges shall not be made to a department P-Card which are not covered by sufficient appropriation in the appropriate County budget.
2. An original receipt for the merchandise or services must be obtained for reporting of the expenditure.
3. Expenditures shall be billed to each department. Expenditure line items will be assigned on the claim sheets with receipts attached.

#### **III. Safeguarding the P-card and related systems:**

The Purchasing Card must be protected, just as you protect your own credit card. In the event of a misplaced/stolen card, notify the Treasurer's office and call the emergency phone number on the cardholder agreement immediately to report it.

1. Acceptable locations to keep the procurement purchasing card:
  - a. Cardholder's wallet
  - b. Locked desk drawer or safe accessible by the cardholder only
2. The cardholder should never give the P-card to someone else to make charges.
3. Do not post or write the card number in any place that is easily accessible.
4. Never photocopy the card or the back of the P-card that contains the 3-digit security code and cardholder signature.

#### **IV. AUTHORIZATION FOR CREDIT CARD/PROCUREMENT CARD (P-CARD)**

Every person who is authorized to obtain a procurement card or who is authorized to use a procurement card by a department head must sign a cardholder agreement, which will be filed with the County Treasurer. The cardholder agreement will be worded as follows:

1. I will not use the Procurement Card for personal use, for cash advances, for unauthorized travel and entertainment, or for purchase of alcoholic beverages or any substance or material or service which violates County Policy, State Law, or Federal law.
2. I will not use the Procurement Card for property leases, gifts or gift cards.
3. I have read, understand, and have access to Fulton County Business and Travel Expense Policy.
4. I have read, understand, and have access to this Fulton County Procurement Card Policy.
5. I will not allow any unauthorized person to use the Procurement Card.
6. I agree to provide specific information about any transaction when requested.
7. I agree to surrender my card if I am reassigned, relocated, resign, or terminated.
8. I understand that use of the Procurement Card in violation of these policies will result in referral to the Finance Committee and possible thirty-day suspension of privileges by the Finance Committee. Card privileges will be restored only after full reimbursement for any inappropriate charges.
9. I understand that repeated use of the Procurement Card in violation of these policies will result in referral to the Finance Committee and revocation of card privileges.
10. I have been issued a Corporate Procurement Card (P-Card). I understand Fulton County will be liable for financial commitments made with this card, and I agree to comply with the terms and conditions herein imposed.
11. I acknowledge receipt of one (1) Fulton County Procurement Card and receipt of all applicable Policy materials and agree to utilize the card in accordance with the procedures outlined in these materials, and I agree to comply with the terms and conditions herein imposed.

**Note: The County is responsible for payment of all P-Card charges and will use all means at its disposal to recover charges made by any individual in violation of County policies.**

#### **IV. PERSONAL CREDIT CARDS**

Fulton County procurement/credit cards (P-Cards) are meant to replace the use of a personal credit cards for small items. **Therefore, the use of personal credit cards is strongly discouraged.**

To receive reimbursement when a personal credit card has been used to charge for Fulton County expenditures, the original itemized invoice or original itemized receipt must be attached to an expense report as described in the Fulton County Business and Travel Expense Reimbursement policy and sent through the normal processes in order for the employee to be reimbursed.

Reimbursement cannot be made from the credit card statement. Taxes cannot be reimbursed except for taxes incurred from restaurant and lodging expenditures while in travel status. The reimbursement must be made to the employee and not to the credit card company.

## 5.4 HOLIDAY POLICY

**PURPOSE:** The purpose of this policy is to provide eligible employees, that are not covered under another contract or under the terms of an applicable collective bargaining agreement, holiday time off with pay.

### I. Eligibility:

Fulton County provides paid holidays to the following eligible employees in accordance with this policy:

1. Regular full-time employees that have completed the probationary period.

### Ineligible Employees:

1. Employees that have not completed the probationary period.
2. Part-time employees.
3. Seasonal employees.
4. Temporary employees.

If you have questions regarding holidays, please consult your supervisor.

### II. Holiday Schedule 2024-2026

			Court-house	Sheriff	Highway	Circuit Clerk/ Courts & Public Defender	Health Dept.	Clayberg
1	New Year's Day	January 1	X	X	X	C	H	C
2	Martin Luther King Day	3rd Monday in January	X	X	X	H	E	L
3	President's Day	3rd Monday in February	X	X	X	I	A	A
4	Good Friday	Friday before Easter	X	X	X	E	L	Y
5	Memorial Day	Last Monday in May	X	X	X	F	T	B
6	Juneteenth	June 19	X	X	X		H	E
7	Independence Day	July 4	X	X	X	J		R
8	Labor Day	1st Monday in September	X	X	X	U	P	G
9	Columbus Day	2nd Monday in October	X	X	X	D	O	
10	Veteran's Day	November 11	X	X	X	G	L	P
11	Thanksgiving Day	4th Thursday in November	X	X	X	E	I	O
12	Day after Thanksgiving	4th Friday in November	X	X	X		C	L
13	Christmas Eve	December 24	X	X	X		Y	I
14	Christmas Day	December 25	X	X	X			C
15	New Year's Eve Day	December 31	X	X	X			Y

**Non-exempt full-time employees who have completed the probation period:** The Holiday Schedule and pay are set by the Contract Bargaining Agreement for their respective department.

**Exempt full-time employees who have completed the probation period:** The Holiday Schedule is set by the Contract Bargaining Agreement for their respective department. Exempt employees who are required to work on a holiday will receive straight time pay in addition to regular pay for working the holiday.

If any holiday that an employee is entitled to falls on an employee's regularly scheduled day off, the employee shall be granted another day off during the month in which the holiday was celebrated, whenever possible. If this is not possible, the employee shall receive straight time holiday pay rather than equivalent time off.

When a holiday falls within a period of paid leave, the holiday shall not be counted as a leave day in computing the amount of leave debited.

## 5.5 PERSONAL AND SICK LEAVE POLICY

**PURPOSE:** To provide protection for employees not covered under another contract or under the terms of an applicable collective bargaining agreement, against loss of income due to illness.

### I. Personal Leave Eligibility:

Fulton County provides personal leave to the following eligible employees in accordance with this policy.

1. Regular full-time employees are entitled to three personal days per year on their anniversary date.
2. Employees hired during the fiscal year will have their personal day prorated twenty-five percent (25%) for each three (3) months of service.
3. This personal leave day is to be used within 364 days of award and may not be carried over. Upon separation of employment, the employee shall be paid for any unused personal time on a pro rata basis.
4. Personal Leave may be taken in a minimum of two (2) hour increments.

#### **Ineligible employees for Personal Leave:**

1. Part-time employees;
2. Seasonal employees;
3. Temporary employees.

### II. Sick Leave Eligibility:

Fulton County provides paid sick leave to the following eligible employees in accordance with this policy:

2. Regular full-time employees.

#### **Exceptions:**

1. For employees specifically covered under another contract or under the terms of an applicable collective bargaining agreement, sick leave eligibility is governed by the terms of the applicable contract or collective bargaining agreement. Changes to this Policy are not automatically extended to employees covered by a collective bargaining agreement and are not intended to modify or change existing language or practices under a collective bargaining agreement.
2. Employees **hired prior to this July 12, 2022** are grandfathered to their pre-existing sick leave entitlement. To be eligible for grandfathered terms a completed "Memorandum for At-will Employees" must be in employee's personnel file in the Treasurer's office by August 30, 2022. Any break in service will eliminate the grandfathered sick leave terms and the at-will employee will follow this policy.

**Ineligible Employees:**

5. Part-time employees;
6. Seasonal employees;
7. Temporary employees.

If you have questions regarding your sick leave, please consult your supervisor.

**III. Sick Leave Earned:**

Eligible employees begin earning sick leave on their first day of service.

1. Full-time Employees: Sick leave accrues at one day per month worked. Sick leave does not accumulate during leaves of absence except during vacation leave.

**IV. Sick Leave Accrual:**

1. Full-time exempt employees: “Sick leave” may accumulate up to and including 294 hours. Hours are calculated based upon a 40-hour work week. At the end of each fiscal year, any employee who has accumulated more than 210 hours of “sick leave” will be compensated for them at the end of the year for one-half of the hours accumulated in excess of the 210 hours, unless the employee gives the employer written notice that they wish to accumulate such hours in their “extended illness sick leave accumulation pool” as provided below:
  - a. The other one-half which are not compensated for shall be added to an “extended illness sick leave accumulation pool” which may accumulate up to a maximum of 1,680 hours. The hours accumulated in the “extended illness sick leave accumulation pool” shall not be paid to the employee upon resignation or termination. However, the “extended illness sick leave accumulation pool” may be used as a credit toward early retirement as provided for under the Illinois Municipal Retirement Fund (“IMRF”). All IMRF rules and regulation shall apply to the use of the “extended illness sick leave accumulation pool”. Use of sick leave during the year shall be credited first against “sick leave” and the “extended illness sick leave accumulation pool” shall not be used until the “sick leave” is exhausted.
  - b. At layoff or retirement, the employee will be compensated for unused sick leave not to exceed 294 hours at the rate of one-half (1/2) days’ pay for each of the accumulated sick leave days.
  - c. At termination (other than retirement or layoff) or resignation of employment, the employee will not be compensated for unused sick leave.
2. Full-time non-exempt employees sick leave entitlement and accrual will follow the Contract Bargaining Agreement for their assigned department.

## V. Procedures for Sick Leave:

1. Employee will be paid sick leave equivalent to the normally scheduled straight-time day at the current rate of compensation.
2. Sick leave may be used, when it has accrued, even during the probationary period, if the employee misses work due to personal illness, health care appointments or treatments, to care for the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as determined by the Employer.
3. Maximum allowed sick leave to care for a relative, as described above, is the previous six months accrual.
4. No employee is allowed to use unearned sick leave if it has not yet been earned.
5. Excluded from overtime base. Sick pay for hours not worked will be excluded when computing overtime for the workweek in which it was taken.
6. Employees who are injured on the job and have lost time from the job because of their injury may not receive sick leave payments once worker's compensation payments begin.
7. The standard procedure for use of sick leave follows:
  - a. An employee on sick leave shall notify their department head or designated supervisor of the facts and reason for the absence as soon as possible. Failure to do so within one (1) hour of commencement of duty on the first day of illness may be cause for denial of sick leave pay for the period of absence.
  - b. Employees, when using sick leave for health care appointments, are required to notify their managers as soon as possible or at least one (1) day in advance of the requested sick leave day.
  - c. Absence for part of a day that is chargeable to sick leave shall be charged in increments of one (1) hour.
  - d. A department head may request that employees furnish a physician's note or other medical certification under certain circumstances. Those circumstances include but are not limited to:
    - i. When the sick leave extends beyond three days.
    - ii. Cases when a pattern arises (e.g. employees plead sick at a specific time each week.)
  - e. An employee returning to work after extended illness may be required to provide a physician's note or other medical certification.
  - f. Employees who are unable to return to work upon expiration of sick leave benefits and all other authorized benefit time, including FMLA, are required to contact their supervisor to discuss options that may be available for a reasonable accommodation.
  - g. In the event that an employee is unable to return to work and a reasonable accommodation cannot be made, immediately upon commencement of termination the department head shall send a payroll change notice to the payroll department head.

**Retaliation Prohibited:** Fulton County strictly prohibits retaliation against an employee for exercising their right to use personal sick leave benefits in accordance with this policy.

## 5.6 VACATION LEAVE POLICY

**I. Purpose:** The purpose of this policy is to provide eligible employees, who are not covered under another contract or under the terms of an applicable collective bargaining agreement, time off with pay. It is also designed to comply with Fulton County’s obligations under the Paid Leave for All Workers Act (hereinafter “PLAWA”) (820 ILCS 192/1 et seq.) In the event of any conflict between this policy and the law, the provisions of the law will govern.

**II. Eligibility:**

Fulton County provides paid vacation to all employees in accordance with this policy:

**Exceptions:**

3. For employees specifically covered under another contract or under the terms of an applicable collective bargaining agreement, vacation eligibility will be governed by the terms of the applicable contract or collective bargaining agreement. Changes to this Policy are not automatically extended to employees covered by a collective bargaining agreement and are not intended to modify or change existing language or practices under a collective bargaining agreement.
4. Employees hired prior to July 23, 2022 are grandfathered to their pre-existing vacation entitlement. To be eligible for grandfathered terms, a completed **“Memorandum for At-Will Employees” must be in employee’s personnel file in the Treasurer’s office by August 30, 2022.** Any break in service will eliminate the grandfathered vacation terms and the at-will employee will follow this policy.
5. Full-time non-exempt employees’ vacation leave entitlement and accrual will follow the Contract Bargaining Agreement for their assigned department.

If you have questions regarding your vacation, please consult your supervisor.

**III. Full Time Employee Vacation Schedule and Accumulation:**

Day definition: If the normal workday consists of 7 hours, then a day is defined as 7 hours. If the normal workday consists of 8 hours, then a day is defined as 8 hours.

- a. Employees earn vacation based on their length of service and their anniversary date according to the following schedule.
- b. Vacation time must be scheduled so that it may be taken no later than twenty-four (24) months after the anniversary date on which it was earned. Failure to use or schedule the unused vacation time before the end of the twenty-four (24) month period shall cause the employee to forfeit the same unless the employee makes a reasonable request, in writing, to extend the deadline by which vacation time may be used, and such request is granted.

- c. Employees shall be paid for all accumulated but unused vacation time upon separation for any reason. Vacation time will be prorated based upon the number of months worked since the employee’s anniversary date.

**Full time employee vacation schedule**

Continuous Time Served	Full-Time Employees
after 90 days employment	5 days
after 1 year	10 days total inclusive of the 5 days earned after 90 days of employment
after 5 years	12 days
after 10 years	17 days
after 15 years	20 days
after 20 years	22 days

**IV. Part Time Employee Vacation Schedule and Accumulation beginning January 1, 2024:**

- a. Part-time employees will accrue one (1) hour of paid leave for every forty (40) hours worked in a 12-month period, up to a maximum of forty (40) hours of paid leave in a 12-month period. At the end of a 12-month period, part-time employees may carry over accrued, unused paid leave into the next 12-month period. Employees may not carry over more than 80 hours of unused paid leave. An employee, however, may not use more than 40 hours of accrued paid leave in a 12-month period. The 12-month period for purposes of this policy is December 1 through November 30 of the following year. Employees may begin using vacation March 31, 2024 or ninety (90) days after hire, whichever is later.<sup>†</sup>
- b. Employees shall be paid for all accumulated but unused vacation time upon separation for any reason.

**V. Vacation Requests:**

- a. Vacation may be taken for any reason.
- b. An employee may choose whether to use vacation under this policy prior to using any other leave provided by Fulton County or State law.
- c. Employees may take vacation in increments as small as two (2) hours unless the employee’s scheduled workday is less than two (2) hours, in which case, the employee’s scheduled workday shall be used to determine the amount of vacation leave taken.

**VI. Vacation Notice:**

- a. Fulton County requires employees to provide seven (7) calendar days’ notice of the employee’s intent to take vacation. If, however, the employee’s need to take

vacation is not foreseeable, the employee must provide notice as soon as is practicable after the employee is aware of the necessity of taking vacation.

- b. Fulton County may deny an employee's request to use vacation if granting leave would significantly impact business operations. The following is an illustrative (not exhaustive) list of reasons why requests to use vacation may be denied:
  - a. Staffing would fall below minimum levels necessary to provide effective public service;
  - b. Emergency circumstances exist requiring employee attendance;
  - c. Employee absence would hamper Fulton County's ability to meet critical workflow obligations or deadlines.

**VII. Terms of Vacation:**

- a. Employees shall be paid their regular hourly rate of pay for vacation.
- b. Fulton County shall maintain coverage for the employee and the employee's covered family members under any group health plan for the duration of vacation at no less than the level and conditions of coverage that would have been provided if the employee had not taken vacation.
- c. If an employee is transferred to a separate division, entity, or location, but remains employed by Fulton County, the employee is entitled to all vacation accrued at the prior division, entity or location and is entitled to use all vacation in accordance with this policy.
- d. Fulton County will not retaliate against any employee because the employee:
  - i. exercises rights or attempts to exercise rights under PLAWA,
  - ii. opposes practices which the employee believes to be in violation of PLAWA, or
  - iii. supports the exercise of rights of another person under PLAWA.
- e. Fulton County will not consider the use of vacation by an employee as a negative factor in any employment action that involves evaluating, promoting, disciplining, or counting vacation leave under a no-fault attendance policy.
- f. An employee is not required to search for or find a replacement worker to cover the hours during which the employee will take vacation.

## 5.7 MEMORANDUM FOR AT-WILL EMPLOYEES

Employee Printed Name: \_\_\_\_\_.

Memorandum to at-will employee regarding terms and conditions of employment.

You are an at-will employee which means that you are not hired for any specified period of time. You may terminate your employment at any time with or without cause or notice. Likewise, the County may terminate your employment at any time with or without cause or notice.

### 1. GENERAL CONDITIONS AS DEFINED BELOW:

- A. Department: \_\_\_\_\_
- B. Job Title: \_\_\_\_\_
- C. Hire Date: \_\_\_\_\_
- D. Exempt or Non-Exempt status: \_\_\_\_\_
- E. Regular Status: \_\_\_\_\_  
(Completed probationary period, yes or no)
- F. Starting Rate of Compensation \_\_\_\_\_

The Fulton County Personnel Manual, which the employee has access to, sets forth policy and procedure for this at-will Employee with exceptions stated herein.

**Pay increases** for this at-will employee to be reviewed, recommended annually, and approved by the Fulton County Board.

**Health insurance and employee contribution** per Fulton County Personnel Policy.

As an employee **hired before July 12, 2022** date, your vacation and sick leave accrual is grandfathered under your pre-existing eligibility set forth as follows. Any break in service removes grandfathered entitlements and this at-will employee will be bound by the Fulton County Policies in existence at the time of re-hire.

**Grandfathered Paid Leaves**

- A. Personal Days- current entitlement \_\_\_\_\_  
Future accrual and use per Fulton County Policy.
  
- B. Grandfathered Sick Leave Days- current entitlement \_\_\_\_\_  
Future accrual and use per Fulton County Policy
  
- C. Grandfathered Vacation Days- current entitlement \_\_\_\_\_  
Future accrual and use per Fulton County Policy

Example: Employee currently has just celebrated 5 years’ service. The courthouse CBA entitles union workers to 15 days at 5 years of service. Policy for all **new hire (after July 12, 2022)** non-bargaining employees sets 5 years’ service at 12 days. The grandfathered vacation would be set at 15 days until such a time as the employee is entitled to more days per the Vacation Leave Policy.

\_\_\_\_\_  
Employee Signature / date

\_\_\_\_\_  
Supervisor Signature / date

## 5.8 PAYROLL POLICY

### I. Purpose

- a. The purpose of this policy is to create a county-wide standard time-sheet procedure for accurate payroll and record keeping. Effective date: March 1, 2024 or when the new payroll system is active for all departments, whichever is later.

### II. Pay Period

- a. The regular pay period shall be fourteen (14) calendar days.
- b. The pay period shall begin at 12:00 a.m. on a Saturday and end at 11:59 p.m. on a Friday.

### III. Workday and Hours

- a. Bargaining unit employees' workday and hours are set by the department Contract Bargaining unit Agreement (CBA).
- b. Non-bargaining unit employees' workday and hours are set by Employee Agreement or the department supervisor.

### IV. Payday

- a. Payday is the Friday after the end of the pay period.
- b. Employees will receive their checks before 4 P.M. on paydays.

### V. Time Sheets

- a. Time sheets will be created via log-in and log-out by all employees with the department selected method.

#### **Exceptions for log-in and log-out at the beginning and end of workday:**

1. Elected officials. EO's are not considered employees and do not have entitlements to track.
2. Sheriff department deputies and command staff. Due to the emergency nature of their work and FLSA allowed shift trading, deputy time sheets will be created via their schedule for work.

### VI. Log-in and log-out

- a. All hourly workers shall log-in and log-out for any unpaid lunch period.

#### **Exceptions:**

1. Sheriff department deputies and command staff.
2. Highway department field workers.
3. Assessor's office field workers.
4. Maintenance engineer due to field work.

- b. Each employee time sheet shall accurately reflect time worked and of leaves taken.
- c. The time sheet shall include the following: The hours to be compensated must be broken down, daily, into type of hours worked and proper department fund line item, i.e.: regular time, holiday time, sick time, over time, compensatory time, vacation, PTO (paid time off), or leave without pay, etc.
- d. To process payroll in a prompt fashion, all time sheets must be approved by one of the departments designated payroll managers by 9 a.m. on Tuesday following the end of the pay period.

**SEE BIOMETRIC INFORMATION SECURITY POLICY** for further information.

**VII. Time Clock Rounding:**

- a. The 7-minute rule, also known as the  $\frac{7}{8}$  rule. Under FLSA rules, employers can round employee time in 15-minute increments (or to the nearest quarter hour). Any time between 1-7 minutes may be rounded down, and any minutes between 8-14 may be rounded up.

Here's are some examples of how to calculate the 7-minute rule:

- If an employee clocks in at 8:05 am, the employer may round down that time to 8:00 am.
- An employee who clocks out at 4:57 pm, the employer may round their time up to 5:00 pm.

The seven (7) minute rounding system does not prevent disciplining an employee for attendance issues.

**VIII. Electronic Direct Deposit**

- a. Electronic Direct Deposit is an efficient, secure, and economical method for delivering payments. Direct deposit assures that an individual's payment is deposited timely even if they are out due to illness, on vacation, or on other approved leave. Electronic deposit of funds can be made to any financial institution in the United States. All employees are encouraged to take part in the direct deposit program and to receive an electronic pay stub.

**Exceptions:**

- 1. First and Last Payroll Payments: Due to employee's hire/separation date and payroll processing schedules, the first and/or last payroll payments may be processed as a paper check.

**IX. Electronic Direct Deposit Procedures**

- a. Electronic direct deposit payments may be deposited to a checking, debit, or savings account of the individual's choice, at any U.S. financial institution.

- b. Employees are solely responsible for notifying the payroll department of any changes in their banking information, such as account number changes, closed accounts, or bank routing number changes. Failure to notify may result in a delay of payment.
- c. An electronic itemized statement of deductions (pay stub) may be provided via email. Employees are solely responsible for notifying the payroll department of any changes in their email address. Failure to notify may result in a delay of receiving an electronic pay stub. In the event of a paper check and/or paper pay stub, it will be provided to the department head or the employee. In certain cases, it may be mailed to the employee's current mailing address on file with the payroll department.
- d. Employees must complete the "Electronic Payroll Authorization Form," found in the "Forms" section of this manual.

**X. Payroll Deductions**

- a. No payroll deductions will be made from an employee paycheck unless authorized by the employee or required by law.
- b. Employees must report a change in status or other information that could revise the deductions withheld. These include Social Security, income taxes, retirement contributions, insurance, deferred compensation, court order child support, and any other deductions required by law. Employees wishing to add or change their payroll deductions should contact the payroll department.

## **5.9 BIOMETRIC INFORMATION SECURITY POLICY**

### **I. Purpose**

- a. This Biometric Information and Security Policy ("Policy") defines Fulton County's policy and procedures for collection, use, safeguarding, storage, retention, and destruction of biometric data collected by Fulton County.
- b. Fulton County uses biometric identification systems for employee timekeeping with regard to payroll. Fulton County collects, stores, and uses employee biometric data for the purpose of giving employees secure access to Fulton County's timekeeping systems and to document employees' (i) clock in/out time(s); (ii) clock in/out location(s); and (3) attempts/failures/errors in biometric data scans.

### **II. Policy Statement**

- a. Fulton County reserves the right to amend this Policy at any time, without notice. Fulton County may expand its use of biometric data in the future.
- b. In the event Fulton County begins collecting biometric data for any additional purpose, Fulton County will update this Policy.
- c. A copy of this document can be found in our Personnel Manual on the Fulton County Website or "upon request".

### **III. Definition of Biometric Data**

- a. Biometric data means personal information stored by Fulton County about an individual's physical characteristics that can be used to identify that person. Biometric data specifically includes fingerprints and facial geometry.
- b. As technology and systems advance, biometric data may also include voiceprints, retina or iris scan, or scan of hand.

### **IV. Policy**

- a. Fulton County's policy is to protect and store biometric data in accordance with applicable standards and laws including, but not limited to, the Illinois Biometric Information Privacy Act.
- b. An individual's biometric data will not be collected or otherwise obtained by Fulton County without prior written consent of the individual. Fulton County will inform the employee of the reason their biometric information is being collected and the length of time the data will be stored. A sample consent statement is included in this policy and will be tailored to fit the type of biometric data collected and purpose(s) for collection.
- c. Fulton County will not sell, lease, trade, or otherwise profit from an individual's biometric data. Biometric data will not be disclosed by Fulton County unless (i) consent is obtained, (ii) required by law, or (iii) required by valid legal subpoena.
- d. Biometric data will be stored using a reasonable standard of care for county government and in a manner that is the same or exceeds the standards used to protect other confidential and sensitive information held by Fulton County.

- e. Fulton County will destroy biometric data within a reasonable period of time of when the purpose for obtaining or collecting such data has been fulfilled. Generally, this means within six (6) months of an employee's termination of employment.

**V. Procedure**

- a. Prior to collecting an employee's biometric data, Fulton County will obtain the consent of the employee.
- b. Employees will have their biometric data registered.
- c. The biometric data cannot be regenerated from the digital data.
- d. Fulton County will store, transmit, and protect biometric data using the same standard of care and security controls it provides other confidential and sensitive information in its possession.
- e. Fulton County will delete from its systems the biometric data of former employees on a biannual basis.

**Consent Form for Collection of Biometric Data**

Your fingerprint or picture for face recognition will be collected and stored by Fulton County for the purpose of verifying your identity for access to the Fulton County timekeeping system. Your fingerprint data will not be disclosed by Fulton County without your consent unless the disclosure is required by law or by valid legal subpoena. Your fingerprint data will be permanently deleted from Fulton County's systems within a reasonable period after your termination of employment pursuant to the Company's biometric data retention policy. A copy of Fulton County's Biometric Information Security Policy is available upon request and is posted on Fulton County Website in the Personnel Manual.

By signing below, you consent to Fulton County's collection, use, and storage of your fingerprint or picture for the above defined purpose.

Data to be collected: Fingerprint or Picture for Facial Recognition.

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Print Name:

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Signed:            Date:

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**Cc: Signed Copy to Personnel File**

## **5.10 FINANCIAL POLICY**

### **I. Financial Policy Purpose**

- a. The County of Fulton is responsible to its citizens for the care and management of public funds; concurrently, the County must provide adequate funding for the services it is obligated to provide its citizens.
- b. Those responsibilities and obligations must adhere to numerous laws and regulations and, as a result, the County's financial operations are reviewed and audited by a variety of Federal and State governmental organizations, as well as an independent auditor.
- c. The financial policies described here are designed to ensure the fiscal stability of the County of Fulton; to provide guidance in financial management and practices to County staff; and to ensure that financial direction for budget preparation, periodic reporting and analysis, and financial forecasting conform to the standards of the County policy.

### **II. Financial Policy Objective**

- a. To protect the policy-making ability of the County by ensuring that policy decisions are not controlled by financial problems or emergencies.
- b. To provide guidance to County staff which ensures that the decisions of the County Board are based upon sound, conservative, and responsible financial practices.
- c. To establish operational principles which minimize the cost of government and financial risk, and that safeguard the County's assets.
- d. To employ revenue policies which prevent reliance on uncertain or unstable revenues, which distribute the costs of county services fairly and objectively, and which provide adequate funds to operate desired programs.
- e. To ensure competent, timely, and conservative management of the County by providing accurate and timely information about the County's financial condition.
- f. To provide adequate resources to operate and maintain essential public facilities and the County's infrastructure.
- g. To insure the legal use of County funds through a sound system of administrative policies and internal controls.
- h. To protect and enhance the County's credit rating and prevent default on debt issues of the County.

### **III. Achieving Financial Policy Objectives**

- a. To achieve and maintain the objectives, above, the Treasurer will provide monthly reports on the state of County finances. Also, the Comptroller will present a current end-of-the-year forecast and analysis as the Finance Committee is preparing to start planning for the budget for the following year.

### **IV. Fund Balance Policies**

- a. Introduction
  - i. The budgetary fund balance describes the net assets of governmental funds; in everyday terms, it represents revenues in excess of expenditures.

An unappropriated ending fund balance is used to provide stable resources for times when services level might otherwise be impacted by taxes or fees that fall short of budget expectations, or to cover one-time, unexpected expenditures.

- b. Reserves (Unappropriated Ending Fund Balances)
  - i. To maintain the County's credit rating, and to meet state law requirements for no deficit spending, the County shall have a positive cash reserve for each of the County's funds.
- c. Property Tax Based Funds
  - i. It is the goal of the county to maintain a fifty percent (50%) reserve with a minimum of twenty five percent (25%), three-months operating expense, cash fund reserve. This reserve ratio shall be calculated as the year-end fund cash balance divided by the budgeted fund expenses for the next fiscal year.
  - ii. With the exception of additional reserves set aside for capital or other special projects, in the event the cash reserves fall below twenty five percent (25%), or exceed fifty percent (50%), the Finance Committee shall recommend, in consideration with collaborative input from the affected Elected Official or department head, corrective action to bring the fund cash reserve into this targeted range and may consider the following activities:
    - 1. Pay down bonds;
    - 2. One-time capital expenditures which do not significantly increase ongoing county costs;
    - 3. Designate reserves for future capital expenditures;
    - 4. Other one-time costs to improve services;
    - 5. Designate reserves for future basic operations;
    - 6. Improve ongoing or add new County programs, provided such action is considered in the context of Board approved multi-year projections of revenue and expenditures;
    - 7. Propose program cuts or other corrective action to bring reserves back into target range.
    - 8. Increase the property tax levy within the confines of the "truth in taxation" laws of Illinois.
- d. Other Funds – fee based.
  - i. Where feasible, the committee, officer, or judge having jurisdiction over these funds is responsible for keeping the reserves at an appropriate level.
  - ii. The County charges user fees for items and services which benefit a specific user more than the general public. User fees are determined by the statutes, or an indirect cost study. Fee studies based on the cost study are done as needed to determine the level of fees needed to equal the total cost of providing the service. Where feasible, all fees for licenses, permits fines

- and other miscellaneous charges shall be set to recover the County's expense in providing the attendant service.
- iii. It is the recommendation of the Fulton County Board that excess reserve fee funds, as defined by this policy, are used to improve services to people of Fulton County to the extent allowable by statute.
- e. General Fund Emergency Appropriations (unappropriated reserves)
    - i. Definition of emergency: unforeseen expenses attributable to a public safety emergency, public health crisis, unfunded mandates implemented and required during the current fiscal year, revenues exceeded budget, spend now to avoid higher cost later, union contracts during negotiation years, and reimbursable grant funds. Transfers from the general fund unappropriated reserves shall meet the definition of an emergency to be considered.
  - f. General Fund Contingency Funds
    - i. Contingency fund expenditures are those whose occurrence could not reasonably have been foreseen during the budget process and the expenditure cannot be funded by the department in a line-item transfer.
    - ii. The general fund budget shall provide for an annual appropriated contingency fund. The target range of the contingency fund shall be one percent (1%) to five percent (5%) of the general fund budget's annual operating revenues. Contingency amounts to be reviewed as part of the annual budgetary process.
    - iii. Contingency funds may be used, with a majority board approval, to fund unforeseen general fund department needs that do not meet the definition of an "emergency" as defined in this financial policy.
    - iv. When the contingency fund is exhausted, immediate emergency appropriations may also be considered.
    - v. Contingency request for year-end clean up SHALL be requested by the November County board meeting deadline, providing contingency funds are not exhausted.
  - g. Enterprise Funds
    - i. An Enterprise Fund is a **self-supporting** government fund that sells goods and services to the public for a fee. Fulton County Camping and Recreation (FCCR) and The Clayberg Nursing Home are enterprise funds.
  - h. Capital Improvement Fund
    - i. The County shall allocate one (1%) to five percent (5%) of the general fund expenditures annually for capital assets. The funds shall be set aside in the Capital Improvement Fund.
    - ii. The capital improvement fund shall be used for the following:
      - 1. Purchase of land, improvements to land, easements, buildings, building improvements (including furniture installations), vehicles, machinery, major equipment, works of art and historical treasures, infrastructure, and all other tangible or intangible assets (e.g.,

easements, water rights, licenses, leases) that are used in operations and that have initial useful lives extending beyond a single reporting period.

2. An item may be considered major equipment if it is not an operating expense, it has a useful life of more than one year, and it has a cost that exceeds five thousand dollars (\$5,000).
- iii. All budget requests for replacement vehicles or other capital items shall be based upon the estimated total purchase price, exclusive of trade-in value.

## **6 SECTION 6 FORMS**

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## 6.1 ELECTRONIC PAYROLL AUTHORIZATION FORM

### Non-Bargaining Employees:

  

I elect to “opt out” of direct deposit and receive a paper check.

I elect to “opt out” of electronic paycheck stub and have my paycheck stub provided in paper form.

Employee Name (Print): \_\_\_\_\_

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

Employee Email: \_\_\_\_\_

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

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### Bargaining Unit Employees:

I elect to have my pay stub emailed to me.

Employee Name (Print): \_\_\_\_\_

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

Employee Email: \_\_\_\_\_

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

## 7 SECTION 7 POLICY TRACKING

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Review	The review date is reflective of legal review by FC liability insurer.
Session	12-10-2019 Fulton County Personnel Manual
Session	02-11-2020 Whistleblower Policy amended
Session	02-11-2020 Computer, internet, network, and email amended
Session	04-14-2020 Coronavirus, Covid-19, Policy added
Session	06-09-2020 Business Travel and Expense Policy amended
Session	06-09-2020 Personnel Records Policy added
Session	08-11-2020 Group Medical and Life Insurance Policy added
Session	10-13-2020 Date of Hire; Conditions of Employment; Cell Phones; Employee Separation; Promotions, Demotions, & Transfers; Reclassification; Bereavement Leave; Jury/Court Leave; Leave of Absence without Pay; School Visitation Leave; Tuition Reimbursement: Policies added.
	1-22-2020 Corrected Section Numbers
Session	02-09-2021 Amended Coronavirus Policy to delete expired FMLA and EPSL sections. Inserted policy adopted 10-13-2020 within the manual. Deleted duplicate policy Employee Separation policy passed 06-09-2020 & 10-13-2020.
Session	12-14-2021 Updated entire manual after review by ICRMT (IPMG) Insurance. Replaced Harassment Policy, replaced Whistleblower Policy, Replaced Worker's Comp Policy. Added Hiring Process, Pensions, Deferred Compensation, Flex Spending, Voting.
Session	01-11-2022 Updated Coronavirus policy per OSHA ETS rule. State's Attorney put stay on this policy 01-14-22.
Session	03-08-2022 Added Group Insurance Policy back into manual. Added P-Card Policy. Moved "new" policy into approved 07-13-21 into sections.
Session	05-10-2022 Amended Covid policy
Session	07-12-2022 Added Holiday, Personal and Sick Leave, Vacation, and Memorandum for at-will-employees.
Session	07-19-2022 Amended Sick Leave and Vacation policy for grandfathered (Memorandum) deadline to August 30, 2022.
Session	09-13-2022 Amended Sick Leave and Vacation policy for identifying exempt versus non-exempt employees benefits.
Session	02-14-2023 Amended Bereavement leave per PA 102-1050.
Session	07-11-2023 Added Retirement Recognition Policy. 12-12-2023.
Session	12-12-2023 Amended Holiday and Group Health Insurance to align with new CBA. Added new Payroll Policy.
Session	1-17-2024 Added Biometric Information Security Policy and sample consent form. Added Financial Policy.

Session 2-13-2024 Added Courthouse Closure Policy  
Session 04-09-2024 Amended Vacation Leave Policy for PLAW.  
Corrected Sick Leave and Personal Leave Policy for proration.  
Rev1-corrected link to Illinois CMS travel expense page.  
11-12-2024 Amended Group Health and Life insurance policy for  
resolution of retiree voluntary leaving plan termination.