RESOLUTION

WHEREAS, Fayette County desires to resurface F.A.S. 711 (County Highway 28) from Illinois Route 37 to the Effingham County line, commonly known as the Altamont Road; and known to the Illinois Department of Transportation as Section 14-00127-00-RS and Job No. C-97-019-19; and

WHEREAS, the cost of said improvement has necessitated the use of federal funds; and

WHEREAS, the federal fund source requires a match of local funds; and

WHEREAS, the use of federal funds requires a joint funding agreement (AGREEMENT) with the Illinois Department of Transportation; and

NOW THEREFORE, BE IT RESOLVED, that the County Board authorizes the Local Public Agency balance, or as much as such sum as may be needed, to match federal funds in the completion of the aforementioned project known as Section 14-00127-00-RS; and

BE IT FINALLY RESOLVED, that the Fayette County Board Chairman is hereby authorized and directed to execute the above-mentioned AGREEMENT and any other such documents related to the advancement and completion of said project.

Jeffrey E. Beckman,  
Fayette County Board Chairman

I, Vicky L. Conder, County Clerk, in and for Fayette County, Illinois, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of the resolution approved by the County Board of Fayette County at its meeting on the  8th day of January, 2019.

IN TESTIMONY WHEREOF; I have unto set my hand and seal, at my office, this  8th  day of January, 2019.

Vicky L. Conder,  
Fayette County Clerk
### ADDENDUM #3  Division of Cost

**Local Agency:** Fayette County  
**Section:** 14-00127-00-RS  
**Job Number:** C-97-019-19

<table>
<thead>
<tr>
<th>Type of Work</th>
<th>TARP</th>
<th>%</th>
<th>STR</th>
<th>%</th>
<th>STATE MATCH ASSIST</th>
<th>%</th>
<th>LA</th>
<th>%</th>
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<td>$1,546,000.00</td>
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<td>Preliminary Engineering</td>
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<td><strong>TOTAL</strong></td>
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<td>$80,000.00</td>
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<td></td>
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<td>$2,080,000.00</td>
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</table>

1) Lump Sum $454,000 TARP funds NTE 50% of the final cost of the project, to be used first as match to the federal funds.
2) 80% STR funds to be used second.
3) Lump Sum State Match Assist NTE $80,000 to be used third.
4) Balance shall be the responsibility of the local agency.
WHEREAS, the State of Illinois by its General Assembly has enacted the Illinois Vehicle Code; and

WHEREAS, 625 ILCS 5/1-126.1 provides that local authorities may designate Class II or Class III highways within their jurisdiction, and in accordance with 625 ILCS 5/15-111(f), weight limitations shall be designated by appropriate signs placed on such highways; and

WHEREAS, the Local Agency, County of Fayette, is desirous of providing a truck route for the purpose of accommodating a load limit of 80,000 pounds:

NOW THEREFORE, BE IT RESOLVED, that the portions of FAS 711 or CH 28 (Altamont Road) beginning at the intersection of Illinois Route 37 and extending to the Effingham County line for 4.91 miles be designated as a:

☐ Class II Truck Route  or  ☑ Class III Truck Route.

Ayes: 13  Nays: 0  Absent: 1

Name  Jeffrey E. Beckman
Title  Fayette County Board Chairman
Signature  Donald Schaal Vice Chairman

STATE OF ILLINOIS

COUNTY OF Fayette

I, Vicky L. Conder, Clerk, in and for the Local Agency and State aforesaid, and keeper of the records and files of said office, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Local Agency, County of Fayette at their Adjourned Meeting held on 01/08/19.

IN TESTIMONY WHEREOF, I witness my hand and seal of the Local Agency, County of Fayette this 8th day of January 2019.

(SEAL)

Clerk
Resolution To:

Approve the "Local Agency Agreement" and related "Addenda" with the Illinois Department of Transportation to rehabilitate County Highway 28 (Altamont Road). Section 14-00127-00-RS
Fayette County Highway Department

Agenda Item Notes for meeting on

January 8, 2019

1) Local Public Agency Agreement for Federal Participation, BLR 05310

✓ Page 5, middle left: Jeff needs to sign and date
✓ Page 7, top right: enter resolution number
✓ Page 7, middle right: Jeff needs to sign
  Page 7, bottom: Vicky needs to sign, seal and date twice
✓ Page 9, middle right: Jeff needs to sign
✓ Page 9, middle left: enter vote tally
  Page 9, bottom: Vicky needs to sign, seal and date twice

Return all five (5), original agreements, to County Engineer

2) Nine (9) blue copies for distribution to County Board members

3) One (1) white copy for use by County Clerk's office

Please contact me if you have any questions, thank you.
This Agreement is made and entered into between the above local public agency, hereinafter referred to as the "LPA", and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LPA jointly propose to improve the designated location as described below. The improvement shall be constructed in accordance with plans prepared by, or on behalf of the LPA, approved by the STATE and the STATE's policies and procedures approved and/or required by the Federal Highway Administration, hereinafter referred to as "FHWA".

Location

Local Name: Altamont Road (CH 28) / 2650 E RD  Route: FAS 711  Length: 4.92 mi
Termini: From the intersection of Illinois Route 37 to the Effingham County line.

Current Jurisdiction: Fayette County  TIP Number:  Existing Structure No: n/a

Project Description

The work for this project consists of milling and resurfacing the roadway, installing aggregate shoulders and guardrail improvements. Work also includes replacing the box culvert at station 776+67 and construction of a new PCC intersection with Illinois Route 37.

Division of Cost

<table>
<thead>
<tr>
<th>Type of Work</th>
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<th>%</th>
<th>LPA</th>
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<th>Total</th>
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<tr>
<td>Participating Construction</td>
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** See Addendum #3 for Division of Cost.

NOTE: The costs shown in the Division of Cost table are approximate and subject to change. The final LPA share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.

If funding is not a percentage of the total, place an asterisk in the space provided for the percentage and explain above.

Local Public Agency Appropriation

By execution of this Agreement, the LPA attests that sufficient moneys have been appropriated or reserved by resolution or ordinance to fund the LPA share of project costs. A copy of the authorizing resolution or ordinance is attached as an addendum (required for State-lit contracts only)

Method of Financing (State Contract Work Only)

METHOD A—Lump Sum (80% of LPA Obligation) $        
METHOD B—__ __ __ __ Monthly Payments of __ __ __ __ due by the __ __ __ __ of each successive month. $        
METHOD C—LPA's Share Balance __ __ __ __ divided by estimated total cost multiplied by actual progress payment. $        

(See page two for details of the above methods and the financing of Day Labor and Local Contracts)
THE LPA AGREES:

(1) To acquire in its name, or in the name of the STATE if on the STATE highway system, all right-of-way necessary for this project in accordance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and established State policies and procedures. Prior to advertising for bids, the LPA shall certify to the STATE that all requirements of Titles II and III of said Uniform Act have been satisfied. The disposition of encroachments, if any, will be cooperatively determined by representatives of the LPA, and the STATE and the FHWA, if required.

(2) To provide for all utility adjustments, and to regulate the use of the right-of-way of this improvement by utilities, public and private, in accordance with the current Utility Accommodation Policy for Local Agency Highway and Street Systems.

(3) To provide for surveys and the preparation of plans for the proposed improvement and engineering supervision during construction of the proposed improvement.

(4) To retain jurisdiction of the completed improvement unless specified otherwise by addendum (addendum should be accompanied by a location map). If the improvement location is currently under road district jurisdiction, an addendum is required.

(5) To maintain or cause to be maintained, in a manner satisfactory to the STATE and the FHWA, the completed improvement, or that portion of the completed improvement within its jurisdiction as established by addendum referred to in item 4 above.

(6) To comply with all applicable Executive Orders and Federal Highway Acts pursuant to the Equal Employment Opportunity and Nondiscrimination Regulations required by the U.S. Department of Transportation.

(7) To maintain, for a minimum of 3 years after final project close-out by the STATE, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the department; and the LPA agrees to cooperate fully with any audit conducted by the Auditor General and the STATE; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.

(8) To provide if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvement.

(9) To comply with Federal requirements or possibly lose (partial or total) Federal participation as determined by the FHWA.

(10) (State Contracts Only) That the method of payment designated on page one will be as follows:

Method A - Lump Sum Payment. Upon award of the contract for this improvement, the LPA will pay to the STATE within thirty (30) calendar days of billing, in lump sum, an amount equal to 80% of the LPA's estimated obligation incurred under this Agreement. The LPA will pay to the STATE the remainder of the LPA's obligation (including any nonparticipating costs) within thirty (30) calendar days of billing in a lump sum, upon completion of the project based on final costs.

Method B - Monthly Payments. Upon award of the contract for this improvement, the LPA will pay to the STATE, a specified amount each month for an estimated period of months, or until 80% of the LPA's estimated obligation under the provisions of the Agreement has been paid, and will pay to the STATE the remainder of the LPA's obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based on final costs.

Method C - Progress Payments. Upon receipt of the contractor's first and subsequent progressive bills for this improvement, the LPA will pay to the STATE within thirty (30) calendar days of receipt, an amount equal to the LPA's share of the construction cost divided by the estimated total cost, multiplied by the actual payment (appropriately adjusted for nonparticipating costs) made to the contractor until the entire obligation incurred under this Agreement has been paid.

Failure to remit the payment(s) in a timely manner as required under Methods A, B, or C, shall allow the STATE to internally offset, reduce, or deduct the arrearage from any payment or reimbursement due or about to become due and payable from the STATE to LPA on this or any other contract. The STATE, at its sole option, upon notice to the LPA, may place the debt into the Illinois Comptroller's Offset System (15 ILCS 405/10.05) or take such other and further action as may be required to recover the debt.

(11) (Local Contracts or Day Labor) To provide or cause to be provided all of the initial funding, equipment, labor, material and services necessary to construct the complete project.

(12) (Preliminary Engineering) In the event that right-of-way acquisition for, or actual construction of, the project for which this preliminary engineering is undertaken with Federal participation is not started by the close of the tenth fiscal year following the fiscal year in which the project is federally authorized, the LPA will repay the STATE any Federal funds received under the terms of this Agreement.

(13) (Right-of-Way Acquisition) In the event that the actual construction of the project on this right-of-way is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the project is federally authorized, the LPA will repay the STATE any Federal Funds received under the terms of this Agreement.
(14) (Railroad Related Work Only) The estimates and general layout plans for at-grade crossing improvements should be forwarded to the Rail Safety and Project Engineer, Room 204, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois, 62704. Approval of the estimates and general layout plans should be obtained prior to the commencement of railroad related work. All railroad related work is also subject to approval by the Illinois Commerce Commission (ICC). Final inspection for railroad related work should be coordinated through appropriate IDOT District Bureau of Local Roads and Streets office.

Plans and preemption times for signal related work that will be interconnected with traffic signals shall be submitted to the ICC for review and approval prior to the commencement of work. Signal related work involving interconnects with state maintained traffic signals should also be coordinated with the IDOT’s District Bureau of Operations.

The LPA is responsible for the payment of the railroad related expenses in accordance with the LPA/railroad agreement prior to requesting reimbursement from IDOT. Requests for reimbursement should be sent to the appropriate IDOT District Bureau of Local Roads and Streets office.

Engineer’s Payment Estimates shall be in accordance with the Division of Cost on page one.

(15) And certifies to the best of its knowledge and belief its officials:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;

(b) have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;

(c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, local) with commission of any of the offenses enumerated in item (b) of this certification; and

(d) have not within a three-year period preceding the Agreement had one or more public transactions (Federal, State, local) terminated for cause or default.

(16) To include the certifications, listed in item 15 above, and all other certifications required by State statutes, in every contract, including procurement of materials and leases of equipment.

(17) (State Contracts) That execution of this agreement constitutes the LPA’s concurrence in the award of the construction contract to the responsible low bidder as determined by the STATE.

(18) That for agreements exceeding $100,000 in federal funds, execution of this Agreement constitutes the LPA’s certification that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress, in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying”, in accordance with its instructions;

(c) The LPA shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(19) To regulate parking and traffic in accordance with the approved project report.

(20) To regulate encroachments on public right-of-way in accordance with current Illinois Compiled Statutes.

(21) To regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement in accordance with current Illinois Compiled Statutes.

(22) To complete this phase of the project within three (3) years from the date this agreement is approved by the STATE if this portion of the project described in the Project Description does not exceed $1,000,000 (five years if the project costs exceed $1,000,000).

(23) To comply with the federal Financial Integrity Review and Evaluation (FIRE) program, which requires States and subrecipients to justify continued federal funding on inactive projects. 23 CFR 630.106(a)(5) defines an inactive project as a project which no expenditures have been charged against Federal funds for the past twelve (12) months.

To keep projects active, invoicing must occur a minimum of one time within any given twelve (12) month period. However, to ensure adequate processing time, the first invoice shall be submitted to the STATE within six (6) months of the federal authorization date. Subsequent invoices will be submitted in intervals not to exceed six (6) months.

(24) The LPA will submit supporting documentation with each request for reimbursement from the STATE. Supporting documentation is defined as verification of payment, certified time sheets or summaries, vendor invoices, vendor receipts, cost plus fix fee invoice, progress report, and personnel and direct cost summaries and other documentation supporting the requested reimbursement amount (Form BLRS 05621 should be used for consultant invoicing purposes). LPA invoice requests to the STATE will be submitted with sequential invoice numbers by project.
The LPA will submit to the STATE a complete and detailed final invoice with applicable supporting documentation of all incurred costs, less previous payments, no later than twelve (12) months from the date of completion of this phase of the improvement or from the date of the previous invoice, which ever occurs first. If a final invoice is not received within this time frame, the most recent invoice may be considered the final invoice and the obligation of the funds closed.

(25) The LPA shall provide the final report to the appropriate STATE district within twelve months of the physical completion date of the project so that the report may be audited and approved for payment. If the deadline cannot be met, a written explanation must be provided to the district prior to the end of the twelve months documenting the reason and the new anticipated date of completion. If the extended deadline is not met, this process must be repeated until the project is closed. Failure to follow this process may result in the immediate close-out of the project and loss of further funding.

(26) (Single Audit Requirements) That if the LPA expends $750,000 or more a year in federal financial assistance they shall have an audit made in accordance with 2 CFR 200. LPAs expending less than $750,000 a year shall be exempt from compliance. A copy of the audit report must be submitted to the STATE (Office of Finance and Administration, Audit Coordination Section, 2300 South Dirksen Parkway, Springfield, Illinois, 62704), within 30 days after the completion of the audit, but no later than one year after the end of the LPA’s fiscal year. The CFDA number for all highway planning and construction activities is 20.205.

Federal funds utilized for construction activities on projects let and awarded by the STATE (denoted by an “X” in the State Contract field at the top of page 1) are not included in a LPA’s calculation of federal funds expended by the LPA for Single Audit purposes.

(27) That the LPA is required to register with the System for Award Management or SAM (formerly Central Contractor Registration (CCR)), which is a web-enabled government-wide application that collects, validates, stores, and disseminates business information about the federal government’s trading partners in support of the contract award and the electronic payment processes. To register or renew, please use the following website: https://www.sam.gov/portal/public/SAM/#1.

The LPA is also required to obtain a Dun & Bradstreet (D&B) D-U-N-S Number. This is a unique nine digit number required to identify subrecipients of federal funding. A D-U-N-S number can be obtained at the following website: http://fedgov.dnb.com/webform.

THE STATE AGREES:

(1) To provide such guidance, assistance and supervision and to monitor and perform audits to the extent necessary to assure validity of the LPA’s certification of compliance with Titles II and III requirements.

(2) (State Contracts) To receive bids for the construction of the proposed improvement when the plans have been approved by the STATE (and FHWA, if required) and to award a contract for construction of the proposed improvement, after receipt of a satisfactory bid.

(3) (Day Labor) To authorize the LPA to proceed with the construction of the improvement when Agreed Unit Prices are approved, and to reimburse the LPA for that portion of the cost payable from Federal and/or State funds based on the Agreed Unit Prices and Engineer’s Payment Estimates in accordance with the Division of Cost on page one.

(4) (Local Contracts) For agreements with Federal and/or State funds in engineering, right-of-way, utility work and/or construction work:

(a) To reimburse the LPA for the Federal and/or State share on the basis of periodic billings, provided said billings contain sufficient cost information and show evidence of payment by the LPA;

(b) To provide independent assurance sampling, to furnish off-site material inspection and testing at sources normally visited by STATE inspectors of steel, cement, aggregate, structural steel and other materials customarily tested by the STATE.

IT IS MUTUALLY AGREED:

(1) Construction of the project will utilize domestic steel as required by Section 106.01 of the current edition of the Standard Specifications for Road and Bridge Construction and federal Buy America provisions.

(2) That this Agreement and the covenants contained herein shall become null and void in the event that the FHWA does not approve the proposed improvement for Federal-aid participation within one (1) year of the date of execution of this Agreement.

(3) This Agreement shall be binding upon the parties, their successors and assigns.

(4) For contracts awarded by the LPA, the LPA shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any USDOT - assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The LPA shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT - assisted contracts. The LPA’s DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the STATE may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for
enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.). In the absence of a USDOT-approved LPA DBE Program or on State awarded contracts, this Agreement shall be administered under the provisions of the STATE's USDOT approved Disadvantaged Business Enterprise Program.

(5) In cases where the STATE is reimbursing the LPA, obligations of the STATE shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable Federal Funding source fails to appropriate or otherwise make available funds for the work contemplated herein.

(6) All projects for the construction of fixed works which are financed in whole or in part with funds provided by this Agreement and/or amendment shall be subject to the Prevailing Wage Act (520 ILCS 130/0.01 et seq.) unless the provisions of that Act exempt its application.

ADDENDA

Additional information and/or stipulations are hereby attached and identified below as being a part of this Agreement.

Number 1 - Location Map, Number 2 - LPA Appropriation Resolution, Number 3 - Division of Cost and
(Insert Addendum numbers and titles as applicable)
Number 4 - Truck Route Resolution

The LPA further agrees, as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this Agreement and all Addenda indicated above.

APPROVED

Local Public Agency

Mr. Jeffrey E. Beckman
Name of Official (Print or Type Name)

Fayette County Board Chairman
Title (County Board Chairperson/Mayor/Village President/etc.)

Dan Met Schiel 1-8-19
(Signature) Date

Vice-Chairman

Randall S. Blankenhorn, Secretary of Transportation Date

By:

Erin Aleman, Director of Planning & Programming Date

Erin Aleman, Director of Planning & Programming Date

Philip C. Kauflmann, Chief Counsel Date

Jeff Heck, Chief Fiscal Officer (CFO) Date

The above signature certifies the agency’s TIN number is 37-6000800 conducting business as a Governmental Entity.

DUNS Number 077112412

NOTE: If the LPA signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.
RESOLUTION NO. 2019-01-08-B

WHEREAS, Fayette County, Illinois (the "County"), has heretofore been duly organized and is now operating as a county under the provisions of the Illinois Counties Code, and all laws amendatory thereof and supplementary thereto (the "Code"); and

WHEREAS, the County wishes to change the monthly board meeting starting time from 7:00 p.m. to 6:00 p.m.; and,

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF FAYETTE COUNTY, ILLINOIS:

SECTION 1. RECITALS.

The County Board hereby finds that the recitals contained in the preambles to this Resolution are true and correct and does incorporate them into this Resolution by reference.

SECTION 2. APPROVAL OF RECOMMENDATION.

The County hereby approves change to the monthly starting time from 7:00 p.m. to 6:00 p.m..

PASSED by the County Board of the Fayette County, Illinois on the 8th day of January, 2019, upon yea and nay vote as follows:

Ayes ______
Nays ______
Absent ______

APPROVED by the Chairman of the Fayette County Board, Illinois on the 8th day of January, 2019.

Jeffrey Beckman, Chairperson
Fayette County Board, Illinois

ATTEST:

______________________________
Vicky Conder
Fayette County Clerk

(SEAL)
To: Fayette County Board Members

From: Brenda M. Mathis, Fayette County Assistant State’s Attorney

Date: January 3, 2019

Re: Electronic Attendance of Monthly Meetings

A question was presented during last month’s board meeting regarding electronic attendance. Upon reviewing the County’s By-laws and the Open Meetings Act, it is my recommendation that we do not proceed with electronic attendance of monthly meetings. As our board is a 14-member board, we only need a majority to conduct business and attendance has not been a problem in the past.

In the future, should the size of the board change, and it necessitate us revisiting electronic attendance, we will ensure that all procedures are in place in our County by-laws before proceeding in that manner.

If you have any questions about this procedure, please call, text, or email either myself (bmathis@fayettecountyillinois.org) or Josh (jmorrison@fayettecountyillinois.org).
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COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2019-01-08-c

AN ORDINANCE APPROVING AMENDED BY-LAWS OF THE FAYETTE COUNTY BOARD

ADOPTED BY THE FAYETTE COUNTY BOARD OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 8th DAY OF JANUARY, 2019

PUBLISHED BY THE AUTHORITY OF THE COUNTY BOARD OF FAYETTE COUNTY
THIS ___________________ DAY OF JANUARY, 2019
ORDINANCE NO. __2019-01-08-0__

AN ORDINANCE APPROVING AMENDED BY-LAWS OF THE FAYETTE COUNTY BOARD

WHEREAS, Fayette County, Illinois (the "County"), has heretofore been duly organized and is now operating as a county under the provisions of the Illinois Counties Code, and all laws amendatory thereof and supplementary thereto (the "Code"); and

WHEREAS, it is in the best interests of the County to approve the attached Amended By-Laws (attached hereto as Exhibit A).

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF FAYETTE COUNTY, ILLINOIS:

SECTION 1. INCORPORATION OF PREAMBLES.

The County hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by the reference.

SECTION 2. APPROVAL OF RECOMMENDATION.

The County hereby approves the Amended By-Laws.

SECTION 3. AUTHORIZATION TO OFFICERS.

The County Board Chairman and Vice-Chairman are authorized, empowered and directed to execute the Amended By-Laws in the name of the County. The County Clerk is hereby authorized empowered and directed to attest the signature of the County Board Chairman and Vice-Chairman on such Contract. Upon passage and signing of this Ordinance and the Amended By-Laws, the County Clerk shall file a certified copy of such executed documents.

SECTION 4. AUTHORIZATION TO OTHERS. All Officers, Employees and Agents of the County are hereby authorized, empowered, and directed to take any and all actions necessary, appropriate or convenient to effectuate the purposes of this Ordinance and complete the execution of the Amended By-Laws.

SECTION 5. SEVERABILITY.
If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**SECTION 6. REPEALER.**

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

ADOPTED by the County Board of the Fayette County, Illinois on the _________ day of January, 2019, upon yea and nay vote as follows:

BRYCE KISTLER ........................................
JAKE HARRIS ........................................
JOE A. WILLS ........................................
JEFFREY BECKMAN ...................................
GLEN W. DANIELS ...................................
DEBRA L. WARNER ...................................
DEAN J. BERNHARDT ................................
KEITH COLE .......................................... 
DARRELL SCHAAL ....................................
JENNY WAGGONER ..................................
GLENN GURTNER .....................................
GLENDA J. BARTELS .................................
MERRELL H. COLLINS ............................... 
CHAD AUSTIN ........................................

APPROVED by the Chairman of the Fayette County Board, Illinois on the ____________ day of January, 2019.

______________________________
Jeffrey E. Beckman, Chairperson
Fayette County Board, Illinois

ATTEST:

______________________________
Vicky Conder
Fayette County Clerk

(SEAL)
BY-LAWS OF THE COUNTY BOARD
FAYETTE COUNTY, ILLINOIS

These By-Laws of the “County Board, Fayette County, Illinois”, hereafter called “Fayette County Board” or “Board”, are adopted this 11th day of January, 2019, and are intended to amend the present By-Laws, and shall supersede all previous By-Laws, Rules and Regulations of this Board. These By-Laws will be in full affect until revoked or amended.

AUTHORITY

Fayette County was organized in 1821, and operates under a Township form of Government. Fayette County shall be governed by fourteen (14) elected County Board Members which shall constitute the Fayette County Board, with two Board Members being elected from each of the seven (7) County Districts of the County. The Fayette County Board is the governing body of County of Fayette [55 ILCS 5/2-5003] having the powers provided for by the Constitution and laws of the State of Illinois.

Section 1. QUORUM

1.1 - A Quorum of the Fayette County Board shall exist when a majority of the elected Board members are present. Hence, eight (8) of fourteen (14) elected Board members shall constitute a quorum of the full board. A majority of the assigned members present shall constitute a quorum of any standing committee. All meetings of the Fayette County Board and it’s sub committees shall be held in accordance with the Illinois Open Meetings Act.

Section 2. OFFICERS

2.1 - The Officers of the Fayette County Board shall be the Chairperson, Vice-Chairperson, and Secretary.

2.2 - The election of the Board Chairperson and Vice-Chairperson shall be held at the Organizational Board meeting on the first Tuesday in December of each even numbered year as defined in Sec 3.1, or upon the vacancy of either the position of Board Chairperson or Vice-Chairperson. Each Officer shall serve until the next Organizational Board meeting. The meeting shall be conducted according to the Constitution and laws of the State of Illinois. Re- Authorization of the Fayette County By-Laws shall be an appropriate agenda and action item of the Fayette County Board at the bi-annual Organizational Meeting.

2.3 - The procedure for electing a Chairperson of the Board is as follows:
Nominations shall be made by voice nomination, and voting shall be by voice vote or show of hands, and shall conform to the requirements of the Illinois Open Meetings Act. The number of votes received by each nominee shall be revealed by the Teller, who shall be the County Clerk.

2.4 - If more than two (2) candidates are nominated for Chairperson, and none of the candidates receive a majority of the votes cast on the first ballot, the candidate receiving the least number of votes shall be withdrawn from candidacy for the next ballot. Ballot shall continue in such
manner until one person receives a majority of the votes cast. In the event of a tie of votes cast after four (4) ballots, the decision shall be made by casting lots.

2.5 - Subsequent to the election of the Chairperson, there shall immediately follow an election for the Vice-Chairperson, using the same elective process as that for the Chairperson.

2.6 - The Vice-Chairperson shall serve in the place of the Chairperson in case of absence, illness, accident, or the inability of the Chairperson to serve. In the case of the absence of the Chairperson and the Vice-Chairperson, at any meeting, the members present shall choose one of the elected Board members to serve as acting Chairperson for that particular meeting, and such acting Chairperson shall have the same rights and privileges as the Chairperson during such meeting.

2.7 - Removal of Chairperson or Vice-Chairperson.
Upon a request of a majority of members of the County Board an agenda item called “request to re-call officer of the Fayette County Board” shall be placed on the agenda for a Regular or Special meeting (section 3) of the County Board. During board action a correctly made motion naming the officer and office will be in order and recognized by the Board Chairperson. Upon second, and at the conclusion of regular debate a 2/3rd affirmative vote of the members present and voting will be required to re-call an officer of the Board. If the re-call vote is successful, the process outlined in section 2 shall be followed to elect a replacement officer.

2.8 – The County Clerk shall serve as Secretary of the Board.

Section 3. MEETINGS OF THE BOARD

3.1 – The meetings of the Fayette County Board shall be as follows:

3.2 – Organization Meeting – 2nd Tuesday in December at 6:00 PM to be convened at the Fayette County Courthouse.

3.3 – Regular Meeting – 2nd Tuesday of each calendar month, at 6:00 PM, to be convened at the Fayette County Courthouse, with the exception of the December Board meeting in all even numbered years which shall be held immediately following the Organizational meeting. Regular meetings of the Fayette County Board may be rescheduled to accommodate the needs of the County or to ensure quorum. All meetings shall conform to the Illinois Open Meetings Act.

3.4 – Special meetings of the Board may be called by the Chairperson, or upon the request of three (3) or more Board members having made petition to the Board Chairperson for such meeting.

Section 4. ORDER OF BUSINESS

The Order of business shall be as follows:

1. Call to Order.
2. Pledge of Allegiance to the Flag of our Country.
3. Roll Call of Board Members.
4. Public Comment: Related to matters listed on the agenda.
5. Presentation and approval of minutes of the previous meeting, with any corrections made as appropriate.
6. Presentations of petitions.
7. Communications.
8. Reports of Standing Committees.
11. Board Member comments and non-action items.
12. Adjourn.

Section 5. RULES OF ORDER

5.1 – Every member present at the putting of a question shall vote thereon, unless there is a conflict of interest, and/or excused by the Chairperson.

5.2 – Every motion shall be submitted in writing if requested by the Chairperson or any member of the Board.

5.3 – Roll call of yea or nay shall be called upon any question pending when requested by the Chairperson of any members.

5.4 – The order of calling roll for a yea or nay vote shall be as follows. Board members shall be listed alphabetically by last name. At the first meeting of the Board requiring roll call vote, beginning with the regular meeting immediately following the Organizational meeting, the first name called for roll shall be the first name listed on the alphabetic listing of Board members, and shall proceed to call roll alphabetically by last name.

5.5 – The Chairperson of the Board shall be entitled to vote on all matters coming before the Board for vote.

5.6 – Per Diem allowance shall be paid to all Board members for all Board meetings, Committee meetings, and related committee activities. The Per Diem rate shall be set every ten (10) years by Board Resolution prior to the beginning of the fiscal year beginning in 2002. Mileage allowance shall be paid to all Board members, including the Chairperson, for travel to and from such meetings, and shall be paid at such rate as approved by the IRS for such travel.

5.7 – The Chairperson shall receive a salary set by the Board every two (2) years at the November meeting prior to the organizational meeting. Salary shall be paid monthly.

5.8 – All claims of Board members for attendance at Board meetings, committee meetings and related services shall be itemized and sworn to, and shall be subject in all respects to valid bills or claims against the County. No Board member may file a claim for a service he or she attends voluntarily. Claims will only be paid for services where the member is required or asked to attend.

5.9 – Fayette County Board members shall be permitted to file more than one claim for services rendered on any calendar day, but not to exceed two for any such day.
5.10 – All claims against the County shall not be allowed until referred to and approved by the Finance Committee, and approved by the County Board.

5.11 – The Agenda for each Board meeting shall be set by the Chairperson, and shall be available prior to the meeting.

5.12 – All resolutions or motions which call for the expending of money shall be voted by roll call of yea or nay.

5.13 – No by-law shall be altered or amended except by a two-thirds (2/3) affirmative vote of the entire Board. All resolutions to amend, add or delete any By-law of this Board shall be presented in writing at a regular meeting of the Board. Such resolution shall lay over at least one month, with action being taken at a subsequent Board meeting.

5.14 – The County employee holiday schedule will be determined by the Board at either the November or December meeting, annually.

5.15 – All appointments made for persons to serve on Governing Boards of organizations under the control of the County shall be presented by the Chairperson to the Board with action on such appointment taken at a regular meeting of the Board. A listing of such Governing Boards shall be attached at Appendix A. A listing of all appointed members shall be maintained by the Secretary of the Board.

5.16 - Meetings of the Fayette County Board shall be conducted according to Robert’s Rules of Order, except when Rules of Order of the Fayette County Board shall apply.

5.16.1 Adherence to the Illinois Open Meetings Act is paramount and will guide all official meetings. Robert’s Rules shall guide the County Board in the conduct of business to the extent that it supports good order and civility.

5.16.2 When Robert’s Rules appear to limit or frustrate the completion of county business, a motion may be made to suspend the rule. The motion must be approved by two thirds vote.

Section 6. COMMITTEE RULES

6.1 – All standing and special committees shall be appointed by the County Board Chairperson with the approval of the County Board. The Chairperson may appoint a special committee to select the members of the standing and special committees. Said committees will be presented to the County Board for approval.

6.2 – The Board Chairperson and Board Vice-Chairperson may be appointed to standing committees, and shall serve as ex-officio member of all committees. The Board Chairperson and Vice-Chairperson shall not vote at committee meetings other than at the meetings of committees to which he/she is appointed, unless his/her presence is needed to make a quorum. The Committee Chairperson must declare during the roll call of the meeting if the Board Chairperson and/or Board Vice-Chairperson is required for quorum and if they are eligible to vote on matters before the Committee.
6.3 – The first name presented on the committee shall be the chairperson of that committee.

6.4 – Before the organizational meeting of the County Board, each member may submit to the County Clerk his or her preference of committee assignments.

6.5 – The Chairperson of any standing committee, with the approval of the County Board, may create sub-committees as may be necessary to more effectively accomplish the business of such standing committee. Appointments to such sub-committees shall be made by the committee Chairperson, and shall be restricted to members of the standing committee. Sub-committees shall be responsible to the standing committee.

6.6 – Standing Committees shall meet once a month if necessary. However, the Chairperson of each standing committee is authorized to call together his/her committee when in their judgment the business of the County so requires.

6.7 – Committee reports shall include the date, time and place of such meeting(s); the members present; all money expended by the committee, which is within the amount limited by Board actions; make record of all bids received, all contracts let by the committee, and all grants and proposals to be brought before the County Board. Such committee reports shall include such narrative detail, and attached reports if any, as to fully describe the activities and decisions of the committee.

6.8 – The actions of all committees shall have the approval of the Board as a whole, unless otherwise specifically defined or authorized.

6.9 – Appointive Officers employed by the Board, and supervised by Board Committees are identified in Appendix B. Copies of employment contracts shall be maintained by the Board Secretary. In regard to employment of Appointive Officers, it shall be the duty of the responsible committee to duly advertise for an applicant for the office to be filled at least thirty (30) days prior to the time such office or officer is to be appointed by the County Board. The Committee shall report to and make a recommendation to the County Board. Such publication shall not be made where the officer is to be appointed or re-hired for successive terms. Further, when an individual is to be released or not reappointed, the Committee shall notify the County Clerk as soon as possible prior to the termination of employment of such officer.

Section 7. COMMITTEES & BOARD APPOINTMENTS

7.1 – The Standing and Special Committees of the Board shall be listed in this section including the Name of the committee, the Number of Committee Members, the frequency of its meeting.

7.2 – All committees shall meet at such time and place as convened by the Chairman. Listing of such Committees are named herein.

- Building & Grounds
- Claims
- County Liquor
• Economic Development
• E.M.A
• Extension
• Finance
• Health–TB
• Insurance & Personnel
• Judiciary
• Motor Fuel Tax
• Purchasing & Printing
• Resource
• Road & Bridge
• Rules & Regulations
• Sheriff
• Solid Waste
• Subdivision

7.3 – Board Appointments to other governing boards, commissions, and districts.

7.3.1 – The Chairperson of the County Board shall appoint members to various special districts, governing boards and organizations established by agreement. Appointments shall be made consistent with the Laws of the State of Illinois.

7.3.2 – The Chairperson of the County Board shall appoint members of the Fayette County Board to various special districts, governing boards and organizations to serve as a voting member or as a communication liaison. Appointments shall be made consistent with the Laws of the State of Illinois.

Section 8. BUDGET AUTHORITY AND AMMENDMENT

8.1 The Fayette County Board is the final authority on county budgets.

8.1.1 The Finance Committee shall prepare Fiscal Year Budget Guidelines for Board approval.

8.1.2 The Board shall invite county departments to submit budget requests in accordance with approved Fiscal Year Budget Guidelines.

8.1.3 No individual may create a financial obligation upon the County without expressed permission of the County Board.

8.1.4 The Fayette County Board at the organization meeting, may grant standing authority for elected officials use of designated funds within their office. (i.e. Automation Fund, Law Library Fund, etc)

8.2 Fayette County Department Heads (Elected and Appointed) shall present budget requirements to their respective Committees and submit budget requests to the County
Administrator in accordance with the Fiscal Year Budget Guidelines provided by the Board.

8.2.1 Departments without Committee assignment will present budget requests directly to the County Administrator. Committee agreement with the department requested budget does not constitute approval.

8.3 The Fayette County Administrator shall reconcile variations from the Fiscal Year Budget Guidelines and compile the department request into draft and final documents.

8.3.1 In the absence of a County Administrator the collected department heads shall nominate a Budget Coordinator to compile department requests and prepare final documents.

8.3.2 Changes to the Committee approved draft shall be reported to the committee by the respective Department Head.

8.4 The County Administrator shall prepare and present a draft budget document to the Finance Committee for review and approval prior to presentation to the Board.

8.4.1 The Finance Committee shall forward a recommended budget to the Board for final review and approval by two thirds vote.

8.5 From time-to-time budget amendments may be necessary. The following process shall be followed:

8.5.1 Department Heads may approve budget transfer within like sub-funds. (i.e. transfer from full time salary to part time salary)

8.5.2 Committees may approve budget transfers within like funds. (i.e. transfer from one equipment fund to another equipment fund)

8.5.3 Transfers between dissimilar funds (i.e. transfer from equipment to salary) or between departments shall be presented to the Finance Committee for review and to the Board for approval by two thirds roll call vote.

8.5.4 Requests for budget increases in any form must include a demonstrated revenue source.

Section 9. County Policies

9.1 – CODE OF ETHICS

9.1.1 Every member of the County Board shall subscribe annually to a Code of Ethics as approved by this Board, and as evidenced as Appendix A. The initial
subscription to such Code shall be upon the approval of these By-Laws, and subsequently in December of each year.

9.2 – SEXUAL HARRASSMENT

9.2.1 It is the Fayette County’s policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification prohibited under federal or state law. Sexual misconduct is also prohibited. Fayette County will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, coworkers, or non-employees with whom Fayette County has a business, service, or professional relationship. “Employee” for purposes of this policy includes any individual performing services for Fayette County, an apprentice, an applicant for apprenticeship, or an unpaid intern. Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. Fayette County is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. Fayette County will take disciplinary action, up to and including termination, against an employee who violates this policy.

Section 10. APPROVAL AND EXECUTION

These By-Laws are approved this _________________, at the City of Vandalia, Fayette County, Illinois

By: ____________________________________________  ______________________________________
    Jeffrey E. Beckman                          Darrell Schaal
    Chairperson of the Board                    Vice-Chairperson of the Board

Attested to:

By: ____________________________________________
    Vicky Conder
    County Clerk – Board Secretary
Appendix A - Code of Ethics

The County of Fayette is committed to the highest standards of conduct by, and among, County officials in the performance of their public duties. Individual and collective adherence to high ethical standards by public officials is central to the maintenance of public trust and confidence in government.

While County officials agree on the need for proper conduct, they may experience personal conflict or differing views of values or loyalties.

In such cases, the principles contained in the Code of Ethics provide valuable guidance in reaching decisions which are governed, ultimately, by the dictates of the individual conscience of the public officials and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements: actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements: actions to be avoided and conduct to be condemned.

The Code of Ethics for Fayette County Officials has been created by, and for, elected County officials. However, these principles apply to the day to day conduct of both elected and appointed officials, and to the employees of County government.

Fayette County recognizes that this Code of Ethics should serve as a valuable guide for all those in whom the public has placed its trust.

The Ethical County Official should:

- Properly administer the affairs of the County.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in County government.
- Keep safe all funds and other properties of the County.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the County.
- Maintain a positive image to pass constant scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public, employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the County.
- Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone.
The Ethical County Official should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical County Official accepts the responsibility that his or her mission is that of servant and steward to the public.

Subscribed to this _________ Day of ___________, _________

By: ________________________________
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COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2019-01-08-D

AN ORDINANCE APPROVING THE EMPLOYEE POLICY HANDBOOK – REVISED JANUARY 2019

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS _____ 8th ___________ DAY OF JANUARY, 2019

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS _____ 8th ___________ DAY OF JANUARY, 2019
ORDINANCE NO. 2019-01-08-D

AN ORDINANCE APPROVING THE EMPLOYEE POLICY HANDBOOK – REVISED JANUARY 2019

WHEREAS, Fayette County, Illinois (the “County”), has heretofore been duly organized and is now operating as a county under the provisions of the Illinois Counties Code, and all laws amendatory thereof and supplementary thereto (the “Code”); and

WHEREAS, Fayette County has an Employee Policy Handbook for the benefit of the County and the Employee which undergo changes as required;

WHEREAS, the Employee Policy Handbook has had recent statutory and policy changes;

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF FAYETTE COUNTY, ILLINOIS:

SECTION 1. INCORPORATION OF PREAMBLES.

The County hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by the reference.

SECTION 2. APPROVAL OF RECOMMENDATION.

The County hereby approves the Employee Policy Handbook – Revised January 2019 for Fayette County Employees.

SECTION 3. AUTHORIZATION TO OFFICERS.

Upon passage and signing of this Ordinance, the County Clerk shall file a certified copy of such documents. The County Clerk is also directed to provide a copy of the Handbook to all employees of Fayette County.
SECTION 4. AUTHORIZATION TO OTHERS. All Officers, Employees and Agents of
the County are hereby authorized, empowered, and directed to take any and all actions
necessary, appropriate or convenient to effectuate the purposes of this Ordinance and
complete the execution of the Policy.

APPROVED and ADOPTED by the County Board of the Fayette County, Illinois
on the _______ day of January, 2019, upon yea and nay vote as follows:

BRYCE KISTLER       Yea
JAKE HARRIS         Yea
JOE A. WILLS        Yea
JEFFREY BECKMAN     Absent
GLEN W. DANIELS     Yea
DEBRA L. WARNER     Yea
DEAN J. BERNHARDT  Yea
KEITH COLE          Yea
DARRELL Schaal      Yea
JENNY WAGGONER      Yea
GLENN GURTNER       Yea
GLENDA J. BARTELS   Yea
MERRELL H. COLLINS  Yea
CHAD AUSTIN         Yea

APPROVED by the Chairman of the Fayette County Board, Illinois on the _______ day of January, 2019.

Jeffrey Beckman, Chairperson
Fayette County Board, Illinois

ATTEST:

Vicky Conder
Fayette County Clerk
[SEAL]
Fayette County, Illinois

Employee Personnel Policy Handbook


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This handbook was revised on January 11, 2019.
ARTICLE I - INTRODUCTION

Welcome to Fayette County! We look forward to you becoming a valuable asset to our personnel staff. We hope you will enjoy the challenge of being part of the team that keeps our County services functioning smoothly and effectively. Service to the public, which is the primary goal of the county, depends a great deal upon the diligence, innovation and teamwork of all Fayette County employees. Every effort must be made to serve the public with courtesy and respect.

We are sure you have many question about your job and your role in providing public services. Your department head will be spending time with you to explain some specifics about your job and exactly what is expected of you. We want you to feel free to ask any question about situations you may have difficulty understanding. We have also prepared this handbook to answer some of the most common questions or concerns to new employees. We hope this handbook will answer your questions about what we do, how we do it, and what we expect from all of our employees. As an employee of the County, we expect that you will take the time to read this handbook. If you have any specific questions that you do not find the answer in this handbook, please ask your department head.

While considerable effort has been made to provide clear and accurate information, this handbook contains policies that are not intended and should not be considered as creating any sort of employment contract, express or implied. This handbook is simply intended as a guide to help you understand our current policies, procedures, and present benefits. In accordance with applicable law, the policies, procedures, and benefits described herein may, and likely will, be changed, modified, deleted or amended from time to time as the County deems appropriate.

[Signature]
Jeffrey E. Beckman
Chairman of the County Board
Fayette County, Illinois
SECTION 1.1 - APPLICATION OF MANUAL

The Fayette County Board has deemed it advisable to establish a written personnel policy manual that sets forth operation guidelines concerning various aspects of Fayette County's personnel management procedures and benefits for the following departments:

- County Clerk's Office
- Circuit Clerk's Office
- Treasurer's Office
- Sheriff's Office (including 911)
- State's Attorney's Office
- Superintendent of Highway's Office
- Supervisor of Assessment's Office
- EMA Office
- Probation Office
- Regional Superintendent of Schools' Office
- Coroner's Office
- Public Defender's Office

This handbook applies to all employees in these departments, unless otherwise provided under the terms of any applicable collective bargaining agreement. Additionally, in the event of any conflict between the provisions of this handbook and the terms of any collective bargaining agreement, the terms of this agreement will contract as to the employees covered by such agreement.

The Fayette County Health Department is excluded from this handbook and shall be subject to their own manual.

SECTION 1.2 - PURPOSE

The purpose of this handbook is to set forth the County's operational guidelines concerning:

1. Recruitment, hiring, and dismissal practices;
2. Establishment of and adjustments in compensation levels;
3. Fringe benefit practices; and
4. Other policies affecting Fayette County personnel.

The overall responsibility for personnel administration rests with the various Department Heads and/or Elected Officials, who may delegate areas of such responsibility to appropriate persons. Approval of the personnel policies and related procedures for departments within the County rests solely with the Fayette County Board. A copy of these policies shall be provided to all Fayette County Employees and to each member of the Fayette County Board.

The Fayette County Board was organized on May 9, 1972. The Fayette County Board is responsible for but not limited to the following:

- Conducting meetings at prescribed times
• Furnishing space and furniture for county offices;
• Appropriations and levies of public funds;
• Extension and collection of taxes;
• Payment of claims against the county;
• Elections;
• Personnel appointments; and
• Administration and investment of County Funds.

SECTION 1.3 - EMPLOYMENT RELATIONSHIP

We spend a great deal of time and effort find and hiring people we believe have the skills and abilities to successfully perform a specific job. We do our best to make sure there is a match between your capabilities and the work you need to accomplish for us.

However, it should be noted that unless otherwise required by applicable law or ordinance, collective bargaining agreement, or written contract for employment stating otherwise, employment may be terminated at the will of the employee or employer with or without cause, at any time. No representative or employee of the county, other than the County Board, has the authority to enter into any agreement contrary to the foregoing. Any such agreement with the Board must be by specific individual agreement in writing and signed by the Chairperson and the employee. No one has the authority to make any oral statements that should be considered or construed as a contract or guarantee of employment or compensation, or guarantee of employment in a particular position with the County.

Fayette County employees shall reside within Fayette County, with the exception of the Assistant State’s Attorney.

ARTICLE II - GENERAL POLICIES

SECTION 2.1 - EQUAL EMPLOYMENT OPPORTUNITY

Fayette County is an equal opportunity employer and does not discriminate against any individual in any phase of employment or with respect to any terms or conditions of employment based on race, color, religion, creed, sex, sexual orientation, gender-identity, pregnancy, national origin, ancestry, citizenship, age, marital status, disability, military status, genetic information, unfavorable discharge from military service, arrest record, status as a recipient of an order of protection, or any other legally protected status in accordance with applicable local, state, and federal law. Fayette County will reasonably accommodate a disabled employee or applicant in accordance with applicable law so long as doing so does not result in undue hardship to the County. Fayette County will also reasonably accommodate an employee’s religious beliefs and practices in accordance with applicable law so long as doing so does not impose undue hardship on the County. Fayette County will also reasonably accommodate an employee’s medical or common conditions relating to pregnancy and childbirth in accordance with applicable law so long as doing so does not result in undue hardship to the County. No one will be retaliated against for exercising rights under this policy.
SECTION 2.2 - HIRING AND DISCHARGE AUTHORITY

The necessary authority for hiring and dismissal for all county employees is vested solely in the Department Head/Elected Official of the various offices who are appointed or elected by and who remain accountable to the full membership of the Fayette County Board or the electorate. The appointed Department/Elected Official may request the County Board Insurance and Personnel Committee to assist in the selection and termination decisions.

SECTION 2.3 - ORIENTATION PERIOD

In order to give the County an opportunity to review the work and qualifications of new employees, and to give new employees time to become familiar with their new positions and evaluate the County, there is a one year orientation period for all new employees. Although evaluation of employees' job performance is a continuous, on-going process through the orientation period, you will be a regular employee. This is simply a designation making you eligible for all the benefits available to regular employees. Successful completion of the orientation period is not a promise or guarantee of continued employment and does not alter the at-will status of employees.

SECTION 2.4 - EMPLOYMENT CLASSIFICATIONS

A. Each position within the county shall be defined as one of four classifications.

a. **Full Time:** Working 30-40 hours per week or more. Eligible for enrollment in the County Health Benefits Plan and IMRF enrollment. Entitled to vacation and sick leave accrual.

b. **Part Time:** Working less than 30 hours per week. Not eligible for enrollment in County Health Benefits, vacation or sick leave accrual. Eligible for IMRF enrollment if the employee works a minimum of 1,000 hours per year.

   i. **Short Term Part Time:** Working 1 to 40 hours per week for a period of time not to exceed two (2) consecutive calendar quarters during a calendar year (i.e. seasonal part time for elections, highway department, etc)

c. **Contract Labor:** Persons engaged by a specific agreement legally executed by a competent county authority. Shall not be regarded as a county employee. Are not eligible for enrollment in County Health Benefits, vacation or sick leave accrual or IMRF enrollment.

d. **Volunteers:** Persons who volunteer their time to the county. They must abide by all rules of conduct of county employees. Shall not be regarded as a county employee. Are not eligible for enrollment in County Health Benefits, vacation or sick leave accrual or IMRF enrollment.

e. **Students and Interns:** Individual who participates on a temporary basis in department activities and/or serves without compensation as a condition of fulfilling academic requirement or training. They must abide by all rules of conduct of county employees. Shall not be regarded as a county employee. Are
not eligible for enrollment in County Health Benefits, vacation or sick leave accrual or IMRF enrollment.

B. Each job title, either full time or part time, within the organization is further classified for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title.

SECTION 2.5 - WORK HOURS

Except for the County Highway Department and the Sheriff’s Office, the normal working hours of all full-time employees of Fayette County shall be a minimum of 35 hours per week for hourly personnel, beginning at 8:00 a.m. and continuing through 4:00 p.m. A work week shall be defined as Monday through Sunday at midnight. Each employee shall be generally allowed one unpaid hour (60 minutes) for lunch taken in such manner as to ensure the department’s operation is not impaired. Due to seasonal and job requirements, the hours of employment of the County Highway Department and the Sheriff’s Office shall be established and communicated by those Department Heads/Elected Officials.

SECTION 2.6 - PERSONNEL RECORDS

Under the supervision of the County Department Head/Elected Official, the Personnel Secretary, which shall be the County Clerk, shall take appropriate measures to establish and maintain an adequate personnel filing system for each employee of Fayette County in accordance with the Personnel Record Review Act. Each Fayette County Employee shall have a separate personnel file containing at a minimum the following information:

1. Application form for employment (or resume, whichever may apply);  
2. Pertinent correspondence;  
3. His or her initial date of employment;  
4. Any existing position description;  
5. Forms for the IMRF, health and life insurance and other employee benefits;  
6. Information regarding current sick, personal and vacation days as submitted by the Department Head/Elected Official monthly; and  
7. Any and all written disciplinary action(s).

Other employee personnel files will be maintained by the employee’s Department Head/Elected Official.

An employee may review his or her personnel file upon written request, in accordance with the Personnel Record Review Act or any other applicable law. Such reviews will be conducted during regular office hours and the original file may not be removed from the County Clerk’s Office or Department Head/Elected Official’s office, whichever may be the case. No information will be made available to unauthorized personnel or persons without the expressed written permission of the employee in question unless otherwise required by law. Such personnel records shall be considered confidential in nature.

It is important that your personnel records be current and accurate. You shall notify the County Clerk’s Office of any changes in the following:
1. Name;
2. Home address and phone number;
3. Person to be notified in case of emergency or change in that person's telephone number or address; or
4. Change in marital status or exemptions.

SECTION 2.7 - COMPENSATION

On an annual basis, the County Department Head/Elected Official shall submit for review and approval to the Fayette County Board (via the Finance Committee) recommended compensation levels for all employees. Wages, salary and other compensation adjustments may be made at the County Board's discretion and will be based on several factors, including but not limited to the individual's job, position, performance and the county's financial condition and general economic factors.

SECTION 2.8 - OVERTIME

Non-exempt employees (defined as applicable wage and hour laws based upon job duties and can be either salaried or by the hour) will receive overtime pay, (at the rate of one and one-half times the employee's regular rate), for all hours worked in excess of 40 hours per week must be authorized in advance by your supervisor. Employees who work overtime without obtaining proper authorization may be subject to discipline up to and including discharge.

At the discretion of the Department Head/Elected Official, employees may request compensatory time off in accordance with applicable laws. The use of any compensatory time granted must be scheduled in advance with the employee's Department Head/Elected Official and must not unduly disrupt the operation of department.

SECTION 2.9 - ATTENDANCE

A. Employees are expected to report to work at the start of their assigned shift and to diligently perform their assigned duties through the end of their assigned shift.

a. All employees shall record their arrival at the start of their shift and their departure at the end of their shift using the department prescribed method.

b. Full Time Employees are entitled to an unpaid meal break during their shift. The duration and time of that break is to be established by their management. Employees shall record the start and their return from their meal break shift using the department prescribed method.

c. Part Time Employees may be authorized an unpaid meal break depending on the definition of their part time hours. This is defined in the employee instructions for the part time position. Should a meal break be authorized, the employees shall record the start and their return from their meal break shift using the department prescribed method.
B. All employees will remain at their assigned work space unless performing duties requiring otherwise. Failure to be at their assigned work space shall result in a disciplinary action.

C. An employee unable to report to work because of illness or emergency must call his or her manager as far in advance as possible prior to, but no later than the start of, the assigned shift.

   a. Such notification should include a reason for the absence or tardiness and an indication of when the employee can be expected to report to work.

   b. In the absence of the manager, the employee may notify another office staff of the absence.

D. Failure to provide proper notification on an absence or lateness, as well as unexcused absences, late arrivals or early departures from work may result in disciplinary action, up to and including termination.

E. An employee who fails to report to work for up to three (3) consecutive work days, and who fails to notify their manager in advance for the reason of their absence, will be considered to have resigned their position with the County.

SECTION 2.10 - SMOKING POLICY

Smoking is not permitted in Fayette County Buildings.

SECTION 2.11 - INTERNET/E-MAIL POLICY

Fayette County has e-mail and internet access systems in place for Fayette County business. We also have software and systems in place that can monitor and record all internet usage. The e-mail and internet access systems in place are the sole property of Fayette County. The technology is in place for business related to Fayette County. Employees may use the technology for limited personal purposes during non-working hours as long as that use does not interfere with the employee's work, or jeopardize the integrity of Fayette County's computer system, e-mail system or internet access. The technology may also not be used for any purpose which would violate Fayette County policies, state, or federal law. If an employee is found to be abusing the technology, his or her access may be limited or eliminated altogether. An employee is also subject to discipline, up to and including termination. Nothing on the internet system or any property of Fayette County, including phones or voice mail, is or can become the private property of any employee.

THERE CAN BE NO EXPECTATION OF PRIVACY OR ASSURANCE OF CONFIDENTIALITY FOR ANY MESSAGES OR FOR ANY USE OR PATTERN OF USAGE OF FAYETTE COUNTY INTERNET, PHONES, OR ANY OTHER PROPERTY.

I. MANAGEMENT AND ADMINISTRATION OF THE INTERNET AND PHONE SYSTEM.

We want you to be aware that our security systems are capable of recording for each and every user each internet site visit, each chat, and each newsgroup or e-mail message accessed on
each computer station within Fayette County. The system is also capable of recording each file transfer into and out of our internal networks. We reserve at all times the right to monitor such activity. No employee should have any expectation of privacy as to any internet usage or telephone system. Fayette County may review internet activity, voice mail messages, and analyze usage patterns in an effort to maintain the highest levels of productivity. We reserve the right to inspect any and all files stored in private areas of our network in order to assure compliance with this policy.

The system must never be used to create or access offensive or disruptive messages. The display or access of any kind of sexually explicit image or document on a Fayette County system is a violation of both this internet policy and Fayette County’s nondiscrimination and harassment policy. In addition, sexually explicit material may not be archived, stored, distributed, edited, or recorded using our network or computer resources. Fayette County may use independently-supplied software and data to identify inappropriate or sexually explicit internet sites. We may block access from within our networks to all such sites. If you find yourself inadvertently connected to a site that contains sexually explicit or offensive material, you must immediately disconnect from that site, regardless of whether that site has been previously deemed acceptable by any monitoring, screening or rating program.

Fayette County’s internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, Fayette County, province, or other local jurisdiction in any material way. Use of any Fayette County resources for illegal activity is grounds for immediate dismissal, and Fayette County will cooperate with any legitimate law enforcement agency in the investigation of such activity.

Any software or files downloaded via the internet into the Fayette County network become the property of Fayette County. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.

No employee may use Fayette County facilities knowingly to download or distribute pirated software or data. No employee may use Fayette County’s internet facilities to deliberately propagate any virus, worm, “Trojan horse”, or trap-door program code. No employee may use Fayette County’s internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another use.

Each employee using the internet facilities of Fayette County shall identify himself or herself honestly, accurately, and completely, including the Fayette County affiliation and function, when participating in Fayette County related chat groups, newsgroups, message boards, or discussion lists, or when setting up accounts on outside computer systems on behalf of Fayette County. Employees may not represent their statements as official Fayette County policy or practice without proper authorization. Participating in non-Fayette County-related chat groups, newsgroups, message boards, or discussion lists by use of Fayette County hardware is prohibited.

Any material posted to any forum, newsgroup, chat group, or internet site in the course of an employee’s duties, remains the property of Fayette County.
Employees are reminded that chat groups and newsgroups are public forums where it is inappropriate to reveal confidential Fayette County information, personal data, trade secrets, and any other material covered by existing Fayette County confidentiality policies and procedures. Employees releasing protected information via any internet facility, whether intentional or inadvertent, may be subject to disciplinary actions, including termination.

Since what material can be deemed offensive can vary between colleagues, customers, employees, or suppliers, it is a violation of Fayette County policy to store, view, print, or redistribute any document or graphic file that is not directly related to the user's job or Fayette County's business activities.

Employees may from time to time use Fayette County internet facilities for non-business research outside of work hours provided they request permission from their Department Head/Elected Official before engaging in such use, and provided all other usage policies are observed.

Fayette County will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on any individual employee's internet activities.

Employees must take care to understand federal and state copyright, trademark, libel, slander, and public speech control laws so that our use of the internet does not violate any laws which might be enforced against us.

Employees with internet access may download only software with direct business use, and must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.

Employees may not use Fayette County internet facilities to download entertainment software or games, or to play games over the internet, including games against opponents.

Employees with internet access may not use Fayette County internet facilities to download images or videos unless there is an explicit business-related use for the material.

Employees with internet access may not download any software licensed to Fayette County or data owned or licensed by Fayette County without explicit authorization from the Department Head/Elected Official responsible for the software or data.

II. TECHNICAL

No employee may create or implement any password other than the password issued by Fayette County for voicemail, network, or internet access, without permission of the employee's Department Head/Elected Official.

III. SECURITY

Fayette County has installed a variety of firewalls, proxies, address screening programs and/or other security systems to assure the safety and security of Fayette County's networks. Any employee who attempts to disable, defeat, or circumvent any Fayette County security facility will be subject to discipline, including immediate termination.
Computers that use their own modems to create independent data connections sidestep our network security mechanisms. An individual computer’s private connection to any outside computer can be used by an attacker to compromise any Fayette County network to which that computer is attached. This is why any computer used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from Fayette County’s internal networks. Only those internet services and functions with documented business purposes for Fayette County will be enabled at the internet firewall.

EMPLOYEES WHO MISUSE FAYETTE COUNTY INTERNET/EMAIL SYSTEM MAY BE SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION. REMEMBER THAT YOU HAVE NO EXPECTATION OF PRIVACY IN ANY FAYETTE COUNTY EQUIPMENT OR PROPERTY, INCLUDING BUT NOT LIMITED TO DESKS, COMPUTERS, INTERNET ACCESS, VOICEMAIL, OR EMAIL.

SECTION 2.12 - OUTSIDE EMPLOYMENT/ACTIVITIES

Due to the responsibilities held by the County employees and the nature of our operations, employees may be subject to public criticism for personal conduct. Employees may also be vulnerable to accusations of “official misconduct,” “unethical conduct,” or “conflict of interest.” Therefore, Fayette County has established the following guidelines:

1. **Personal Profit:** Knowledge gained through an official position cannot be used for personal profit or the profit of friends and family.

2. **Bribes and/or Kickbacks:** The acceptance of anything of economic value such as a gift, gratuity, favor, entertainment or loan which is designed to influence official conduct in any manner is prohibited.

3. **Improper Payments:** The acceptance of any fee-for-service which is performed on behalf of the County is prohibited.

4. **Personal Investment:** Investments in excess of seven (7) percent ownership interest in any companies with which the County is doing business and whereby personal gain may be acquired is prohibited.

5. **Moonlighting:**
   a. Employees shall not work for a second employer when the employee is in a position to influence decisions of the County in favor of that second employer.
   b. Employees shall not do any work in a private capacity which:
      i. May be interpreted by the public to be an official act.
      ii. Compromise his position with the County to further his own personal interests.
      iii. Conflicts with the full and proper discharge of duties and responsibilities of his County employment.
      iv. Conflicts with Fayette County reputation, productivity or interests.
   c. The employee shall not directly or indirectly use or allow the use of County property of any kind, including property leased to the County, for other than official activities. An employee should protect and conserve County property, including equipment and supplies entrusted to him.
   d. The employee’s official acts must reflect impartiality. His decisions and actions must be determined by impersonal conditions, free from any favoritism, prejudice, personal ambition or partisan demands.
Any employee, who has any doubts or a question concerning actual or possible conflict of interest, should discuss the matter with the Department Head/Elected Official.

Any employee who has or is violating the Outside Employment Activities policy shall be reported to their Department Head/Elected Official.

Failure to follow this policy may result in disciplinary action including termination.

SECTION 2.13 - NO SOLICITATION/DISTRIBUTION POLICY

“Solicitations by employees” may not be permitted during working time or during non-working time in areas where it will disturb other employees who are working.

“Distribution or circulation of printed material by employees” may not be permitted during working time or during non-working times in areas where it will disturb other employees who are working, nor will distribution be permitted any time, including working and non-working time, in working areas.

“Working time” refers to that portion of any work day during which an employee is supposed to be performing any actual job duties; it does not include other duty-free periods of time such as lunch or break periods.

“Solicitation and distribution by non-employees” on County property or within the confines of County premises may not be permitted:

a. During the working time of any employee receiving the solicitation or distribution; or

b. At any time in areas not open to the public or in public areas where such activity is inconsistent with the intended and normal use of the areas; or

c. In any manner which disturbs employees who are working.

SECTION 2.14 - COUNTY DEPARTMENT OFFICE CLOSING

Every reasonable effort will be made to keep the Courthouse and other County operated offices open during normal work days and the staff shall make every practical effort to report to work. Should it be necessary to officially close the Courthouse and/or other County operated offices, the decision to suspend operations will be made by the Chairperson of the Fayette County Board and/or the Fayette County Sheriff. Employees will immediately be notified of the closing either in person or by telephone.

When the Courthouse has to be closed prior to 8:00 a.m. because of weather emergencies or other man-made or natural disasters, employees that are scheduled to work that day may take either a paid vacation or personal day or an unpaid day. In the event of hazardous weather or other disastrous condition that occurs during the hours of 8:00 a.m. until 4:00 p.m., employees that are at work that day will be paid from the time the office closes until the end of their normal work day.
In the event of extreme weather conditions occurring locally, which makes it impossible for the employee to report for work when the Courthouse and their Department is in operation, the employee may take a paid vacation day or personal day or unpaid day.

SECTION 2.15 - MILEAGE EXPENSE REIMBURSEMENT

Each employee who is required to use his or her personal vehicle for department business and received mileage must:

1. Possess a valid Illinois driver’s license;
2. Be covered by a minimum liability and property damage insurance at the expense of the owner;
3. Each year, or any time when requested by their supervisor, verify their compliance with this requirement by submitting a copy of his or her driver’s license and insurance identification card to their supervisor; and
4. Submit, with their mileage claim, the date, amount of miles traveled, and business purpose.

The mileage reimbursement rate will be set by the Fayette County Board. Vouchers for public parking garages, public transportation and/or other related travel expenses necessary for department business or County Board business will be reimbursed when submitted with a claim upon approval of the Fayette County Board.

SECTION 2.16 - SAFETY POLICY

Fayette County is committed to providing and maintaining a safe and healthy workplace for its employees. Employees are expected to share in this commitment. In an effort to ensure health and safety in the workplace, employees must:

1. Follow safety protocols.
2. Wear appropriate protective clothing.
3. Use appropriate safety equipment.
4. Use only approved ladders or stepladders for retrieving out-of-reach items.
5. Inform management immediately of any observed unsafe conditions or practices.
6. Keep your work area tidy and remove any items that may pose a safety hazard.
7. Ensure that you know the location of emergency exits.
8. Ensure that any accident or injury is immediately reported to management.

SECTION 2.17 - ACCIDENT REPORTING POLICY

Any employee who is injured while on duty (regardless of severity) shall report the injury to his or her Department Head/Elected Official or supervisor immediately both verbally and in writing with a completed Incident Report. The Incident Report shall include the following: the date, time, place injury occurred, how the injury occurred, the type of injury, the identity of any witnesses, and whether medical assistance was obtained. The report shall be submitted by the end of the workday. Department Head/Elected Officials or supervisors are required to accurately complete a Form 45 with respect to all on-the-job injuries and submit it as well as the employee’s Incident Report to the Fayette County Clerk.
Any employee witnessing or receiving a report of an injury to a visitor shall verbally report the injury to the employee’s Department Head/Elected Official or supervisor immediately. The employee may also be required to complete a written Incident Report. Department Head/Elected Officials or supervisors are required to submit all required information to the Fayette County Clerk.

Any accident involving Fayette County’s property or vehicles or involving a privately owned vehicle being operated for Fayette County business shall be reported immediately to the employee’s Department Head/Elected Official or supervisor both verbally and in writing with a completed Incident Report. The Incident Report shall include the following: the date, time, place the incident occurred, how the incident occurred, the identity of any witnesses, and the extent and type of damage, if applicable. The report shall be submitted by the end of the workday. Employees are also required to notify law enforcement when appropriate.

SECTION 2.18 - RECORD RETENTION POLICY

The Illinois Local Records Act prohibits a public entity from destroying public records without first receiving approval from the Local Records Commission. The Local Records Act defines a public record as “any book, paper, map, photograph, born digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.” 50 ILCS 205/2. A public record may take the form of an electronic record, including but not limited to, emails (and/or attachments thereto), text messages or other electronic data. In order to ensure compliance with the Local Records Act, employees are prohibited from altering, destroying or deleting public records unless and until appropriate approval has been received from the Local Records Commission. Any questions with respect to this policy should be directed to the Office of the State’s Attorney.

SECTION 2.19 - DISCIPLINE

As an employee of the County, you are required to adhere to certain rules of conduct necessary for County operations and the courteous and harmonious delivery of business operations and interaction with your co-workers. As in any organization, the code of conduct is necessary to establish and maintain an effective and pleasant working atmosphere. Employee conduct which interferes with the effective operation of the County’s business is prohibited.

Any employee who violates the County’s rules, regulation, policies, and procedures may be subject to disciplinary action. The County may take disciplinary action in those instances where management decides it is appropriate. Disciplinary actions include but are not limited to oral warnings, written warnings, suspension, demotion and discharge. The County retains the right to determine what discipline will be imposed in each situation.

The performance standards listed below, and others which may be established from time to time are not all-inclusive. They are published to provide a general understanding of what the County considered to be unacceptable conduct. These performance standards are merely examples of the types of misconduct for which employees may be disciplined or
dismissed. Unacceptable conduct not specifically listed below may, nonetheless, result in disciplinary action up to and including discharge. If an employee needs clarification of a specific issue related to these standards, he or she should seek clarification from the Department Head/Elected Official. Violations of any of the following performance standards may result in disciplinary action and/or discharge:

1. Unauthorized possession, use, purchase, consumption, transfer or sale of alcoholic beverages, controlled substances, illegal drugs or any intoxicating compounds or substances during working hours, on County premises, or while representing the county, or reporting to work in a condition where your job performance may be adversely affected by the presence of the aforementioned substance or substances.
2. Battery, threatening or assaulting another co-worker or any other individual while on the job.
3. Possession of weapons or firearms on department premises while working, unless job-related.
4. Falsifying department record or giving false information.
5. Theft, attempted theft or possession without proper authority of County Property or the property of other persons.
6. Aiding or abetting other individual who has committed a crime.
7. Revealing unauthorized or confidential information to persons not authorized to receive such information.
8. Performing personal activities during working hours.
9. Insubordination or failure to follow the orders of one’s Department Head/Elected Official.
10. Being absent from work without permission or without having advised one’s Department Head/Elected Official.
11. Being habitually absent or tardy.
12. Disregard of safety rules or failure to wear required safety equipment.
13. Failure to report a job-related injury or accident.
14. Failure to perform assigned work efficiently or properly.
15. Inability or unwillingness to work harmoniously with other employees.
16. Being wasteful of material, property, or working time.
17. Other conduct which is unbecoming to a public employee.

SECTION 2.20 - DRUG FREE WORKPLACE POLICY

The Fayette County Board is committed to maintaining a drug free workplace for the safety of our employees and the public, and in accordance with applicable state and federal laws.

The unauthorized sale, purchase, use, possession, manufacture or transfer of illegal drugs, alcohol, controlled substances, or any other intoxicating compound or substance while on County property or during work hours or while representing the County at any location, or reporting to work under the influence of alcohol, illegal drugs, controlled substances, or any other intoxicating compound or substance is strictly prohibited. “Illegal drugs” means any substance for which the possession or sale of which is prohibited by federal or state law.

Employees are permitted to take legally prescribed or over-the-counter medications consistent with appropriate medical treatment plans while performing County business, unless such prescribed or over-the-counter drugs affect the employee’s job performance, safety of the
employee or other, or the efficient operation of County duties. In such situations, the employee may be required to take sick or personal leave if the employee has sick or personal leave days available. Otherwise, the employee may be required to leave the workplace without pay.

The County will not penalize an employee solely for his or her status as a registered qualifying patient or registered designated caregiver under the compassionate Use of Medical Cannabis Pilot Program Act, unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules. The county prohibits the use and storage of medical cannabis on its property, at all workplaces and in any employer-owned vehicles.

The sale, purchase, use, possession, manufacture, transfer or theft an illegal drug, controlled substance, or any other intoxicating compound or substance may be violation of the law. The County will refer suspected illegal drug activities to law enforcement, licensing and credentialing agencies when appropriate. Any employee of the County who is convicted of any criminal violation occurring in the County workplace shall notify his or her Department Head/Elected Official or supervisor of such conviction within five (5) days of such conviction.

The County will notify the appropriate state and/or federal grant agencies within ten (10) days after receiving notice of such conviction(s).

Employees may also be subject to discipline for off-duty conduct involving illegal drugs, controlled substances or any other intoxicating compounds or substances, regardless of whether such conduct constitutes or results in any criminal action, where, in the opinion of the County, the employee’s conduct adversely affects the County or a department therein, including the County’s reputation for honesty and safety.

All employees of the County, including those working on programs funded by state and/or federal grants, shall be given a copy of this policy and shall abide by its provisions. Violation of this policy by an employee will result in appropriate disciplinary action being taken against the employee, up to and including termination. The County may require such employee as a condition to continued employment, to participate satisfactorily in an approved drug abuse assistance or rehabilitation programs, at the employee’s cost, as an alternative or in conjunction with discipline.

Fayette County may establish a drug free awareness program through the D.A.R.E. program conducted by the Fayette County Sheriff’s Office to inform employees about the dangers of drug abuse in the workplace and available drug counseling and rehabilitation programs.

Testing Procedures:

A. Fayette County may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by the Fayette County, immediately upon the request of authorized Fayette County representatives or agents in accordance with this policy.

1. Where the Fayette County has reasonable suspicion that an employee is under the influence of a substance, he or she will be removed from the
work area and provided with transportation to the place of testing. The Fayette County should call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.

2. Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to the Fayette County as permitted by law.

3. At the discretion of the Fayette County, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative; the employee will be reimbursed for any salary lost during administrative leave.

4. Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and may be grounds for immediate termination of employment or ineligibility for hire.

5. Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of the Fayette County. The candidate or employee will have the option of requesting testing of the split specimen within 72 hours at Fayette County’s expense unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result. If the candidate fails to request testing of the split specimen within 72 hours and the candidate or employee has not presented sufficient documentation to excuse the delay, Fayette County will take appropriate action including but not limited to discipline or discharge.

6. If the test of the split specimen is also positive, the candidate or employee will have the opportunity to explain the results. Fayette County retains the discretion to determine the appropriate disciplinary action, including discharge, following two positive drug tests.

7. An employee who has been removed from the work area or barred from the working as a result of violating this policy, may be subject to disciplinary action up to and including immediate discharge. If an employee has not been terminated as a result of a violation, he or she may not commence or return to work unless he or she provides sufficient documentation that he or she has tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; has received an evaluation from a Substance Abuse Professional, has successfully complied with the recommendations of the Substance Abuse Professional, and testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal or state regulation.

8. Fayette County will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.
B. **Consent:** The employee may be required to sign a consent form authorizing the medical clinic or other location as designated by the Fayette County to perform the aforementioned tests and release the results of the testing to the Fayette County.

C. **Chain of Custody Procedures:** At the time specimens are taken, standard 'chain of custody' or 'chain of possession' procedures will be followed and the employee shall be given a copy of these specimen collection procedures.

D. **Confidentiality and Privacy:** The employee’s right to privacy will be respected, and the results of any testing shall be kept strictly confidential by Fayette County to the extent required and permitted by law. However, the Fayette County may use the results to decide upon an action to be taken towards an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.

E. **Treatment:** An employee who voluntarily informs Fayette County that he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a leave of absence, in accordance with the Fayette County’s Family Medical Leave Act policy. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.

F. **Conviction:** Employees must notify Fayette County within 5 days of any criminal drug statute conviction.

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No part of this policy, nor any of the procedures herein, guarantees employment, continued employment, or terms or conditions of employment or limits in any way Fayette County’s rights to manage its workplace or discipline employees.

**SECTION 2.21 - PROBLEM OR GRIEVANCE RESOLUTION PROCEDURE**

Fayette County realizes that employees of the County from time to time may have complaints or concerns regarding their jobs, working, conditions, Department Head/Elected Officials, or fellow employees, which the employee may be unable to resolve on an informal basis. Therefore, this formal procedure is designed to resolve such complaints or concerns as quickly as possible, and/or clearly communicate to the involved employee why the matter of concern cannot be resolved to their satisfaction.

A. **Procedure:**

Any employee having a work-related concern, problem or grievance relating to his or her employment shall first discuss the concern, problem or grievance with his or her Department Head/Elected Official.

If the problem is not settled to the employee’s satisfaction, the employee may present his or her formal grievance in accordance with the guidelines contained herein.
B. No Retaliation Pledge:

No employee will be subject to reprimand due to his or her good faith involvement in a grievance. At will employees hired after December 31, 2018 do not have the right to file a grievance with respect to a termination or suspension. Nor do they have the right to file a grievance following resignation of their employment.

C. Subject Matter of Grievance:

Only one subject matter shall be covered in any one grievance. A grievance shall contain, in writing, the following:

1. A statement of the employee’s position;
2. The date the dispute occurred;
3. The relief sought;
4. The signature of the grieving employee; and
5. The date the grievance was given to the Department Head/Elected Official.

D. Steps in Formal Grievance Procedure:

An employee’s failure to submit a grievance to the next step/level within the specified time limits shall mean that the employee has accepted the last answer given in this process.

STEP 1: The employee shall present the grievance in writing to their Department Head/Elected Official and explain its nature and circumstances within ten (10) business days after learning of the circumstances or conditions which give rise to the grievance. The Department Head/Elected Official shall schedule a conference to discuss the written grievance within ten (10) business working days of its presentation. The Department Head/Elected Official shall respond to the grievance in writing as soon as possible, but not to exceed ten (10) business days after the conference.

STEP 2: If the grievance is not satisfactorily resolved or no answer is given within the time limit set forth in Step 1, the employee may submit a copy of the written statement of grievance submitted in Step 1 within ten (10) business days from the date the decision was due to the Insurance and Personnel Committee for review and determination. The Insurance and Personnel Committee shall schedule a conference with all parties involved within twenty (20) business days of receipt of the grievance. The Insurance and Personnel Committee shall respond to the grievance in writing as soon as possible, but not to exceed ten (10) working days after the conference. This step shall also apply to grievances lodged against the Department Head/Elected Official. At this and later steps, the employee may be represented or accompanied by an individual of his or her choice.

STEP 3: In the event the decision of the Insurance and Personnel Committee does not resolve the grievance to the employee’s satisfaction, the aggrieved may request an appearance before the next regularly scheduled official meeting of the Fayette County Board, such meeting may be held in closed
session in accordance with the Illinois Open Meetings Act. The decision of a majority of the members of the Fayette County Board present at the meeting will be final. The results of their deliberations will be recorded in the minutes of the meeting and a copy of those results provided to the employee within two (2) business days after the finalization.

In the discussions or meetings in Step 2 and 3, the employee shall be present. The parties involved may present any relevant testimony during a grievance process. The parties may bring supporting documents to any grievance discussion or meetings. In each step of a grievance, a formal verbatim recording of the proceedings and outcome will be required and copies will be distributed to those involved. Accurate facts will be recorded from all involved and concerned.

Time periods specified for employer responses at each step will be followed; however, if the time frames cannot be met or new time frames are agreed upon by both of the parties, in writing, the employee will be notified and the remedy will be to advance to the next step.

ARTICLE III - POLICY AGAINST DISCRIMINATION, SEXUAL HARASSMENT, AND SEXUAL MISCONDUCT

I. STATEMENT OF POLICY

It is Fayette County’s policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law. Sexual misconduct is also prohibited. Fayette County will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom Fayette County has a business, service, or professional relationship. “Employee,” for purposes of this policy only, includes any individual performing work for Fayette County, an apprentice, an applicant for apprenticeship, or an unpaid intern. Fayette County has appointed the Assistant State’s Attorney as its ethics officer to receive and oversee investigations of complaints made pursuant to this policy and she is referred to in this policy as Fayette County’s “Ethics Officer.” She can be contacted by email or phone at bmathis@fayettecountyillinois.org or 618-283-5040. Fayette County reserves the right to change the Ethics Officer from time to time.

Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. Fayette County is committed to ensuring and providing a workplace free of discrimination, harassment, sexual misconduct, and retaliation. Fayette County will take disciplinary action, up to and including termination, against an employee who violates this policy.
As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

1. submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual’s employment;
2. submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
3. the harassment has the purpose or effect of unreasonably interfering with the employee’s work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The employee as well as the harasser may be a woman or a man. The employee does not have to be of the opposite sex.
- The harasser can be the employee’s supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a nonemployee. • The employee does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the employee.
- The harasser’s conduct must be unwelcome.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that the County deems inappropriate and in violation of our policy:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Retaliating or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
4. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
5. Verbal conduct such as making derogatory comments, using epithets or slurs, making sexually explicit jokes or suggestive comments about a person’s body or dress.
6. Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes about disabled individuals.
7. Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

Sexual misconduct is strictly prohibited by the County and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault, or ANY sexual contact or
sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

II. RESPONSIBILITIES

A. Supervisors

Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

1. Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct.
2. Promptly notifying law enforcement where there is a reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.
3. Promptly notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor;
4. Stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his or her line of supervision;
5. Reporting any complaint of harassment, discrimination or sexual misconduct to the State’s Attorney or to the Ethics Officer; and
6. Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.

B. Employees

Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

1. Refrain from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;
2. Immediately reporting any violations of this policy to a supervisor, the Ethics Officer or the State’s Attorney and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of the public, and
3. Encouraging any employee who confides that he or she is the victim of conduct in violation of this policy to report these acts to a supervisor.

Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.

There is a clear line most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person’s perceptions of your intentions.

The County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

III. APPLICABLE PROCEDURES

Fayette County takes allegations of discrimination, harassment and sexual misconduct very seriously. It will actively investigate all complaints.

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use Fayette County’s complaint procedure to advise Fayette County of any perceived violation of this policy.

A. Bringing a Complaint

Any employee of Fayette County who believes that there has been a violation of this policy may bring the matter to the attention of Fayette County in one of the following ways:

1. Advising his or her supervisor; or the Ethics Officer;
2. Advising the offending employee’s supervisor, the State’s Attorney, or the County Clerk in the event that the alleged harasser is the State’s Attorney or the Ethics Officer.

If the complainant involves someone in the employee’s direct line of command, then the employee should go directly to the State’s Attorney.
The complainant should be presented as promptly as possible after the alleged violation of this policy occurs.

The County will take steps to ensure that complaints made are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

B. Resolution of a Complaint

Promptly after a complaint is submitted, Fayette County will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedure in resolving any complaints can (but will not necessarily) include any of the following items:

1. A meeting between the employee making the complaint and an individual designated by Fayette County to investigate such complaints. Important data to be provided by the complaining employee includes the following:
   a. A description of the specific offensive conduct;
   b. Identification of all person(s) who engaged in the conduct;
   c. The location where the conduct occurred;
   d. The time when the conduct occurred;
   e. Whether there were any witnesses to the conduct;
   f. Whether conduct of a similar nature has occurred on prior occasions;
   g. Whether there are any documents which would support the complaining employee’s allegation;
   h. What impact the conduct had on the complaining employee.

2. While not required, Fayette County encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.

3. After the complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of Fayette County. The alleged offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.

4. After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately.

5. Once this investigation is completed, Fayette County will take such action as is appropriate based upon the information obtained in the investigation. In the event that Fayette County finds merit in the charges
made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
   a. Verbal or written reprimand;
   b. Placing the offending employee on a corrective action plan for a period of time to be identified;
   c. Delay in pay increased or promotions;
   d. Suspending the offending employee from work without pay;
   e. Demotion;
   f. Immediate termination.

6. Upon completion of the investigation, Fayette County will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, Fayette County looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

C. Non-Retaliation

Under no circumstances will there be any retaliation against any employee making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining employee, an accused employee, witnesses, or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Complaints of retaliation should be addressed to the Ethics Officer, or State’s Attorney.

D. False Reports Prohibited

It is a violation of this policy for an employee to knowingly make a false report of discrimination, harassment, sexual misconduct, or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action, as set forth in Section III.B.5, above.

E. Additional Resources

If you have any questions concerning the County’s policies on this matter, please see your supervisor, the Ethics Officer, or the State’s Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200 or the Equal Employment Opportunity Commission (EEOC), 800-669-4000. Confidential reports of harassment or discrimination may also be filed with these state agencies. Matters involving the abuse of minors the Illinois Department of Children and Family Services (DCFS) may be contacted by dialing 800-25-ABUSE.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:
1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,

2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or

3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

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

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

IV. CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT

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

V. CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT

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

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

Please acknowledge receipt and review of this policy by completing the attached acknowledgment and returning it to the County Clerk.

**ARTICLE IV - POLICY AGAINST WORKPLACE VIOLENCE**

Fayette County prohibits violence in the workplace. Violent behavior is strictly prohibited on Fayette County property, or while working at any location on behalf of Fayette County, in Fayette County vehicles or during events sponsored by Fayette County. This prohibition includes not only actual acts of violence, but also direct or implied threats of violence. Employees who exhibit or threaten violent behavior will be subject to criminal prosecution and disciplinary action up to and including termination. Fayette County takes all reports of violent behavior seriously, and will take appropriate action to investigate complaints and/or report complaints of violent behavior to law enforcement as appropriate.

Any employees who becomes aware of violent behavior or the threat of violent behavior (whether by another employee or by any other person) is directed to inform his or her supervisor immediately. Supervisors are directed to report all reports of violent behavior or threats of violent behavior immediately to the Sheriff of Fayette County or the Chief Deputy who will conduct a prompt and thorough investigation. In the case of an imminent threat and/or emergency situation, employees and supervisors are directed to immediately contact law enforcement.

The following is a non-exhaustive list of violent behavior that is prohibited by this policy:

- Fighting
- Physical restraint or confinement
- Assault
- Horseplay
- Stalking
- Intentionally endangering the safety of another person
- Any other act that a reasonable person would perceive as a violent act
ARTICLE V - WHISTLEBLOWER POLICY

I. Code of Conduct

Fayette County requires employees to observe the highest standards of business and personal ethics in conducting their duties on behalf of Fayette County. Compliance with all applicable federal, state and local laws, rules and regulations is required. All employees are expected to fulfill their duties honestly and with integrity.

II. Reporting Responsibility

Employees are encouraged and expected to report suspected violations of federal, state or local law, rules and regulations or suspected ethical violations.

III. Retaliation Prohibited

Fayette County prohibits retaliations against any employee who, in good faith, reports a suspected ethics violation or suspected unlawful conduct. Anyone who violates this policy against retaliation is subject to disciplinary action, including but not limited to, termination of employment.

IV. Reporting Procedure

Fayette County has an open door policy and expects and encourages employees to address questions, concerns and complaints with their supervisor. Supervisors are required to report complaints regarding suspected unethical or illegal conduct in writing to the County Clerk, who shall transmit such complaint to the Chairperson of the County Board. If an employee is not comfortably speaking with his or her supervisor or is not satisfied with the supervisor’s response, he or she may discuss the matter with the County Clerk or the Chairperson of the County Board. If a complaint involves suspected conduct of the County Clerk, a complaint may be brought directly to the County Board via any board member. The County Clerk is responsible for informing the County Board of all complaints of unethical or unlawful conduct pursuant to this policy.

V. Investigation

All complaints pursuant to this policy will be investigated and resolved in a timely manner. The County Board will designate the County Clerk to investigate any complaint received. To the extent that the complaint involves suspected conduct on the part of the County Clerk, the County Board will appoint an appropriate investigator.

VI. Accounting and Auditing Matters

All reported questions, concerns or complaints involving accounting or auditing practices shall be made to the County Clerk who will immediately inform the Fayette County Board’s Finance Committee. The Finance Committee shall investigate all complaints involving accounting and auditing matters.
VII. Acting in Good Faith

Anyone reporting a complaint of suspected unethical or unlawful conduct must be acting in good faith and have reasonable grounds for believing that a violation has occurred. Any allegations which are not substantiated and which have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

VIII. Confidentiality

Violations or suspected violations may be reported on a confidential basis by the complainant to the extent permitted by law. Fayette County will attempt to keep reports of violations or suspected violations confidential to the extent permitted by law, and consistent with the need to perform an appropriate and adequate investigation.

IX. Handling of Reported Violations

Fayette County will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

X. Compliance Officer

County Clerk, 221 S. 7th St., Vandalia, Illinois 62471
Phone: (618) 283-5000 Fax: (618) 283-5004

ARTICLE VI - EMPLOYMENT BENEFITS

SECTION 6.1 - FULL TIME EMPLOYEES

Paid vacation days, sick day and personal day benefits will be allowed after completing 12 continuous months of employment with the County. Days will be prorated after anniversary date to January 1st of the following year. From then, all benefit days will be based on a calendar year.

SECTION 6.2 - RETIREMENT, INSURANCE, AND OTHER BENEFITS

The County provides retirement, group health insurance, life insurance, disability insurance and other benefits for eligible employees. These various benefits are described below. Additional information, including summary plan descriptions ("SPDs") which explain coverage of our benefits in greater detail are available from the County Clerk's Office. Please note, however, that the actual plan documents are the final authority in all matters relative to the benefits described in this handbook or the SPDs, and will govern in the event of any conflict, including any oral representations or statements concerning such benefits. Fayette County also reserves the right to change or eliminate benefits at any time at its discretion in accordance with applicable law.
SECTION 6.3 - RETIREMENT PLAN

Fayette County shall, on behalf of all full-time and part-time employees who work a minimum of 1,000 hours per year, contribute to a personal retirement account known as the Illinois Municipal Retirement Fund (IMRF). The County’s contribution shall be in accordance with the rules promulgated by the IMRF program and actions taken by the Fayette County Board. The Fayette County Clerk’s Office shall make a payroll deduction for the employee’s proportionate share to his or her IMRF account.

SECTION 6.4 - GROUP HEALTH INSURANCE

Fayette County will provide, on behalf of full-time employees, a health insurance plan. The cost of single coverage health insurance shall be split between the County and the employee. Effective January 1, 2019, the County shall pay ninety-five percent (95%) of the cost of single coverage health insurance and the employee shall pay five percent (5%) of the cost of single coverage health insurance. Health insurance shall be available for dependents at the cost of the employee. Additional information, including summary plan descriptions ("SPDs") which explain coverage of our benefits in greater detail are available from the County Clerk’s Office. Please note, however, that the actual plan documents are the final authority in all matters relative to the benefits described in this handbook or the SPDs, and will govern in the event of any conflict, including any oral representations or statements concerning such benefits.

SECTION 6.5 - GROUP LIFE INSURANCE

Fayette County will provide, on behalf of full-time employees, a $10,000 life insurance policy, which has a single conversion option at the employee’s expense at the time of termination of the employee.

SECTION 6.6 - DISABILITY INSURANCE

Full-time and part-time employees who are normally scheduled to work at least twenty (20) hours per week are required to participate in and to contribute to the IMRF. An employee who has twelve (12) consecutive months of service and cannot perform the duties of his position because of illness or injury that lasts more than thirty (30) days may be entitled to disability benefits, equivalent to 50% of his or her average monthly earnings in accordance with IMRF regulations. For more details regarding such benefits, please contact the County Clerk’s Office.

SECTION 6.7 - DEATH OF AN EMPLOYEE

In the event of a full-time employee’s death, the surviving spouse, or beneficiary or estate will receive unpaid earned compensation, pay for unused, earned vacation, and a $10,000 life insurance benefit from the County.

With a year or more of service, the employee’s spouse or beneficiary may be eligible for additional benefits paid by IMRF. For more details regarding such benefits, please contact the County Clerk’s Office.
SECTION 6.8 - NURSING MOTHER POLICY

Fayette County will provide reasonable unpaid break time each work day to an employee who needs to express breast milk for her infant child. Break time must, if possible, run concurrently with any break time already provided to the employee. A private room (other than a restroom) will be made available to the employee to use for this purpose.

ARTICLE VII - LEAVE OF ABSENCE/TIME OFF BENEFITS

SECTION 7.1 - SICK DAYS

Sick Days are considered a privilege and not considered a vested benefit. Fayette County recognizes that employees may occasionally be absent because of illness or injury and, therefore, provides paid sick days in an effort to protect the employees against loss of income in the event of such temporary absences. Employees will not be paid for unused sick leave either during the employment or when employment is terminated. Sick leave may be taken for non-work related illnesses, injury or disability (including physician appointments, dental, eye, and other medical related examination or treatments), and illnesses, injuries and medical appointments employee’s child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee’s attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee’s own illness or injury.

Full-time employees after 12 continuous months of employment shall be entitled to 12 working days of sick leave. Part-time employees and short term employees shall not be entitled to be paid for sick days.

An employee may accumulate up to 240 sick days.

An employee who is vested in IMRF will receive one (1) month service credit for retirement purposes for every 20 days of unused sick time. The IMRF credit is subject to the rules and regulations of IMRF that be in effect at the time of the retirement.

Verification of illness may be required by the Department Head/Elected Official at his or her discretion.

Fayette County prohibits abuse of its sick leave policy. The Department Head/Elected Official shall determine if an employee has abused the sick leave policy and may take appropriate disciplinary action, which may include termination.

SECTION 7.2 - VACATION TIME

Each full-time employee shall earn vacation time based upon his or her continuous service to the County in accordance with the following provisions:

1. After one (1) year of service — two (2) weeks vacation
2. After eight (8) years of service — three (3) weeks vacation
3. After fifteen (15) years of service — four (4) weeks vacation
Part-time employees and short term employees shall not be entitled to be paid for vacation days.

Full time Employees only accrue vacation for time worked. Under no circumstances shall vacation leave be granted in excess of the amount of accrued vacation time earned by the employee through continuous service. Vacation leave may be used in increments of not less than one-half day.

All vacation time shall be scheduled in advance and at the discretion of the employee’s Department Head/Elected Official. The number of employees permitted to take vacation at the same time will be determined by the Department Head/Elected Official in order to maintain efficient and safe operations. Vacations will be scheduled according to individual employee choice on a first request, first serve basis. In the case of conflict, the most senior employee in the situation will usually be given preference.

It is Fayette County’s philosophy that the purpose of vacation time is to provide sufficient time away from work for the physical and mental well-being of our employees. No payments will be made in lieu of taking vacation, except earned, unused vacation time at the time of termination. Once vacation is earned, it should be taken during the following year (the “Vacation Year”). Employees will not be allowed to accumulate and carry over more than 20 working days of vacation.

SECTION 7.3 - PERSONAL DAYS

After one (1) calendar year of employment, all full-time employees shall then earn one (1) day for every three (3) calendar months worked for personal business with full compensation, such days to be taken only upon prior approval of the employee’s Department Head/Elected Official. Personal leave may be used in two (2) hour increments. Personal leave may not be accumulated from year to year and no payment in lieu of personal time off will be granted. Personal days shall not be taken by an employee on the work day before or the work day after a holiday.

Part-time employees and short term employees shall not be entitled to be paid for personal days.

SECTION 7.4 - HOLIDAYS

Fayette County has established a schedule of holidays to be observed during each calendar year by all County offices and their employees, subject to any collective bargaining unit agreements. Holidays observed shall be the following:

- New Year’s Day
- Presidents’ Day
- Easter Holiday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- General Election Day
- Veteran's Day
- Thanksgiving Day
- Post-Thanksgiving Day
- Christmas Eve
- Christmas Day

All County offices shall be closed on the designated holiday; however, emergency services, or other necessary services, which are provided on a daily basis, will be continued. All employees eligible for holiday pay shall be entitled to the scheduled holiday off with pay or be paid time and one-half if required to work.

Authorized holidays which fall on Saturday will normally be observed on the preceding Friday, while those falling on Sunday will normally be observed the following Monday.

If a holiday occurs while an employee is on vacation or sick leave, that day will be treated as a holiday and not as vacation or sick leave.

In order to qualify for holiday pay, all full-time employees shall work their last regularly scheduled work day before the holiday and their first regularly scheduled work day after the holiday. Part-time and short-term employees will not receive holiday pay.

SECTION 7.5 - JURY AND WITNESS DUTY

Employees shall receive the necessary time off for jury duty or if subpoenaed as a witness in a criminal proceeding in accordance with applicable law. Employees must present a copy of the jury summons or witness subpoena to their Department Head/Elected Official immediately upon receipt thereof. Employees will be paid the difference between their regular base salary and any jury or witness pay received or turn said payment from the Court over to the County and receive their regular pay from the County. If released from jury or witness duty, prior to noon, the employee shall report back to work.

Jury or witness duty leave shall not include any matter in which the employee is personally involved as a plaintiff or defendant or in which the employee appears as an expert witness.

SECTION 7.6 - BEREAVEMENT/FUNERAL LEAVE

In the event of the death of an immediate family member, an employee shall be permitted to be absent from his or her job for up to three (3) days per occurrence, with the Department Head/Elected Official’s approval. For each such day’s absence, the employee shall receive compensation at his or her normal rate of pay. If the employee desires to be absent for more than three (3) days, he or she may utilize previously earned, unused, vacation days or personal days and receive compensation for each such additional day of absence at this or her normal rate of pay, provided that the Department Head/Elected Official approves of such additional absence.

For purposes of this policy, immediate family member is defined as a spouse, parent, child, brother, sister, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, step-parent, step-parent-in-law or legal guardian.
Any absence to attend the funeral of anyone who is not a member of an employee's immediate family may be arranged with the Department Head/Elected Official without pay, but previously earned and unused vacation or personal days may be utilized in such case with the consent of the Department Head/Elected Official.

Eligible employees (as that term is defined in Section 101(2) of the federal Family and Medical Leave Act, 29 U.S.C. 2601 et seq.) are also entitled to take a maximum of 2 weeks (10 working days) of unpaid bereavement leave to: (a) attend the funeral or alternative to a funeral of a child; (b) make arrangements necessitated by the death of a child; or (c) grieve the death of a child. 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.

Bereavement leave under this policy must be completed within 60 days after the date on which the employee receives notice of the death of the child. An employee is required to provide [employer] with at least 48 hours’ advance notice of the employee’s intention to take bereavement leave unless providing such notice is not reasonable and practicable. The County may require reasonable documentation, including a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution or government agency.

An employee who is entitled to take paid or unpaid leave, may elect to substitute any period of paid leave for an equivalent period of unpaid bereavement leave.

The County prohibits retaliation against any employee who exercises his or her rights under this policy, opposes any practice that the employee believes to be in violation of this policy, or supports the exercise of rights of another under this policy.

In extenuating circumstances, the Department Head/Elected Official may authorize more time, chargeable to vacation or personal days or without pay.

SECTION 7.7 - MILITARY LEAVE AND BENEFITS LAWS

Many state and federal laws provide job protection as well as salary and insurance protection to military members. The following is a summary of laws which offer protection to military members who are employed by public entities in Illinois. This is not meant to be an exhaustive list of all state and federal laws, merely a summary of a few.

1. USERRA is a federal law that protects the right of an employee service member to re-employment if he or she gives advance notice to the employer prior to service, serves 5 years or less, returns to work in a timely manner upon discharge and is not discharged for dishonorable reasons. USERRA also allows service members 24 months of health insurance continuation upon deployment, provided the service member pays up to 102% of the premium, or allows the service member health plan reinstatement upon re-employment.

2. The Local Government Employees Benefits Continuation Act (50 ILCS 140/1 et seq.) provides that an employee of a unit of local government who is a member of any reserve component of the U.S. Armed Services or Illinois National Guard who is mobilized to active duty shall for each pay period continue to receive his or her regular compensation.
that he received from the unit of local government plus health insurance minus the amount of base pay for military service for the duration of active military service.

3. The Military Leave of Absence Act (5 ILCS 325/0.01 et seq.) provides that members of the U.S. Armed Forces or any reserve component of the Illinois State Militia shall be granted leave from his or her public employment for basic training, special or advance training, annual training and any other training required by the U.S. Armed Forces. During annual training, employees are to receive their regular compensation. During basic training, special or advanced training (for up to 60 days), and for any other training or duty, if the employee’s daily rate of compensation for the military is less than his daily rate of compensation as a public employee, he shall receive the difference from the employer.

4. The Public Employee Armed Services Rights Act (5 ILCS 330/1 et seq.) provides for the protection of active duty armed services’ members to insurance coverage and its immediate continuation upon return to public employment, the right to promotional, employment, contractual or salary benefit, pension rights, or any other rights conferred on similarly situated public employees during the period of the employee’s active duty.

5. The Service Member’s Employment Tenure Act (330 ILCS 60/1 et seq.) provides for position restoration and seniority preservation for those who leave employment to enter military service.

6. The Family Military Leave Act (820 ILCS 151/1 et seq.) provides up to 30 days of family military leave, job restoration benefits after leave and benefit continuation during leave at the employee’s expense.

7. The Municipal Employee Military Active Duty Act (50 ILCS 120/0.01 et seq.) provides for position restoration without loss of seniority and pension payments during leave.

Employees will be granted leave for military service or military service related issues in accordance with applicable state and federal laws.

SECTION 7.8 - PERSONAL LEAVE OF ABSENCE

A personal leave of absence without pay may be granted for urgent personal reasons only after the employee has expended all accrued annual vacation and personal days. The Department Head/Elected Official and County Board will consider only those requests for leave of absences received from employees in positions that can be unfilled or filled temporarily for the duration of the leave without detriment to the department.

Personal leave of absences will not normally exceed 30 days. Vacation time, sick leave and personal time and other benefits will not accrue. The employee will be responsible for making group insurance premium payments in order to continue coverage during any such leave.

SECTION 7.9 - FAMILY MEDICAL LEAVE ACT (FMLA) POLICY

This policy document supersedes any other existing policy or policy document governing the handling of leave taken pursuant to the Family and Medical Leave Act of 1993.
(hereinafter FMLA). It is intended to conform with Fayette County’s obligations under 29 C.F.R. §825.300.

I. ELIGIBILITY

To be eligible for FMLA benefits, the employee must:
1. Have worked for Fayette County a total of 12 months; and
2. Have worked at least 1,250 hours over the previous 12 months; and
3. Work at a site with 50 or more employees within a 75-mile radius.

II. LEAVE ENTITLEMENT

A covered employee is entitled to up to a total of 12 work weeks of unpaid leave in a 12 month period for one or more of the following reasons:
1. For the birth of a son or daughter, and to care for the newborn child;
2. For the placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee’s spouse, son or daughter or parent (but not parent-in-law) who has a serious health condition; or
4. When the employee is unable to perform the functions of the employee’s job because of a serious health condition or because of incapacity due to pregnancy, prenatal medical care or child birth.

Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

Spouses employed by the same employer may be limited to a combined total of 12 work weeks of family leave for the following reasons:

1. Birth and care of a child;
2. For the placement of a child from adoption or foster care, and to care for the newly placed child; and,
3. To care for an employee’s parent who has a serious health condition.

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status as defined by applicable federal regulations may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include the following as defined and limited by federal regulation: short notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, parental care, and additional activities arising out of the military member’s covered active duty or call to covered active duty status as agreed by employer and employee.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty, is entitled to up to 26 weeks of unpaid leave in a single 12 month period to care for the service member. A covered service member is a current
member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. Covered servicemember also includes a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. An eligible employee is entitled to a combined total of 26 work weeks of leave for any FMLA qualifying reason during the single 12 month period, but is entitled to no more than 12 weeks of leave for the following:

1. The birth of a son or daughter of the employee and in order to care for such son or daughter.
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. In order to care for the spouse, son, daughter, or parent with a serious health condition;
4. Because of the employee’s own serious health condition; or
5. Because of a qualifying exigency.

A husband and wife who are eligible for FMLA leave and are both employed by the County are limited to a combined total of 26 workweeks of leave during the single 12-month period if the leave is taken to care for a covered servicemember with a serious injury or illness AND for the birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, to care for the child after placement, or to care for the employee’s parent with a serious health condition.

Under some circumstances, employees may take FMLA leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule. The following may apply:

1. If FMLA leave is for birth and care or placement for adoption or foster care of a son or daughter, use of intermittent leave is subject to the employer’s approval.
2. FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or seriously ill or injured service member, or because the employee is seriously ill and unable to work.

The terms “son or daughter” are defined as biological, adopted, or foster child, a step-child, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of the employee intends to assume the responsibilities of a parent with regard to the child through either day-to-day care or financial report.

III. SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee
from performing the function of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

IV. LEAVE AVAILABILITY CALCULATION

Fayette County has adopted the "rolling 12 month period" method of calculating available FMLA leave for all types of leave with the exception of leave to care for a seriously ill or injured service member. Under the rolling 12 month period, in order to determine the amount of available FMLA leave, the calculation is made each time an employee commences an FMLA leave. From that date, the preceding 12 month is examined. Any FMLA leave used during that preceding 12 months is deducted from the 12 weeks annual leave granted by the FMLA. The employee is entitled to take no more than the remaining balance of FMLA leave.

For FMLA leave requests made to care for a covered service member with a serious injury or illness, the single 12 month period begins on the first day the eligible employee takes FMLA leave.

V. SUBSTITUTION OF PAID LEAVE

Any employee taking FMLA leave is required to substitute and use any remaining paid "leave" benefits which are available or become available during the FMLA leave. This includes vacation, personal, and sick days. Such paid leave is substituted for the unpaid FMLA leave, and is not in addition to such FMLA leave.

All other FMLA leave is unpaid.

VI. MEDICAL INSURANCE BENEFITS WHILE ON FMLA LEAVE

During FMLA leave, Fayette County will maintain the employee's health coverage under any group health plan, under the same terms as if the employee had continued to work. If the employee was required to pay a portion of the premiums for coverage, that obligation continues while on leave. Payment is expected to be made in the same amounts, and at the same time (i.e. each payroll date) as was made while working. If any payment is more than 30 days late, medical coverage may be cancelled pursuant to the FMLA Rules and Regulations.

An employee can elect not to continue medical coverage while on leave. If this election is made, Fayette County will immediately place the coverage into COBRA.
If the coverage is continued while on FMLA leave, and the employee does not return to work at the end of the FMLA leave period, Fayette County will bill the employee for the amount of premiums paid by Fayette County during the leave period unless the employee does not return to work due to a reason exempted from this provision by FMLA Rules and Regulations.

No other employment benefits provided by Fayette County to employees are continued during FMLA leave. All such benefits are instead held in abeyance until the employee returns to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the state of an employee's leave.

VII. PROCEDURE FOR REQUESTING FMLA LEAVE

An employee must provide Fayette County with at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If 30 day notice is not possible, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

Employees must provide sufficient information for Fayette County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform Fayette County if the requested leave is for a reason which FMLA leave was previously taken or certified. Employees will also be required to provide certification as specified below, and may be required to provide periodic recertification supporting the need for leave.

Any employee taking leave to care for the employee’s covered family member with a serious health condition, or due to employee’s own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee’s position must be supported by a certification issued by the health care provider of the employee or the employee’s family member on the form attached to the appropriate forms requesting the FMLA leave, which can be obtained from the County Clerk. An employee taking leave because of a qualifying exigency or to care for a covered service member with a serious injury or illness must also be supported by a certification in the form as described above except that an employee taking leave to care for a covered service member may not provide an invitational travel order (ITO) or an invitational travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Additional copies of the certification forms can be obtained from the County Clerk. Employees are required to furnish the completed certification within 15 calendar days of Fayette County’s request for certification. In the case of unforeseen leave, certification must be provided as soon as practicable. FMLA
leave may be denied in accordance with the FMLA Rules and Regulations if appropriate certification is not provided.

VIII. CONSEQUENCES OF TAKING FMLA LEAVE

Any FMLA leave taken will be counted against the available leave allowed by statute. Any employee seeking to return to work after leave taken because of the employee’s own “serious health condition” must submit a medical certification of fitness to return to duty, signed by the attending health care provider, before the employee will be allowed to return to work. Failure to comply with this requirement does not extend the leave.

On the return from FMLA leave, the employee will be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Fayette County reserves the right to deny restoration to “key employees” as defined by the FMLA regulations where restoration will cause “substantial and grievous economic injury” to the operations of Fayette County. If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers’ compensation, the employee has no right to restoration to another position under the FMLA. The employee may, however, fall under the Americans with Disabilities Act (ADA).

IX. EMPLOYER RESPONSIBILITIES

Fayette County must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, Fayette County will provide a reason for the ineligibility.

Fayette County must inform employees if leave will be designated as FMLA protected and the amount of leave counted against the employee’s leave entitlement. If Fayette County determines that the leave is not FMLA protected, the employer must notify the employee.

X. UNLAWFUL ACTS BY EMPLOYERS

The FMLA makes it unlawful for any employer to:

1. Interfere with, restrain, or deny the exercise of any right provided under FMLA;
2. Discharge of discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
XI. WORKING PROHIBITED WHILE ON FMLA

An employee out on FMLA leave may not use that time to engage in work elsewhere, whether as an employee, independent contractor, volunteer or otherwise, unless prior written approval from the County has been obtained. If an employee is taking FMLA leave, it must be because an FMLA-qualifying reason is preventing the employee from appearing at work for the County. Performing work elsewhere is contradictory to that premise and will create a presumption that the employee fraudulently obtained or continued FMLA leave.

XII. ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State of local law or collective bargaining agreement which provides greater family or medical leave rights.

XIII. REFERENCE TO FMLA NOTICE POSTER

Fayette County has posted in each department, a notice setting forth the relevant provisions of the FMLA. The terms of the notice are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him or herself with the contents of the notice concerning all applicable employee rights and obligations under the FMLA.

SECTION 7.10 - SCHOOL VISITATION LEAVE

In accordance with applicable law, employees will be granted unpaid leave up to eight (8) hours during any school year to attend school conferences or classroom activities related to the employee's child if such conferences or activities cannot be scheduled during non-working hours. No more than four (4) hours may be taken on any given day and the employee must first exhaust all accrued vacation and/or personal days before they can take any school leave. Employees must provide their supervisor of Department Head/Elected Official with a written request for school leave at least seven (7) days before the conference or activity and must consult the supervisor or Department Head/Elected Official to schedule the leave so as not to unduly disrupt business operations. In emergencies, twenty-four (24) hours notice must be given.

SECTION 7.11 - REASONABLE ACCOMMODATIONS

If an employee is unable to perform the essential functions of his or her position as a result of a covered disability or due to a medical or common condition related to pregnancy or childbirth, the employee is encouraged to request a reasonable accommodation. Fayette County is committed to working with any such employee to find a reasonable accommodation that will
allow the employee to perform the essential functions of his or her position so long as the accommodation does not result in undue hardship to the County.

Fayette County is also committed to providing reasonable accommodations to employees needing a religious exemption as provided under federal, state or local law so long as doing so does not cause the County undue hardship.

ARTICLE VIII - UNPAID LEAVE FOR EMPLOYEES DUE TO DOMESTIC AND SEXUAL VIOLENCE

The county will provide up to twelve (12) weeks of unpaid leave from work to and employee who is a victim of domestic or sexual violence (or who has a family or household member who is a victim of domestic or sexual violence) to address domestic or sexual violence if the employee is:

1. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee’s family or household member.
2. Obtaining services form a victim service organization for the employee or the employee’s family or household member.
3. Obtaining psychological or other counseling for the employee or the employee’s family or household member.
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety of the employee or the employee’s family or household member from future domestic or sexual violence or ensure economic security; or
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee’s family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

"Family or household member" means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic or sexual violence.

"Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, 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.

I. PERIOD OF LEAVE

Employee shall be entitled to a total of 12 work weeks of unpaid leave during any 12 month period. Leave may be taken intermittently or on a reduced work schedule.
II. EXISTING LEAVE

The employee may use any available paid or unpaid leave (including family, medical, sick, annual personal, etc.) from employment, pursuant to Federal, State or local law, a collective bargaining agreement, or an employment benefits program or plan, in substitution for any period of such leave for an equivalent period of leave.

III. EMPLOYEE NOTICE REQUIREMENTS

The employee shall provide the County with at least 48 hours notice of the employee’s intention to take leave, unless providing such notice is not practicable.

When an unscheduled absence occurs, the County will not take any action against the employee if the employee, within a reasonable period after the absence (generally defined herein as 15 days) provides certification as shown under the next section.

IV. EMPLOYEE CERTIFICATION

The County may require the employee to provide certification to the County that:

1. The employee or employee’s family or household member is a victim of domestic or sexual violence; and
2. The leave is for one of the purposes enumerated in the above “Basis” paragraph.

The employee shall provide such certification to the County within a reasonable period after the County requests certification.

An employee may satisfy the above certification requirement by providing to the County a signed and dated statement of the employee, and upon obtaining such documents the employee shall provide:

1. 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;
2. A police or court record; or
3. Other corroborating evidence.

V. CONFIDENTIALITY

All information provided to the County, including a statement of the employee or any other documentation, record or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be retained in the strictest confidence by the County, except to the extent that disclosure is 1) requested
or consented to in writing by the employee or 2) otherwise required by applicable Federal or State law.

VI. RESTORATION TO POSITION

In general, an employee who takes leave under this policy shall be entitled, on return from such leave:

1. To be restored by the County to that position of employment held by the employee when the leave commenced; or

2. To be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

VII. LOSS OF BENEFITS

The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

An employee who takes leave under this policy for the intended purpose of the leave shall be entitled upon return from such leave to be restored to the same position or to an equivalent position with equivalent employment benefits, pay and other terms and condition of employment.

However, the employee is not entitled to:

1. The accrual of any seniority or employment benefits during any period of leave; or

2. Any right, benefit or position of employment other than any right, benefit or position to which the employee would have been entitled had the employee not taken the leave.

VIII. REPORTING TO THE COUNTY

The County may require an employee on leave under this policy to report periodically to the County on the status and intention of the employee to return to work.

IX. MAINTENANCE OF HEALTH BENEFITS

Except as provided under “Failure to Return from Leave” during any period that an employee takes leave under this policy, the County shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.
X. FAILURE TO RETURN FROM LEAVE

The County may recover the premium that the County paid for maintaining coverage for the employee and the employee’s family or household member under such group health plan during any period of leave under this policy if:

1. The employee fails to return from leave under this policy after period of leave to which the employee is entitled as expired; and

2. The employee fails to return to work for a reason other than:
   a. The continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave; or
   b. Other circumstances beyond the control of the employee.

The County may require an employee who claims that the employee is unable to return to work because of a reason described in (1) or (2) above to provide, within a reasonable period after making the claim, certification to the County that the employee is unable to return to work because of that reason.

An employee may satisfy the certification requirement by providing to the County:

1. A sworn statement of the employee;
2. 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 form whom the employee has sought assistance in addressing the domestic or sexual violence and the effects of that violence;
3. A police or court record; or
4. Other corroborating evidence.

The County will not fail to hire, refuse to hire, discharge or harass any individual exercising their rights under this policy or otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation terms, conditions or privileges of employment of the individual or retaliate against an individual in any form or manner for exercising their rights under this policy.

XI. LEAVE AVAILABILITY CALCULATION

The County has adopted a “rolling 12 month period” method of calculating available leave. In order to determine the amount of available leave, the calculation is made each time an employee commences leave. From that date, the preceding 12 month period is examined. Any leave used during that preceding 12 months is deducted from the 12 weeks annual leave provided by law under this policy. An employee is entitled to take no more than the remaining balance of leave.
XII. REFERENCE TO REQUIRED POSTING

The County has posted in each department, a poster setting forth the relevant provision of the Victims’ Economic Security and Safety Act. The terms of that poster are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing himself or herself with the contents of the poster concerning all applicable employee rights and obligations under the Victims’ Economic Security and Safety Act.

THIS POLICY DOES NOT CREATE A RIGHT FOR AN EMPLOYEE TO TAKE UNPAID LEAVE THAT EXCEEDS THE UNPAID LEAVE TIME ALLOWED UNDER, OR IS IN ADDITION TO THE UNPAID LEAVE TIME PERMITTED BY THE FAMILY MEDICAL LEAVE ACT.
ACKNOWLEDGEMENT OF RECEIPT OF INTERNET/E-MAIL POLICY

In addition to receipt of the Employee Handbook, I hereby acknowledge that I have received, reviewed and understand the Internet Policy of Fayette County. I agree to comply with its terms and conditions, and understand I have no expectation of privacy as a result of any use of Fayette County’s computer hardware, software, server, internet provider or any other electronic apparatus or data, including e-mail communications.

I understand that by acknowledging receipt and understanding of this policy does not constitute a contract between myself and Fayette County, and that my employment remains at all times at-will.

Employee Signature                                    Date

_________________________________________________________

ACKNOWLEDGMENT OF RECEIPT

I have read, reviewed, and understand the regulations and policies stated in the Fayette County Employment Policy Manual and will comply with the policies contained in this manual. I understand that this policy manual is not a contract for employment and that unless my employment is governed by a separate, duly executed employment contract or collective bargaining agreement providing otherwise, I am an at-will employee, which means that my employment may be terminated at any time without cause or notice by either Fayette County or me.

Printed Name: __________________________________________

Signature: _______________________________________________

Date: ___________________________________
ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF POLICY AGAINST DISCRIMINATION, HARRASSMENT AND SEXUAL MISCONDUCT

Effective September 8, 2015, Fayette County implemented a Policy against Discrimination, Harassment and Sexual Misconduct. This policy was updated in January of 2018 pursuant to statute.

Remember: It is your responsibility to read, understand, and abide by this policy and procedure, if you have any questions or concerns please speak to your supervisor or the State's Attorney. Please sign and date this memo to acknowledge that you have received and understand the policy.

Please respond to the following questions, circle appropriate answer and initial:

Have you read, and do you understand this policy? Yes No Initials: _____

Do you have any questions about this policy? Yes No Initials: _____

Do you know how to file a complaint should you ever have a problem with discrimination harassment, or sexual misconduct or if you see inappropriate behaviors at work? Yes No Initials: _____

If you ever have a problem or concern regarding discrimination, harassment or sexual misconduct in the workplace, please list who within our county you can address your concerns with:

1) __________________________
2) __________________________
3) __________________________

Initials: _____

Are you aware of any behaviors going on either in our workplace or outside the workplace that may impact the workplace and that are inconsistent with this policy?

Yes No Initials: _____

_________________________________  ______________________________
Employee Signature                   Date

_________________________________
Please print your name

I certify that the above person has received the Policy against Discrimination, Harassment and Sexual Misconduct and that I have reviewed this checklist with him/her.

_________________________________  ______________________________
Supervisor Signature                Date
FAYETTE COUNTY 377 BOARD

REQUEST FOR APPOINTMENT OR REAPPOINTMENT
FAYETTE COUNTY BOARD FOR COUNTY CARE FOR PERSONS WITH
DEVELOPMENTAL DISABILITIES
OR
"FAYETTE COUNTY 377 BOARD"

Due to the resignation of John C. Daniels from the Fayette County 377 Board, the
following Fayette County Board member has consented to complete John Daniels’
three-year term ending June 30, 2021 with the approval of the Fayette County
Board:

1. Debra Warner
   420 N. 2nd St.
   Vandalia, Illinois 62471
   Member: Fayette County Board

Under Section 3 of the 377 Act, the presiding officer of the County Board with the advice
and consent of the County Board shall appoint a board of three (3) directors who shall
administer this act.

The other two (2) members currently appointed to the Fayette County 377 Board for a
three-year term ending June 30, 2021 are:

2. Laura Feezel, Secretary
   370 W. Cumberland Road
   Brownstown, Illinois 62418

3. Brenda Haupt, Treasurer
   67 E. 1600 Ave.
   Mulberry Grove, Illinois 62262

Thank you for your consideration of this request.

Respectfully submitted:

Laura Feezel, Secretary
Fayette County 377 Board
STATE OF ILLINOIS)
     ) SS
COUNTY OF FAYETTE)

Due to the resignation of John C. Daniels from the Fayette County 377 Board, the following Fayette County Board member has consented to complete John Daniels’ three-year term ending June 30, 2021 with the approval of the Fayette County Board:

1. Debra Warner
   420 N. 2nd St.
   Vandalia, Illinois 62471
   Member: Fayette County Board

Under Section 3 of the 377 Act, the presiding officer of the County Board with the advice and consent of the County Board shall appoint a board of three (3) directors who shall administer this act.

The other two (2) members currently appointed to the Fayette County 377 Board for a three-year term ending June 30, 2021 are:

2. Laura Feezel, Secretary
   370 W. Cumberland Road
   Brownstown, Illinois 62418

3. Brenda Haupt, Treasurer
   67 E. 1600 Ave.
   Mulberry Grove, Illinois 62262

Jeff Beckman, Chairman
Fayette County Board

ATTEST:

Vicky Conder, County Clerk
Fayette County Board