

## HOFFMAN ESTATES PARK DISTRICT

### 11. PERSONNEL POLICY MANUAL

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## **11.1 INTRODUCTION**

This Full-Time Personnel Policy Manual ("Manual") has been prepared for you as a reference guide. It includes a summary of the basic policies and rules that will apply to you and the benefits available to you as a District employee. Guidelines for the employment of Park District staff are summarized in this Manual.

This Manual does not purport to be an all-encompassing statement of the District's policies, rules, and benefits. The personnel policies within this Manual are compiled in accordance with the policies and guidelines adopted from time to time by the Board. Once adopted, the personnel policies prescribed herein supersede and cancel any prior inconsistent written or oral policies, practices, and agreements. The District and the Board reserve the right to unilaterally revise, supplement or discontinue any of the policies, guidelines, or benefits described in this Manual. You will be duly notified of any such revisions, supplements, or other changes.

Where the context of this Manual permits words in the singular number shall include the plural number. The descriptive headings of the various sections or parts of this Manual are for convenience only. They shall not affect the meaning or construction nor be used to interpret any of the provisions of this Manual.

The District extends the guidelines, policies, benefits, and privileges summarized in this Manual to its employees in good faith. As an employee, you are expected to fulfill your job responsibilities professionally and in good faith.

Each employee should review this Manual and become familiar with its contents. If you have any comments, suggestions, or questions about any aspect of your employment, you are encouraged to discuss them with your Immediate Supervisor or Division Head. They will listen to your concerns, take appropriate action if necessary, and/or provide you with the information you need or direct you to someone who can provide you with that information.

The Executive Director is responsible for overseeing the enforcement of the policies contained within this Manual, and for the direction of the activities of all employees, except those whose appointment is otherwise prescribed. Should any question arise as to the proper interpretation of any provision of this Manual, or any other personnel policy, the decision of the Executive Director will be final.

Please note that neither the existence of this Manual, nor anything contained in this Manual nor any written or oral statement interpreting, explaining, or clarifying the policies contained in this Manual, is intended to create or shall create an employment contract or contractual commitment, either expressed or implied. An employee of the

District is an at-will employee and has the right to terminate their employment at any time with or without notice or cause, and the District retains a similar right. No employee or representative of the District has the authority to change the at-will employment arrangement or to contract with an employee for terms of employment different than those set forth in this manual, other than the Executive Director. Any such change must be in writing and signed by the Executive Director and the employee.



## **11.2 EQUAL EMPLOYMENT OPPORTUNITY**

The District is firmly committed to providing equal employment opportunities to all qualified persons. Therefore, it is the responsibility of the Executive Director and/or their designees to ensure that the District provides employment, training, compensation, promotion, discipline, discharge, and other terms and conditions of employment without regard to race, traits associated with race, including, but not limited to, hair texture and protective hairstyles color, religion, sex, sexual orientation, national origin, citizenship status, ancestry, age, marital status, military status, mental or physical disability unrelated to the person's ability to perform the essential functions of their job, association with a person with a disability, order of protection status, work authorization status, unfavorable discharge from military service, or any other category protected by federal or state law.

All transgender employees, patrons, and participants are afforded all protections provided by Federal and State laws, including civil rights laws. Each situation of employment, facility usage, or program participation will be evaluated on a case-by-case basis to ensure that the rights of all parties involved are recognized and protected.

The District is firmly committed to providing equal access to employment opportunities and will make all reasonable accommodations for disabled individuals in accordance with state and federal law.

### **11.3 EMPLOYMENT STATUS/DEFINITIONS**

District: The Hoffman Estates Park District, Cook County, Illinois.

Board: Park Board of Commissioners of the Hoffman Estates Park District.

Executive Director: Individual who oversees the operations of the Hoffman Estates Park District. Reports to the Park Board of Commissioners.

Division Director: The positions of Director of Finance, Director of Recreation, Director of Golf & Facilities, Director of Parks, Planning & Maintenance, and Director of Administrative Services report directly to the Executive Director.

Administrative Staff: Administrative Staff means the Executive Director, the Division Directors, and the Executive Assistant.

Business Services Office: The Business Services Division of the District includes operations governing cash receipts, accounts receivable, accounts payable, and payroll processing, as well as the administrative, registration, and secretarial functions of the District. In addition, it also encompasses the District's information systems management and all computer-related and other functions.

Immediate Supervisor: The person responsible for directing the activities of individuals under their charge, the person to whom an employee reports daily.

Regular Full-Time Employee: A regular full-time employee is regularly scheduled to work a minimum of forty (40) hours per week, year-round continuously, and has completed a minimum of six (6) months of continuous service. All regular full-time employees are expected to work additional hours as necessary to complete all assigned tasks properly and as needed during busy periods. Short-term and part-time employees are excluded from the regular full-time classification regardless of the number of hours worked.

Regular Part-Time Employee: See Definitions provided in Section XII. No person may become a regular full-time or part-time employee unless so designated in writing by a Division Director of the District. The District does not guarantee that part-time employees will be rehired in a subsequent calendar year or, if rehired, for the same position.

Exempt Employee: An employee determined as exempt under the Fair Labor Standards Act (FLSA) guidelines is not eligible for overtime pay or compensatory time. Such employees shall maintain records of their hours worked in the time and attendance software. These time records will not alter the fact that exempt employees are paid on a salary basis, nor shall an exempt employee have deductions made from their pay for failing to work a certain number of hours, except as prescribed by applicable state and federal law.

**Non-exempt Employee:** An employee determined as non-exempt under the guidelines of FLSA is eligible for overtime pay or compensatory time. A non-exempt employee must utilize the time and attendance software and/or timesheet to document hours worked.

**Immediate Family:** Immediate family includes all dependent children of the employee. Spouses or domestic partners, and parents (by blood or marriage) who live in the same household are also included.

**Dependent Child(ren):** Dependent children are defined as unmarried from birth until their 26<sup>th</sup> birthday if they are principally dependent on the employee for support (i.e. IRS exemption status). Children of any age who are mentally or physically challenged and are dependent on the employee also qualify.

## **11.4 WAGE AND CLASSIFICATION PLAN**

**11.4.01**      **Contents:** The full-time and part-time wage and classification plans consist of groupings of positions in the District which are sufficiently alike in duties and responsibilities to be categorized under the same general descriptive title, to be afforded a similar pay scale, and to have similar employment status, specifications, job descriptions, and job responsibilities. Job responsibilities, specifications, and descriptions listed in the Wage and Classification Plans are not restrictive in the sense that they do not exclude other duties or responsibilities not mentioned. All employees must complete all reasonably assigned tasks regardless of the job description.

**11.4.02**      **Employee Classification Review:** You may at any time submit a written request to your Immediate Supervisor for a review of the classification or status of your position. Your request must state your reasons justifying a review. Your Immediate Supervisor will make an investigation of the position with a view towards determining its correct classification and will report his/her findings in writing to the appropriate Division Director. Requests that receive Division Director approval will be forwarded to the Executive Director. The determination of the Executive Director will be in writing and will be final.

## **11.5      APPOINTMENTS**

**11.5.01      Selection and Hiring:** Employment will generally be based upon the selection or recommendations of the supervisory personnel under whose direction the employee will work as well as input from administrative or other staff interviewing the applicants. All positions will have a job description prepared prior to hiring. Applicants may be required to complete psychological and/or medical tests once a conditional offer of employment has been extended and may be required to complete aptitude tests depending upon the nature of the position.

Applicants are required to furnish information and complete any and all forms and tests deemed necessary, in the District's sole discretion, to satisfactorily inform the District of an applicant's qualifications and suitability for a prospective position with the District.

The provision for false, incomplete, or misleading information in the employment application or other materials submitted or completed in connection with an application or in response to any question may result in a non-hire decision, rescission of an offer of employment, or dismissal of an employee regardless of when the discovery of the false, incomplete, or misleading information is discovered.

The District will attempt to employ the best available qualified applicant for the position, based on application materials, personal interviews, reference checks, tests, and any other means available to evaluate an applicant's apparent qualifications and suitability for a particular position. Salary determination will generally be made based on experience and other appropriate factors, within guidelines of the Wage and Classification Plan. All employment, advancement, and promotion decisions will be based upon the District's needs and the requirements and qualifications required for specific positions. We base employment, advancement, and promotion decisions on a person's apparent suitability for the position, including, without limitation, his/her past performance, future potential, and his/her aptitude and attitude.

The Executive Director shall have full responsibility for all hiring and firing decisions. The Executive Director shall have the direct responsibility of hiring all Division Directors and Administrative Staff (except the Executive Director) and may delegate certain hiring and firing responsibilities to Division Directors or Administrative Staff for hiring decisions within their divisions.

**11.5.02      Wage and Salary History:** The Park District does not screen job applicants based on their current or prior wages or salary increases, including benefits or other compensation, by requiring an applicant to satisfy minimum or maximum criteria. In addition, the Park District does not require an applicant to disclose wage or salary history as a condition of being considered for employment, as a condition of being interviewed, as a condition of continuing employment, or as a condition of an offer of employment or offer of compensation.

The Park District may provide information to an applicant about a position's wages, benefits, compensation, or salary offered in relation to a position, and the Park District may engage in discussions with an applicant about the applicant's expectations related to wages, benefits, and compensation.

**11.5.03 Medical Examinations:** The District requires full-time employees to successfully complete a medical examination after a position has been offered to the employee but prior to starting employment. Employment shall be conditioned on the results of such examination. This medical examination is necessary to determine if the employee can perform the essential functions of the job offered to them with or without reasonable accommodations on the part of the District. The District will also require alcohol and/or drug testing for all applicants offered a full-time position with the District.

The medical examination will be performed by a physician of the District's choice and at the District's expense. You must consent to the disclosure of the physician's findings, conclusions, and opinions to the District. Your medical records will be maintained in a separate file. Information contained in your medical file will not be released or disclosed without your written consent, except to persons with a lawful right or need to know.

Full-time Employees may be required to undergo subsequent medical examinations when such examinations are job-related and consistent with business necessity. Such examinations will be conducted under the same procedures and guidelines as outlined above for pre-employment medical examinations.

**11.5.04 Background Checks:** The Park District is required by state statute (70 ILCS 1205/8-23) to obtain criminal conviction information concerning all applicants and shall perform such a criminal background check for all employee and volunteer applicants (hereafter "applicants") for all positions on individuals 16 and older. Pursuant to statute, any conviction of offenses enumerated in subsection (c) as outlined below of said statute shall automatically disqualify the applicant from consideration for working for the Park District. Any other conviction(s) shall not automatically disqualify the applicant

from consideration, but rather, the conviction(s) will be reviewed consistent with the Illinois Human Rights Act (IHRA) to determine whether (1) there is a substantial relationship between the criminal offense(s) and the employment sought; and (2) granting employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. The Park District will engage in an interactive assessment with the applicant and make a preliminary determination whether the conviction record disqualifies the applicant from employment. When such a determination is made, the Park District will notify the applicant in writing and allow the applicant at least five (5) business days to respond before making a final decision. After receiving the response from the applicant, the Park District will render a final decision. Applicants are not required to disclose sealed or expunged records of corrections.

Applicants identified as a permanent resident outside of the State of Illinois while over the age of 18 years within the past seven years will be subject to an out-of-state background check. Applicants may be required to submit fingerprints and/or other identification information in order to facilitate such an investigation. All information concerning the record of convictions shall be confidential and will only be transmitted to those persons who are necessary to the decision process. All current employees, volunteers, and independent contractors whose primary job focus is working with children shall be required to submit to criminal background tests. Subsequent background checks may be performed whenever the Park District has reason to suspect a subsequent conviction has not been reported to the District.

When a prior criminal conviction is disclosed, the Park District must be careful to treat similarly situated persons the same. A checklist for convictions, which may disqualify a person from a particular position, should be maintained, although cases will be analyzed on a case-by-case basis and consistent with the IHRA.

Many employees and volunteers may be concerned with their privacy, even though criminal conviction information is public record. The Park District will take reasonable precautions to prevent embarrassment or other damage to the person being checked. The background checks will be reviewed by only Human Resources personnel, if possible, and be kept confidential. The conviction reports will be held in a secure place, with only limited access.

If the report indicates a conviction was identified, the record will be directed to a review consisting of the applicant's prospective Division Director, Human Resources personnel, and the Executive Director. They will:

1. Notify the applicant that they are not qualified for the position if the conviction is within the last seven years and one that is identified as a prohibited offense.
2. Verify the name, date of birth, social security number, and the description of the individual given on the report to help determine that the conviction report matches the applicant.
3. Check the employee's original application to determine whether the job application matches that in the conviction report.
4. After completing the above directives, the applicant's Division Director may request additional information, meet with legal counsel, police authorities, or others to determine if further action is necessary. Again, confidentiality will be a priority.
5. Consider the conviction's relationship to the specific job in determining if the employee will be hired (or retained). Further information or a meeting may be requested with the perspective employee concerning a conviction record.

6. Determine whether the applicant with a criminal conviction should be allowed to fill a position based on all available information, consistent with the IHRA.

If the employee has a conviction on record and is hired, certain safeguards may be instituted. The safeguards may include placing the employee on probation, not allowing the employee to work unsupervised, not allowing the employee to work after hours, etc.

When a person is disqualified from employment or volunteering because of a criminal conviction, the disqualified person will be notified in writing.

No applicant will be hired if the applicant has been convicted of any felony not listed in the section below or the following drug offenses within seven years of the application for employment with the park district:

(i) Those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a), and 5(b) of that Act; (ii) those defined in the Illinois Controlled Substances Act; (iii) those defined in the Methamphetamine Control and Community Protection Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses.

A Park District is prohibited from knowingly employing a person who has been convicted of committing any of the crimes listed below. Additionally, a park district cannot knowingly employ a person who has been found guilty of sexual or physical abuse of any minor less than eighteen years of age.

A District employee must report to their Division Director if convicted for any of these prohibited offenses while employed:

- Attempted first-degree murder
- Committing or attempting to commit a felony
- Committing or attempting to commit first-degree murder
- A Class X felony
- Indecent solicitation of a child
- Public indecency
- Prostitution
- Soliciting for prostitution
- Soliciting for a juvenile prostitute



- Keeping a place of prostitution
- Pandering
- Patronizing a prostitute
- Pimping
- Juvenile pimping
- Exploitation of a child
- Obscenity
- Child pornography
- Harmful material
- Criminal/aggravated criminal sexual assault
- Predatory criminal sexual assault of a child
- Criminal sexual abuse
- Aggravated criminal sexual abuse
- Stalking
- Aggravated Stalking
- Cyber Stalking
- Any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in Illinois, would have been punishable as one of the above offenses.

All new full-time and part-time employees of the District will receive a mandatory written review by their immediate supervisor within three weeks or 15 working days, whichever comes first after the employee is hired. The purpose of this review is to assess the performance of the employee within his/her new working environment as well as job attitude and aptitude. If the immediate supervisor does not feel that the employee has exhibited the skills and abilities necessary to satisfactorily perform the duties and requirements of the position, then employment may be terminated.

**11.5.05 Probationary Period:** Your initial employment is made on a six-month (6) probationary basis. Your supervisor will utilize your probationary period for your orientation, training if any, and determining if you appear to possess the aptitude and attitude necessary for you to meet the required standards of the position you

have been offered. Your Immediate Supervisor may extend this probationary period to a maximum of an additional three (3) months. If you are reassigned or promoted to another position with the District, you may be required to serve a probationary period not to exceed six (6) months in your new position.

Successful completion of the Probationary Period does not guarantee continued employment for any specific period of time or otherwise create an employment contract between you and the District, nor does it change your status as an at-will employee.

**11.5.06 Orientation:** You will be orientated under District and divisional guidelines. Additionally, your Immediate Supervisor will schedule an orientation meeting for you with Human Resources so that you can discuss your benefits and other applicable information. Human Resources personnel will also conduct orientation workshops for all staff to educate them on District-wide safety training. The employee's supervisor will conduct job-specific safety training as well as all other job-specific required training.

**11.5.07 Nepotism:** For purposes of interpreting the District's nepotism policy, "Relatives" are anyone related by blood or marriage including parents, children, step children, siblings, and spouse or domestic partner. Relatives of the Executive Director, Board Commissioners, and *Community Representatives* are not eligible for full-time or permanent part-time District employment. Additionally, relatives of any employee are not eligible for any employment within the District that subjects them to direct or indirect supervision of or from the related District employee.

**11.5.08 Employee Advancement:** All advancement will be made on the basis of ability and will include consideration of attitude as well as aptitude. Whenever possible, qualified employees will be upgraded to more responsible positions.

If all employment qualifications are equal, employees with longer service ("Seniority") with the District will be given preference for advancement. Seniority is defined as the continuous length of time you have been a regular full-time employee of the District. If your continuous regular employment with the District is interrupted by a period of more than three months, your seniority is lost unless you were on an authorized leave of absence.

The District may also recruit applicants from outside of the organization for any available position either simultaneously with or subsequent to considering applications from current employees. All promotions or upgrading to a higher classification will be made based on past performance, aptitude, attitude, and other relevant job-related criteria as determined by the District at its sole discretion. Employees may be promoted from within the District rather than hiring from outside the District when it is determined to be in the best interests of the District at the District's sole discretion.

**11.5.09 Proof of Birth Date:** You will be required to furnish the District with certified proof of date of birth at the time of appointment.

**11.5.10 Proof of Right to Work:** You will be required to furnish the District with proof of citizenship or right to work by completing the Federal Form I-9 and providing appropriate supporting documentation.

**11.5.11 Personnel File:** A personnel file will be established for you. All pertinent employment information and forms, including without limitation, employment application, references, evaluations, commendations, disciplinary actions, and other employment records will be contained in this file. Your medical and benefits records will be maintained in a separate file. Information contained in your files will not be released or disclosed without your written consent, except to persons with a lawful right or need to know, including without limitation, pursuant to a court order.

You may review your personnel file in accordance with applicable law and established District procedures. If you wish to review your personnel file, you should contact the Human Resources department to complete the appropriate forms.

You are responsible for and must promptly advise the District of changes in your residence address and telephone number and any other pertinent information. It is to your advantage to see that all of your personnel records are accurate and up-to-date. You should immediately inform your Immediate Supervisor and the Human Resources department of any changes in pertinent information.

## **11.6 IDENTITY PROTECTION**

The Hoffman Estates Park District adopts this Identity-Protection Policy pursuant to the Identity Protection Act 5 ILCS 179/1 *et seq.* The Identity Protection Act requires each local and State government agency to draft, approve, and implement an Identity- Protection Policy to ensure the confidentiality and integrity of Social Security numbers agencies collect, maintain, and use. It is important to safeguard Social Security numbers (SSNs) against unauthorized access because SSNs can be used to facilitate identity theft. One way to better protect SSNs is to limit the widespread dissemination of those numbers. The Identity Protection Act was passed in part to require local and State government agencies to assess their personal information collection practices, and make necessary changes to those practices to ensure confidentiality.

**11.6.01 Social Security Number Protections Pursuant to Law:** Whenever an individual is asked to provide this Office with a SSN, Hoffman Estates Park District shall provide that individual with a statement of the purpose or purposes for which the Hoffman Estates Park District is collecting and using the Social Security number. The Hoffman Estates Park District shall also provide the statement of purpose upon request. That Statement of Purpose is attached to this Policy.

The Hoffman Estates Park District shall not:

1. Publicly post or publicly display in any manner an individual's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.
2. Print an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity.
3. Require an individual to transmit a Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
4. Print an individual's Social Security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the Social Security number to be on the document to be mailed. SSNs may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent

as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the Social Security number. A Social Security number that is permissibly mailed will not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible without the envelope having been opened.

In addition, the Hoffman Estates Park District shall not:

1. Collect, use, or disclose a Social Security number from an individual, unless:
  - a. Required to do so under State or federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security number is otherwise necessary for the performance of the Hoffman Estates Park District's duties and responsibilities;
  - b. the need and purpose for the Social Security number is documented before collection of the Social Security number; and
  - c. the Social Security number collected is relevant to the documented need and purpose
2. Require an individual to use their Social Security number to access an Internet website.
3. Use the Social Security number for any purpose other than the purpose for which it was collected.

*These prohibitions do not apply in the following circumstances:*

1. *The disclosure of Social Security numbers to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the governmental entity must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Act on a governmental entity to protect an individual's Social Security number will be achieved.*

2. *The disclosure of Social Security numbers pursuant to a court order, warrant, or subpoena.*
3. *The collection, use, or disclosure of Social Security numbers in order to ensure the safety of: State and local government employees; persons committed to correctional facilities, local jails, and other law-enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a State or local government agency facility.*
4. *The collection, use, or disclosure of Social Security numbers for internal verification or administrative purposes.*
5. *The disclosure of Social Security numbers by a State agency to any entity for the collection of delinquent child support or of any State debt or to a governmental agency to assist with an investigation or the prevention of fraud.*
6. *The collection or use of Social Security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.*

**11.6.02 Requirement to Redact Social Security Numbers:** The Hoffman Estates Park District shall comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's Social Security number. The Hoffman Estates Park District shall redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.

When collecting Social Security numbers, the Hoffman Estates Park District shall request each SSN in a manner that makes the SSN easily redacted if required to be released as part of a public records request. "Redact" means to alter or truncate data so that no more than five sequential digits of a Social Security number are accessible as part of personal information.

**11.6.03 Employee Access to Social Security Numbers:** Only employees who are required to use or handle information or documents that contain SSNs will have access.

All employees who have access to SSNs are trained to protect the confidentiality of SSNs.

## **11.7 PERFORMANCE APPRAISALS**

**11.7.01 Performance Appraisals:** Your immediate supervisor and members of the District informally evaluate your performance on a daily basis. They will attempt to notify you of observed deficiencies in your work performance or inappropriate conduct. Full-time employees will be formally appraised by their Immediate Supervisor in December to determine any potential merit increase. The annual review will consist of a written evaluation of the employee, along with an in-person meeting. Part-time employees will receive an annual written evaluation by their immediate supervisor at an appropriate time of the year, dependent on position.

Written performance appraisals become part of your personnel file.

**11.7.02 Salary Reviews:** Full-time employees may be considered for salary adjustments based on merit. Any salary adjustment must be approved by the Executive Director and in accordance with the Board approved full-time salary ranges.-

**11.7.03 Part-Time Salary Reviews:** Part-time employees shall be eligible for salary increases as authorized by the Division Director and in accordance with the Executive Director approved ranges, and shall be given on an annual basis as the written evaluation shall dictate.

## **11.8 GUIDELINES FOR EMPLOYEE CONDUCT**

The District is dedicated to providing the public with the best possible facilities, parks, and recreation programs. As a District employee, you are expected to demonstrate the highest standards of personal and professional integrity, honesty, responsibility, and fortitude in the performance of your duties. You are further expected to serve the public with respect, concern, courtesy, diligence, and responsiveness and to approach your duties with dedication and a positive, cooperative, and supportive attitude.

**11.8.01 Compliance with District Policies and Procedures:** You are required to comply with all policies and procedures established by the Board, Executive Director, Immediate Supervisors, and Division Directors of the District. Staff has an obligation to educate and inform the public, including patrons, visitors, spectators, and program registrants, regarding District policies and procedures. If staff witnesses a violation of a District policy or procedure, staff should attempt to inform and educate the violator. When necessary, staff should involve appropriate supervisory personnel and/or law enforcement.

All employees will be given access to the District's shared drive and be required to review and understand the District's Policy Manual. Each employee must do so and acknowledge this by signing off on the District's Policy Manual Acknowledgement Form". Failure to do so may result in disciplinary action up to and including dismissal.

Whenever there is a new or updated policy for the District approved by the Board, such policy will be updated on the shared drive by the Executive Assistant. This update will then be electronically communicated to all supervisory staff by the HR department.

Supervisory staff will be required to share the policy with all of their employees and respond electronically to HR personnel that this has been completed.

**11.8.02 Compliance with Supervisory Direction:** You are required to comply with the directives of your Immediate Supervisors, the Executive Director, the Board, and Division Directors of District in the performance of your duties. Failure to do so may result in disciplinary action up to and including dismissal.

**11.8.03 Sobriety:** At no time during your service to the District should you be under the influence or in possession of alcohol, cannabis or illegal drugs during working hours. If you work on or near vehicles or machinery, handle hazardous materials or substances of any kind, or have public safety responsibilities (e.g., transporting District patrons to outings or supervising programs or facilities operations) and you have taken or are under the influence of legal drugs, you must report the use of such legal drugs to your Immediate Supervisor if the legal drug causes drowsiness or if it alters perception or reaction time.



Your supervisor will determine if, while under the influence of any legal drug, you have the appropriate capacity to work. Additionally, at no time shall an employee be in possession or under the influence of any illegal drug or any legalized marijuana while on District property.

If at any time a supervisory individual (defined as your immediate supervisor, a superintendent/Senior manager, the Executive Director or Division Director of the District, or a board member) feels that you are under the influence of drugs, cannabis, or alcohol, they will have a second supervisory individual confirm their opinion. If the two individuals agree you are under the influence of alcohol or drugs, then you will be taken to a medical facility to have an alcohol and drug screening performed at the District's expense. If the two individuals agree you are under the influence of cannabis, field sobriety test(s) will be performed by trained District staff members or law enforcement.

Refusal to submit to such alcohol or drug screen, or field sobriety tests may result in disciplinary action up to and including dismissal. An employee will have the opportunity to explain their actions prior to any disciplinary action being taken.

**11.8.04 Smoking:** Smoking of any type and the use of electronic e-cigarettes or vapor emitters is prohibited on District property (with the exception of Bridges of Poplar Creek Country Club), in or on any District building, facility, equipment, or vehicle, or while working directly with the public. See Policy Manual Chapter 9.3.20. Districtwide, the smoking of cannabis by anyone is strictly prohibited.

**11.8.05 Expeditious and Diligent Performance of Duties:** You are expected to expeditiously and diligently perform your duties to the best of your ability.

**11.8.06 Proper Dress and Appearance:** Your personal appearance conveys to the public a general impression of the organization. Your attire while on duty should be in good taste, neat, and clean and appropriate for your duties or functions that day. Safety equipment and attire may be required for certain jobs; for specific details, see divisional work rules.

Based on your position and as directed by your supervisor, District Personnel may be required to wear their employee name badge while on duty. If wearing the badge poses a safety issue, then the badge must be carried by the employee.

**11.8.07 Cooperation/Courtesy:** As a part of a team providing services for the benefit of the public, you must cooperate with fellow workers and the public in order to achieve a high standard of work performance. You must treat fellow workers and the public with respect and courtesy. Wrongful conduct which engenders employee divisiveness, loss of morale, or workplace disruption will not be condoned.

**11.8.08 Punctuality in Reporting for Duty:** In order to provide efficient service to the public, you must report to work on time as scheduled by your Immediate Supervisor.

**11.8.09 Participation in District Activities:** You are encouraged to participate in District activities which would not interfere with the fulfillment of your job duties.

**11.8.10 Accurate Records:** Any reports you produce or records you maintain, including your time records, are important to the administration of the District, and they must be accurate and complete.

**11.8.11 After-Hour Use of Facilities:** You are prohibited from any unauthorized use of district facilities when those facilities are not open to the public.

**11.8.12 Telephone Use:** District telephones are for official District business only and should be used for personal calls only when essential.

### **11.8.13 Cyber Security Policy**

Statement The Cyber Security Policy is to inform District users: employees, contractors and other authorized users of their obligatory requirements for protecting the technology and information assets of the District; and describes the technology and information assets that we must protect and identifies many of the threats to those assets.

Permitted Use of Internet and HEParks Computer Network The Hoffman Estates Park District (HEParks) provides its employees' telephone usage, facsimile transmission, computer access, electronic mail, and Internet access. The District does so with the understanding that its employees are using these facilities in a manner beneficial to the District and not contrary to District policies and procedures.

The computer network is the property of HEParks and may only be used for legitimate business purposes. Any data files created, stored, sent or received using HEParks' computer equipment or internet access becomes the property of HEParks. Abuse of the computer network or the internet, may result in disciplinary action, including possible termination, and civil and/or criminal liability.

At any time when District-owned equipment or communication lines are being utilized for any reason under any access (personal or District-provided), the employee is always bound by all other District policies.

Prohibited Use Internet access is to be used for business-related purposes such as: communicating via email with constituents, suppliers and business partners, providing assistance and obtaining useful business information.

Illegal Copying Users may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy.

Confidential Information Users are prohibited from sending, transmitting, or otherwise distributing confidential information belonging to HEParks. Unauthorized dissemination of such material may result in severe disciplinary action as well as substantial civil and criminal penalties under state and federal Economic Espionage laws.

Hardware District hardware is defined as devices (desktop, laptop, etc.) purchased by HEParks and given to an HEParks employee for business use.

In the event of termination, all company property, including District hardware must be returned to HEParks.

Security Breach In the event of a suspected security breach, users will notify the Security Administrator or the Chief Information Officer who will investigate and make notification in conjunction with Illinois law 815ILCS 530/ of the Personal Information Protection Act.

Social Media HEParks employees who are not members of the Park District's Social Media Team may choose to "follow", "like", or comment on HEParks' social media accounts while using their own personal social media profile(s). When doing so, HEParks employees are encouraged to disclose that any comment made through their personal account is their own, and not a statement made on behalf of HEParks. Any comment(s) made should adhere to all applicable district privacy and confidentiality policies, and be mindful of intellectual property rights of both other users and HEParks.

It is recommended that employees maintain separation between HEParks social media account(s) and their personal social media account(s). When separation is not feasible (such as on LinkedIn), employees should be mindful to ensure that any recommendations or endorsements made are derived from personal opinions, and do not necessarily represent an opinion on behalf of the Hoffman Estates Park District. Employees should not use HEParks's name, logos, images, or iconography to promote (or discourage) a personal endeavor, cause, political candidate or party, except as permitted by law.

Questions or concerns regarding Hoffman Estates Park District's social media activity or this Social Media Policy should be submitted to the Superintendent of Communications & Marketing.

**11.8.14 Use of District Property:** You are prohibited from taking or using any District supplies, materials, equipment, funds, computers, computer programs, computer software, computer language, printers, scanners, or facilities for private use except as otherwise expressly provided elsewhere within the District's policy manual or authorized by the Executive Director.

**11.8.15 Keys:** You will receive the keys necessary to carry out your duties. You must guard against loss of keys and report any lost keys immediately. You

must not lend your keys to anyone without authorization from your Immediate Supervisor. You may not duplicate the keys provided. Inventory of your keys will be maintained by the District. It shall be the employee's responsibility to turn in all keys upon his/her separation from the District.

**11.8.16 Bulletin Board:** Signs, bulletins, and other notices may be placed on District bulletin Board only by authorized personnel. Authorization must be received from the Division Director before the posting such notices.

**11.8.17 Use of District Vehicles:** District vehicles may be used by employees for District business and may be allowed for personal use as authorized by the Executive Director and approved by the Board.

1. Use of District vehicles by key personnel is of mutual benefit to the District and the individuals and aids in the recruitment and retention of personnel.
2. District vehicles may be used by employees for District business and may be allowed other personal use as authorized by the Executive Director and approved by the Board of Commissioners.
  - A. Employees assigned District vehicles for personal use are required to keep an accurate record of personal usage in order to provide accurate reporting of this compensation.
  - B. Any fuel required for personal travel beyond the normal single tank fuel capacity range of the vehicle will not be reimbursed by the District and will be at the sole cost of the employee unless for District business.
  - C. Only employees assigned District vehicles (or other appropriately authorized individuals) may drive the vehicle. All employees who will drive District vehicles must pass an in-house road safety test administered by authorized district personnel. All employees who drive District vehicles must authorize the District to obtain a current driver's abstract from the state of Illinois at time of hire. Only upon completion of the driving test and verification of an acceptable driver's abstract will the employee be allowed to drive District vehicles.
  - D. Family members, including spouses, domestic partners, or other individuals, are not authorized to drive District vehicles, except in extreme emergencies or as approved by the Executive Director.
3. All costs of operating and maintaining District vehicles, including fuel and insurance, will be the District's responsibility (except as noted in 2B above).
4. Additional non-cash compensation will be calculated and added to employee payroll earnings for all personal use of District vehicles.
5. District vehicles must always be operated within all state laws.

6. You must report all accidents involving District vehicles to your Immediate Supervisor by the start of the next business day following the day of the accident. Reports should include the names and addresses of all persons involved in the accident including, without limitation, available witnesses.
7. It is prohibited to operate a Park District vehicle under the influence of alcoholic beverages, non-prescription narcotics, or prescription drugs that cause physical impairment. All Park District employees who operate a Park District vehicle or a personal or leased vehicle in pursuit of Park District business who is taking a legal drug must comply with Article 16, Alcohol & Drug Abuse Policy, Section 7, and Use of Legal Drugs, contained within this policy manual.
8. Employees operating Park District owned, leased, or rented vehicles shall not engage in any extraneous activity while operating such vehicle which might distract or divert the employee's attention such as eating, drinking, smoking, reading, or using any electronic device, etc. Employees who must utilize a cell phone while operating a Park District vehicle shall utilize hands-free cell phone communications. Employees are prohibited from using a cell phone in a "handheld" manner in any automobile that they are operating. If the need arises for an employee to utilize a handheld cell phone while operating a vehicle, the employee shall safely bring the vehicle to a stop out of the flow of traffic and turn the car off prior to using the handheld device.
9. Any employee while operating a Park District vehicle, who is found to be at fault or the cause of an accident with the vehicle, either as the result of a court determination or an appropriate investigation, may, at the discretion of the Park District or the Executive Director, be prohibited from future use of Park District vehicles, either temporarily or permanently, for personal use or all use. Additionally, the employee may be subject to disciplinary action, up to and including termination.
10. Any employee who is required to drive a vehicle as part of their employment with the Park District and who is found guilty of any traffic violation (on- or off- duty, personal or district vehicle) or who temporarily suffers the loss of their driver's license as a result of a traffic citation must report said conviction or suspension to their supervisor the next business day.
11. In the event that two supervisory individuals (immediate supervisor, Superintendent/Senior Manager, Division Directors, Executive Director or Board Commissioner) establish a reasonable suspicion based on their personal observation that a Park District employee is under the influence of alcohol or other prohibited substance as defined in the District's alcohol and drug abuse policy, they may require that the employee relinquish control of any Park District vehicle, or prohibit the employee from operating a personal or a leased vehicle in connection with Park District business. Failure of the

employee to comply with this directive will subject the employee to disciplinary action by the District or the Executive Director up to and including discharge as well as a minimum of three months suspension or permanent loss of use of a Park District vehicle.

12. Any employee who is operating a Park District vehicle at any time or is operating a personal or leased vehicle in the pursuit of Park District business and is detained by a law enforcement officer for any traffic related offense and refused, upon request by said officer, to submit an onsite drug or alcohol evaluation by said law enforcement agency, shall submit to a drug and alcohol screen at a medical facility designated by the District within two hours of said stop or detention by law enforcement. The District shall pay for any such screening. Failure of the employee to undergo either onsite testing by law enforcement or such an administered drug or alcohol screen shall subject the employee to disciplinary action up to and including termination as well as the temporary or permanent loss of either personal or all use of a Park District vehicle. Personal use shall be defined as any use other than travel directly to and from work or use for Park District business during regular working hours.
13. If an employee is involved in an at-fault or preventable accident and any two supervisory individuals feel that the employee may be under the influence of drugs or alcohol, they may require that employee submit to a drug and alcohol screening at the District's expense. Failure of the employee to comply with this directive will subject the employee to disciplinary action by the District or the Executive Director up to and including discharge as well as a minimum of three months suspension or permanent loss of use of a Park District vehicle. If said drug and alcohol test reveals that the employee was under the influence of any prohibited substance as defined in the District's alcohol and drug abuse policy, including the use of legal drugs which may alter the employee's perception or reaction time, or a blood alcohol content of .04 or greater, shall be subject to disciplinary action consistent with that described in Paragraph (a) above as well as the temporary or permanent loss of either personal or all use of Park District vehicles.
14. Any Commissioner operating a Park District-owned, leased, or rented vehicle shall comply with and be subject to the provisions of all policies which apply to vehicle safety operation, alcohol and drug abuse, and use of District vehicles, except that the sanction to be imposed upon any Commissioner found by the District to have violated said policy(ies) shall be limited to the prohibition of using any Park District-owned, leased or rented vehicle for a minimum of three (3) months, as determined by a majority vote of all sitting Commissioners.

**11.8.18 Use of Private Vehicles:** You are to use District vehicles whenever possible to conduct official District business. However, if you are required to use

your personal vehicle for official District business, with approval of the appropriate Division Director, in that case, you may receive the standard IRS "per mile" rate reimbursement for actual business miles driven while conducting official District business, not including normal commuting distance. In order to receive reimbursement, you must properly document (e.g., receipts) and record on appropriate District forms any and all mileage incurred using your personal vehicle for official District business.

No District employee may operate a motor vehicle, whether owned by the District or by the employee personally, in the conduct of District business unless such employee has a valid, current and proper classification license to legally operate motor vehicles and have proper automobile insurance in accordance with applicable law. You are also required to maintain insurance coverage in amounts and types as required from time to time by the Board and/or the Executive Director. You must notify your Immediate Supervisor or the Division Director if you do not have a valid Illinois driver's license or you do not carry automobile insurance or if your insurance has temporarily lapsed before driving any vehicle for District purposes. You will be required to provide the District with a copy of your driver's license prior to driving any vehicle for District purposes. You will be subject to all policies and rules to the Use of Park District Vehicles when operating your private vehicle for official district business.

**11.8.19 Political Activities:** The District does not prohibit you from taking part in election campaigns and other lawful political activities. However, you may not directly or indirectly demand, solicit, collect or receive any assessment, subscription, or contribution for or against or campaign for or against any politician or political cause while on duty. You are also prohibited from any political campaign activities or promotions of any kind while on duty, including, without limitation, circulating petitions, making public presentations on behalf of candidates or issues, or distributing literature. For purposes of this paragraph, "while on duty" includes those hours you are scheduled to work and are working for the District but does not include breaks or lunches. District employees may not wear or use uniforms, equipment, or other property that identifies them as District employees while campaigning.

**11.8.20 Solicitation and Distribution:** You may not make solicitations seeking payments, contributions, memberships, funds or distribute non-work related literature while on duty or to any employee who is on duty. You may not accept the solicitation or the distribution of literature by any non-employee while on duty. For the purposes of this guideline "while on duty" does not include breaks, lunches, or other duty-free periods of time.

You must report any District employee engaged in unlawful conduct while on duty with supporting information to the Executive Director.

**11.8.21 Acting in District Interest:** You are expected to act and conduct yourself at all times in the best interest of the District.

**11.8.22 Lockers, Desks, and Other District Property:** Lockers, desks, computers, computer programs, computer software, e-mail or other computer-related equipment, vehicles, equipment, and other District containers and property that you are permitted to use during your employment are and remain the property of the District. You are not permitted to keep or store any illegal or prohibited items or substances in or on such property. Any such property reasonably suspected of having or holding illegal or prohibited items or substances or missing or stolen District funds or property is subject to search by the District.

**11.8.23 Firearms:** No employee is authorized to possess a firearm or weapon on any District property, or while engaged in District business, except as permitted by, and in strict accordance with, applicable state law. A violation of this policy may result in disciplinary action up to and including immediate termination

Failure to act in accordance with any of the guidelines for employee conduct set forth herein may result in disciplinary action up to and including dismissal.

#### **11.8.24 Whistleblower Act**

Purpose Pursuant to § 4.1 of the Public Officer Activities Act, 50 ILCS 105/4.1 (the “Act”), the Hoffman Estates Park District (“Agency”) protects the confidentiality of and prohibits retaliation against any full-time, part-time, or temporary employee or contractor who reports improper governmental action under the Act and this Policy. Confidentiality will be protected to the extent permissible by law unless waived by the employee. Hoffman Estates Park District’s Auditing Official will manage and investigate complaints filed under the Act and this Policy in accordance with the following processes and procedures.

Auditing Official Pursuant to the Whistleblower Act, the Park Board designates the Executive Director to serve as the auditing official. The auditing official also has the authority to designate another auditing official within the organization to investigate any complaints. Nothing in the policy precludes the auditing official from designating an external individual or the state attorney as a designee, if the specific circumstances of an investigation warrant it.

Improper Governmental Action For purposes of this Policy, “improper governmental action” means any action by an employee of Hoffman Estates Park District, an appointed member of a board, commission or committee, or an elected official of Hoffman Estates Park District that:

- Is undertaken in violation of a federal or state law or local ordinance;
- Is an abuse of authority;
- Violates the public's trust or expectation of their conduct;
- Is of substantial and specific danger to the public's health or safety; or,
- Is a gross waste of public funds.



The action need not be within the scope of the official duties of the employee, elected official, board member, or commission member to be subject to a claim of improper governmental action. Improper governmental action does not include Hoffman Estates Park District's personnel actions, including but not limited to: (1) employee grievances or complaints; (2) appointments, promotions, transfers, reassignments, or reinstatements; (3) restorations or reemployment; (4) performance evaluations; (5) reductions in compensation; (6) dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

Confidentiality The identity of an employee will be kept confidential to the extent allowable by law unless waived in writing by the employee. The Auditing Officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.

No Retaliation Hoffman Estates Park District will not retaliate against an employee or contractor who:

- Reports an improper governmental action under this Policy or the Act;
- Cooperates with an investigation by the Auditing Official related to a report of improper governmental action; or
- Testifies in a proceeding or prosecution arising out of an improper governmental action. Prohibited retaliation means any adverse change in an employee's employment status or terms and conditions of employment. Retaliatory action includes, but is not limited to,: (1) denial of adequate staff to perform duties; (2) frequent staff changes; (3) frequent and undesirable office changes; (4) refusal to assign meaningful work; (5) unsubstantiated letters of reprimand or unsatisfactory performance evaluations; (6) demotion; (7) reduction in pay; (8) denial of promotion; (9) transfer or reassignment; (10) suspension or dismissal; or (11) other disciplinary action made because of an employee's protected activity under the Act.

Reporting Procedures To invoke the protections of the Act and this policy, any employee who is aware of an improper governmental action (as defined above) is required to make a **written** report of it to Hoffman Estates Park District's Director of Administrative Services who serves as our Auditing Official. Further, any employee who believes that he or she is being retaliated in violation of the Act and this Policy must submit a **written** report regarding the retaliation to the Hoffman Estates Park District Auditing Official, within 60 days of learning of the retaliatory conduct. If the Auditing Official is the individual doing the improper governmental action, then a report may be submitted to any State's Attorney.

Investigation Procedures Upon receiving a report of alleged improper governmental action, the Auditing Official shall conduct a confidential investigation of report. The Auditing Official will also notify the employee and all witnesses of the Hoffman Estates Park District policy against retaliation for reporting alleged improper government action or participating in a related investigation or proceeding. The Auditing Official shall notify Hoffman Estates Park District's corporate counsel and/or

the General Counsel of the Park District Risk Management Agency of the report and seek legal advice regarding the report, investigation, and potential findings and remedies. The Auditing Official may transfer a report of improper governmental action to another auditing official designee (including, but not limited to, the appropriate State's Attorney) for investigation if the Auditing Official deems it appropriate. If the Auditing Official (or his/her designee) concludes that an improper governmental action has taken place or concludes that the any person has hindered the investigation, the Auditing Official shall notify in writing Hoffman Estates Park District's Executive Director and any other individual or entity the Auditing Official deems necessary in the circumstances, including, for example, the President of the Board or other Board Commissioners. If the Auditing Official determines that an employee has been subjected to retaliation in violation of the Act or this Policy, the Auditing Official may also reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution. In instances where the Auditing Official determines that restitution will not suffice, the Auditing Official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole. The Auditing Official shall maintain records relating to the report, investigation, and findings confidential to the extent allowed by law and shall consult with Hoffman Estate Park District's corporate counsel and/or PDRMA's General Counsel before disclosing such records to any third parties, including, but not limited to, pursuant to a request under the Illinois Freedom of Information Act (IL FOIA).

Other Duties of the Auditing Official The Auditing Official shall also ensure that each employee receives a written summary or a complete copy of § 4.1 of the Act upon hire and at least once each year of employment. The Auditing Official shall also ensure that all employees receive a copy of this Policy upon hire and at least once each year of employment, as well as any updates to it, and sign a form acknowledging receipt. The Auditing Official shall also be familiar with § 4.1 of the Act and any amendments thereto and shall comply with all requirements of the Act. The Auditing Official shall also respond to questions from employees about this Policy.

## **11.9 DISCIPLINARY ACTIONS AND SEPARATIONS**

**Disciplinary Actions:** You are expected to engage in acceptable conduct and to satisfactorily perform your duties under the guidelines of conduct contained in this Manual, other District guidelines as distributed periodically, performance standards as determined by the District in its sole discretion, the directions of your immediate supervisor and District, and in accordance with federal, state and local law. If you engage in misconduct or do not satisfactorily perform your duties, you will be disciplined accordingly.

Your Immediate Supervisor and/or Division Director or Executive Director may apply progressive discipline when, in your Immediate Supervisor's and/or Division Director or Executive Director's sole discretion, it is appropriate. You may be dismissed after disciplinary action has not changed any substandard performance or misconduct on your part. However, the District, in its sole discretion, may forego lesser forms of discipline and proceed immediately to your dismissal depending upon the nature of your conduct. Disciplinary actions which may be imposed are oral warnings, written reprimands, disciplinary probation, suspension, demotion, and termination.

Nothing in this section shall limit or restrict the District's right to dismiss you at any time, with or without cause or notice. As a District employee, you are an at-will employee with the right to terminate your employment at any time, with or without cause or notice. Likewise, the District retains the right to terminate you at any time, with or without cause or notice.

**11.9.01 Oral Warnings:** Oral warnings may be issued by your Immediate Supervisor or a member of the Administrative Staff if, in your Immediate Supervisor's or member of Administrative Staff's opinion, the nature of your conduct or nonperformance is not sufficient to warrant more severe disciplinary action. Oral warnings will be issued by your Immediate Supervisor or a member of the Administrative Staff for the purpose of expressing disapproval of conduct or poor work performance, clarifying applicable procedures or guidelines, and warning that repetition of the misconduct or failure to improve work performance may result in more severe discipline. Your Immediate Supervisor or member of the Administrative Staff may place documentation of oral warnings in your personnel file.

**11.9.02 Written Reprimands:** Written reprimands may be issued by your Immediate Supervisor. Written reprimands consist of a conference between you and your Immediate Supervisor who will issue a written communication expressing disapproval of misconduct or poor work performance and warning you that repetition of the misconduct or failure to improve work performance may result in more severe discipline. Copies of written reprimands will be maintained in your personnel file. Written reprimands may be used for repeated misconduct of a minor nature or for more serious misconduct which in your Immediate Supervisor's opinion does not warrant suspension, discharge, or demotion.

You are required when receiving written reprimands to sign the reprimand indicating your receipt of the reprimand and understanding of the reason for the reprimand being issued. If you refuse to sign, a member of District will be brought into the meeting to witness the fact that you were issued the warning but refused to sign it. A copy of the written reprimand will be placed in your personnel file.

**11.9.03 Disciplinary Probation:** Disciplinary Probation may be imposed by your Immediate Supervisor for a period of one to three consecutive working months. This may be done simultaneously with or following the receipt of an oral warning, written reprimand, or demotion. You will be given a written explanation of the reasons for probation and the terms thereof. If you do not improve your work performance or cease committing the conduct that got you placed on probation, you will be dismissed. You do not have a guaranteed term of employment with the District for the length of your disciplinary probation. As an at-will employee, you may be dismissed at any time, with or without cause or notice.

**11.9.04 Suspension:** Suspension may be imposed by your Immediate Supervisor. Suspensions are temporary separations from employment with the District with pay for a period of time your Immediate Supervisor in their sole discretion deems appropriate for disciplinary purposes where the cause, in the sole discretion of your Immediate Supervisor, is not sufficient for termination. Your Immediate Supervisor will meet with you and provide you with a written notice outlining the details of your suspension, including, without limitation, the reasons for your suspension, the duration of your suspension, and other pertinent information. During this meeting, the grounds for your suspension will be discussed with you and you will have the opportunity to respond.

You are required to sign the written notice of your suspension indicating your receipt of the notice and understanding of the reason for the suspension. If you refuse to sign, a member of the District will be brought into the meeting to witness that you were issued the notice but refused to sign it. A copy of the notice will be placed in your personnel file.

**11.9.05 Demotion:** Demotions are permanent changes in your job classification with a corresponding permanent reduction in your salary. Demotions may be used by your Immediate Supervisor where, in your Immediate Supervisor's sole discretion, demotion is the appropriate action for your misconduct or failure to perform your job functions satisfactorily. Demotion may be used in addition to other forms of discipline.

**11.9.06 Dismissal:** A dismissal is a permanent separation from employment with the District. Your Immediate Supervisor may dismiss you. You may be dismissed for any lawful reason at any time.

The notice of dismissal, including the effective date and time of dismissal, will be in writing and will state the specific charges. Your Immediate Supervisor will meet with you prior to dismissal to explain the charges contained in the notice, offer the

employee the opportunity to answer the charges against them, and explain their position. The employee will be able to further respond to those charges through the formal review procedure outlined below.

**11.9.07 Employee Assistance Plan:** The District provides an EAP plan to aid employees when dealing with personal problems. At the discretion of the employee's supervisor with approval from the appropriate Division Director, an employee may be required to attend an EAP session in the hopes of correcting a situation or action that is viewed as detrimental to the District or, in the supervisor's opinion, causing detriment to the employee's job performance.

**11.9.08 Causes for Disciplinary Action:** You may be warned, reprimanded, placed on disciplinary probation, suspended, demoted, and/or dismissed whenever it is determined in the District's sole discretion to be in its best interests. The causes for disciplinary action listed below do not constitute an exhaustive list of all of the acts which may subject you to disciplinary action. No set of causes can cover all situations. Instead, the following list sets forth some of the more typical cases that arise in the course of an employment relationship. They include:

1. Felony conviction;
2. Engaging in criminal activities while on District property or while on duty;
3. Failure to obey any lawful rule, regulation, or order, or failure to obey any proper direction made or given by your Immediate Supervisor or a member of the administrative staff of the District;
4. Failure to adhere to District policies and/or procedures including, without limitation, all safety policies and ordinances;
5. Endangering one's safety and/or the safety of others because of failure to act properly and safely in the performance of job duties;
6. Under the influence or possession of intoxicants or illegal drugs while on duty or failing to notify the District that you are taking legal drugs when such notice is required;
7. Inability to properly perform duties;
8. Incompetent, negligent, or inefficient performance of duties;
9. Careless, negligent, or improper use of District funds or property;
10. Attempting to use, or threatening to use, personal or political influence in securing promotion, leave of absence, transfer, change of pay rate, or nature of work assignment;

11. Receiving from any person for personal use, any fee, gift, or other item of value in the course of performing your duties when the item is given in the hope or expectation of receiving a favor or better treatment than accorded other persons.
12. Absent from duty without permission, habitual tardiness, excessive absenteeism, abandonment of employment, or misrepresentation of material facts relating to use of leave;
13. Inability or unwillingness to work effectively with other District personnel;
14. Inability or unwillingness to take orders from Immediate Supervisors or the District;
15. Uncooperative, hostile or discourteous attitude or conduct toward your Immediate Supervisor, co-workers, District, Board or the public or threatening or striking any person in or on District property or participating in District activities;
16. Failure to maintain valid driver's license or other license or certification which may be required for your position;
17. Smoking in restricted areas;
18. Sexual harassment;
19. Dishonesty; lying to District personnel or falsifying or providing misleading information on forms, records or reports provided to or on behalf of the District including, without limitation, accident reports, employment applications; resumes, financial reports, reimbursement reports, and departmental reports;
20. Violation of employee policies, rules, or guidelines or engaging in any conduct determined by the District, in its sole discretion, not to be in the best interests of the District;
21. Any violation of policies or procedures regarding the privacy of individually identifiable health information (or protected health information), as mandated by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and as defined by the U. S. Department of Health and Human Services.

**11.9.09 Review of Disciplinary Action Other than Dismissal:** In the case of disciplinary action other than dismissal, you may request a review of the action by submitting a written request to your Immediate Supervisor within five (5) working days from the date the action was taken. Your Immediate Supervisor will meet with you and issue a written determination within fifteen (15) working days of their

receipt of your written request. This determination shall be final unless you seek review by your Division Director by submitting a written request along with the written determination of the employee who levied the disciplinary action within five (5) working days after the date of the written determination. Your Division Director will meet with you and issue a written determination within ten (10) working days of their receipt of your written request. Should you be dissatisfied with your Division Director's decision, an appeal may be made by submitting a written request to the Executive Director within five (5) working days from the date a Division Director's decision was issued. The Executive Director shall issue a written determination within ten (10) working days of the Executive Director's receipt of your written appeal. The decision at this level of authority shall be final.

The District's failure to strictly adhere to the time limits or the procedure in this section shall not affect the resolution of any disciplinary action. This procedure will be followed to the extent that it is, in the District's sole discretion, practicable. The District reserves the right to proceed directly to the Division Director's review of disciplinary action.

Division Directors may request a review of disciplinary actions taken concerning them directly to the Board by submitting a written request to the Board within five (5) working days from the date the action was taken.

The action will be reviewed by the Board or by a person or persons designated by the board. A written determination will be issued within fifteen (15) working days following the Board's receipt of the written request. The determination of the Board or its designee(s) shall be final.

**11.9.10 Review of Dismissal:** If you are a full-time employee and you are dismissed, you will receive written notice of the reasons for your dismissal from your Division Director. Your Division Director will meet with you, explain the reasons for your dismissal, and offer you the opportunity to respond. The decision to dismiss you shall be final unless you request review of the action by submitting a written request to the Executive Director within five (5) working days from the date the action was taken. You shall submit any evidence and arguments in writing with the request. The Executive Director, or a person or persons designated by the Executive Director, will review the action. You may be offered the opportunity to appear before the Executive Director or their designee(s) to answer the charges against you. However, the Executive Director or his/her designee(s), in his/her sole discretion, will determine if there will be a review meeting, and, if a meeting is granted, the date, time, length, and the rules and procedures that will be followed during the meeting. If you are granted a review meeting, the Executive Director or his/her designee(s) will issue a written determination within fifteen (15) working days after the meeting. If you are not granted a review meeting, you may submit written documentation to support your position prior to the deadline established by the Executive Director or his/her designee(s) for receipt of such documentation. The Executive Director or his/her designee(s) will issue a written determination within fifteen (15) working days following such deadline. The District's failure to strictly adhere to the time limits or the procedure in this section shall not affect the

resolution of any disciplinary action. This procedure will be followed to the extent that it is practicable at the District's sole discretion. The District reserves the right to proceed directly to a subsequent level of review of disciplinary action.

Only employees who report directly to the Executive Director may appeal a dismissal to the Board of Commissioners.

Nothing in this section shall limit or restrict the District's right to dismiss an employee at any time, with or without cause.

**11.9.11 Employee's Response:** You may respond to any disciplinary action taken against you by preparing a written response stating your position or objection to the disciplinary action and having it placed in your personnel file.

**11.9.12 Layoffs:** The District may, in its sole discretion, reduce the number of employees in any given area at any time. Every reasonable effort will be made to transfer employees to other divisions rather than lay them off. When this is impractical, the Division Director will consider seniority, among other factors, where qualifications, ability, attitude, and performance factors are substantially the same in determining whom to lay off.

If you are laid off due to the necessity to reduce the number of District employees (reduction in force), you are not guaranteed, but may be given preference in filling positions that subsequently open and for which you are qualified without training. Employees laid off for purposes other than a reduction in force will not be given similar preference.

**11.9.13 Resignation:** As an at-will employee, you may resign your position with the District at any time, with or without notice or cause. However, the District requests that you give your Immediate Supervisor sufficient written notice of your intention to resign to enable the District to make proper provisions to fill your position. The District requests that the minimum sufficient prior notice is two (2) weeks. Written resignations will be placed in your personnel file.

We highly encourage you to submit written notice of your intention to resign. However, verbal resignations may be immediately accepted.

**11.9.14 Separation:** You must return all District keys, uniforms, equipment, identification, credit and insurance cards, tools, vehicles, and any other District property before separating from the District.

**11.9.15 Exit Interview:** If requested, Human Resources will give full-time employees an exit interview when voluntarily separating from the District. Completed exit interview questionnaires along with any interview notes or other exit interview documents will be maintained in your personnel file. Exit interviews will include an explanation of any benefits that may be continued pursuant to applicable federal and state law.



**References:** Information provided by the District through requests for employment references will be limited to your starting date, ending date, job title, and job description. You must complete and deliver to Division Director a written release in the form required by the District before any additional information will be provided.

## **11.10 COMMUNICATIONS**

**11.10.01 Communication Channels:** You must clearly understand your duties and to whom you are responsible or accountable. Lines of responsibility will be direct. Supervisory responsibility descends from the top of the organization "through channels" to you. You will generally not direct the work of other employees of equal rank.

**11.10.02 Employee Suggestions:** You are urged to make any suggestion you feel will benefit the District and save time, money, reduce waste, promote safety, improve the District's programs, parks or facilities or increase workplace efficiency.

**11.10.03 Grievances:** The following grievance procedure has been established to provide you with a review mechanism connected with terms and conditions of employment. Except for complaints and grievances initiated by Division Directors, complaints and grievances will receive final determination by the Executive Director.

1. If you have a grievance, discuss the matter with your Immediate Supervisor. Resolution of grievances is strongly encouraged at this level.
2. If your Immediate Supervisor does not resolve your grievance, you may submit your grievance in writing to your Division Director within five (5) working days after receipt of your Immediate Supervisor's written response. Your Division Director will investigate the matter and respond to you in writing within five (5) working days following their receipt of your written grievance regarding the disposition of your grievance and stating the reasons for such disposition.
3. If your grievance is not resolved by your Division Director, your grievance may be submitted in writing to the Executive Director, within five (5) working days after receipt of the Division Director's written response. The Executive Director will investigate the matter and respond in writing within five (5) working days following their receipt of your written grievance regarding their disposition of the matter and stating the reasons for such disposition. The Executive Director's decision will be final in all cases, except for grievances initiated by a Division Director.
4. If a grievance initiated by a Division Director is not resolved by the Executive Director, a Division Director may submit the grievance in writing to the Board of Directors. The Board of Commissioners will investigate the matter and respond in writing within 30 (thirty) calendar days following receipt of the grievance. The decision of the Board of Commissioners will be final.

The District's failure to strictly adhere to the time suggestions stated above will not affect the resolution of the grievance.

There will be no discrimination or retaliation against an employee if he, in good faith, processes a grievance through this procedure or testifies, assists, or participates in a grievance procedure investigation.

Any complaint of harassment brought to the attention of a Division Director or the Human Resources Manager will be forwarded to the Executive Director. All such complaints will be taken seriously and investigated. Any employee that is found to have made a frivolous or false complaint shall be subject to disciplinary action up to and including dismissal.

**11.10.04 Social Media Policy:** The Hoffman Estates Park District respects the right of employee's personal websites, weblogs, wikis, online social networks, or any other form of online publishing or discussion positively, and to use them as a medium of self-expression. Although your website, weblog, or any other medium of online publishing may be a personal project conveying your individual expression, some people may nonetheless view you as a representative of the Hoffman Estates Park District.

In light of these possibilities, we ask that you observe the guidelines outlined in this policy. Any violations may lead to disciplinary measures. The aforementioned guidelines are as follows:

**11.10.04.1** Make it clear that the views you express are yours alone and that they do not necessarily reflect the views of the Hoffman Estates Park District. Only those employees officially designated by the Hoffman Estates Park District have the authorization to speak on behalf of the agency.

**11.04.04.2** Employees cannot use the Hoffman Estates Park District's logo or trademarks or the name, logo, or trademarks of any business partner, supplier, vendor, affiliate, or subsidiary on any personal blogs or other online sites unless their use is sponsored or otherwise sanctioned, approved, or maintained by Hoffman Estates Park District.

**11.10.04.3** Be careful to avoid disclosing any information that is confidential or proprietary to the agency (including our patrons, staff, partner agencies/affiliates or vendors), to any third party that has disclosed information to us.

**11.10.04.4** Since your site, blog or other posting is in a public space, be respectful to the Hoffman Estates Park District, our employees, our patrons, our partners and affiliates, and others. For example, refrain from posting personal insults or obscenities, or engaging in any conduct that would not be acceptable in the workplace.

**11.10.04.5** As a public agency, the Hoffman Estates Park District expects staff to exercise personal responsibility whenever they participate in social media. Consider the content carefully and also be judicious in

disclosing personal details.

**11.10.04.6** Recognize that both during working hours and non-working hours, you are an ambassador of the Hoffman Estates Park District. You are expected to conduct yourself at all times in the best interest of the Hoffman Estates Park District. Further, all employees are expected to promote teamwork and inspire trust and confidence. For example, if your views negatively impact the reputation or integrity of the Hoffman Estates Park District, hurt staff morale, and/or create friction among staff, you may be disciplined, up to and including dismissal.

**11.10.04.7** For the protection of the participants, you should not befriend or follow an account of program participants under the age of 18.

**11.10.04.8** Posting photographs taken of District program participants under the age of 18 on personal social media sites is prohibited. Employees may share a photograph that the District has posted.

**11.10.04.9** District employees may not initiate any type of communication with participants under the age of 18 on social media sites. Neither public one-on-one communication such as posting to an account, nor private one-on-one communications, including private messaging, are permitted.

The Park District will investigate and respond to all reports of violations of the Park District's policies, rules and guidelines or related company policies or rules. Employees are urged to report any violations of this policy to the Director of Administrative Services or Superintendent of Marketing and Communications. A violation of this policy may result in discipline up to and including dismissal.

Any questions regarding these guidelines or issues related to your personal social media sites that have not been addressed in this policy, please contact the Superintendent of Marketing and Communications, the Director of Administrative Services or the Executive Director.

## **11.11 HOURS OF WORK**

**11.11.01 Work Hours:** Generally, all full-time employees will work at least forty (40) hours per week. However, due to the nature of the District's operations, your Division Director may vary your work hours as necessary to meet the District's needs. You must minimally work the standard number of hours set for your division which is at least forty (40). Schedules will be approved at the divisional level to ensure that all employees work the minimum hours within the standard workweek. All full-time staff must work a minimum total of 40 hours worked per week. All full-time staff must submit weekly time-sheets or computerized records of their time worked.

**11.11.02 Time Logs:** All full and part-time employees must record their time worked, whenever possible, employees will be required to utilize the District's computerized time management system to track their hours. Employees shall not clock in and out for each other. Such conduct may result in disciplinary action up to and including dismissal for one or both employees.

**11.11.03 Meal Breaks:** All full-time non-exempt employees scheduled to work seven and one-half (7 ½) hours or more on a single day are entitled to and required to take a meal break. Full-time non-exempt employees are entitled to take a required thirty (30) minute meal period after their 5<sup>th</sup> hour of work. The thirty (30) minutes will automatically be deducted from the employee's time management account after the fifth hour. The employee will not be required to punch in and out for the meal break since the thirty (30) minute meal period must be taken. If a non-exempt employee is unable to take a meal period, they shall be paid accordingly. Employees may not unilaterally decide not to take a meal break.

Administrative non-exempt full-time employees will receive 30 minutes of paid break time per day. This paid break can be taken either as two 15-minute paid breaks, or in conjunction with the unpaid meal break, or in lieu of the meal break. Paid breaks do not count toward overtime.

All part-time employees scheduled to work seven and one-half (7 ½) hours or more on a single day are entitled to and required to take a thirty-minute unpaid break after their 5<sup>th</sup> hour of work. The District provides this meal period to the employee, and it is the employee's responsibility to schedule an approved time with their supervisor for the unpaid meal break. The thirty (30) minutes will automatically be deducted from the employee's time management account after the fifth hour. Employees do not punch in and out for this meal break since it is required to be taken.

**11.11.04 Overtime/Compensatory Time:** Because of the nature of the Parks and Recreation field and the public services to be rendered, you may be required to work more than your standard forty (40) hours per workweek. If you are a non-exempt employee and you are required to work more than forty (40) hours in any workweek, overtime pay or compensatory time off will be granted to you as approved by your Immediate Supervisor.

If you are a non-exempt employee, you will be compensated time and one-half for all time worked over forty (40) hours in a particular workweek. Time over forty (40) hours may be offset by equal time off for regularly scheduled hours during the same workweek. Compensatory time may be given in place of overtime pay if your supervisor determines it appropriate before the performance of the work. The granting of compensatory time in lieu of payment for overtime is at your Immediate Supervisor's sole discretion. Compensatory time is given at a rate of time and one-half for every hour worked over forty (40) hours in a particular workweek. A non-exempt employee may accumulate no more than forty (40) hours of compensatory time at any one time. No more than forty (40) hours of compensatory time may be taken consecutively and must be scheduled with your Immediate Supervisor's approval.

**11.11.05 On-Call Hours:** On-call hours physically worked for non-exempt employees may be considered part of regular working hours when they receive advanced notice that they are on-call for a specific day. Any on-call hours worked may be offset by equal time off for regularly scheduled hours during the same workweek. Any on-call time resulting in hours worked greater than 40 in any one week will be compensated by pay or compensatory time issued at time and one-half for those hours over 40. When an employee is given advanced notice (24-hours or more) of being on-call for a specific time period and/or event, including forecasted snowfalls, the employee must refrain from being under the influence of alcohol and/or legalized recreational cannabis.

Any non-exempt employee required to come to work at a time other than regularly scheduled work hours or regularly scheduled on-call days will be compensated at time and one-half pay or comp time for those hours.

Any non-exempt employee required to report for on-call time will be entitled to one hour total commuting time. The additional hour would be compensated at time and one-half only if it was an unscheduled on-call day.

No full-time non-exempt, permanent part-time, or PT1 employee will be regularly scheduled for work and on the on-call schedule for any combined period greater than six consecutive days, without at least one unscheduled day (i.e., at least one unscheduled day after every six consecutive days). However, the employee may work more than six consecutive days if: a) the employee voluntarily agrees to do so, and b) is compensated at the overtime rate for all hours worked on the seventh day/ day of rest.

Your Immediate Supervisor must approve any and all overtime hours prior to working the overtime.

You are required to work overtime when necessary; your unwillingness or refusal to do so may be cause for disciplinary action up to and including dismissal.

**11.11.06 Address Changes:** Emergency conditions may necessitate immediate contact with you. Therefore, you must notify your Immediate Supervisor and the Human Resources department of any change in your name, address, or telephone number.

**11.11.07 Dual Employment within District:** If you are a full-time employee, you are not allowed to secure dual employment within the District unless you receive prior written approval from the Executive Director. Providing that your dual employment does not fall under your own supervision or otherwise conflict with your full-time job responsibilities, you may hold an additional part-time or short-term job with the District upon written approval of the Executive Director. The hours you work in that part-time or short-term job will be combined with the hours you work in your regular job to determine overtime eligibility.

**11.11.08 Outside Employment:** If you are a full-time employee, you are not allowed to secure employment outside of your job with the District unless you receive prior written approval from the Executive Director. Once approved, permission to secure outside employment can be revoked by your Immediate Supervisor or Division Director if the outside employment presents a possible conflict of interest or interferes with you fulfilling your responsibilities at the District; in addition, there may be a limit to the number of hours you are permitted to work for the outside employer. To avoid potential conflicts of interest, you may not accept work from or work for persons or companies with whom the District conducts any form of business unless approved by the Executive Director. In any event, you may not work for another employer during the times that you are scheduled or requested to work for the District. Outside employment must be approved on an annual basis if it changes in any manner.

Failure to request permission to secure and maintain outside employment or failure to terminate outside employment when so directed by your Immediate Supervisor or Division Director may be cause for disciplinary action up to and including dismissal.

## 11.12 EMPLOYEE BENEFITS

**11.12.01 Salary/Hourly Pay:** District employees are paid on a bi-weekly basis. Each payroll period starts on Saturday and ends on Friday. You will be paid on Friday for all hours worked through the previous Friday. If you terminate your employment in the middle of a pay period, you will be paid for the actual hours you worked.

**11.12.02 Payroll Deductions:** Automatic payroll deductions will be made for you for federal and state income tax purposes, health insurance deductions, pension contributions and social security tax, and any other item ordered by a court or applicable law. Your written consent for any voluntary payroll deductions will be required.

### 11.12.03 Holidays:

- A. The following are paid holidays for all full-time employees: A holiday equates to eight (8) paid hours.

New Year's Day	Thanksgiving Day
Memorial Day	Friday following Thanksgiving
Juneteenth National Independence Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	New Year's Eve

- B. Full time staff will be granted two floating holidays as compensatory time for any day off, including holidays not observed by the District. The floating holidays will be issued one each on January 1 and June 1.

Any employee working four ten-hour days as their schedule will not receive Floating Holidays, but instead will receive 10 hours pay for the holidays in paragraph A.

- C. When one of the following holidays fall on a Saturday or Sunday, the nearest working day will be declared a holiday:

New Year's Day	Christmas Eve
Juneteenth National Independence Day	Christmas Day
Independence Day	New Year's Eve



- D. Exempt full-time employees required to work on one of the holidays listed in paragraph A will be granted equal time off on a different workday.
- E. Non-exempt full-time employees required to work on one of the holidays listed in paragraph A will be paid one and one-half hours for all hours worked plus the eight (8) hours holiday pay.
- F. Floating holidays expire on December 31<sup>st</sup>, and may not accrue to future years. Employees may not receive pay in lieu of floating holidays.
- G. Unused but issued floating holidays will be paid to employees upon separation.

#### **11.12.04 Personal Days:**

- 1. Each employee shall receive three (3) personal days; one each will be issued on January 1, May 1 and September 1.
- 2. Personal days are granted to employees to allow paid time off for personal reasons of any nature, including holidays not recognized by the District.
- 3. Personal days expire on December 31<sup>st</sup> and may not be accrued to future years.
- 4. Employees may not receive pay in lieu of unused personal days.
- 5. Personal days issued but not yet used will be paid to an employee upon separation.
- 6. Employees working four ten-hour days as their schedule shall accrue 25 hours of personal time; ten hours on January 1, ten hours on May 1, and five hours on September 1.

#### **11.12.05 Vacation:**

- 1. Vacations will be granted to full-time employees at a time convenient to the District. Vacation leave is earned throughout the year on a per pay period basis and available for use as earned, based on hire date.
- 2. Vacation leave shall be earned based on continuous full-time employment. Accruals are adjusted based on hire date:

Months	Earned Vacation Hours (per pay period)	Hours Earned (per year)	12/31 Maximum Hours Carry-Over (to the next year)
0-48	3.0779	80	40
49-108	4.6154	120	60
109+	6.1538	160	80

On December 31, any amount accrued in excess of 50% of the annual accrual will be lost. When a full-time employee is hired mid-calendar year, carry-over shall be authorized up to one-half (1/2) of what the employee would have accrued for a full calendar year of service. Compensation will not be granted for any unused days except for terminated employees, where all accrued and unused vacation time will be paid in full.

At 20 years of service, full-time employees will receive eight additional vacation hours per year of service for years 20, 21, 22, 23, 24. The maximum extra hours will be capped at 40 hours and added to the hours earned and available per pay period (3.077 hours per pay period per year) with ½ of each additional day available for carry-over.

Executive Director, Division Directors and Superintendents shall receive an additional five (5) days per year.

1. All earned vacation time will be paid in full to an employee upon separation.
2. An employee shall request time off through the Time and Attendance software.
3. When two or more employees in the same department request the same days off (and it is impossible to let both have it), the Division Director will decide based on seniority, personal situations, and emergencies.
4. Holidays during vacation periods will be paid as holiday time (regular rate of pay) and not count as vacation days.
5. At the discretion of the Executive Director, vacation days may be required to be used for other types of leave, providing that the benefits associated with those leaves are exhausted. Use of vacation may also be required for periods requested under the Family Medical Leave Act.
6. If you are a new employee, the Executive Director may give you vacation credit for service years with other park districts or similar industry employers.

To qualify, the Executive Director may require you to submit written verification of your employment dates with prior employers.

#### **11.12.06 Retirement Plan:**

1. IMRF (Illinois Municipal Retirement Fund) provides specific benefits for employee pension, disability, and insurance. These benefits are explained in detail upon hire.
2. The District is governed by the 1000-hour rule, requiring all employees expected to work at least 1000 hours in the year to participate in IMRF.
3. A payroll deduction mandated by the state (currently 4.5% of gross pay) is withheld from the employee's paycheck and deposited in their name with the fund.
4. The District then contributes an additional amount (larger than the employee's contribution) to aid in funding benefits for the employee.
5. A Tier 1 employee is vested after eight years of combined service with IMRF. A Tier 2 employee (those newly participating in IMRF after January 1, 2011) is vested after ten years. Please note different rules govern Tier 1 and Tier 2 IMRF employees. Those details are available through IMRF or the HR department.
6. Employees have the option of receiving their individual contributions returned to them upon separation from the District.
7. A full IMRF orientation is given to all qualifying employees upon hire.

#### **11.12.07 Deferred Compensation/Section 457:**

1. The District has established a Section 457 plan according to state and federal guidelines to aid employees with their long-term financial planning.
2. The plan currently allows employees to contribute up to the legal limit per year on a tax-deferred basis through payroll deductions.
3. All funds contributed, and the income earned on the funds are available for taxable distribution without penalty to the employee upon separation from the District.
4. The District offers this plan as a service; employees should consider their financial needs to determine if this plan is in their best interest.

### **11.12.08 Employee Longevity Recognition**

1. The following recognition awards will be presented to employees based on continuous full-time years of service from their hire date.
  - 5 years of service will be awarded \$250
  - 10 years of service will be awarded \$500
  - 15 years of service will be awarded \$750
  - 20 years of service will be awarded \$1,000
  - 25 years of service will be awarded \$1,250
  - 30 years of service will be awarded \$1,500
  - 35 years of service will be awarded \$1,750
  - 40 years of service will be awarded \$2,000
2. The awards will be processed as payroll checks with net earnings after FICA, Medicare and IMRF (excluding federal and state withholding) equal to the award amount.
3. Employees that retire in good standing who are less than one year away from a longevity award shall receive that award upon retirement.

### **11.12.09 Insurance and Hospitalization**

1. Full-time personnel and any employee working at least 1560 hours per year (PPT employees) will be offered the District's group medical and hospitalization insurance or an equivalent self-insurance program. The insurance will cover, in part or in full, the following items and meet the requirements of the Affordable Care Act:
  - A. Medical Benefits
  - B. Dental Benefits
  - C. Accidental Death & Dismemberment
  - D. Life Insurance
  - E. Vision
2. Coverage will begin the date of hire for full-time employees or the first day following the year that an employee worked 1560 hours for non-full-time employees.

3. Termination of coverage provided by the District is effective on the last day of employment. Continuation of health insurance benefits for the employee or their covered dependents is available as provided by the Comprehensive Omnibus Budget Reconciliation Act of 1986 (COBRA).
3. For purposes of ACA Health Insurance Eligibility, the federally mandated look back period will be considered November 1 through October 31 of the next year.

In order to make sure that all employees are being measured properly, the District will follow the following procedures.

- A. New employees - If the new employee is reasonably expected to work 30 or more hours per week totaling 1560 hours per year, then the employee should be measured as a new full-time employee and be immediately granted health insurance benefits. If you cannot reasonably determine that the new employee will work 30 or more hours per week, then the employee will be classified as a variable, part-time or seasonal employee
  - B. New variable employees - For new variable, part-time, and seasonal employees (employees hired that it cannot be reasonably determined that they will work full-time hours) on a go-forward basis, the look-back period will be 12 months and begins on the date of the first paycheck. If the employee's hours meet or exceed a full-time average of 130 hours per month totaling 1560 hours or more per year over the initial measurement period, they will be determined to be "full-time" and therefore eligible for coverage in January of the following year.
  - C. Ongoing employees - Employees who are not hired as full-time employees, but have worked through the entire lookback period from November 1 to October 31 without separation, are considered ongoing employees. In this case, employers must literally look back to average the actual work hours across the measurement period. If the employee averages 130 hours or more per month totaling 1560 hours or more per year, the employee is considered full-time and eligible for benefits under the ACA.
4. Employees receiving health insurance will be required to pay a portion of the coverage premium. This amount will be calculated each year and charged to the employee through a payroll deduction.

Employees receiving health insurance may request benefits coverage for their eligible dependents as outlined in the District's health insurance plan.

- A. The additional premium cost to the District for the dependent coverage will be shared between the District and the employee.
  - 1) The insurance carrier will provide the difference between the employee's single coverage premium and the employee plus dependent(s) premium.
  - 2) The cost difference between the two premiums will be shared between the District and the employee. The employee's share will be calculated based on various factors including budget considerations, coverage selected, and the amount of annual increase in the insurance premium. The employee's share will be paid through a payroll deduction.
- B. The cost for dependent coverage will be recalculated prior to January 1 of each year to determine the required payroll withholding for that year (through December 31).
- C. The cost of dependent coverage also depends on the type chosen. Dependent coverage can be elected for:
  - 1) Spouse or domestic partner only
  - 2) Child only
  - 3) Children
  - 4) Family
- 5. Employees that provide proof of other medical and hospital insurance through sources other than the District (i.e., spouse or domestic partner's plan coverage) are not required to accept the District's insurance plan. These employees shall receive \$50 per paycheck.
  - A. Employees desiring to be insured after once declining coverage will be subject to a physical and restrictions as to pre-existing conditions as allowed by law, unless during open enrollment or change in life status.

#### **11.12.10 Social Security:**

The District will contribute to your retirement under Social Security as provided by federal law.

#### **11.12.11 Workers' Compensation:**

- 1. The primary purpose of the Illinois Worker's Compensation law is to provide compensation for lost wages due to absences caused by injuries arising in the course of employment.

2. Any work-related injury must immediately be reported to an employee's Immediate Supervisor, who must then file an accident report and appropriate forms with the District's Human Resources department within twenty-four hours.
  - A. Failure to immediately report an injury may jeopardize the employee's eligibility for worker's compensation benefits.
  - B. Upon notification, the Immediate Supervisor shall instruct the employee to report to a designated hospital or physician for an examination/treatment.
3. No employee shall be allowed to return to work without a statement from a physician approving the employee's return to work without restrictions or with restrictions acceptable to the District for modified work duty.
4. In no instance will the District supplement workers' compensation wage payments beyond the amount prescribed by State statute.

#### **11.12.12 Use of District Services**

1. For this policy, an employee is defined as full-time employees or immediate family members. Immediate family includes all dependent children, spouse or domestic partner, and parents (by blood or marriage) of the employee.

When requested by an employee, a 20% discount on program registration or facility memberships will be offered to non-dependent members of the employee's family (by blood or marriage) who do not live within the same household, including children, parents, grandparents, grandchildren and siblings, as approved by employee's Division Director.

2. All full-time employees per IRS guidelines shall be allowed to utilize district services available at no additional cost to the District for no charge.

An employee's enrollment will not be counted towards the minimum number of required participants to have a class run. Therefore, if the required minimum is not met without the employee's enrollment to either run a class (or an additional class or session), the class will not run unless the employee pays 80% of the registration fee and thereby creates enough paid participants to meet the required minimum.

District seasonal programs may be utilized at no cost to the employee if the employee's registration does not preclude a paying individual from being in the program when the program begins.

Non-seasonal classes, school-year, or year-round activities that do not have a specific registration date (i.e. preschool, ELC, STAR) shall be offered to the employee at an 80% discount; however, if the program is at capacity, the employee can remain in the program by paying the registration fee less the IRS allowable 20% discount for services.

3. For contractual-based programs or any individual direct cost fee-based activity or program (i.e., private lessons or services) or facility rentals, employees will receive a 20% discount off the cost of the program or activity.
4. Employees will be required to pay any costs for their enrollment that applies to the program's direct participant's cost (i.e., cost of uniforms, direct supplies, food or meals, trips, or special events).
5. Discounted or complimentary registration applies only to the employee participating in a team sport (not to the whole team's cost).
6. Employee participants must complete the standard registration process to enroll in a class.
7. Complimentary usage (or memberships) of the following facilities is provided to all full-time employees and immediate family members:
  - A. BPC green fees Monday through Friday and after 1:00 p.m. Saturday, Sunday and holidays
  - B. Complimentary use of the driving range
  - C. Staff may make TopTracer reservations less than 48 hours in advance for no charge. All other reservations shall receive a 50% discount, or as approved by the Director of Golf or the Executive Director.
  - D. Willow Recreation Center
  - E. Triphahn Center and Ice Arena (fitness center and open skate)
  - F. Seascape Aquatic Center
  - G. The Club at Prairie Stone™
  - H. Dog Parks
8. Employees shall be eligible for complimentary post-mix soda (a de minimis fringe benefit) and the lessor of the gross profit percentage or a 50% discount on food and other non-alcoholic beverages purchased at Bridges of Poplar Creek Country Club (excluding special events, programs, or parties):



9. Employees will receive a 10% discount at the district's pro shops or up to the gross profit percentage if coordinated in advance through the District's administrative staff.
10. All employees must meet any requirements and restrictions for facility usage, including regular hours of operation, age limitations, and waivers.
11. De minimis fringe benefits will be those that, due to the nature of accounting, recording, and reporting the item or service, make it impractical due to the small annual dollar value they represent. Like the gift ban dollar limitation of \$100, the District will consider certain non-recurring items (excluding cash type items) to be de minimis if the total value of these items does not exceed \$100. If the full value of any category of de minimis items does exceed \$100, then that value will be added to the employee's year-end W-2. Uniforms or apparel issued to employees suitable for wear outside of the District that is not de minimis shall be the tax responsibility of that employee, and an appropriate W-2 adjustment will be made.
12. Employees requesting complimentary or discounted guest usage for any District facility or program must have it approved by the Executive Director or their designee and utilize an appropriate guest pass.

Employees may extend guest usage on no additional district cost programs and activities to appropriate guests or non-dependent family members with the Executive Director's or their designee's approval at the following Employee Guest Rate:

Recreation programs or activities	20% discount
Facility daily fee	\$3
Bridges of Poplar Creek 9/18 holes w/cart	\$9/\$18

### **11.12.13 Education, Training and Professional Participation**

1. All employees are required to attend orientation meetings, staff meetings, and in- service training sessions.
2. Employees are encouraged to further their education and professional certifications to enhance the employee's qualifications for their job.
  - A. The District will pay expenses associated with continuing education if approved by the Executive Director and budgeted.

3. In the District's best interest, employees may attend professional conferences and seminars and belong to professional associations as budgeted and approved by the Executive Director. Such activities should further insight into better ways to operate and provide recreational activities to the community.

#### **11.12.14 Allowable Expenses for District Travel**

1. In the District's best interest, employees may need to travel for business-related functions. When travel is required, the District shall pay the costs associated with appropriate out-of-pocket expenditures by allocating a per diem amount based on the Internal Revenue Services (IRS) website for city per diem amounts.
  - A. The Executive Director must approve functions qualifying for per-diem allocations.
  - B. Functions not qualifying for per-diem allocations may be eligible for reimbursement for actual costs associated with the function if budgeted and approved by a Division Director. These costs will be paid through petty cash.
2. Per-diem allocations are provided to reimburse the employee for all costs (other than direct travel costs) associated with the function. These costs included meals, tips, phone calls, and all incidental expenses that the employee incurs.
3. Direct travel costs are registration, transportation (airfare, train fare or mileage), lodging, rental car (and fuel), parking, and tolls. These costs are paid (or reimbursed) at actual prices through District purchasing procedures.
  - A. Travel should be well-planned to take advantage of the lowest economy class airfare as approved by the Executive Director.
  - B. Accommodations should be made at hotels designated by the function's sponsoring organization at the lowest available rate at an acceptable lodging provider and as approved by the Executive Director.
  - C. Rental cars should be utilized only when other transportation means would be burdensome and as approved by the Executive Director. Appropriate- sized vehicles should be used based on shared usage.
4. When a direct cost such as registration or lodging includes meals or other per-diem costs, the Executive Director will reduce the per-diem issued by an appropriate amount. Full per-diem is split by the following percentages: Breakfast 20%; Lunch 30%; Dinner 50%.

5. Per-diem expenditures do not require receipts and the amount issued is for use by the employee for all costs. The per-diem will be the only funds given to an employee for the costs associated with District travel (except as noted in paragraph 3 above). Any unused per-diem must be returned to the District. The person receiving the per diem should keep receipts to verify the amount of per diem used.
6. The Park Board is governed by Illinois law and requires Board Commissioners to expend their own funds and turn in receipts for reimbursement.

#### **11.12.15 Cell Phone Use Stipend**

Any exempt position that is designated by the Park District to require the use of their personal cell phone will receive an annual stipend of \$240 paid out per paycheck. All employees who receive the stipend will be asked to:

- A. Make themselves available via cell phone when deemed necessary to carry out their job responsibilities;
- B. Have their personal cell phone number published in the **internal** park district staff directory so other staff members know how to reach them;
- C. Have read and acknowledge to follow all provisions, terms, and expectations outlined in this policy.

#### **11.12.16 Upon Separation of Service**

Upon separation, your vacation, compensatory, and personal leave earned, but not used, will be paid to you or your heirs at your rate of pay at your separation date.

Your health and dental insurance can be continued under COBRA and applicable Illinois law for the specified time. The District's health insurance provider will provide you with such information when you separate from the District.

IMRF benefits may continue with another participating governmental agency of the State of Illinois if you leave the District.

## **11.13      LEAVES OF ABSENCE**

### **11.13.01    Illness and Injury Leave**

1. This benefit is to compensate full-time employees for absences due to illness or injury (I&I). The time is provided for when it is in the best interest of all concerned that the employee is absent from work due to the illness or injury of themselves or an immediate family member. Use of I&I for immediate family members shall be restricted to an amount equal to the amount that the employee accrues during a six (6) month period at the employee's then accrual rate.
2. Employees found to be using I&I leave for other purposes will be subject to strict discipline up to and including dismissal. I&I leave may not be used as personal or vacation time.
3. All full-time employees will earn .3846 days per pay period (ten days per year) of I&I leave.
4. A maximum of 240 I&I days may be accrued for future use. On December 31 of each year, any I&I days earned but unused in that year (up to 240 days total) will be accrued if not exchanged for pay (see 5 below).
5. Employees hired before January 1, 2012: Upon separation, full-time employees who have accrued a minimum of sixty (60) I&I days may elect to receive payment in exchange for unused I&I days at one-hundred percent (100%) of current full-time pay up to a maximum of thirty (30) days. (i.e., payment is for accrued days over the sixty (60); maximum payout is for 1-30 accrued days between earned bank of sixty (60) and (90)). (Board approved December 2010)
6. Employees absent for three (3) consecutive days must present a doctor's note upon their supervisor's request, giving evidence for their use of I&I time for their absences and their ability to return to full work duty. The immediate supervisor of any employee absent for three or more days must notify the Human Resources Department. At the immediate supervisor's or HR Department's request, a work physical may be required to return to work.
7. Any day an employee requests I&I leave, they must notify their Immediate Supervisor within thirty (30) minutes of their regular starting time.

### **11.13.02    Absences with Compensation:**

Except as otherwise provided in this manual, personal leaves of absence with compensation will be granted for the following reasons (also refer to Section XIV for information regarding the Family Medical Leave Act and Military Family Leave):

1. **Jury Duty:** All full-time employees are eligible for leave if they are called for jury duty. All other employees will receive jury leave without pay from the District. All employees must provide written notice, supported with appropriate jury service documentation (e.g., the jury duty summons), to their Immediate Supervisor before reporting for jury duty. Following jury duty, all employees must provide the District with appropriate documentation evidencing the length of their jury duty. To receive payment from the District, full-time employees must submit a copy of the check received for jury duty to the Business Services Office. The employee is entitled to the check for travel reimbursement.
2. **Bereavement Leave:** You may be given time off with compensation and without loss of position upon approval from your Immediate Supervisor and Division Director for reasons of attending a funeral or wake. Bereavement Leave will consist of an appropriate number of days to attend the funeral or wake or plan the funeral. The time off must be agreed upon and approved by your Division Director for between one (1) and five (5) days. Additional time off for the death of a spouse, child, or parent may be given with Executive Director's approval.
3. **Military Leave:** If you are a member of the National Guard or reserve components of the armed forces, you are eligible for leave with pay, for not more than ten (10) working days, to take part in annual training activities. Additional days off for such training shall be without pay. You will be paid the difference between your regular pay for each day that you would ordinarily be scheduled to work for the District and the total amount of compensation received for such military training. Upon your return, you must furnish official proof of pay during your tour of duty to receive pay from the District.

You must provide the District with at least thirty (30) days advance written notice before the start of leave for military service. Such notice must include, without limitation, a copy of your orders. Upon return to the District from your military training, you must submit a statement signed by an appropriate military official indicating the time you spent on military leave.

District employees who are members of the United States Armed Services Reserve may be entitled to leave with pay when called into service by the United States President as provided by law. If eligible, you will receive the difference between your regular salary and your base military pay.

Employees inducted into the Armed Services of the United States under the Military Selective Service Act (or under any prior or subsequent corresponding law) for training and service shall receive military leave and reemployment benefits in accordance with applicable law. Employees who enlist in the Armed Services of the United States shall also receive military leave and reemployment benefits in accordance with applicable law.

### **11.13.03 Absences without Compensation**

You may be granted a leave of absence without pay for a period not to exceed six (6) months. Upon expiration of the leave, you may be reinstated to the position held before your leave was granted or an equivalent position if available. If, upon the expiration of your leave of absence, there is no work available for you, or if you could have been laid off had you not been on leave, you will go directly on laid-off status. Your failure to report promptly to an available position at the expiration of your leave will be cause for dismissal. Such leave may be granted when the Division Director determines, in their sole discretion, that it will not impair the efficiency or work of the District. (Also refer to Section XIV for information regarding the Family Medical Leave Act and Military Family Leave):

Employees may be eligible for a leave of absence without pay for educational travel or study, which further prepares you to serve the District more efficiently. Such leave of absence is granted at the discretion of the District.

1. Leaves of absence without pay for periods not to exceed five days may be granted by your Division Director through your Immediate Supervisor without losing your position with the District. The Executive Director must approve leaves of absence without pay for more than five days before the leave is taken.
2. Sick leave, vacation leave, personal leave, and other forms of leave, shall not accrue or be granted when you are on unpaid leave for more than thirty (30) days.
3. School Visitation Leave: If you have worked for the District at least six (6) months for an average of at least twenty (20) hours per week, you may be eligible to take up to eight (8) hours of school visitation leave per school year to attend school conferences or classroom activities related to your child(ren) if the conference or classroom activities cannot be scheduled during non-work hours. You are eligible to take such leave only if you have exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave granted to you, other than sick or disability leave.

Before arranging attendance at the school conference or activity, you must provide the District with a written request for leave at least seven (7) days in advance of the requested time off. In an emergency, you may give twenty-four (24) hours' notice. In addition, you must consult with your Immediate Supervisor to schedule the leave so as not to disrupt operations unduly.

School visitation leave shall be unpaid. However, you may choose to make up the time on a different day or shift if the District may reasonably provide such arrangement. If you decide not to make up the time taken, or an arrangement to make up such time cannot be made, you will not be compensated for the time taken.

**11.13.04 Absence without Leave:** Absence without leave is defined as any absence from duty, including a single day or portion thereof, which has not been granted or approved per established policy and procedure. In such cases, your pay is denied for the entire period of absence, and you will be subject to disciplinary action, which may include discharge. If you are absent without leave for two consecutive days, you will be considered to have voluntarily resigned from your position. Where your absence is determined excusable on conditions that rendered prior approval impossible, the charge of absence without leave may be changed to vacation leave, sick leave, or leave without pay.

**11.13.05 Reporting Absence:** In case of illness or sudden emergency, you or some member of your family must notify your Immediate Supervisor by telephone or messenger before your starting time. Unless notification is given, no sick leave will be approved except in unusual cases and then only after the Executive Director's approval.

## **11.14     PART-TIME EMPLOYEE BENEFITS**

### **11.14.01 Definitions**

1. Permanent part-time (PPT) classifies an employee who will work at least 48 weeks in the year, over 1560 hours but less than 2080 hours.
2. Part-time I (PTI) classifies an employee who will work over 1000 hours and less than 1560 hours.
3. Part-time II (PTII) classifies an employee who will work less than 1000 hours per year.
4. Benefits are only available to employees on current active status.
5. Health insurance as required through the Affordable Health Care Act will be offered.
6. IMRF participation is required for all PPT employees.

### **11.14.02 Permanent Part-Time (PPT) Benefits**

7. PPT employees will receive the same benefits as full-time employees, as outlined in Section 11.12.13, statements 1 through 12.
8. Personal time off (PTO) will be extended to all PPT employees based upon the employee's continuous years of service as outlined in the chart below PTO may be used for any reason, including vacation and illness or injury. PTO should be scheduled in advance whenever possible. PTO will accrue based on hours worked per pay period, and shall be based upon hire date or promotion date. Employees should limit the use of unpaid time off to a maximum of 40 hours per calendar year. Failure to do so may jeopardize the possibility of being scheduled for future hours. A maximum of one-half of the PTO time earned may be carried forward to the following year. Compensation will not be granted for any unused days except for terminated employees, where all accrued and unused PTO time will be paid in full.



Months	Earned Vacation Hour (per pay period)	Hours (per year)	Maximum Hours Accrued (to the next year)
1-48	1.5385	40	20
49+	3.0779	80	40

9. PPT employees are eligible for all District award programs and participation in all full-time recognition functions.
10. PPT employees may receive a discount of 10% above District cost on merchandise purchased at District facilities (BPC, Triphahn Center & Ice Arena, Willow Rec, and The Club at Prairie Stone™).
11. The following are paid holidays for all PPT employees: A holiday equates to six (6) paid hours.
 

New Year's Day	Thanksgiving
Memorial Day	Friday Following
Thanksgiving	Juneteenth National Independence Day
Christmas Eve	
Independence Day	Christmas Day
Labor Day	New Year's Eve

PPT employees shall be paid one and one-half times their regular hourly rate of pay when working any of the holidays mentioned above, plus six hours.
12. No full-time non-exempt, permanent part-time, or PT1 employee will be regularly scheduled for work or on-call for any combined period greater than six consecutive days, without at least one unscheduled day (i.e., at least one unscheduled day after every six consecutive days). However, the employee may work more than six straight days if: a.) the employee voluntarily agrees to do so, and b.) is compensated at the overtime rate for all hours worked on the seventh day/day of rest.

#### **11.14.03 Part-Time I (PTI) Benefits**

- A. IMRF participation is extended to all PTI employees (mandatory).
- B. Complimentary usage (or memberships) of the following facilities will be provided to all PTI employees based upon availability:
  - 1) Seascap Aquatic Center (employee and immediate family)

- 2) Bridges of Poplar Creek Country Club (employee only):
    - greens fees and driving range usage on weekdays and after 1:00 p.m. on weekends and holidays.
    - complimentary post-mix soda (a de minimis fringe benefit) and a 50% discount on food and other non-alcoholic beverages (excluding special events, programs, or parties).
    - 50% off reservations of TopTracer usage or free walk-on usage.
  - 3) Triphahn Center and Ice Arena: complimentary employee membership and open skate
  - 4) Willow Recreation Center: complimentary employee membership
  - 5) The Club at Prairie Stone™: complimentary employee membership
  - 6) Dog Parks
- C. A recreation program discount of 20% will be given for PTI employees and their immediate family members.
- D. Immediate family members receive 20% discount on facility memberships (Triphahn Center, Willow Rec Center, and The Club at Prairie Stone).
- E. Personal time off (PTO) will be extended to all PT1 employees based upon the employee's years of service as outlined in the chart below, based on hire date or promotion date. PTO may be used for any personal reasons including vacation and illness and injury. PTO should be scheduled in advance whenever possible. Any additional time off taken by an employee will be unpaid. Employees should limit use of unpaid time off to a maximum of 40 hours per calendar year. Failure to do so may jeopardize the possibility of being scheduled for future hours. A maximum of one-half of the PTO time earned may be carried forward to the following year. Compensation will not be granted for any unused days except for terminated employees, where all accrued and unused PTO time will be paid in full.

Months	Earned Vacation Hour (per pay period)	Hours (per year)	Maximum Hours Accrued (to the next year)
12-48	.9231	24	12
49-108	1.5385	40	20

109-228	2.3077	60	30
229+	3.0779	80	40

- F. PTI employees shall be paid 1½ times their regular hourly rate of pay when working on any of the following holidays:
- |                   |                  |
|-------------------|------------------|
| New Year's Day    | Labor Day        |
| Memorial Day      | Thanksgiving Day |
| Juneteenth N.I.D. | Christmas Day    |
| Independence Day  |                  |
- G. The aggregate value of such additional fringe benefits as apparel and discounted usage that are not de minimis will be included on an employee's W-2 as non-cash wages to ensure compliance with IRS taxing requirements.
- H. No full-time non-exempt permanent part-time, or PT1 employee will be regularly scheduled for work and on the on-call schedule for any combined period greater than six consecutive days, without at least one unscheduled day (i.e. at least one unscheduled day after every six consecutive days). However, the employee may work more than six consecutive days if: a.) the employee voluntarily agrees to do so; and b.) is compensated at the overtime rate for all hours worked on the seventh day/day of rest.

#### **11.14.04 Part-Time II (PTII) Benefits**

- A. PTII employees may receive the following discounts for usage (or memberships) of the following facilities based upon availability:
13. Seascape Aquatic Center complimentary membership (employee only).
  14. Bridges of Poplar Creek Country Club (employee only):
    - 50% off driving range buckets of balls and 50% off resident rate green fees on weekdays and after 1:00 p.m. on weekends and holidays.
    - Complimentary post-mix soda (a de minimis fringe benefit) and a 50% discount on food and other non-alcoholic beverages (excluding special events, programs or parties).
    - 50% off use of TopTracer stations or as authorized by Director of Golf or Executive Director.
  15. Triphahn Center and Ice Arena: complimentary employee membership.

16. Willow Rec Center: complimentary employee membership.
17. The Club at Prairie Stone: complimentary employee membership.
18. Dog Parks: complimentary membership.
19. Complimentary Open Skate at Triphahn Center for employee and family.
20. Recreation program discount of 20% for employee and family, except those programs that utilize independent contractors.
21. 20% discount on all facility memberships for family.

B. All PTII employees will receive 1 ½ times their regular rate of pay for hours worked during the following District holidays:

New Year's Day	Independence Day
Memorial Day	Thanksgiving Day
Juneteenth N.I.D.	Christmas Day
Labor Day	

- C. The aggregate value of such additional fringe benefits as apparel and discounted usage that are not de minimis will be included on an employee's W-2 as non-cash wages to ensure compliance with IRS taxing requirements.
- D. Employees should limit the use of unpaid time off to a maximum of 40 hours per calendar year. Failure to do so may jeopardize the possibility of being scheduled for future hours.

## **11.15**

## **FAMILY AND MEDICAL LEAVE**

**11.15.01 Purpose:** If you have been employed by the District for at least twelve (12) months and have worked at least 1,250 hours for the District during the previous twelve (12) month period immediately preceding the commencement of leave, you are entitled to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for (1) the birth and care of your child; (2) the placement of a child in your home for either adoption or foster care; (3) to care for your spouse or domestic partner, child or parent with a serious health condition; and/or, (4) your own serious health condition that makes you unable to perform the functions of your job. Where leave is foreseeable, you must give at least thirty (30) days prior written notice of your intentions to take such leave to your Immediate Supervisor.

You may elect, or the District may require you, to substitute accrued paid leave for a corresponding portion of Family and Medical Leave. The balance of the twelve (12) weeks of Family and Medical Leave remaining after substituting such paid leave shall be without pay.

Family and Medical Leave taken for the birth or placement of a child may not be taken intermittently or on a leave schedule that reduces the number of hours per week, or hours per day that you work ("Reduced Leave Schedule") unless you and the Executive Director, in their sole discretion, agree on such a schedule. However, you may take leave on a Reduced Leave Schedule for your own serious health condition or care for your spouse or domestic partner, child, or parent with a serious health condition. If you are going to request a Reduced Leave Schedule for foreseeable medical treatment, you must make every reasonable effort to schedule planned medical treatment on off-duty hours. Further, if you will be on a Reduced Leave Schedule, the District reserves the right to temporarily transfer you to an available alternate position for which you are qualified that better accommodates such a schedule.

While on Family and Medical Leave, you will not accrue, earn, or be granted vacation leave, personal leave, sick leave, or any other leave or benefit. You will receive health insurance benefits, but you will be required to pay any and all costs, if any, associated with the health insurance as if you were not on leave (e.g., deductibles, dependent's premiums). If you return to work following Family and Medical Leave, as scheduled, the District will return you to your previous position or an equivalent position. However, you will not be restored to your previous position or an equivalent position if you would have been laid off had you not gone on leave; you will be put on the same status you would have been on had you not gone on leave. If you fail to return to work following your leave, you will be considered to have voluntarily abandoned your position, and for that reason, you will be dismissed. Further, the District may institute legal proceedings to recover the cost of maintaining your health insurance (including dependent coverage as well as your own) during your leave.

The District reserves the right to require you to obtain a second or third medical opinion (at the District's cost), submit all certifications, and maintain periodic contact with the District regarding your status during the leave. If you are on leave for your serious health condition, you must submit a certification from your doctor that you are able to work before resuming work. Further, the District reserves any and all other rights granted to it by such Act.

Employees seeking Family and Medical Leave may receive a detailed statement concerning their rights and privileges under the Family and Medical Leave Act, as well as those of the District, by contacting the Business Services Office.

Employees will be notified of their right to utilize the Family Medical Leave Act if it becomes apparent to the District that the employee may miss more than three days of work for covered reasons.

**11.15.02 Military Family Leave:** On January 28, 2008 President Bush signed into law the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181. Section 585 (a) of the NDAA amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:

1. **New Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse or domestic partner, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." In the interim, employers are encouraged to provide this type of leave to qualifying employees.
2. **New Leave Entitlement.** An eligible employee who is the spouse or domestic partner, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single 12-month period," during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

**11.15.03 Family Bereavement Leave:** All employees eligible for leave under the federal Family and Medical Leave Act of 1993 (FMLA) shall be eligible for bereavement leave under the Family Bereavement Leave Act, which provides up to a maximum of 2 weeks (10 working days) of unpaid bereavement leave to (1) attend the funeral or alternative to a funeral of a covered family member; (2) make arrangements necessitated by the death of a covered family member; (3) grieve the death of a covered family member. In the event of the death of more than one (1) covered family member in a twelve (12) month period, an employee may be allowed

to take up to two (2) weeks of leave per covered family member for a total of six (6) weeks during the twelve (12) month period; or (4) be absent from work due to (i) a miscarriage; (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure; (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party; (iv) a failed surrogacy agreement; (v) a diagnosis that negatively impacts pregnancy or fertility; or (vi) a stillbirth.

The Family Bereavement Leave Act defines covered family members an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

For the purposes of this section, domestic partner refers to a legal domestic partnership or civil union or an unmarried adult person who is in a committed, personal relationship with the employee, who is not a domestic partner as described in paragraph (1) to or in such a relationship with any other person, and who is designated to the employee's employer by such employee as that employee's domestic partner.

Eligible employees may elect to substitute accrued and unused paid leave for unpaid leave for bereavement leave under the Child Bereavement Leave Act.

**11.15.04 Organ Donor Leave:** An employee may use (i) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow donor, (ii) up to 30 days of organ donation leave in any 12-month period to serve as an organ donor, (iii) up to one hour to donate blood, (iv) up to 1.5 hours to donate double red cells, and (v) up to 2 hours to donate blood platelets. The frequency of the blood donation times shall be set by rule in accordance with appropriate medical standards established by the American Red Cross, America's Blood Centers, the American Association of Blood Banks, or other nationally-recognized standards.

An employee may use organ donation leave or other leave authorized only after obtaining approval from the employee's agency, which would follow the same approval process as other leave requests. An employee may not be required to use accumulated I&I or Vacation leave time before being eligible for organ donor leave. Retaliation against an employee for requesting or obtaining a leave of absence as provided under the Organ Donor Leave Act is strictly prohibited.

**11.15.05 Parental Leave:** This policy gives eligible employees up to two weeks of paid parental leave following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. The policy will run concurrently with the Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children occurring on or after March 24, 2021.

Eligible employees must meet the following criteria:

3. Employed with the District for at least 12 months.
4. Classified as Full-Time or Permanent Part-Time.
5. Worked a minimum of 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
6. Be on active working status or on approved leave (excluding administrative, long- term disability or military leaves).

In addition, employees must meet one of the following criteria:

1. Have given birth to a child.
2. Be a spouse or domestic partner of a woman who has given birth to a child.
3. Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a new spouse's or domestic partner's child is excluded from this policy.

The Parental Leave Policy provides 100% of covered base pay for regularly scheduled hours to eligible employees for two (2) weeks. If both parents are eligible employees, each will receive the leave benefit. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the two week total amount of paid leave granted. In addition, in no case will an employee receive more than two weeks of paid parental leave in a rolling twelve month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that twelve month time frame.

Approved paid parental leave may be taken at any time during the six month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this six month time frame.

If the employee chooses to return to work before exhausting the approved Parental Leave, the remainder will be forfeited; any remaining balance of the approved Parental Leave shall expire immediately.

Parental Leave cannot be taken intermittently.

Upon termination of the individual's employment at the District, they will not be paid for any unused parental leave for which they were eligible.

Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to the adoption or foster care, the leave will be counted toward the twelve weeks of



available FMLA leave per a twelve month period. All other requirements and provisions under FMLA will apply. In no case will the total amount of leave – whether paid or unpaid – granted to the employee under the FMLA exceed twelve weeks during the twelve month FMLA period.

Paid parental leave will not reduce eligibility for other types of paid and unpaid leaves such as sick leave, vacation, and holiday. When the two weeks of paid parental leave has ended, the employee may utilize available accrued leave for the remainder of the approved FMLA leave in accordance with the District's FMLA policy.

The District will maintain all benefits for employees during the paid parental leave period just as if they were taking any other company paid leave such as paid vacation leave or paid sick leave.

Medical certification required through the FMLA leave application will be used for the evaluation of eligibility under this policy.

An eligible employee will be required to furnish appropriate adoption or foster placement documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoptions. A fraudulent request for paid parental leave shall be grounds for disciplinary action, up to and including termination of employment.

Time away before the birth or placement of a child, will not be retroactively defined as Parental Leave.

Employees in any of the following circumstances are not eligible for Parental Leave under this policy:

1. Surrogate mothers who do not maintain parental rights
2. Biological parents (mother or father) with no parental rights or where the child is no longer in the parent's custody (i.e. child is placed for adoption)
3. Sperm donors
4. Miscarriage or death of a child (See Child Bereavement Leave)
5. Being named as guardian
6. Entering into a foster parent arrangement

## **11.16      NON-DISCRIMINATION, ANTI-HARASSMENT & ANTI-BULLYING**

**11.16.01 Purpose:** The Park District is committed to an environment in which all individuals are treated with respect and dignity. Each individual has the right to a professional atmosphere that prohibits discriminatory practices, including harassment. Therefore, the Park District expects that all relationships among persons will be business-like and free of bias, prejudice, and harassment.

It is the responsibility of every employee, officer, official, park commissioner, agent, volunteer, vendor, and registered participant of the Park District and anyone using the Park District's facilities to refrain from sexual and other types of harassment. The Park District prohibits and will not tolerate sexual or any other kind of harassment of or by anyone. Actions, words, jokes, or comments based on an individual's sex, gender, race, national origin, age, religion, or any other legally protected characteristic will not be tolerated. An employment relationship is not necessary for any type of the aforementioned prohibited behaviors to be actionable.

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, sexual orientation, civil union partnership, race, color, national origin, age, religion, disability, or any other protected characteristic, from participating in business or work-related social activities or discussions to avoid allegations of harassment. The law and policies of the Park District prohibit disparate treatment based on gender, sexual orientation, civil union partnership, race, color, national origin, age, religion, disability, or any other protected characteristic, with regard to terms, conditions, privileges, and prerequisites of employment. The prohibition against harassment, discrimination, and retaliation is intended to complement and further these policies, not to form the basis of an exception to them.

Consistent with State law, the Park District requires all employees to complete annual sexual harassment prevention training. The Park District will notify employees of their training obligations to ensure that the training is completed.

While we hope to be able to resolve any complaints of discrimination within the Park District, we acknowledge your right to contact the Illinois Department of Human Rights (IDHR), 555 West Monroe, Suite 700, Chicago, Illinois 60661, about filing a formal complaint, and, if it determines there is sufficient evidence of discrimination to proceed further, it will file a complaint with the Illinois Human Rights Commission (HRC), located at the same address. If the IDHR does not complete its investigation within 365 days, you may file a complaint directly with the HRC between the 365th and the 395th day.

It is the responsibility of every employee, officer, official, park commissioner, agent, volunteer, and vendor of the Park District and anyone using the Park District's facilities, to refrain from sexual and other harassment. The Park District will not

tolerate sexual or any other type of harassment of or by any of its employees and elected officials.

Actions, words, jokes, or comments based on an individual's sex, race, national origin, age, religion, or any other legally protected characteristic will not be tolerated.

**11.16.02 Pregnancy:** The Park District prohibits and does not tolerate discrimination against anyone on the basis of pregnancy and is committed to making reasonable accommodations related to pregnancy, childbirth, and medical or common conditions related to pregnancy or childbirth. The Park District will treat all applicants and employees who are pregnant in the same manner as any other applicant or employee with regard to job-related functions, benefits, opportunities, and purposes. No person or employee, no matter their title or position, has the authority, whether express, actual, apparent, or implied, to discriminate against a pregnant employee or applicant.

The Park District will not deny or remove a pregnant employee from a position because the employee is pregnant, considering pregnancy, or experiencing any pregnancy-related problems. All decisions regarding a pregnant employee's placement in or continuation in a job will be based on the same consideration that governs all employment decisions – the employee's ability to satisfactorily perform the essential duties of the job in question, with or without reasonable accommodation.

If you have a question, complaint, or problem related to pregnancy discrimination, you should relate such question, complaint, or problem to your department head. If you feel uncomfortable doing so, or if your department head is the source of the problem, condones the problem, or ignores the problem, report to the Executive Director.

If neither of these alternatives is satisfactory to you, then you can direct your questions, problems, complaints, or reports to the Board of Park Commissioners. You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed.

Under the IHRA, employees have the right:

- To ask for a reasonable accommodation for pregnancy, such as more frequent bathroom breaks, assistance with heavy work, a private space for expressing milk, or time off to recover from pregnancy.
- To reject an unsolicited accommodation offered by the Park District for pregnancy.
- To continue to work during pregnancy if a reasonable accommodation is available which would allow the employee to continue to work.

The Park District is prohibited from discriminating against employees on the basis of pregnancy or retaliating against employees after asking for a reasonable accommodation. A fact sheet related to pregnancy-related rights can be found at [www.illinois.gov/dhr](http://www.illinois.gov/dhr).

**11.16.03 Reasonable Accommodation:** Employees who believe they need a reasonable accommodation to perform the essential functions of their job should contact their department head. The Park District encourages employees to come forward and request a reasonable accommodation. If you feel uncomfortable making an accommodation request to your department head, or you believe your accommodation request was not properly managed, report the occurrence to the Executive Director.

On receipt of an accommodation request, your department head and your immediate supervisor will meet with you to discuss and identify the precise limitations resulting from the pregnancy and the potential accommodation the Park District might make to help overcome those limitations to allow you to perform the essential job functions of your position.

The Park 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 Park District's overall financial resources, the accommodation's impact on the operation of your department, including the ability of other employees to perform their duties, and the Park District's ability to provide its services to the public.

What is considered a reasonable accommodation will be based on a case-by-case analysis. The Park District will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees/unpaid interns will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request.

#### **11.16.04 Definitions of Harassment**

1. Sexual harassment may occur whenever there are unwelcome sexual advances, requests for sexual favors, or any other verbal, physical, or visual conduct of a sexual nature when:
  - a. submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
  - b. submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or,
  - c. the harassment has the purpose or effect of interfering with the employee's work performance or creating an environment that is intimidating, hostile, or offensive to the employee.

For purposes of this definition, the phrase “working environment” is not limited to a physical location an employee is assigned to perform their duties and does not require an employment relationship.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering; catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

2. Harassment based on any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, age, national origin, disability, or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment or participation opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes and display or circulation of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail, texting, or social media).

Conduct prohibited by these policies is unacceptable on any park district grounds and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings, and business-related social events.

Note: Any employee engaging in practices or conduct constituting sexual harassment, discrimination or harassment of any kind shall be subject to disciplinary action, up to and including discharge.

Any program participant or visitor engaging in practices or conduct constituting sexual harassment, discrimination, or harassment of any kind shall be subject to removal from the program and/or District grounds.

**11.16.05 Retaliation is Prohibited:** The Park District prohibits retaliation against any individual who reports discrimination or harassment, participates in an investigation of such reports, or files a charge of discrimination or harassment.

Retaliation against an individual for reporting harassment or discrimination, for participating in an investigation of a claim of harassment or discrimination, or for filing a charge of discrimination or harassment is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination.

In addition to the Park District's prohibition on retaliation, various state and federal laws prohibit retaliation for reports of discrimination, harassment, or retaliation. For instance, protections exist for reporting parties under the whistleblower protections of the State Officials and Employees Ethics Act, the Illinois Whistleblower Act, and the Illinois Human Rights Act.

**11.16.06 Reporting Procedure:** The Park District strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or discrimination. Therefore, while no fixed reporting period has been established, the Park District strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing or discriminatory conduct from promptly advising the offender that their behavior is unwelcome and requesting that it be discontinued.

If you experience or witness harassment or discrimination of any kind, you should deal with the incident(s) as directly and firmly as possible by clearly communicating your position to the offending person, your immediate supervisor, your department head, and/or human resources. You should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident).

Written records such as letters, notes, memos, e-mails, and telephone messages can strengthen documentation. It is not necessary that the harassment be directed at you to make a complaint.

- **Direct Communication with the Offender:** If there is harassing or discriminatory behavior in the workplace, you should directly and clearly express your objection to the offending person(s) regardless of whether the behavior is directed at you. If you are the harassed employee, you should clearly state that the conduct is unwelcome and the offending behavior must stop. However, you are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed below. The initial message may be oral or written, but documentation of the notice should be made. If subsequent messages are needed, they should be put in writing.

- **Report to Supervisory and Administrative Personnel:** At the same time direct communication is undertaken, or in the event you feel threatened or intimidated by the offending person, you should promptly report the offending behavior to your immediate supervisor, department head, or human resources. If you feel uncomfortable doing so, or if your immediate supervisor and/or department head is the source of the problem, condones the problem or ignores the problem, report directly to human resources. If human resources is the source of the problem, condones the problem, or ignores the problem, you should contact the Executive Director or President of the Board of Park Commissioners.
- **Report to Executive Director/President of the Board of Park Commissioners:** An employee may also report incidents of harassment or discrimination directly to the Executive Director. The Executive Director or his/her designee will promptly investigate the facts and take corrective action when an allegation is determined to be valid. If your complaint alleges harassment by the Executive Director, or if the Executive Director condones the problem or ignores the problem, you should immediately report the incident(s) in writing directly to the President of the Board of Park Commissioners. An investigation will be conducted and appropriate action will be taken when an allegation is determined to be valid. At no time will personnel involved in the alleged harassment conduct the investigation.
- **Confidential Report:** Individuals have the option to make a confidential report to their supervisor, Human Resources, the Illinois Inspector General, or the Illinois Department of Human Rights.

**11.16.07 Harassment Allegations Against Non-Employees / Third Parties:** If you make a complaint alleging harassment or discrimination against an agent, vendor, supplier, contractor, volunteer or person using Park District programs or facilities, the Executive Director will investigate the incident(s) and determine the appropriate action, if any. The Park District will make reasonable effort to protect you from further contact with such persons. Please recognize, however, that the Park District has limited control over the actions of non-employees.

Important – Notice to All Employees: Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this reporting procedure. An employee's failure to fulfill this obligation could affect their rights in pursuing legal action.

**11.16.08 Harassment Allegations Made Against Elected Officials:** Alleged harassment by a commissioner against another elected official can be reported to the Board President. If the Board President is the reporting person or is implicated by the allegation, the report can be made to any other active commissioner. Any report under this section must be referred to the District's legal counsel, who then must appoint a qualified independent attorney or consultant to review and investigate the allegations.

**11.16.09 Responsibility of Supervisors and Witnesses:** Any supervisor who becomes aware of any possible sexual or other harassment or discrimination of or by any employee should immediately advise the Executive Director who will investigate the conduct and resolve the matter as soon as possible.

All employees are encouraged to report incidents of harassment, regardless of who the offender may be or whether or not you are the intended victim.

**11.16.10 The Investigation:** Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The Park District will make every reasonable effort to conduct an investigation in a responsible and confidential manner. However, it is impossible to guarantee absolute confidentiality. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The Park District reserves the right and hereby provides notice that third parties may investigate claims of harassment. You must cooperate in any investigation of workplace wrongdoing or risk disciplinary action, up to and including termination.

**11.16.11 Responsive Action:** The Park District will determine what constitutes harassment, discrimination, or retaliation based on a review of each situation's facts and circumstances. Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or dismissal, as the Park District believes appropriate under the circumstances.

**11.16.12 False and Frivolous Complaints:** Given the possibility of serious consequences for an individual accused of sexual harassment, complaints made in bad faith or otherwise false and frivolous charges are considered severe misconduct and may result in disciplinary action, up to and including dismissal.

**11.16.13 Anti-Bullying:** The Hoffman Estates Park District (HEParks) recognizes that an agency that is physically and emotionally safe and secure for all participants promotes good citizenship, increases attendance, and supports achievement. HEParks prohibits acts of bullying, harassment, and other forms of aggression and violence to protect the rights of all participants and groups for a safe and secure environment.

Bullying or harassment, like other forms of aggressive and violent behaviors, interferes with a participant's ability to learn and limits involvement. All administrators, staff, parents, volunteers, and participants are expected to refuse to tolerate bullying and harassment and demonstrate respectful and civil behavior. Adults need to model these behaviors (even when disciplining) to provide positive examples for participant behavior.



“Bullying” or “harassment” is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e., cyber bullying, through the use of internet, cell phone, personal digital assistant (pda), computer, or wireless handheld device, currently in use or later developed and used) that is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying and harassment also include forms of retaliation against individuals who report or cooperate in an investigation under this policy. Such behaviors are considered bullying or harassment whether they take place on or off HEParks property, at any HEParks sponsored function, or in a HEParks vehicle, or at any time or place where a staff or participant’s imminent safety or over-all well-being may be an issue.

Bullying or harassment is conduct that meets all of the following criteria:

- is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- is directed at one or more individuals;
- is conveyed through physical, verbal, technological or emotional means;
- substantially interferes with educational opportunities, benefits, or programs of one or more individual;
- adversely affects the ability of an individual to participate in or benefit from HEParks activities by placing the individual in reasonable fear of physical harm or by causing emotional distress; and,
- is based on an individual’s actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

The scope of this policy includes the prohibition of every form of bullying, harassment, and cyberbullying/harassment, whether in a park district program room, on school premises where park district programs are held, immediately adjacent to HEParks premises, or at a park district-sponsored event, whether or not held on HEParks premises. This policy covers bullying or harassment, including cyberbullying/harassment that is not initiated at a location defined above if the incident results in a potentially material or substantial disruption of HEParks’

programs for one or more individuals and/or the orderly day-to-day operations of any HEParks program.

The Hoffman Estates Park District expects all individuals to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with proper regard for the rights and welfare of other individuals, staff, volunteers, and other district officials.

To have the maximum impact, the Hoffman Estates Park District recognizes that it is critical to provide a minimum of annual training for employees and volunteers who have significant contact with participants on district policies and procedures regarding bullying and harassment. Training will provide employees with a clear understanding of their roles and responsibilities and the necessary skills to fulfill them.

The Hoffman Estates Park District believes that individual behavior standards must be set through interaction among the participants, parents, and guardians, staff, and community members of HEParks, producing an atmosphere that encourages participants to grow in self-discipline and their ability to respect the rights of others. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of individuals, staff, parents, and community members.

The Hoffman Estates Park District believes that the best discipline for inappropriate aggressive behavior is designed to (1) support participants in taking responsibility for their actions, (2) develop empathy, and (3) teach alternative ways to achieve the goals and solve problems that motivated the inappropriate aggressive behavior. Staff members who interact with individuals shall apply best practices designed to *prevent* discipline problems and encourage abilities to develop self-discipline and make better choices in the future.

Since bystander support of bullying and harassment can encourage these behaviors, the district prohibits both active and passive support for acts of harassment or bullying. The staff should encourage participants *not* to be part of the problem; *not* to pass on the rumor or derogatory message; to walk away from these acts when they see them; to constructively attempt to stop them; to report them to the designated authority, and to reach out in friendship to the target. Periodic meetings should be conducted to teach bystanders how and when to respond to bullying and harassment incidents. Informal discussions and activities designed to provide awareness and increase connectedness promote a positive shift in peer norms that will support empowered bystanders. When bystanders do report or cooperate in an investigation, they must be protected from retaliation with the same type of procedures used to respond to bullying and harassment.

### *Factors for Determining Consequences*

- Age, development, and maturity levels of the parties involved

- Degree of harm (physical and/or emotional distress)
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred

*Note:* Consequences must be fair and impartial.

Consequences and appropriate remedial actions for a participant or staff member who engages in one or more acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or termination. Employees will also be held accountable for bullying or harassing behavior directed toward employees, volunteers, parents, participants, or district officials.

Consequences for a participant who commits an act of bullying and harassment shall vary in method and severity according to the nature of the behavior, the individual's developmental age, and the history of problem behaviors and performance. Remedial measures shall be designed to: *correct the problem behavior*, *prevent another occurrence* of the behavior, and *protect the victim* of the act. Effective discipline should employ a district-wide approach to adopt a rubric of bullying offenses and the associated consequences.

The consequences and remedial measures may include, but are not limited to, the examples listed below:

#### *Examples of Consequences*

- Temporary removal from the program
- Loss of privileges
- Program suspension
- Legal action

All employees are required to report alleged violations of this policy to their supervisor. All other community members, including participants, parents, volunteers, and visitors, are encouraged to report any act that may violate this policy to the Executive Director.

Reports may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

The Hoffman Estates Park District prohibits reprisal or retaliation against any person who reports an act of bullying or harassment or cooperates in an investigation. The administrator shall determine the consequences and appropriate remedial action for a person who engages in reprisal or retaliation after considering the nature, severity, and circumstances of the act.

The Hoffman Estates Park District prohibits any person from falsely accusing another as a means of bullying or harassment. The consequences and appropriate remedial action for a *person* found to have falsely accused another as a means of bullying or harassment may range from positive behavioral interventions up to and including legal action. Consequences and appropriate remedial action for an *employee* found to have falsely accused another as a means of bullying or harassment shall be in accordance with district policies, procedures, and agreements.

The Hoffman Estates Park District requires district officials to annually disseminate the policy to all staff along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur.

HEParks shall incorporate information regarding the policy against harassment or bullying into each employee training program and handbook.

## **11.17      ALCOHOL AND DRUG ABUSE**

**11.17.01 Purpose:** The District ("District") has implemented this Policy in response to overwhelming evidence that alcohol and drug abuse has a detrimental impact on job performance, safety, and efficiency. Since District employees design, prepare, operate, and maintain District facilities, programs, equipment, parks, and services for use by District patrons and are in contact, either directly or indirectly, with District patrons, the District wishes to assure the health, safety, and welfare of its patrons and employees. This Policy also expresses the District's desire to satisfy the requirements of the federal and state Drug Free Workplace Acts (41 U.S.C.A. § 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 and alcohol-free workplace.

The purpose of this Policy is to inform employees of the District's investigation, treatment, and disciplinary policy relating to alcohol and drugs. This Policy shall be deemed part of the District's personnel policies. As such, all District employees shall abide by its terms. This Policy is subject to periodic addition, modification, or deletion upon notice to employees.

**11.17.02 Acts Prohibited:** The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis (legal/medical or otherwise) and alcohol is prohibited on District Property or while operating a park district vehicle, or any other vehicle in pursuit of Park District business.

### **11.17.03 Definitions:**

- 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.) and Cannabis Regulation and Tax Act (410 ILCS 705) which provisions are specifically incorporated in this Policy by reference and attached hereto. Recreational and medical cannabis may not be possessed while on or in District property.
- 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 and attached hereto.
- d. "Criminal Drug Statute" means a criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance.
- e. "Director" is the Executive Director of the Hoffman Estates Park 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 shall include property used by District patrons while on District-sponsored events or field trips.

- 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, and includes recreational cannabis authorized under the Illinois Cannabis Regulation and Tax Act.
- i. "Medical Facility" means any physician, laboratory, clinic, hospital, or other similar entity.
- j. "Policy" means this Alcohol and Drug 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 areas.
- l. "Public Safety Responsibility" means jobs in which an employee is entrusted with direct responsibility for the health, safety, and welfare of District patrons, either through supervision of programs or operation or maintenance of equipment.
- 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 lay person's opinion, or the statement of a witness.

**11.17.04 Voluntary Treatment:** It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to disciplinary action. Employees who suffer from alcohol or drug abuse are encouraged to consult with District management voluntarily and undergo appropriate medical treatment. Participation in such treatment will be at the employee's expense. District management will keep such voluntary discussions and medical treatment confidential in accordance with this Policy. The District wishes to assure all employees that there will be no adverse employment consequences as a direct result of an employee voluntarily and successfully completing medical treatment.

**11.17.05 Screening and Testing:** The District may require employees who work on or near vehicles or machinery, handle hazardous 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 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 similar substance as the Medical Facility may recommend. Employees who undergo alcohol or drug screening or testing will be given the opportunity, before the collection of a specimen or other testing, to disclose the use of Legal Drugs and to explain the circumstances of their use.

Each District employee must sign a consent form when this Policy is distributed to the employee. Prospective employees will be required to sign a consent form before taking the pre-employment physical. Each employee and prospective employee may also 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. Such disciplinary action may include termination as deemed appropriate by the District, in its sole discretion, under the circumstances.

**11.17.06 Treatment:** If the Medical Facility recommends treatment, the District will give the employee one 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 will reinstate the employee provided that the employee submits a statement issued by the Medical Facility certifying that the employee has successfully completed the treatment program and that the employee is released to return to work.

**11.17.07 Use of Legal Drugs:** Any employee who works on or near vehicles 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 the Executive Director if the Legal Drug causes drowsiness or if it alters perception or reaction time (this includes legal medical cannabis). The burden is on the employee to ascertain from their doctor or pharmacist whether or not the Legal Drug has 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 Executive Director, will decide whether or not an employee may safely continue to perform their job while using the Legal Drug. Failure to declare the use of such Legal Drugs will be cause for discipline.

**11.17.08 Notice of Convictions:** Any employee convicted of violating any federal or state criminal drug statute on District Property must notify the Executive 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.

#### **11.17.09 Discipline/Penalties for Violation:**

- A. An employee who reports to work 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, is convicted of a drug-related crime, causes financial or physical damage to the District, District Property or its employees, or fails to report the use of Legal Drugs in accordance with this Policy, will be disciplined or must successfully complete a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement or other appropriate agency and by the District. On the first occurrence, discipline may consist of suspension, with or without pay, termination, and/or successful completion of a drug assistance or rehabilitation program as deemed appropriate by the District, in its sole discretion, under the circumstances. The employee will be terminated on the second occurrence.
- B. The District will terminate an employee (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 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, who undergoes treatment, is again Under the Influence of Alcohol or drugs in violation of this Policy; or, (6) if the employee fails to notify the Executive Director of a conviction for violating any Federal or State Criminal Drug Statute in accordance with Section VIII of this Policy.
- C. 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. The District, however, will not take adverse action against an employee because they voluntarily and successfully completes medical treatment.

**11.17.10 Pre-Employment Screening:** As a final prerequisite in the District's employment selection procedure, full-time persons otherwise offered a position with the District will be required to undergo a physical examination which will include a drug and alcohol screening test. Part-time employees will not be required to



undergo a physical exam unless the Department Head determines that the position, not the individual, be required to take an exam.

**11.17.11 Inspections:** 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 District containers and property that an employee is permitted to use during employment with the District are and remain the District's property. 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 will result in disciplinary action, which may include termination.

**11.17.12 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 file. Access will be limited to those who need to know. 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.

## **11.18      PARK DISTRICT CHILD ABUSE AND NEGLECT POLICY**

### **11.18.01 Compliance with State of Illinois Abused and Neglected Child**

**Reporting Act:** It shall be the policy of the Park District to fully comply with the State of Illinois Abused and Neglected Child Reporting Act. The Park District will make every reasonable effort and precaution to prevent, detect, handle and report cases of suspected child abuse and neglect for children who come in direct contact with Park District programs, areas, and facilities.

Specific hiring, training, supervision, employee conduct, and reporting procedures have been developed for applicants and employees who will supervise children.

Specifically:

1. All full and part-time employees will sign an Acknowledgement Form, Recreation Department volunteers, and Contractual Service Providers, and retained on file by the District, indicating that they have knowledge and understanding of the Abused and Neglected Child Reporting Act requirements. (See Attachment A)
2. All mandated reporters must complete initial mandated reporter training within three (3) months of their date of their engagement as a mandated reporter, and at least every three (3) years thereafter.
3. A Prior Conviction and Reference check will be completed by the Park District and is inclusive with the policies set forth by the Board of Commissioners.
4. All prospective staff will be interviewed in person prior to the decision to accept them as an employee for the Park District.
5. All full and part-time staff, Recreation Department volunteers, and Contractual Service Providers will receive in-service training by supervisory administrative staff. This orientation may include audio-visual, verbal, and written materials on Park District policies and procedures regarding child abuse and neglect. Specific training guidelines will also include:
  - A. The Cook County Health Department's periodic training programs to explain indicators of abuse and neglect and reporting procedures.
  - B. Appropriate discipline and rewarding practices.
  - C. Using expressions of normal affection through physical contact.
  - D. Requiring that one-adult and one-child situations be avoided.
  - E. Respecting and protecting the privacy of children, as well as their own.

- F. Avoiding sexually suggestive discussions in front of children.
  - G. Wearing a means of staff identification at all times.
  - H. Being alert to the physical and emotional state of children in their care.
6. Administrative/supervisory staff will make periodic unannounced visits to program sites to observe staff interaction with children and individual children's behavior. These visits to program sites will be documented, noting program, staff, time, location, and observation.
  7. Attendance/illness records of children participating in programs will be periodically reviewed by administrative/supervising staff for unusual absenteeism or children's reluctance to participate in the programs.
  8. All reports of child neglect or abuse will be channeled through the Director of Recreation or the Executive Director in his/her absence. If neither is available, a report will be made directly to the Department of Child and Family Services, and written notice submitted to the Director of Recreation and Program Manager within 24 hours. Details of the report shall not be discussed with other staff or participants. The specific procedure for staff to handle allegations of abuse can be found in Attachment B.

The Executive Director will notify the President of the Board of Commissioners of all reports of child abuse/neglect which are suspected and reported to the Department of Child and Family Services.

**11.18.02 State of Illinois Abused and Neglected Child Reporting Act:** "Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

- a. inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
- b. creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
- c. commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code 1961, as amended, and extending those definitions of sex offenses to include children under the age of 18 years of age;

- d. commits or allows to be committed an act or acts of torture upon such a child; or
- e. inflicts excessive corporal punishment.

"Neglected Child" means any child whose parent or another person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely based on the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for their well-being, including adequate food, clothing and shelter; or who is abandoned by their parents or other person responsible for the child's welfare. A child shall not be considered neglected or abused for the sole reason that such child's parent or another person responsible for their welfare depends upon spiritual means through prayer alone for the treatment or cure of the disease or remedial care as provided under Section 4 of this Act.

Any recreational program or facility personnel having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department of Child and Family Services. Whenever such person is required to report under this Act in their capacity as a member of the staff shall make the report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of the facility, or agency, or their designated agent that such report has been made. Under no circumstances shall any person exercise any control, restraint, modification, or other change in the report or forwarding of such report to the Department. The privileged quality of communication between any professional person required to report and their client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act. In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused or neglected child. Any person who enters employment on or after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to the commencement of the employment. The employer shall retain the signed statement.

**11.18.03 Handling Allegations of Abuse:**

1. If a child advises Park District staff that someone has molested or otherwise abused them, staff should be prepared to help the child. It is suggested that District staff be counseled and trained to follow the guidelines below:
  - a. Remain calm and reassuring. If you panic, become angry, or overreact to the information disclosed, so will the child. The child needs to feel that the person to whom they are speaking is in control of the situation and will reassure them that everything will be okay.
  - b. Don't criticize the child, question the child's story, or imply that the child may have misunderstood what happened. Accept the information openly without indicating value judgment.
  - c. Encourage the child to speak with the Director of Recreation and Program Manager about what happened. Tell them no one should ask to keep a secret about what happened and that it is okay to talk to the administrative personnel about it. Make sure the child feels that they are not to blame for what happened. Try to avoid repeated interviews about the incident and other dealings with the child that may be stressful for the child.
  - d. Respect the child's privacy. Take the child to a location where you cannot be overheard by other children but within the view of another adult. It is important that you discuss the matter only with the Director of Recreation and Program Manager or with the appropriate Department of Child and Family Services and designated law enforcement personnel. It must not become the topic of conversation among other staff members either on or off District premises. The child and their family or other persons involved should not pay the price of your indiscretion. If you disclose the information to such other persons, you are violating the child's right to privacy and the privacy rights of other persons involved, and may be subject to legal liability.
2. The Director of Recreation and appropriate Program Manager should be the contact persons for reporting suspected child abuse. In his/her absence, the Executive Director should be notified. The Director of Recreation and Program Managers should become thoroughly familiar with the Act's reporting requirements as summarized in the following paragraphs. If the report is made directly to the Department of Child and Family Services, the Director of Recreation or Executive Director shall be

notified within 24 hours of contacting the Department of Child and Family Services.

3. The Director of Recreation and staff person reporting the suspected abuse should immediately notify the Department of Child and Family Services as required under the Act by telephone to the DCFS "Central Register" 1- 800/252-2873 or in person or by telephone through the nearest DCFS office. Reports are immediately transmitted to the appropriate DCFS Child Protective Service Unit ("CPS"), which will, in turn, begin to investigate the matter.
4. The report should include, if known, the name and address of the child and their parents or other person having their custody; the child's age; the nature of the child's condition, including any evidence of previous injuries or disabilities; and any other information that the reporting staff person believes might help establish the cause of such abuse or neglect and the identity of the person believed to have caused such abuse or neglect.
5. The reporting staff person should confirm the oral report in writing to the assigned "CPS" within 48 hours of the initial report.
6. The Director of Recreation will notify the Executive Director of all reported cases to DCFS and keep the Executive Director informed of any further development.
7. The Executive Director will notify the President of the Board of Commissioners of all reports of child abuse or neglect which are suspected and reported to the Department of Child and Family Services.

## **11.19 VICTIMS' ECONOMIC SECURITY AND SAFETY ACT ("VESSA") POLICY**

**11.19.01 Purpose:** The purpose of this policy is to inform employees of their rights under the Victims' Economic Security and Safety Act (the "Act"), 820 ILCS 180/1.

**11.19.02 Intent:** To establish guidelines that will set forth an employee's rights under the Act, and established by HEPD Ordinance 2004-03.

**11.19.03 Policy:** Subject to certification requirements outlined below, an employee shall be entitled to a total of twelve (12) workweeks of unpaid leave during any twelve (12) month period if that employee is a victim of domestic, gender, or sexual violence or has a family or household member who is a victim of domestic, gender, or sexual violence. The leave may be taken to:

- Seek medical attention for or recovering from physical or psychological injuries;
- Obtain services from a victim services organization;
- Obtain psychological or other counseling;
- Participate in safety planning, temporarily or permanently relocating, or taking other actions to increase safety from future domestic or sexual violence or ensure economic security; and/or
- Seek legal assistance or remedies, including preparing for or participating in any civil or criminal proceeding related to or derived from domestic, gender, or sexual violence.

At the employee's discretion, the leave may be taken intermittently or on a reduced work schedule.

**11.19.04 Notice:** The employee shall provide the Employer with at least forty-eight (48) hours advance notice of the employee's intention to take the leave unless such notice is not practicable. The Employer shall not take any action against the employee if an unscheduled absence occurs, provided the employee provides the proper certification set forth below as soon as is practicable.

**11.19.05 Confidentiality:** Upon application for such leave, the employee shall provide to the Employer a sworn statement attached hereto and obtain one of the following documents:

- Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, member of the clerk, or a medical or other professional from whom assistance has been sought in addressing domestic or sexual violence and the effects of the violence;

- A police or court record; or
- Other corroborating evidence as determined sufficient by the Employer.

Nothing in this subsection shall be construed to prohibit an employer from requiring an employee on leave to report periodically to the employer regarding the employee's progress or regarding employment matters.

**11.19.06 Employment Benefits:** Upon returning to work after taking leave enumerated under this policy, the employee shall be restored to the position held before taking leave or to an equivalent position. The employee shall retain any employment benefits accrued before the date on which leave commenced. However, nothing in this policy shall be construed to entitle any restored employee to have accrued any seniority or employment that the employee would not have received had they not taken leave. Additionally, the employer shall maintain coverage for the employee and family or household member under any group plan for the duration of such leave under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. If the employee fails to return from leave under this policy and after the period of leave to which the employee is entitled has expired and for reasons other than the continuation, recurrence or onset of domestic or sexual violence, the employer may recover from the employee the premium that the employer paid for maintaining the level of coverage for the employee.

**11.19.07 Use of Existing Leave:** An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment pursuant to federal, state, or local law, the collective bargaining agreement, or the employment benefits program or plan, may elect to substitute any period of leave for an equivalent period of leave provided under this policy. This policy does not provide additional time if the Family Medical Leave Act also covers the leave.

**11.19.08 Sworn Statement:**

SAMPLE SWORN STATEMENT:

I, \_\_\_\_\_, swear that I am taking leave under the Victims' Economic Security and Safety Act, and that either I am a victim of domestic or sexual violence or have a family or household member who is a victim of domestic, gender, or sexual violence.

Signature

Date