



DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642

(630)834-0100 Fax: (630)834-0120

CELEBRATING 15 YEARS OF WATER SERVICE

AGENDA

ADMINISTRATION COMMITTEE

THURSDAY, JUNE 14, 2007

7:00 P.M.

**600 EAST BUTTERFIELD ROAD
ELMHURST, IL 60126**

COMMITTEE MEMBERS

L. Hartwig, Chair

D. Zeilenga

E. Chaplin

W. Murphy

- I. Roll Call
- II. Approval of Minutes of May 10, 2007
- III. Commissioner Contact Information on Website (Referred from April 12, 2007 Commission Meeting)
- IV. Employee Handbook
- V. Possible Subsequent Customer; Royce Realty; Oakbrook Terrace Service Corp.
- VI. Other
- VII. Adjournment

Board/Agendas/Administration/ADM0706.DOC

All visitors must present a valid drivers license or other government-issued photo identification, sign in at the reception area and wear a visitor badge while at the DuPage Pumping Station.

**MINUTES OF A MEETING OF THE
ADMINISTRATION COMMITTEE
OF THE DUPAGE WATER COMMISSION
HELD ON MAY 10, 2007**

The meeting was called to order at 7:00 P.M. at the Commission's office located at 600 East Butterfield Road, Elmhurst, Illinois.

Committee members in attendance: W. Murphy, D. Zeilenga, and L. Hartwig

Committee members absent: E. Chaplin and L. Rathje (*ex officio*)

Also in attendance: R. Martin, M. Crowley, and Michael J. Ranallo, Esq. (Holland & Knight)

Commissioner Murphy moved to approve the Minutes of the March 8, 2007, Administration Committee meeting. Seconded by Commissioner Zeilenga and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

With respect to the question of posting Commissioner contact information on the Commission's Website, Commissioner Hartwig recommended, and the other members of the Committee concurred, that the matter should be deferred until after the discussion of the new Employee Handbook (Personnel Manual).

With respect to the new Personnel Manual, Commissioner Hartwig complimented staff on their hard work and advised that there were only a handful of policy questions with respect to which he would like further direction from staff. In response to Commissioner Hartwig's question concerning the need for a formal employee appeal process, Mr. Ranallo advised that a formal process could be added but, given the size of the Commission—appeals would have to be taken to one or more Board members—and the need to preserve the "at will" nature of the employment relationship, Mr. Ranallo cautioned against implementing too cumbersome a process. After noting that the General Manager should be keeping the Board informed of any potentially significant personnel issues, it was the consensus of the Committee that a formal appeals process was not needed.

In response to Commissioner Hartwig's question concerning the Americans with Disabilities Act, Mr. Ranallo advised that although there is no specific section or subsection in the handbook devoted to the ADA, ADA issues are addressed in Section 3, which deals with discrimination, harassment, and requests for reasonable accommodation, and ADA concepts are addressed in Section 4.1, which deals with post-offer, pre-employment medical examinations. Commissioner Hartwig then requested, and the other members of the Committee concurred, that some classification other than "Probationary" should be used in reference to new hires to reinforce the "at will" nature of the employment relationship.

In response to Commissioner Hartwig's question concerning the need for a formal "Light Duty" policy, General Manager Martin advised that he was not in favor of such a policy because the Commission was not very successful in assigning Light Duty to workers in

the past. After Commissioner Zeilenga noted that Light Duty was one method by which to encourage workers to return to full duty as soon as they were physically ready, and Mr. Ranallo concurred so long as the policy was applied even-handedly, General Manager Martin changed his opposition to such a policy, and it was the consensus of the Committee that a formal Light Duty policy should be added to the Personnel Manual.

Commissioner Hartwig's final policy question related to "offensive jokes" and the like, and whether employees should be required to first "establish boundaries" before proceeding to the formal complaint process. Mr. Ranallo advised that although the Commission could not legally restrict an employee's right to complain of offensive conduct, he was aware that the annual sensitivity/harassment training initiated by the Staff Attorney included encouraging employees to first attempt to establish such boundaries. It was the consensus of the Committee that no changes needed to be made to the Personnel Manual in this regard so long as the annual training continued to encourage employees to set their own boundaries.

Commissioner Poole, who briefly stopped by the meeting, complimented staff on the draft and noted his only concern was whether there needed to be a mandatory Stand-By requirement (unless contractors were on call to respond to emergency situations). General Manager Martin advised that the Commission has never had a problem with employees failing to report back to work when requested and, in fact, has a wait list of employees wanting overtime.

Commissioner Zeilenga suggested, for reasons of safety, that there should be some limitation on the number of hours an employee could work in any 24-hour period, even in emergencies. The other members of the Committee concurred with Commissioner Zeilenga's suggestion.

With respect to the Military Leave Policy that was discussed at the February 2007 Administration Committee meeting at Commissioner Maio's request, it was the consensus of the Committee that the streamlined policy contained in the current draft of the Personnel Manual should be used given that there are at least seven Illinois statutes and one federal statute that variously regulate military leaves. The Committee did, however, direct the Staff Attorney and Mr. Ranallo to discuss the matter directly with Commissioner Maio.

After Commissioner Murphy extended his compliments to staff on the new Personnel Manual, General Manager Martin inquired whether the Committee agreed with staff's request that additional vacation time be allocated to employees with 20 years of service. Commissioner Zeilenga responded that any change in vacation policy should only be considered in concert with the Commission's sick leave policy. After being informed that the Commission's current sick leave policy provided employees with a maximum of 90-days in any five-year period in order to allow employees with serious illnesses or injuries to become eligible for the Commission's long-term disability insurance, the Committee requested that the sick leave and disability policies of the Commission's

Minutes 05/10/07 Administration Committee Meeting

customers be investigated. Staff was also directed to ascertain the cost associated with changing the Commission's long-term disability insurance from a 90-day waiting period to a 30-day period.

There being no other questions from the Committee, Commissioner Hartwig directed staff to prepare another draft of the new Personnel Manual, and obtain the additional information requested, in accordance with the discussions of the Committee. Commissioner Hartwig then concluded the discussion on the new Personnel Manual by noting he would be requesting questions, comments, and concerns from the other Commissioners at the Board meeting, and would be advising the Board that the matter should be able to be brought to the full Board for final approval in either June or July.

With respect to the question of posting Commissioner contact information on the Commission's Website, Commissioner Hartwig recommended, and the other members of the Committee concurred, that the matter should be deferred to the June meeting due to Commissioner Chaplin's absence. The Committee did direct staff, however, to investigate the contact information that Commission customers provide to the public.

Commissioner Murphy moved to adjourn the meeting at 7:29 P.M. Seconded by Commissioner Zeilenga and unanimously approved by a Voice Vote.


All voted aye. Motion carried.



DuPage Water Commission

MEMORANDUM

TO: Chairman Rathje and Commissioners

FROM: Robert L. Martin, P.E.
General Manager 

DATE: May 21, 2007

SUBJECT: Board Contact Information Survey

Attached please find a survey that was conducted on our customers regarding the posting of personal board contact information on websites.

GOVERNING BOARD CONTACT INFORMATION SURVEY

Government Customer Board Trustees	City/Village Phone No. Listed	Non City/Village Phone No. Listed	Both
Addison, Village of			X
Bensenville, Village of	X		
Bloomington, Village of	X		
Carol Stream, Village of	X		
Clarendon Hills, Village of	X		
County of DuPage		X	
Darien, City of	X		
Downers Grove, Village of	X		
Elmhurst, City of	X		
Glendale Heights, Village of	X		
Glen Ellyn, Village of	X		
Hinsdale, Village of		X	
Itasca, Village of	X		
Lisle, Village of	X		
Lombard, Village of			X
Naperville, Village of			X
Oak Brook, Village of	X		
Oakbrook Terrace, City of	X		
Roselle, Village of	X		
Villa Park, Village of	X		
Westmont, Village of	X		
Wheaton, City of	X		
Willowbrook, Village of	X		
Winfield, Village of		X	
Wood Dale, City of			X
Woodridge, Village of	X		

administration/survey/board contact information

MEMORANDUM

June 7, 2007

To: Administration Committee

From: Michael J. Ranallo *MJR*

Cc: Chairman and Commissioners

Re: Revisions to Proposed DuPage Water Commission Employee Handbook
Since May 10, 2007 Meeting

In follow-up to the Administration Committee meeting held on May 10, 2007, we have made a number of revisions to the proposed new Employee Handbook. The revisions are highlighted in yellow when reviewed electronically, and are shaded when reviewed in hardcopy form. The revisions are based primarily on our discussions with, and suggestions made by, the Commissioners at the May 10 meeting. The revisions are as follows:

1. We changed the name of the "probationary period" in Section 4.8 to the "orientation and basic training period." The purpose of this change is twofold. First, elimination of the term "probationary period" strengthens the Commission's position that all employees are employed at will. There is a notion that employees who complete their probationary period may believe that they thereafter can only be discharged "for cause," or that they have other contractual rights to their employment following completion of this period. By eliminating this term, we dispel this notion. Second, in describing the first six months of an employee's employment with the Commission as the "orientation and basic training period," we more accurately describe what occurs during this period. Thus, during this period, the new employee completes an extensive orientation program and undergoes basic training. We say "basic training" to distinguish this training from the ongoing, more sophisticated training that all employees receive throughout their employment.
2. We added language in Section 4.11 (Hours of Work) stating that "employees are prohibited from working more than eighteen (18) hours in any twenty-four (24) hour period under any circumstance." We made this change for reasons of safety.
3. In light of discussions with Commissioner Maio after the May 10th meeting, we substantially rewrote the military leave policy in Section 8.6. Whereas the earlier version of Section 8.6 simply stated that the Commission complies with all federal and state military leave laws, the rewritten policy is much more detailed. The rewritten policy emphasizes that the Commission fully supports its employees serving in the National Guard and the Reserves and endeavors to minimize the financial impact of their military service. Accordingly, the policy states that employees called to active military service will receive their regular Commission compensation, either in full, or minus their military pay, as required by applicable Illinois law. The policy also states that employees

generally will be returned to their previous positions following their military service at the same salary level and with the same benefits that they would be receiving had they not been called away on military duty. The policy further specifies when employees are to give notice to the Commission regarding their call to duty, and describes when employees are to seek reemployment after their military service has been completed.

4. We added a light duty policy in Section 8.16 pursuant to which employees who are injured on the job and are unable to perform their regular duties may be offered light duty work consistent with their medical limitations. The policy states that light duty assignments are temporary and may not exceed six (6) months in duration. The policy also states that employees on light duty will be paid their regular salary or hourly rate. The purpose of this policy is to return employees to work rather than having them sit at home collecting workers compensation disability benefits when they are capable of performing light duty tasks.
5. In addition to the foregoing changes, we also made some additional changes unrelated to the discussions at the Administration Committee meeting on May 10th. These additional changes also are highlighted in yellow when viewing the latest version of the handbook electronically, and are shaded when viewing the new version in hardcopy form. These changes are as follows:
 - We made minor wording improvements in Section 3.2, which describes the Commission's Internal Complaint Procedure.
 - We added new language in Section 4.13, which deals with time records for nonexempt employees. The new language clarifies the circumstances under which nonexempt employees are to be compensated during meal periods.
 - We added "politicians" and "political causes" among the topics in Section 4.23 (dealing with solicitation and distribution) on which solicitation in the workplace is restricted.

DRAFT 5/30/07

**DuPAGE WATER COMMISSION
EMPLOYEE HANDBOOK**

Effective: _____ 1, 2007

TABLE OF CONTENTS

CHAPTER 1 INTRODUCTION	1-1
1.1 Purpose.....	1-1
1.2 Disclaimer	1-1
1.3 Open Door Policy	1-1
1.4 Administration	1-1
1.5 General Manager's Authority	1-2
1.6 Human Resources Manager.....	1-2
1.7 Interpretation	1-2
1.8 Savings Clause.....	1-2
CHAPTER 2 EMPLOYMENT CLASSIFICATIONS.....	2-1
CHAPTER 3 EQUAL EMPLOYMENT OPPORTUNITY.....	3-1
3.1 Policy Against Discrimination and Harassment	3-1
3.2 Internal Complaint Procedure.....	3-2
3.3 External Complaint Procedure.....	3-3
3.4 Policy Against Retaliation	3-3
CHAPTER 4 EMPLOYMENT POLICIES, PROCEDURES AND RULES.....	4-1
4.1 Employment Applications and Resumes	4-1
4.2 Anti-Nepotism Policy	4-1
4.3 Background Investigations [amended 204]	4-1
4.4 Testing.....	4-2
4.5 Medical Examinations and Medical Records	4-2
4.6 Uniforms and Protective Clothing.....	4-2
4.7 Immigration and Naturalization	4-3
4.8 Orientation and Basic Training Period.....	4-3
4.9 Personnel Records.....	4-3
4.10 Attendance and Punctuality.....	4-4
4.11 Hours of Work.....	4-5
4.12 Overtime	4-5
4.13 Time Records – Nonexempt Employees.....	4-6
4.14 Emergency Call-Out Pay.....	4-6
4.15 Paychecks.....	4-6
4.16 Payroll Deductions	4-6
4.17 Performance Reviews	4-7
4.18 Annual Review and Pay Adjustments.....	4-8
4.19 Filling of Vacancies/Transfers	4-8
4.20 Professionalism.....	4-8
4.21 Dress Code	4-8
4.22 Electronic Communications Systems Policy.....	4-8

4.23	Solicitation and Distribution	4-13
4.24	Bulletin Boards.....	4-14
4.25	Use of Equipment and Facilities	4-14
4.26	Return of Property.....	4-14
4.27	Duplication, Removal, and Return of Information and Documents	4-15
4.28	Confidential Information	4-15
4.29	Business Ethics; Conflict of Interest; Gifts and Gratuities	4-15
4.30	Outside Employment	4-16
4.31	Employee Complaint Resolution Process	4-16
4.32	Termination/Resignation.....	4-17
4.33	Use of Commission and Personal Vehicles	4-18
 CHAPTER 5 DRUG/ALCOHOL-FREE WORKPLACE [THIS ENTIRE CHAPTER REPLACES AND DERIVED IN PART FROM 301.7]		
5.1	General Policy And Rules	5-1
5.2	Definitions.....	5-2
5.3	Drug and Alcohol Testing	5-2
 CHAPTER 6 EMPLOYEE SAFETY AND HEALTH		
6.1	General Safety Policy.....	6-1
6.2	Safety Manual.....	6-1
6.3	Executive Safety Committee, Employee Safety Committee and Safety Coordinator [New; replaces 301.3].....	6-1
6.4	Employee Safety and Reporting Responsibilities.....	6-1
6.5	Safety-Related Examinations.....	6-2
6.6	Smoking	6-2
6.7	Workplace Nonviolence Policy	6-2
 CHAPTER 7 EMPLOYEE CONDUCT AND WORK RULES.....		
7.1	General Standards of Good Conduct [Replaces and substantially embellishes upon 402.1].....	7-1
7.2	Disciplinary Action	7-3
 CHAPTER 8 : EMPLOYEE BENEFITS		
8.1	Summary of Employee Benefits.....	8-1
8.2	Calculation of Compensation Related to Benefits for Nonexempt Employees	8-1
8.3	Eligibility for Benefits.....	8-2
8.4	Paid Holidays.....	8-2
8.5	Paid Vacation	8-3
8.6	Military Leave	8-3
8.7	Family Military Leave	8-4
8.8	Medical Leave.....	8-5
8.9	Jury and Witness Duty Leave.....	8-6

8.10	Bereavement Leave	8-6
8.11	Personal Leave	8-6
8.12	Blood Donation Leave [New]	8-7
8.13	Victim's Economic Security and Safety ("VESSA") Leave	8-7
8.14	Medical and Dental Insurance	8-8
8.15	Workers' Compensation Insurance	8-9
8.16	Light Duty Policy	8-9
8.17	Disability Insurance	8-10
8.18	Life Insurance	8-10
8.19	Insurance Benefit Booklets and Forms	8-10
8.20	Retirement Plan	8-10
8.21	Deferred Compensation	8-11
8.22	Flexible Benefits Plan	8-11
8.23	Advanced Education Tuition Reimbursement Program	8-11
8.24	Employee Assistance Program	8-13

CHAPTER 1 INTRODUCTION

1.1 Purpose [Replaces existing "introductory statement"]

This Employee Handbook has been prepared as a general reference guide to help familiarize employees of the DuPage Water Commission ("the Commission") with the Commission's basic policies, procedures, and rules, as well as the many employee benefits it provides. The policies, procedures, and rules contained in this Handbook apply to all full-time, part-time, and short-term employees. The portions of the Handbook pertaining to employee rights and benefits are applicable to all full-time employees and may be applicable to part-time and short-term employees. The Handbook specifically supersedes and replaces all previous employee handbooks, employee personnel regulations, and employee manuals issued by the Commission, except for any employment contracts, the By-laws of the Commission, and the Safety Manual referenced in Chapter Six of this Handbook, and except as otherwise expressly provided in this Handbook.

1.2 Disclaimer [Replaces existing "introductory statement"]

Please note that *this Handbook is not a contract or an offer to form a contract*. It is not intended to create any binding contractual commitments between the Commission and any employee. Further, it does not provide any guarantee or assurance of continued employment with the Commission for any particular term. Notwithstanding anything contained in this Handbook or in any other current or future policy statement or practice, the *Commission and its employees retain the mutual right to terminate the employment relationship "at will," with or without warning, notice, or cause*. No representative of the Commission other than General Manager has the authority to make any binding representations, whether oral or written, contrary to the foregoing or purporting to guarantee any particular benefits, procedures, terms, or conditions of employment.

1.3 Open Door Policy [New]

The Commission encourages employees, as well as management, to talk openly to each other about work and working relationships so that effective, continuous, employee/management communications exist. Employees who have questions about the contents of this Handbook, or about any aspect of their employment, are encouraged to raise them with their supervisor or the General Manager. The General Manager will provide employees with the information they need or direct them to someone who can do so. The Commission takes pride in keeping an open line of communication with all employees.

1.4 Administration [New]

The administration of this Handbook shall be the responsibility of the General Manager of the Commission. The policies, procedures, and rules contained herein shall not be construed to limit the power and authority of the General Manager to make additional policies, procedures, and rules governing the conduct and performance of employees. Rules, standing orders, and/or operational directives in place as of the Effective Date of this Handbook shall remain in place unless specifically rescinded by the policies contained in this Handbook or subsequent

amendments to this Handbook. For the purposes of this Handbook, the General Manager's supervisor shall be the Board of Commissioners.

1.5 General Manager's Authority [Replaces and derived from 103]

The General Manager of the Commission serves at the will of the Commission subject to a separate contractual arrangement. This Handbook does not apply to the General Manager or to his or her employment relationship with the Commission.

All other employees serve at the will of the General Manager, or his or her designee, and the General Manager, or his or her designee, has final authority over all aspects of their employment relationship with the Commission, subject only to general policies adopted by the Commission.

Throughout this Handbook, all references to the authority and duties of the General Manager also shall mean that the General Manager's designee has such authority and duties unless specifically indicated otherwise.

1.6 Human Resources Manager [New]

The Human Resources Manager of the Commission is responsible for administering certain policies, procedures, and practices as specified in this Handbook. From time to time, the General Manager may designate the Financial Administrator or other Commission employees to perform such duties.

1.7 Interpretation [New]

In construing this Handbook, pronouns include all genders and the plural includes the singular and vice versa. The headings, titles, and captions in this Handbook have been inserted for convenience only and in no way define, limit, extend, or describe the scope and intent of this Handbook.

1.8 Savings Clause [New]

If, by reason of any action by the appropriate legislative or judicial authority, any provision of this Handbook becomes, or is declared to be, unlawful or otherwise invalid, the other provisions shall remain in full force and effect.

CHAPTER 2 EMPLOYMENT CLASSIFICATIONS [Replaces and derived from 201.2, as amended]

All employees of the Commission fall within one of the following classifications, which are relevant to determining their eligibility for benefits:

- **Full-Time Employees:** Full-time employees are those who are not assigned to a temporary status, and who regularly are scheduled to work 30 hours or more per week.
- **Part-Time Employees:** Part-time employees are those who are not assigned to a temporary status, and who regularly are scheduled to work less than 30 hours per week.
- **Temporary Employees:** Temporary employees are those who are hired for a limited period to temporarily supplement the work force, or to assist in the completion of a specific project, or as an interim replacement. Temporary employees retain a temporary status unless and until notified of a change. Employment beyond any initially stated period does not in any way imply a change in employment status.

All employees of the Commission also fall within one of the following classifications, which are relevant to determining their eligibility for overtime pay:

- **Exempt Employees:** Exempt employees generally are those who are paid on a salaried basis and who serve in executive, administrative, professional or other “exempt” positions as defined in applicable wage and hour laws. Their salaries are intended to fully compensate them for all hours which they may be required to work to perform their assigned responsibilities. Accordingly, they are not eligible for additional, overtime pay.
- **Nonexempt Employees:** Nonexempt employees are those who are entitled to overtime pay for all hours worked in excess of 40 in any work week.

For the purposes of this Chapter, “week” shall mean seven consecutive days, starting on Sunday and ending on the following Saturday.

CHAPTER 3 EQUAL EMPLOYMENT OPPORTUNITY

3.1 Policy Against Discrimination and Harassment [Replaces and substantially embellishes upon 101 and 401.3]

To provide equal employment opportunities to all individuals, employment decisions at the Commission are based on an assessment of the individual's merits, qualifications, and abilities. They are never based on or affected by an applicant's or employee's race, color, religion, sex, sexual orientation, national origin, ancestry, citizenship status, age, marital status, physical or mental disability or handicap, or any other characteristic protected by law. The Commission also will make reasonable accommodations, as required by law, for qualified individuals with disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, discharge, leaves of absence, and access to benefits and training.

The Commission is committed to providing a work environment that is free of all forms of unlawful discrimination and harassment. Actions, words, jokes, or comments based on an individual's race, color, religion, sex, national origin, ancestry, age, marital status, disability, handicap or other legally protected characteristic will not be tolerated. Harassment of the Commission's employees by non-employees, such as suppliers and other third parties with whom our employees interact while performing their job duties, also is unlawful and strictly prohibited.

As an example, sexual harassment – both overt and subtle – is a form of employee misconduct that is demeaning to others and undermines the integrity of the employment relationship. Sexual harassment consists of: (1) making sexual advances, requesting sexual favors, or engaging in other verbal or physical conduct of a sexual nature, (2) conditioning any aspect of an individual's employment on his or her response to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, or (3) creating an intimidating, hostile, or offensive working environment by sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment is unlawful and prohibited regardless of whether it is between or among members of the same sex or opposite sexes.

The following non-exclusive list sets forth examples of the conduct that violates the Commission's policy against sexual harassment:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or other unwelcome physical contact (*e.g.*, touching, pinching, patting, grabbing, rubbing, or brushing against another employee's body);
- Unwelcome sexual advances, propositions, or other sexual comments such as sexually-oriented gestures, sounds, remarks, jokes, or comments about a person's sex, sexuality, or sexual experiences;
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct; or subjecting or threatening to subject an

employee to more onerous terms or conditions of employment because of that employee's sex or rejection of sexual advances, propositions, or comments; and

- Sexual or discriminatory displays or publications anywhere in the workplace, such as displays of pictures, posters, calendars, graffiti, objects, books, or other materials that are sexually suggestive, demeaning, or pornographic.

The Commission is committed to enforcing its policy against unlawful discrimination and harassment vigorously at all levels of the organization. All employees must conduct themselves in a way that ensures they do not engage in acts of unlawful discrimination or harassment. All supervisors and managers are responsible for making sure that the employees who report to them are aware of this policy, for ensuring that their personnel decisions comply with this policy, and for taking corrective action (after consultation with the General Manager) when inappropriate behavior has been identified following an investigation. Conduct that disregards or violates this policy will not be tolerated. Guilty parties will be subject to appropriate disciplinary action, up to and including discharge.

3.2 Internal Complaint Procedure [New]

Any employee who feels that he or she has been subjected to or has witnessed unlawful discrimination or harassment in the workplace immediately should report the matter – preferably in writing – to his or her immediate supervisor, the supervisor of the Commission employee engaging in the alleged unlawful discrimination or harassment, or the General Manager (or, in the case of a complaint against the General Manager, to a member of the Board of Commissioners). The supervisor or General Manager (or Commissioner) will, in turn, see that the matter is promptly investigated. This may include, but is not necessarily be limited to, interviewing the complaining employee, the alleged harasser, supervisors, and other personnel as necessary to obtain sufficient factual information on which to base a decision. In all cases, the investigation will be conducted by persons who are not involved in the alleged harassment or discrimination. Confidentiality will be maintained to the extent it is consistent with the Commission's obligation to conduct a full and effective investigation.

Alternatively, an employee may report a complaint of discrimination or harassment by following the Complaint Resolution Process set forth later in this Handbook.

After the investigation, the General Manager and other appropriate supervisor(s) will evaluate the facts uncovered in the investigation and will reach a decision regarding the validity of the complaint within a reasonable period of time. If the complaint is substantiated, appropriate corrective action will be taken. This may include discharge or other discipline of the employee who engaged in inappropriate behavior. A written record of any such disciplinary action will be placed in the personnel file of the employee who engaged in the inappropriate behavior. In the case of unlawful harassment by a non-employee, the Commission will notify the person of the Commission's policy against harassment and take such other action as may be appropriate under the circumstances. If the complaint is not substantiated, the matter will be closed. In either case, however, the complaining employee will be advised of the results of the investigation and the decision reached by the Commission.

3.3 External Complaint Procedure [New]

The Commission hopes that any incident of harassment can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with the IDHR must be filed within 180 days of the incident of harassment. A charge with the EEOC must be filed within 300 days of the incident.

3.4 Policy Against Retaliation [New]

The Commission's policy prohibits retaliation against any employee who lodges a good faith complaint of unlawful discrimination or harassment in the workplace, who files a charge regarding the same, or who participates in any related investigation or proceeding. Employees should use the above-referenced complaint procedure to report incidents of alleged retaliation. The same procedures will be followed in investigating and responding to such reports. The Commission wants to encourage the reporting of unlawful discrimination, harassment, and retaliation and, at the same time, to protect the reputation of any employee wrongfully charged with such conduct.

CHAPTER 4 EMPLOYMENT POLICIES, PROCEDURES AND RULES

4.1 Employment Applications and Resumes [Replaces and partially derived from 102]

All applicants for employment at the Commission shall file applications on forms provided by the Commission. The Commission relies on the accuracy of information contained in the employment application and resume, and otherwise presented by the applicant during the hiring process. Any omission or misstatement of material fact on an employment application, resume, or other document used to secure employment with the Commission, or during any pre-employment interview, will be grounds for rejection of the individual's application or for immediate discharge if the individual already has been hired, regardless of the time elapsed before discovery.

As stated in the Commission's employment application, offers of employment are conditioned upon the satisfactory outcome, as determined by the Commission, of a post-offer body substance drug and alcohol test, conducted by a testing facility of the Commission's choice. Offers of employment for applicants filling non-administrative positions also shall be conditioned upon the satisfactory outcome of a medical and physical examination by a physician of the Commission's choice. Based on the results of the drug and alcohol test, and when required, the medical and physical examination, an offer of employment may be withdrawn or, if an applicant has already started working, an employee may be subject to disciplinary action, up to and including immediate dismissal from employment, as determined in the Commission's discretion.

4.2 Anti-Nepotism Policy [Replaces and substantially embellishes upon 101 re nepotism]

The employment of relatives can cause various problems, including charges of favoritism, conflicts of interest, family discord, and scheduling conflicts that work to the disadvantage of both the Commission and its employees. Therefore, it is the policy of the Commission not to hire or employ a close relative of any Commissioner of the Commission, the General Manager, or any supervisory-level employee of the Commission.

For purposes of this policy, the term "close relative" includes the following relationships, whether established by blood, marriage, or other legal action: mother, father, husband, wife, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, step-child, aunt, uncle, nephew, niece, or cousin.

4.3 Background Investigations [amended 204]

The Commission may require employees to submit to a thorough background investigation, which may include an investigation of their past employment, background, criminal record history, fingerprints, education, and activities. By accepting and continuing employment with the Commission, employees agree to cooperate in such investigations, and to release and discharge from all liability, responsibilities, claims, or damages of any kind or nature (1) all persons or entities requesting or supplying information pursuant to such investigations,

including without limitation the Commission, (2) any reference from whom information is obtained, and (3) any third party which provides information used for employment purposes. Employees who refuse to consent to a background investigation may be subject to discipline, up to and including immediate dismissal from employment, as determined in the Commission's discretion. As stated in the Commission's employment application, employees also authorize the Commission to supply their employment record, in whole or in part, without prior notice, to any prospective employer, government agency, or other party with a legal or proper interest.

4.4 Testing [New]

Tests related to requirements for a particular position may be administered during the application process.

4.5 Medical Examinations and Medical Records [Replaces and derived from 102 and 203.3]

All offers of employment are contingent upon the satisfactory outcome of a post-offer body substance drug and alcohol test, conducted by a testing facility of the Commission's choice. All offers of employment to applicants filling non-administrative positions also are contingent upon the satisfactory outcome of a medical and physical examination, conducted by a physician of the Commission's choice. Offers of employment may be withdrawn based on the results of a medical and physical examination if the reason for such withdrawal is job-related and justified by business necessity. Such a reason may include, but is not limited to, the fact that the prospective employee (1) is unable to perform the essential functions of the offered position, with or without reasonable accommodation, or (2) would pose a significant, specific, current risk of substantial harm to fellow employees, to the public, or to himself or herself that cannot be eliminated or reduced to an acceptable level by reasonable accommodation.

All employees in non-administrative positions must undergo an annual medical and physical examination conducted by a physician of the Commission's choice. The purpose of this examination is to determine that employees in non-administrative positions are physically capable of performing their job duties without posing a significant risk of serious harm to themselves or to others.

Medical records and other information regarding the medical condition or history of an employee obtained from a physical or medical examination of such employee shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential, except that (1) supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations; (2) first aid and safety personnel may be informed, when appropriate, if the employee's disability might require emergency treatment; and (3) other disclosure may be permitted as required by law or as authorized by the employee.

4.6 Uniforms and Protective Clothing [Replaces and derived from 304.2]

The Commission issues Commission uniforms to all nonexempt employees except for nonexempt administrative staff. Such uniforms shall be worn at all times when such employees

are on duty. Where appropriate, the Commission also issues safety boots, coveralls, and other protective clothing. Such clothing shall be worn at all times while performing tasks involving the conditions or hazards for which such clothing is designed. If any employee believes that protective clothing of any type is required by the conditions or hazards of his or her job, and such clothing has not been issued, the employee shall so advise his or her supervisor.

4.7 Immigration and Naturalization [New]

The U. S. Immigration and Naturalization Service requires all candidates for employment to complete an I-9 Form and to provide the Commission with certain documentation establishing their identity and employment eligibility within three days after commencing employment. The documents provided by the candidate will be copied and filed with his or her I-9 Form. The Commission cannot lawfully employ any candidate who fails to properly complete this process.

4.8 Orientation and Basic Training Period [Replaces and substantially derived from 202]

All newly hired employees, re-hired employees, and existing employees transferring to a new employment classification or job assignment must undergo a six (6)-month orientation and basic training period ("OBT period"). If the General Manager determines that the initial OBT period does not allow sufficient time to properly evaluate the employee's qualifications and performance, the OBT period may be extended.

The OBT period is intended to give employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether their employment with the Commission meets their expectations. The Commission uses this period to evaluate the employee's qualifications, work habits, and overall performance. Employees will receive a performance evaluation at the end of their OBT period.

Satisfactory completion of the OBT period, with or without an accompanying salary increase, does not guarantee continued employment with the Commission for any particular term. Employment with the Commission is "at-will" for every employee at all times. Therefore, either the employee or the Commission may terminate the employment relationship at any time during or after the OBT period, with or without cause, and without advance notice.

Any employee who is promoted or transferred within the Commission and who, in the judgment of the General Manager, is not successful in his or her new position may be removed from that position at any time during or after the OBT period.

4.9 Personnel Records [Replaces and derived from 203.1 and 203.4]

The Commission maintains a personnel file for each employee. The personnel file includes information relating to the employee's hiring, training, performance evaluations, disciplinary record, changes of status, and other aspects of his or her employment history.

Personnel files are the property of the Commission and access to the information they contain is restricted. Generally, without written consent from the employee, only supervisors

and other management personnel who have a legitimate business reason to review information in the file are allowed to do so. Of course, personnel files also are subject to review by federal, state, and local regulatory agencies, as required by law.

Pursuant to the Illinois Personnel Record Review Act, current employees, employees laid off subject to recall, and employees on leaves of absence with a right to return to their jobs have the right to inspect their employee records twice a year, to request correction of any errors, and to add their version of any disputed information. An employee who wishes to inspect his or her personnel file must submit a written request to the General Manager, who will schedule a mutually convenient time for the inspection. The inspections generally will take place in the presence of the General Manager or his or her designee. A reasonable charge, not to exceed the actual cost to the Commission, may be imposed for any copies of records made for the employee.

Employees are responsible for providing the Commission with accurate, up-to-date information regarding the following:

- Name
- Social security number
- Home address
- Home telephone number
- Marital status
- Number of dependents
- Insurance beneficiaries
- Persons to be notified in case of emergency
- Immigration status and other information relevant to the employee's ability to work lawfully in the United States
- Other information pertinent to the administration of benefits.

4.10 Attendance and Punctuality [New]

Regular and prompt attendance is an essential part of an employee's overall job performance and is critical to the smooth and efficient operation of the Commission. Absenteeism and tardiness are expensive, disruptive, and place an unfair burden on other employees and your supervisor. Accordingly, it is imperative that all employees report to work regularly, be ready to perform their assigned duties at the beginning of their scheduled workday, and work their full scheduled workday.

In rare instances when an employee cannot avoid being late for work or is unable to report to work as scheduled, he or she must notify his or her supervisor or the General Manager as soon as possible, but no later than thirty (30) minutes after his or her regularly scheduled starting time. An employee is expected to provide his or her supervisor or the General Manager with an explanation of the reason for the absence or tardiness, and a statement as to when the employee expects to arrive at or return to work. If weather or traveling conditions delay or prevent an employee from reporting to work, he or she must notify the Commission. (Note: Employees may be required to present a doctor's statement or other documentation substantiating the reasons for

the absence or tardiness and/or to submit to an independent medical examination by a doctor designated and paid for by the Commission.)

The foregoing notice requirements apply to each day of absence or tardiness, including consecutive days. Any employee who fails to report to work on three or more consecutive workdays without notifying his or her supervisor or the General Manager will be considered to have voluntarily resigned from employment with the Commission. The termination date will be the last day worked.

Even though an employee provides proper notice of his or her absence or tardiness, the absence or tardiness still may be deemed unexcused. Unexcused absences and tardiness include: (1) absences or tardiness due to a non-work related injury for which no medical verification is provided; (2) repeated absences or tardiness attributed to alleged transportation problems; (3) absences or tardiness for a period in which the employee requested but was denied excused absence (with or without pay); and (4) any other absence or tardiness where the employee fails to provide evidence to establish a legitimate need (in the discretion of the Commission) for the absence or tardiness. Nonexempt employees will not be paid for any period of unexcused absence or tardiness. Moreover, continued irregular attendance or excessive absenteeism or tardiness constitutes unsatisfactory performance and will subject the employee to disciplinary action, up to and including discharge.

4.11 Hours of Work [Replaces and partially derived from 302]

The normal work schedule for all nonexempt employees, except operators, is eight (8) hours a day, Monday through Friday. Operators will be scheduled for rotating shifts seven (7) days a week. At least two employees must be on duty at all times, and at least one qualified operator must remain on duty until relieved by another qualified operator. Supervisors will advise all employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, variations in the number of hours scheduled each day and each week, and mandatory overtime work. The Commission will try to give reasonable advance notice of all mandatory overtime work.

Employees are prohibited from working more than eighteen (18) hours in any twenty-four (24) hour period under any circumstance.

4.12 Overtime [Replaces and partially derived from 302]

Staffing needs and operational demands may necessitate mandatory overtime work. The Commission will try to give reasonable advance notice of all mandatory overtime work. Nonexempt employees will be paid overtime 1½ times their regular hourly rate of pay for all hours worked in excess of forty (40) in any work week and for all hours worked beyond a nonexempt employee's normally scheduled work period.

All overtime work must be approved by a supervisor or the General Manager before it is performed. The General Manager may authorize occasional, minor variations in an employee's normal work schedule to accommodate special circumstances that require the employee's absence from work during part of a regularly scheduled shift.

4.13 Time Records – Nonexempt Employees [Replaces and partially derived from 502]

Federal and State of Illinois laws require the Commission to keep accurate time records to ensure that employees are paid properly for the hours they work. Time cards, time sheets, or other appropriate documents are used to record hours worked. All nonexempt employees shall accurately record all time worked to the nearest one-quarter hour on time sheets supplied by the Commission.

Employees who believe there is an error on their time records must bring the matter to the attention of their supervisor or the General Manager immediately.

Nonexempt employees are neither expected nor permitted to begin working before their scheduled starting time or to continue working after their scheduled quitting time. With the exception of operators, nonexempt employees also are not expected or permitted to work during meal periods without prior authorization from their supervisor or the General Manager. Operators are expected to work during meal periods and are paid accordingly. Other nonexempt employees who receive authorization from their supervisor or the General Manager to work during meal periods also will be paid for this work time.

Employees who work hours other than those that they are scheduled to work (including authorized overtime) will be subject to disciplinary action. For purposes of this policy, “scheduled starting time” and “scheduled quitting time” include any overtime hours authorized by the employee’s supervisor.

4.14 Emergency Call-Out Pay [Replaces and derived from 504]

When a nonexempt employee is off duty and is called back to work by a supervisor, the employee shall receive emergency call-out pay. This means that if an employee is called back to work less than two hours before the beginning of his or her next regular shift, the employee shall be compensated for time actually worked. In all other cases, the employee shall be compensated for time actually worked plus round trip travel time, or for two hours, whichever is more.

4.15 Paychecks [Replaces and partially derived from 501]

All employees are paid bi-weekly on Friday for all work performed through the end of the previous payroll period.

Paychecks should be examined by employees as soon as they are received. Any discrepancies should be reported promptly to the General Manager. All errors will be corrected on the next regular paycheck.

4.16 Payroll Deductions [New]

Federal income taxes, state income taxes, FICA taxes, and pension contributions are deducted automatically from all employees’ paychecks as required by law. In some cases,

mandatory deductions from an employee's pay also must be made for wage assignments, garnishments, or child support payments.

Employees will be required to complete all applicable forms necessary for deductions, such as federal and Illinois form W-4s.

Employees will be notified of all deductions from their wages. Employee authorization for deductions will be obtained when necessary.

Generally, an exempt employee may not have his or her pay docked (*i.e.*, deductions generally may not be taken from an exempt employee's paycheck for any workweek in which the employee worked). However, deductions may be taken in the following circumstances: a full-day absence for personal reasons other than illness or recovery from an injury, a full-day absence for illness or recovery from an injury after having exhausted all paid sick days, unpaid disciplinary suspensions of one or more full days imposed in good faith for written workplace conduct rule infractions, penalties imposed in good faith for infractions of safety rules of major significance, and that portion of the workweek not worked in the beginning and ending weeks of employment. Furthermore, the Commission may offset any amounts received by an employee as jury or witness fees paid for a particular week against the salary due for that particular week.

Improper deductions are a serious violation of Commission procedure and policy. An employee who believes that an improper deduction (including the amount of a deduction) was taken from his or her paycheck should report his or her concern to the General Manager immediately. The Commission will review the deduction to determine if the deduction was proper. The review process may require the employee to provide information or present documentation to the Commission. The employee will be notified of the result of the Commission's review. Should the Commission determine that the deduction was improper, the employee will be reimbursed for the improper deduction as soon as practicable.

4.17 Performance Reviews [New]

Periodic performance reviews are important to the Commission and each of its employees. Periodic reviews give supervisors an opportunity to explore the employee's progress on the job, identify effective performance, address any work-related problems, and establish goals for future performance, growth, and career development.

It is the supervisor's responsibility to keep his or her employees advised of their progress and performance. However, employees who feel uncertain as to how they are doing or where they stand, should not hesitate to ask their supervisor. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

Formal performance reviews generally are conducted once a year. Among the factors considered are the employee's job knowledge, quality and quantity of work, attendance, cooperation, dependability, and ability to work as a team member.

All performance reviews will be discussed with the employee and should be signed and dated by the employee and his or her supervisor. Employees will have the opportunity to express

their comments on the review, in writing. The reviews and any such comments will become a part of the employee's personnel file.

4.18 Annual Review and Pay Adjustments [New]

The wage rate of each employee may be advanced annually, at the beginning of the fiscal year. Generally, no employees shall be entitled to more than one increase each year.

4.19 Filling of Vacancies/Transfers [New]

The Commission has a policy of attempting to fill vacant positions with current employees. Notice of vacancies will be posted on the bulletin board for five (5) working days before vacant positions are filled. Any interested employee must submit an application for a vacant position to the General Manager during the five (5)-day posting period, unless the notice otherwise provides. Any employee who expresses interest in an open position will be given due consideration. All employment decisions are based upon the Commission's assessment of each candidate's qualifications, skills, performance, and other legitimate, nondiscriminatory criteria.

The Commission reserves the right to transfer employees from one position or job assignment to another, on a temporary or regular basis, to meet the needs of the Commission. Employees are expected to cooperate when asked to transfer or handle special assignments. The Commission also will consider transfer requests initiated by employees.

4.20 Professionalism [New]

As a representative of the Commission, employees are expected to act in a business-like manner. All employees should display a spirit of cooperation. Approaching your job positively can help in coping with problems that can occur in our day to day activities. Personal growth and job progress can often be the result of working in harmony with others.

4.21 Dress Code [Replaces and derived from 304.1]

The Commission strives to maintain a relaxed yet professional atmosphere. It is important for employees to dress in a neat and clean manner that is appropriate for their position and job duties, including wearing uniforms as required. Beards, moustaches, and long hair may be prohibited if, after all appropriate accommodation, they interfere with the use of required safety equipment or uniforms.

4.22 Electronic Communications Systems Policy [Incorporated into the handbook]

A. Purpose. The purpose of this policy is to provide Commission employees and other users of the Commission's Electronic Communications Systems with guidance regarding the proper use of these Systems. The Commission's mission is to provide quality water services for DuPage County, and all Commission resources, including its Electronic Communications Systems, are to be used in advancing this mission.

B. Confidentiality. The contents of the Commission's Electronic Communications Systems Policy must be kept confidential and internal to the Commission. The information contained in the policy must be shared only with authorized employees of the Commission and outside auditors or legal counsel when applicable. Disclosure of the contents of the policy, whether intention or accidental, could expose the Commission to increased risk and security breaches as specific information would help a potential intruder exploit known vulnerabilities in selected systems.

C. Electronic Communications Systems Policy Definitions.

1. Electronic Communications Systems. The Commission's Electronic Communications Systems include the Commission's telephone and voicemail systems, facsimile machines, wireless telephones, radios, computers, electronic mail (e-mail) system, internal computer network, and external computer access (e.g., systems accessing the Internet).

2. Messages. Messages include all communications, oral and in writing, and all files or other data created, uploaded, downloaded, sent, received, or stored on any Electronic Communications System.

3. Objectionable Content. Objectionable Content includes all content which reasonably could be considered vulgar, offensive, harassing, threatening, obscene, indecent, distasteful, disruptive, defamatory, or derogatory, including but not limited to sexual comments or images, racial slurs, or other comments or images that would offend someone on the basis of his or her race, color, national origin, gender, sexual orientation, religious or political beliefs, or disability. This includes any data which is capable of being resolved into Objectionable Content.

D. Policy Statement.

1. Ownership of System and Data. All Electronic Communications Systems and Messages created, received, processed, and/or stored on these Systems are Commission property. All Electronic Communications Systems and Messages are to be used for business purposes only, unless otherwise stated in this policy.

2. Terms and Conditions of Employment. Consent to and compliance with this policy are terms and conditions of employment for all Commission employees. Failure to fully abide by this Policy, or to consent to any interception, monitoring copying or reviewing of any Messages is grounds for discipline, up to and including discharge.

3. No Expectation of Privacy. No Commission employee or other user of the Commission's Electronic Communications Systems has any right to privacy or other rights with respect to the use of these Systems. Personal and confidential material and information should not be created or stored on the Commission's Electronic Communications Systems. Despite systems features that may give the appearance of privacy - including passwords, encryption, and the apparent ability to delete messages, Messages are not necessarily private for two reasons:

- a. Electronic communications may not be secure. The security of an electronic file on shared systems and networks often approximates that of a document placed in an unsealed envelope - generally respected, but easily read by someone determined to do so. Accordingly, employees and users should assume that all Messages may be heard or read by someone other than the intended recipient, that Messages may be altered or intercepted before they reach the intended recipient, and that Messages received may have been altered or sent by someone other than the named sender. Even when a Message is deleted, it still may be backed-up elsewhere or it may be possible to recreate the Message.
- b. Messages may be audited by the Commission at any time. See below, "The Commission's Right to Monitor."

E. The Commission's Right to Monitor. The Commission reserves the right to monitor the content of all Messages or other information on its Electronic Communications Systems to ensure compliance with this policy. The Commission also reserves the right to access, retrieve, and review all activity and Messages on the Commission's Electronic Communication Systems and to disclose the nature and content of any such activity or Messages to law enforcement officials or other third parties without any prior notice to Commission employees or other involved persons. Employees and other users of the Commission's Electronic Communications Systems must cooperate with all reasonable security investigations.

F. Files and Message Content. Objectionable Content may not be transmitted or stored on the Commission's Electronic Communications Systems. Employees and other users may not knowingly send, receive, cause the receipt of, allow the continued receipt of, or store any information if the information contains any Objectionable Content. No employee or other user may use any Commission equipment or media to bookmark a site or otherwise record the address of an Internet or World Wide Web site that contains Objectionable Content. If an employee or other user receives Objectionable Content on Electronic Communications Systems equipment assigned to him or her, the employee or user should immediately contact the General Manager. Objectionable Content may not be transmitted or stored on the Commission's Electronic Communications Systems. Employees and other users may not knowingly send, receive, cause the receipt of, allow the continued receipt of, or store any information if the information contains any Objectionable Content. No employee or other user may use any Commission equipment or media to bookmark a site or otherwise record the address of an Internet or World Wide Web site that contains Objectionable Content. If an employee or other user receives Objectionable Content on Electronic Communications Systems equipment assigned to him or her, the employee or user should immediately contact the General Manager.

G. Links to Web Sites. Messages may not contain links to sites that contain Objectionable Content.

H. Proprietary Rights and Confidential Information. Employees and other users of the Commission's Electronic Communications Systems may not send, post, or divulge confidential information of the Commission outside of the Commission or inside the Commission to unauthorized personnel. Use of the Commission's Electronic Communications Systems to access any Commission information that is not otherwise routinely available to employees and other users generally is strictly prohibited, except such information that is required for the employee or other user to perform his or her job requirements. In particular, no employee or other user is permitted to access, without the specific authorization of the General Manager, confidential information of the Commission, personal information contained on Electronic Communications Systems pertaining to other employees, or confidential information of third parties.

I. Disrupting Others. No employee or other user of the Commission's Electronic Communications Systems may intentionally damage another employee's or user's computer system, disrupt the ability of another to communicate electronically, harass or stalk another, violate the privacy of another, or forge a Message.

J. Outside Business Ventures. No employee or other user of the Commission's Electronic Communications Systems may use these Systems to conduct any business other than the Commission's business.

K. Viruses. Downloading data, information, e-mail attachments, and the like from an outside source increases the risk of viruses and other damaging agents to the Commission's Electronic Communications Systems. No employee or other user should retrieve material from outside sources not known to the employee or user unless there are good business reasons for doing so. Employees and users are permitted to open attachments to e-mail transmissions if they know the source and are expecting the transmission. All other e-mail attachments should be approached with extreme caution. To further protect the Commission's Electronic Communications Systems from computer viruses, no employee or other user may download or install any executable programs or screensavers without the prior approval of a Commission Manager.

L. Internet Browser Default Settings. Browsers used to access the Internet offer varying degrees of security and can be modified by setting options to create greater or lesser degrees of security. No employee or other user may adjust the browser security settings selected by the Commission.

M. Compliance with Laws, Regulations, Policies and Professional Business Practices. No employee or other user of the Commission's Electronic Communications Systems may knowingly violate any state or federal laws, regulations, or the acceptable use policies of any organization through which communications are being made. All Messages created or sent shall be in accordance with professional business practices. Employees and other users must not access confidential information without authorization and an explicit need to know. Employees and other users must comply with software license agreements and contracts. Software downloaded from the Internet or bulletin boards must comply with licensing terms and conditions. Downloaded software must be scanned for viruses before use. See above, "Viruses."

N. Internet Access and Communications Other Than E-Mail. Unless the General Manager gives prior approval, electronic bulletin boards shall be used solely for Commission business. Participation in any chat groups, electronic bulletin boards, Internet threads, comment forums, instant messaging, hot mail or any other non-e-mail communication may be used only when conducting official Commission business. Information on the Internet can be fabricated, misleading, malicious, or stolen. Viruses may be disguised as programs. There is no guarantee that the information contained in an Intranet site has any validity or that the site is sponsored by the entity it purports to be. Simply accessing a site can have damaging effects on the Commission's Electronic Communications Systems. Therefore, no employee or other user should access a site of unknown source unless there is a sound business reason for doing so.

Employees are permitted reasonable use of the Commission's Electronic Communications Systems to access the Internet for personal reasons. This is a privilege, not a right, and may be withdrawn at any time if abused or if excessive use of the Internet interferes with an employee's assigned job duties. Employees using the Commission's Electronic Communications Systems to access the Internet must bear in mind that the Commission may monitor the use of its Electronic Communications Systems, including its systems accessing the Internet. Employees therefore have no expectation of privacy. See above, "The Commission's Right to Monitor."

O. Telephone Usage. Employees are permitted reasonable use of the Commission's telephones for personal reasons. This is a privilege, not a right, and may be withdrawn at any time if abused or if excessive use of the telephone interferes with an employee's assigned job duties. Employees using the Commission's telephones must bear in mind that the Commission may monitor the use of its telephones. Employees therefore have no expectation of privacy. See above, "The Commission's Right to Monitor."

P. Electronic Mail. Electronic Mail (e-mail) is made available to employees and other users on the Commission's Electronic Communications Systems to facilitate business communications. Employees and other users of the Commission's Electronic Communications Systems should use an appropriate business tone in all e-mail Messages. Humor and emotion should not be used because they may not translate well in an e-mail Message and could cause misunderstandings for both the sender and the receiver of the Message. Employees and other users are permitted reasonable use of the Commission's e-mail system for personal reasons. This is a privilege, not a right, and may be withdrawn at any time if abused or if excessive use of e-mail interferes with an employee's assigned job duties. Employees and other users using the Commission's e-mail system must bear in mind that the Commission may monitor the use of its Electronic Communications Systems, including its e-mail system. Employees therefore have no expectation of privacy. See above, "The Commission's Right to Monitor." All business-related e-mail transmissions outside the Commission must have the following "Commission Confidential" disclaimer attached:

- "This e-mail and any of its attachments may contain confidential information belonging or pertaining to the Commission. This e-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended

recipient of this e-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this e-mail is strictly prohibited and may be unlawful. If you have received this e-mail in error, please notify the sender immediately and permanently delete the original and any copy of this e-mail and any printout. Thank You.”

Q. System Security and Configuration Guidelines. The Commission's computers and computer systems are pre-configured with appropriate hardware and software for Commission business use. Installation, changes, or removal of the system hardware or software is prohibited without the approval of the General Manager. The security for the Commission's computer and voicemail systems includes the use of assigned accounts and passwords. Passwords are intended to protect the employee's or other user's identity and to prevent unauthorized access to protected systems. Employees and other users should take appropriate precautions to ensure the security of their passwords and should not share with another person or keep a written copy of passwords in a visible or obvious location.

R. Facsimile Transmissions. The Commission provides fax machines to employees and other users for business purposes. Limited personal use with the employee's supervisor's approval is acceptable as long as it does not conflict with the Commission's interests or involve dissemination of unauthorized confidential information.

The following disclaimer statement must be added to all business-related fax transmissions throughout the Commission:

- “This facsimile transmission contains confidential information belonging to the sender. This information is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, or distribution of this communication is strictly prohibited. If you have received this transmission in error, please notify sender by telephone immediately and return the original message to the above address via the U.S. Postal Service. Thank You.”

4.23 Solicitation and Distribution [New]

To protect employees from annoyance, harassment, and interference, and to maintain a workplace free of undue litter, the Commission has adopted the following rules concerning solicitation and distribution of literature:

- a. Employees shall not engage in solicitation of any kind during working time. (“Solicitation” includes, among other things, sales of products or raffle tickets, requests for donations or contributions, solicitations for politicians, lotteries, or sports pools, and solicitations for membership in or support of any organization or cause, including political causes.)

- b. Employees shall not distribute literature in working areas at any time.
- c. Employees shall not distribute literature in non-working areas during working time.
- d. Non-employees shall not be permitted to distribute literature or solicit our employees at any time on Commission property.
- e. As used in these rules, the term “working time” means the period of time that an employee is supposed to be performing his or her job duties. It includes the time when either the employee soliciting or distributing literature or the employee being solicited or receiving literature is supposed to be working. “Working time” does not include free time such as time allotted for break or lunch periods or periods before or after work.

4.24 Bulletin Boards [New]

The Commission maintains a bulletin board to communicate information to employees. Employees are encouraged to check the bulletin board on a regular basis to keep informed of Commission news. Only the General Manager or his or her designees are authorized to post work-related notices on the bulletin board. Employees generally are not permitted to post notices on the bulletin board and must not remove, deface, or damage materials posted by the Commission.

4.25 Use of Equipment and Facilities [Replaces and derived from 303.1]

The Commission provides its employees with vehicles, equipment, uniforms, protective clothing, identification badges, manuals, instructions, and other items to be used in performing their job duties. All such items remain the sole property of the Commission at all times. Employees shall use Commission property only for Commission purposes. No employee shall authorize any person not employed by the Commission to use Commission property at any time or for any purpose. When using Commission property, employees shall exercise care; perform required maintenance; follow all operating instructions, safety standards, and guidelines; and keep all property in reasonably clean and tidy condition. Employees shall promptly notify a supervisor if any Commission property is, or appears to be, damaged, defective, lost, or in need of repair or maintenance. If an employee loses keys to any Commission facilities or vehicles, the employee must notify the General Manager or his or her supervisor immediately.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including discharge.

4.26 Return of Property [Replaces 303.2]

Employees are responsible for all Commission property issued to them or otherwise in their possession or control. Employees must return all Commission property immediately upon request or upon termination of employment. This includes employee identification badges. The Commission will take all available legal actions necessary to recover and protect its property.

4.27 Duplication, Removal, and Return of Information and Documents [New]

Employees are prohibited from copying, duplicating, or removing from Commission property any software, data, documents, files, records, correspondence, notes, memoranda, brochures, catalogues, manuals, financial records, or other materials relating to the Commission's business, except as required in the course of the employee's employment, and in any such case, the employee must promptly return the materials to the Commission. All such materials (including any copies or duplicates), whether prepared by the employee or otherwise coming into his or her possession, are the exclusive property of the Commission and must be turned over to the Commission immediately upon request or upon termination of employment.

4.28 Confidential Information [New]

In the course of their employment, employees may acquire or be granted otherwise prohibited access to confidential information. Employees are prohibited from directly or indirectly divulging, disclosing, using, or permitting the use of any such confidential information outside of the Commission, except as required in the course of their employment and with appropriate authorization. Any employee who violates this policy will be subject to disciplinary action, up to and including discharge, as well as possible legal action.

Upon termination of employment for any reason, the employee immediately must turn over to the Commission all confidential information (including copies and duplicates) which is in the employee's possession or otherwise subject to his or her control. Employees may not retain any copy, duplicate, or note memorializing any confidential information of the Commission.

"Confidential information" includes, without limitation, information about Commission operations, facilities, equipment, security, materials, products, designs, plans, ideas, data, employees, future facility expansions or modifications, water quality, real estate, financial estimates that are not yet publicly available, and legal matters.

4.29 Business Ethics; Conflict of Interest; Gifts and Gratuities [Replaces and is partially derived from 105.1, 105.2 and 105.3]

The Commission is subject to the State Officials and Employees Ethics Act, 5 ILCS 430/1 *et seq.*, which requires the Commission to adopt local policies regulating political activities of its officers and employees and the solicitation and acceptance of gifts. Pursuant to this Act, the Commission has adopted Ordinance No. 0-11-04, amending the By-laws of the Commission (which may be amended from time-to-time), and all employees are required to comply with this Ordinance and the By-laws as amended from time-to-time.

All employees are expected to conduct their business affairs in accordance with a strict code of business ethics. Conflicts of interest – real and perceived – are to be avoided. A conflict of interest will be deemed to exist whenever an employee has a relationship or interest that might adversely affect his or her judgments or decisions on behalf of the Commission. Employees have an obligation to avoid actual and potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for any person related by blood or marriage, or

having a relationship equivalent to blood or marriage, to that employee. Any question as to whether a conflict of interest might exist should be referred to the General Manager.

Employees are expected to deal with all persons doing business with the Commission without favor or preference based on any personal considerations or opportunities for personal gain. If you have any questions as to whether a gift is appropriate, you should consult the General Manager.

No employee shall have any direct or indirect financial or personal interest in, nor shall any employee violate any statute, ordinance, rule, or regulation of the Commission, the State of Illinois, or the United States dealing with such an interest in: (1) any contract, purchase, lease, or other transaction involving the Commission; (2) any job, work, or materials of the Commission; (3) any services to be performed for or by the Commission; or (4) any profits of any of the foregoing.

Interests in contracts and work of the Commission that are expressly exempted from the prohibitions of the Illinois Public Officers Prohibited Activities Act shall also be exempt from the prohibitions of this Subsection.

4.30 Outside Employment [Replaces and partially derived from 104]

The Commission recognizes that, on occasion, employees may seek a second job outside their employment with the Commission. A Commission employee is expected to devote the time and effort necessary for the successful accomplishment of the Commission work for which he or she is responsible. Secondary or outside employment in conflict with this primary obligation will not be approved.

Further, an employee may not undertake any outside employment that:

- a. appears to create a conflict of interest situation;
- b. requires the use of Commission facilities, equipment, or material;
- c. causes doubt as to the observance of ethical standards or canons of professional ethics;
- d. obligates the employee to be available to the outside employer during his or her normal working hours with the Commission; or
- e. requires the use of the Commission's name for advertisement purposes, or otherwise, in connection with such outside employment.

If the General Manager determines that an employee's outside employment interferes with his or her performance or ability to meet the Commission's requirements, as they are modified from time to time, the employee will be required to terminate the outside employment.

4.31 Employee Complaint Resolution Process [New]

This policy and procedure is established to assure prompt action in the resolution of employee complaints in the interest of maintaining good employee relationships.

The normal steps leading to such resolution of employee complaints and alleged unfair employment practices are outlined below. Please note that not all situations warrant the use of progressive discipline and the Commission reserves the right, in its discretion, to skip any and all steps of the progressive discipline program and to move to immediate discharge.

Informal Discussion. Many disagreements or problems are based on misunderstandings or misconceptions relating to job functions, the work place, or work environments. Informal discussion between the employee and his and her supervisor will frequently resolve these problems. If a problem cannot be resolved by such informal discussion, the investigation of the complaint should progress in the following manner:

- a. First Stage. An employee may ask for a meeting with the General Manager or his supervisor to discuss and attempt to resolve the problem. It should be made clear by the grievant prior to the meeting that a complaint is being initiated under this procedure. The specific facts on the complaint should be presented at the meeting in writing. This complaint should be presented within ten days of the occurrence or the incident which is the basis for the complaint.

Within five days of the request for a meeting, the General Manager or the employee's supervisor will meet with the employee and endeavor to settle the matter at the meeting.

- b. Second Stage. After completing the First Stage, an employee may ask for a meeting with General Manager to discuss and attempt to resolve the problem. The complaint must be presented in writing. Within ten days, the General Manager will discuss the complaint with the employee and investigate the occurrences that led to the complaint.

Although total confidentiality in investigating employee complaints and concerns cannot be assured, the Commission will attempt to preserve confidentiality to the extent that the needs of the situation permit.

This problem-solving procedure is part of the Commission's overall effort to keep an open line of communication with its employees. However, the Commission reserves the right to depart from this procedure, in whole or in part, in any given case. Furthermore, nothing stated herein should be construed as guaranteeing employees any particular benefits, procedures, terms or conditions of employment, or as otherwise limiting the prevailing "at will" employment relationship between the Commission and its employees.

4.32 Termination/Resignation [Substantially new; replaces 505 re "termination pay"]

Because the employment relationship is "at-will," the Commission and its employees retain the mutual right to terminate the relationship at any time with or without warning, notice or cause.

If you find it necessary to resign or you decide to retire, please notify your supervisor. Written notification is preferred, setting forth the effective date of the resignation and reason for resignation. It is customary for a resigning employee to give at least two weeks notice so that the Commission can make arrangements to find a replacement.

Terminated employees are required to return all Commission property in their possession prior to or at the time of termination. This includes, but is not limited to, Commission-issued clothing.

Employees who are terminated are not entitled to severance pay; however, the Commission reserves the right to make exceptions to this policy in its sole discretion. A terminated employee will receive his or her final paycheck, including the value of accrued vacation leave, on the next regular payday following termination unless earlier payment is required by state law or approved by the General Manager.

4.33 Use of Commission and Personal Vehicles [Replaces and derived from 303.1 and 303.3]

When it is necessary that an employee use a vehicle for Commission work, the employee shall use a vehicle from the Commission's fleet whenever possible. The following are additional guidelines and procedures of the Commission:

- a. Employees may operate their personal vehicles on Commission business only with the prior authorization of the General Manager. Employees operating their personal vehicles on Commission business will maintain sufficient insurance for their vehicles. The protection provided by an employee's insurance must be with limits of not less \$100,000 per person and \$300,000 per occurrence. Employees using their personal vehicles on Commission business will be compensated at the then current mileage rate approved by the Internal Revenue Service, which shall be for all costs associated with the use of his or her personal vehicle, including insurance, gasoline, oil, and maintenance.
- b. Seat belts should be used and all traffic signs and speed limits obeyed, regardless of whether it is a Commission vehicle or the employee's vehicle.
- c. All accidents that occur while employees are using personal vehicles while on duty for the Commission are the financial responsibility of the employee. Employees must immediately report all accidents, whether involving a Commission vehicle or their personal vehicle, to the employee's supervisor.
- d. Driving any vehicle while the employee is working, with the presence of alcohol or any illegal drug in his or her system, will result in discipline up to and including discharge.
- e. Speeding tickets, moving violations, citations, and parking tickets received while using Commission vehicles or personal vehicles while on duty for the

Commission are the financial responsibility of the employee. Employees must report all such incidents to the employee's supervisor.

- f. Employees immediately must notify their supervisor if there is any change in their driving status, e.g., suspension of license.

CHAPTER 5 DRUG/ALCOHOL-FREE WORKPLACE [This entire chapter replaces and derived in part from 301.7]

5.1 General Policy And Rules

Drug and alcohol use and abuse not only threaten the health of the user, but also create a danger to the life and safety of fellow employees on the job. They also have an adverse effect on the quality of the products and services that we provide and are extremely costly in terms of absenteeism, reduced productivity, and related problems in the workplace. For these and other reasons, the Commission is committed to creating and maintaining a workplace free of drugs and alcohol.

Consistent with the foregoing, the Commission has adopted the following rules regarding drugs and alcohol. All employees are required to abide by these rules as a condition of their employment with the Commission:

- a. The manufacture, distribution, dispensation, sale, possession, or use of alcohol, illegal drugs, or controlled substances while on duty or on Commission property is absolutely prohibited and will subject employees to immediate discharge. Employees who are impaired by or under the influence of alcohol, illegal drugs, or controlled substances, or who have any of the same present in their bodily systems, while on the Commission's property, while on duty, or while operating a vehicle or machine leased or owned by the Commission, also will be subject to discharge.
- b. Off-the-job, illegal manufacture, distribution, dispensation, sale, possession, or use of illegal drugs or controlled substances may adversely affect an employee's job performance, the safety of other employees and the public, and the public's trust in the Commission and its ability to provide quality services. Accordingly, such conduct also will subject employees to disciplinary action, up to and including immediate discharge.
- c. Employees taking a prescribed drug or controlled substance must maintain the same in the original container identifying the drug or substance, dosage, date of prescription, name of the person for whom it was prescribed, and authorizing physician. Employees also must review with their supervisor or the General Manager any work restrictions that should be observed while taking the prescribed drug or substance.
- d. Employees are encouraged to report known violations of these rules directly to their supervisor or the General Manager. The Commission will use its best efforts to protect the anonymity of all employees involved and will treat the information as confidential.
- e. Employees who recognize that they have a drug and/or alcohol problem are encouraged to voluntarily seek medical or other professional assistance to correct the problem. No employee will be disciplined or discharged for

seeking such professional assistance. However, while seeking such assistance, the employee must continue to observe and comply with all Commission policies and rules, including those relating to the use and possession of drugs and alcohol. The employee therefore will not be insulated from disciplinary action, up to and including discharge, for violation of the Commission's policies and rules merely because he or she is seeking professional assistance or participating in a drug and/or alcohol rehabilitation program.

- f. Employees must notify the General Manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

5.2 Definitions

The following definitions apply for purposes of the Commission's drug/alcohol policy and rules:

- a. The terms "drugs," "illegal drugs," and "controlled substances" include controlled substances as defined in the federal Controlled Substances Act (21 U.S.C. § 812 *et seq.*) and the Illinois Controlled Substances Act (720 ILCS 570/100 *et seq.*), and cannabis as defined in the Illinois Cannabis Control Act (720 ILCS 550/1 *et seq.*). The terms specifically include, but are not limited to, marijuana, cocaine, PCP, heroin, LSD, amphetamines, and barbiturates.
- b. The term "Commission property" includes, but is not limited to, all Commission offices, work areas, lunch or break rooms, rest rooms, parking lots, buildings and grounds, vehicles, desks, and lockers, wherever located, which are owned, leased, or operated by the Commission, or which are used by employees in connection with the performance of their duties on behalf of the Commission.
- c. The term "conviction" means a finding of guilt, including a plea of *nolo contendere*, or imposition of a sentence or both, by any judicial body charged with determining violations of federal or state criminal drug statutes.
- d. The term "criminal drug statute" means a criminal statute involving the manufacture, distribution, sale, position, or use of any controlled substance.

5.3 Drug and Alcohol Testing

In keeping with the Commission's commitment to safety, employees may be required to provide blood, urine, or other body substance samples for testing to determine the use of alcohol or drugs. Employees may be required to submit to alcohol or drug testing in any of the following situations:

- a. Post-accident. Any employee who is involved in any accident while on duty, whether on or off the Commission's premises, may be asked to provide a body substance sample.
- b. Reasonable Suspicion. Any employee demonstrating significant and observable changes in performance, appearance, behavior, speech, or other characteristics providing reasonable suspicion of the influence of alcohol or drugs may be asked to provide a body substance sample.
- c. Random Testing. Any employee holding a safety-sensitive position may, at any time and on a random basis, be asked to provide a body substance sample. Any employee who has tested positive on any alcohol or drug test, and who is allowed to return to work following such test, may, at any time during the 12-month period following such return, be asked to provide a body substance sample.

The Commission may, in its sole discretion and in addition to any disciplinary action, require an employee who has tested positive on any alcohol or drug test to participate in an approved alcohol or drug counseling or rehabilitation program as a condition to being allowed to return to work.

CHAPTER 6 EMPLOYEE SAFETY AND HEALTH

6.1 General Safety Policy [New; derived from policy statement in Safety Manual]

The Commission is committed to providing a safe, efficient, and productive work environment for all employees. In fulfilling this commitment, the Commission complies with and enforces all applicable federal, state, and local safety and related regulations, including those issued by the Illinois Department of Labor Division of Safety Inspections & Education and the Occupational Safety and Health Administration (“OSHA”). All employees are expected to share in the responsibility for establishing and maintaining a safe work environment. Accordingly, the use of practices, procedures, devices, or substances that are detrimental to employee safety, efficiency, and productivity is prohibited.

6.2 Safety Manual [Replaces and derived from 301.4]

All employees should read, understand, and comply with all provisions of the Safety Manual. Violations of rules and procedures contained in the Safety Manual may result in disciplinary action as outlined in Chapter Seven of this Handbook.

Employees who have suggestions or recommendations for the Safety Manual are encouraged to submit them to the Executive Safety Committee for consideration.

6.3 Executive Safety Committee, Employee Safety Committee and Safety Coordinator [New; replaces 301.3]

The composition, duties, and responsibilities of the Executive Safety Committee and the Employee Safety Committee are described in Section Three of the Commission’s Safety Manual, referenced above in Section 6.2. The position, duties, and responsibilities of the Safety Coordinator position also are described in Section Three of the Commission’s Safety Manual. The Executive Safety Committee, Employee Safety Committee, and Safety Coordinator together comprise the Commission’s Safety Management System, described in Section Three of the Safety Manual.

6.4 Employee Safety and Reporting Responsibilities [Replaces and derived from 301.2]

Employees must comply with all Commission safety rules set forth in this Handbook and in the Commission’s Safety Manual, referenced above in Section 6.2. Employees must exercise caution in all their work activities. Employees also must immediately report to their supervisor any work-related injury or illness – no matter how minor. The supervisor, in turn, must report any work-related accident requiring outside treatment on an Accident and Injury Investigation Report for purposes of complying with workers’ compensation requirements.

The Employee Safety Committee and the Safety Coordinator also will investigate reported incidents and conduct a site hazard analysis. The results of the investigation and site hazard analysis conducted by the Employee Safety Committee and the Safety Coordinator will

be presented to the General Manager. Based on the results of the investigation and site hazard analysis, the General Manager will issue an Action Plan identifying required corrective and remedial action. The Action Plan also will identify the supervisor(s) responsible for ensuring the timely completion of the required corrective and remedial action.

6.5 Safety-Related Examinations [replaces and derived from 301.5]

Employees may be required by the General Manager to submit to periodic or special physical or medical examinations when such examinations are job-related and consistent with business necessity, including when: (1) there is a need to determine whether the employee is still able or unable to perform safely the essential functions of his or her job; (2) such an examination is required by standards or requirements established by federal, state, or local law that are job-related and consistent with business necessity; (3) the employee's job is physically demanding; or (4) the employee is having difficulty performing his or her job safely and effectively. Examinations will be performed by a physician or other professional of the Commission's choice at no expense to the employee.

If it is determined through the examination and any follow-up discussions with the employee that the employee is unable to perform safely the essential functions of his or her position, with or without reasonable accommodation, the General Manager may reassign the employee to another appropriate job. If another appropriate job is not available, the employee may be discharged.

6.6 Smoking [New; added by B. Martin in memo of 2/7/07]

In keeping with the Commission's intent to provide a safe and healthy work environment, smoking by employees on Commission property is limited to open, outdoor spaces at least 15 feet away from any doorway, window, fresh air intake, or other opening of an enclosed space (including Commission-owned vehicles), and at least 25 feet away from any known or suspected hazard including, but not limited to, fuel dispensing or any other flammable or combustible material storage facilities and natural gas piping facilities.

6.7 Workplace Nonviolence Policy [New; added by T. McGhee e-mail of 2/23/07]

The Commission will not tolerate violence in the workplace for any reason. Employees who threaten, intimidate, or strike any co-worker, supervisor, manager, resident/citizen, or other person with whom they come in contact in the performance of their job duties, or who engage in any other actual or threatened behavior of a hostile, aggressive, or violent nature while on duty or on Commission property will be subject to immediate discharge.

Any employee who has been subjected to or threatened with any act of violence should immediately report the matter to his or her supervisor or the General Manager. The matter will be thoroughly investigated. No situation is too small for us to address. Retaliation against any individual who reports actual or threatened acts of workplace violence will not be tolerated.

Employees are not permitted to possess any firearms or other weapons while on duty or on Commission property, even if they are kept in the employee's vehicle. Any employee who is

found to be in possession of a weapon while on duty or on Commission property will be subject to immediate discharge.

Supervisors must carefully monitor employee behavior to insure that no actual or threatened acts of a hostile, aggressive or violent nature occur in the workplace. Supervisors who witness any such behavior or suspect that such behavior exists must report it immediately to the General Manager. Supervisors who tolerate actual or threatened hostile, aggressive, or violent behavior in the workplace, or who fail to promptly report such behavior as provided in this policy, also will be subject to appropriate disciplinary action, including discharge.

CHAPTER 7 EMPLOYEE CONDUCT AND WORK RULES

7.1 General Standards of Good Conduct [Replaces and substantially embellishes upon 402.1]

The Commission expects an employee's conduct and performance to conform to general standards of good conduct, professionalism, and business ethics; the requirements of his or her job; published and common sense health and safety rules and practices; and applicable federal, state and local laws, rules, and regulations. There are certain, fairly obvious types of conduct which are unacceptable and which will subject an employee to disciplinary action, up to and including discharge. The following, *non-exclusive* list of such conduct is offered for the guidance of employees:

- Theft or unauthorized possession of Commission property or the property of fellow employees or others, regardless of value.
- Provoking or engaging in a fight or threatening harm to others while on duty or on Commission property, or engaging in other conduct that violates the Commission's workplace nonviolence policy.
- Engaging in abusive, discourteous, or profane language or conduct while on duty or on Commission property.
- Insubordination, including failure or refusal to promptly carry out the orders or instructions of a supervisor or the General Manager. (*Note: This includes the failure or refusal to work overtime required by the Commission.*)
- Acts of dishonesty, including falsification or alteration of attendance records, time records, or other employment-related documents.
- Gambling in any form while on duty or on Commission property.
- Misrepresentation or omission of material facts on an employment application, resume, or other document used to secure or retain employment with the Commission.
- Manufacturing, distributing, dispensing, selling, possessing, using, being impaired by or under the influence of, alcohol, controlled substances, or illegal drugs while on duty or on Commission property.
- Using or possessing firearms, explosives, or other dangerous weapons while on duty or on Commission property.
- Committing any criminal offense while on duty or on Commission property, or which otherwise may adversely affect the employee's work or work

relationships or the Commission's reputation, or inducing or encouraging another Commission employee to do so.

- Violating the Commission's policy or rules regarding attendance and punctuality.
- Failing to provide adequate and acceptable verification of illness or injury, or substantiating documentation for absences due to other reasons, or failing to submit to examination by Commission-designated doctors, when required by the Commission.
- Engaging in unlawful discrimination, harassment, or other conduct that violates the Commission's Equal Employment Opportunity/Unlawful Harassment Policy.
- Using working time for personal matters.
- Unauthorized or excessive use of the Commission's telephones, computers, equipment, or supplies.
- Poor workmanship, substandard productivity, or unsatisfactory work performance.
- Damaging or improperly using, caring for, or maintaining Commission property, including tools, equipment, machinery, databases, or software.
- Exceeding time limits on break or lunch periods, or taking break or lunch periods at other than designated times, without proper authorization.
- Stopping or leaving work before the end of a scheduled work period without proper authorization.
- Sleeping, loafing, or wasting time during a scheduled work period.
- Interfering with other employees on the job.
- Violating the Commission's rules regarding solicitation and distribution of literature.
- Posting materials on the Commission's bulletin board without proper authorization, or defacing, marking, damaging, destroying, or removing materials posted by the Commission.
- Failing to observe any of the Commission's safety policies or rules or engaging in other unsafe or unhealthy conduct as described in the

Commission Safety Manual and in this Handbook. (*Note:* This includes removing, bypassing, or otherwise altering safety guards or devices.)

- Violating the Commission's smoking policy.
- Unauthorized examination, use, or disclosure of Commission records or confidential information.
- Violating state law regarding government ethics, solicitation or receipt of gifts or other items of value, and conflicts of interest.
- Use, or attempted use, of political influence, bribery, or gifts or other things of value to secure an advantage in examination or promotion.
- Failing to follow Commission resolutions, policies, rules, or supervisory instructions, or inducing or encouraging another Commission employee to engage in such conduct.
- Misrepresentation regarding a leave of absence, or obtaining other employment during a leave of absence without proper authorization from the Commission.
- Violating the Commission's Electronic Communications Systems Policy.

7.2 Disciplinary Action [Replaces and substantially derived from 402.1]

All disciplinary action is within the General Manager's discretion. Cases of unacceptable work behavior will be handled on an individual basis, subject to such penalties as the Commission may deem appropriate. Relevant factors include, but are not limited to, the nature of the offense, the surrounding circumstances, whether the employee's actions were taken in the best interests of the Commission, and the employee's prior work record.

The Commission may take any, or all, of the following disciplinary actions concerning an employee:

- a. Verbal Warning. An informal discussion between an employee and his or her supervisor, at which the supervisor identifies the problem for which the warning is issued and discusses with the employee the problem and suggested solutions. Verbal warnings may be documented by an entry in the employee's file. The employee shall be required to sign and date a documented verbal warning, acknowledging his or her receipt of the warning.
- b. Written Warning. A written memorandum placed in an employee's file that identifies the problem for which the warning is issued, describes the circumstances surrounding such problem, and states the suggested

solutions. A written warning also should refer to any earlier verbal or written warnings administered to the employee for the specific problem identified in the written warning. The employee shall be required to sign and date every written warning, acknowledging his or her receipt of the warning.

- c. Suspension. An involuntary, temporary separation from the regular performance of duties. Suspensions may be with or without pay. Suspensions may themselves serve as discipline or may be imposed (i) to allow a full investigation when an employee is alleged to have committed an act for which the Commission may decide to discharge the employee or (ii) when otherwise necessary and in the best interests of the Commission.
- d. Discharge. An involuntary, permanent separation from employment.

The Commission may, but is not required to, take the disciplinary actions described above in a progressive order, beginning with a verbal warning for the least severe offenses. However, the Commission reserves the right, in its sole discretion, to take any disciplinary action it deems appropriate for each separate offense, as well as for any accumulation of offenses or any course of conduct over time, whether or not individual offenses or incidents have been subject to prior disciplinary action. No advance notice or warning of any disciplinary action shall be required.

CHAPTER 8: EMPLOYEE BENEFITS

8.1 Summary of Employee Benefits [Amended 601, as revised]

Eligible employees of the Commission are provided the following benefits:

1. Holiday Time Off.
2. Vacation and Other Leaves.
 - a. Vacation Leave
 - b. Military Leave
 - c. Family Military Leave
 - d. Medical Leave
 - e. Jury and Witness Duty Leave
 - f. Bereavement Leave
 - g. Personal Leave
 - h. Blood Donation Leave
 - i. Victim's Economic Security and Safety ("VESSA") Leave
3. Insurance.
 - a. Medical and Dental Insurance
 - b. Workers' Compensation Insurance
 - c. Disability Insurance
 - d. Life Insurance
4. Retirement.
 - a. Retirement Plan
 - b. Deferred Compensation
5. Miscellaneous Benefits.
 - a. Flexible Benefits Plan.
 - b. Advanced Education Tuition Reimbursement Program
 - c. Employee Assistance Plan

Additional information concerning these benefits, and eligibility requirements, is provided in the following sections of this Chapter.

8.2 Calculation of Compensation Related to Benefits for Nonexempt Employees [602]

For nonexempt employees, compensation for all paid time off and leaves will be calculated based on the employee's current base rate of pay and will not include any special forms of compensation, such as incentives, bonuses, or shift differentials.

8.3 Eligibility for Benefits [Amended 603]

All employees are eligible for all benefits required by law, which include workers' compensation, Medicare, and Social Security. Regular full-time employees are eligible for all benefits described in this Chapter. Part-time and temporary employees are not eligible for any of the benefits described in this Chapter except benefits required by law and IMRF retirement benefits to the extent that the part-time or temporary employee is employed in a position normally requiring performance of duty for at least 1,000 hours per year. OBT period status (see above, Section 4.6) does not affect eligibility for benefits; provided, however, that most insurance benefits begin only after an initial eligibility period.

8.4 Paid Holidays [Replaces and derived from 604, as amended by J. Holzwart memo dated 10/22/98]

The Commission provides eight hours of paid time off to all eligible employees on the following holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Eve Day
- Christmas Day
- Personal Day

Recognized holidays that fall on a Saturday or Sunday will be observed on the preceding Friday or the following Monday, as designated by the General Manager. If a recognized holiday falls during an eligible employee's paid leave, the holiday shall be treated as holiday paid time off rather than as paid leave time off.

If an eligible nonexempt employee is required to work on a recognized holiday, he or she will receive holiday pay plus regular pay and any overtime compensation required by law. In addition, such eligible nonexempt employee will receive compensation of 25% of his or her regular hourly rate times the number of hours actually worked on the recognized holiday.

Part-time and short-term employees, employees on excused absence without pay for the entire payroll week that includes the holiday, and employees on a paid or unpaid leave of absence that includes the holiday are not eligible for holiday pay.

Unused personal days cannot be carried over from one calendar year to the next.

Exempt employees will not receive additional pay for working on a recognized holiday.

8.5 Paid Vacation [Replaces and derived from 605]

A. Paid Vacation Provided. The Commission provides paid vacation time off to all eligible employees based on the following schedule:

1. 10 eight-hour shifts/year. During the first 5 years of non-exempt service.
2. 15 eight-hour shifts/year. During the first 5 years of exempt service and the 6th through 14th years of exempt or non-exempt service.
3. 20 eight-hour shifts/year. During the 15th and all subsequent years of exempt or nonexempt service.

Except as provided in Subsection 8.5(B) below, shifts of paid vacation leave shall accrue, *pro rata*, at a rate based on 260 paid eight-hour shifts per year, but shall be credited for use only at the end of each regular pay period, *pro rata*, at a rate based on 26 regular pay periods per year. Vacation leave may be used only after it is credited for use. Accrual of paid vacation leave will be suspended (1) as provided in Subsection 8.5(B) below and (2) during any period of non-paid leave, except for military leave in accordance with Section 8.6 below.

B. Maximum Accumulation. Employees are encouraged to use available paid vacation leave for rest, relaxation, and personal pursuits within one year after it is accrued. In the event that accrued vacation leave is not used within such period, an employee may carry unused leave forward for a maximum of one additional year. If an employee's total amount of unused vacation leave reaches an amount equal to two times the employee's total annual vacation leave benefit, no further accrual of vacation leave will be allowed until the employee uses paid vacation leave and brings the accumulated total below the aforesaid limit. Employees generally may not work and be paid in lieu of taking a vacation.

C. Vacation Approval. Employees must provide advance notice to their supervisors of their desire to schedule vacation time in accordance with the requirements of the Commission. All vacation requests made by employees who report directly to the General Manager are subject to General Manager approval. In the event that two or more employees request the same vacation dates and the Commission cannot grant all of the requests, preference generally will be given on the basis of the employees' length of service. However, the Commission reserves the right to approve or change scheduled vacations depending on Commission needs.

D. Pay on Termination. Upon termination of employment, employees will be paid for unused vacation leave that has been accrued through the day of termination.

8.6 Military Leave [Replaces 605.2, as amended]

The Commission complies with all applicable Federal and State laws granting military leave to employees who are members of any reserve components of the United States Armed

Forces or the Illinois State Militia (the Army National Guard; the Army Reserve; the Naval Reserve; the Marine Corps Reserve; the Air National Guard; the Air Force Reserve; the Coast the Commissioned Corps of the Public Health Service; and others designated by the President of the United States in times of war or emergency).

The Commission fully supports its employees serving in the National Guard or the Reserves ("uniformed services employees") and endeavors to minimize the financial impact of their military service. Accordingly, uniformed services employees called to active military service shall receive their regular Commission salary or their regular hourly rate for non-overtime scheduled hours worked, minus the amount of their base pay for their military activities, as required by law. If uniformed services employees are entitled to their full Commission salary or regular hourly rate for their military activities under applicable law, the Commission will pay them accordingly. Benefits of uniformed services employees also will be continued by the Commission as mandated by Federal and State law.

A uniformed services employee returning from active military service will be restored to the position he or she held before his or her military leave, with the same increases in status, seniority and wages that were earned during the term of the military service by employees in like positions, or to a position of like seniority, status and pay, unless the Commission's circumstances have so changed as to make it impossible or unreasonable to do so.

A uniformed services employee returning from military leave must have received a certificate or other evidence of honorable discharge or satisfactory completion of military service, and must make application for reemployment within ninety (90) days after being relieved from military service, or from hospitalization continuing after discharge for a period of not more than one (1) year.

A uniformed services employee must still be qualified to perform the duties of the position he or she held before military leave was taken. If, as a result of military service, the uniformed services employee is not physically or mentally qualified to perform the duties of the former position, the employee will be restored to a position for which he or she is qualified and able to perform the duties and which will provide the similar seniority, status, and pay, or the nearest approximation thereof, consistent with the circumstances of the case. Restoral to such a position is not required if it would cause undue hardship to the Commission.

Uniformed services employees must give their supervisor or the General Manager notice of their need for military leave thirty (30) days in advance of the leave whenever feasible. When such notice is not feasible, employees must give as much notice as is reasonably possible.

8.7 Family Military Leave [New]

A. Eligibility and Leave Entitlement. Under the Illinois Family Military Leave Act, eligible employees who are the spouse or parent of a person called to military service lasting longer than 30 days are permitted to take up to a total of 15 days of unpaid leave.

An employee is eligible if he or she:

1. Has been employed by the Commission for at least 12 months; and
2. Has completed at least 1,250 hours of service during the 12 months before the leave of absence begins.

An employee must exhaust all vacation, personal days, compensatory leave, and any other leave that may be granted, not including sick or disability leave, before requesting Family Military Leave.

B. Notice and Certification. An employee must provide at least 14 days notice of the intended date upon which the leave will commence if the leave will consist of five or more consecutive work days. Where able, an employee must consult with his or her supervisor so as to not unduly disrupt Commission operations. If the leave will consist of less than five consecutive work days, notice must be given as soon as practicable. The Commission may require certification from the proper military authority to verify eligibility.

C. Reinstatement. The Commission will restore an employee to his or her former position or to an equivalent position with equivalent pay, benefits, and other employment terms, provided the employee returns to work at the end of his or her scheduled leave.

The Commission fully supports the concept of family military leave as a means of easing the tensions that may arise between family and workplace obligations. Accordingly, it will not interfere with or restrain any employee in the exercise of family military leave rights, nor will it retaliate or discriminate against anyone who seeks to enforce these rights.

For further information about the interpretation or application of this policy, please contact the Human Resources Manager.

8.8 Medical Leave [Amended 605.3 with minor revisions]

The Commission will make an effort to accommodate occasional, limited, and reasonable requests of eligible employees for paid time off required due to routine illness of brief duration.

The Commission may, at the discretion of the General Manager, also provide eligible employees paid or unpaid leaves of longer duration required due to serious illness or injury. In deciding requests for such leave, the General Manager will consider factors such as the nature and extent of the illness or injury, the ability of the employee to perform light duty assignments or to work a reduced schedule, the length of the employee's tenure with the Commission, the amount of the employee's accumulated vacation leave, and the needs of the Commission. In no event shall such leave be granted with pay where the employee is, or could have, qualified for any alternative income benefit such as disability insurance or Social Security.

If an employee is absent from work due to illness or injury, a physician's statement may be required to verify the illness or injury and its beginning and expected ending dates. Before returning to work from a medical leave, an employee may be required to submit to an

examination pursuant to Section 6.3 of this Handbook. Employees on medical leave must keep their supervisors informed regarding the status of their medical condition at least once every four weeks.

Any medical leave in excess of 90 eight-hour work days during any five year period shall require the approval of the Board of Commissioners.

8.9 Jury and Witness Duty Leave [Replaces 605.4 except as to subpoena language]

The Commission provides eligible employees with paid time off when called to jury duty. Employees should notify their supervisor or the General Manager that they have received a jury summons as soon as possible. Employees are expected to report for work immediately upon release by the court for the day if the employee is able to return to work during the employee's normal working hours. The Commission or the employee may request an excuse from jury duty if the employee's absence would create serious operational difficulties or other hardships. The Commission may offset any amounts received by an employee as jury pay against the compensation paid to the employee while away on jury duty.

The Commission also provides eligible employees with paid time off as necessary to respond to subpoenas issued on behalf of the Commission or by any party in a matter directly involving the Commission or the employee's employment with the Commission. In addition, the Commission provides eligible employees unpaid time off as necessary to respond to subpoenas issued by a party in a matter unrelated to the Commission or the employee's employment with the Commission.

8.10 Bereavement Leave [605.5]

The Commission may, at the discretion of the General Manager, provide paid time off to allow eligible employees to make arrangements for, and to attend, the funeral of an immediate family member. For purposes of this section, "immediate family member" means the employee's spouse, grandparent, parent, child, grandchild or sibling; the employee's spouse's grandparent, parent, child, grandchild or sibling; and the employee's child's spouse. In deciding requests for bereavement leave, the General Manager will consider factors such as closeness of the employee's relationship to the deceased person, the necessity to travel out of the metropolitan area, the length of the employee's tenure with the Commission, the amount of the employee's accumulated vacation leave, and the needs of the Commission.

8.11 Personal Leave [605.6]

A. Leave Provided. The Commission may, at the discretion of the General Manager, provide eligible employees unpaid leave for personal reasons. In deciding requests for unpaid personal leave, the General Manager will consider factors such as the purpose, necessity, and duration of the requested leave, the length of the employee's tenure with the Commission, the amount of the employee's accumulated vacation leave, and the needs of the Commission. Employees requesting personal leave shall notify the General Manager as far in advance as possible of their need for leave and shall provide as much

information as possible concerning the beginning and ending dates of the leave. Employees shall not be absent from work except to the minimum extent required by the circumstances necessitating the leave.

B. Insurance Benefits. The Commission will continue to provide medical insurance for eligible employees on unpaid personal leave and, at the employees' expenses, for their dependents, for a period of 30 calendar days or for such period as is permitted by the Commission's medical insurance plan in effect from time to time, whichever is shorter.

C. Return to Work. At the end of an unpaid personal leave, the Commission will make an effort, in light of its needs at the time, to reinstate the employee in the same, or another suitable, position; however, the Commission does not guarantee reinstatement following an unpaid personal leave.

D. Family and Medical Leave Act. The Family and Medical Leave Act of 1993 (the "FMLA") requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. At this time, however, Commission employees are not "eligible" under the FMLA, and, therefore, are not entitled to FMLA leave, because the Commission has fewer than 50 employees.

8.12 Blood Donation Leave [New]

Full-time employees who have been employed by the Commission for at least six months may receive up to one hour of paid leave every 56 days to donate blood. However, employees may take leave only after obtaining approval from their supervisor.

8.13 Victim's Economic Security and Safety ("VESSA") Leave [New]

A. Eligibility and Leave Entitlement. Employees who are victims of domestic or sexual violence, or have a family or household member who is a victim of domestic or sexual violence, are permitted to take up to 12 weeks of unpaid leave during any 12-month period to:

1. Seek medical attention for, or to recover from, physical or psychological injuries caused by domestic or sexual violence to the employee or a family or household member;
2. Obtain services from a victim services organization for the employee or a family or household member;
3. Obtain psychological or other counseling for the employee or a family or household member;
4. Participate in safety planning, relocating, or taking other actions to increase the safety of the employee or a family or household member; or

5. Seek legal assistance or remedies to ensure the health and safety of the employee or a family or household member.

B. Notice and Certification. Employees must give their supervisor or the General Manager at least 48 hours of advance notice of their intention to take leave unless such notice is not practicable.

The Commission may require certification to verify that the employee or the employee's family or household member is a victim of domestic or sexual violence or to verify that leave is for one of the five purposes listed under "Eligibility and Leave Entitlement."

C. Health Insurance. During the leave, the Commission will continue an employee's medical insurance coverage on the same basis as prior to the leave. The Commission may recover the premium it paid for maintaining coverage if:

1. The employee fails to return from leave after the period of leave which the employee is entitled has expired;
2. The employee fails to return from leave for any reason other than the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave under this Act, or other circumstances beyond the employee's control. The Commission may require the employee to submit a certification that he or she is unable to return to work. All information provided to the Commission will be kept confidential unless disclosure is requested or consented to in writing by the employee or otherwise required by applicable federal or state law.

D. Reinstatement. The Commission will restore an employee to his or her former position or to an equivalent position with equivalent pay, benefits, and other employment terms, provided the employee returns to work at the end of his or her scheduled leave.

The Commission fully supports the concept of victim's economic security and safety leave. Accordingly, it will not interfere with or restrain any employee in the exercise of VESSA leave rights, nor will it retaliate or discriminate against anyone who seeks to enforce these rights.

For further information about the interpretation or application of this policy, please contact the Human Resources Manager.

8.14 Medical and Dental Insurance [Amended 606.1]

The Commission provides paid medical insurance, including dental coverage, for eligible employees. The Commission also pays 80 percent of the premiums for eligible employees' dependent coverage.

Federal and State laws give Commission employees and their qualified beneficiaries the opportunity to continue, at their own cost, coverage under the Commission's medical insurance plan when a "qualifying event" would normally result in the loss of eligibility ("COBRA

Continuation Coverage”) and provide certain options to convert to an individual policy (“COBRA Conversion Option”). The Commission will provide each eligible employee with a written notice describing specific COBRA Continuation Coverage and Conversion Option rights granted under such laws when the employee becomes eligible for coverage under the Commission's medical insurance plan.

The Commission will provide, for a limited duration, paid COBRA Continuation Coverage for certain eligible employees but not for their dependents. Commission paid COBRA Continuation Coverage will be provided for eligible employees when the “qualifying event” is due to an extended medical leave of continuous duration that gives rise to coverage under the Commission’s long term disability insurance. Commission paid COBRA Continuation Coverage will be provided only for so long as said eligible employees are covered under the Commission’s long term disability insurance or the maximum period of COBRA Continuation Coverage required by law for said eligible employees, whichever is shorter.”

8.15 Workers’ Compensation Insurance [Replaces and substantially embellishes upon 606.2]

The Commission provides a comprehensive workers’ compensation insurance program at no cost to employees. This program provides protection for employees in the event of lost work time or medical expenses due to an injury or illness sustained in the course of employment.

Employees who sustain a work-related injury or illness must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable the employee to secure necessary medical treatment and to qualify for workers’ compensation benefits as quickly as possible. The Commission reserves the right to send an employee to a physician of the Commission's choice for evaluation.

8.16 Light Duty Policy [New]

It is the policy of the Commission to offer employees who are injured in the course of their employment and are unable to perform their regular job duties to perform other work for the Commission that is within the limits of their medical condition and consistent with their individual rehabilitative requirements. Toward this end, the Commission may offer light duty to an employee who is temporarily unable to perform the essential functions of his or her job duties as a result of an injury in the course and scope of his or her employment. Light duty may include work within the employee’s normal duties, duties normally performed by employees in other positions, or a combination thereof.

If no light duty is available, an employee injured in the course of his or her employment may remain on leave as appropriate until released to return to full duty.

Light duty will be offered and assigned only on a temporary basis. Before an employee is assigned to light duty, he or she must provide his or her supervisor and the General Manager with a written medical release from the employee’s attending physician. The physician must state the specific restrictions that apply to the employee and must state that the employee is capable of performing light duty work for a specific period of time. Light duty assignments will

be specific to the injured employee's medical restrictions. Employees on light duty are not permitted under any circumstances to perform any work that violates their return to work restrictions.

Light duty assignments shall not exceed six months.

Employees assigned to light duty must provide certification of their medical restrictions and prognosis for their release to full, unrestricted duty. Such certification will be provided at least every 30 days or sooner if requested.

Employees performing light duty will be compensated at their regular salary or hourly rate.

An employee returning to full duty either from light duty or directly from workers' compensation leave must have a written medical release from his or her physician. The employee must provide his or her supervisor and the General Manager with this medical release before resuming his or her regular duties. There should be no permanent restrictions in the medical release that would prevent the employee from performing his/her essential or core job duties with or without reasonable accommodation.

8.17 Disability Insurance [606.3]

The Commission provides paid long term disability insurance for eligible employees. The long term disability insurance benefit is in the amount of 60 percent of the eligible employee's base rate of pay, beginning after 90 calendar days of continuous total disability.

8.18 Life Insurance [606.4]

The Commission provides paid life insurance for eligible employees. The life insurance benefit is in the amount of one and one-half times the eligible employee's annual base pay rounded to the nearest \$1,000.

8.19 Insurance Benefit Booklets and Forms [606.5]

The Commission has booklets describing the various insurance programs listed in this section. All employees should obtain and review these booklets for details relating to available coverages, qualifications, exclusions, and reporting requirements. Claim forms are also available. The Commission regularly reviews its insurance programs, and all such programs are subject to change. It is, therefore, important that employees regularly update their information and understanding of these programs.

8.20 Retirement Plan [Amended 607.1, with revisions]

The Commission's retirement plan is the Illinois Municipal Retirement Fund. All employees employed in a position normally requiring performance of duty for at least 1,000 hours per year participate in this Fund.

8.21 Deferred Compensation [Amended 607.2]

The Commission provides a voluntary Deferred Compensation Program for all eligible employees. The program is designed to provide supplemental retirement benefits by reducing current income. Eligible employees may defer current income up to the maximum extent permitted by federal tax law.

8.22 Flexible Benefits Plan

The Commission provides a voluntary Flexible Benefits Plan for all eligible employees. Under this Plan, eligible employees may contribute a portion of their compensation, before income and Social Security taxes are deducted from it, to an account through a salary reduction agreement. Employees can then withdraw these funds to pay for medical, dental insurance and life insurance premiums, certain medical expenses, and dependent care expenses. Thus, the Plan allows eligible employees to pay for these expenses with pre-tax earnings.

8.23 Advanced Education Tuition Reimbursement Program [Incorporated into the Handbook]

A. Eligible Employees. The Commission encourages its employees to pursue undergraduate and graduate level accredited college study. Accordingly, full-time employees with one or more years of full-time service are eligible to participate in the Commission's Advanced Education Tuition Reimbursement Program ("Eligible Employees").

B. Course Selection. The advanced education that the Eligible Employee wishes to pursue must be related to the Eligible Employee's job and must be approved by the Eligible Employee's Department Manager and the General Manager. The schedule of courses selected by the Eligible Employee must be practical and compatible with the Eligible Employee's work schedule and the needs of the Eligible Employee's department. School attendance must be on the Eligible Employee's own time, unless the Eligible Employee's Department Manager and the General Manager approve otherwise. The Eligible Employee's school attendance and other course work must not interfere in any way with his or her work for the Commission.

C. Application for Budgeted Funds. The Commission's cost for approved advanced education will be met from budgeted amounts within the Eligible Employee's department. The Eligible Employee shall submit a written application for tuition reimbursement for approval by the Eligible Employee's Department Manager and the General Manager prior to each fiscal year. Eligible Employees receiving approval for tuition reimbursement must sign a Tuition Reimbursement Agreement in form and substance acceptable to the Commission's legal counsel.

D. The Commission's Contribution to Tuition Expense. The Commission will reimburse the Eligible Employee's tuition or a portion thereof upon presentation of a tuition receipt or other proof of payment and an official grade report from the accredited educational institution showing completion of all course work with a "C" grade or better.

This documentation must be submitted to the Commission on a timely basis at the end of the school term. If the Eligible Employee receives funds from another source, including grants-in-aid, partial scholarships and G.I. tuition benefits, but excluding V.A. Subsistence Benefits, the Commission will pay that portion of the tuition not covered by these other sources.

E. Reimbursement Restrictions. No time off with pay will be allowed for an Eligible Employee to attend courses under the Advanced Education Tuition Reimbursement Program. No meal or transportation allowance will be given and all classroom supplies are to be purchased by the Eligible Employee. The Eligible Employee may submit receipts for the purchase of required textbooks for approved course work subject to funding availability.

F. Payback Requirements. Notwithstanding any provision contained herein to the contrary, an Eligible Employee who applies for and receives tuition reimbursement must continue full-time employment with the Commission for a period of two (2) years from and after the date of such tuition reimbursement. In the event that the Eligible Employee resigns or is terminated for any reason before the expiration of this two (2)-year period, the Eligible Employee shall refund to the Commission any tuition reimbursement received during the two (2) years immediately preceding the Eligible Employee's last day of employment. The amount that must be refunded will be based on the following schedule:

Time employed from and after last tuition reimbursement:	Amount of tuition reimbursement to be refunded:
Less than 12 months	100%
12 months to 18 months	50%
18 months to 24 months	25%

Any refund due from an Eligible Employee to the Commission shall be deemed a contractual obligation, subject to the terms of this Section. In the case of an exempt Eligible Employee, any refund due to the Commission must be paid within two weeks from the exempt Eligible Employee's last date of employment. If the exempt Eligible Employee cannot fully satisfy his or her refund obligation within this two-week period, the Eligible Employee must sign an installment note for any remaining balance. This installment note will bear zero percent (0%) interest, and must be paid in 24 equal monthly installments. In the case of a nonexempt Eligible Employee, any refund due to the Commission shall be deducted from the nonexempt Eligible Employee's final paycheck(s). In the event that the amount of the refund due to the Commission exceeds the amount of the nonexempt Eligible Employee's final paycheck(s), the Eligible Employee must sign an installment note for any remaining balance. This installment note will bear zero percent (0%) interest, and must be paid in 24 equal monthly installments.

The Commission reserves the right to take legal action against former employees of the Commission to collect any refunds due and owing under the Advanced Education Tuition Reimbursement Program.

G. Taxes. Each Eligible Employee shall be solely responsible for any tax liability arising out of any tuition reimbursement received by such Eligible Employee under the Advanced Education Tuition Reimbursement Program. Except as otherwise described above, all federal, state, and local taxes on any tuition reimbursement received by an Eligible Employee shall be borne exclusively by such Eligible Employee. Each Eligible Employee receiving any tuition reimbursement under the Advanced Education Tuition Reimbursement Program shall, in the Tuition Reimbursement Agreement required by Subsection 8.18(C) above, agree to hold the Commission harmless with respect to all taxes alleged or found to be due and owing on any tuition reimbursement received by that Eligible Employee under the Advanced Education Tuition Reimbursement Program, and promptly reimburse, indemnify, and hold the Commission harmless from any and all claims and liabilities, including the full amount of any additional taxes, social security contributions, or other assessed taxes, plus any interest and penalties owed to the Internal Revenue Service or any other taxing authority, as a result of the non-payment of taxes by the Eligible Employee that are required by law to be paid with respect to any tuition reimbursement received by that Eligible Employee under the Advanced Education Tuition Reimbursement Program.

8.24 Employee Assistance Program [New]

The Commission is interested in the well-being of its employees and their families. The Commission's Employee Assistance Program ("EAP") is designed to assist eligible employees and their family members who are experiencing behavioral, medical, family, substance abuse or serious financial problems. Employees encountering such problems may contact the EAP office directly (Perspectives, LTD) at 800-456-6327, or the Human Resources Manager. All requests for assistance are kept strictly confidential. The decision to seek help from the EAP is entirely the responsibility of the employee and shall be at the cost of the employee unless covered by the Commission's medical insurance plan.

**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF DuPAGE WATER
COMMISSION'S EMPLOYEE HANDBOOK**

Please read the following statements and sign below to indicate your receipt and acknowledgment of the DuPage Water Commission Employee Handbook ("Handbook").

- * I have received a copy of the Handbook, effective _____ 1, 2007. *I understand that the policies, rules, and benefits described in it are subject to change at the sole discretion of the Commission at any time.* I understand that this Handbook supersedes and replaces any and all previous employee handbooks, personnel policy manuals, and policy statements, whether written or oral, issued by the Commission.
- * I understand that the Handbook is *not* a contract, an offer to form a contract, a guarantee of employment for any particular term, or a guarantee of any particular benefits, procedures, terms, or conditions of employment. I further understand that *the Commission and I retain the right to terminate the employment relationship "at will," with or without warning, notice, or cause.*
- * I understand that *no contract of employment other than "at will" has been expressed or implied,* and that no circumstances arising out of my employment will alter my "at will" employment relationship unless expressed in writing, with the understanding specifically set forth and signed by myself and an authorized agent of the Commission.
- * I understand that, should the content of the Handbook be changed in any way, the Commission may require an additional signature from me to indicate that I am aware of and understand those changes.
- * I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Handbook.

Employee's Printed Name

Employee's Signature

Date

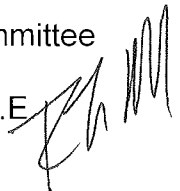
The signed original copy of this agreement should be given to your supervisor or the General Manager. It will be filed in your personnel file.



DuPage Water Commission

MEMORANDUM

TO: Administration Committee

FROM: Robert L. Martin, P.E.
General Manager 

DATE: June 8, 2007

SUBJECT: Possible Subsequent Customer
Royce Realty
Oakbrook Terrace Service Corp.

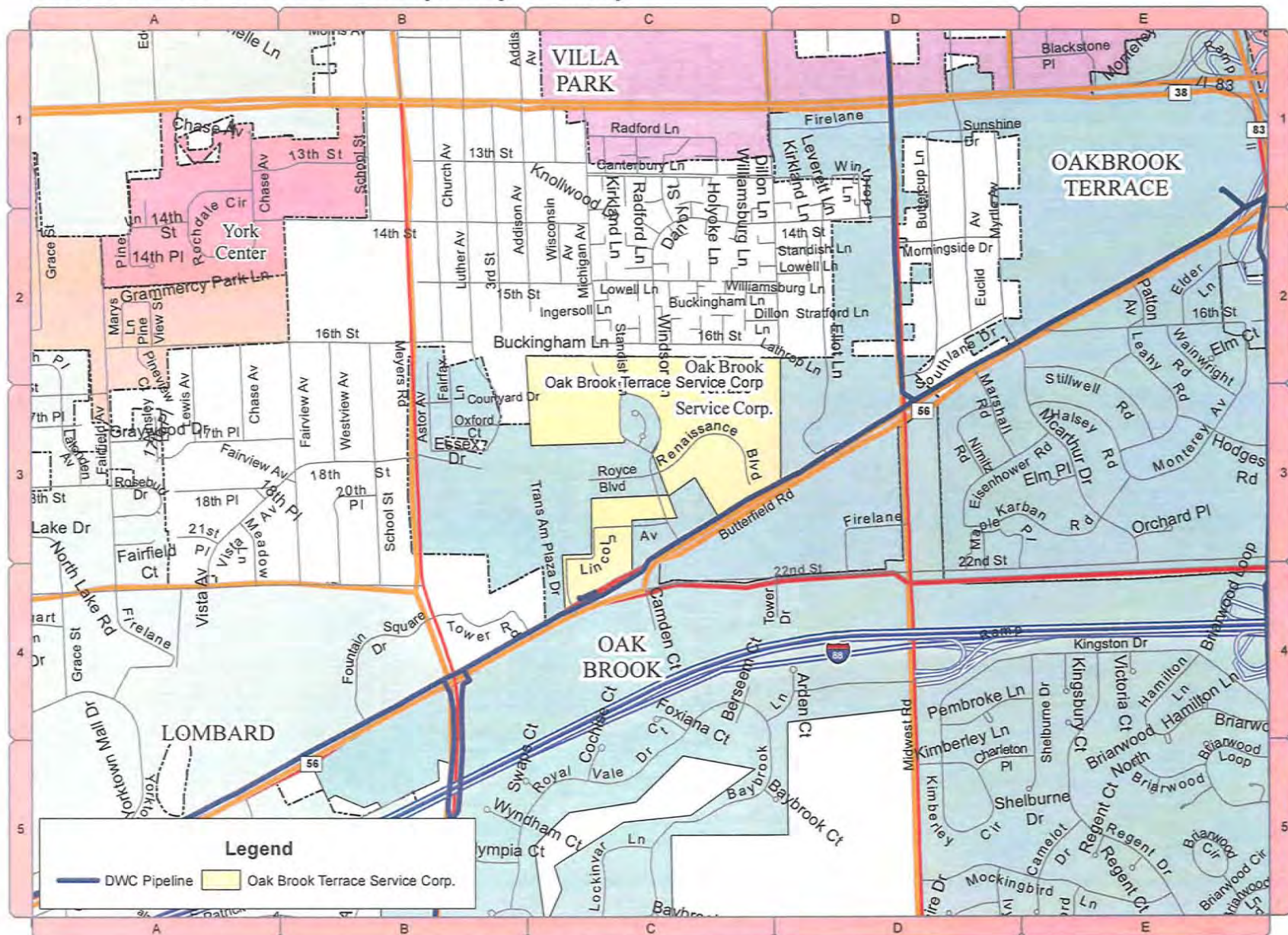
Background

Royce Realty/Oakbrook Terrace Service Corporation (O.B.T. Service Corp) owns a water distribution system north of Butterfield Road and 22nd Street in unincorporated Oakbrook Terrace. Attached is a drawing showing the location of the Oakbrook Terrace Service Corp. service area. O.B.T. Service Corp. has held periodic discussions with the Commission since 2000 regarding possible water service.

Request for Service

Lintech Engineering, LLC, the engineers for O.B.T. Service Corp, has informed the Commission that O.B.T. Service Corp would like to proceed with a direct connection to the DuPage Water Commission. The Commission's policy has been to request a deposit to cover expenses in the development of information regarding water service. An initial deposit of \$10,000 would be sufficient to begin information development.

Oak Brook Terrace Service Corp. Royce Realty



0 500 1,000 2,000 3,000 Feet