

2021 RML Employee Handbook Policy Revisions/Additions

Policy Revisions:

103 Equal Employment Opportunity

- Expanded protected categories.
- Added Administrative Services Coordinator to list of staff members employees can bring their concerns to.
- Added "All matters will be held in confidence."

305 Sick Leave Benefits

- Added that employees can also use sick leave time to provide "Personal Care" for a family member. Examples include activities such as ensuring basic medical needs are met, providing transportation to medical appointments, or being physically present to provide emotional support to a family member undergoing inpatient or home care treatments.

606 Victims' Economic Security and Safety Act (VESSA)

- Act was amended to include "crimes of violence" as a new reason to take this leave.
- The definition of family and household members was expanded.
- Clarified the documentation required for certification to take the leave.
- Included a confidentiality provision.

Policy Addition:

803 Whistleblower Protection Act *New Policy

- Protects employees and contractors from being reprimanded, discharged, suspended, demoted, denied a promotion/transfer, or having the terms and conditions of employment changed if they:
 - Report an improper governmental action.
 - Cooperate with an investigation by an auditing official related to a report of improper governmental action.
 - Testify in a proceeding or prosecution arising out of an improper governmental action.
- Amendments for the Public Sector requires:
 - Organizations to appoint an auditing official.
 - Provide written policies and procedures for managing complaints.
 - Provide employees a copy of the applicable section of the law.
 - Employees must receive a copy of the policy and a copy of the applicable section of the law at the time they begin employment and annually thereafter.

Table of Contents and Appendix updated

Rolling Meadows Library Employee Handbook

103 Equal Employment Opportunity

Updated: 11/02/2021

RML will provide equal opportunity to all employees and applicants for employment regardless of actual or perceived race, color, national origin, ancestry, citizenship status, work authorization status, age, religion, marital status, disability, sex, gender, pregnancy, sexual orientation, gender identity, military or veteran status, order of protection status, genetic information, or any other category protected by applicable law.

~~RML does not discriminate in employment opportunities or practices on the basis of race, ethnicity, color, religion, sex, sexual orientation, health condition, national origin, age, disability, or any other characteristic protected by law.~~

Any employee who wants to report an incident of discrimination in the workplace should promptly report the matter to his or her Department Director. If the Department Director is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Executive Director, Library Board President, the Administrative Services Coordinator, or any other member of the Library Board or Library Management. All such matters will be held in confidence. Employees can raise concerns and make reports without fear of reprisal.

Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

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305 Sick Leave Benefits

Updated: 11/02/2021

Employees working 20 or more "normal weekly hours" are eligible for paid sick leave. Eligible employees earn paid sick leave as follows:

$$\frac{\text{employee's "normal weekly hours"}}{5 \text{ days per week}} \times 12 = \text{annual sick leave allowance hours}$$

Employees will earn paid sick leave on a monthly basis. Paid sick leave can be used in minimum increments of one-quarter hour.

Employees may use paid sick leave benefits for their own or for an immediate family members' illness, injury or **medical care (including preventative care)**. For the purposes of this policy, an employee's "immediate family members" include sons, daughters, grandparents, parents, spouse, a party to a civil union (as defined by the IL statute), brothers, sisters, grandchildren, and in-laws (father-in-law, mother-in-law, brothers-in-law, sisters-in-law). "Sons" or "daughters" include biological, adopted, or foster children, stepchildren, legal wards, or children by virtue of the employee standing *in loco parentis*.

Employee may also use paid sick leave benefits to provide personal care for an immediate family member which includes activities to ensure basic medical, hygiene, nutrition, and safety needs are met, or to provide transportation to medical appointments for a family member who is unable to meet their own needs. This also covers an employee being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care.

~~Because RML believes that preventative health care is important, employees may use paid sick leave benefits for employee and immediate family members' scheduled appointments with doctors, dentists, etc.~~

Employees who are unable to report to work due to illness or injury should notify their supervisor before the scheduled start of their workday if possible. The Department Director must also be contacted on each additional day of absence. If an employee is absent due to illness or injury, a physician's statement may be required to verify the employee's condition and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave, an employee may be required to provide a physician's verification that he or she may safely return to work.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, or bonuses.

Unused sick leave benefits will be allowed to accumulate to a maximum number of hours as per the formula below:

$$\frac{\text{employee's "normal weekly hours"}}{5 \text{ days per week}} \times 240 \text{ days} = \text{maximum accumulation of sick leave hours}$$

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305 Sick Leave Benefits (Continued)

Updated: 11/02/2021

Accumulated Sick Leave

If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Employees leaving the Rolling Meadows Library will not be paid for any unused sick leave. Subject to current IMRF rules, an employee who is enrolled in the Illinois Municipal Retirement Fund (IMRF) pension plan may, at retirement or upon leaving employment at the library, qualify for additional service credit for unused, earned sick days. This provision of the pension plan is administered by IMRF and an employee considering retirement should contact IMRF for additional information regarding the conversion of unused sick days to service credit.

Benefit Calculations For Employees With Multiple Payrates

Employees having more than one rate of pay should refer to **Policy 315 Normal Weekly Hours** for benefits calculations.

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606 Victims' Economic Security and Safety Act (VESSA) Leave (Continued)

Updated: 11/02/2021

Applying for Leave

Employees should provide as much notice as is practicable, and if possible, a written request for a VESSA leave should be made to the Executive Director at least 48 hours in advance of foreseeable events and as soon as possible for unforeseeable events.

Certification

It will be requested that the employee submit certification demonstrating the need for a VESSA leave. The certification should be provided by the employee as soon as reasonably possible.

The certification requirement may be satisfied by the submission of a sworn statement from the employee and one of the following:

- Documentation from a victim services organization, attorney, clergy, or medical or other professional from whom the employee or the family/household member has sought assistance from in addressing domestic, sexual, gender violence or crime of violence and/or its effects;
- A police or court record; or
- Other corroborating evidence.

All information and documentation related to the employee's need for the leave pursuant to this policy will be held in strict confidence and will only be disclosed as required/permitted by law.

Employees may request up to a maximum of 12 workweeks of VESSA leave within any 12 month period. A "workweek" shall be defined as the number of hours an employee is expected to work in one week, as noted, in the employee's personnel file. The 12 month period is determined by using a "rolling calendar"; 12 weeks would be available in any 12 month period counted back from the requested leave start date. Each time an employee takes a VESSA leave, any balance of the 12 weeks which has not been used during the immediately preceding 12 months is available to the employee, with approval. If the need for the leave also qualifies as a Family and Medical Leave (FMLA), the FMLA leave will run concurrently with the leave taken pursuant to this policy, such that the total amount of unpaid leave for which an employee will be eligible in one year may not exceed the 12 week maximum limit. ~~Any combination of VESSA leave and medical or FMLA leave may not exceed this 12 week maximum limit.~~

Intermittent and Reduced Schedule

Under the Victim's Economic Security and Safety Act requirements, RML also provides employees with the option of an intermittent or reduced schedule VESSA leave of absence. The employer and employee shall attempt to work out a schedule that meets the employee's needs without unduly disrupting the employer's operations.

Use and Accrual of Paid Benefits While on Leave

The employee may choose to use any earned paid benefits available at the leave start date.

Benefit hours will continue to accrue during any portion of the leave the employee is receiving compensation from the Library. While benefit hours accrued during the leave cannot be used during the leave of absence, they will become available for use when the employee returns to work. Benefit accrual will stop when the employee is no longer receiving compensation from the Library.

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606 Victims' Economic Security and Safety Act (VESSA) Leave (Continued)

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606 Victims' Economic Security and Safety Act (VESSA) Leave (Continued)

Updated: 11/02/2021

Insurance Benefits While on Leave

The terms and conditions of insurance coverage shall continue on the same terms during a VESSA Leave as if the employee continued to work.

If applicable paid benefits are exhausted and VESSA continues unpaid, monthly insurance premiums will continue to be paid by the Library. Upon return to work the employee will pay, through payroll deduction, any employee insurance contributions paid by RML for the unpaid Leave period.

Return to Work

To allow the library to prepare work schedules and adjust staffing, an employee on VESSA leave is requested to provide RML with at least two weeks advance written notice of the date the employee intends to return to work. If the employee takes the leave because of their own medical condition, the employee may be required to provide medical certification that they are fit to resume work.

When a VESSA leave ends, job reinstatement is subject to the terms of the Victims' Economic Security and Safety Act. In general, the employee will be reinstated to the same position, if it is available, or to an equivalent available position for which the employee is qualified.

Should you wish to request a reasonable accommodation pursuant to this policy, the employee should contact the Executive Director.

Under the provisions of this Act, no employee will be disciplined or discharged because the workplace is disrupted or threatened by the actions of a person who has committed or threatened domestic or sexual violence against the employee or the employee's family or household member. One definition of discrimination is the failure to make a reasonable accommodation.

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803 Whistleblower Policy

Updated: 11/02/2021

A whistleblower as defined by this policy is an employee or contractor of the Rolling Meadows Library who reports an activity that he/she considers to be illegal or dishonest to one or more of the members of the Library Management or Board. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee/contractor has knowledge of or a concern of illegal or dishonest fraudulent activity, they should promptly report the matter to RML's Auditing Official, the Executive Director. In the event that individual is the subject of the complaint and/or not available, the employee should immediately contact, the Board President, the Administrative Services Coordinator, or any other member of the Board or Library management. In order to qualify for the protections under this law, an employee/contractor must submit a written report of the improper government action. Confidentiality of the individual making the complaint, as well as any witnesses, will be respected to the extent permitted by law.

Under this law employees/contractors are given protection against retaliation for:

- Reporting an improper governmental action pursuant to this policy;
- Cooperating with an investigation by an auditing official related to a report of improper governmental action; or,
- Testifying in a proceeding or prosecution arising out of an improper governmental action.

This protection includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under this policy. Any whistleblower who believes he/she is being retaliated against should contact the Auditor, or his/her designee, immediately. Reports of retaliation must be made in writing and within 60 (sixty) days of learning of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities pursuant to this policy must be made in writing and will be promptly investigated. Upon completion of the investigation, the Complainant and Respondent will be notified that the investigation has ended, and the decision made. This notification may take place orally or in writing. If the Auditor, or his/her designee, determines this policy has been violated, the Board will be notified. Remedies and discipline for policy violations will be in accordance with applicable law.

LOCAL GOVERNMENT
(50 ILCS 105/) Public Officer Prohibited Activities Act.

(50 ILCS 105/4.1)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 4.1. Retaliation against a whistleblower.

(a) It is prohibited for a unit of local government, any agent or representative of a unit of local government, or another employee to retaliate against an employee or contractor who:

- (1) reports an improper governmental action under this Section;
- (2) cooperates with an investigation by an auditing official related to a report of improper governmental action; or
- (3) testifies in a proceeding or prosecution arising out of an improper governmental action.

(b) To invoke the protections of this Section, an employee shall make a written report of improper governmental action to the appropriate auditing official. An employee who believes he or she has been retaliated against in violation of this Section must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action. If the auditing official is the individual doing the improper governmental action, then a report under this subsection may be submitted to any State's Attorney.

(c) Each auditing official shall establish written processes and procedures for managing complaints filed under this Section, and each auditing official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures. If an auditing official concludes that an improper governmental action has taken place or concludes that the relevant unit of local government, department, agency, or supervisory officials have hindered the auditing official's investigation into the report, the auditing official shall notify in writing the chief executive of the unit of local government and any other individual or entity the auditing official deems necessary in the circumstances.

(d) An auditing official may transfer a report of improper governmental action to another auditing official for investigation if an auditing official deems it appropriate, including, but not limited to, the appropriate State's Attorney.

(e) To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. Auditing officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.

(f) The following remedies are available to employees subjected to adverse actions for reporting improper government action:

(1) Auditing officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.

(2) In instances where an auditing official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.

(g) A person who engages in prohibited retaliatory action under subsection (a) is subject to the following penalties: a fine of no less than \$500 and no more than \$5,000, suspension without pay, demotion, discharge, civil or criminal prosecution, or any combination of these penalties, as appropriate.

(h) Every employee shall receive a written summary or a complete copy of this Section upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable auditing official.

(i) As used in this Section:

"Auditing official" means any elected, appointed, or hired individual, by whatever name, in a unit of local government whose duties are similar to, but not limited to, receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the unit of local government; investigating the performance of officers, employees, functions, and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the municipality. If a unit of local government does not have an "auditing official", the "auditing official" shall be a State's Attorney of the county in which the unit of local government is located within.

"Employee" means anyone employed by a unit of local government, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. "Employee" also includes members of appointed boards or commissions, whether or not paid. "Employee" also includes persons who have been terminated because of any report or complaint submitted under this Section.

"Improper governmental action" means any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action". "Improper governmental action" does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

"Retaliate", "retaliation", or "retaliatory action" means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under this Section. "Retaliatory action" includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under this Section.

(Source: P.A. 101-652, eff. 7-1-21.)