

Personnel Committee
Logan County Board Room, Courthouse
March 9, 2015

Present: Jan Schumacher, Andy Anderson; Vicki Dugan; Bob Farmer; Nina Huddlestun; Chuck Ruben

Absent: Bret Aukamp; Dave Hepler; Gene Rohlf; Pat O'Neill

Guests: Jon Wright

Mrs. Schumacher called the meeting to order at 10:00 am.

A motion was made by Mr. Anderson, seconded by Mr. Ruben, to approve the minutes from the November 10, 2014 meeting as printed. Motion passed.

Old Business:

1. HR Audit Findings: Discussion held with changes to personnel policies.
2. Changes to Personnel Policies: Mrs. Schumacher went through the Personnel Policy and pointed out what she needs changed. Please note: the proposed changes to the Personnel Policy are in red. Donna Rogers suggested instead of saying "Probation Period" change probation to **Introductory** Period. Mrs. Schumacher changed under appointments and hiring "The board cannot guarantee employment of any individual for any specific length of time, **with the exception** of those appointments governed by state or local law for a specific term." "All position openings **under the authority of the county board** shall be advertised in local **printed or online** newspapers, except:" Mrs. Schumacher added a paragraph about Employee Credit Privacy Employee Credit Privacy(pg.8)

"Logan County seeks to comply with the Employee Credit Privacy Act (820 ILCS 70) in the protection of the privacy of employee credit history and to prevent discrimination based on such history. The county is prohibited from inquiring about or requesting an employee's or applicant's credit history or credit report, unless such information is required for the position."

Mr. Wright plans to look at this statute.

Computer Usage Policy (pg.16)-Logan County provides computer hardware, software, peripherals and Internet access to employees for business use only. The policies listed below are a guideline to help employees determine proper business computer and Internet usage. The elected officials and department heads reserve the right to modify these policies at any time. If a questionable situation arises, employees should contact their supervisors for clarification. The elected officials and department heads reserve the right to monitor and record computer and Internet usage and file server utilization of employees under their supervision. Any violation of this policy is subject to disciplinary action, up to and including discharge. **The Logan County Information Technology Policy, attached as an addendum to these policies, includes the following provisions:**

Nursing Mothers (pg.19) - Mrs. Schumacher added a paragraph about Nursing Mothers.

Logan County seeks to comply with the Fair Labor Standards Act - 29 U.S.C. 207(r) by providing a reasonable break time for female employees who are nursing a child that was born in the last year.

Mrs. Schumacher added page 20. Victims' Economic Security and Safety Act (VESSA: **Logan County complies with provisions of the Illinois Victims' Economic and Security and Safety Act (VESSA) which allows employees who are victims of domestic or sexual violence or who have family or household members who are victims of such violence to take up to 12 weeks of unpaid leave per any 12-month period to seek medical help, legal assistance, counseling, safety planning and other assistance. The Act prohibits the county from discriminating against**

employees who are victims of domestic or sexual violence, or who have family or household members who are victims of domestic or sexual violence.

Uniformed Services Employment and Reemployment Rights (USERRA)

Reemployment rights: (p.20) County employees have the right to be reemployed in their county jobs if they leave that job to perform service in the uniformed service if they:

- ensure that their supervisor receives advance written or verbal notice of their service
- have five years or less of cumulative service in the uniformed services while with that particular employer
- return to work or apply for reemployment in a timely manner after conclusion of service
- have not been separated from service with a disqualifying discharge or under other than honorable conditions.

County employees who are eligible to be reemployed must be restored to the job and benefits they would have attained if they had not been absent due to military service or, in some cases, a comparable job.

Right to be free from discrimination and retaliation (p.20) For county employees who are a past or present member of the uniformed service, have applied for membership in the uniformed service or are obligated to serve in the uniformed service; the county will not deny you

- initial employment
- reemployment
- retention in employment
- promotion
- any benefit of employment because of this status.

Health insurance protection: (p.20) County employees who leave their job to perform military service have the right to elect to continue their existing county health plan coverage for themselves and their dependents for up to 24 months while in the military. Employees who don't elect to continue coverage during their military service have the right to be reinstated in the county's employer's health plan when they are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

Death of an employee: (page 24) In the event of the death of a current employee, his or her surviving family member or estate shall receive compensation for all accrued vacation and compensation up to and including the day of death, plus two weeks of additional pay as well as any IMRF benefits to which the employee was entitled.

Vacation Leave/Personal Days: (P.26) - County employees shall earn vacation as outlined in this policy. Paid vacation is accrued by regular, full-time employees on a semi-month basis in according with the following schedule. The word "days" refers to "working days". The word "years" used in the determination of length of employment for vacation benefits refers to the current, consecutive years of regular full-time employment.

Amount of Vacation Leave

After one year of employment, employees are allowed five (5) days paid vacation.

After two years of employment, employees are allowed 10 days paid vacation.

After 10 years of employment, employees are allowed 15 days paid vacation.

After 20 years of employment, employees are allowed 20 days paid vacation.

Year 1 of employment: xxxx hours per month or 5 days per year

Years 2-9 of employment: xxxx hours per month or 10 days per year

Years 10-19 of employment, xxxx hours per month or 15 days per year

Years 20 years and above of employment, xxxx hours per month or 20 days per year

The committee discussed death within immediate family. The committee agreed we need language in the personnel policies that states what immediate family is. Mrs. Schumacher will

work on language. Mrs. Schumacher will borrow language from the Health Department Personnel Policy.

Workplace Accommodations (p.34) Logan County shall be in compliance with the requirements of the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAA) in relation to all county programs, services, activities or employment and shall protect the rights of interested persons to have appropriate due process standards. The ADA protects qualified individuals with disabilities from discrimination in employment.

More information on the ADA is available at <http://www.ada.gov/>

Sexual Harassment Policy (p.35) Mrs. Schumacher reported Mrs. Rogers suggested we call this section "non-discrimination/non-harassment" however due to time Mrs. Schumacher did not have time to rewrite this section. Mrs. Schumacher will do that in the near future.

Concealed Carry(p.39)In relation to concealed carry law, "employee" is defined as all full-time and part-time county employees, contractual employees, members of any boards or commissions approved by county officials or functioning on county property, volunteers working on behalf of the county or appointed or elected county official. This definition does not include law enforcement officials specifically authorized to carry a firearm or any other employee authorized by statute. In the interest of protecting the safety of employees and citizens of Logan County and in recognition of the Illinois Firearm Concealed Carry Act (430 ILCS 66), the Logan County Board adopts the following policy:

A. Employees of Logan County are prohibited from carrying firearms in any county owned or leased building; on any county premise, at any county work location, in any county vehicle, at a county controlled site, or at any time or in an area that is associated with county employment while the employee is acting within the course and scope of his or her employment.

B. Employees shall be aware of the following list of prohibited areas described in the statute. Employees who bring a weapon into one of these prohibited areas while acting within the course and scope of his or her employment will be subject to disciplinary action including, but not limited to, termination by the County.

Prohibited areas include:

- Any building or portion of a building under the control of a unit of local government.
- Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business, or vehicle.
- Any public playground.
- Any public park, athletic area, or athletic facility under the control of a municipality or park district, provided nothing in this Section shall prohibit a licensee from carrying a concealed firearm while on a trail or bikeway if only a portion of the trail or bikeway includes a public park.
- Any building, real property, or parking area under the control of an airport.

Safekeeping of Weapon (p.39-40)

A. Employees of Logan County are prohibited from bringing a firearm onto a county owned or leased parking lot, even it is kept in his or her own vehicle, except for employees who possess a valid license to carry a concealed weapon.

B. A county employee with a valid license to carry a concealed weapon who chooses to carry a concealed weapon while driving to and from work and park in a county owned or leased parking lot, must secure his or her weapon in his or her own locked vehicle, either in a locked compartment within the vehicle or in the trunk before he or she acts in the course and scope of his or her employment.

Violations (p.40)

A. Any county employee who violates this policy will be considered as acting outside the course and scope of his or her duties and will be subject to disciplinary action up to and including termination by the county.

B. Logan County will not defend nor indemnify an employee who carries or discharges personal weapons on the job.

Fraud/Whistleblower Policy Purpose of Policy: (p.40) The purpose of this policy is to establish certain principles and expectations for Logan County in order to prevent fraud, to investigate fraud and to provide consequences for engaging in any manner of fraud and to heighten awareness of possible fraud. The county will not tolerate fraud or the concealment of fraud. This policy is intended to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

Scope of Policy: This policy applies to any fraudulent activity, suspected or observed, involving any elected official or employee of the county, vendors, contractors, volunteers, outside agencies doing business with the county and any other persons or parties in a position to commit fraud on the County. Any investigation required shall be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship with the County.

Policy: The county board is responsible for the detection and prevention of fraudulent activity. Each department head will be familiar with the types of fraudulent activity that might occur within his or her area of responsibility, and be alert for any indication of any such activity. Any fraudulent activity that is detected or suspected must be reported immediately to the appropriate supervisor, the Sheriff, or State's Attorney. All investigations will be coordinated by the State's Attorney and other affected areas, both internal and external.

Actions Constituting Fraud:(40-41) Fraud includes, but is not limited to, knowingly misrepresenting the truth or concealment of a material fact in order to benefit personally, or to create a benefit for a family member/friend, or to induce another to act to his or her detriment.

Actions constituting fraud include, but are not limited to, the following:

Falsifying, or unauthorized altering of County documents, including but not limited to:

- Claims for payments or reimbursements, including but not limited to submitting false claims for travel or overtime.
- Files (both physical and electronic forms), photographic or audio records, or accounts belonging to the County.
- Checks, bank drafts, or any other financial documents.
- Equipment maintenance records.
- Fire, health and safety reports.
- Accepting or offering a bribe, gifts or other favors under circumstances that indicate that the gift or favor was intended to influence an employee's or elected official's decision making.
- Disclosing to other persons the purchasing/bidding activities engaged in, or contemplated by the County in order to give any entity, person or business an unfair advantage in the bid process.
- Causing the County to pay excessive prices or fees where justification is not documented.
- Unauthorized destruction, theft, tampering or removal of records, furniture, fixtures or equipment.
- Using the County's equipment or work time for any outside private business activity.
- Any dishonest or fraudulent act.
- Impropriety in the handling or reporting of money or financial transactions.

Investigation Responsibilities: (p.41) The State's Attorney or Sheriff, or their designee, have the primary responsibility for overseeing the investigation of all suspected fraudulent acts as defined in these policies.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made with the State's Attorney or his or her designee, as will final decisions on disposition of the case. When an investigation is conducted concerning complaints or charges against an employee, the employee shall be accorded ethical treatment, due process of law, and shall be offered fair and impartial

consideration. All county employees shall cooperate fully with appropriate authorities who are conducting investigations into employee conduct.

Confidentiality: (p.41) The county board, and all persons involved, shall treat all information received confidentially. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know and as may be required by law. This is important in order to avoid damaging the reputations of persons suspected unfairly of such conduct and to protect the County from potential civil liability.

Reporting Procedures: Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way until the appropriate time.

An employee who discovers or suspects fraudulent activity will contact a supervisor or the State's Attorney or Sheriff immediately. The employee or other complainant may remain anonymous. All inquiries and information concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the State's Attorney or his or her designee. No information concerning the status of any investigation will be given out. The proper response to any inquiries is "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation", "the crime", "the forgery", "the misappropriation", or any other specific reference. The reporting individual should be instructed not to contact the suspected individual in an effort to determine facts or demand restitution, or discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the State's Attorney.

Termination: If an investigation results in a recommendation to terminate an individual, the recommendation should be reviewed for approval by the State's Attorney and, if necessary, by outside counsel before any action is taken. The decision to terminate an employee is made by the elected or appointed official or appropriate authority.

Protection of Reporting Person: (P.42) No county employee shall be dismissed, disciplined, or suffer an adverse personnel action for disclosing information pursuant to the provisions of this policy. Neither the county nor the elected or appointed official shall take any adverse action that affects the rights or interests of a person in retaliation for the person's disclosure of information under this policy. The provisions and protections of this policy shall not be applicable when an employee discloses information which the employee either knows, or reasonably should know, is false information.

Administration (p.42) The county board is responsible for the administration, revision, interpretation and application of this policy. The policy will be reviewed annually and revised as needed.

Employee Acknowledgement Form: (p.43) These personnel guidelines are not intended to create a contract of employment. They are intended as a policy and information guide for employees. If at any time these policies conflict with applicable state or federal law or the collective bargaining agreement between the employee and any bargaining unit, the applicable law or provision of the bargaining agreement shall prevail.

Mrs. Dugan wants a policy regarding subcontractor worker. Mrs. Dugan wants to make sure everyone is covered under workmen's comp claims. Mr. Ruben would like all workers to be W-2 so they are covered under workmen's comp. The committee agreed there is no need to put this in the personnel policy between Sally Turner's Office and Vickie Dugan's Office they can make sure the rules are being in forced.

A motion was made by Mr. Anderson, seconded by Mrs. Dugan, to forward the changes on to the full board for approval subject to Jonathan Wright's approval. Discussion held. Mrs. Schumacher has a typo error to fix under Uniformed Services Employment and Reemployment Rights. Motion passed.

New Business:

- 1) Affirmative Action Plan: Keep on the agenda for May.
- 2) FMLA Implementation: Keep on the agenda for May.
- 3) HR Management: Keep on the agenda for May.
- 4) IWIN Procedure: Keep on the agenda for May.

A motion was made by Mr. Ruben, seconded by Mr. Anderson, to adjourn the meeting. Motion passed.
Meeting adjourned at 11:08 am. The next meeting will be May 11, 2015 at 10:00 am.