



**Office of the State's Attorney**  
MADISON COUNTY, ILLINOIS

**THOMAS A. HAINE**  
STATE'S ATTORNEY

## **Legally Advised Policy Packet**

July 22, 2021

### Table of Contents

Handbook Acknowledgment.....	2
<b>Anti-Harassment Policy</b> .....	3
<b>Drug-Free Workplace Policy</b> .....	7
<b>Violence in the Workplace Policy</b> .....	9
<b>Weapons Policy</b> .....	11
<b>Employee Assistance Program Policy</b> .....	12
<b>Americans with Disabilities Act Compliance / Affirmative Action Policy</b> ...	14
<b>Pay Period Policy</b> .....	17
<b>Pregnancy and Nursing Mothers in the Workplace Act Policy</b> .....	18
<b>Health Benefits Policy</b> .....	20
<b>Worker's Compensation Policy</b> .....	21
<b>Jury/Civic Duty Leave Policy</b> .....	24
<b>Bereavement Leave Policy</b> .....	25
<b>Leave Without Pay Policy</b> .....	26
<b>Military Leave Policy</b> .....	27
<b>Employee Blood Donation Leave Act Policy</b> .....	28
<b>Paid Voting Leave Policy</b> .....	29
<b>School Visitation Leave Policy</b> .....	30
<b>Family and Medical Leave Act (FMLA) Policy</b> .....	31
<b>Victims' Economic Security and Safety Act (VESSA) Policy</b> .....	38
<b>Fraud and Compliance Policy</b> .....	41
<b>Ethics and Gift Ban Ordinances Policy</b> .....	43
<b>Driver's License Requirement Policy</b> .....	55
<b>Soliciting Policy</b> .....	56
<b>Health Conditions Policy</b> .....	57
<b>Photo I.D. Policy</b> .....	58
<b>Electronic Communications Policy</b> .....	59
<b>Smoking in the Workplace Policy</b> .....	64

### **Handbook Acknowledgment**

I HEREBY AGREE TO READ THE "HANDBOOK" CONTAINING THE CURRENT POLICIES ADOPTED BY MY OFFICE. HARD COPIES OF YOUR CURRENT "HANDBOOK" CAN BE OBTAINED FROM YOUR DEPARTMENT HEAD OR ELECTED OFFICIAL.

\_\_\_\_\_  
Employee's Name Printed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Office/Department Name

## **Anti-Harassment Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

This office of Madison County Government is committed to providing a working environment in which its employees are treated with courtesy, respect, and dignity. **Conduct which creates an intimidating, offensive or hostile environment for any employee will not be tolerated.** Harassment of any employee by another employee, supervisor/manager, elected or appointed official of the County, or any other third party for any reason, including but not limited to race, color, religion, sex (including pregnancy, childbirth, and related conditions), national origin, ancestry, age, disability, military/veteran status, genetic information, order of protection status, marital status, arrest, unfavorable discharge from military service, or any other characteristic protected under federal, state, or local law, is strictly prohibited.

Examples of harassment include verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of any of the above listed protected characteristics, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law; or (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities. Sexual harassment is further defined below, and is investigated pursuant to the terms outlined herein.

Violation of this policy will result in disciplinary action, up to and including discharge for any employee who violates this policy. In addition, the County prohibits any form of retaliation by any individual against individuals who report unwelcome conduct or who cooperate in the investigation of such reports in accordance with this policy and the County will take appropriate disciplinary action for any such retaliation.

Unpaid interns are protected under this policy the same as employees and should be made aware of their rights.

Managers and Supervisors have a responsibility to communicate this office of Madison County Government's position on sexual harassment to all employees and will be held accountable for ensuring compliance with these guidelines in their area of responsibility.

### Reporting Harassment:

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 County. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission about filing a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Allegations of harassment are to be reported to this office's leadership, investigated and addressed in the following manner:

1. Employees, who believe that the actions or words of a supervisor, fellow employee, or other person encountered in the course of their job duties constitute unwelcome harassment, are encouraged to deal with the incident as directly and firmly as possible by clearly communicating to the offending employee, if possible or practical under the circumstances. The harassed employee is encouraged to directly and clearly express any objection to unwelcome conduct and request that the behavior stop. The initial message may be verbal.
2. If the employee's efforts to resolve the issue directly prove unsuccessful or the employee does not feel comfortable dealing with the behavior directly with the offending individual, the employee has the responsibility to report the incident(s) to his or her immediate supervisor or to his or her office's Human Resources persons (which shall have a male and a female Complaint Manager to receive and investigate complaints), as soon as possible but no more than five (5) days after the offending event. If the report is made to the immediate supervisor, he/she should notify the Human Resources persons immediately.
3. The employee will be asked to summarize his/her complaint in writing, including a description of each incident, what was said or done, the date, time, and place. It is not necessary for harassment to be directed at the person making a complaint, as employees must report not only incidents of harassment directed at them, but also incidents directed at their coworkers.
4. All complaints of harassment will be investigated promptly and in an impartial manner, and as confidentially as possible within the constraints of applicable laws. The investigation shall be coordinated and performed by the supervisor and Human Resources. Any employee who discloses information about the investigation to anyone, other than those persons conducting the investigation, is subject to disciplinary action up to and including termination.
5. The supervisor and Human Resources person will promptly investigate, report and resolve any reports of harassment. Upon completion of the investigation, the employee reporting the incident(s) is to be advised of the findings and conclusion of the investigation.
6. Any employee, supervisor, or manager who is found to have engaged in harassment of another employee will be subject to immediate appropriate disciplinary action, up to and including termination.
7. If the individual found to have engaged in harassment of an employee is not an employee of the County, every appropriate action will be taken to protect employees from further harassment.
8. A false report is a report of harassment made by an accuser using the reporting mechanisms contained within this policy to accomplish some end other than stopping harassment or retaliation for reporting harassment. A false report is one not made in good faith and 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. Retaliation Prohibited:

No person making a complaint under this policy will be retaliated against, even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation. Accordingly, no elected or appointed official of the County, or any County employee, supervisor, manager or agent shall take any retaliatory action against any County employee due to the employee's:

- a. Disclosure or threatened disclosure of any violation of this policy;
- b. 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
- c. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, a retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or material and/or significant change in the terms or conditions of employment of any Madison County employee that is taken because of an employee's involvement in protected activity pursuant to this policy.

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

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

This office of Madison County Government will 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. Additionally, this office of Madison County Government will 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.

Access to Federal and State Agencies:

In addition to internal disciplinary procedures, employees should be aware that harassment based

on any protected class outlined in State and/or Federal law, as described herein (including sexual harassment), is illegal and that the Illinois Department of Human Rights and the Illinois Human Rights Commission investigate, prosecute and remedy complaints of violations of state law prohibiting sexual harassment. These agencies may be contacted, if the employee so desires, in the following manner:

Illinois Department of Human Rights  
100 West Randolph Street  
Chicago, Illinois 60602 (312) 814-6200

Illinois Human Rights Commission  
100 West Randolph Street  
Chicago, Illinois 60602 (312) 814-6269

Federal Equal Employment Opportunity Commission  
236 South Clark Street (9th Floor)  
Chicago, Illinois 60605 (312) 353-2713

### **Sexual Harassment**

Sexual harassment is defined as unwelcome or unsolicited sexual advances and physical 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; or (2) Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. It may range from inappropriate sexual suggestions to coerced sexual relations. The harasser may be the individual's employer, supervisor, co-worker, or other third party.

Examples of sexual harassment include, but are not limited to:

- unwelcome sexual advances;
- requests for sexual favors;
- obscene gestures;
- visual harassment (such as derogatory cartoons, posters and drawings);
- sexually explicit e-mail, texting, or voice mail ;
- uninvited touching of a sexual nature;
- sexually related comments;
- sexual joking;
- vulgar or offensive conversation or jokes;
- conversation about an individual's own or someone else's sex life;
- textual/electronic sexual communication, including but not limited to sexting (electronically sending messages with sexual content, including pictures and video), cyber stalking and threats via all forms of electronic communication (email, text/picture/video messages, intranet/online postings, blogs, instant messages and social networking sites); and

Teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment. Pursuant 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 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.

## **Drug-Free Workplace Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

This office of Madison County Government is committed to maintaining a drug-free workplace for the safety of the employees and the public, and in accordance with federal and state law. This office of Madison County Government has zero tolerance with regard to any violation of this policy.

This office of Madison County Government requires that all individuals selected for employment with the County will be offered employment contingent on the results of a test for the unlawful use of controlled substances and will only be hired after confirmation of a negative result. Individuals, who qualify to use marijuana under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, will be eligible for hire if all other drug tests are negative and they can demonstrate to the drug testing facility that they qualify under the Act, except for law enforcement, probation, detention, facilities maintenance operators, and CDL drivers who are not eligible under the act. Further, individuals who use controlled substances pursuant to a prescription may be required to provide proof of the prescription and compliance with same (i.e. use within the prescribed limits and dosing amounts).

The use of alcohol and/or cannabis by employees during working time or reporting to work under the influence of alcohol and/or cannabis is strictly prohibited and may lead to disciplinary action up to and including termination.

The unlawful manufacture, distribution, dispensation, possession, use, selling, cultivating, manufacturing, possession of drug paraphernalia or being under the influence of a controlled substance by employees while on County property, during working hours, while on duty, or while operating a County-owned vehicle is strictly prohibited and may lead to disciplinary action up to and including termination. Employees, who qualify to use marijuana under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, are prohibited from using or being under the influence of marijuana while on County property, during working hours, while on duty, or while operating a County owned vehicle. The unlawful manufacture, distribution, dispensation, selling, cultivating, manufacturing, possession of drug paraphernalia, possession or use of a controlled substance off duty and off County property by employees is not acceptable because it can affect on-the-job performance and safety concerns and consequently may also result in disciplinary action up to and including termination. If an employee is convicted of a drug related crime that occurred in the workplace, the employee must notify his/her immediate supervisor, in writing, within five (5) days after such conviction. Failure to make such a report may result in disciplinary action up to and including termination.

The use of prescribed medications is permitted only if there is no impairment. The misuse of prescription medications is prohibited. Employees are required to report the use of medications having risks associated with work activities to Human Resources, in order to protect themselves and co-workers and to enable management to respond to negative effects of such medications appropriately.

Employees who are observed to be impaired while on County property, during working hours, while on duty, or while operating a County owned vehicle may be subject to disciplinary action up

to and including termination. Employees who perform safety-sensitive positions may be subject to random drug testing. Employees who are involved in a work-related accident may also be subject to post-accident drug testing.

Employees who suffer from alcohol or drug problems are encouraged to seek assistance from the Employee Assistance Program or an appropriate professional before the problem leads to disciplinary action. An employee's decision to seek appropriate professional assistance will not be used against an employee in any disciplinary action. Any assistance, however, will not exempt an employee from the County's drug and alcohol policy and the policy's requirements or disciplinary action in the case of a violation of the County's policy.

This office of Madison County Government will provide a drug/alcohol awareness program to educate employees on maintaining a drug/alcohol free workplace and the availability of assistance.



## **Violence in the Workplace Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

This office of Madison County Government supports a violence-free work environment for all County employees and visitors. This office of Madison County Government will not tolerate violence in the workplace and is committed to maintaining an environment free of all forms of violence, including verbal or physical threats as well as forms of intimidation such as harassment. Weapons in the workplace are expressly prohibited except for employees who are authorized by the County or otherwise by law to possess weapons in the workplace. Employees are expected to report all threats and violence, physical or verbal, to their supervisors. Since each department's needs are unique, departments are encouraged develop their own detailed safety plan to implement this office of County Government's policy.

### **1. GENERAL**

In the workplace, an employee witnessing violence directed against another should call for help immediately by dialing 9-1-1, or by pressing their panic button if they have one. He/she may observe the situation and attempt to get information such as the name and description of the perpetrator, but only if it can be done without endangering the employee or others.

When applicable, this office of Madison County Government and its employees shall cooperate fully with law enforcement officials in the investigation and prosecution of violent acts.

### **2. REPORTING INCIDENTS**

The supervisor shall notify the Elected Official/Department Head immediately of the occurrence of a violent act. The Elected Official/Department Head shall notify the Director of Safety & Risk Management within 24 hours of the occurrence of a violent act.

Any County employee having knowledge of a violent act involving any other County employee (as victim or perpetrator) must report the incident to his/her immediate supervisor or Elected Official/Department Head. Disciplinary action may result if the employee having knowledge of a violent act does not report the incident.

This office of Madison County Government shall attempt to keep all reports of violence confidential; however, anonymity will be maintained at the discretion of those investigating and resolving the complaint. There is no right to or guarantee of anonymity.

### **3. PREVENTION, INVESTIGATION AND RESOLUTION**

To the extent practicable and reasonable, the investigation shall be conducted by the Elected Official/Department Head promptly, in an impartial manner, and confidentially.

Where necessary, law enforcement officials may be asked to conduct the investigation.

This office of Madison County Government adheres to the following steps to prevent domestic violence in the workplace:

- a. Employees who have concerns that a domestic situation has potential to impact the safety of the workplace shall notify their immediate supervisor.
- b. The supervisor will meet with the employee, document the report, and evaluate further steps as determined by the level of potential safety risk to the workplace.
- c. If potential of safety risk is low, the supervisor will refer the employee to the EAP for assistance.
- d. If the safety risk is high, the supervisor will notify security and Human Resources and/or Safety & Risk Management. Depending on the nature of the complaint, law enforcement may be notified of the risk. Security will provide assistance as appropriate in developing an on-site safety plan. For example, if an employee has a photograph or other physical evidence of the potential threat, security may hold a copy of same at the front desk to be aware of description and vehicle description. Security may provide escort to car if available. The employee may notify co-workers that personal phone calls are not to be taken for him/her. If someone has no personal/legal business to be conducted in the public building, they can be asked to leave and not loiter.
- e. If the employee has an order of protection, he/she must carry it with him/her, if the County's cooperation with enforcement is needed.

#### 4. EDUCATION AND TRAINING FOR COUNTY EMPLOYEES

This office of Madison County Government shall attempt to provide ongoing educational and training programs to inform all employees of methods and procedures to prevent, identify and handle potentially violent situations.

Recommendations for improved safety often come from suggestions from employees. These suggestions are encouraged and may be channeled through Supervisors or Elected Officials/Department Heads.

## **Weapons Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

This office of Madison County Government prohibits weapons of any kind in the workplace and while performing work-related activities, except as specifically authorized. Work related activities include but are not limited to inspections, field work or any County work performed off County property. Weapons include but are not limited to: firearms of any kind; objects that could be used as weapons; knives with blades three inches (3") or longer; brass knuckles; stun gun; tasers; simulated weapons; explosives; and any chemical whose purpose is to cause harm to another person. This policy applies to both employees and visitors, and applies regardless of employee's or visitor's license to own or carry a weapon. Law enforcement are exempt. Employees who are licensed under the Illinois Firearm Concealed Carry Act may store their firearms in their personal automobiles in the County-owned parking lots as long as they are stored according to regulation. This office of Madison County Government has zero tolerance for violations of the weapons policy. Employees who violate the policy may be subject to discipline up to and including termination. In order to protect employees and visitors, the County requires cooperation with any searches.

Concealed weapons are not allowed in local government buildings. In compliance with the Illinois Firearm Concealed Carry Act, Madison County prohibits valid license holders, or any individuals, from carrying concealed weapons at any time on County-owned property or in County-owned vehicles while performing work-related duties.

In accordance with the "parked car rule," any licensee shall be permitted to carry a concealed firearm on or about his or her person within a vehicle into the parking area and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. A licensee may carry a concealed firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. For purposes of this subsection, "case" includes a glove compartment or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other container.

This policy does not apply to employees who are authorized by this office of Madison County Government to carry weapons.

## **Employee Assistance Program Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

Madison County has adopted an Employee Assistance Program (EAP) as a practical and constructive mechanism for dealing with employees' personal problems which affect the work situation, or as an aid to those employees and family members who voluntarily wish to use the program as a means of resolving a personal problem.

Info available at:

[https://www.co.madison.il.us/Benefits/eapemployee\\_assistance\\_program.php](https://www.co.madison.il.us/Benefits/eapemployee_assistance_program.php)

The program is being offered to all regular employees, their dependents and family members living in their households.

1. The general purpose of the program is to assure that any employee having a work hampering personal problem will receive careful consideration and an offer of confidential professional assistance.
2. It is recognized that many personal problems can be successfully dealt with and resolved provided assistance is offered at an early stage and referral, if needed, is made to an appropriate form of care. This applies whether the problem is one of physical illness, mental or emotional illness, alcoholism, drug abuse, marital or family distress, financial or other concerns.
3. While the scope of the program covers a broad spectrum of personal problems, chemical dependency is specifically defined below to avoid any myths or stigma with which it might be associated.
4. For purposes of this policy, chemical dependency is recognized as an illness for which there is effective treatment and rehabilitation. Chemical Dependency is defined as an illness in which a person's ingestion of any mood altering chemical definitely and repeatedly interferes with an employee's work performance. The concern of this policy with regard to alcohol is strictly limited to its effect on the employee's work situation, safety and attendance.
5. Procedures will be designed to assure that no employee who participates in the services available at the EAP will have job security or promotional opportunities jeopardized solely because of a referral to the EAP for assessment, counseling or referral.
6. It is recognized that management staff are not expected nor is it appropriate to attempt to diagnose and/or intervene in the personal lives of employees, therefore referral (other than self-referral) for assessment, counseling and/or referral will be based solely on the work performance situations.
7. The decision to request or accept assistance through the Employee Assistance

Program is the personal choice of the individual. Notwithstanding the foregoing, if the referral to EAP is referred by a manager and deemed mandatory there may be consequences for not attending sessions or being in compliance with EAP recommendations.

8. Employees referred to and participating in the Employee Assistance Program will be expected to meet existing job performance standards and established work rules unless on sick leave status to rehabilitate from an illness.
9. The records of the Employee Assistance Program will be maintained in the EAP office and are the property of the EAP. All records pertaining to the Employee Assistance Program will be treated with the same degree of confidentiality accorded to medical records. EAP data (other than anonymous statistical data provided periodically to the employer as justification for continuing the program) will not be disclosed to anyone except with prior approval of the employee or family member involved or court order compelling disclosure or as required by law.
10. Employees or immediate family members seeking assistance will be able to do so with complete anonymity.
11. Expenses incurred for services beyond the scope of the EAP, i.e., diagnosis and treatment of alcoholism, drug abuse, physical or psychiatric problems, will be the responsibility of the employee and will be reimbursed in accordance with the provisions of the Health Benefits Program applicable to all eligible employees.
12. Implementation of the policy will not require, or result in, any special regulations, privileges or exemptions from standard administrative practices or collective bargaining agreements. This program is not intended to replace the normal disciplinary process, or in any way block any employee legitimate access to the contractual grievance procedures.
13. During the disciplinary process, the employee may be informed about the Employee Assistance Program and its availability to them. It will be the employee's responsibility to schedule the appointments on his/her own time.
14. Confidentiality: The Employee Assistance Program guarantees that confidentiality of the program is ensured. At no time will any clients of the EAP be revealed to any other employee.
15. The employee may elect to utilize accrued benefit time (sick, personal and/or vacation) to attend Employee Assistance Program appointments.

## **Americans with Disabilities Act Compliance / Affirmative Action Policy**

Adopted by: Madison County Board Departments

Adopted on: February 16, 2022

Effective until rescinded.

It is the policy of this office of Madison County Government to recruit, hire and promote, in all job classifications, without discrimination because of race, color, creed, religion, sex, age, national origin, sexual orientation, gender identity, veteran status, marital status, genetic information or disability in order to achieve equality in employment. This office of Madison County Government will make efforts to hire minority, protected class, and special service group individuals for all job categories so that minority, protected class, and special service group employment in all categories of the workforce will represent a proportionate share of minority, protected class, and special service group individuals in the County's service area.

This office of Madison County Government will further ensure that all personnel actions such as rate of compensation, employee benefits, reclassifications and employee training and development programs will be administered without regard to race, color, creed, religion, sex, age, national origin, sexual orientation, gender identity, veteran status, marital status, genetic information or disability.

To that end, this office of Madison County Government will take all actions necessary to comply with the relevant and applicable provisions of the Americans with Disabilities Act (ADA), which may include making a reasonable accommodation in response to a request from a qualified disabled employee. Examples of reasonable accommodations may include, but are not limited to, the following: changing work schedule; reassigning duties; or placing a qualified employee in a different available position.

It is the policy of this office of Madison County Government to require that all companies and agencies under contract to the County practice equal opportunity in employment and adhere to all other requirements of Title VII of the Civil Rights Act of 1964.

This office of Madison County Government has joined the County's Affirmative Action Plan, which serves as a guide to the County's equal opportunity program. The goals and objectives stated within this Plan will be vigorously and actively pursued by the Equal Opportunity Officer/Manager and management staff to provide maximum accessibility to minorities, protected class individuals, physically challenged persons and veterans in regards to our programs and services. It is the ultimate responsibility of the County Board Chairman to ensure that the Affirmative Action Program meets its goals and objectives. The Personnel Committee and Appointed Officials are responsible for the activities required at the staff level for administering the Program. Elected Office Holders, as well as Appointed Department Heads, are responsible for the success of the Affirmative Action Program inasmuch as the final selection of applicants is theirs. Further, their responsibilities extend to seeing that minority and female employees are treated fairly in all aspects of their employment. The County Administrator for Madison County, or his/her designee, is the Affirmative Action Officer.

The federal and state EEO laws, rules, and regulations that impact the agency are identified as follows, and when there is a discrepancy between federal law and state or local law, the federal law supersedes, unless the state or local law is more stringent: Title VI of the Civil Rights Act of 1964, 45 CFR Part 80; Section 503 of the Rehabilitation Act of 1973; Section 504 of the Rehabilitation Act of 1973, 45 CFR Part 84; Age Discrimination Act of 1975, 45 CFR Part 91; Community Services Assurance under Titles VI and AVI of Public Health Service Act, 42 CFR Subpart G at 124.601 et seq.; Title IX of the education Amendments of 1972; Titles VII and VIII of the Public Health Service Act; Omnibus Budget Reconciliation Act of 1981 (Block Grants); Title II Americans with Disabilities Act of 1990, 28 CFR Part 35; The Equal Employment Act of 1972; The Equal Pay Act of 1963, amended 1972 and 1978; The Family and Medical Leave Act (FMLA) of 1993; The Drug-Free Workplace Act of 1988; The Civil Rights Act of 1991; Illinois Human Rights Act; and Executive Orders 15, 16, 11063, 11141, 11246, and 11375,

Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to the County's designated ADA Compliance Coordinator. If an individual wishes to initiate a complaint of discrimination or harassment a Discrimination Complaint Form must be filed within 30 days of the alleged violation. Upon receipt of the form, an investigation will be conducted by Human Resources. The results of the investigation will be made known to the complainant and the County Administrator.

Compliance Coordinators: Emily Russell and Annette Schoeberle

Address: Madison County Administration Building  
157 North Main Street, Suite 154  
Edwardsville, Illinois 62025

Phone Number: (618) 296-4027 [Email: ejrussell@co.madison.il.us](mailto:ejrussell@co.madison.il.us)

(618) 296-4546 Email: afschoeberle@co.madison.il.us

Hours Available: 8:30 to 4:30 Monday – Friday

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

Within 15 calendar days after receipt of the complaint, the Compliance Coordinator, or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Compliance Coordinator, or his/her designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

If the response by the Compliance Coordinator, or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15

calendar days after receipt of the response to the County Administrator, or his designee.

Within 15 calendar days after receipt of the appeal, the County Administrator, or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Administrator or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Compliance Coordinators or their designee, appeals to the County Administrator or his designee, and responses from these two offices will be retained by the County for at least three years.

Madison County Government will ensure that Limited-English proficient (LEP) and deaf citizens receive an equal opportunity to receive benefit from services through the provision of foreign language interpreters for (LEP) persons and sign-language interpreters and other auxiliary aids for deaf persons. In order to receive services, the ADA Compliance Coordinator should be contacted (see VII ADA Policy). An interpreter will be provided within three working days, if not sooner, from the receipt of the request.

Individuals who need auxiliary aids or effective communication in programs and services of Madison County Government are invited to make their needs known to the ADA Compliance Coordinator. This notice is available in large print, on audio tape, and in Braille, from the ADA Compliance Coordinator.



## **Pay Period Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

Employees shall receive their paychecks on a bi-weekly basis on Friday of the appropriate week. The paycheck shall be for a two-week period ending the Friday preceding the Friday payday. If the payday falls on a County observed holiday, the workday immediately preceding the holiday shall be the payday.

Information available at:

<https://www.co.madison.il.us/HRIS/index.php>

## **Pregnancy and Nursing Mothers in the Workplace Act Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

This office of Madison County Government is committed to providing a workplace which does not discriminate against an employee because of pregnancy, recovery from childbirth or due to a medical or common condition related to pregnancy. Retaliation because of a requested reasonable accommodation is also prohibited.

Employees have the right to:

Ask for a reasonable accommodation for pregnancy, such as more frequent bathroom breaks, assistance with heavy work, or time off to recover from pregnancy;

Ask to be provided with a room or location within close proximity to the employee's work area, other than a bathroom, where the mother can express milk in privacy (location options could include making a private office or an employee lounge area with a locked door available to the nursing mother during specified periods of time);

Reject an accommodation offered for pregnancy that the employee does not desire; or

Continue to work during pregnancy if a reasonable accommodation is available which would allow the employee to continue performing the job.

A reasonable accommodation is a reasonable modification or adjustment to the work environment, or to the manner or circumstances under which the position held is customarily performed, that enable an employee affected by pregnancy to perform the essential functions of that position. Examples include:

1. More frequent or longer bathroom breaks;
2. Breaks for increased water intake;
3. Breaks for periodic rests;
4. Private non-bathroom space for expressing breast milk and breastfeeding (questions about room or location alternatives should be directed to Safety & Risk Management);
5. Seating;
6. Assistance with manual labor;
7. Light duty;
8. Temporary transfer to a less strenuous position;
9. The provision of an accessible worksite;
10. Acquisition or modification of equipment;
11. Job restructuring;
12. A part-time or modified work schedule;

13. Appropriate adjustment or modifications of examinations, training materials, or policies;
14. Reassignment to a vacant position;
15. Time off to recover from pregnancy;
16. Leave necessitated by pregnancy; and,
17. Reasonable paid breaks in which to express milk during the first year of the infant's life, such time to run concurrent with scheduled paid breaks to the extent such breaks are available to the employee.

The employer and the employee must engage in a timely, good faith, and meaningful exchange to determine effective reasonable accommodation. The employer is not required to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation. The employer is not required to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so for other classes of employees who need it.

In response to a request for an accommodation, this office of Madison County Government may ask the employee to provide documentation from the employee's healthcare provider if:

1. The employee also requests similar documentation for conditions related to a disability;
2. The request is job-related and consistent with business necessity; and
3. The request is limited to information concerning:
  - a. The need or medical justification for the requested accommodation;
  - b. A description of the reasonable accommodation medically advisable;
  - c. The date the reasonable accommodation became medically advisable; and
  - d. The probable duration of the reasonable accommodation.

If Madison County requests documentation which it is entitled to, an employee requesting the accommodation must submit the documentation requested. Madison County is not prohibited from requesting documentation from the employee's healthcare provider to determine compliance with other laws.

If an employee has questions regarding "Pregnancy and your Rights in the Workplace" the employee can call Illinois Department of Human Rights at 312-814-6200, 217-785-5100 or 866-740-3953 (TTY)

## **Health Benefits Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

Group Medical Insurance is a benefit offered to eligible employees.

Employees should consult their collective bargaining agreement and/or Summary Plan Description for eligibility criteria.

Information available at:

<https://www.co.madison.il.us/Benefits/index.php>

For employees eligible to participate in the Madison County Government Group Health Benefit Plan, the County will pay one hundred percent (100%) of the cost of individual coverage for at least one plan design option. Dependent coverage shall be made available to eligible employees, with a portion of the cost for such coverage paid by the employee through payroll deduction. The employee must be enrolled in the plan in order to enroll an eligible dependent.

Unless otherwise provided by contract, part-time non-union employees and elected County Board members are not eligible for County health benefits coverage. (Eff. 8/1/17).

In the event a full-time non-union employee, Appointed Official or Department Head is on lay-off status or on authorized leave without pay, except for approved Family and Medical Leave, for a period not to exceed one (1) year, the County will reinstate health benefits coverage effective the first (1<sup>st</sup>) of the month upon his/her return to employment with the County.

Employees who elect dependent health coverage will relinquish four (4) days of sick leave entitlement per year of enrollment in the coverage

## **Worker's Compensation Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

Workers' Compensation Benefits are provided to cover statutory medical, disability and death benefits in case of injury or illness arising out of employment with the County.

Information available at:  
<https://intranet.co.madison.il.us/>

Employees, who suffer work related injuries but whose medical records indicate that the employee may perform meaningful light duty tasks, may be required to perform light duty tasks on a short term basis. In departments where no suitable light duty work is available, the employee may be required to perform light duty tasks for a different County department or a local non-profit organization. The work, outside the employee's department, will be determined by the Director of Safety & Risk Management and will be treated as if the work was in the employee's Department. The light duty work period shall be a transitional period when full recovery is eminent and shall not exceed thirty (30) calendar days unless approval for such an extension is granted by the Personnel Committee.

There shall be no loss of Vacation and Sick Leave which was accrued prior to a period of Worker's Compensation Temporary Total Disability (TTD). However, Vacation, Sick Leave, and Seniority will not accrue during a period of TTD and no Vacation or Sick Leave will be paid during such time.

During the time an employee is receiving Worker's Compensation TTD benefits, the County will continue to pay the employer's contribution to the health benefits plan

### **Reporting Procedure:**

The following procedures have been established to expedite the processing of Workers' Compensation claims and benefits, and to ensure that all other losses are accurately recorded:

1. Provide all necessary first aid and medical services – see separate document regarding Occupational Health Services locations.
2. The employee involved shall complete the "Employee's Accident/Incident Report Form" within one working day of the accident, unless physically unable to do so.
3. Immediate Supervisors shall complete the "Illinois Form 45: Employer's First Report of Injury" and "Supervisor's Statement" forms.
4. Original copies of all 3 forms should be immediately forwarded to Safety & Risk Management with any additional documentation, whether investigative or medical.
5. All information shall be complete and accurate.
6. Serious or fatal injuries shall be reported immediately by phone (extension 4563 or 4567) to Safety and Risk Management Department.

Copies of the required forms are located on Madison County's Intranet site under Forms and Documents.

## **Sick Leave Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

A "Madison County Fitness-For-Duty Certification" must be completed by the Health Care Provider of an employee who has been or expects to be absent from work due to illness or disability for a period of three (3) or more consecutive working days. It must be filed with the Director of Human Resources immediately upon return to work or prior to the tenth (10th) day of the absence, whichever is earlier, unless the employee is physically unable to do so.

The County reserves the right to require a second medical opinion regarding an employee's absence because of illness or injury or regarding a doctor's certification of an employee's absence or ability to return to work. Any such second opinion will be paid for by the County with a physician chosen by the County.

An employee's sick leave accrual will be noted within the HRIS system. Sick leave is not available for use until it is recorded at the conclusion of the pay period.

Employees may use up to one-half of their annual sick leave allotment as family sick leave.

Employees should consult their Union contract or other employment notice for more information concerning Sick Leave.

Any Appointed Official, Department Head, or non-union employee contracting or incurring any non-service-connected sickness or disability which renders such employee unable to perform the duties of his/her employment or is attending an appointment with a doctor, dentist or other licensed professional medical practitioner shall be eligible to receive sick leave with pay for a period not to exceed the amount of such employee's accrued sick leave; provided, however, that such sickness or disability shall be bona fide. Sick leave shall be taken in increments of no less than one hour, except that pre-approved sick leave may be taken in one-half (1/2)-hour increments. All provisions applicable to sick leave received for an employee's personal illness shall be applicable to sick leave received to care for an ill child, parent, or spouse.

If any employee has received sick leave contrary to the provisions of this Section through any misrepresentation(s) made by the employee or by anyone else on his/her behalf, said employee shall reimburse the employer in an amount equal to the sick leave pay so received and said employee will be subject to disciplinary action. The employer shall have the right to require a doctor's written certification or other reasonable proof of illness as the circumstances may require.

Appointed Officials, Department Heads, and non-union employees will accrue sick leave at the rate of .061539 hours (the equivalent of one and one-third 8-hour shifts per month for full-time employees) for each hour compensated at the regular, straight-time rate. Employees shall first be eligible for sick leave after they have completed (90) calendar days of employment with the employer. Such employees shall accumulate sick leave so long as they are in the service of the employer, subject to the provisions of this Section, to a maximum of 1,920 hours of sick leave.

Upon termination of employment, Appointed Officials, Department Heads, and non-union employees will be paid for one-half of unused sick leave, up to a maximum of 480 hours total paid, provided their termination is for the following reasons:

- The employee is retiring from service and is subject to receive pension funds through the Illinois Municipal Retirement Fund which were earned due to his/her completing the required years of service under said fund; and provided the required years of service were with employer.
- The employee dies or becomes disabled and is unable to perform the duties of his/her employment with the employer, having furnished the employer with documented evidence of such disability in the form of a statement from a licensed physician; or, the employee's spouse or legal dependent has become disabled or contracted an illness which required the termination of his/her employment and the employee has furnished the employer with documented evidence of such disability or illness in the form of a statement from a licensed physician.

No employee shall be paid for accumulated sick leave if their reasons for termination are: voluntary change of employment or involuntary dismissal. The amount of any payment for unused sick leave is to be calculated at the employee's rate of pay in effect on the payday immediately preceding the date of the employee's permanent separation.

In the event that an employee is disabled in a service-connected injury or illness, he/she shall be eligible for a sick leave pay for only those days which he/she is ineligible for compensation under the State of Illinois Worker's Compensation Insurance laws.

## **Jury/Civic Duty Leave Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

An eligible employee will be paid regular pay while serving on jury duty, less any amount received by the employee from the court for his/her service on jury duty. If an employee is excused from jury duty for a day or any portion of a day, the employee is expected to return to work.

An employee shall notify the immediate supervisor (which, for Supervisory and Confidential employees, includes the Department Head or Appointed Official) on the next working day after receiving the notice for duty.

For additional information, employees should consult their Union contract or other employment notice concerning Civic Duty Leave.



## **Bereavement Leave Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

In the event of a death in the immediate family of an employee (spouse, parents, mother-in-law, father-in-law, step child, grandparents, step-parents, guardians, children, brother, sister, grandparents, grandchildren), non-union employees, appointed officials and department heads shall be granted three (3) consecutive days leave of absence with full pay on those days included in the employee's scheduled work week to make household adjustments or to attend funeral services.

In the event of a death of an employee's aunt, uncle, niece, nephew, first cousin, brother-in-law, sister-in-law, daughter-in-law, son-in-law, or grandparents-in-law, the employee shall be granted a one-day (1) leave of absence with full pay on that day included in the employee's scheduled work week to attend the funeral. To be eligible for funeral leave for an "in-law," an employee must be married at the time of the funeral.

In the event of the death of an employee's child, the employee shall be entitled to use a maximum of 2 weeks (10 work days) of unpaid bereavement leave to attend the funeral or alternative to a funeral of a child, to make arrangements necessitated by the death of the child or to grieve the death of the child. Any available paid time off may be used concurrently with this 2 weeks (10 work days). A "child" is defined to include an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. This leave must be completed within 60 days after the date on which the employee receives notice of the death of the child. The employee must provide his/her Department Head/Elected Official with at least 48 hours' advance notice of his/her intention to take this leave, unless providing such notice is not reasonable and practicable. In the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period.

The step relationship is determined by the employee's current marriage. To be eligible for funeral leave for an "in-law," an employee must be married at the time of the funeral.

Upon request by the Elected Official/Department Head, verification of the death may be required.

## **Leave Without Pay Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

Employees who have exhausted all available paid leave and FMLA leave may request an extended leave of absence without pay or benefits for up to up to six (6) months, during which time the employee shall be responsible for maintaining his/her health insurance benefits. Such leave shall be requested, in writing, at least ten (10) days prior to the proposed commencement of such leave, by filing a request with the appropriate individual. Employees on leave without pay are responsible for the maintenance of their health insurance benefits during the term of the leave.

Non-union employees must submit their request to their supervisor. The request shall state the reason the leave of absence is being requested and the length of time off that the employee desires. Such leave shall be granted or denied within the sole discretion of the designated leadership of this Office of Madison County Government, or if in Madison County Administration, the director of Human Resources.

Leaves of absence may be granted by the employer for any reasonable purpose and may be extended to a maximum of one (1) year. What constitutes a reasonable purpose in each case shall be determined by the designated leadership of this office of Madison County Government, or if in Madison County Administration, the County Board Chairman.

No seniority, vacation benefits, sick leave or holiday benefits shall accrue during a leave of absence. Employees shall be returned to the position they held at the time the leave of absence was requested, if Madison County has not deemed it necessary to fill the Employee's position during the leave without pay. Any employee on leave of absence shall not receive compensation from the employer during such period.

As to employees within Madison County Administration: Any appointed official or department head requests for leave without pay shall be submitted in writing by the him/her to the County Board Chairman at least ten (10) working days prior to the date of departure if at all possible. In the case of appointed officials and department heads, leaves of absence not to exceed the term of appointment or six (6) months, whichever is less, and subject to possible extension to a maximum of one (1) year. The request shall state the reason the leave of absence is being requested and the length of time off that the employee desires. Authorization for a leave of absence must be in writing and must contain the signature of the County Board Chairman.

## **Military Leave Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

Madison County complies with the Family and Medical Leave Act and the Illinois Service Member Employment and Reemployment Rights Act (ISERRA) Act's provisions regarding the granting and administration of military leave for its employees.

## **Employee Blood Donation Leave Act Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

The Employee Blood Donation Leave Act (EBDLA) allows a full-time employee, who has been employed by the County for a period of six months or more, to request up to one (1) hour of paid leave to donate blood every fifty-six (56) days 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. A participating employee may use the one hour of paid leave after obtaining approval from his/her supervisor. Appropriate documentation may be required prior to the proposed blood donation before the leave is approved.

## **Paid Voting Leave Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

This office of Madison County Government will permit the absence of an employee, who is entitled to vote, up to two (2) hours during the employee's working hours to vote if the employee is unable to vote outside of working hours. The employee must submit a written request to his/her immediate supervisor for leave on or before the day before the election. This does not apply to Election Days declared as state or county holidays.

## **School Visitation Leave Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

An employee who has been employed by the County for at least six (6) months and has worked an average of twenty (20) hours a week, may be granted leave of up to a total of eight (8) hours during any school year, and no more than four (4) hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during non-work hours; however no leave may be taken by an employee unless the employee has exhausted all accrued vacation leave and/or compensatory leave.

Before arranging attendance at the conference or activity, the employee shall provide the Elected Official/Department Head with a written request for a leave at least seven (7) days in advance of the time the employee is requesting leave. An employee is not required to make up the time taken, but if the employee and Elected Official/Department Head agree to the time being made up, the employee shall be paid at the same rate as paid for normal working time.

The employee shall submit verification of the date and time of the visitation provided by the school administrator, to the Elected Official/Department Head within two (2) working days of the school visitation. Failure to do so may result in the time being considered an unexcused absence.

## **Family and Medical Leave Act (FMLA) Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

Madison County recognizes that a leave of absence from active employment may be necessary for family or medical reasons and in compliance with FMLA, up to twelve (12) work weeks of unpaid, job-protected leave will be granted to "eligible" employees for certain family and medical reasons, and up to twenty-six (26) weeks for Military Caregiver Leave. An employee's health coverage will be maintained for the duration of leave, under the existing "group health plan options." Any contributions that are normally made by the employees will continue to be required. Upon return from leave, the employee will be restored to the same position with equivalent pay, benefits, and other employment terms. The use of family and medical leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

### **1. Eligible Employees**

Employees are eligible if they have worked for the County for at least twelve (12) months in the previous seven (7) years, and for 1,250 hours over the twelve (12) months preceding the commencement of requested leave.

### **2. Basic Leave Entitlement**

Unpaid leave will be granted to eligible employees for any of the following reasons:

- a. the birth and first year care of the employee's child; or
- b. the placement of a child for adoption or foster care in the employee's home; or
- c. to care for the employee's spouse, child, or parent, who has a serious health condition (including parental attendance at a child's IEP meeting, where applicable);
- d. for a serious health condition that makes the employee unable to perform the employee's job;
- e. because of a qualifying exigency arising out of the fact that your spouse; son or daughter; parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves; or
- f. because you are the spouse; son or daughter; parent; next of kin of a covered service member with a serious injury or illness.

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve-week leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include (but are not limited to) attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member (including a veteran who is undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment) during a single twelve-month period. A covered service member is a current member of the Armed forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **3. Length of Leave**

The twelve-month period during which employees are eligible for twelve (12) work weeks ( twenty-six (26) work weeks, for military leave purposes) of leave is the twelve-month period beginning with the date an employee starts a period of leave. An employee who fails to return to work immediately following expiration of the authorized leave period may be subject to termination and may be required to reimburse the County for all benefits paid on his/her behalf during the FMLA leave. All leave taken because of a qualifying reason under paragraph 2 above will be counted against the employee's leave entitlement under FMLA. Of course, granting additional unpaid administrative leave time beyond an employee's FMLA entitlement is always at the discretion of the employer.

### **4. Employee Notification**

The employee must provide thirty (30) days advance notice when the leave is "foreseeable." In circumstances where thirty days' notice cannot be given, an employee must provide as much notice as possible, generally within two days of learning of the need for leave. In cases where the need for leave is foreseeable, an employee's failure to provide thirty (30) days' notice prior to taking leave may result in denial or delay of leave. An employee requesting leave under this policy shall request and complete a Request for Family and Leave Form (available from Human Resources), obtain their Department Head/Elected Official approval, and then return to Human Resources for further action. The employee is responsible for all required forms and certifications.

### **5. Certification for Basic Leave**

If an employee requests a leave of absence because of the serious health condition of the employee or the employee's family member, the employee must submit to the Elected Official/Department Head a Certification of Health Care Provider for Employee's Serious Health Condition or Family Member's Serious Health Condition. The forms are provided by the County and can be obtained from Human Resources. Failure to provide such certification upon request may result in a denial or delay of leave. The County reserves the right to require that the employee receive a second and possible third opinion from another health care provider (at the County's expense) certifying the serious health condition of the employee or the employee's family member. If the second medical opinion



differs from the employee's statement, a third medical opinion by a physician or practitioner mutually agreed upon by both parties, may be required. The third medical opinion is final and binding on the County and the employee. The County also reserves the right to require that an employee provide the County with recertification of the medical condition for which the leave is taken both initially and during the leave.

This certification will consist of:

- a. the date that the serious health condition began;
- b. the probable duration of the condition;
- c. the appropriate medical facts regarding the condition;
- d. a statement that the employee is needed for the care of a dependent and an estimate of the amount of time needed;
- e. a statement that because of the employee's serious health condition the employee is unable to perform his/her functions; and
- f. if for an intermittent or reduced leave, the dates of expected treatment and anticipated duration.

Within ten (10) working days upon receipt of the appropriate forms, the Elected Official/Department Head will render a decision or determine if further medical statements are required. When a second medical statement is required, the Elected Official/Department Head shall within five (5) working days name the physician or practitioner selected to render the second opinion. Within five (5) working days from the receipt of the second physician's or practitioner's statement, the Elected Official/Department Head will render decision or determine whether a third medical statement is required. When a third medical statement is required, the Elected Official/Department Head will render a decision immediately upon receipt of the statement.

Before returning to work, an employee who is on leave of absence as a result of his or her own serious health condition must submit a physician's written certification that the employee is able to return to work. Failure to provide such certification may result in the delay or denial of job restoration. During the employee's leave, the County may also periodically inquire as to the employee's intent to return to work.

## **6. Intermittent Leave**

Leaves taken for the care of a dependent or because of the employee's serious health condition may be taken intermittently or on a reduced leave schedule. If an employee seeks leave on an intermittent or reduced schedule basis, the employee must submit a Certification of Health Care Provider, as discussed above. Any hours of leave taken intermittently are deducted on an hour-by-hour basis from the aggregate twelve week entitlement. If the intermittent leave is foreseeable, based on planned medical treatment, the County may require the employee to transfer temporarily to another position that has equivalent pay and benefits and better accommodates recurring periods of leave. Leaves taken for the birth or adoption of a child cannot be taken intermittently. In addition, if the planned medical treatment is foreseeable, the employee is required to make a reasonable

effort to schedule the treatment so as not to unduly disrupt the operations of the County.

## **7. Contributions for Health Benefits**

At the election of the employee, the County will continue to provide health insurance coverage for the employee during the employee's FMLA leave. However, the employee will remain personally responsible for paying the employee's contribution for health benefits. If the Family and Medical Leave is taken without pay, such payments shall be made at the same time and in the same manner as payments under COBRA and must be submitted directly to Payroll. Failure to pay the contributions within thirty (30) days of the due date may result in lapse of coverage. If the employee does not return from the leave, the County may recover from the employee the portion of the contribution paid by the County in order to maintain the coverage, except if the employee fails to return because of a serious health condition or circumstances beyond the employee's control.

## **8. Job Restoration**

Upon return from family or medical leave, the employee will be returned to the same position with no loss in benefits which accrued prior to the leave of absence. An employee who does not return to work at the end of an authorized leave is subject to termination.

## **9. Records**

Records and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files, and if ADA is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements, except that: Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations; First aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and Government officials investigating compliance with FMLA (or other pertinent law) shall be provided relevant information upon request.

## **10. Exigency Leave**

- a. Eligible employees may take up to twelve (12) weeks of FMLA leave while the employee's spouse, son, daughter, or parent, is on, or called to, active duty for one or more of the following 'qualifying exigencies':
  1. Short-notice deployment;
  2. Military events and related activities;
  3. Childcare and school activities;
  4. Financial and legal arrangements;
  5. Counseling;
  6. Rest and recuperation;
  7. Post-deployment activities; and
  8. Other activities arising out of the military member's active duty, agreed to by the employer and the employee.
- b. Certification for Leave – Qualifying Exigency

The first time an employee requests leave due to a qualifying exigency arising out of active duty, the employer may require the employee to provide a copy of the military orders, or similar documentation, that attests the need, and approximate dates, of the exigency leave. This information need only be provided once. A copy of new orders or similar military documentation must be provided to the employer for any new or different qualifying exigency arising out of active duty.

Contents of Certification – Exigency Leave – Madison County may require supporting certification of the need for FMLA leave due to a qualifying exigency, to include:

- A statement or description, signed by the employee, of facts supporting the qualifying exigency for which FMLA leave is requested;
- Approximate dates of exigency;
- Estimate of frequency and duration of the exigency, if intermittent or reduced scheduled leave requested; and
- Contact information of any third party involved in the exigency.

c. Verification-

If the exigency involves a third party, the Head of Human Resources may contact the third party for purposes of verification of the exigency.

## 11. Caregiver Leave

- a. Military caregiver leave is available to otherwise FMLA-qualified individuals who have a family member that incurs a serious health condition, or injury, while on active duty. In order to care for the covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of the service member. One twenty-six--week allotment is available per serious illness or injury. The single twelve-month period is measured on the date the employee commences the caregiver leave, and ends twelve (12) months thereafter, without regard to what the employer's general FMLA twelve-month measuring period is. If the employee has a need to care for more than one service member, a separate twenty-six-week period would be available, per service member. Further, if a service member has a subsequent injury, a separate twenty-six-week period would be available to the caregiver. In no event, would more than twenty-six (26) weeks of leave be available in a single twelve-month period.
- b. Certification for Leave to Care for Covered Service Member

Madison County may require an employee to obtain certification from an authorized health care provider to support the need for FMLA leave to care for a covered service member. For these purposes, an *authorized health care provider* includes one designated by the US Department of Defense, the US

Department of Veterans Affairs, or a TRICARE network or non-network authorized private health care provider.

Madison County may request the following information from the designated health care provider:

1. Name, address and other contact information of the provider, type of practice and specialty, and verification of the health care provider's authorization;
2. Whether the covered service member's injury or illness was incurred in the line of duty on active status;
3. Approximate date on which the injury or illness began, and probable duration;
4. A statement of appropriate medical facts supporting the need for FMLA leave, whether the injury or illness may render the individual medically unfit to perform the duties of the service member's office, grade, rank or rating; and whether the member is receiving medical treatment, recuperation, or therapy;
5. Information relating to whether the care is for a single continuous period of time, with estimated beginning and ending dates;
6. Supporting medical necessity information when FMLA leave is requested on an intermittent or reduced-schedule; and
7. Whether periodic care would be medically necessary, with estimated frequency and duration of the periodic care.

c. Certification from Employee and/or Covered Service Member

In addition to the information requested from the health care provider, as above, Madison County may require an employee to provide certification of the need for FMLA leave to care for a service member, such certification to indicate:

1. Name and address of the employer of the employee requesting leave to care for the covered service member, name of the employee requesting the leave, and name of the covered service member requiring the care;
2. The relationship of the employee and covered service member;
3. The military branch, rank and current unit assignment of the service member;
4. Whether the service member is assigned to a particular military medical facility as an outpatient;

5. Whether the covered service member is on the temporary disability retire list; and
6. A description and estimated duration of the care.

## **12. Basic Leave Definitions**

The following summarizes the definitions of several key terms used in the policy:

- a. parent - the biological parent of an employee; or an individual who acted as a parent to an employee when the employee was a child
- b. child (not for Military Family Leave) - a biological, adopted or foster child, a stepchild, a legal ward, or a child under eighteen years of age who is living with the employee in a parent-child relationship, or, if over eighteen, who is incapable of self-care because of a mental or physical disability.
- c. a serious health condition is one that involves more than three consecutive calendar days of incapacity, plus two visits to a health care provider. The first visit to the health care provider must occur within seven days of Day 1 of the incapacity; the second visit to the provider must occur within thirty (30) days of the beginning incapacity.

## **13. Military Family Leave Definitions**

For purposes of both Exigency Leave and Caregiver Leave:

- a. A parent of a covered service member means the biological, adoptive, step or foster father or mother, or any other individual who stood in *loco parentis* to the service member. The term does not include 'parents-in-law'.
- b. A son or daughter means the covered service member's biological, adopted or foster child, stepchild, legal ward, or a child for whom the service member stood in *loco parentis*, and who is of any age. Note that, for military leave purposes only, the age restriction otherwise applicable under the FMLA does not apply.

For purposes of Caregiver Leave only:

- a. The next of kin of the service member means the nearest blood relative (other than the spouse, parent, son or daughter) in the following order of priority:
  1. Blood relatives with legal custody of the service member.
  2. Brothers and sisters, grandparents, aunts and uncles, and first cousins.
  3. Another blood relative, as designated by the service member.

## **Victims' Economic Security and Safety Act (VESSA) Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

This office of Madison County Government recognizes that domestic and sexual violence affects many persons without regard to age, sex, race, educational level, socioeconomic status, religion, or occupation. Enabling victims of domestic or sexual violence to maintain financial independence that is necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence is the purpose of the Victims' Economic Security and Safety Act ("VESSA") and this policy.

VESSA provides up to twelve (12) weeks of unpaid leave in any twelve-month period to an employee who is a victim of domestic violence, or who has a family or household member who is a victim of such violence to address issues arising from such violence.

Madison County will not discharge, harass, or otherwise discriminate against any qualified employee.

An employee's health coverage will be maintained for the duration of the unpaid leave, under the existing "group health plan options." Any contributions that are normally made by the employees will continue to be required. Upon return from leave, the employee will be restored to the same position with equivalent pay, benefits, and other employment terms.

The use of VESSA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

### **Eligible Employees**

Employees are eligible at the time of employment with the County.

Unpaid leave will be granted to an employee who is a victim of domestic violence or who has a family or household member who is a victim of domestic violence for reasons such as the following:

- Seeking medical attention for, or recovering from, psychological injuries caused by domestic or sexual violence;

- Obtaining services from a victim services organization;

- Obtaining psychological or other counseling;

- Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member; or

- Seeking legal assistance or remedies to ensure the health and safety of the employee or family or household member, including preparing for or participating in any civil or criminal or legal proceeding related to or derived from domestic or sexual violence.

“Family or Household member” means a spouse, parent, son, daughter and persons jointly residing in the same household. This definition has been expanded to include any person related by blood or by present or prior marriage.

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

### **Certification**

If an employee requests an unpaid leave of absence under VESSA, the employee must submit to the Elected Official/Department Head a sworn statement by the employee and any of the following:

Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee’s family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

A police or court record; or

Other corroborating evidence.

### **Length of Leave**

The twelve-month period during which employees are eligible for twelve (12) weeks of unpaid leave is the twelve-month period beginning with the date an employee starts a period of leave. An employee who fails to return to work immediately following expiration of the authorized leave period may be subject to termination. All leave taken under these guidelines will be counted against the employee's leave entitlement under VESSA. An employee, who may have exhausted all available leave under FMLA, for a purpose other than that which is available under VESSA, remains eligible for unpaid leave under VESSA.

During the employee's VESSA leave, the employee shall periodically report to his/her Department Head on the status and intention of the employee to return to work.

### **Notification**

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 providing such notice is not possible.

### **Existing Leave**

Existing paid leave that an employee would be eligible to take, may be substituted for the VESSA leave.

### **Intermittent Leave**

VESSA leave may be taken intermittently or on a reduced leave schedule. If an employee seeks leave on an intermittent or reduced schedule basis, the employee must submit a certification discussed above. Any hours of leave taken intermittently are deducted on an hour-by-hour basis from the aggregate twelve week entitlement. If the intermittent leave is foreseeable the County may require the employee to transfer temporarily to another position that has equivalent pay and benefits and better accommodates recurring periods of leave.

### **Contributions for Health Benefits**

The County will continue to provide health insurance coverage for the employee during the employee's VESSA leave. However, the employee will remain personally responsible for paying the employee's contribution for health benefits. The payments shall be made at the same time and in the same manner as payments under COBRA and must be submitted directly to Payroll. Failure to pay the contributions within thirty (30) days of the due date may result in lapse of coverage.

If the employee does not return from the leave, the County may recover from the employee the portion of the contribution paid by the County in order to maintain the coverage, unless the circumstances are beyond the employee's control. Certifications of the reasons may be required.

### **Job Restoration**

Upon return from VESSA leave, the employee will be returned to the same position with no loss in benefits which accrued prior to the leave of absence. An employee who does not return to work at the end of an authorized leave is subject to termination.

### **Reasonable Accommodation**

VESSA provides that in response to "actual or threatened domestic or sexual violence," reasonable accommodations may include an "adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a security procedure, unless such accommodation would impose an undue hardship. It is the responsibility of the employee to notify the Department Head/Elected Official of the need for an accommodation.

### **Confidentiality of Records**

Records, statements, and documents relating to VESSA certifications of employees or employees' family members, created for purposes of VESSA, shall be retained in the strictest confidence in separate files/records from the usual personnel files except to the extent that disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by Federal or State law.

An employee, or representative of employees, who believes his or her rights under this Act have been violated may file a complaint with the Illinois Department of Labor requesting a review of the alleged violation.



## **Fraud and Compliance Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

**Purpose:** The purpose of this Fraud Policy is to define fraud, communicate employee responsibility to report fraud, and establish a procedure for employees to report fraud. This policy must be reviewed and signed off on by all employees annually.

**Scope of Policy:** This Policy applies to any fraud, suspected fraud, and/or unethical behavior involving County officials, employees, consultants, vendors, contractors and/or outside agencies doing business with the County. Allegations relating to complaints of discrimination, harassment, sexual harassment, workplace safety, common personnel activities (processing grievances, hiring, firing, promotion, and other discipline) and/or labor contract violations are NOT covered by this Policy and should be pursued through other respective policies and procedures or through the appropriate steps in a labor contract.

**Definitions:** Fraud can be defined as an intentional act of deception, misrepresentation, or concealment in order to gain something of value. Unethical behavior can be defined as not conforming to accepted standards of conduct; contrary to morality, conscience or law.

Fraud and unethical conduct include, but are not limited to:

- Embezzlement, misappropriation, or other financial misconduct;
- Forgery or alteration of documents (checks, timesheets, contractor agreements, purchase orders, other financial documents, electronic files);
- Destroying, altering, or falsifying records;
- Improprieties in the handling or reporting of money or financial transactions;
- Misappropriation of funds, supplies, inventory, or any other asset (including furniture, fixtures, or equipment);
- Authorizing or receiving payment for goods not received or services not performed;
- Authorizing or receiving payments for hours not worked;
- Authorizing or receiving time accruals such as vacation time, compensatory time, personal time, sick leave, or any other type of bonus time that are not legitimately due, earned, or granted pursuant to a labor contract or County policy;
- Use of an employee's position or knowledge from their position for private or personal gain or advantage, and/or;
- Bribery or soliciting and/or receiving any gift or reward for illegal activity or for the purpose of influencing a County official and/or employee in the performance of his/her official duties.

**Obligations:** All employees of the County are obligated to immediately report any actual, potential, or suspected fraudulent activities.

Supervisory personnel shall monitor personnel under their supervision to ensure they are not acting in a fraudulent or unethical manner.

The County Auditor's Office, with the assistance of the State's Attorney's Office or law enforcement as needed or deemed appropriate, will investigate any suspected acts of fraud,

misappropriation, or other similar misconduct. An objective and impartial investigation will be conducted of the party regardless of the position, title, length of service, or relationship of the party to the County. Investigations to substantiate reported allegations will be conducted in a confidential manner.

**Reporting Procedure:** All employees of the County are encouraged to promptly report through proper channels any actual, potential, or suspected fraudulent activity. Employees reporting actual, potential or suspected fraudulent activity will be protected by our “Non-Retaliation Policy” (see next section). Please note however that employees who knowingly make false allegations will be subject to disciplinary action, up to and including termination of employment.

If an employee has a good faith concern that fraudulent activity has occurred or is about to occur they should report this through any of the following channels:

1. Their supervisor.
2. Their department head.
3. The Internal Auditor in the County Auditor’s Office either in person, through the mail or via a phone call or an email.
4. Anonymously through the County Auditor’s Office independently operated Fraud, Waste, and Abuse Hotline by calling toll-free to 877-452-3574 or online at <https://madisoncounty.ethicspoint.com>.

**Non-Retaliation Policy:**

1. Under no circumstances shall the good faith reporting of any information concerning allegations of fraudulent activities serve as a basis for acts of retaliation or reprisal (in any form) by the County against any reporting employee.
2. Any substantiated cases of retaliation, retribution and/or harassment against such persons will be reported to the Human Resources manager or his/her designee who will determine the appropriate corrective action.
3. Harassment, in any form, is always a prohibited personnel action.
4. The County, its administrators, managers, and officials will take all appropriate and reasonable steps to protect any employee or other person providing information from retaliation, in any form, as a result of such action.
5. Notwithstanding the above, any employee who knowingly makes false allegations under this policy will be subject to disciplinary action, up to and including discharge.
6. This Non-Retaliation Policy is not to be construed as amnesty for a reporting or complaining employee who is found to be involved in or part of the fraudulent activities which were reported. Such employee will be subject to normal disciplinary actions and non-retaliation will not apply thereto.

County employees are also covered under the State Officials and Employees Ethics Act (5 ILCS 430/15-10) which provides “whistleblower” protection.

## Ethics and Gift Ban Ordinances Policy

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

### Madison County Ethics Ordinance

Section	
40.01	Definitions
40.02	Gift Ban
40.03	Prohibited Political Activities
40.04	False Reports
40.05	Ethics Advisor
40.06	Ethics Training

### Economic Interests Addendum Ordinance

40.20	Purpose and Intent
40.21	Definitions
40.22	Disclosure of economic interest addendum
40.23	Applicability of other laws
40.24	Procedures and duties of County Clerk
40.25	Addendum to statement of economic interests to be filed with the County Clerk
40.99	Penalties

### Madison County Ethics Ordinance

#### 40.01. DEFINITIONS

For the purpose of this chapter 40, the following definitions shall apply unless context clearly indicates or requires a different meaning.

**Campaign for Elective Office.** Any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, State or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (a) relating to the support or opposition of any executive, legislative or administrative action, (b) relating to collective bargaining, or (c) that are otherwise in furtherance of the person's official duties.

**Candidate.** A person who had filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

**Collective Bargaining.** This term has the same meaning as the term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

**Compensated Time.** With respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on the premises under the control of the employer, and any other time when the officer or employee is executing his or her official duties, regardless of location.

**Compensatory Time Off.** Any authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

**Contribution.** This term has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

**Employee.** A person employed by the County of Madison, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor, employees of the State’s Attorney, or employees of the Clerk of the Circuit Court.

**Employer.** The County of Madison, Illinois.

**Gift.** Any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

**Leave of Absence.** Any period during which an employee does not receive (a) compensation for employment, (b) service credit towards pension benefits, and (c) health insurance benefits paid for by the employer.

**Officer.** A person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity, but does not include the State’s Attorney or the Clerk of the Circuit Court.

**Political Activity.** Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (a) relating to the support or opposition of any executive, legislative or administrative action, (b) relating to collective bargaining, or (c) that are otherwise in furtherance of the person’s official duties.

**Political Organization.** A party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

**Prohibited Political Activity.** Any one or more of the following activities:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event;

- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets to any political fundraiser, political meeting, or other political event;
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value as a campaign contribution;
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question;
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls;
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question;
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;
- (10) Preparing or reviewing responses to candidate questionnaires;
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question;
- (12) Campaigning for any elective office or for or against any referendum question;
- (13) Managing or working on a campaign for elective office or for or against any referendum question;
- (14) Serving as a delegate, alternate, or proxy to a political party convention; or
- (15) Participating in any recount or challenge to the outcome of any election.

**Prohibited Source.** Any person or entity who:

- (1) Is seeking official action (a) by an officer, or (b) by an employee, or (c) by the officer or other employee directing that employee;
- (2) Does business or seeks to do business (a) with the officer, or (b) with an employee, or (c) with the officer or other employee directing that employee;

- (3) Conducts activities regulated (a) by the officer, or (b) by an employee, or (c) by the officer or other employee directing that employee;
- (4) Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee; or
- (5) Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act.

### **Gift Ban Ordinance**

#### **40.02 Gift Ban.**

- (A) Generally. Except as otherwise provided in this chapter, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by any federal or state statute, rule, regulation or ordinance. No prohibited source shall intentionally offer or make a gift that violates this chapter.
- (B) Exceptions.
  - (1) The restrictions in division (A) do not apply to the following:
    - (a) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
    - (b) Any contribution that is lawfully made under the Election Code, or activities associated with a fundraising event in support of a political organization or candidate.
    - (c) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister and including the father, mother, grandfather, or grandmother of the individual’s spouse and the individual’s fiancé or fiancée.
    - (d) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the public official or employee shall consider the circumstances under which the gift was offered, such as:
      - (1) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

- (2) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
  - (3) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (e) Educational materials and missions.
  - (f) Travel expenses for a meeting to discuss business.
  - (g) Intra-governmental and intergovernmental gifts. For the purposes of this Chapter, “intra-governmental gift” means any gift given to an officer or employee of the employer from another officer or employee of the employer, and “inter-governmental gift” means any gift given to an officer or employer of one governmental entity by an officer or employee of another governmental entity.
  - (h) Food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee) if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee and are customarily provided to others in similar circumstances;
  - (i) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (1) consumed on the premises from which they were purchased or prepared, or (2) catered. For purposes of this Section, “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.
  - (j) Opportunities, benefits, and services that are available on the same conditions for the general public.
  - (k) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.
  - (l) Bequests, inheritances, and other transfers at death.
- (2) Each of the exceptions listed in this Section is mutually exclusive and independent of every other.
- (C) Disposition of Gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

#### **40.03 Prohibited Political Activities**

##### **(A) Prohibited Activities**

- (1) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined in Section 40.01.
- (2) No officer or employee shall intentionally use any property or resources of the County of Madison in connection with any prohibited political activity.
- (3) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (1) as part of that officer or employee's duties; (2) as a condition of employment; or (3) during any compensated time off, including but not limited to holidays, vacation, or personal time off.

**(B) Permissible Activities.**

- (1) Nothing in Section 40.21 shall be construed to prohibit activities that are permissible for an officer or employee to engage in as part of his or her official duties.
- (2) Nothing in section 40.21 shall be construed to prohibit activities that are undertaken by an officer or employee on a voluntary basis and are not otherwise prohibited under Section 40.21.

**(C) Merit System, Federal Funds.**

No person either (1) in a position that is subject to recognized merit principles of public employment, or (2) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, or a political party, or of a political organization or club.

**40.04 False Reports; Prohibition**

No person shall intentionally make a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney, or any other law enforcement official.

**40.05 Ethics Advisor.**

**(A) Appointment of Ethics Advisor.**

The County Board Chairman, with the advice and consent of the County Board, shall designate an Ethics Advisor for the County of Madison. No person shall be appointed as Ethics Advisor who serves as or is employed as an officer or employee of the County of Madison. No person shall be appointed as Ethics Advisor who is related by blood or marriage, up to the degree of first cousin, to any elected officer of the County of Madison. The Ethics Advisor shall be an attorney in good standing licensed to practice law in the State of Illinois. The Ethics Advisor shall be compensated at an hourly rate for time expended as provided by the rate schedule approved by the County Board for outside legal services, as amended from time to time, and pursuant to the approved Madison County Litigation Management Guidelines.



**(B) Term of Ethics Advisor.**

The initial appointee to the position of Ethics Advisor shall serve a term ending on June 30, 2006. Thereafter, successive appointments shall be made for a two-year term ending on June 30 of each even-numbered year. If the position of Ethics Advisor becomes vacant, an individual shall be appointed to fill the unexpired term in accordance with Section 40.41.

**(C) Duties of Ethics Advisor.**

The Ethics Advisor shall provide guidance to the officers and employees of the County of Madison concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor may perform other such duties as may be delegated by the County of Madison.

**40.06 Ethics Training**

All employees, appointed and elected, are required to receive and pass Madison County Ethics training annually and no later than 120 days after employment. Independent contractors, and employees of the State's Attorney, Circuit Clerk, and Circuit Court are exempt.

**Economic Interests Addendum Ordinance**

**40.20 Purpose and Intent**

The provisions of this subchapter are to continue to ensure confidence to the residents of Madison County (hereinafter referred to as "county") in their elected and appointed public officials by creating an addendum to the Illinois Statement of Economic Interests which will provide for a more transparent government. This subchapter is adopted pursuant to 55 ILCS 5/5-1113 as amended from time to time. This subchapter is not intended to replace the provisions of 5 ILCS 420/4A et seq. (Disclosure of Economic Interests), but to enact financial disclosure requirements that require information in addition to that which is currently required under said Act, as permitted by 5 ILCS 420/4A-101 (Persons Required to File), that reads as follows: This section shall not be construed to prevent any unit of local government from enacting financial disclosure requirements that mandate more information than required by this Act.

**40.21 Definitions**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DOING BUSINESS WITH THE COUNTY OR ANY OTHER LOCAL, PUBLIC GOVERNMENT.** The person, business or professional entity has a relationship of a contractual nature with the county or any other local, public government in the county within the last 36 months for the provision of goods or services to the county or to any unit of the county or any other local, public government in the county.

IMMEDIATE FAMILY. An individual's spouse, dependent children or others if the interest herein required to be disclosed is constructively controlled by the person required to file a conflict of interest disclaimer and/or statement of economic interest pursuant to state statutes.

INTEREST. An economic, contractual and beneficial or ownership interest in the proceeding or action, including an interest in real property affected by the proceeding or action.

PROFESSIONAL ENTITY. An entity that provides professional services as defined in 5 ILCS 420/1-116, that is to say: services rendered in the practice of law, accounting, engineering, medicine, architecture, dentistry or clinical psychology. For purposes of this subchapter,

PROFESSIONAL ENTITY also includes any other entity whose business must be licensed or conducted by persons required to be licensed in their profession.

REAL PROPERTY. Property consisting of land, buildings, crops or other resources still attached to or within the land or improvements or fixtures permanently attached to the land or a structure on it.

#### 40.22 Disclosure of Economic Interests Addendum

(A) All elected or appointed county public officials shall file with the County Clerk, a verified addendum to statement of economic interests responding in detail to the following questions.

(1) (a) Other than your principal residence, do you or any members of your immediate family own any interest in real property located within the county? \_\_\_\_\_.

(b) If your answer is affirmative, state the following information for each such interest owned:

1. The nature of your interest in the real property and your instrument of ownership as defined in 5 ILCS 420/1-115 (deeds, common or preferred stock certificates, rights, warrants, options, bills of sale, contracts, interests in proprietorships, partnerships and joint ventures, and beneficial interests in trusts or land trusts) \_\_\_\_\_.

2. The location of the real property (for improved property, provides the street address; for unimproved property, state its location in relation to existing streets) \_\_\_\_\_.

3. The property's permanent real estate tax identification number \_\_\_\_\_.

(2) (a) Do you or members of your immediate family own an interest in any business or professional entity doing business with the county or any other public/local government agency within Madison County? \_\_\_\_\_. Are you or any members of your immediate family an officer or director of any business or professional entity doing business with the county or any other local, public government agency within Madison County? \_\_\_\_\_.

(b) If your answer to either of the foregoing questions is in the affirmative, state the following: the name of the business or professional entity, the nature of your relationship to the business or professional entity; the type of product produced or

service rendered by the business or professional entity and the extent or percentage of the interest \_\_\_\_\_.

(3) (a) Other than a debt to secure a mortgage upon your principal residence or business loan are you or members of your immediate family indebted to any person or business or professional entity doing business with the County or any other local, public government within Madison County?

Circle One: YES NO

(b) If yes, list each such person, business or professional entity to which you or members of your immediate family are indebted and the amount of each debt.

EXCLUDE: Any liability of \$1,200 or less; student loans; installment loans (cars, household effects and the like); medical and dental debts; credit card purchases; support or alimony obligations; debts owed to spouse or close relative; and debts incurred in the maintenance of your household \_\_\_\_\_.

(4) If you or members of your immediate family have been released from any indebtedness from any person, business or professional entity doing business with the county or any other local, public government within Madison County exceeding in its principal amount of \$1,200 within the last year without repaying the total balance due on such indebtedness, list the name of the creditor providing the release, the nature and the amount of the indebtedness, and describe the circumstances surrounding the release.

EXCLUDE: Any liability of \$1,200 or less; student loans; installment loans (cars, household effects and the like); medical and dental debts; credit card purchases; support or alimony obligations; debts owed to spouse or close relative; and debts incurred in the maintenance of your household \_\_\_\_\_.

(B) All elected or appointed county public officials shall file with the County Clerk, on an annual basis, an addendum to statement of economic interests in conjunction with the statement of economic interests to be filed with the Secretary of State pursuant to 5 ILCS 420/4A-105.

#### **40.23 Applicability of Other Laws**

Nothing in this subchapter shall be deemed to in any way restrict the application of any state, local or common law provision with respect to conflict of interest, malfeasance, misfeasance or nonfeasance in office or employment that would otherwise be applicable to any individual subject to the provisions of this subchapter. The provisions of this subchapter shall be deemed to be additional requirements and shall in no way be construed as a derogation of present statutory penalties and other local remedies for acts prohibited in this subchapter.

#### **40.24 Procedures and Duties of County Clerk**

(A) The relevant provisions of 5 ILCS 420/4A et seq. are hereby incorporated into this code as procedure regarding time for filing, where to file, notification to persons required to file, penalties for failure to file and other miscellaneous provisions.

(B) The County Clerk will receive and maintain a log of all complaints made against individuals subject to this subchapter. All complaints against elected or appointed county officials, county department heads or the County Administrator alleging a violation of the disclosure provision of this subchapter shall be submitted to the State's Attorney for investigation.

**40.25 Addendum to Statement of Economic Interests to be Filed with County Clerk**

<p>_____</p> <p>(Name of person for which this addendum is filed)</p>
<p>_____</p> <p>(List each office or position of employment for which this addendum is filed)</p>
<p>_____</p> <p>(Full post office address to which notification of an examination of this addendum should be sent)</p>
<p><b>GENERAL DIRECTIONS</b></p>
<p>The interest (if constructively controlled by the person making the statement) of a spouse or any other party; including dependent children or others of interest, shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement. If additional space is needed, please attach a supplemental listing.</p>
<p>1. Other than your principal residence, do you or any members of your immediate family own any interest in real property located within the county? _____</p>
<p>If your answer is affirmative, state the following information for each such interest owned:</p>
<p>a. The nature of your interest in the real property and your instrument of ownership as defined in 5 ILCS 420/1-115 (deeds, common or preferred stock certificates, rights, warrants, options, bills of sale, contracts, interests in proprietorships, partnerships and joint ventures, and beneficial interests in trusts or land trusts).</p>
<p>b. The location of the real property (for improved property, provides the street address; for unimproved property, state its location in relation to existing streets).</p>
<p>c. The property's permanent real estate tax identification number: _____</p>
<p>2. Do you or members of your immediate family own an interest in any business or professional entity doing business with the County or any other public/local government agency within Madison County? _____. Are you or any members of your immediate family an officer or director of any business or professional entity doing business with the county or any other local, public government agency within Madison County? _____.</p>
<p>If your answer to either of the foregoing questions is in the affirmative, state the following: the name of the business or professional entity, the nature of your relationship to the business or professional entity; the type of product produced or service rendered by the business or professional entity and the extent or percentage of the interest _____.</p>
<p>3. Other than a debt to secure a mortgage upon your principal residence or business loan are you or members of your immediate family indebted to any person or business or professional entity doing business with the county or any other local, public government within Madison County?</p>
<p>Circle One: YES NO</p>
<p>If yes, list each such person, business or professional entity to which you or members of your immediate family are indebted and the amount of each debt. EXCLUDE: Any liability of \$1,200 or less; student loans; installment loans (cars, household effects and the like); medical and dental debts; credit card purchases; support or alimony obligations; debts owed to spouse or close relative; and debts incurred in the maintenance of your household _____.</p>

<p>4. If you or members of your immediate family have been released from any indebtedness from any person, business or professional entity doing business with the county or any other local, public government within Madison County exceeding in its principal amount of \$1,200 within the last year without repaying the total balance due on such indebtedness, list the name of the creditor providing the release, the nature and the amount of the indebtedness, and describe the circumstances surrounding the release.</p>
<p>EXCLUDE: Any liability of \$1,200 or less; student loans; installment loans (cars, household effects, etc.); medical and dental debts; credit card purchases; support or alimony obligations; debts owed to spouse or close relative; and debts incurred in the maintenance of your household</p> <p>_____.</p>
<p>Verification:          "I declare that this disclosure of economic interests (including any accompanying attachments) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Madison County economic interests resolution and conflicts of interest disclosure ordinance. I understand that the penalty for knowingly and intentionally filing a false or incomplete statement shall be an ordinance violation subject to fines and penalties not to exceed \$1,000 (55 ILCS 5/5-1113)."</p>
<p>_____      _____          Date of filing)      (Signature of person making the statement)</p>

**40.99 Penalties.**

(A) Madison County Ethics Ordinance

(1) An individual who intentionally violates any provision of § 40.03(A) may be punished by a term of incarceration in the County Jail for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(2) An individual who intentionally violates any provision of § 40.02 is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(3) Any individual who intentionally violates § 40.04 may be punished by a term of incarceration in the County Jail for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(4) A violation of §§ 40.03(A) or 40.04 shall be prosecuted as a criminal offense by the State's Attorney by the filing of an information or sworn complaint in the Circuit Court charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(5) A violation of § 40.02(A) shall be prosecuted as a quasi-criminal offense by the State's Attorney by the filing of a sworn complaint in the Circuit Court charging such offense. The prosecution shall be under and conform to applicable rules for quasi-criminal procedure. Adjudication against the defendant or respondent shall require establishment of guilt by a preponderance of the evidence.

(6) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of §§ 40.02(A) or 40.03(A) is subject to discipline or discharge.

(7) Any complaint alleging a violation of §§ 40.01 through 40.05 must be filed with the Circuit Court within one year of the occurrence of the alleged violation.

(B) Economic interests addendum ordinance. The penalty for knowingly and intentionally filing a false or incomplete statement shall be an ordinance violation subject to fines and penalties not to exceed \$1,000 pursuant to 55 ILCS 5/5-1113. All ordinance violations shall be filed within the County Circuit Court.

## **Driver's License Requirement Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

It is the policy of this office of Madison County Government that each employee, whose position requires that a vehicle be driven in order to perform the essential functions of the position or who is authorized to drive a county-owned motor vehicle, must present a valid driver's license to the Elected Official/Department Head upon employment, once each year, and at any other time during employment with the County as requested by the Elected Official/ Department Head.

Notwithstanding, any employee who drives any vehicle on County business must be at least 18 years of age, have a valid driver's license and be insured as required by state law.

If an employee, who is required to have a valid license, has his/her license suspended, he/she must inform the immediate supervisor by the next working day. Failure to report the suspension could result in disciplinary action up to and including termination.

If an employee, who is required to have a valid driver's license, has his/her license suspended, the employee will immediately be on an unpaid leave for ninety (90) days. If at any time during the ninety (90) days, the license is reinstated, the employee may return to work. If the license is not reinstated within the ninety (90) days, the employee's employment with the County will be terminated.

Any employee operating a county-owned motor vehicle shall submit to a breathalyzer test to determine blood alcohol level, or if the breathalyzer test is not available, a blood test as well as a field sobriety test pursuant to a lawful request by a police officer commissioned by the State of Illinois or any political subdivision thereof, or any commissioned peace officer of a sister state.

If an employee refuses to submit to a test to determine blood alcohol level upon a lawful request of a commissioned peace officer, as aforesaid, then the employee who so refuses shall be suspended for a period of not less than 30 days. Said employee may receive discipline including suspension for a term greater than 30 days and including discharge from employment if, in the judgment of the County Board Chairman or elected official, circumstances warrant a suspension of greater than 30 days or discharge from employment. The suspension shall begin within 30 days of the date that the employee refused said tests.

## **Soliciting Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

It is the policy of this office of Madison County Government that unsolicited outside vendors are not permitted to sell any goods or services on County premises. If an employee is approached by an outside vendor on County premises, the employee should report the incident to his/her immediate supervisor.



## Health Conditions Policy

Adopted by: Madison Count Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

It is the policy of this office of Madison County Government that employees with infectious, long-term, life-threatening, or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job, without undue risk to their own health or that of other employees or the public. The Policy Guidelines are as follows:

1. The County will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.
2. Employees afflicted with a serious disease are to be treated the same as any other employee. In addition, if the serious disease affects their ability to perform their assigned duties, such employees are to be treated like other employees who have disabilities that limit their job performance.
3. Employees who are diagnosed as having a serious disease are encouraged to inform their immediate supervisor of their condition as soon as possible. Supervisors should respond with compassion and understanding. In addition, they should review with the employee County Policy on such issues as leaves and disability, infection control, any accommodation the employee may request and the County's response to that request, the County's continuing expectation regarding the employee's performance and attendance, and available benefits.
4. The County may require a doctor's certification of an employee's ability to perform his/her duties safely.
5. The County will attempt to maintain the confidentiality of the diagnosis and medical records of employees with serious diseases, unless required otherwise by law. Information relating to an employee's serious disease will not be disclosed to other employees unless the information is, in the opinion of the County, necessary to protect the health or safety of the employee, co-workers, or others.
6. The County will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions, engineering and work practice controls, and personal protective equipment will be implemented to limit the spread of diseases in the work place.
7. Employees concerned about being infected with a serious disease by a co-worker, or other person should convey this concern to their immediate supervisor or Human Resources. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing their concern with a supervisor, will be subject to discipline, up to and including termination. Where there is little or no evidence of risk of infection to the concerned employee, the employee may be assigned to work with or perform services for any other employee or person as required by the County.

## **Photo I.D. Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

As a vital part of our security system, a Madison County identification badge with the Employee's name, photo and department will be issued to the Employee on his/her first day of employment. The ID badge could also be your electronic key to enter the building and other secured areas as needed. **Everyone is required to wear an ID badge in plain view** while on Madison County Property.

**Employees of Madison County who wear uniforms are exempted from this display policy as they are already identifiable, and in some cases, it can be a safety issue.**

Employees will not use their I.D. for personal business or personal gain.

If your identification badge is lost or stolen, you must obtain a replacement. Lost or stolen cards should be reported to the Elected Official/Department Head, as soon as possible. Failure to wear your ID badge or excessive loss or damage to cards can lead to disciplinary action.

Upon termination, employees will be required to return ID badges to Human Resources or their Elected Official as part of the Exit Interview.

## Electronic Communications Policy

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

This policy covers the use of all forms of electronic communications including but not limited to e-mail, voice mail, fax machines, Intranet, the Internet, social media, discussion groups, comment posting sources, audio, video and cell phones, including text and instant messaging and applies to all Madison County employees in each separate office of Madison County Government. Every employee is expected to read, understand, and follow the provisions of these policies and will be held responsible for its contents. Use of Madison County's electronic communication systems constitutes acceptance of these policies and their requirements.

- 1. Use of Electronic Communications:** Madison County's electronic communications systems, including e-mail, the Internet and cellular phones owned by the County are intended for business use only. Incidental and occasional use of these systems for non-work purposes may be permitted at the discretion of the department head. Before using these systems for business or personal use, employees must understand that any information that is created, sent, received, accessed or stored in these systems will be the property of Madison County and will not be private, unless deemed so by law. If employees are permitted to use electronic communication systems for non-work purposes, such use shall not violate any section of this policy or interfere with the employee's work performance.

Employees should use the same care and discretion when writing e-mail and other electronic communications as they would for any formal written communication. Any message of information sent by employees to other individuals via electronic communication systems such as the Internet, e-mail, text messages or instant message are statements identifiable and attributable to Madison County. Consequently, all electronic communications sent by employees – whether business or personal – must be professional and comply with this policy and the Employee Policy and Procedures Handbook.

- 2. Prohibited Communications:** Under no circumstances may employees use the County's electronic communications systems for creating, possessing, uploading, downloading, accessing, transmitting or distributing material that is offensive, illegal, sexually explicit, discriminatory, defamatory or interferes with the productivity of co-workers. Employees may not use these systems for illegal activities. Employees may not engage in any use which violates copyright or trademark laws.

Employees are also prohibited from posting information, opinions, or comments to Internet discussion groups (for example: news groups, chat, list servers, electronic bulletin boards, comment sections of news stories or blogs or any social media site) without prior authorization from the employee's department head.

Employees may not use e-mail or other electronic communications to disclose confidential, sensitive or information covered by compliancy rules. Personal information such as home addresses, phone numbers, social security numbers and electronic account usernames and passwords should never be disclosed on the Internet.

3. **No Presumption of Privacy:** Although employees may use passwords to access some electronic communication systems, these communications should not be considered private unless deemed so by law. Employees should always assume that any communications – whether business-related or personal – created, sent, received or stored on the County’s electronic equipment and communication systems may be read or heard by someone other than the intended recipient (refer to Section 4 – Madison County’s Right to Monitor Use).

Employees should also recognize that all electronic communications including e-mail messages, text messages and instant messages deleted from any system or device may still be retrieved when requested by authorized personnel. Consequently, messages that were previously deleted may be recreated, printed out, or forwarded to someone else without the employee’s knowledge.

4. **Madison County’s Right to Monitor Use:** As provided herein, Madison County reserves the right to monitor, intercept, access, disclose, retain, print and delete all information created, sent, received, or stored on its electronic communication systems at any time, with or without employee notice, unless prohibited by law. Further, Madison County reserves the right to monitor the location of its employees who are issued County electronic equipment and/or vehicles, unless prohibited by law. Information obtained through monitoring may be used as a basis for employee discipline, termination and also evaluating employee performance, unless prohibited by law.

Each County Elected Official controls his or her office’s data: Each elected official maintains total discretionary control over accessing, monitoring, or reviewing the data produced by employees in his or her office, even though that data is maintained and serviced in a centralized way by the IT Department. Therefore, only the relevant elected official or his or her designee may authorize access to stored electronic communications or data produced by his or her office. It is expressly prohibited for any County employee or official to access electronic communications or data without the express permission of the relevant elected official or his or her designee.

Emergency access and maintenance are allowable: Emergency access to otherwise-unauthorized data is allowed when the IT department is unable to contact the relevant elected official or his or her designee but immediate access is necessary for a lawful time-sensitive purpose, but the IT department must still notify the relevant elected official or his or her designee immediately and explain what happened. Also, IT maintenance and other ongoing updates are allowable and it is not necessary for IT personnel to seek permission each time such background maintenance actions are taken. Further, the routine monitoring or review of security logs to protect against cyber-attacks and data breaches by the IT Department does not require notification or permission of the relevant official.

5. **Prohibited Activities:** In addition to section 2, employees may not – without their department head’s authorization – upload, download, or otherwise transmit copyrighted, trademarked, or patented material; trade secrets; or confidential, private or proprietary information or materials. Employees may not upload, download or otherwise transmit any illegal information or materials. Employees may not use the County’s electronic communication systems to gain unauthorized access to remote computers or other systems to intrude, damage, alter, or disrupt such computers or systems in any way, nor may employees – without authorizations from their department head – use someone else’s code or password or disclose anyone’s code or password including their own. It is a violation of

this policy for employees to intentionally intercept, eavesdrop, record, or alter another person's Internet, e-mail or any other electronic communications. Employees may not enable unauthorized individuals to have access to or use the County's electronic communication systems or devices, or otherwise permit any use which would jeopardize the security of the County's electronic systems or devices.

Employees must use their real names when sending e-mail messages or other electronic communications and may not misrepresent, obscure or in any way attempt to subvert the information necessary to identify the real person responsible for the electronic communication. Sending e-mail message under a fictitious or false name is a violation of the policy. Likewise, using another users account or login ID constitutes a violation of this policy.

Employees are not allowed to transmit, copy, store on a non-county authorized device, remove from their office or disseminate in any fashion any information stored by their department or another department that is not a publicly available record, information or document. Any copying, storing, removal, deletion or dissemination of any non-publically available information, record or document must be first approved by the employee's department head. Employees should consult their supervisor or department head for guidance in determining what records, information or documents are not publically available. An employee may only disseminate a publicly available record, information or document that is in the due course of their normal business duties. The disclosure of public information outside of normal business duties should follow established formal public records request procedures.

6. **Software:** Employees may not install any software on a Madison County system or device that has not been authorized for use and installation.

Employees may not copy software for distribution to any third party or for home use unless such copying is permitted by the software's license agreement.

The installation of software for trial periods authorized by the vendor would not be a violation of this policy as long as the software has been authorized.

7. **Encryption:** Employees may not password protect or otherwise privately code their files without prior authorization from their department head. Use of encryption software must be specifically approved by the employee's department head and Information Technology prior to using such software for the storage, receipt, and transmission of data. If encryption software is used, the employee must give the password to his or her department head and Information Technology.
8. **Viruses and Tampering:** Any files downloaded from the Internet must be scanned with authorized virus detection software from Information Technology. The intentional introduction of viruses, attempts to breach system security, or other unauthorized tampering with any of the County's electronic communication systems or devices is expressly prohibited. Employees must immediately report any viruses, tampering, or other system breaches or attempted breaches to their department head and Information Technology.
9. **Disclaimer of Liability for Use of the Internet:** Madison County is not responsible for material viewed or downloaded by users from the Internet. The Internet provides access to a significant amount of information, some of which contains offensive, sexually explicit and inappropriate material. It is difficult to avoid contact with this material, therefore, users of the

Internet do so at their own risk.

10. **Duty Not to Waste Electronic Communications Resources, Duty of Care:** Users must not deliberately perform actions that waste electronic communications resources or unfairly monopolize resources to the exclusion of other employees. This includes, but is not limited to, subscribing to list servers, mailing lists, streaming video & audio or web sites not directly related to the employee's job responsibilities; spending extensive non-productive time on the Internet; and doing large non-work related file downloads, or mass mailings. Electronic communication resources are limited and employees have a duty to conserve these resources. Users must also take all reasonable steps to ensure that the physical equipment is maintained in a safe manner.
11. **E-mail Address, Cell Phone Number, and Social Media Identity:** Madison County reserves the right to monitor and keep an employee's county e-mail address, county cell phone number or county social media identity active for a reasonable period of time following an employee's departure to ensure that important business communications reach the County.
12. **Record Retention:** Generally, e-mail messages, text messages or instant messages are temporary communications which are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to a department's record retention schedule. Madison County employees should treat e-mail messages and other electronic records in the same manner as if these messages had originated on paper. Employees should consult their supervisor or department head for guidance in determining what records are subject to retention.
13. **Violations:** Violations of this policy may subject employees to disciplinary action from the removal of privileges up to and including dismissal from employment, and, if applicable, any criminal or civil penalties or other legal action.

Employees who observe violations of this policy are obligated to report those violations to their department head or Information Technology.

14. **Policy Changes:** Madison County reserves the right to change this policy at any time without prior notice. Revised policy changes will be made available to employees in a timely manner. Nothing in this policy is intended or should be construed as an agreement and/or a contract, express or implied.

## Definitions

Definitions applicable to this policy:

1. **Electronic Mail (e-mail):** Electronic mail may include non-interactive communication of text, data, image, voice or video messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called "mail", "facsimile", or "messaging" systems; or voice messages transmitted and stored for later retrieval from a computer system.

2. **Internet:** A worldwide network of networks, connecting informational networks that communicate through a common communications language or “protocol”.
3. **Intranet:** An in-house communications system and inter-office e-mail that serves the employees of the enterprise. Although intranet pages and inter-office e-mail may link to the Internet, an intranet is not accessed by the general public.
4. **Encryption:** Any system, software or password that changes information from its native state or access to an unrecognizable or denied state.
5. **World Wide Web:** An Internet client-server distributed information and retrieval system based upon hypertext transfer protocol (HTTP) that transfers hypertext documents that can contain text, graphics, audio, video, and other multimedia file types across a varied array of computer systems.
6. **File Transfer Protocol (FTP):** A program that allows users to transfer data between different computers on a network or between networks.
7. **Cell Phone:** A portable telephone that uses wireless cellular technology to send and receive phone signals. This includes “Smart Phones.”
8. **Text Message:** An electronic message sent over a cellular network from one device another.
9. **Instant Message:** An electronic message sent in real time via the Internet and therefore immediately available for display on the recipient's screen.
10. **Social Media / Discussion Group / Comment Posting Source:** Forms of electronic communication (such as Web sites for social networking, microblogging, USENET, List Serves, Newsgroups, etc.) through which users share information, ideas, personal messages, and other content (as videos, pictures, etc.)
11. **Virus:** A program, software or coding that is unauthorized and, when on a device or system, has an unwanted or adverse effect.

## **Smoking in the Workplace Policy**

Adopted by: Madison County Board Departments

Adopted on: August 18, 2021

Effective until rescinded.

In compliance with the Smoke Free Illinois Act, smoking is not permitted in any indoor County building and/or facility. The use of e-cigarettes, any other smoking devices or tobacco products, is not permitted in any indoor County building and/or facility. Smoking and the use of other smoking devices is permitted outdoors, but users should not block the entranceways of building or smoke within fifteen (15) feet of building entranceways, windows or ventilation systems.

Cigarette smoking, use of any other smoking devices, including e-cigarettes or tobacco products is not permitted in County-owned vehicles or while operating equipment.

Any amendment to the Smoke Free Illinois Act that becomes effective after the effective date of this policy shall be incorporated into this policy by reference.

Cigarette and cigar remnants, ashes, cigarette butts or other tobacco wastes and matches should be deposited in appropriate receptacles. In addition to disciplinary action that could result in his/her termination from employment, violators could be charged with a Class B misdemeanor with a fine up to \$1,500.

Violators or those who refuse to comply with this policy may be subject to appropriate corrective action. Enforcement of this policy is the responsibility of all employees.