

# **URBANA PARK DISTRICT PERSONNEL POLICY MANUAL**

## **1.00 PERSONNEL POLICY AND ADMINISTRATION**

### **1.01 Introduction**

- A. The Urbana Park District (District) is a separate unit of municipal government established in 1907 and governed by a board of five (5) elected commissioners who serve without pay. For the most part, the services of the District are offered through the personnel of the District. The quality of District services is directly affected by the performance of every employee. Each employee serves as a representative of the District to all residents of the District.
- B. This Personnel Policy Manual (Manual) has been prepared as a reference guide to provide employees with information concerning the District's basic policies, procedures, and rules, as well as a summary of available benefits. A number of the policies, procedures, and rules set forth in this Manual are mandated by Illinois or federal laws and regulations. To the extent that there is a conflict between a section of this Manual and a law or regulation, the law or regulation controls. This Manual is not intended to be comprehensive or all-inclusive or to address all possible situations.
- C. This Manual supersedes all previous manuals.
- D. Each employee is expected to review this Manual and to develop a working understanding of these policies in order to perform satisfactorily as an employee. Each employee will receive a copy of the Manual upon employment. The full Manual will also be available on the District's internal website and at each District work site that is staffed year-round. Upon receipt of the Manual, each employee must sign, date, and return the employee acknowledgement form.
- E. The District and the Board of Commissioners (Board) reserve the right to revise, supplement, or discontinue any of the policies, guidelines, or benefits described in this Manual. Any revisions or interpretations of these policies will be made by action of the Board.
- F. Employees are encouraged to seek out assistance whenever necessary, and questions about provisions set forth in this Manual can be directed to Managers, Superintendents, the Business Office, and/or the Director. Should any question arise as to the proper interpretation of any provision in the Manual or any other policy related to personnel issues, the decision of the Director will be final.
- G. These personnel policies will be reviewed in accordance with the standards established through the Illinois Association of Park Districts Distinguished Agency Program. All employees are encouraged to make suggestions for the updating and clarification of these policies.
- H. Nothing contained in this Manual or any oral or written statement contradicting, modifying, interpreting, explaining, or clarifying any provision of this Manual is intended to create nor does it create an employment contract, either express or implied, between the District and any employee. As a District employee, you have the right to terminate your employment at any time, and the District retains the same right. In addition, no representative of the District, other than the Board, has the authority to enter into any employment agreement contrary to the foregoing.

## 1.02 Validity of Policies and Procedures

If any policy or procedure or part thereof contained in this Manual is determined invalid in a court of law or by another appropriate judicial body or agency, such determination will not affect the validity of the remaining policies and procedures or parts thereof.

## 2.00 EMPLOYMENT PRACTICES AND PROCEDURES

### 2.01 Hiring and Reassignments

The District attempts to hire and retain the best available, suitable, and qualified individuals for all positions. The District may determine a need to reorganize departments or reassign responsibilities within a department or position from time to time to best serve the public and better utilize its limited resources.

### 2.02 Equal Employment Opportunity

No person employed or seeking employment with the District will be discriminated against due to political affiliation, race, creed, color, religion, national origin, age, ancestry, sex, marital status, disability, sexual orientation, gender identity, unfavorable discharge from military service (except dishonorable), or any other prohibited factor.

### 2.03 Definitions and Status of Employees

#### A. Definitions:

District - The Urbana Park District, Urbana, Illinois.

Board - The Board of Commissioners of the Urbana Park District.

Business Office - Staff members of the Administrative Department.

Director - The Executive Director of the Urbana Park District.

Superintendent/Business Manager - The individual who oversees the Recreation Department, the Business Office, or the Planning and Operations Department of the Urbana Park District; also referred to as Department Head.

Supervisor - The person responsible for directing the primary activities of employees under their charge; the person to whom employees report to on a daily basis; titles include but are not limited to supervisor, coordinator, manager, and crew leader.

Manual - Personnel Manual.

FLSA - Fair Labor Standards Act (a federal law).

FMLA - Family Medical Leave Act (a federal law).

IMRF - Illinois Municipal Retirement Fund.

IPARKS - Illinois Parks Association Risk Services.

IPRF - Illinois Public Risk Fund.

PPE - Personal Protective Equipment.

#### B. Definition of Employees:

Benefit-Eligible Employee - A Regular Full-Time or Part-Time Employee hired into a position for which health insurance and leave benefits have been authorized.

Regular Full-Time Employee - A regular employee who is scheduled to work a minimum of forty (40) hours a week year-round. All full-time employees are expected to work additional hours as necessary to complete assigned responsibilities properly. Regular Full-Time Employees may be paid on a salary or hourly basis.

Regular Part-Time Employee - A regular employee who is hired for a benefit-eligible year-round position that requires a minimum of twenty (20) hours per week; these employees receive prorated health insurance and leave benefits based on hours worked.

Introductory Employee - All regular employees begin their employment with an introductory period during which supervisory staff will orient and train the employee and provide

performance feedback. The Supervisor is expected to use this period to determine if the employee's progress and performance meet the job requirements.

Intermittent Employee - An at-will employee hired for a specific, non-benefit-eligible job.

Exempt Employee - An employee whose position is determined as exempt under the guidelines of the Fair Labor Standards Act (FLSA) and is not eligible for overtime pay.

Non-Exempt Employee - An employee whose position is not designated as exempt under the guidelines of the FLSA and is eligible for overtime pay or compensatory time.

Appointive Employee - An employee appointed by the Board who will be directly responsible to the Board in the performance of their duties. The Board will also set compensation and duties for appointive personnel, which includes the Secretary, Treasurer, and Director.

#### 2.04 Application and Hiring Process

All employees of the District will be hired strictly on the basis of competency to perform duties prescribed and to provide service to the District. Specifically, the hiring, retention, and advancement of employees will be made on the basis of education, experience, aptitude, previous job performance, conduct, safety, attendance, and the potential value of the employee to the District.

Applicants for District employment will complete and submit an application form along with a resume when applicable. An individual selected for a position will receive a letter of employment.

#### 2.05 Employment of Certified Professionally Trained Staff

It is the policy of the Board that employee and staff recruitment shall be done in accordance with appropriate guidelines that comply with all District, state, and federal requirements. The Board encourages the hiring of management and supervisory staff that are certified or professionally trained for the position as recognized by standard professional associations for their individual field.

#### 2.06 Determination of Ability

The District may attempt to determine an applicant's ability through any combination of interviews; demonstrations of skills and abilities; reference checks; educational checks; and/or testing, written, oral, and physical that is deemed necessary or appropriate.

#### 2.07 Background Investigation and Reference Checks

Applicants are subject to background investigation, the specifics of which are dependent upon the position for which they are being hired. Investigation may include, but may not be limited to, a criminal background check, personal references, educational and other credentials and certificates, employment history, driver's license abstract check, credit check, or other actions required by law (70 ICLS 1205/8-23). Misrepresentation of information to the District on the application form or during the interview process may be cause for non-selection or termination if hired.

### 2.08 Proof of Right to Work

The District will comply with applicable laws that require verification of an individual's eligibility to work in the United States upon offer of employment.

### 2.09 Introductory Period

- A. New or returning employees of the District, promoted employees, and certain transferred employees will be employed on an introductory basis for a period of at least three (3) months. The introductory period may be extended to six (6) months by the employee's Supervisor if approved by the appropriate Department Head or the Director. Under unusual circumstances, the introductory period may be extended another six (6) months by the Director. Upon successful completion of the introductory period, the employee will receive written notification of the completion of this period.
- B. Supervisors of introductory employees will submit a written job performance evaluation to the appropriate Department Head at the end of the initial introductory period. This evaluation reviews the employee's progress, qualifications, capacity to grow, and other pertinent factors and recommends appropriate action. Should the period be extended, another written evaluation will be provided for at the end of any extended introductory period(s) until the employee completes a successful introductory period or the employee's employment with the District ends.
- C. Successful completion of the introductory period does not guarantee continued employment for any specific period of time or otherwise create an employment contract between the employee and the District.
- D. Employees will not be eligible for a District-wide increase of pay during the introductory period.

### 2.10 Merit Employment

All employees of the District will be hired and retained on the basis of competency to perform duties prescribed and the District's needs. The hiring, retention, and advancement of employees will be made on the basis of education, experience, aptitude, previous job performance, conduct, attendance, service, and the potential value of the employee to the District.

### 2.11 Accessibility

The District is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). It is the District's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of an individual's disability or perceived disability so long as the employee can perform the essential functions of the job. The District will provide reasonable accommodations to a qualified individual with a disability as defined by the ADA, who makes the District aware of his/her disability, provided that such accommodation does not constitute an undue hardship on the District.

The District will make all decisions concerning recruitment, placement, selection, training, hiring, advancement, termination, or other terms, conditions, or privileges of employment based on job-related qualifications and abilities. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact their

Department Head. The District encourages individuals with disabilities to come forward and request reasonable accommodation.

On receipt of an accommodation request, the District will take steps to determine with the employee the precise limitations resulting from the disability and the potential accommodation that the District might make to help overcome those limitations so the employee can perform the essential job functions of the position. The District will determine the feasibility of the requested accommodation considering various factors, including but not limited to the nature and cost of the accommodation; the District's overall financial resources; the accommodation's impact on the operation of the District, including the ability of other employees to perform their duties; and on the District's ability to provide services to the public.

What is considered a reasonable accommodation will be based on a case-by-case analysis. The District will inform the employee of its decision. If the accommodation request is denied, the employee has the right to appeal the decision by submitting a written statement to the Director explaining the reasons for the request. If the request on appeal is denied by the Director, that decision is final. The ADA does not require the District to make the best possible accommodation, to reallocate essential job functions, to create new positions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.).

#### 2.12 Residency

All employees are encouraged but not required to reside within the District boundaries.

#### 2.13 Nepotism

- A. The District will not employ an immediate family member of any Regular Full-Time Employee, any Appointive Employee, or any member of the Board, except as specified below.
- B. The District may employ an immediate family member of a regular employee in a non-benefit-eligible position providing that the relative does not work in the same division. Relatives of the Director and Board are not eligible for any District employment.
- C. All applicants must go through the standard hiring process. The process may not be conducted, directed, or reviewed by the applicant's relative; must be based on merit; and must include the standard application, interview, and reference check.
- D. For the purpose of this section, immediate family members and relatives are defined as the employee's spouse or the employee's or the employee's spouse's mother, father, child, brother, sister, grandparent, grandchild, and any other member of the employee's household, including by guardianship.
- E. If employees become related or combine households after employment, every effort will be made to avoid potential conflicts. If the employees are in the same division, an attempt will be made to transfer one (1) of the employees to a different division. If neither employee agrees to or volunteers for a transfer, the Director may arrange an involuntary transfer or take other action to eliminate the real or perceived conflict. The same procedure applies in instances where potential security or morale issues arise during employment. Transfer decisions may be based on, but are not limited to, such factors as the level of the employees' positions, the availability of openings for which the affected employees are qualified, and the availability of replacement candidates for the affected employees' positions.

- F. The Director may waive this policy for current employees who marry or join households after becoming employed by the District when termination or transfer is not in the interest of the District.
- G. This Policy is intended to comply with the requirements of all applicable federal, state, and local laws.

#### 2.14 Notification

New and promoted employees will receive a notice of personnel or payroll information and/or changes which indicates position, date of employment, department, rate of pay, and applicable benefit information, along with other policies, terms, and conditions of employment. This notice and any supplemental material are not intended to create a contract of employment.

#### 2.15 Change of Personal Information

For the purpose of keeping insurance benefit records, retirement benefit records, Social Security benefit records, income tax withholding records, and other benefits, records, and regulations as required, employees must notify the District immediately of any changes in name, address, telephone number, marital status, or dependents.

#### 2.16 Personnel Files and Access to Personnel Records

- A. A central personnel file is established for each employee with pertinent information recorded including, but not limited to, application, salary history, job performance evaluations, recognition for service, outstanding performance, suggestions implemented, reprimands, disciplinary action, etc. Supervisors may also maintain records as needed.
- B. Confidential records that are not suitable for employee review may be maintained in a separate file but shall not be filed in the employee's central personnel file. These include letters of reference, test materials, information concerning another individual, and investigation records if no adverse action has been taken against the employee.
- C. Medical information and records will be maintained in confidential files separate from employees' main personnel files. Access to employees' medical files will be restricted to only those with a legitimate need to their access.
- D. Employees are permitted to review their personnel file at reasonable intervals after submitting a written request to the Business Office. The Business Office will permit a supervised review within seven (7) working days of receipt of the request or provide a written response with an alternative date. All inspections must be conducted at the Business Office. The employee may request a copy of documents. The employee shall not remove any record from the file.
- E. If the employee feels that an item in the file is incomplete, inaccurate, or irrelevant, the employee may submit a written statement of disagreement to the Business Office for inclusion in the personnel file.
- F. A personnel file may only be inspected by individuals who have a business-based reason to review the file and then only after the authorization of the appropriate Business Office staff member or the Director.
- G. The District will comply with the Illinois Personnel Record Review Act, 820 ILCS 40.

### 2.17 False Records

Falsification of records or reports by any employee is cause for disciplinary action up to and including termination.

### 2.18 Employment in More Than One Department

District employees must obtain authorization prior to accepting employment in another department. Regular Part-Time Employees may obtain authorization from their current Department Head for work in another District department. Authorization from the Director is required in all other situations. The authorizing official will consider whether the work would create an obligation for the District to pay overtime or compensatory time or would compromise the employee's primary employment.

### 2.19 Outside Employment

District employees may secure employment outside of the District providing it does not conflict with the duties and responsibilities of their District employment.

### 2.20 Performance Evaluations

The Supervisor will complete a performance evaluation annually for each regular employee and at any other time deemed appropriate by the District.

### 2.21 Child Labor Laws and the Employment of Minors

The District will comply with all Federal and Illinois Child Labor Laws regarding the employment of minors.

### 2.22 Personal Finances

- A. The District will not disclose employee financial information to outside parties without written permission from the employee, except as required by law.
- B. Any District employee receiving a garnishment notice or attachment, notice of levy by any taxing authority, or any other similar order requiring payment of a portion of the employee's compensation to someone other than the employee shall promptly turn notices received over to the Business Office.

### 2.23 Public Relations

- A. The major goals of public relations are to increase public involvement in the planning, implementation, and evaluation of District services and to increase support of the District's and the community's long-term needs. No employee shall make a policy or policy interpretation statement to a representative of the media without prior knowledge and approval of the Director.
- B. As personnel of the District, each employee serves as a representative of the District to any individual with whom they come in contact. It is expected that each employee be a credit to and exhibit loyalty to the District. Employees are expected to be courteous with the public and with all fellow employees.
- C. All employees are expected to bear in mind that the District is an agency serving the public and that the goodwill and support of the community is of utmost importance. Courteous relationships with all users of park facilities must, therefore, be a principal concern of all

employees. Employees should notify their Supervisor of any difficulties encountered in their dealings with members of the public.

- D. Public complaints should be handled promptly and courteously. Complaints should be handled in accord with the procedures established by the Director.
- E. All requests from the media (television, radio, print, etc.) for interviews should be directed to the professional employee responsible for public information and marketing, who will determine the best employee to be interviewed with the assistance of the Director or Department Head.

#### 2.24 Confidentiality

Employees in certain positions within the District may be assigned duties of a confidential nature and/or may be given access to confidential information. These employees have the express responsibility to maintain and enforce the confidentiality of the duties and information at all times. A violation of these responsibilities is cause for disciplinary action up to and including termination.

#### 2.25 New and Vacant Position

A notice of available positions will be posted using internal electronic methods and on the information board at all year-round offices of the District in order to offer current employees the opportunity to apply for the position.

#### 2.26 News Releases

The professional employee assigned to manage public information will notify the news media of any activities, programs, or pertinent operational data of the District. The Director and the Commissioner delegated to represent the Board may also release news to the press concerning major policy and other decisions of public interest.

#### 2.27 Management of Funds

The Board will establish purchasing policies, and the Director will establish procedures for purchasing in accordance with the Illinois Park District Code. Each employee is responsible for funds that they receive and manage on behalf of the District, and they are required to know the purchasing procedures and follow them.

#### 2.28 Solicitation of Funds

Any solicitation of funds is to be made in accordance with the administrative procedures established by the Director.

#### 2.29 Records Retention

The District shall comply with any and all requirements of the Illinois Local Records Act (50 ILCS 205/1, et. seq.) which regulates the preservation or disposal of public records of all units of local government.

## 3.00 PERFORMANCE, PAY, AND JOB CHANGES

### 3.01 Performance Evaluation

Performance appraisals may be used to determine pay, improve and develop performance, identify and assess training needs, notify employees that improvements are required, identify employees for promotion, evaluate and validate the personnel selection procedure, and make termination or layoff decisions or any other job-related decisions.

A written appraisal of each employee's performance will be conducted at least annually by the immediate Supervisor. The employee will be given the opportunity to complete a written self-appraisal prior to the appraisal meeting. The Supervisor and the employee will meet to discuss the appraisal in order to improve the future performance of the employee and the unit and to identify training needs. All appraisals become a part of the employee's personnel file.

### 3.02 Compensation Program

Pay ranges relate directly to the job description and are determined considering the ranges of pay for other positions, the relative difficulty and responsibility of the position, requisite qualifications, availability of employees in particular occupations, prevailing rates of pay for similar employment in private establishments and other municipal governments in the local area, cost-of-living factors, the financial policies of the District, and other economic considerations.

The Director is responsible for maintenance of a salary and wage schedule. Prior to the preparation of each annual budget, the Director will review District compensation and may recommend adjustments in the salary and wage schedule to the Board. Recommendations may include adjustment of levels for positions, individual adjustment of levels or wages, merit increases, bonuses, and/or a general adjustment.

The Director has the authority to set and maintain a salary and wage schedule for intermittent and seasonal positions.

### 3.03 Setting Pay

Wage and salary increases are based on the annual review of position descriptions, market comparison of wages, job performance, and current fiscal constraints. When funds permit, employees will be considered for merit increases after the conditional time has been completed and annually on May 1 when authorized by the Board. An employee will be notified in writing if an authorized pay adjustment is to be withheld.

### 3.04 Job Changes

When an employee moves to a new position or a new department, the employee is required to complete an introductory period in their new position. This requirement may be waived when the change is initiated for the benefit of the District. Prior to placement in a new position or department, employees are required to meet all job requirements and may be required to have a job-related medical examination.

When an employee is promoted, the Director may authorize a promotional increase immediately and/or after the introductory period review. An employee may be temporarily assigned extra

duties without an increase in pay, but the Director may authorize a bonus or a temporary increase in pay where appropriate.

### 3.05 Layoff

The Director has the right to lay off any employee due to shortage of work or funds or for other legitimate reasons. An effort will be made to transfer employees to another position rather than lay them off, but this cannot be guaranteed. No suspension or termination of an employee as a disciplinary action will be considered a layoff.

### 3.06 Overtime Compensation

- A. In the case of personnel in exempt positions, it is implicit in the nature of their positions that time beyond the normal work schedule may be spent on the job, which may include evenings, weekends, and holidays.
- B. For all other employees, hours worked in excess of forty (40) hours per week are overtime, and the employee is eligible for one and one-half (1½) times the regular rate of pay or compensatory time. The employee has a choice of receiving compensatory time or overtime pay. Employees must obtain supervisory approval before using compensatory time. An employee may not accumulate in excess of forty (40) hours of compensatory time and must use the time during the calendar year of earning it. Time that is not used will be paid out on the first check in January of the following year.
- C. When a Benefit-Eligible Regular Full-Time Employee in a non-exempt position inputs more than forty (40) hours in a week, the hours worked above forty (40) will be compensated at time and a half (1½).
- D. When a Benefit-Eligible Full- or Part-Time Employee in a non-exempt position is scheduled to work on an official District holiday at the direction of the District, the hours will be compensated at time and a half (1½).
- E. When a Benefit-Eligible Regular Full-Time Employee in an exempt position works on an official District holiday, the employee may take the holiday on a different day.
- F. Where time and circumstances permit, Supervisors will generally take reasonable steps to obtain volunteers for overtime assignments before assigning overtime work. Specific employees may be selected for specific overtime assignments based upon their skill, ability, qualifications, and experience.
- G. Reasonable effort will be made to ensure that overtime work that is offered on a volunteer basis is distributed as equitably as possible among employees in the same work group.
- H. Non-Exempt Employees are not permitted to work overtime without the prior approval of their Supervisor or Department Head. Employees who work unauthorized overtime are subject to disciplinary action. Unauthorized overtime will not be paid at the overtime rate unless required by the FLSA. The Supervisor may modify the employee's schedule to avoid the employee working overtime.

### 3.07 Payroll Period, Paydays, and Paychecks

- A. Pay periods for employees are bi-weekly for a total of twenty-six (26) pay periods per year.
- B. When a payday is a holiday, employees are paid the preceding weekday.
- C. Employees are encouraged to participate in direct deposit, which is available through the District or the employee's own financial institution. Information regarding direct deposit is

available through the Business Office. Employees who are not enrolled in direct deposit will be paid through a debit card.

- D. Employees are encouraged to promptly check the accuracy of their pay. Employees are required to report any errors immediately to their Supervisor. If an error is confirmed, the employee's Supervisor will notify the Business Office of the error so it can be rectified. In the case of a mistake, the error will be remedied on the next payroll.
- E. Employees who lose their debit card or have it stolen should notify their Supervisor and the Business Office immediately and follow the instructions provided. The employee and not the District is solely responsible for any monetary losses.

### 3.08 Payroll Deductions and Statement

A payroll statement listing pay and deductions will be issued to each employee each pay period. Payroll deductions are made for federal and state withholding taxes, Social Security, and the Illinois Municipal Retirement Fund. Credit union, United Way Fund, or other similar deductions may be arranged at the employee's request. The Director may authorize other deductions in accordance with the Illinois Wage and Payment Collection Act, 820 ILCS 115/9.

### 3.09 Work Schedules

Work schedules are established by the immediate Supervisor, Department Head, or Director based on the needs of the District. The number of working hours that will be scheduled is subject to the financial and staffing needs of the District, and employees are not guaranteed any specific number of hours a week. The District may change work schedules at its discretion. The responsibilities of certain exempt positions may require employees to be on call on a twenty-four (24) hour basis. At the direction of the Director, certain activities may be compensated at time and a half (1½) for non-exempt staff before forty (40) hours have been physically worked. This is designated as incentive pay.

### 3.10 Rest Periods and Rest Days

- A. Rest periods and unpaid meal periods will be provided to employees in compliance with state and federal regulations. An employee who is to work seven and one-half (7½) continuous hours or more shall be provided an unpaid meal period of at least twenty (20) minutes. The meal period must be given to an employee no later than five (5) hours after beginning work. (820 ILCS 140/3).
- B. Employees will be scheduled for at least twenty-four (24) consecutive hours of rest in every calendar week (in addition to the regular period of rest allowed at the close of each working day). Exceptions may be made for exempt personnel, employees who work twenty (20) hours per week or less or as provided by 820 ILCS 140/2, 8 and 56, III. Adm. 220.200-220.600.

### 3.11 Recording of Hours Worked and Mileage

All employees in non-exempt positions are required to maintain an accurate and legible record of hours worked, whether by time card or time sheet. The Supervisor will notify the employees if a correction is needed and then approve the accurate record. The time records are the basis for all pay calculations.

- A. Time is computed to the nearest one-quarter (¼) hour per week.

- B. An hourly, Non-Exempt Employee who has permission to leave work to tend to non-work-related activities must sign out when they leave and sign in when they return.
- C. Each employee must personally maintain his/her own time record by completing the daily record required by the unit. Recording another employee's time record or falsifying an employee's own time record is against District rules and is grounds for disciplinary action up to and including termination.
- D. Accurate payroll sheets must be signed by the employee and appropriate Supervisor and submitted by the specified time to the appropriate District office per payroll procedure in order for a paycheck to be processed and issued.
- E. Employees must keep detailed records of mileage accumulated in personal vehicles on District business on forms furnished by the District. These forms must be submitted to the Department Head for approval.

4.00 TIME OFF AND BENEFITS

4.01 Maximum Absences

The total combined absences by a Regular Full-Time Employee in a rolling twelve (12) month period shall not exceed three (3) months, except where required by law or if approved by the Director. A rolling twelve (12) month period is measured backwards from the date an employee uses leave. Three (3) months for a full-time employee is four hundred eighty (480) hours. Part-time employees shall be eligible for a prorated amount of leave.

4.02 Paid Leave

A. Eligible Uses of Paid Leave

- 1. Vacation Days
- 2. Personal Days
- 3. Holidays
- 4. Sick Days

Paid Leave is only to be taken with the prior approval of the employee's immediate Supervisor, except for holidays. District-designated holidays are required to be taken as Paid Leave unless the employee is scheduled to work by the Supervisor. Employees shall request approval to be absent and to use Paid Leave as soon as practical and in accordance with District, Department, and supervisory procedures. Supervisors may condition the approval of an absence and Paid Leave on receipt of appropriate verification. Paid leave cannot be approved for an absence during a disciplinary suspension. An employee who will be absent for more than five (5) workdays must provide thirty (30) days advance notice of the need for Paid Leave if the need is foreseeable or as much notice as practical for the situation.

B. Earning Paid Leave - Paid leave is a benefit for regular employees that is earned at the following rates:

<u>Duration of Employment</u>	<u>Rate for Regular Full-time Employees</u>
Start - 59 months	8 hours per pay period (1 day)
60 - 119 months	9 hours per pay period
120+ months	10 hours per pay period
<u>Duration of Employment</u>	<u>Rate for Part-time Regular Employees</u>
1 - 59 months	4 hours per pay period
60 - 119 months	4.5 hours per pay period
120+ months	5 hours per pay period

All leave for employees in non-exempt positions will be recorded in hours and fractions of hours with one-quarter (¼) hour the minimum used in recordkeeping. Leave is credited to the employee's account at the completion of each pay period. Leave cannot be used until after it has been credited to the employee's account. Leave does not accrue during a leave of absence including but not limited to FMLA leave.

C. Paid Leave Use - Paid Leave cannot be used until the completion of three (3) months of employment.

D. Bonus Paid Leave - On the last day of the first pay period in January, April, July, and in October all active regular employees who are not on leave or suspension will be awarded the following additional Paid Leave:

Full-Time Employees - 8 hours in January, 8 hours in April, 8 hours in July, and 8 hours in October

Part-Time Employees - 4 hours in January, 4 hours in April, 4 hours in July, and 4 hours in October

- E. Accumulation of Paid Leave - Paid Leave can accumulate to a maximum of thirty-five (35) days or two hundred eighty (280) hours for Regular Full-Time Employees. Regular Part-Time Employees shall be allowed to accrue a maximum of 17 ½ days or one hundred forty (140) hours of leave. . To avoid losing leave, employees should schedule their absences with their Supervisor and use leave well in advance of reaching the applicable maximum.
- F. Unused Paid Leave - Upon separation from the District, the District will pay one hundred percent (100%) of unused Paid Leave to a maximum of thirty-five (35) days or two hundred eighty (280) hours for Regular Full Time Employees and 17 ½ days or one hundred forty hours (140) for Regular Part Time Employees.

4.03 Holidays

The following holidays are observed by the District:

- |                            |                            |
|----------------------------|----------------------------|
| New Year's Day             | Veterans Day               |
| Martin Luther King Jr. Day | Thanksgiving Day           |
| Memorial Day               | Day after Thanksgiving Day |
| Independence Day           | Christmas Day              |
| Labor Day                  |                            |

Holidays which fall on Sunday will be observed on the following Monday; those that fall on Saturday will be observed on the preceding Friday. Eligible employees must use Paid Leave on holidays that fall on their normally scheduled work day unless they are scheduled to work or have already worked forty (40) hours in the workweek the holiday falls in. Holidays other than those recognized by the District may be taken off as Paid Leave with prior supervisory approval.

4.04 Acute Illness Leave

- A. Earning Acute Illness Leave - Full-Time Benefit-Eligible Employees earn four (4) hours of Acute Illness Leave per pay period, and Part-Time Benefit-Eligible Employees earn two (2) hours per pay period beginning at the start of employment. All Acute Illness Leave will be recorded in hours and fractions of hours with one-quarter (¼) hour the minimum used in recordkeeping. Leave is credited to the employee's account at the completion of each pay period. Leave cannot be used until after it has been credited to the employee's account. Leave does not accrue during a leave of absence including but not limited to FMLA. .
- B. Eligible Uses of Acute Illness Leave - Within the limits set by the District, Acute Illness Leave may be taken for the following uses provided that all authorization and documentation procedures are met:
  1. Immediately when hospitalized overnight and for post-hospitalization care authorized by a physician.
  2. Following a serious illness/injury absence from work of five (5) consecutive workdays with a physician's verification. Acute Illness Leave will be back charged to the first day of absence.
  3. When an employee returns to work following hospitalization or treatment for a life-threatening illness and subsequent absences are required as part of continued treatment for the same condition, such treatment must be scheduled to minimize the employee's absence from work. The employee shall provide medical documentation to support the request. In extraordinary circumstances that are in the interest of the District, the Director may approve the use of Acute Illness Leave for a verified serious health

condition. The Director shall record the reason for the approval. Such leave may only be approved by the Director and only for employees who have followed all District attendance procedures and have a fully satisfactory record of performance.

4. For paid Family Medical Leave to care for an eligible family member in accordance with District policy and procedures (See FMLA). This leave will be designated as FMLA leave.
5. For maternity or paternity leave immediately following the birth or adoption of a child.
6. To supplement District workers' compensation payments in order to receive full pay.

C. Acute Illness Leave Rules -

1. An employee may only use Acute Illness Leave for ten (10) or more consecutive regularly scheduled workdays for a "serious health condition" as defined by the Family Medical Leave Act (FMLA). A request to use Acute Illness Leave for ten (10) or more consecutive regularly scheduled workdays is also a request for paid FMLA. The District shall designate such leave as FMLA leave for eligible employees. The District reserves the right to designate shorter absences as FMLA absences when the employee has used a total of ten (10) days or more of Acute Illness Leave in a twelve (12) month period.
2. An employee must provide thirty (30) days advance notice of the need for Acute Illness Leave if the need is foreseeable or as much notice as practical for the situation.
3. Acute Illness Leave cannot be used for self-inflicted injuries or drug or alcohol abuse unless required and prescribed by a physician.

D. Maximum Use and Accrual of Acute Illness Leave - A Full-Time Benefit-Eligible Employee may not use more than a total of four hundred eighty (480) hours of Acute Illness Leave in a twelve (12) month period measured backwards from current use. A Part-Time Benefit-Eligible Employee may not use more than two hundred forty (240) hours of Acute Illness Leave in a twelve (12) month period measured backwards from current use. The maximum use limits for part-time personnel shall be prorated based on their scheduled hours. Employees are permitted to accumulate more Acute Illness Leave than they are allowed to use in a twelve (12) month period. For a Regular Full-Time Employee, Acute Illness Leave can accumulate to a maximum of two hundred forty (240) days or one thousand nine hundred and twenty (1,920) hours. Regular Part-Time Employees will be eligible to accumulate one hundred twenty (120) days or nine hundred sixty (960) hours of Acute Illness Leave.

E. Unused Acute Illness Leave - Employees are not paid for unused Acute Illness Leave. However, retiring employees may be eligible to have unused Acute Illness Leave credited toward service for an IMRF pension in accordance with the rules and regulations of IMRF. Unused Acute Illness Leave shall be considered "sick leave" for this purpose.

#### 4.05 Family or Medical Leave

The District follows the requirements of the Family and Medical Leave Act of 1993, and issues that arise will be resolved by the terms of the Act (29 U.S.C. §2601, et seq.).

- A. Qualified employees may take up to twelve (12) weeks of leave per a twelve (12) month period:
1. For an employee's own serious health condition;
  2. To care for the employee's newborn child, newly-adopted child, or newly-fostered child/newly-placed child for foster care;
  3. To care for a spouse, a son or daughter, or parents with a serious health condition. (The term "parent" does not include a parent "in-law." Son or daughter refers to one's minor

child or a child over eighteen (18) incapable of self-care due to an ADA qualifying disability); or

4. For any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

Qualifying exigency is defined by the U.S. Department of Labor.

- B. Qualified employees may take up to twenty-six (26) weeks of leave to care for a spouse, son, daughter, parent, or next of kin who is a 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. Unlike other FMLA leave, an employee is only eligible for this leave during one (1) twelve (12) month period during their tenure with the District.

The District uses a twelve (12) month rolling period measured backwards from the date an employee uses FMLA leave. Eligible employees are required to first use Paid Leave or Acute Illness Leave (where eligible) instead of unpaid leave for FMLA purposes. But, upon receipt of a timely written request, the District will permit an employee to start an unpaid FMLA leave while retaining up to forty (40) hours of Paid Leave. All leave taken for any FMLA purpose is combined to determine how much FMLA has been taken.

An employee must provide thirty (30) days advance notice of the need for leave if the need is foreseeable or as much notice as practical for the situation. The employee shall make a reasonable effort when possible to schedule treatment so as not to disrupt unduly the operations of the District, subject to the approval of the employee's or family member's health care provider. When intermittent leave is provided, the District may require the employee to transfer temporarily during the period intermittent leave is provided to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

To be eligible for FMLA, an employee must have worked for the District for at least twelve (12) months and worked at least one thousand two hundred fifty (1,250) actual hours, excluding leave, during the twelve (12) month period preceding the start of the leave. A "serious health condition" is defined as one requiring either inpatient care or continuing treatment by a healthcare provider. (See the FMLA for more details.) Leave requests must be supported by a certification issued by a healthcare provider.

The District will maintain any pre-existing health coverage provided by the District during an FMLA leave period. The District may recover the premium paid for maintaining coverage for the employee if the employee fails to return from leave and the failure to return is due to a reason other than the following: continuation, returns, or onset of a serious health condition that entitles the employee to leave or other circumstances beyond the control of the employee.

Effective immediately, employees on FMLA leave (or any other leave) under this policy will accrue no paid leave or acute illness leave, nor will they be eligible for cell phone reimbursement. Further, unless otherwise required by applicable law, the District will make no

health insurance contributions after three (3) months following the expiration of FMLA. To maintain coverage, the employee must pay the applicable premium.

#### 4.06 Unauthorized Absence

No employee may be absent without the permission of his/her immediate Supervisor. An employee may be disciplined for any absence without authorization. After three (3) days of unauthorized absence, an employee's position may be declared vacant, and the employee's separation (position abandonment) may be processed. Employees may be terminated for shorter unauthorized absences.

#### 4.07 Leave of Absence without Pay (LWOP)

A Leave of Absence without Pay (LWOP) is any authorized, non-disciplinary unpaid absence. Employees must use all eligible Paid Leave and Acute Illness Leave prior to authorization of unpaid leave. Some laws concerning military leave may provide an exception. Regular Benefit-Eligible Employees on an authorized FMLA absence will be permitted to save forty (40) hours of Paid Leave if they submit a timely written request.

The Director may grant a leave of absence without pay for FMLA, VESSA, military leave, personal hardships, or other reasons in support of the District. An employee must provide thirty (30) days advance notice of the need for leave if the need is foreseeable or as much notice as practical for the situation. Leave requested due to a medical condition must be supported by a certification issued by a healthcare provider. Leave that is not legally mandated will be limited.

#### 4.08 IMRF Disability

IMRF-eligible employees who are disabled for over thirty (30) calendar days may be eligible for IMRF disability benefits when they are no longer receiving pay. Employees may use their Acute Illness Leave and Paid Leave during the thirty (30) day waiting period, e.g., if an employee takes three (3) weeks of Acute Illness Leave and then runs out of leave, on the 31<sup>st</sup> calendar day of absence, the employee may be eligible for IMRF benefits. Employees should apply directly to IMRF as soon as an absence that may qualify begins.

#### 4.09 Victims' Economic Security and Safety Act

The Victims' Economic Security and Safety Act (VESSA) provides an employee who is a victim of domestic or sexual violence or who has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee with up to twelve (12) weeks of unpaid leave per any twelve (12) month period to address issues arising from domestic or sexual violence (Public Act 93-0591.820 ILCS 180/1 and 56 Ill. Adm. 280).

VESSA leave may be taken to:

1. Seek medical attention for or recovery from physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member.
2. Obtain victim services for the employee or employee's family or household member.
3. Obtain psychological or other counseling for the employee or the employee's family or household member.

4. Participate in safety planning, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic or sexual violence or insure economic security.
5. Seek legal assistance to ensure the health and safety of the victim, including preparing for or participating in court proceedings related to the violence.

VESSA leave may be taken intermittently or on a reduced work schedule. VESSA defines a “family or household member” as 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. VESSA does not create a right to take unpaid leave that exceeds the unpaid leave allowed under FMLA.

#### 4.10 Military Leave

Eligible employees shall be granted military leave, reinstatement, pay, and/or benefits in accordance with applicable federal and state laws including USERRA. Employees shall notify their Supervisor of the need for military leave as soon as practical and shall work cooperatively with the Business Manager and their Supervisor to coordinate military leave, pay, and/or benefits. Employees who wish to be reinstated following a leave will follow all applicable District procedures.

#### 4.11 Death Leave

- A. When an employee or employee’s spouse or employee’s domestic partner has a death in the immediate family, a Department Head or the Director may grant up to three (3) days of paid leave to a Benefit-Eligible Employee. The three (3) days need not be consecutive. (This leave is not charged to the employee’s paid or acute leave.)
- B. For the purpose of this section, immediate family means a spouse, parent, legal guardian, grandparent, child, brother, sister, grandchild, or any relative living in the same household with the employee or dependent upon the employee’s care.
- C. The employee must notify their Supervisor of the need for such leave of absence within a reasonable period but no later than twenty-four (24) hours of the start of the actual absence.

#### 4.12 Jury Duty

Benefit-Eligible Employees who have been called for jury duty will be granted special leave and will be paid the difference between the compensation received from the court and their District salary for any hours in which they would have otherwise been scheduled to work.

#### 4.13 Inclement Weather

Regular Full-Time Employees will remain on duty during inclement weather. If an employee requests and is granted permission to not report to work or leave work early due to inclement weather, Paid Leave will be charged. The Director may direct employees to stay home or to leave the workplace and go home due to inclement weather, and Paid Leave will not be charged. Employees designated for emergency duties are still expected to report to work.

#### 4.14 Nursing Mothers in the Workplace

The Nursing Mothers in the Workplace Act (820 ILCS 260/1) requires an employer to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express milk. The District will not reduce an employee's compensation for the time used for the purpose of expressing milk. The District will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public for the employee to express breast milk. The break time may run concurrently with any break time already provided to the employee.

The Right to Breastfeed Act (740 ILCS 137/99) protects a mother's right to breastfeed in public. A mother may breastfeed in any location, public or private, where the mother is otherwise authorized to be.

The following facilities have established rooms for private pumping and nursing: the Cottage, Urbana Indoor Aquatic Center, Kerr Planning and Operations Facility, Crystal Lake Park Family Aquatic Center, Phillips Recreation Center, and Anita Purves Nature Center. These areas are available for employee or public use if requested or desired by a breastfeeding mother, but under no circumstances can staff ask a mother to nurse there instead of in a public space.

## 5.00 BENEFITS

### 5.01 Changes in Benefits

Regular Employees should contact the Business Office concerning any changes in benefits. The District may discontinue optional employee programs at its sole discretion.

### 5.02 Medical and Hospital Insurance

The District will enter into an annual or multi-year contract for medical insurance for its employees.

- A. Cost - The District pays a portion of the medical insurance premium for a standard plan single coverage for Benefit- Eligible Full-Time Employees and a portion of the premium for enrolled Benefit-Eligible Part-Time Employees based on hours worked. Employees may enroll eligible dependents. The employee pays the full cost for dependent insurance through pre-tax payroll deductions.
- B. COBRA - When an employee's covered dependent loses eligibility for coverage (age, no longer a full-time student, divorce, etc.), the employee must timely notify the Business Office and/or the carrier. Dependents may be eligible to continue coverage at their own cost through COBRA. Separating employees and their dependents may also be eligible to voluntarily elect the continuation of their health insurance coverage through COBRA. (See plan documents for details.)
- C. Early Retirement –
  - 1. If a Regular Full-Time Employee is eligible to retire on or before July 12, 2015, is between age sixty-two (62) and sixty-five (65), and has served the District for ten (10) consecutive years in a full-time benefit-eligible position, the District will continue to pay for the cost of the individual's District health care policy until the person reaches age sixty-five (65).
  - 2. If a Regular Full-Time Employee is eligible to retire after July 12, 2015, and was an employee of the District on or before October 9, 2012, is between age sixty-two (62) and sixty-five (65), and has served the District for twenty (20) consecutive years in a full-time benefit-eligible position, the District will continue to pay for the cost of the individual's District health care policy until the person reaches age sixty-five (65).
  - 3. If a Regular Full-Time Employee hired on or after October 9, 2012, is eligible to retire, is between age sixty-two (62) and sixty-five (65), and has served the District for twenty-five (25) consecutive years in a full-time benefit-eligible position, the District will continue to pay fifty percent (50%) of the cost of the individual's District health care policy until the person reaches age sixty-five (65).

### 5.03 Deferred Compensation Program

Benefit-Eligible Employees may voluntarily participate in a deferred compensation plan in order to save for their retirement on a pre-tax basis. This plan is available upon employment. The District does not contribute to employees' accounts. Regular Employees should contact the Business Office to obtain information.

### 5.04 Flexible Spending Account

Benefit-Eligible Employees may participate in a Section 125 cafeteria plan. The plan allows employees to pay their medical insurance premiums with untaxed earnings and/or establish a

medical or dependent care expense account. The employee authorizes separate payroll deductions for each program of interest. Questions concerning the plan should be directed to the Business Office.

#### 5.05 Employee Assistance Program

The District realizes that personal problems can affect an employee's job performance, health, family, and emotions. The District has arranged to provide Employee Assistance Program (EAP) services on a confidential basis. These services are available to Benefit-Eligible Employees. Information on the EAP services is available through the employee's Supervisor or the Business Office.

#### 5.06 Life Insurance

During employment, the District will obtain and maintain group term life insurance for Regular Full-Time Employees. This life insurance shall be equivalent to the employee's annual salary. Employees should refer to the plan description available from the Business Office for detailed information on this benefit.

#### 5.07 Illinois Municipal Retirement Fund (IMRF) Pension Program

The Illinois Municipal Retirement Fund (IMRF) provides eligible employees with retirement, disability, and death benefits. All employees in a position that is expected to require one thousand (1,000) hours of duty annually are required to participate in IMRF. IMRF determines the percentage contribution that must be made by the employee and the employer. The District makes regular contributions to the program from District funds in accordance with IMRF regulations and state law. Questions pertaining to specific benefits should be directed to the Business Office or IMRF ([www.imrf.org](http://www.imrf.org)).

State law provides that IMRF participants may convert unpaid sick leave to pension service credit upon retirement. The retiree receives one (1) month extra service for every twenty (20) days of unpaid sick leave. For the purpose of this benefit only, Acute Illness Leave shall be considered sick leave.

#### 5.08 Social Security and Medicare

All employees are covered under Social Security and will have payroll deductions made in accordance with current Social Security and Medicare regulations. Detailed information on benefits, eligibility, requirements, and account status is available from the local Social Security Administration Office or [www.ssa.gov](http://www.ssa.gov).

#### 5.09 Workers' Compensation

The District provides workers' compensation for an employee's injury, illness, or death that meets the provisions of the Illinois Workers' Compensation and Workers' Occupational Diseases Acts (820 ILCS, 305/1-30). Workers' compensation payments pay a portion of the employee's salary. Per District procedures, an employee receiving these payments may ask to use Paid Leave or Acute Illness Leave to supplement the District's workers' compensation payments in order to receive full pay.

#### 5.10 Credit Union

Benefit-Eligible Employees are eligible for membership in the Urbana Municipal Employees Credit Union. Regular Employees should contact the credit union directly with questions.

#### 5.11 Liability Insurance

The District carries liability coverage for claims against the District, its employees, and its volunteers; but the insurance may not provide coverage for willful misconduct, criminal conduct, fraud, or malicious acts of employees.

#### 5.12 Staff Fee Waiver Benefits

Benefit-Eligible Employees, the Board, and their immediate household family members may enroll in District programs at fifty percent (50%) discount once minimum enrollment has been met. This does not include flexible passes. Benefit-Eligible Employees and the Board may use the Lake House, Anita Purves Nature Center, Phillips Recreation Center, Brookens Gymnasium, or pavilions at a fifty percent (50%) discount off resident rates. Benefit-Eligible Employees and the Board may purchase passes for use of the Urbana Indoor Aquatic Center and Crystal Lake Park Family Aquatic Center at a fifty percent (50%) discount (daily admission and punch passes excluded), and rental rates will also be fifty percent (50%) off. As a part of the District's Employee Wellness Program, Benefit Eligible Employees may enroll in District fitness/wellness programs without fee once minimum enrollment has been met.

#### 5.13 Uniform, Protective Clothing, or Equipment Requirements

The District may provide uniforms or general protective clothing in generic sizes or equipment required as part of job performance because of a need to establish public identity, safety requirements or because the duties of the position cause unusual clothing depreciation. The Director determines the need for uniforms, protective clothing, or equipment.

#### 5.14 Housing

While the primary intent of the District is to purchase land for open space, the occasion may arise where a dwelling unit is situated on the purchased land. If, in the judgment of the Director, the house is of sound construction, it may be of benefit to maintain the dwelling for park purposes and for a tenant to reside in the house. Employees of the District may be tenants. The normal tenant/landlord relationship will exist according to the conditions of the lease.

#### 5.15 Employee Service Awards

The District will establish an employee awards program to appropriately recognize length of service by employees. The Director will determine the annual awards based upon service.

## 6.00 TRAINING, DEVELOPMENT, AND BUSINESS TRAVEL

### 6.01 Education

- A. The District encourages employees to continue their education. The employee must complete a Tuition Reimbursement/Payment Form and obtain approval for the tuition costs of all course work for which they are seeking reimbursement. Eligible courses must be directly and substantially related to improving the employee's productivity in their current job and must be in an accredited school or program. The employee must request and receive approval for the tuition reimbursement prior to enrolling in the course. Up to two (2) classes per year may be taken with a maximum reimbursement benefit (for tuition, fees and books) of twelve hundred dollars (\$1,200) per fiscal year. Tuition reimbursement requests will be approved based upon available funding. The District will cover the expense of books and tuition fees for enrollment and successful completion ("C" or better) of courses pre-authorized by the Director. A transcript and applicable receipts are required for reimbursement.
- B. The employee may request that the District pay course expenses in advance of completion of the course by completing the Tuition Advance form. This form authorizes the District to collect funds advanced in the event that the course is not successfully completed, documentation is not submitted, or the employee is separated from the District within twelve (12) months following course completion.

### 6.02 Participation in Professional Associations

The District encourages its staff to be involved with professional organizations that match the goals of the District, develop skills related to their work, and advance the recognition of the employee and the District. As such, any employee wishing to join a professional organization should discuss this with their immediate Supervisor and, upon approval of the appropriate Department Head or the Director, will have their professional dues paid for by the District.

### 6.03 Conferences and Seminars

Benefit-Eligible Employees may be authorized or directed to attend professional conferences, conventions, seminars, and/or technical meetings in order to meet District needs, including maintaining certification. With prior approval of the Director or Department Head and subject to budgetary provisions, an employee may attend such functions at District expense without loss of pay or use of leave. Reimbursable expenses may include registration fees, transportation, lodging, meals, and other legitimate expenses consistent with the District's procedures.

### 6.04 Business Travel

- A. Business travel will be authorized when it supports the needs of the District and funds are available. Business travel is not an employee benefit or entitlement.
- B. Employees must obtain advance approval from their Supervisor and the Director or their Department Head prior to any District business travel.
- C. The Director or Department Head will determine the mode of transportation and the District will assume the direct cost. Direct cost is the actual cost of public transportation or gasoline for a private or District vehicle. For out-of-town travel, every effort should be made by the employee to use a District vehicle or public transportation.

- D. Under normal circumstances, employees should use the most expedient mode of transportation available, book the least expensive fares, and stay in and eat at moderately-priced establishments.
- E. Employee expenses for approved travel will be paid or reimbursed according to the Policy Governing the Reimbursement of all Employee, Commissioner, and Officer Travel, Meal, and Lodging Expenses in accordance with the Local Government Travel Expense Control Act. Authorized expenses will be approved after timely submission of the required documentation.

## 7.00 DISTRICT PROPERTY AND FACILITIES

### 7.01 District Property

- A. Lockers; desks; vehicles; computers; pagers; cell phones; electronic devices; and any other District equipment, containers, and property that employees are permitted to use during their employment are and remain the property of the District. There is no expectation of privacy for an employee's use of property owned by or provided by the District or located in the workplace or used while in the course of the employee's duties regardless of ownership. The District reserves the right to inspect the contents of such property from time to time without notice to the employee and as needed for business-based purposes.
- B. District equipment should be handled with care and respect. If any employee breaks or loses any equipment due to willful negligence, the employee will be expected to pay for such damage or loss.
- C. Any District property furnished to an employee must be returned upon request at any time during the course of employment with the District or upon termination of employment with the District. An employee who fails to do so will be charged for the property. Legal proceedings will be initiated if necessary.

### 7.02 Personal Property

The District may inspect any personal property that is located on or in District property or used in the course of work when the immediate Supervisor, Department Head, or Director determines that there is reasonable suspicion of misconduct or in order to ensure safety for individuals or property. Employees are discouraged from having any personal property on District premises that is not needed in the course of the workday. Employees are not permitted to store any illegal or prohibited items or substances in or on such property. Personal property may include cell phones, PDAs, packages, parcels, purses, handbags, gym bags, briefcases, lunch boxes, or any other possessions or articles carried to and from District property.

### 7.03 Personal Use of District Property and Equipment

- A. The District provides a variety of communications equipment and services to promote the efficient conduct of business. Such equipment and services include, but are not limited to, telephones, photocopiers, facsimile machines, computer modems, cellular phones, pagers, priority mail, delivery services, and e-mail. All District communication equipment and the information transmitted by, received from, or stored in these systems are the property of the District and are provided for job-related purposes. Employees may only use such equipment for personal use in a manner that does not interfere with work or providing services. Such use shall be in accordance with District and department rules and may be further restricted or prohibited at any time.
- B. Property, equipment, and facilities owned by the District may not be used for private gain by any employee.
- C. Employees are not to use the addresses of District facilities or offices for receipt of personal mail.
- D. Employees are authorized to use District stationery and business cards only for District business.

- E. Access to the District's e-mail system is provided to all authorized staff for business use only. The District cannot and does not guarantee the privacy of documents and messages stored in District-owned files, desks, storage areas, or electronic media.
- F. To ensure that the use of computer, electronic and telephonic communications, and information storage systems and business equipment is consistent with the District's legitimate business interests and that such use does not violate any District rules, authorized representatives of the District may monitor the work and personal use of such equipment.
- G. It is recognized that occasionally employees will use District telephones, computers, and mobile communication devices for personal reasons. Employees are to limit personal use of telephone, computers, and communication devices.
- H. Keys may be assigned to an employee if that key is necessary to complete the employee's duties. Keys may be rescinded at any time. The appropriate Department Head may authorize the issuance of the key. The Superintendent of Planning and Operations will designate the responsibility for issuing keys and maintaining a record of keys issued. Keys must be returned and a receipt received for their return at the time of separation of the employee.

#### 7.04 Use of Vehicles for District Work

- A. While operating District vehicles or driving any vehicle while working, employees must adhere to the proper rules of the road, safety and courtesy, and all District rules. Any employee who operates a vehicle in the course of their employment must immediately report the suspension or revocation of their driver's license to their immediate Supervisor.
- B. The Director and Department Superintendents are considered on-call twenty-four (24) hours a day. It is required that these persons drive a District vehicle between home and work each day or are provided a vehicle stipend. The vehicles used by these persons for business use are also available for non-business use. All use of District vehicles must be recorded, and non-business use is subject to all applicable recordkeeping and taxation requirements.
- C. The Board may choose to provide an employee with a monthly car allowance in lieu of mileage reimbursement or a District-owned vehicle. The mileage rate and monthly car allowance will be reviewed annually and determined by the Board.
- D. The Board or Director may determine that the requirements of other positions may result in temporary assignment of a vehicle to be driven between the employee's residence and work location.
- E. Volunteers are not to drive District vehicles.
- F. Employees may be assigned to drive District vehicles by the appropriate Supervisor in accordance with District procedures.
- G. An employee's job responsibilities may require them to use their personal vehicle. If damage occurs to a personal vehicle, the employee's personal insurance will be the primary carrier, and the employee will be responsible for the deductible.
- H. The use of personal vehicles to transport program participants is not permitted under any circumstances.
- I. When an approved private automobile is used in the performance of duties, the employee will submit a mileage record and be reimbursed at the rate defined in the District's procedure manual.
- J. Employees are required to show the District a valid Illinois driver's license in the class required for the vehicles to be driven and a copy of the Illinois insurance card for each

vehicle that will be used. The District may check the validity of the license and the driving record of the employee and may review the record at any time. The employee is responsible for immediately reporting any changes in the status of their driver's license or loss of insurance. The District will cover the cost of upgrading an employee's license classification if it is necessary for the performance of duties.

- K. Any employee who may be expected to drive as part of their job duties either his/her personal vehicle or a District vehicle in the course of his/her normal duties will be required to have a valid driver's license with the proper classification for the vehicle(s) the employee is expected to operate. Before such an employee has started work and at the discretion of the District thereafter, the District will request a driver's license abstract review from the Illinois Secretary of State's office.
- L. In order to conduct District business, employees may be required to drive a vehicle rented from an outside agency. These rentals require prior approval of the Department Head and must be rented through the Business Office.
- M. Employees who drive a vehicle on District business must follow all laws, District rules, drive safely, and maintain the security of the vehicle and its contents. Employees are responsible for any infractions or fines as a result of their use of a personal or District vehicle on District business.
- N. Employees cannot, under any circumstances, operate any vehicle for District business when any physical or mental impairment causes the employee to be unable to drive safely. This includes, but is not limited to, circumstances in which the employee is unable to operate a vehicle safely or legally because of illness, medication, intoxication, sleepiness, or emotional or physical state.
- O. Employees may claim reimbursement for reasonable parking fees and tolls actually incurred while driving on District business.
- P. Employees must immediately report to the appropriate Department Head and the Business Office any personal injury, accident, theft, or damage (even minor damage) involving any vehicle used on District business. If the accident occurs on a public road and/or involves personal injury or property damage, the employee must also notify the police and complete an accident report.

#### 7.05 Use of Personal Property

An employee must obtain approval from the Department Head or a designee before using personal property on District premises. The employee must follow all District rules while using such property. The loss or theft of an employee's personal property from District premises is not the responsibility of the District. Should damage occur to personal property used in connection with an authorized work-related duty, the cost of repair or replacement may be submitted for consideration to the Director.

#### 7.06 Expense and Loss Reimbursement

The District will reimburse employees for necessary expenditures and losses that are incurred within the scope of employment and that are related to performing work for the District. The District will not reimburse employees for expenses that are incurred if they are not required by the District as part of the employee's job. Reimbursable expenses should be pre-approved. If an employee's personal property suffers damage because of his/her work, the cost of repair or replacement should be submitted for reimbursement consideration. The District does not reimburse for losses that are due to employee negligence, normal wear and tear or due to theft that was a result of the employee's own negligence.

To qualify for reimbursement, submit your reimbursement claim in writing to the Administration Office within thirty (30) days. When possible, the claim should include a detailed invoice from the vendor. Excessive expenses will be investigated. Falsified or exaggerated claims may result in disciplinary action. Any excess reimbursement or allowance must be returned within a reasonable time period.

## 8.00 EMPLOYEE CONDUCT AND DISCIPLINE

### 8.01 Conduct Policy

The District expects that all employees will perform their duties satisfactorily and conduct themselves appropriately at all times. The retention of an employee is contingent upon acceptable conduct and satisfactory performance of duties. The District may terminate any employee who fails to meet acceptable standards of conduct, including violations of any provision or rule in this Manual, or fails to perform satisfactorily. Any employee who violates or abuses any provision herein is subject to disciplinary action up to and including termination. These rules are not all inclusive.

In general these standards include:

1. That the employee is incompetent, negligent, or inefficient in work performance.
2. That the employee is habitually absent or tardy.
3. That the employee is absent from work without leave, fails to report absence, or fails to report to work after leave of absence has expired or been disapproved.
4. That the employee has failed to carry out duties as assigned.
5. That the employee is abusive with attitude, language, or conduct to fellow employees or the public in person or through electronic communication (i.e., social media, text message, email).
6. That the employee, through willful negligence, has caused damage or loss to public property.
7. That the employee consumes intoxicants or illegal drugs on the job or arrives at the worksite under the influence of intoxicants or illegal drugs.
8. That the employee falsifies any written records or requests.
9. That the employee is convicted of a felony that renders them ineligible for continued employment with the park District.

### 8.02 Progressive Discipline

- A. Termination is appropriate for a serious conduct violation or performance problem or for repeated conduct violations or performance problems of a less serious nature. In all other instances, progressive discipline may be used to try to correct the problem. The purpose of progressive discipline is to improve employee conduct and/or performance. The Director shall retain authority to decide which action is appropriate, including termination.
- B. Progressive discipline may include oral counseling, written warnings, suspensions, and/or performance evaluations. Supervisors may provide oral counseling, written warnings, and performance evaluations and may recommend suspension or termination. Department Heads with the approval of the Director may suspend or terminate an employee.
- C. A written report describing the conduct and the disciplinary action for each violation or occurrence is to be completed and placed in the employee's personnel file.

### 8.03 Compliance with District Policies, Procedures and Supervisory Directives

All employees are required to comply with all policies and procedures and supervisory directives established by the Board, Director, Department Heads, and immediate Supervisors of the District.

#### 8.04 Hours of Work and Punctuality

- A. The District provides services seven (7) days per week, on evenings, weekends, and holidays. Employees may be assigned alternative work schedules that are not within the normal work week.
- B. The normal work week for employees in non-exempt positions (regular, hourly full-time employees) is forty (40) hours. Daily hours of work are established by the Department Head or Director for each position and may be modified as needed to meet the District's needs.
- C. The normal work week schedule for employees in exempt positions shall be sufficient to complete the requirements of the positions. Office hours are established by the Department Head or Director.
- D. Employees in overtime-eligible or non-exempt positions as defined by the FLSA will complete a daily time record including starting time, time out for lunch, time in from lunch, quitting time, and total hours worked.
  - 1. Employees are not permitted to work overtime without prior approval from the immediate Supervisor. Thus, employees are prohibited from beginning early or ending work late.
  - 2. Employees should sign in and out accurately or punch in and out as close to the start and stop times as possible but, in no case, shall these activities be more than seven (7) minutes to either side of a work shift unless the hours recorded have been authorized by the Supervisor.
  - 3. Paid absences must be pre-approved by the Supervisor, including the use of compensatory time, using the District's request form with the original forwarded to the Business Office. The employee must also record the absence on the time record used for payroll.
  - 4. Authorized overtime/compensatory time must be recorded on the time record and approved by the immediate Supervisor.
  - 5. The filling out of another employee's time record, the falsification of any time record, or working overtime without authorization (with or without pay) is prohibited.
- E. Employees must report promptly at their designated starting time and devote their entire efforts during working hours to assigned duties.

#### 8.05 Absenteeism and Tardiness

- A. Attendance is an essential function of every employee's total job performance and is critical to the overall operation of the District. It is imperative that employees report to work regularly, promptly, and ready to perform the assigned duties throughout the entire workday. Continued irregular attendance or excessive tardiness as determined at the sole discretion of the District constitutes unsatisfactory performance and will result in disciplinary action. If an employee's attendance problem or tardiness is due to a serious medical condition or a disability under the ADA, the employee should notify the Supervisor of this fact and follow District procedures to request FMLA leave and/or reasonable accommodation. The Supervisor will seek help as needed to review the employee's request and to proceed appropriately.
- B. An employee and their Supervisor must have an agreed upon method of communication for the notification of tardiness or absence.
- C. An employee who is unable to arrive at work at their scheduled time must notify their Supervisor immediately. Employees are required to record the time they arrive at work and

may not record an earlier time. Failure to follow tardiness procedures or excess tardiness may result in discipline up to and including termination.

- D. Employees who follow these procedures and do not have any attendance problems may be permitted to alter their schedules to make up missed time at the discretion of their Supervisor and when the modification is in the interest of the District. Failure to inform the Supervisor in advance of tardiness or repeat instances of tardiness will generally result in a loss of pay for the time missed.
- E. Employees must provide a reasonable explanation for their absences or tardiness and a statement of when a return to work is expected. Employees may be required by their Supervisor to present a doctor's note or other documentation substantiating the length of and reasons for the absences or tardiness.
- F. Employees who fail to follow the procedures above may have their request for leave denied and may be subject to disciplinary action up to and including termination.
- G. No employee may be absent without the permission of the appropriate Supervisor. After three (3) days of unauthorized absence, an employee's position will be declared abandoned and the employee's separation will be processed. A letter will first be sent or delivered to the address of record for a Regular Full-Time and Part-Time Benefit-Eligible Employee notifying the employee that he/she is being separated due to position abandonment and providing the employee an opportunity to explain any exigencies that prevented proper notification. A timely and adequate explanation must be provided to justify the employee's failure to report to duty if that employee reapplies for the abandoned position.

#### 8.06 Emergency Closings

The Director or designee of the Director may declare emergency closure and notify employees of whether their leave will be paid.

#### 8.07 Proper Dress and Appearance

- A. The dress and personal appearance of employees convey to the public a general impression of the District. Employees are expected to dress in a manner appropriate to their position and to be neat and clean in appearance during working hours. Employees are also required to dress in a manner that does not create a safety hazard for themselves or others. Certain jobs within the District require employees to wear specific uniforms, personal protective equipment (PPE), nametags, etc. Employees holding these positions must wear the assigned apparel or PPE when on the job.
- B. Any employee who cannot comply with proper dress or appearance policy based upon disability, religion, or other legally recognized basis must submit a written request to the Department Head for an authorized deviation from this policy. This request should include the policy exception requested and the basis for the request.
- C. The District (including the Director, Department Heads, and immediate Supervisors) reserves the right to determine and modify the dress and appearance standards for employees at any time.

#### 8.08 Work Areas

The Director and Department Heads will establish standards to maintain work areas in a clean and orderly manner, and employees are responsible for maintaining their work areas to comply with the standards.

### 8.09 Security

In the interest of safety and protection of property and confidentiality, strict control over access to District property, records, computer information, and other items of value of a confidential nature must be maintained. Employees must exercise sound judgment and discretion to protect against theft, loss, or negligence. Employees must immediately report any security threat or loss of keys or property to their immediate Supervisor.

### 8.10 Drugs and Alcohol

- A. This Policy expresses the District's desire to satisfy the requirements of the federal and state Drug Free Workplace Acts (41 USCA §701 et seq. and 30 ILCS 580/1 et seq.).
- B. The District has implemented a Drug and Alcohol Abuse Policy in response to overwhelming evidence that drug and alcohol abuse has a detrimental effect on employees' health, job performance, safety, and efficiency. Since District employees operate, supervise, and maintain parks, facilities, programs, and equipment for use by members of the public and perform services that may have a direct effect on the health and safety of members of the public and fellow employees, the District wishes to assure the health and safety of its patrons and employees.
- C. The District is committed to a workplace that is free from the influence of alcohol and illegal drugs. Employees are prohibited from using, possessing, selling, purchasing, providing, manufacturing, or being under the influence of illegal drugs.
- D. Employees may only take prescription drugs when such drugs are legally prescribed for them. Employees are responsible for investigating the potential side effects of any medication they use and taking appropriate action to ensure that the use of the medication does not present a danger to themselves or others in the workplace or during working hours. If the prescription drug has the potential of causing safety problems, the Supervisor may grant the employee sick leave or temporarily assign the employee to non-hazardous duties, as long as the employee is taking the prescription medicine and there is temporary work that needs to be completed.
- E. Employees are prohibited from consuming or being under the influence of alcohol or controlled substances at any time during the workday, including unpaid lunch breaks or while operating District equipment or a District-owned or rented vehicle or while on District property.
- F. The purpose of this policy is to inform employees of the District's investigation, treatment, and disciplinary policy relating to drugs and alcohol. All employees are expected to comply with and abide by these policies.
- G. Any employee who violates this policy will be subject to appropriate disciplinary action up to and including termination.
- H. The District adopts as a part of its Personnel Policy the "Drug and Alcohol Compliance Testing Policy and Procedures" as set forth in Appendix A of the Manual. The purpose of the compliance testing policy and procedures is to comply with the Federal Motor Carrier Safety Administration (FMCSA) regulations on drug and alcohol abuse as set forth in 49 CFR Part 40 and Part 382.

This policy does not replace any of the provisions or requirements of the District's Drug and Alcohol Compliance Testing Policy for positions that require a commercial driver's license (CDL). District employees who operate District commercial motor vehicles and possess a commercial driver's license have special responsibilities necessitated by the fact that they operate vehicles that require additional skill and attentiveness over that of non-commercial motor vehicles. As part of its continuing commitment to safety and to comply with federal law, the District has established a controlled substance and alcohol testing policy for District positions that require a commercial driver's license ("CDL Testing Policy – See Appendix B"). The District recognizes that it is important to establish programs to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

The CDL Testing Policy is in addition to and supplements and complements rather than supersedes all other District policies, rules, procedures, and practices, including without limitation this Drug and Alcohol Abuse Policy. However, for persons to whom the CDL Testing Policy applies, in the event of any conflict between any of the provisions of the CDL Testing Policy and the provisions of any other District policy, rule, procedure, or practice, the provisions of the CDL Testing Policy will control.

#### 8.11 Harassment and Discrimination

It is the policy of the District to maintain a working environment free from all forms of harassment or intimidation. The rules of conduct described herein apply to general harassment and sexual harassment. All employees are expected to conduct themselves in a professional manner and treat others with respect, fairness, and dignity. The District prohibits and does not tolerate harassment or discrimination, including any behavior, comments, jokes, slurs, e-mail or text messages, pictures, or other conduct that contributes to an intimidating or offensive environment. Employees must comply with applicable federal, state, and local statutes prohibiting discrimination or harassment based on any unlawful factor including, but not limited to, race, color, religion, age, sex, pregnancy, disability, national origin, ancestry, medical condition or disability, veteran status, marital status, gender identity, and sexual orientation. No employee shall retaliate against another employee for raising a complaint in good faith or for honestly participating in an investigation.

Any employee who violates this policy will be subject to appropriate disciplinary action up to and including termination.

#### 8.12 General Harassment

General harassment is the unwelcome behavior of one (1) or more employees directed at another employee or group of employees that would give an employee reasonable cause to feel threatened, intimidated, insulted, excluded, and/or humiliated. The District prohibits and does not tolerate general harassment.

#### 8.13 Sexual Harassment

##### A. Prohibition on Sexual Harassment

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights

Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the Urbana Park District to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

#### B. Definition of Sexual Harassment

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as: Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes:

Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.

Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

#### C. Procedure for Reporting an Allegation of Sexual Harassment

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

*Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

*Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, human resources, or the Executive Director.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

*Resolution Outside Municipality.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

#### D. Prohibition on Retaliation for Reporting Sexual Harassment Allegations

No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of

employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

#### E. Consequences of a Violation of the Prohibition on Sexual Harassment

In addition to any and all other discipline that may be applicable pursuant to municipal 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 the municipality 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 the municipality 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.

F. Consequences for Knowingly Making a False Report

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

8.14 Stopping and Reporting Discrimination or Harassment

- A. Employees who feel that they may have been subjected to discrimination or general or sexual harassment or who have observed another employee being subjected to the same should immediately file a written complaint with their Supervisor.
- B. Employees who do not feel comfortable filing a report with their Supervisor may file a report with their Department Head or Human Resources.
- C. Employees who do not feel comfortable preparing a written complaint may start the complaint process by verbally notifying their Supervisor.
- D. Employees who are experiencing unwanted behavior that they believe does not yet rise to the level of unlawful discrimination or harassment are encouraged to communicate directly with the person engaging in the behavior.
- E. Supervisors are expected to be familiar with District standards on harassment and discrimination and with relevant federal, state, and local laws. Supervisors are expected to help employees stop unwanted, inappropriate behavior as soon as they become aware of the problem and to investigate or refer for investigation allegations of or suspected unlawful acts. When a Supervisor becomes aware of an allegation or suspects that harassment may be occurring, it must be investigated even if the employee does not "file" a complaint. A Supervisor who fails to take proper action shall be disciplined up to and including termination.
- F. All reports of discrimination or harassment will be investigated. Supervisors should refer to District procedures for further information.
- G. All employees who are questioned concerning an allegation of discrimination or harassment shall cooperate and shall provide complete and honest information. Making an intentionally or knowingly false allegation or response to an allegation is a serious violation of policy and may result in discipline up to and including termination.

### 8.15 Workplace Relationships

Employees who voluntarily enter into a close personal relationship with each other while employed by the District are expected to maintain their professionalism on the job and to prevent their personal relationships from interfering or disrupting their jobs or the workplace at all times. Employees who are in such a relationship with a direct or indirect subordinate will report the relationship in writing to the Department Head, Human Resources, or the Director. The Director will determine if any action is needed to prevent a real or perceived conflict. A report of the action to be taken, if any, will be signed by the couple.

### 8.16 Workplace Violence

The District will not tolerate violence of any kind. An employee who feels an immediate threat from any individual should take action to maintain safety and contact the police and/or a District official as appropriate. District employees are prohibited from engaging in violence of any kind. Violence includes physically harming another; stalking, following, or unduly watching another; pushing, shoving, threatening, harassing, intimidating, displaying undue anger, throwing or kicking another; or brandishing a weapon or another item that could be used as a weapon. Violence also includes any communication that reasonably could make another feel frightened or threatened. Such violence is prohibited by any employee during work hours or on District property even when the behavior is not directed at another employee or customer but has a negative effect on others.

Off-duty violence that has the effect of threatening, intimidating, or harassing a Commissioner, employee, contractor, supplier, or customer is also prohibited.

Employees who feel that they may have been subjected to, have observed, or are otherwise aware of such violent behavior should contact their immediate Supervisor or Human Resources. All reports will be investigated. Any employee who violates this policy will be subject to appropriate disciplinary action up to and including termination.

### 8.17 Gambling

Gambling including, but not limited to, playing cards for money, booking bets, conducting lotteries, or organizing gambling activities while on the job or District property during non-work hours may be grounds for disciplinary action up to and including termination. The purchase of lottery tickets (individually or in groups) or participation in sports pools or raffles during non-work hours is not prohibited by this policy.

### 8.18 Fighting

Fighting by employees while on the job or while on District property during non-working hours will not be tolerated and will be grounds for disciplinary action up to and including termination.

### 8.19 Tobacco Use

It is the policy of the District to control tobacco use on all of the District's parks and facilities in order to provide and maintain a safe and healthy work environment for all. Tobacco use is defined as the "act of chewing, lighting, smoking or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind."

The Tobacco-Free Workplace policy applies to:

1. All areas of facilities and work sponsored by the District;
2. All vehicles and equipment owned or leased by the District; and
3. All intermittent and seasonal employees, including interns.

Tobacco use is permitted outdoors during breaks or when off duty at least fifteen (15) feet from a door and when there are no children present. Tobacco use in parks is discouraged.

#### 8.20 Reporting Improper or Unsafe Activities

Employees are expected to conduct themselves in the best interests of the District at all times. Employees who suspect or know that another employee has engaged in unlawful or unsafe conduct while on duty must report such misconduct to their Supervisor or other appropriate official.

#### 8.21 Abused and Neglected Child Reporting Act

An employee of the District who has direct contact with child participants is required by the Illinois law to comply with the Abused and Neglected Child Reporting Act (325 ILCS 5/1 et seq.). This means that the employee is required to report or cause a report to be made to the child abuse hotline number (1-800-25A-BUSE) whenever the employee has reasonable cause to believe that a child known to the employee in the employee's professional or official capacity may be abused or neglected. The Illinois Department of Children and Family Services (DCFS) is the state agency given the responsibility to conduct investigations of child maltreatment. The law provides protection to "required reporters" against retaliation for reports filed in good faith.

Although it is not mandatory under the Act, the District requires that the employee notify their Supervisor or the Department Head that such a report has been made. Failure to comply with this internal notification requirement may be grounds for disciplinary action including termination. Under the Act, if the employee willfully and knowingly fails to report suspected child abuse or neglect, the employee may be found guilty of a Class A misdemeanor.

#### 8.22 Communicable Diseases

- A. Employees - Employees with communicable diseases may be permitted to retain their employment with the District only upon condition that the communicable disease will not create an undue hardship to the District and there is no reasonable risk of transmission of the disease to employees of the District and/or users of District facilities or programs.
- B. Review Procedures - Upon being informed that an employee has or is reasonably suspected of having a communicable disease, the District may temporarily exclude the employee from work with pay pending a physical and/or medical examination of the employee to determine the communicable disease, if any, and the potential for transmission of the disease. The employee shall be evaluated by a physician and/or medical staff selected by the District. Every effort shall be made to complete the physical and/or medical examination in a timely and prompt manner.
- C. Confidentiality - The employee's medical condition shall be disclosed only to the extent necessary to minimize the health risk to other District employees and District patrons.

- D. Dismissal - If the Director, based upon the medical and physical examination, determines that the employee's communicable disease is a serious health risk to other District employees and/or District patrons, the employee may be terminated.
- E. Continued Employment - If the employee's communicable disease does not create an immediate danger to employees and/or patrons, the District retains the right to periodically conduct a physical and medical examination upon the employee to re-evaluate whether the employee's communicable disease permits continued employment. If the subsequent medical and/or physical examination reveal that the employee's communicable disease is unsafe to employees and/or patrons, the employee will be terminated.

#### 8.23 Blood-Borne Pathogens Exposure Control

The Director will establish a written Blood-Borne Pathogens Exposure Control Plan for procedures that address occupational exposure to blood and other potentially-infectious materials. The plan outlines methods of compliance, hepatitis B vaccination, post-exposure evaluation and follow-up, communication of hazards, training, and recordkeeping. Employees are expected to know and follow these procedures.

#### 8.24 Political Activity

Political campaign activities or promotions of any kind by employees are not permitted anywhere during working time. Employees are prohibited from using District resources, equipment, letterhead, or e-mail to engage in any political activity. No District employee shall use a District position to endorse a political candidate or activity or to require or encourage another District employee to engage in a prohibited political activity.

#### 8.25 Solicitation and Distribution

- A. Solicitation, distribution, or circulation of any non-work-related printed materials or e-mails by employees is not permitted anywhere during working time (the time employees are performing job duties) and non-working time (lunch and rest periods) on District premises or in areas where employees are working under conditions where it will interfere with other employees who are working or with the use of District property by the general public.
- B. Solicitation, distribution, or circulation of any printed materials by non-employees on behalf of any individual, organization, group, or society is not permitted at any time in non-public areas or in public areas where it will interfere with employees who are working or with the use of District property by the general public.
- C. Employees shall not use their District position or District resources, equipment, letterhead, or e-mail for non-work-related solicitation of any type.
- D. The District authorizes certain staff to serve in community groups (AMBUCS, Optimist Club, Kiwanis, Rotary, etc.). Information in regards to these groups or other local, not-for-profit groups may be circulated.

#### 8.26 Gifts to District Employees or Officials

Employees or officials may only accept nominal gifts totaling less than \$100.00 per year from any one (1) person or entity. Gifts are defined by the Illinois State Officials and Employees and Ethics Act as "any gratuity, discount, entertainment, hospitality, loan, forbearance or other tangible or intangible item having monetary value, including, but not limited to, cash, food and

drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer.”

#### 8.27 Conflict of Interest

It is the responsibility of every District employee to disclose any personal or financial interest in any person, firm, company, or business entity doing business with the District. This information is required to determine whether any undue or special influence may be involved in sales to or purchases from the District. Such disclosure must be made in writing by the employee to the Director for review of a potential conflict of interest. Employees in a supervisory capacity or authorized to purchase equipment may also be required to file a Statement of Economic Interest as required by Illinois Law.

#### 8.28 Gifts and Donations to the District

- A. Other than nominal gifts, only the Board has the legal authority to accept gifts on behalf of the District. Acceptance of any gifts shall be tentative until approved by the Board at a duly-authorized meeting.
- B. Acceptance and acknowledgement of gifts to the District will be in accordance with the District's Gift Acceptance Policy.

#### 8.29 Awards, Recognition, and Official Representation

- A. Only the Board has the authority to accept awards on behalf of the Park District. The Director should be informed promptly by any person receiving notification of an impending award or citation to the District.
- B. Citations received in writing without an award ceremony may be acknowledged by the Director.
- C. Only the Board president, a commissioner, or an individual designated by the Board will represent the District before groups to receive major awards.

#### 8.30 Official Representatives

- A. The Director or members of the Board may represent the District in any group where major policy matters are being considered if they have been designated by the president with concurrence by the Board.
- B. No employee is authorized to represent the District on any matter unless such is part of the employee's assigned normal duties and consistent with existing policy.
- C. If an employee is asked by an outside group to represent the District at any function not normally part of the employee's normal duties, the employee shall immediately inform the Director. The Director will determine the appropriate representative for the function.

#### 8.31 Board Meeting Attendance

All employees are invited to attend any public meetings of the Advisory Committee or Board during their own time. The Director may require certain staff members to attend Board meetings in conjunction with their duties. Such time shall be considered work hours for employees so directed.

## 9.00 SAFETY IN THE WORKPLACE

### 9.01 On-the-Job Safety

It is the policy of the District to comply with all applicable federal, state, and local health and safety regulations; to provide a work environment as free as practical from recognized hazards; and to establish safety rules as needed. Employees are expected to be familiar with and follow the District's Safety Manual. Employees must comply with all safety and health rules and strive to create and maintain a safe working environment.

The Director will establish comprehensive safety policies, procedures, guidelines, and rules.

- A. Safety while on the job is the responsibility of every employee of the District. Employees must comply with all safety and health requirements whether established by the District or by federal, state, or local laws.
- B. Employees must exercise caution and observe all safety rules and regulations applicable to their respective positions and the operation of equipment or use of tools.
- C. Various items of safety clothing or equipment will be made available to employees for their own protection and the protection of fellow workers. This personal protective equipment (PPE) must be properly worn, used, and maintained by employees when engaged in work requiring them. Employees who fail to comply are subject to disciplinary action up to and including termination.
- D. Employees are expected to be alert for and to report to their immediate Supervisor any safety hazards that could affect the public or employees of the District.
- E. Violation of safety rules, regulations, or procedures will result in disciplinary action up to and including termination.

### 9.02 Reporting On-the-Job Accidents and Incidents

- A. If an employee is injured in the performance of assigned duties, the employee must report such injury immediately—regardless of the severity—to their Supervisor and report to the District's occupational medical provider or to a physician of the employee's choice. In cases of emergency, the employee should go to or be transported to the nearest medical service for treatment.
- B. The Supervisor will immediately notify the District Business Office and give all information related to the employee injury.
- C. If the employee seeks medical care for a work-related injury at any time, within twenty-four (24) hours the employee is responsible for submitting an accident report to the Business Office, in addition to their Supervisor, and giving all information related to the injury: date, time, and location of accident; exact cause and circumstances of injury; witnesses; nature and location of injury; name of attending physician; and other required information.
- D. The Business Office will notify the insurance company carrying the policy for workers' compensation and provide all necessary information.

### 9.03 Return-to-Work Program

The District may provide a Return-to-Work Program including temporary alternative duty that will give eligible employees an opportunity to return to work as quickly as possible to meaningful, productive employment following a work-related injury or illness. These programs

apply when an employee has recovered sufficiently to return to work but is temporarily unable to return to his/her regular duties.

The Director will develop procedures and guidelines by which such an employee may return to work in a temporary, alternative assignment pending his/her full recovery. The purpose of the Return-to-Work Program is to establish a program consistent with the District's Safety/Loss Control Program that enables an employee to continue using their skills, knowledge, and abilities while temporarily restricted by a work-related injury or illness. It is to ensure that employees who have incurred a disabling medical condition adhere to all therapeutic instructions of their physicians or other attending medical authority for their own personal well-being and rehabilitation.

Temporary alternative duty assignments are at the discretion of the District. The District reserves the right to request a physician's statement and recommendation for temporary alternative duty.

An employee will not be allowed to return to work after an injury unless he/she has supplied the District with a statement from his/her attending physician or another physician recognized as authoritative by the District stating that he/she is physically capable of performing the essential functions of his/her job without posing a meaningful risk of further injuring himself/herself or others.

Employees will follow the District's Return-to-Work program. If restricted duty is available, then the physician's statement should contain a description of any limitations on the scope of his/her physical abilities and the anticipated duration of those limitations. An employee may be required to get a second opinion at the District's expense.

In the event that the individual's mental or physical condition affects his/her ability to perform the job, the District shall consider what reasonable accommodations may be made to the work environment or job duties in order to accommodate qualified disabled individuals. When reasonable accommodations are not feasible and where a physical or mental condition impairs the individual's ability to meet normal job performance standards, such factor(s) may disqualify the individual from employment.

#### 9.04 Safety Committee

The District created a Safety Committee to assist District employees in providing safe and efficient operations and services for employees and patrons. The Safety Committee develops safety policies and procedures; identifies unsafe work practices and conditions and makes recommendations for improvements; develops and implements a safety training program; encourages feedback from all levels of the District with regards to problems, ideas, and solutions related to safety; engages in accident prevention and develops recommendations for preventive measures; conducts accident investigations; provides supporting information for the annual IPARKS risk management assessment; and develops and maintains the District's comprehensive loss prevention program.

#### 9.05 Accidents with District-Owned Vehicles

All accidents involving District-owned vehicles, regardless of the degree of severity, must be reported to the appropriate Department Head and the Business Office immediately. The employee(s) involved will submit a written accident report within twenty-four (24) hours to the appropriate Department Head and the Business Office.

Police shall be called immediately for any vehicle accident, no matter how slight, with the exception of a District vehicle damaging District property.

#### 9.06 Accidents to Patrons

- A. First-aid and emergency procedures will be established by the District. Employees will be trained in these procedures and are responsible for following them. First-aid supplies and equipment will be supplied in all program areas. The employee in charge of each program is responsible for the orderly maintenance of first-aid supplies. The immediate Supervisor of each program or work area is responsible for implementing emergency action procedures and first-aid actions.
- B. Automated External Defibrillators (AEDs) will be placed in all indoor public buildings where programs occur.
- C. All accidents must be reported by employees on accident report forms provided by the District. The original accident report must be submitted within twenty-four (24) hours to the Business Office, and a copy should be kept in the immediate Supervisor's files with a copy going to the appropriate Department Head.
- D. Employees are not trained, equipped, or assigned to transport an injured patron and are prohibited from doing so. Employees are to contact 911 if emergency help is needed.
- E. Employees should be aware that District program participants and users do not have any medical/hospital insurance through the District.

## 10.00 GRIEVANCE PROCESS AND PROCEDURE

### 10.01 Grievance Process and Procedure Dismissal

Any employee who has a grievance for dismissal has the right of appeal under the following procedure. The grievance procedure is an advisory process, and it does not alter the District's ability and right to take any disciplinary action the District deems appropriate at any time up to and including termination. The grievance procedure does not guarantee any employee any specific procedural rights, and the District may deviate from the procedure at any time.

- A. Grievances may be resolved at any step in the grievance process. Grievances are to be fully processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.
  1. After notifying his or her Supervisor, the employee may file a written grievance with his or her Department Head within five (5) working days of receiving a response from the Supervisor. The Department Head will investigate the grievance and respond to the employee's grievance within fifteen (15) working days of receiving the grievance. If a satisfactory resolution is not reached, the employee may proceed to step 2.
  2. After notifying the Department Head, the employee may file the grievance with the Director who will respond within fifteen (15) working days of receipt of the grievance. If the grievance is not resolved with the Director, the employee may proceed to step 3.
  3. After notifying the Director, the employee may file a written appeal with the Board. The Board or its designee will make provisions to review the Director's decision and hear the appeal of the employee. The decision of the Board is final and will be sent in writing to the employee.
- B. The District shall try to follow the time frames above or communicate the reasons for any delay to the employee. The District's failure to do so will not affect the resolution of the grievance.
- C. Appropriate confidentiality shall be maintained. All employees involved in the investigation or resolution of a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary information or advice.

## 11.00 SEPARATION FROM EMPLOYMENT

### 11.01 Separation

Upon separation, a qualified employee will receive Paid Leave as outlined in this Manual. An employee may also qualify for continuation of medical benefits at his/her own expense through COBRA. Employees who participated in IMRF may request a separation refund from IMRF subject to the rules and regulations of IMRF. All keys, credit cards, electronic equipment, procurement cards, and other District property must be turned in to the appropriate office before separation.

### 11.02 Voluntary Resignation Process

An employee wishing to resign a position in good standing must give at least two (2) weeks' notice in order that the District may make proper provisions for filling the position. The Department Head may consent to an employee leaving prior to the effective date provided in the notice of resignation. No notice shall be required for resignations due to serious medical conditions.

### 11.03 Retirement Process

The District contributes to IMRF and has an authorized agent who helps the District adhere to IMRF requirements. All benefits are determined and administered by IMRF. It is very important for employees to review IMRF publications and to apply for benefits directly with IMRF. IMRF recommends that employees take specific steps during the two (2) years proceeding retirement including:

1. Contacting the District's authorized agent three (3) to six (6) months prior to retirement.
2. Submitting a retirement application to IMRF thirty (30) days prior to retirement.

Employees should refer to IMRF Retirement information provided by IMRF. The District requests as much advance notice of retirement as possible or at least ninety (90) days.

### 11.04 Reference Release

The District complies with all federal, state, and local laws concerning the dissemination of information to prospective employers regarding current and former employees. Verification of employment may include positions held, dates of employment, and last pay rate. This information may be provided verbally. No information, other than verification of employment, will be disclosed without the employee's prior written authorization or authorization by the Director. Reference checks are provided in writing and are handled by the Business Office.

The Director may authorize release of a reference when required by state or federal law or in the interest of public policy, even without the employee's consent.

References may be provided verbally or in writing for past and current employees and interns with written permission from the employee or intern.

11.05 Re-employment

- A. An employee who has resigned from District service in good standing and who is subsequently re-employed is considered a new employee.
- B. An employee who resigns while disciplinary action is pending against him is not eligible for re-employment.

## APPENDIX A

### DRUG AND ALCOHOL COMPLIANCE TESTING POLICY AND PROCEDURES

#### PURPOSE

This Policy also expresses the District's desire to satisfy the requirements of the federal and state Drug Free Workplace Acts (41 USCA §701 et seq. and 30 ILCS 580/1 et seq.). In accordance with these statutes and concerns, the District has resolved to maintain a drug free workplace.

The purpose of this Policy is to inform employees of the District's investigation, treatment, and disciplinary policy relating to Drugs and Alcohol. As such, all District employees will abide by its terms. As with all policies in this Manual, this Policy is subject to periodic addition, modification, or deletion.

This Policy does not replace any of the provisions or requirements of the District's Controlled Substance and Alcohol Testing Policy for positions that require a commercial driver's license (CDL). (See Appendix B.)

#### ACTS PROHIBITED

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis and alcohol, is prohibited on District property or while acting on behalf of the District.

#### DEFINITIONS

For purposes of this Policy, the following definitions apply:

- A. Alcohol means any substance containing any form of alcohol including, but not limited to: ethanol, methanol, propanol, and isopropanol.
- B. Cannabis is defined as provided in the Cannabis Control Act (720 ILCS 550/1 et seq.), which provisions are specifically incorporated in this Policy by reference.
- C. Controlled Substance means a controlled substance in schedules I through V of section 812 of Title 21 of the United States Code, which provisions are specifically incorporated in this Policy by reference.
- D. Criminal Drug Statute means a criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance or cannabis.
- E. Director is the Executive Director of Parks and Recreation of the District.
- F. District Property means any building, park, gym, pool, office, common area, open space, vehicle, parking lot, or other area owned, leased, managed, used, or controlled by the District. District Property also includes property used by District patrons while on District sponsored events or field trips or property of others when presence thereon by the District employee is related to employment with the District.
- G. Drugs mean Legal Drugs and controlled substances, including cannabis.
- H. Legal Drugs mean prescription drugs and over-the-counter drugs which have been obtained legally and are being used in the manner and for the purpose for which they were prescribed or manufactured.
- I. Medical Facility means any physician, laboratory, clinic, hospital, or other similar entity.
- J. Policy means this Drug and Alcohol Abuse Policy of the District.

- K. Possess means to have either in or on an employee's person, personal effects, desk, files, or other similar area.
- L. Public Safety Responsibility means a position in which the nature of an employee's duties is such that impaired perception, reaction time, or judgment may place a member or members of the public or other employees at risk of serious bodily harm or is responsible for the administration or enforcement of alcohol/drug policies.
- M. Under the Influence means that the employee is affected by alcohol or drugs in any determinable manner. A determination of being under the influence can be established by a professional opinion, a scientifically-valid test, a layperson's opinion, or the statement of a witness.

### VOLUNTARY TREATMENT

It is the responsibility of each employee to seek assistance before Alcohol or Drug problems lead to disciplinary action. The District will not discipline an employee who voluntarily seeks treatment for a substance abuse problem if the employee is not in violation of the District's Policy or other rules of conduct. Seeking such assistance will not be a defense for violating the District's Policy, nor will it excuse or limit the employee's obligation to meet the District's policies, rules of conduct, and standards including, but not limited to, those regarding attendance, job performance, and safe and sober behavior on the job. Employees who suffer from Alcohol or Drug abuse are encouraged to consult voluntarily with District management and undergo appropriate medical treatment. Participation in such treatment will be at the employee's expense, although some of these expenses may be covered under the employee's group health plan. Employees should see Human Resources for details. District management will attempt to keep such voluntary discussions and medical treatment confidential in accordance with this Policy.

### SCREENING AND TESTING

The District may require employees whose job functions require them to operate or maintain vehicles or machinery, handle hazardous or toxic materials or substances of any kind, or have Public Safety Responsibility to be screened or tested on a random basis or may require any employee to be screened or tested following a workplace accident involving a possible violation of safety rules, during and after an employee's participation in an alcohol or drug counseling or rehabilitation program, or upon reasonable suspicion that the employee is under the influence of Alcohol or Drugs. The screening or testing will be conducted by a Medical Facility selected by the District at the District's expense. The screening or testing may require an analysis of the employee's breath, urine and/or blood, or such similar substance as the Medical Facility may recommend. Employees who undergo Alcohol or Drug screening or testing will be given the opportunity, prior to the collection of a specimen or other testing, to disclose the use of Legal Drugs and to explain the circumstance of their use. If an initial test is positive, a second test will be conducted from the same sample. A confirmed positive Drug and/or Alcohol test may result in disciplinary action up to and including termination.

Each employee and prospective employee may be required to sign a separate consent form requested by the Medical Facility conducting the screening or testing. Refusal to sign any requested consent form will result in non-hire or disciplinary action up to and including termination as deemed appropriate by the District in its sole discretion under the circumstances.

## TREATMENT

If the Medical Facility recommends treatment, the District may, depending on the circumstances as determined in the sole discretion of the District, give the employee one (1) opportunity to undergo treatment offered by a clinic or trained professional mutually acceptable to the District and employee.

Participation in such treatment will be at the employee's expense. The employee must enter the treatment program within ten (10) days from the time of recommendation of treatment. The District may reinstate the employee provided that the employee submits a statement issued by the Medical Facility certifying successful completion of the treatment program, that the employee is released to return to work, and that the employee agrees to all conditions of reinstatement as determined by the District, which may include, but is not limited to, future Alcohol and/or Drug testing.

## USE OF LEGAL DRUGS

Any employee who operates or maintains a vehicle or machinery, handles hazardous materials or substances of any kind, or has Public Safety Responsibility and who has taken a Legal Drug must report the use of such Legal Drug to their immediate Supervisor if the Legal Drug may cause drowsiness or if it may alter judgment, perception, or reaction time. The burden is on the employee to ascertain from the employee's doctor or pharmacist whether or not the Legal Drug may have such a potential side effect. The information will be retained by the District in a confidential manner and will be disclosed only to persons who need to know. The employee's immediate Supervisor, after conferring with the Department Head or Director, will decide whether or not the employee may safely continue to perform the job while using the Legal Drug. Failure to declare the use of such Legal Drugs may be cause for discipline up to and including termination.

## NOTICE OF CONVICTIONS

Any employee who is convicted of violating any federal or state criminal drug statute must notify the Director within five (5) days of such conviction. For purposes of this notice requirement, a conviction includes a finding of guilt, a no contest plea, and/or an imposition of sentence by any judicial body for any violation of a criminal statute involving the unlawful manufacture, distribution, sale, dispensation, possession, or use of any Controlled Substance or Cannabis. Failure to notify the Director may subject the employee to disciplinary action up to and including termination.

## DISCIPLINE/PENALTIES FOR VIOLATION

A. An employee who reports to work or is found during working hours to be or to have been Under the Influence of Alcohol, Controlled Substances, or Cannabis or who manufactures, possesses, uses, sells or dispenses Alcohol, Controlled Substances, or Cannabis while on District property or while acting on behalf of the District, is convicted of a drug-related crime, causes financial or physical damage to the District property, its employees or patrons as the result of Alcohol or Drug abuse, or fails to report the use of Legal Drugs in accordance with this Policy, will be subject to discipline up to and including termination. The District may require the employee to successfully complete an Alcohol and/or Drug abuse assistance

or rehabilitation program approved for such purposes by the District and by a federal, state, or local health law enforcement or other appropriate agency. An employee who participates in a treatment program will be expected to meet job performance standards and comply with all rules established by the District. Participation in a treatment program will not, in itself, protect the employee from disciplinary actions should job performance remain unsatisfactory.

- B. In addition to the examples of misconduct that may subject an employee to disciplinary action contained in this Policy and the Manual, the District will discipline an employee up to and including termination for the following:
1. If the employee refuses to submit to diagnosis, testing, or screening upon request of the District;
  2. If the employee tampers in any way with the specimen given to the Medical Facility for purposes of Alcohol or Drug screening or testing;
  3. If the Medical Facility recommends treatment and the employee refuses to undergo such treatment;
  4. If, while undergoing treatment, the employee fails or refuses to follow the course of treatment;
  5. If the employee, during the course of or following treatment, is again Under the Influence of Alcohol or Drugs in violation of this Policy; or,
  6. If the employee fails to notify the Director of a conviction for violating any federal or state criminal drug statute in accordance with the "Notice of Conviction" section of this Policy.

### INSPECTIONS

In order to assure that employees comply with the prohibition on manufacturing, distributing, dispensing, possessing, or using Alcohol, Controlled Substances, or Cannabis, employees may be subject to inspection as follows:

- A. Lockers, desks, files, vehicles, equipment and other containers and property owned or leased by the District and which an employee is permitted to use during employment with the District are and remain the property of the District. Employees are not permitted to keep Controlled Substances, Cannabis, or Alcohol in or on such property. Any such property reasonably suspected of having or holding such substances is subject to search by the District.
- B. Any refusal to submit to such an inspection will be treated as an act of insubordination and may result in disciplinary action up to and including termination.

### RECORDS

The District will maintain medical records relating to Alcohol or Drug abuse, diagnosis, and treatment confidential and in a file separate from the regular personnel files. Access will be limited on a need-to-know basis. The District will not disclose these records to persons outside the District without the employee's consent unless disclosure of the records is necessary for legal or insurance purposes.

## **APPENDIX B**

### **DRUG AND ALCOHOL PROCEDURES FOR CDL EMPLOYEES**

#### **D.O.T. DRUG AND ALCOHOL PROCEDURE**

##### AFFECTED EMPLOYEES

- A. The following employees are subject to these Drug and Alcohol procedures, restrictions, and requirements: All employees who have a valid commercial driver's license (CDL) as a condition of employment and operate a commercial vehicle for the District. This includes Regular Full-Time and Part-Time Employees.
- B. The above employees are subject to these procedures and regulations at all times while on duty including all overtime.

##### EMPLOYEE REQUIREMENTS (382.201-215)

To meet the D.O.T. regulations, the following requirements are placed upon affected employees:

- A. Affected employees will not consume any product containing Alcohol or Controlled Substances while on duty.
- B. Affected employees will not report for duty while there is any Alcohol or Controlled Substance in their system (unless the use is pursuant to the instruction of a physician who has been informed of the affected employee's job duties and has advised the affected employee that the substance does not adversely affect his/her ability to safely perform his/her job).
- C. Affected employees will not possess any product containing Alcohol or Controlled Substances while on duty.
- D. Affected employees cannot report for duty within four (4) hours of having consumed Alcohol and may not perform safety-sensitive functions (this includes but is not limited to operating motor vehicles or equipment) within four hours (4) after using Alcohol.
- E. Affected employees must immediately report for testing when so ordered and must cooperate with testing personnel and procedures.
- F. Affected employees must agree to release testing results to the District and to the substance abuse professional (S.A.P.) and to release the S.A.P.'s report to the District.
- G. Affected employees cannot consume Alcohol for eight (8) hours following an accident involving a death or an accident for which the employee received a moving violation for their operation of a commercial class vehicle which contributed to the accident or until the employee undergoes a post-accident or Controlled Substance test, whichever occurs first. The employee must remain available for testing for a period of eight (8) hours for an Alcohol test or seventy-two (72) hours for a Controlled Substance test.

##### TESTS PERFORMED

Detailed descriptions of the testing procedures are contained in 49 CFR Part 40 and Part 382. A brief description of the testing procedure follows.

- A. Alcohol Test -
  - 1. Employee immediately reports to the designated testing facility, shows a photo identification card, and signs testing form.
  - 2. Employee blows into Alcohol testing device. If employee cannot exhale sufficient quality of air through the machine for a complete test, a medical exam will be performed.

3. If test results are negative, the employee returns to work. Results will be reported to the Business Office.
  4. If test results are positive, another test will be performed after a fifteen (15) minute wait but before twenty (20) minutes. The employee may not eat or drink anything or belch during the waiting period for the retest.
  5. If retest results are negative, test is reported to the Business Office as negative.
  6. If retest results are positive, the test results are immediately reported to the Business Office.
- B. Controlled Substances Test - Testing will only be performed for the five (5) Controlled Substances prohibited by the D.O.T. regulations: marijuana, cocaine, opiates, amphetamines, and phencyclidine.
1. Employee immediately reports to the designated testing facility, shows a photo identification card, and signs the testing form.
  2. Employee provides a urine sample. If unable to provide sufficient quantity for testing, the employee will be asked to drink water--up to twenty-four (24) ounces in two (2) hours--and attempt again.
  3. Hospital personnel will perform required testing to verify that the specimen sample has not been tampered with. The employee returns to work.
  4. Sample is sent to lab where it is split in half. A screening test is performed on a portion of one (1) of the sample splits. If negative results are obtained, the testing is reported as negative to the medical review officer (M.R.O.), who in turn reports negative results to the Business Office.
  5. If screening tests are positive, sophisticated confirmation testing is performed on the rest of the split sample. Results are reported to the M.R.O. If negative, the M.R.O. reports a negative result to the Business Office.
  6. If the results are positive, confirming the presence of one (1) of the five (5) Controlled Substances, the M.R.O. will contact the employee to talk over the results of the test to determine if there is a legitimate clinical reason for the presence of the Drug and will decide if test results are negative or positive. If the employee cannot be reached by the M.R.O., the Director will be contacted to tell the employee to contact the M.R.O. If contact is not made in seventy-two (72) hours, the M.R.O. will determine the test results as positive. The M.R.O. reports to the Director test results as positive or negative.
  7. If test results are positive, the employee will be removed from duties of operating or maintaining a commercial class vehicle. The employee has seventy-two (72) hours in which to request a retest of the second split sample and can request that the split sample be tested at a second lab. A negative retest of the split sample will cancel the first positive results.

#### SIX CIRCUMSTANCES UNDER WHICH TESTING WILL BE PERFORMED

- A. Pre-employment Testing (382.301, 382.413) -
1. Before a new employee is hired or before an existing employee may be transferred to a position in which operating or maintaining a commercial class vehicle is required, both Alcohol and Controlled Substance testing is required.
  2. If an employee has not been in a random testing pool for one (1) month, then Alcohol and Controlled Substance testing must be performed before the employee may operate or maintain a commercial class vehicle.

3. Alcohol test results must be below 0.04 and Controlled Substances negative or the employee cannot be hired to the position without a substance abuse professional evaluation. There is no requirement that the prospective employee be hired or that they see the M.R.O. or S.A.P., but an attempt must be made to inform the prospective employee of the test results and to seek an evaluation.
  4. In addition to submitting to testing, the prospective employee must supply the District with the names of all firms for which they have been employed in the previous two (2) years operating or maintaining commercial class vehicles. The prospective employee must cooperate fully with the District in obtaining from each of the previous employer's results of any positive test, S.A.P.'s reports, and any refusals to test.
- B. Random Testing (382.305) -
1. All affected employees will be placed in a pool from which random selections for testing will be made. Random testing will be for both alcohol and controlled substances.
  2. The annual rate of testing for the entire pool will be as directed by the U.S. Secretary of Transportation, currently ten percent (10%) per year for Alcohol and fifty percent (50%) per year for illegal Drugs.
  3. Every employee in the selection pool has an equal chance of being selected each time a drawing is made.
  4. Selection for testing will be performed on a sufficiently random basis by the District. Employees will not know when testing is complete for the year nor when to anticipate the next selection.
  5. A surplus of names will be generated so that another selection may be made in place of an employee who is temporarily on leave.
- C. Reasonable Suspicion Testing (382.307) -
1. When a Supervisor has reason to believe that an employee has Alcohol or Controlled Substances in their system, they contact another maintenance Supervisor (or equally trained Supervisor), who will also observe the employee. If both Supervisors are in agreement, the employee will be driven to the designated testing facility for Alcohol or Controlled Substances testing as appropriate.
  2. The Supervisor's determination must be based upon specific, describable, and current observations of the employee's appearance, behavior, speech, or body odor. Possession alone is not sufficient cause to require the employee to submit to testing.
  3. When a reasonable suspicion determination has been made, the employee must immediately stop operation or maintenance of a commercial class vehicle for twenty-four (24) hours or until a negative test result, whichever comes first.
  4. The employee will be informed of his or her right to consent or refuse testing and the consequences of refusing testing or failing an Alcohol or Drug test. The employee will be asked to review and sign a Consent/Refusal Form.
  5. The Supervisor calls the designated testing facility to advise that the employee will be reporting for the testing. The employee under suspicion must be accompanied to the testing facility, preferably by a Supervisor.
  6. If an employee refuses to submit to a test, he will be required to call someone to drive him home. If unable to find someone, a cab will be called. The District will pay for the cab with reimbursement by the employee when he returns to work. If the employee insists on driving himself, the local police department will be called and notified.

7. Testing for Alcohol reasonable suspicion should be performed within two (2) hours but cannot be conducted if eight (8) hours have passed since the determination was made. A written report must be submitted to the Director for the file explaining why testing was not performed within two (2) hours. Controlled Substances testing should be performed as soon as possible but not after thirty-two (32) hours since the determination was made.
  8. The Supervisor(s) making the determination must submit a signed written description citing the specific observations which led to the reasonable suspicion testing. The written description should be submitted before the test results have been received.
- D. Post-Accident Testing (382.303) -
1. A surviving driver of a commercial class vehicle involved in an accident in which a death occurred or for which the driver received a ticket for the operation of their commercial vehicle having contributed to the accident will be tested for both Alcohol and Controlled Substances.
  2. The driver will remain readily available for testing after an accident until thirty-two (32) hours have passed or unless a Supervisor advises that testing will not be necessary.
  3. A driver cannot consume any alcohol within eight (8) hours following an accident unless a Supervisor advises that no testing will be required or testing has already been performed.
  4. If a death occurs or a driving citation is issued, Alcohol testing will be performed within two (2) hours if possible but at least within eight (8) hours, and Controlled Substance testing will be performed within thirty-two (32) hours. A written record must be submitted to the file explaining why Alcohol testing could not be performed within two (2) hours if such is the case. If no testing was performed, then a written record must be submitted to the file stating why not testing was done.
- E. Return-to-Duty Testing (382.309) - Alcohol and Controlled Substances testing with negative test results (less than 0.02 alcohol) will be required of all affected employees who either:
1. Have been removed from duty of operating or maintaining a commercial class vehicle for refusing to test or testing positive for Controlled Substances or Alcohol greater than 0.04. Employees will be responsible for all costs associated with this classification of return-to-duty testing; or
  2. Have not been in a random testing pool for more than 30 days, i.e., employees who have been on extended leave.
- F. Follow-up Testing (382.311, 382.605) -
1. Any affected employee who has refused to test or who has tested positive for Controlled Substances or greater than 0.04 Alcohol content and has been determined by an S.A.P. to require help in dealing with their substance abuse problem will be subject to follow up testing.
  2. The Director will order the affected employee to immediately report for surprise Alcohol or Controlled Substance (or both) testing at the frequency prescribed by the S.A.P. The Director will advise the S.A.P. of the test results. The duration of surprise testing will continue as long as required by the S.A.P. to a **maximum of five (5) years**.
  3. At a minimum, six (6) unannounced tests will be required within the first twelve (12) months of return to duty. **This minimum must be conducted regardless of whether the S.A.P. deems no more testing is required.**
  4. Employee is responsible for all costs associated with follow-up testing.

### CONSEQUENCES OF FAILED OR REFUSED TESTS

- A. An employee will be immediately removed from duty upon the employee's refusal to cooperate with testing procedures or upon receipt of positive test results. Employees who refuse to submit to testing or fail an Alcohol or Drug test are subject to disciplinary action up to and including termination.
- B. The employee selects an S.A.P. The employee is responsible for payment to the S.A.P. and subsequent counseling and rehabilitation. The employee's medical insurance may be used to help pay for these services. A list of S.A.P.'s will be provided the employee; however, the employee is free to choose any certified S.A.P.
- C. The employee signs a release allowing the District to release the test results to the S.A.P. and signs a release for the S.A.P. to report back to the Director.
- D. The S.A.P. will report back to the Director that the employee:
  - 1. Does not require any help in dealing with a substance abuse problem, in which case the employee may be returned to full duty.
  - 2. That the employee requires and is cooperating with continued counseling and rehabilitation and may return to full duty or may not yet return to full duty.
  - 3. That the employee requires but is not cooperating with counseling and rehabilitation and may not return to duty.
- E. The employee is responsible for obtaining any counseling or rehabilitation prescribed by the S.A.P. and must provide appropriate releases for counseling and rehabilitation professionals to report back to the S.A.P. Employees are advised that the U.S. D.O.T. regulations require that the additional counseling and rehabilitation not be performed by any business entity in which the S.A.P. has a financial interest.
- F. When the S.A.P. reports to the Director that the employee may return to full duty of operating and maintaining commercial class vehicles, the employee must:
  - 1. Test negative in return-to-duty Alcohol or Controlled Substances testing (or both tests if so indicated by the S.A.P.).
  - 2. Continue with any rehabilitation therapy if so prescribed by the S.A.P.
  - 3. Test negative in unannounced follow up testing as prescribed by the S.A.P. or at a minimum six (6) tests in the first twelve (12) months of returning to duty as ordered by the Director.

### REQUIRED TRAINING

- A. All affected employees will be informed of the new D.O.T. regulations and these policies and procedures to implement the regulations.
- B. All supervisory personnel will receive training in recognizing physical signs of Alcohol misuse and Controlled Substance use prior to any employee being ordered to submit to reasonable suspicion testing by that Supervisor.
- C. All employees will sign a receipt that they attended the training. The receipt will be kept in District records.