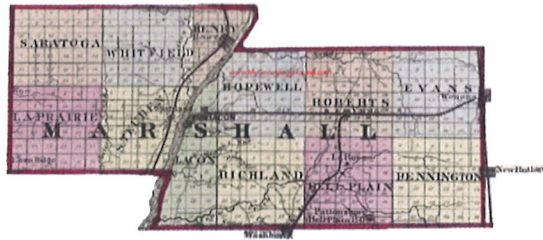


# Marshall County



## Employee Guidelines



*Marshall County Courthouse  
Lacon, Illinois*

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### Introduction

The following personnel policy guidelines are not meant to constitute a contract for employment, nor are they intended to be all encompassing; rather they are meant to outline general personnel guidelines. When this policy conflicts with collective bargaining agreements or laws governing elected officials, those rules take precedent. All employees should receive a copy of this manual upon its adoption and when changes are adopted by the County Board. Employees will submit written receipt of the policy upon hire or when changes are adopted.

### Equal Opportunity / Affirmative Action Policy

It is the policy of Marshall County to recruit, consider for employment, hire, pay, promote and discipline, all employees without regard to race, color, age, religion, sex, national origin, physical or mental handicap unrelated to the job requirements, ancestry, marital status. All personnel actions and employee programs run by Marshall County are administered on a nondiscriminatory basis and are subject to equal employment considerations, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Family and Medical Leave Act of 1993 and the Drug Free Work Place.

### Recruitment and Selection of Personnel

It shall be the policy of Marshall County to advertise for job openings in all appropriate publications. This posting shall include the name of the position available, a brief job description, and necessary qualifications. All resumes will be reviewed by the department head that has the vacancy. Based on the interview, credentials and/or reference checks, the department head shall select the appropriate candidate to fill the position.

### Employment of Relatives

No Member of the immediate family of an Elected Official or Department head shall be eligible for employment in the department of the Elected Official or Department Head. Immediate family is defined as: Mother, Father, Spouse, Child, Siblings, Grandparents, Step Child, Step Parent.

Relatives of Elected Officials or Department Heads may be employed in other departments where they are not under the direct supervision of a relative, provided they meet the qualifications of the job.

### Courthouse Hours

Courthouse hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. allowing for one half hour unpaid lunch break. Department heads may stagger employees' lunch breaks to keep the office open during the noon time if they wish. A ten-minute break is recommended for employees in the morning and afternoon in accordance with Federal and State law/regulations.

## Classification of Personnel

- A. Employees fall into three classifications:
  - 1. Full time employees have satisfactorily performed the probationary period in six months, with the expectation to work 37.5 hours or more per week. Full time employees participate fully in all benefits at the time of hiring unless otherwise stipulated by a benefits provider.
  - 2. Part time employees work for a part of the regular work week, less than 35 hours. All part time employees are subject to the same conditions of employment, but are not entitled to county provided benefits.
  - 3. Temporary Employees are those employed for a specific assignment for a specific limited period. Temporary employees are subject to the same conditions of employment, but are not entitled to county provided benefits.
- B. Probationary Period
  - 1. The probationary period is for six months, during which time employment may be terminated by either the employee or the department head for any reason without notice. The department head will provide orientation and supervision to all new employees.

Probationary period for collective bargaining employees is set by union contract.

## Compensation

Salaries are established on an annual basis with each employee. This is done by the department heads, subject to State guidelines and funds budgeted by the County Board. Salaries of elected officials are established by applicable state statute. If no state statute directly applies, the County Board shall set the salaries of elected officials and non-elected department heads.

## Conduct and Work Performance

It shall be the duty of each employee to maintain high standard of conduct, and to work cooperatively and efficiently. Whenever work habits, attitude, production, or personal conduct of any employee falls below a desirable standard, employees may be subject to **disciplinary action**.

*Disciplinary Action*, Employees are expected to comply with Marshall County Policies and departmental policies. When disciplinary action is warranted it shall normally be of an increasing progressive nature, the order normally being:

- 1. Verbal or written reprimand
- 2. Suspension or demotion
- 3. Dismissal

However, this normal progression does not restrict the application of an advanced level of disciplinary action for a serious breach of conduct.

## Drug Free Work Place

### General Policy Statement

While it has always been the policy of Marshall County to maintain a safe, healthful, productive, and drug free work environment, the Drug-Free Workplace Act of 1988 requires agencies receiving Federal grants to specifically state the County's policy that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace.

For purpose of this policy, a controlled substance is one which is:

1. Not legally obtainable
2. Being used in a manner different than prescribed
3. Legally obtainable, but has not been legally obtained

To Comply with the Drug-Free Workplace Act of 1988, the following procedures will be followed:

- A. All employees shall be prohibited from the unlawful manufacture, distribution, possession, use, or being under the influence of a controlled substance while on the county premises or while performing work for the county.
- B. All employees shall be prohibited from the distribution, consumption, possession of or being under the influence of alcohol while on the County premises or while performing any work for the County.
- C. As a condition of employment, each employee shall agree to notify his/her supervisor of his/her conviction of any criminal drug statutes for a violation occurring on the County premises or while performing work for the County, not later than five (5) days after such a conviction.
- D. To make County employees aware of the danger of drug and alcohol abuse, the County shall:
  1. Provide each employee with a copy of the County Drug and Alcohol Policy
  2. Post notice of the County Drug and Alcohol Policy in a place where other employee notices are posted
  3. Make available materials from local, state, and national anti-drug and alcohol abuse organizations
- E. *Violation*
  1. An employee who violates the terms of this policy may be subject to disciplinary action, up to and including termination.
  2. The county shall take disciplinary actions with respect to an employee convicted of a drug offense in the workplace within thirty (30) days after receiving notice of the conviction
  3. The County may require an employee who violates the terms of this policy to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program that has been approved by the Marshall County Board.

## FMLA Leave

Employees eligible for FMLA Leave shall be entitled to benefits in accordance with the Family and Medical Leave Act of 1993.

### Sick & Personal Leave #15-14 January 8<sup>th</sup>, 2015

Full time employees will be granted ten (10) sick/personal leave days per year. Unused sick/personal leave days will not be paid out to employees at the end of the year or otherwise credited for except for as explained below for IMRF credit.

Retiring IMRF members may qualify for a maximum of one year additional pension service credit for unpaid, unused, sick leave accumulated at the rate of one month for every twenty (20) days of unpaid, unused sick leave or fraction thereof. Marshall County IMRF Administration can provide information on the specific details for receiving this additional pension service credit. While an employee is off duty because of illness, additional sick leave is not accumulated.

### Vacation

Employees earn vacation time in accordance with the following schedule which is based upon continuous years of service:

1. One week with full pay after one year of service based on employee's anniversary date.
2. Two weeks with full pay after two years of service based on employee's anniversary date.
3. Three weeks with full pay after five years of service based on employee's anniversary date.
4. Four weeks with full pay after fifteen years of service based on employee's anniversary date.

In the event of termination of employment, the employee will receive a pro-rated vacation allowance

At the discretion of their supervisor, employees may carry over one week of unused vacation to the next year.

Used vacation will not be compensated for at the end of the year.

### Holidays

Holidays are established on a yearly basis by the county board. Employees have those established holidays off with pay.

Collective bargaining employee's holidays are set by union contract.

### Compensatory (Comp) Time

It shall be the policy of Marshall County to pay one and one-half times the regular hourly rate for employees who exceed 40 hours of work per week in lieu of Comp Time. The practice of awarding and the accumulation of Comp Time circumvents the normal budgeting process and creates a financial liability to the County. As a result, effective the starting date of this policy all employees will be paid the appropriate amount of overtime pay for work exceeding 40 hours per week.

### Bereavement

When a death occurs in an employee's immediate family, the employee will receive up to three (3) days of bereavement leave based on their straight time earnings. Immediate family is defined as:

Mother, Father, Spouse, Child, Siblings, Grandparent, Step Parent, Step Child

One day may be granted to attend the funeral for the following extended family:

Mother or Father in Law, Brother or Sister in Law, Grandchild, Guardian, Aunt, Uncle, Niece, and Nephew

Bereavement pay will not be paid for time for which you receive time off under some other policy such as holiday, vacation, sick days, or an employee's normal day off.

### Jury Duty

Employees who have been called for jury service shall be paid full compensation for the period of jury service provided such employee goes to the office and works during such office hours as his/her services are not required in court except in such cases where the County Board Chairman determines it would be counterproductive in consultation with the State's Attorney.

### Witness

An employee subpoenaed to serve as witness in their official capacity is paid for time lost but must return to work when service is not requested. If an employee is called as a witness in any legal matter not involving the County then any time taken should not be compensated unless employee elects to use accrued vacation or other time off benefit.

### Retirement

Marshall County participates in the Illinois Municipal Retirement Fund (IMRF). Retirement benefits shall be determined by IMRF for eligible employees and elected officials.

Retiring employees who qualify for full IMRF can maintain insurance coverages, at their own expense, until the earliest age Medicare becomes available.

### Smoke Free Illinois Act

Pursuant to 410 ILCS 82/1 et.seq., the Smoke Free Illinois Act, effective January 1, 2008, no person shall smoke in any County Building or facility or within 15 feet of any entrance thereto. No person may smoke in any vehicle owned, leased or operated by the County.

"No Smoking" signs shall be clearly and conspicuously posted in each County Building at every entrance.

All ashtrays shall be removed from all County Buildings and vehicles.

A Person who smokes in an area where smoking is prohibited may be subject to prosecution under the law and subject to disciplinary action by the appropriate supervising body or department head.

## Training

Opportunity will be given to personnel to attend conferences and meetings which will assist in maintaining and improving their qualifications. Registration fees and other reasonable expenses in connection with the conference will be reimbursed with the approval of the department head.

The above does not pertain to Elected Officials, provided they have the necessary expenses in their approved budgets. However, as a common courtesy, they should inform the County Board Chairman of their absence.

## Computer Use and Internet Policy #02-46 June 6<sup>th</sup>, 2002

This computer Use and Internet Policy was adopted by the County Board of Marshall County the "Company" to assist the Marshall County Board to fulfill its goal of insuring proper and productive use of computer, network, Internet and telecommunication technology by employees, contractors, and other users of the company's computer and telecommunications technologies.

It is hereby directed and resolved by the Marshall County Board of the company that all users of the company's computer and telecommunications technology have the affirmative responsibility for professional, productive, lawful and ethical use of the company's computer resources. Such resources shall be used only for the productive goals of the company and not for personal use of the user.

To this end, the Marshall County Board mandates adherence to the within rules, regulations, policies and standards by all users of the Company's computer and telecommunications technology, including but not limited to the Company's employees, independent contractors and others that may be granted access and use of such technologies. Employees and others to which these policies apply may be subject to legal actions, termination, suspension, employment probation, and other potential sanctions, including in some cases possible criminal sanctions, for failure to abide by these policies.

These policies shall be followed when using any of the County's computer and telecommunications technologies, which shall include, but are not limited to computer work stations, servers (application and mail servers), intranet networks. The County's computer and telecommunication resources include, but are not limited to, the following: host computers, file servers, application servers, mail servers, fax servers and fax machines, communications servers, workstations, laptops, software, and internal or external computer and communications networks (including Electronic Data Interchange networks, internet, newgroup, commercial online services, bulletin board systems and e-mail systems) that are accessed directly or indirectly using telecommunication and computer technology owned, leased or otherwise controlled by the County or used by any party to which these policies apply in furtherance of the County's goals.

The County may, but is not obligated to, institute programs to monitor all aspects of its computer and telecommunications technologies. Monitoring activities may include, but are not necessarily limited to monitoring the internet activity of users, including web sites visited, newsgroups visited, chat group activity, materials that are downloaded or uploaded, reviewing and monitoring e-mails sent and received, and monitoring the total time involved in internet related activities.

Any computer and telecommunications technology used by users and any e-mail and web accounts established by the County for use of users, are for use only in furtherance of the job responsibilities and for the betterment of the County. Use is limited to business purposed of the user and such technology is not to be used for the personal purpose of the user.



Users are placed on notice that they should have no expectation of privacy in their use of the Company's computer and telecommunication technologies. All users hereby waive any and all rights to privacy in their usage of the Company's technology and in any item or file that they create, access, store, send, or receive using the Company's technology. Company representatives are authorized to access, inspect, and review any and all materials that any users creates, stores, accesses, sends, transmits, or receives using the Company's technology and users hereby consent to the same.

All uses of the Company's computer and telecommunications resources and services shall be subject to the following rules, regulations, policies and standards.

1. Users shall comply with all software licenses and copyrights, and with all state, federal, and international laws governing intellectual property and online activities. Users shall not be permitted to make any unauthorized copies of software that is resident on any of the Company's technology.
2. Users shall not engage in any fraudulent, harassing, embarrassing, sexually explicit, obscene, intimidating, defamatory, or other unlawful or inappropriate material whether through transmission of emails, posting in newsgroups, involvement in chat rooms or any other form of electronic communications. May not be sent by e-mail, or other forms of electronic communication. Users encountering or receiving such material or observing or gaining knowledge that others that are subject to these policies have violated these mandates shall immediately report the incident to their supervisor.
3. No person subject to these policies is authorized to engage in any chat room discussions using the Company's technology unless consent is obtained from the user's supervisor who certifies that such activity is in furtherance of the Company's business and prospects and is not for the personal benefit or pleasure of the user. No person shall be authorized to place any web pages, postings, or other promotional materials promoting the Company or its products or services without the consent of the Board of Directors.
4. Without prior written permission, the computer and telecommunications resources and services of the Company may not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs \*that is, viruses, or self-replicating code), political material, or any other unauthorized use.
5. Content of all authorized communications should be accurate and concise. Users should use the same care in drafting e-mails and other electronic documents as they would for any other written communication. Anything created on the computer may, and likely will, be reviewed by others.
6. Users are prohibited from sending, receiving, distributing or disclosing and confidential and proprietary information of the company unless expressly directed to do so by the user's supervisor in furtherance of a valid company interest. Failure to abide by this provision can subject the user to discipline as well as potential civil and criminal penalties.

7. No user is permitted to install software of any kind on the Company's technology. Only software that is placed on the computer technology by the Company MIS department shall be authorized. In the event that a user needs additional software that is not provided by the Company, the user shall make a written request for such software which written request shall include the bona fide business purpose and function to be accomplished using said software. Users are not authorized to install or use any encryption software except as directed by the Company. No passwords or encryption keys that are not provided by the company shall be utilized. All passwords shall be reported to the appropriate Company representative who shall maintain a log of all such passwords.
8. Any material that is authorized and brought onto the Company's computers or which is authorized and downloaded from the Internet or provided from any other source shall be first scanned for viruses or other destructive elements. Any such items shall be reported to the MIS director who shall assure that appropriate virus scanning is performed. Until such virus scanning is performed, even where such item is authorized, it shall not be placed on the Company's computer.
9. Users shall not send unauthorized or unsolicited e-mail to any party. Bulk e-mailing is strictly prohibited.
10. All e-mail communication with the Company's inside or outside legal counsel shall include a legend identifying such material to be confidential communications with the Company's legal counsel and protected by the attorney-client privilege.
11. No user is permitted to access, copy or open a file created by another user without first obtaining the permission of the author of such file.
12. Users shall take all steps necessary to safeguard any password that is assigned for their use. Passwords shall be committed to memory and shall not be auto-saved, stored on the computer or the network, printed, kept in written form or other hard copy. Users are prohibited from accessing the Company's computers and networks using any password other than the password that is specifically assigned to the user.
13. Users shall comply with all export restrictions applicable to the Company's technology. Specifically, no items including encryptions technology or other restricted technology may be placed on the Internet or otherwise transmitted, by e-mail or otherwise in any way that could potentially permit access to such materials from outside of the United States.
14. Notwithstanding any term hereof, all users shall be bound by and abide by all other policies, directives and guidelines established by the Company, including but not limited employment policies. All such items shall apply to the user's activities using the Company's technology.
15. The Company is not responsible for material viewed or downloaded by Users from the internet. Users are cautioned that the Internet is a worldwide network of computers that contains millions of pages of information. Many of these pages include offensive, sexually explicit, and inappropriate material. Users accessing the Internet do so at their own risk.

16. These policies may be amended and or restated by the Company at any time. Users shall comply with all such policies as amended.

The undersigned user executes these policies as a condition of their continuing employment or other relationship with the Company. The user acknowledges that he or she has read and understood these policies and their application to the user. The undersigned agrees to abide by all of the requirements of these policies and understands that failure to abide by these policies may result in sanctions, including but not limited to adverse employment actions, suspension, employment probation, demotions, termination, and potential civil and criminal liability.

### Employee Expense Policy #14-103 September 2014

#### **General Policy:**

All expenses incurred in behalf of or reimbursed by Marshall County Employees shall be in accordance with the following Expense Policy. Any expense incurred by an Employee not spelled out in this policy shall be at the discretion of the of the Board to allow or disallow. It is highly recommended that an unusual, out of the ordinary expense should have prior approval. Only Committee Person/Employee expenses will be reimbursed. Employees are anyone who is receiving payroll from the county.

#### **Itemized Accounting Required for Reimbursement:**

Any person who has incurred expenses in behalf of Marshall County shall account for all such expenses by filing with Marshall County a written itemized account of the expenses so incurred. Receipts or other supporting proof shall accompany all expenditures. Original receipts are expected for any expense for which they are normally available and the remittance of hand written receipts is discouraged. Requests for reimbursement for authorized expenses shall be filed with the appropriate office not later than thirty (30) days of incurring such expense.

#### **Reimbursable Expenses:**

Expenses for which reimbursement will be made shall include all reasonable expenses for travel, meals and lodging. The expenses shall be reasonable, proper and accurate. It is the intention of the Marshall County Board that the terms reasonable and proper be given common sense definitions and shall be judged on a per case basis.

***Transportation Costs*** for public travel shall be reimbursed at the actual cost of such transportation and shall include transportation to and from airports from the person's home and place of lodging. When traveling by automobile, the actual cost shall be established by using the per mile rate allowed from time to time by the Internal Revenue Service. Checks for mileage reimbursement shall be made payable to the employee and should not exceed the reasonable cost of a Coach airfare.

***Lodging Costs*** will be reimbursable using the currently accepted government rate. These costs shall apply to the actual cost of the lodging for the night of the pre-conference travel day, the night of the registration day, and the nights of the meeting/event days that the Employee is in attendance. Cost of lodging is not reimbursable on the return travel day.

If the conference registration begins on Monday, Saturday overnight stays will be reimbursable only if the Employee substantiates that the reduced airfare to due to a Saturday overnight stay results in less overall expenses to the County. It is the responsibility of the Employee to submit a statement and airline rate quote to support these savings in such instances. Reimbursement for the Saturday overnight stay will not be paid without the proper supporting documentation.

Airline reservations, or statement of airfare rates, must be made thirty (30) or more days in advance whenever practicable.

***Meal Costs*** (including refreshments consumed in connection with the meals) for the pre-conference travel day, the day of registration, the days of the meeting/event that have been approved and which the employee attends, plus the return-travel day, will be based on the actual cost of the Committee Person/Employee meal.

***Personal Expenses*** such as in-room movies, golf, toiletries, and alcoholic beverages will not be a reimbursable expense. Non-alcoholic beverages consumed during the day or evenings are a reimbursable expense.

***Rental Car Costs*** will be reimbursed only to the extent they are used on official business or qualify as an allowable transportation cost, and only to the extent the cost is equal to or less than the public transportation available in that area. If the conference and lodging is all located in the same facility and the hotel provides free transportation, a rental car will usually not be a reimbursable expense.

**Business Meetings:**

An employee may incur expenses in behalf of Marshall County and may charge same to Marshall County or be reimbursed for the same by paying for or authorizing payment for the cost of meals and beverages incurred at a meeting, the primary and predominant purpose of which is to discuss and otherwise deal with Marshall County matters. Such expenses may also include the reasonable costs associated with a business meeting involving one or more Administrators, Consultants, Actuaries, Attorneys, and Investment Counselors who serve as fiduciaries with other similarly situated County. Meals must have a receipt and the name of the parties in attendance must be listed along with their business connection to the County and an explanation of the business discussion that occurred.

**Approval of Expenses:**

From time to time the Board may designate a Committee which shall be delegated authority to review and approve all requests for expense reimbursement and review all charges incurred in behalf of Marshall County by and Committee Person/Employee, or other person authorized to incur such expenses. This Committee shall inquire into and request explanation of any unsubstantiated expense of more than a nominal amount or any expense that is substantially in excess of that which would normally be deemed reasonable under like or similar circumstances. The relative reasonableness of expenses shall include factors including, but not limited to, the geographic area wherein the expenses are incurred with respect to lodging, meals and the like. Any expense representing a variance with this expense policy shall be submitted by the Committee to the Board at its next meeting for review and appropriate action. All expense matters reviewed by the Committee shall be brought to the next Board Meeting, at which time it shall be made available for inspection by any Board member.

**Appropriate Tuition or Educational Expenses:**

Appropriate Tuition or Educational Expenses for Employees are recognized by the Board Members of Marshall County and is to be encouraged as it has been demonstrated that educational experience benefits employees by leading to an improvement or maintenance of skills required in the performance of a Employee's duty. Tuition will be reimbursed upon successful completion of the course or certification up to \$1,500.00.

**Records:**

A complete record of all expense matters shall be maintained at Marshall County Courthouse for inspection by any Board member/committee person at any time upon reasonable notice.

**Non-Compliance:** Reimbursement privileges of any or all employees may be revoked by the board at any time should it see fit.

**Clarifications to the Expense Policy**

Reimbursable expenses for travel to and from meetings and conferences may be incurred as follows:

- A. One day's meals and one night of lodging for the day preceding the beginning of the conference. If registration is on Sunday, Saturday's meals and lodging are reimbursable regardless of the means of travel.
- B. One day's meals for the day after the last scheduled meeting are reimbursable. If the last meeting is on Thursday, all meals and lodging on Thursday are reimbursable and meals only on Friday are reimbursable. Friday lodging is **not** reimbursable regardless of means of travel.
- C. Rental cars will be reimbursed only to the extent they are used on official business and only to the extent the cost is equal to or less than the public transportation available in that area. If the conference and lodging is all located in the same facility and the hotel provides free transportation, a rental car will not be a reimbursable expense.
- D. Saturday overnight stays will be reimbursable if the conference registration begins on Monday, only if the employee substantiates that the reduced airfare to the county, due to a Saturday overnight stay results in less overall expenses to the county. It is the responsibility of a Committee Person/Employee to submit a statement and airline rate quote to support these savings in such instances.
- E. Receipts should be obtained for all expenditures.
- F. Meals must have a receipt and the name of parties in attendance must be listed along with their business connection to the Fund and an explanation of the business discussion that occurred.
- G. Personal items such as in-room movies, golf, toiletries, and alcoholic beverages will not be a reimbursable expense.
- H. Acceptable credit card use: Equipment & supplies approved and included in yearly budget. Examples are: Computers, monitors, copy machines, (bathroom, cleaning, & office) supplies.

**Liberalization Clause**

By the adoption of the Marshall County Personnel Policy by the County Board, same will become effective on the day and date adopted. This schedule will in no way effect any sick leave or accrued vacation time any employee has already accrued. These items must be closely checked by all elected officials and department heads.

### Adverse Weather Conditions

When confronted with adverse weather conditions, it shall be the discretion of each employee as to reporting for work or leaving work early. Employees not reporting for work or leaving work early shall not receive compensation for lost time unless they elect to use vacation or sick/personal time. If the courthouse is closed because of adverse weather employees who work in the courthouse will receive normal compensation.

### Military Reserve Duty

1. Eligibility. A full-time regular employee who is a member of the National Guard or Federal Reserves.
2. Weekly Military drill including National Guard. Permission to be absent without pay will be granted for necessary hours.
3. Annual Training Camps – The County will grant leave of absence for encampment. An employee attending such annual training encampment will receive supplemental pay for two weeks. The amount of the supplemental pay will be the difference between the employee's regular pay (base rate) and the total military entitlement for the fourteen-day period. The employee must furnish proof of pay. The employee may elect to schedule vacation days during this period. The employee will receive the supplemental pay in addition to the payment for vacation.
4. Emergency duty call by the Governor for National Guard (floods, riots, strikes, etc.). Employee will be given leave of absence. Full salary will be paid up to ten working days in a calendar year for such absences.

### Emergency Situations

Departments should coordinate with the EMA Director of the County to establish procedures for catastrophic situations that may pose a risk to employees.

### Termination of Employment

1. Resignation: If any employee resigns, two weeks' notice in writing must be given. Such an employee will be given his/her accrued pay. Unused accrued vacation will be paid only if proper notice of termination is given.
2. Group Insurance: Any employee who is terminated, dismissed, or resigns, also terminates his/her group insurance on the last day of the month in which termination of employment occurs (last day worked) or the date the employee fails to return from a leave of absence. Group health insurance may be continued for a specified period of time (currently up to 18 months) at the option and expense of the terminating employee. The health insurance provider should be contacted for the terms and conditions that must be met in order to continue group health coverage under the terms of COBRA.
3. Nothing in this schedule of Personnel Practices should be constructed as barring any Department Head from making changes in his/her office personnel as necessary.

## Policy Prohibiting Sexual Harassment #17-91 December 14<sup>th</sup>, 2017

### **Prohibition on Sexual Harassment**

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under the Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of Marshall County to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

### **Definition of Sexual Harassment**

This policy adopts the definition of sexual harassment as stated in the Illinois Human Right Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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

Conduct which may constitute sexual harassment includes:

- Verbal: Sexual innuendos, suggestive comments, insults, humor, and jokes about sex anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates. Or statements about other employees, even outside of their presence, of a sexual nature.
- Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: Posters, signs, pin-ups, or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic: "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

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

### **Procedure for Reporting an Allegation of Sexual Harassment**

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

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

- *Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassment employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly report to the immediate supervisor of the person making the report, department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive office of the municipality.

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

- *Resolution Outside Municipality.* The purpose of this policy is to establish Prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including but not limited to, written records such letters, notes, memos and telephone messages.

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



## **PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS**

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

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

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

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

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

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

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

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act. An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge due within 180 days (IDHR) or 300 days (EEOC) of alleged retaliation.

## **CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT**

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

## **CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT**

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

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

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This policy was drafted using the Illinois Department of Human Rights Sexual Harassment Model Policy and has been modified to confirm to Public Act 100-0554.

## **Identity Protection Policy** #17-92 December 14<sup>th</sup>, 2017

### **General:**

The following policy governs the protection and disclosure of Social Security numbers consistent with the requirements of the Identity Protection Act (5 ILCS 179/1 et seq.). This policy is applicable to all Agency employees.

### **Requirements:**

Except as otherwise provided, no Agency employee may do the following

1. Publicly post or publicly display in any manner an individual's Social Security number;
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 his or her 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 mailed. Notwithstanding any provision set in section four (4) to the contrary, Social Security numbers may be included in application and forms sent by the mail, including, but not limited to the following:

- a. Any material mailed in connection with the administration of the Unemployment Insurance Act;
  - b. Any material mailed in connection with any tax administered by the Department of Revenue; and
  - c. Any 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.
5. 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 collection, use or disclosure of the Social Security number is otherwise necessary for the performance of the Agency's duties and responsibilities;
  - b. The need and purpose for the Social Security number is documented before the collection of the Social Security number; and
  - c. The Social Security number collected is relevant to the documented need and purpose.
6. Require an individual to use his or her Social Security to access an internet website; and
7. Embed or encode a Social Security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security number as required by the Identity Protection Act.

### **Exceptions**

The protection and disclosure of Social Security numbers 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 Agency 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 the Identity Protection Act 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 for internal verification or administrative purposes;

4. The disclosure of Social Security numbers by the 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; and
5. 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, 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.

### **Agency Implementation**

Social Security numbers will be requested from all employees in order to comply with the requirement of the Internal Revenue Service to supply them with the name, address, and Social Security number of every employee. The Agency is required to report income along with Social Security numbers for all employees to whom compensation is paid, and each employee will be required to provide his or her Social Security number for payroll, reporting and benefit purposes. Individuals who are affiliates or vendors will be required to provide a Social Security number or Tax Identification Number for mandated tax reporting purposes.

It is directed that only employees who are required to use or handle information or documents that contain Social Security numbers will have access to such information or documents.

The Agency will train those employees having access to Social Security numbers in the course of performing their duties with respect to the requirements of this policy. Training will include instructions on proper handling of information and documents that contains Social Security numbers from the time of collection through the destruction of the information or documents.

Training those employees having access to Social Security numbers in the course of performing their duties with the respect to this policy will occur within twelve (12) months of the approval of this policy and when any one of the following events take place:

1. When an employee is newly authorized to handle documents and information containing Social Security numbers, or have access to such documents or information;
2. A breach of data occurs whereby the information or documents containing Social Security numbers is acquired in an unauthorized manner;
3. A change in State or Federal law takes place which requires additional training; or
4. The Agency requires additional training or on-going training to occur.

Social Security numbers, when requested from an individual, will be placed in a manner that makes the Social Security number easily redacted if required to be released as part of a public record request.

It is also required that, when collecting a Social Security number or upon request by the individual, a statement of the purpose or purposes for which the Agency is collecting and using the Social Security number be provided.

**Violation**

A violation of the identity protection policy may result in disciplinary action up to and including discharge. Any person who intentionally violates the prohibitions in section 10 of the Identity Protection Act is guilty of a Class B misdemeanor.

APPROVED AND ADOPTED at a regular meeting of the Marshall County Board this  
\_\_\_\_\_ day of \_\_\_\_\_ 2018.

**ATTEST:**

\_\_\_\_\_  
**County Clerk**

\_\_\_\_\_  
**County Board Chairman**