

NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT

RESOLUTION NO. 2023-08

A RESOLUTION ADOPTING UPDATED POLICIES PROHIBITING HARASSMENT AND SEXUAL HARASSMENT AND AMENDING THE NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT EMPLOYEE MANUAL

WHEREAS, the Northern Moraine Wastewater Reclamation District (the “*District*”) has developed and approved a “Northern Moraine Wastewater Reclamation District Employee Manual” (the “*Employee Manual*”), which Employee Manual has been amended from time-to-time; and

WHEREAS, the District had previously adopted a policy prohibiting sexual harassment (“*Sexual Harassment Policy*”), which is incorporated into the Employee Manual; and

WHEREAS, the District President has issued an Executive Order on August 18, 2023 (the “*Executive Order*”) setting forth “Policies Prohibiting Harassment and Sexual Harassment,” which is set forth in Exhibit A hereto (the “*Policies Prohibiting Harassment*”); and

WHEREAS, the Policies Prohibiting Harassment are an updated version of District’s Sexual Harassment Policy and apply both to persons affiliated with the District and to persons interacting with District representatives; and

WHEREAS, the District Board of Trustees (the “*District Board*”) desires to formally adopt the Policies Prohibiting Harassment and to incorporate them into the Employee Manual, as doing so is appropriate and in the best interests of the District; and

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Northern Moraine Wastewater Reclamation District, as follows:

SECTION ONE. Incorporation of Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Resolution as if fully set forth.

SECTION TWO. Approval and Adoption of Policies Prohibiting Harassment; Ratification of Executive Order. The District Board hereby approves the Policies Prohibiting

Harassment attached hereto as Exhibit A and adopts such Policies Prohibiting Harassment as an official policy of the District. In doing so, the District Board hereby ratifies the Executive Order of August 18, 2023.

SECTION THREE. Approval of Amendment to the District Employee Manual Incorporating the Policies Prohibiting Harassment. Upon the approval of this Resolution, the Employee Manual is hereby amended to incorporate the “Policies Prohibiting Harassment and Sexual Harassment,” along with other amendments that are included purposes of clarity and consistency, as provided in Exhibit B attached hereto. The District Manager is directed to disseminate the Employee Manual as so amended to all District employees.

SECTION THREE: Effective Date. This Resolution shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED THIS 12th day of September 2023.

AYES: 5

NAYS: 0

ABSENT: 0

APPROVED THIS 12th day of September 2023.


District President

ATTEST:


District Clerk



EXHIBIT A

Policies Prohibiting Harassment and Sexual Harassment

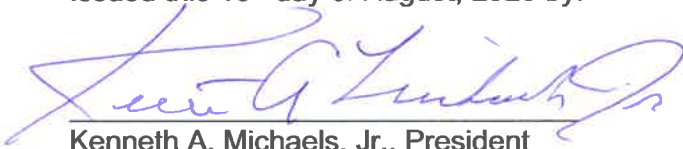
NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT

Executive Order

I, Kenneth A. Michaels, Jr., as President of the Northern Moraine Wastewater Reclamation District (the "*District*"), hereby direct the District Manager as follows:

1. Implement and make available on the District's website and otherwise the attached "Policies Prohibiting Harassment and Sexual Harassment" of the District, which is an updated version of similar policies currently included in the District's Employee Manual;
2. Implement and make available on the District's website and otherwise the attached "Freedom of Information Act Rules and Regulations";
3. Direct the District's Attorney to (a) prepare a resolution for the District Board's consideration to adopt and ratify the "Policies Prohibiting Harassment and Sexual Harassment" and update the District's Employee Manual to incorporate such policies, and (b) prepare a resolution for the District Board's consideration to adopt and ratify the "Freedom of Information Act Rules and Regulations" with such additional modifications and with updated forms for the implementation of the District's FOIA compliance efforts.

Issued this 18th day of August, 2023 by:



Kenneth A. Michaels, Jr., President
Northern Moraine Wastewater Reclamation District

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

Policies Prohibiting Harassment and Sexual Harassment

Introduction

The Northern Moraine Wastewater Reclamation District (the “*District*”) is committed to maintaining an environment free from discrimination and harassment of any kind by or relating to any employee, supervisor, elected official, vendor, client, customer or other person interacting with the District. To that end, the District has established specific policies prohibiting harassment and sexual harassment in accordance with the policies and requirements set forth in the Illinois Human Rights Act, 775 ILCS 5.

Policy Prohibiting Harassment

The District is committed to maintaining an environment free from discrimination and harassment. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the District expects that all relationships among persons in the office will be business-like and free of bias, prejudice, and harassment.

This policy forbids any employee, supervisor, elected official, vendor, client, customer, or other person to harass any employee of the District.

- Definition of Harassment

This policy adopts the definition of harassment as stated in the Illinois Human Rights Act, which currently defines harassment as:

Any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, citizenship status, or work authorization status that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase “working environment” is not limited to a physical location an employee is assigned to perform his or her duties.

775 ILCS 5/2-101(E-1). This policy further prohibits harassing conduct or other workplace discrimination based on an employee's protected status under state and federal law, including gender, creed, political affiliation, or other any other legally protected status.

The District will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual's work performance, affecting an individual's tangible job benefits, or creating an intimidating, hostile, or offensive work environment. The District's policy prohibits harassment based on an individual's protected status, even if it does not rise to the level of a legal violation.

- Prohibited Conduct

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts and language; denigrating jokes; written or graphic material that degrades or shows hostility or aversion toward an individual or group; and disparagement or taunting of employees, including making false statements about employees. Written or graphic material in the workplace that may violate this policy include being placed on walls or elsewhere on the employer's premises or circulated in the workplace, on work time or using District equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means, including requests for service or records made by any individual to the District.

- Responsibility

All employees have a responsibility for keeping the work environment free of harassment. Every employee is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment under this policy. No employees, not even the highest-ranking people in the District are exempt from the requirements of this policy.

Employees are encouraged to inform others in the workplace whenever their conduct is unwelcome, offensive, inappropriate, or in poor taste. In addition, employees should come forward with complaints about alleged problems or violations of this policy at any time. Employees are expected to come forward promptly and report any problems pursuant to this policy before the alleged offending behavior becomes severe or pervasive. The employee experiencing or witnessing what he or she believes to be harassment must not assume that the employer is aware of the conduct.

- Reporting

An employee who either observes conduct the employee believes to be harassment or believes herself/himself to be the object of harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee or a supervisor. It is not necessary for harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be harassment through any of the following avenues:

- *Electronic/Direct Communication.* If there is harassing behavior in the workplace, the harassed employee can directly and clearly express her/his objection to the employees engaged in the behavior that the conduct is unwelcome and request that the offending behavior stop. This communication can be verbal, or in writing in a note or a memo. The District recognizes that, when harassing conduct of non-employees occurs, the dynamic of such relationship may make direct communication ineffective or otherwise untenable; in such instances, communication of the harassing conduct to supervisory personnel is essential.
- *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to: the immediate supervisor of the person making the report; a department head; a director of human resources; an ethics officer; the District Manager; or the chief executive officer of the District. Each supervisor must immediately report to the District Manager any complaint or observation of conduct which may violate this policy.

This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination. Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

- *Resolution Outside District.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the District. However, all District employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities within 300 days of the alleged incident(s) unless it is a continuing offense:

Illinois Department of Human Rights
100 W. Randolph St., Suite 10-100
Chicago, IL 60601
(312) 814-6200

Equal Employment Opportunity Commission
500 West Madison Street, Ste. 2800
Chicago, Illinois 60661-2511
(312) 353-2713

It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. At the same time, the purposes of this policy against harassment in the workplace are not furthered where a complaint is found to be false and frivolous and made to accomplish some other end than stopping harassment. A complaint that is determined to be false and frivolous can result in a severe level of discipline or discharge. A false or frivolous complaint does not refer to complaints made in good faith that cannot be proven.

- Investigation and Response

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the District. However, because of the difficulties associated with investigating anonymous complaints where the ability to obtain additional information is limited, the District's ability to respond to an anonymous complaint may be limited. To facilitate an appropriate and effective response to complaints, the District relies on a reporting employee's willing cooperation in the investigation.

Confidentiality cannot be guaranteed during an investigation, but will be protected to the extent possible. The District will take appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. The District might also conclude, depending on the circumstances, either that no violation of the policy occurred or that the District cannot conclude whether or not a violation occurred.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the District will take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The District may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of policy.

If the person who engaged in the inappropriate conduct is not employed by the District, then the District will take whatever corrective action is reasonable and appropriate under the circumstances, including, but not limited to, restricting the manner and opportunities for the individual to interact with the District and its employees. This may include barring the individual from attending public District meetings in person and rejecting requests of persons that made in violation of this policy.

Policy Prohibiting Sexual Harassment

- Prohibition on Sexual Harassment

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the District to prohibit harassment of any person by any District official, agent, employee, contractor, consultant, person performing services for the District pursuant to a contract, agency, or office ("***District Personnel***") on the basis of sex or gender. All District Personnel are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

- Definition of Sexual Harassment

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes:

- (1) Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy, or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other persons, even outside of their presence, of a sexual nature.
- (2) Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking," or "kissing" noises.
- (3) Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- (4) Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- (5) Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The District will assess sexual harassment by a standard of what would offend a "reasonable person."

- Procedure for Reporting an Allegation of Sexual Harassment

Any District Personnel who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending person, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any District Personnel may report conduct which is believed to be sexual harassment, including the following:

- (1) *Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassed person should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- (2) *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the District Personnel feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the District manager, or the chief executive officer of the District.
- (3) The District Personnel experiencing what he or she believes to be sexual harassment must not assume that the District is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the District will not be presumed to have knowledge of the harassment.
- (4) *Resolution Outside District.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the District. However, all District Personnel have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for

information regarding filing a formal complaint with those entities. A complaint with the IDHR or the EEOC must be filed within 300 days of the alleged incident(s) unless it is a continuing offense.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the District. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

- Prohibition on Retaliation for Reporting Sexual Harassment Allegations

No District Personnel shall take any retaliatory action against any other person due to their:

- (1) Disclosure or threatened disclosure of any violation of this policy,
- (2) The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
- (3) Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action includes, but is not limited to, reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any District Personnel that is taken in retaliation for their involvement in protected activity pursuant to this policy. Retaliation is prohibited even if the report is unsubstantiated, so long as the report was made in good faith. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for a person who does any of the following:

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

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

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

Any District Personnel who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge within 300 days after the alleged retaliation, or otherwise in accordance with the procedures established by the relevant agency.

- Consequences of a Violation of the Prohibition on Sexual Harassment

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

- Consequences for Knowingly Making a False Report

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

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

Policy Against Retaliation

As further provided herein, the District has a strict anti-retaliation policy and all employees should be advised that retaliation will not be tolerated against any person who has filed a complaint in regards to harassment, discrimination or retaliation; or who assists or cooperates in an investigation of a complaint by someone else, whether internally or with an external agency; or who files a charge of discrimination or harassment or retaliation; or who otherwise provides information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws. Examples of the types of retaliation that are prohibited include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such actions. Retaliation is prohibited even if the report is unsubstantiated, so long as the report was made in good faith. In addition, any witness will be protected from retaliation. Retaliation will result in severe discipline, up to and including termination. Anyone experiencing or witnessing any conduct he or she believes to be retaliatory should immediately report such conduct using the complaint process in the District's Policies Prohibiting Harassment and Sexual Harassment.

EXHIBIT B

Amendments to Employee Manual



NORTHERN MORaine

W R D

EMPLOYEE MANUAL

Approved December 2004

Revised November 2008

Revised May 2010

Revised January 2012

Revised February 2013

Revised November 2017

Revised October 2019

Revised February 2021

Revised October 2021

Revised December 2022

Revised September 2023

This Employee Manual is intended to acquaint you with the Northern Moraine Wastewater Reclamation District's employment policies, benefits, procedures and other general information about the District's operations. This manual only highlights the District's policies, practices and benefits for general information and cannot be considered a contract for employment. The District reserves the right to amend, supplement, or rescind any provisions, as it deems appropriate. This Employee Manual supersedes and replaces all previous employee handbooks, manuals, management memos, and policy statements, whether oral or written, issued by the District pertaining to the policy areas contained herein. The provisions of this Employee Manual will apply only insofar as they do not conflict with any state or federal law.

The Island Lake Sanitary District was established by court order in October 1969, under the authority of the Sanitary District Act of 1917, to provide wastewater treatment operations to the District's facility planning area which encompasses the Village of Island Lake, the Village of Fox River Valley Gardens and the Village of Holiday Hills, as well as surrounding unincorporated subdivisions in the area.

In 1976, at the direction of the Illinois Environmental Protection Agency, the Village of Lakemoor contracted with the District for wastewater treatment when plans for the treatment plant and sewage collection system were under way.

The treatment plant was originally constructed in 1978 and began operation in September 1979. The official opening ceremony was held at the treatment facilities in October 1979.

The original treatment plant was designed to treat an average of 1.2 mgd (million gallons per day) with a total treatment capacity of 3.0 mgd. Effluent was treated by chlorination and discharged to the Fox River.

IEPA effluent limitation standards changed in 1990, requiring the District to add chlorination/dechlorination and sulfur dioxide feed equipment. In 1998 effluent limitation standards changed further, this time requiring extensive construction of new facilities totaling \$5.4 million. In 2018, further limitations on the effluent prompted construction of facilities to handle the removal of phosphorus from the effluent stream.

The Island Lake Sanitary District changed its name to Northern Moraine Wastewater Reclamation District by Court order 03MC4 on August 19, 2003. Northern Moraine celebrated it's 50th Anniversary at a public open house on September 14, 2019.

The District's primary objective is to maintain the highest state of excellence in the treatment of wastewater prior to returning our treated effluent back to watersheds and delicate ecosystems located both within and without the District's boundaries. We aim to educate our users and be good stewards of the water environment we protect.

TABLE OF CONTENTS

SECTION	PAGES
GENERAL EMPLOYMENT POLICIES 16 <u>17</u>	5 -
<ul style="list-style-type: none"> Employment At-Will Equal Employment Opportunity Harassment Policy Policy<u>Policies</u> Prohibiting <u>Harassment and</u> Sexual Harassment Policy Against Retaliation Policy Establishing Procedures for Reporting Improper Governmental Conduct and Prohibiting Retaliation Against Whistleblowers Employment Eligibility Verification Driver’s License and Driving Record Health Examinations Education Requirements Confidential Information Solicitations and Distributions Dress Code and Appearance Smoking 	
EMPLOYEE STATUS	<u>17 - 18</u>
<ul style="list-style-type: none"> Full-Time Employees Part-Time Employees Exempt Employees Non-Exempt Employees Introductory Period Anniversary Date 	
WORK SCHEDULE 19	<u>17</u>18 -
<ul style="list-style-type: none"> Business Hours District and Department Meetings Attendance Absence or Lateness Meal and Break Periods 	
COMPENSATION 21 <u>22</u>	19 -
<ul style="list-style-type: none"> Pay Period and Hours Bi-Weekly Pay Cycle Mandatory Deductions from Paycheck Voluntary Deductions from Paycheck Error in Pay Overtime Pay Compensatory Time Off Work Performed on District Holidays 	

Time Records

PERFORMANCE AND COMPENSATION REVIEWS

~~21-~~

22

Performance Reviews
Compensation Reviews

BENEFITS

22 -

~~2930~~

Eligibility for Benefits
Insurance Coverage
Short Term Disability Benefits
Retirement Plan
Educational Benefits
Tuition Reimbursement
Tuition Reimbursement Procedure
Expense Reimbursement
Leaves
Holidays
Holiday Policies
Vacation and Vacation Pay
Vacation Policies
Sick Leave
Separation/Retirement
Personal Business Days
Unpaid Leaves
Jury Duty
Military Reserves or National Guard Leave of Absence
Personal Leave of Absence
Light Duty Policy
Reasonable Accommodation Policy

SAFETY

~~29-30 -~~

~~31~~

Office Safety
Weapons
Personal Use of District Property
Use of District Vehicles

ACCIDENTS

~~3031~~

Personal Injuries
Accidents to District Equipment – Not Involving Other Persons or Person’s
Personal Property
Accidents Involving District Employees – Personal Injuries to Others
and Their Property

VIOLENCE IN THE WORKPLACE POLICY

~~31-32~~

STANDARDS OF CONDUCT

~~3132 -~~

33

Unacceptable Activities
Workplace Inspections Policy

TECHNOLOGY
35

3334 -

Resources Policy
Email Policy

DISCIPLINARY ACTIONS
36

35

Discipline Procedure
Step One: Oral Reminder
Step Two: Written Warning
Step Three: Suspension

SEPARATION OF EMPLOYMENT

36 - 37

Termination
Return of District Property
Post-Employment Inquiries

Appendix A: CDL Drug and Alcohol Testing
3738

GENERAL EMPLOYMENT POLICIES

Employment At-Will

Your employment with the Northern Moraine Wastewater Reclamation District is on an at-will basis, meaning the District and its employees retain the mutual right to terminate the employment relationship “at will,” with or without warning, notice, or cause. As such, this Employment Manual shall not be construed to provide any guarantee or assurance of continued employment or employment for any specific period with the District.

Equal Employment Opportunity

The Northern Moraine Wastewater Reclamation District is an equal employment opportunity employer. Employment decisions are based on merit and business needs, and not on race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, pregnancy, veteran status, political affiliation, or any other factor protected by law.

Equal employment opportunity notices are posted near employee gathering places and the company bulletin board. These notices summarize the rights of employees to equal opportunity in employment and list the names and addresses of the various government agencies that may be contacted in the event that any person believes he or she has been discriminated against.

Management is primarily responsible for seeing that the District’s equal employment opportunity policies are implemented, but all members of the staff share in the responsibility for assuring that by their personal actions the policies are effective and apply uniformly to everyone.

Any employees, including managers, involved in discriminatory practices will be subject to termination.

Policies Prohibiting Harassment Policy and Sexual Harassment

Introduction

The Northern Moraine Wastewater Reclamation District is committed to maintaining an environment free from discrimination and harassment of any kind by or relating to any employee, supervisor, elected official, vendor, client, customer or other person interacting with the District. To that end, the District has established specific policies prohibiting harassment and sexual harassment in accordance with the policies and requirements set forth in the Illinois Human Rights Act, 775 ILCS 5.

Policy Prohibiting Harassment

The District is committed to maintaining an environment free from discrimination and harassment. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the District expects that all relationships among persons in the office will be business-like and free of bias, prejudice, and harassment.

This policy forbids any employee, supervisor, elected official, vendor, client, customer, or other person to harass any employee of the District.

- Definition of Harassment

This policy adopts the definition of harassment as stated in the Illinois Human Rights Act, which currently defines harassment as:

Any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, citizenship status, or work authorization status that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

- 775 ILCS 5/2-101(E-1). This policy further ~~Prohibited Conduct~~

This policy prohibits harassing conduct or other workplace discrimination based on an employee's protected status under state and federal law, including ~~race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, pregnancy, veteran status,~~ political affiliation, or other any other legally protected status.

The District will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual's work performance, affecting an individual's tangible job benefits, or creating an intimidating, hostile, or offensive work environment. The District's policy prohibits harassment based on an individual's protected status, even if it does not rise to the level of a legal violation.

- Prohibited Conduct

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts and language; denigrating jokes; ~~and~~ written or graphic material that degrades or shows hostility or aversion toward an individual or group; and disparagement or taunting of employees, including making false statements about employees. Written or graphic material in the workplace that may violate this policy may be include being placed on walls or elsewhere on the employer's premises

or circulated in the workplace, on work time or using District equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means, including requests for service or records made by any individual to the District.

- Responsibility

All employees have a responsibility for keeping the work environment free of harassment. Every employee is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment under this policy. No employees, not even the highest-ranking people in the District are exempt from the requirements of this policy.

Employees are encouraged to inform others in the workplace whenever their conduct is unwelcome, offensive, inappropriate, or in poor taste. In addition, employees should come forward with complaints about alleged problems or violations of this policy at any time. Employees are expected to come forward promptly and report any problems pursuant to this policy before the alleged offending behavior becomes severe or pervasive. The employee experiencing or witnessing what he or she believes to be harassment must not assume that the employer is aware of the conduct.

- Reporting

An employee who either observes conduct the employee believes to be harassment or believes herself/himself to be the object of harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee or a supervisor. It is not necessary for harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be harassment through any of the following avenues:

- *Electronic/Direct Communication.* If there is harassing behavior in the workplace, the harassed employee can directly and clearly express her/his objection to the employees engaged in the behavior that the conduct is unwelcome and request that the offending behavior stop. This communication can be verbal, or in writing in a note or a memo. The District recognizes that, when harassing conduct of non-employees occurs, the dynamic of such relationship may make direct communication ineffective or otherwise untenable; in such instances, communication of the harassing conduct to supervisory personnel is essential.
- *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to: the immediate supervisor of the person making the report; a department head; a director of human resources; an ethics officer; the District Manager; or the chief executive officer of the District. Each supervisor must immediately report to the District Manager any complaint or observation of conduct which may violate this policy.

This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination. Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

- *Resolution Outside District.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the District. However, all District employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities within 300 days of the alleged incident(s) unless it is a continuing offense:

Illinois Department of Human Rights
100 W. Randolph St., Suite 10-100
Chicago, IL 60601
(312) 814-6200

Equal Employment Opportunity Commission
500 West Madison Street, Ste. 2800
Chicago, Illinois 60661-2511
(312) 353-2713

It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. At the same time, the purposes of this policy against harassment in the workplace are not furthered where a complaint is found to be false and frivolous and made to accomplish some other end than stopping harassment. A complaint that is determined to be false and frivolous can result in a severe level of discipline or discharge. A false or frivolous complaint does not refer to complaints made in good faith that cannot be proven.

- Investigation and Response

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the District. However, because of the difficulties associated with investigating anonymous complaints where the ability to obtain additional information is limited, the District's ability to respond to an anonymous complaint may be limited. To facilitate an appropriate and effective response to complaints, the District relies on a reporting employee's willing cooperation in the investigation.

Confidentiality cannot be guaranteed during an investigation, but will be protected to the extent possible. The District will take appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. The District might also conclude, depending on the circumstances, either that no violation of the policy occurred or that the District cannot conclude whether or not a violation occurred.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the District will take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The District may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of policy.

If the person who engaged in the inappropriate conduct is not employed by the District, then the District will take whatever corrective action is reasonable and appropriate under the circumstances—, including, but not limited to, restricting the manner and opportunities for the individual to interact with the District and its employees. This may include barring the individual from attending public District meetings in person and rejecting requests of persons that are made in violation of this policy.

Policy Prohibiting Sexual Harassment

- Prohibition on Sexual Harassment

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the District to prohibit harassment of any person by any District official, agent, employee, contractor, consultant, person performing services for the District pursuant to a contract, agency, or office ("**District Personnel**") on the basis of sex or gender. All District Personnel

are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

- Definition of Sexual Harassment

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes:

- (1) Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy, or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other persons, even outside of their presence, of a sexual nature.
- (2) Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking," or "kissing" noises.
- (3) Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- (4) Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- (5) Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The District will assess sexual harassment by a standard of what would offend a "reasonable person."

- Procedure for Reporting an Allegation of Sexual Harassment

Any District Personnel who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending person, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any District Personnel may report conduct which is believed to be sexual harassment, including the following:

- (1) *Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassed person should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

- (2) *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the District Personnel feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the District manager, or the chief executive officer of the District.
- (3) The District Personnel experiencing what he or she believes to be sexual harassment must not assume that the District is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the District will not be presumed to have knowledge of the harassment.
- (4) *Resolution Outside District.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the District. However, all District Personnel have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. A complaint with the IDHR or the EEOC must be filed within 300 days of the alleged incident(s) unless it is a continuing offense.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the District. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

- Prohibition on Retaliation for Reporting Sexual Harassment Allegations

No District Personnel shall take any retaliatory action against any other person due to their:

- (1) Disclosure or threatened disclosure of any violation of this policy,
- (2) The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
- (3) Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action includes, but is not limited to, reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any District Personnel that is taken in retaliation for their involvement in protected activity pursuant to this policy. Retaliation is prohibited even if the report is unsubstantiated, so long as the report was made in good faith. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for a person who does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
- (2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or

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

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

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

Any District Personnel who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge within 300 days after the alleged retaliation, or otherwise in accordance with the procedures established by the relevant agency.

- Consequences of a Violation of the Prohibition on Sexual Harassment

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

- Consequences for Knowingly Making a False Report

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

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

Policy Against Retaliation

As further provided herein, the District has a strict anti-retaliation policy and all employees should be advised that retaliation will not be tolerated against any person who has filed a complaint in regards to harassment, discrimination or retaliation; or who assists or cooperates in an investigation of a complaint by someone else, whether internally or with an external agency; or who files a charge of discrimination or harassment or retaliation; or who otherwise provides information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws. Examples of the types of retaliation that are prohibited include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such actions. Retaliation is prohibited even if the report is unsubstantiated, so long as the report was made in good faith. In addition, any witness will be protected from retaliation. Retaliation will result in severe discipline, up to and including termination. Anyone experiencing or witnessing any conduct he or she believes to be retaliatory should immediately report such conduct using the complaint process in the District's [Anti-Policies Prohibiting Harassment ~~policy~~ and Sexual Harassment](#).

Policy Establishing Procedures for Reporting Improper Governmental Conduct and Prohibiting Retaliation Against Whistleblowers

- Prohibition on Retaliation Against Whistleblowers.

In keeping with its policy of maintaining the highest standards of conduct and ethics, the District will investigate and take appropriate action related to suspected violations of federal, State, or local laws or rules. In furtherance of this effort, it is the District's policy ("**Policy**") to prohibit any Retaliation against an Employee or contractor who (1) reports an Improper Governmental Action under this Policy; (2) cooperates with an investigation by an Auditing Official related to a report of Improper Governmental Action; or (3) testifies in a proceeding or prosecution arising out of an Improper Governmental Action ("**Whistleblowing Activities**"). This Policy is in addition to, and applies to the extent that it does not conflict with, the rights and procedures provided by the Whistleblower Act, 740 ILCS 174/1 *et seq.*, the Public Officer Prohibited Activities Act, 50 ILCS 105/4.1, the Illinois Human Rights Act, 775 ILCS 5/6-101, the State Officials and Employees Ethics Act, 5 ILCS 430/15-10, and any other applicable federal or State law related to Whistleblowing Activities ("**Whistleblowing Laws**").

Every Employee shall receive a complete copy of this Policy and Section 4.1 of the Public Officers Prohibited Activities Act, which is included in Sec. VII below, upon commencement of employment and at least once each year of employment.

- Definitions.

This Policy adopts the definitions of the following terms as stated in the Public Officers Prohibited Activities Act:

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

"Improper Governmental Action" means any action by a District employee, an appointed member of a board, commission, or committee, or an elected official of the District that is undertaken in violation of a federal, State, or District law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "Improper Governmental Action." "Improper Governmental Action" includes Retaliation. "Improper Governmental Action" does not include a District personnel actions, including, but not

limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to Retaliation.

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

“Auditing Official” means the District Manager or, if the District Manager is the person performing the Improper Governmental Action, then the District President.

- Procedure for Reporting Suspected Improper Governmental Action.

The District adopts the procedures described herein insofar as they do not conflict with the Public Officer Prohibited Activities Act or any other Whistleblowing Law. To invoke the protections of this Policy, an Employee shall make a written report of Improper Governmental Action to the appropriate Auditing Official (a **“Report”**). Any Report (including any Report by an Employee who believes he or she has been Retaliated against in violation of this Policy) must be filed with the Auditing Official within 90 days after the Employee gains knowledge of the Improper Governmental Action or Retaliatory Action. Documentation of any Improper Governmental Action may be submitted to the Auditing Official, including, but not limited to, written records such as letters, notes, memos, and telephone messages.

An Employee witnessing what he or she believes to be Improper Governmental Action must not assume that the Auditing Official is aware of the conduct. If the Employee fails to file a Report of an alleged Improper Governmental Action to the Auditing Official, the Auditing Official will not be presumed to have knowledge of the conduct.

The Auditing Official may develop forms for filing a Report and may also promulgate additional rules to improve the processes of filing and investigating Reports.

All Reports of Improper Governmental Action will be accepted and investigated regardless of the manner or form that such Report is filed with the Auditing Official. Because of the serious implications regarding, and the difficulties associated with the investigation of, any Report of Improper Governmental Action, as well as the questions of credibility involved with investigating Reports, Employees’ willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

- Investigation of Allegations of Improper Governmental Action.

- (1) The Auditing Official shall manage, investigate, and dispose of Reports of Improper Governmental Action filed under this Policy. The Auditing Official (or a licensed attorney designated by the Auditing Official) shall conduct a thorough and comprehensive investigation of such Reports, which may include interviewing witnesses, gathering documents, hiring outside counsel, preserving evidence, and taking other reasonable steps to ensure a full and fair investigation. The Auditing Official’s processes and procedures for investigating Reports shall be governed by this Policy and the nature and scope of the complained of conduct. Upon conclusion of an investigation, the Auditing Official shall issue written **“Findings.”** If an Auditing Official’s Findings conclude that an Improper Governmental Action has taken place

or concludes that the District, or any of its departments, officials, or Employees have hindered the Auditing Official's investigation into the Report, the Auditing Official shall notify in writing the District President and/or any other individual or entity the Auditing Official deems necessary under the circumstances.

- (2) The Auditing Official may transfer a Report to another Auditing Official or a designated licensed attorney (including without limitation the State's Attorney) for investigating such Report and preparing Findings, if the Auditing Official deems it appropriate.
- (3) To the extent allowed by law, the identity of an Employee making a Report shall be kept confidential unless the Employee waives confidentiality in writing. Auditing Officials may take reasonable measures to protect Employees who reasonably believe they may be subject to bodily harm for making a Report.
- (4) The following remedies are available to Employees subjected to Retaliation:
 - a. Auditing Officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.
 - b. In instances where an Auditing Official determines that restitution will not suffice, the Auditing Official may make his or her Findings available for the purposes of aiding in that Employee or the Employee's attorney's effort to make the Employee whole.

- Consequences of a Violation of the Prohibition on Retaliation.

In addition to any penalties available under the Whistleblower Laws, any person who engages in Retaliation under this Policy may be subject to suspension without pay, demotion, or discharge.

- Consequences for Knowingly Making a False Report.

A false report is a Report made to an Auditing Official with the knowledge at the time of the Report that there is no reasonable ground for believing that the Improper Governmental Action had occurred, but does not include a Report made in good faith which cannot be proven. Any Employee or appointed District official who makes a false Report shall be subject to discipline or discharge pursuant to applicable District policies, employment agreements, procedures, employee handbooks, and/or collective bargaining agreements.

- Section 4.1 of the Public Officers Prohibited Activities Act

Below is the text of Section 4.1 of the Public Officers Prohibited Activities Act as established by P.A. 101-652, § 10-135, eff. July 1, 2021. Please refer to 50 ILCS 105/4.1 for any updates.

§ 4.1. Retaliation against a whistleblower.

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

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

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

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

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

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

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

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

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

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

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

(i) As used in this Section:

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

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

"Improper governmental action" means any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger

to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action". "Improper governmental action" does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

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

50 ILCS 105/4.1

Employment Eligibility Verification

All offers of employment are contingent on verification of your right to work in the United States. On your first day of work you will be asked to provide original documents verifying your right to work and, as required by federal law, to sign Federal Form I-9, Employment Eligibility Verification Form. If you at any time cannot verify your right to work in the United States, the District may be obliged to terminate your employment.

Driver's License and Driving Record

Employees whose work requires operation of the District's specialized equipment and motor vehicle must present and maintain a valid CDL driver's license. Any changes in your driving record must be reported to your supervisor immediately. Failure to do so may result in disciplinary action, up to and including possible termination.

Health Examinations

The District reserves the right to require an employee's participation in a physical or psychological examination or medical test with a health care provide designated by the District at any time to determine the employee's fitness to perform the duties of the position or for other business-related and operational reasons. The District shall pay for all such health exams which shall be performed by a licensed medical professional or professionals appointed by the District.

Education Requirements

All full time employees are required to have a high school diploma, G.E.D. certificate or IEPA wastewater certificate.

Confidential Information

No one is permitted to remove or make copies of any of the District records, reports or documents without prior management approval. Confidentiality is extremely important in order to maintain the public and community's trust. Access to or disclosure of confidential information about other employees or private information about the District's customers could lead to termination, as well as other possible legal action. In the course of performing work for the District, an employee may obtain knowledge of confidential or sensitive work-related information, including information about citizens and non-public information about operations and employees. Such confidential information includes personal or private information of employees, customers, citizens, and vendors, such as personal telephone numbers, personal email addresses, home addresses, personal license plates or other unique identifiers, personal financial information, medical information, information about minors, and other sensitive information. Other confidential information may include trade secrets, reports and analysis prepared by the District or third parties that have not been released to the public, information provided for audit purposes that has not been released to the public, information related to other actions that remain under review or in a preliminary or draft state, attorney-client communications, or other information that is not subject to disclosure under state or federal law. An employee is only authorized to access the information that is required for performance of the employee's job duties. Any unauthorized access to confidential information may be considered "snooping" and may subject an employee to discipline.

Solicitations and Distributions

Solicitation for any cause during working time and during non-working time in areas where it will disturb other employees who are working is not permitted. You are not permitted to distribute non-District literature in work areas at any time or during working time. Working time is defined as the time assigned for the performance of your job and does not apply to break periods and meal times. Employees are not permitted to sell chances, merchandise or otherwise solicit or distribute literature in non-work areas during non-work time without management approval.

Persons not employed by the District are prohibited from soliciting or distributing literature on District property or from entering District property to solicit or distribute literature.

Dress Code and Personal Appearance

The District provides work clothes (polos, t-shirts, sweatshirts, etc.) with the District logo on them. In addition, the District provides a clothing allowance to be spent on approved items annually. Clothing allowances are \$200 for staff required to be in the field and \$100 for office staff per fiscal year. Clothing allowances will be used for clothing, work jeans and safety boots. For reasons of safety, the District does not allow tank tops, shorts and gym shoes to be worn during working hours unless permitted by the District Manager. You are expected to be suitably attired in clean clothes and groomed appropriately during working hours or when representing the District.

Smoking

Consistent with the Smoke-Free Illinois Act, the District's buildings and vehicles are designated as "**NO SMOKING**" areas. This policy prohibits the use of the use of tobacco products, e-cigarettes, or smokeless tobacco products. Such use is only allowed in designated areas that are a sufficient distance from any entrance, exit, windows that open or any ventilation intakes that serve an enclosed area of any District building.

EMPLOYEE STATUS

Full-Time Employees

An employee who has successfully completed their introductory period (see the Introductory Period Policy for a specific definition) and who works at least 32 hours per week is considered a full-time employee.

Part-Time Employees

An employee who works less than 30 hours per week, or one who is hired for only a specific duration, e.g., summer employment of a college or high school student, is considered a part-time employee. If you are a part-time employee, please understand that you are not eligible for benefits described in this Employee Manual, except as granted on occasion, or to the extent required by provision of state and federal laws.

Exempt Employees

An employee paid on a salaried basis and who serves in executive, administrative, professional or other “exempt” positions as defined in applicable wage and hour laws as determined by the District. Exempt employees are not eligible for additional overtime pay.

Non-Exempt Employees

An employee who is entitled to overtime pay for all hours worked in excess of 40 in any work week.

Introductory Period

Your first ninety (90) days of employment at the District are considered an Introductory Period. The purpose of the Introductory Period is to evaluate your work record, attendance, compatibility, and any other aspect of job performance deemed essential to achieving the highest level of performance. At the end of the Introductory Period, your supervisor will discuss your job performance with you. This review will be similar to the job performance review that is held for regular full-time or part-time employees on an annual basis.

Progression through the introductory period does not guarantee continued employment with the District for any particular term and does not alter the status of “at-will” District employees.

A former employee who has been rehired after a separation from the District of more than one (1) year is considered an introductory employee during their first ninety (90) days following rehire.

Anniversary Date

The first day you report to work is your “official” anniversary date. Your anniversary date is used to compute various conditions and benefits described in this Employee Manual.

WORK SCHEDULE

Business Hours

Our regular operating hours are from 8:00 a.m. to 4:00 p.m., Monday through Friday. The normal work week consists of five (5) days, each eight (8) hours long, Monday through Friday.

Your particular hours of work and the scheduling of your meal period will be determined and assigned by the District Manager. Most employees are assigned to work a forty (40) hour work week. Should

you have any questions concerning your work schedule, please ask your supervisor. Changes in work schedules may be made where in the best interest of the District as determined by the District Manager.

Field Operators certified in wastewater treatment by the Illinois Environmental Protection Agency shall be required to work overtime and remain "on-call" during evenings and weekends. Such "on-call" responsibilities shall be assigned on a rotational basis to provide for equal distribution of "on-call" hours based upon Field Operators available for such assignment.

District and Department Meetings

On occasion we may request that you attend a District sponsored meeting. If this is scheduled during your regular working hours, your attendance is required. If you are a non-exempt employee, and attend a meeting held during your non-working hours, you will be paid for the time you spend traveling to and from the meeting as well as for time spent at the meeting.

Attendance

You should be ready to work at the beginning of your assigned daily work hours, and to reasonably complete your projects by the end of your assigned work hours.

Absence or Lateness

From time to time, it may be necessary for you to be absent from work. The District is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside your work hours may arise. Vacation and personal days have been provided for this purpose.

If you are unable to report to work or if you will arrive late, please contact your supervisor immediately and in every instance no later than one half hour prior to your shift start time. If you know in advance that you will need to be absent, please request this time off directly from your supervisor.

If you are arriving to work late please let your supervisor know when you expect to arrive for work. If you are unable to call in yourself because of an illness, emergency or for some other reason, be sure to have someone call for you.

Absence from work for three (3) consecutive days without notifying your supervisor will be considered a voluntary resignation.

Where the pattern of sick leave usage, tardiness or leaving early indicates possible wrongful use of sick leave privileges, the District may require verification by a physician at any time at the employee's expense. If an employee develops a pattern of sick leave usage, the District suspects sick leave abuse, or the employee repeatedly uses sick leave, the District may require employees to submit a doctor's verification for each subsequent illness which occurs within a stated period of time. Excessive absences, tardiness or leaving early may lead to disciplinary action, including possible dismissal.

Meal and Break Periods

You are entitled to two (2) fifteen (15) minute paid breaks each workday. Normally these breaks will be scheduled at two different intervals, one prior to your meal period and one after your meal period.

If you work longer than four (4) hours, you will be given an unpaid meal period. The time when meal periods are scheduled varies, depending on the day's work schedule. **Taking a lunch break is mandatory.** You may not perform any work during your regularly scheduled meal period unless you have received prior approval from your supervisor. It is important to return to work on time at the end of your meal period.

COMPENSATION

The District's Board of Trustees reviews its compensation of employees annually, through the approval of a Salary Administration Policy and adoption of a Salary Ordinance and/or salary budget. It is the responsibility of the District Manager to administer the Salary Policy. Compensation is determined based on availability of budgeted funds, employee performance appraisal results, skills and disciplinary history, and such other operational factors as the District Manager determines appropriate.

NMWRD staff who receive an upgrade in their wastewater operator certification by the Illinois EPA may be eligible to receive a wage increase based on a percentage of their annual base pay, per the following schedule:

Collection System	1%
Class 4	1%
Class 3	2%
Class 2	3%
Class 1	4%

Pay Period and Hours

Our payroll workweek begins on Saturday at 12:00 a.m. and ends on Friday at 11:59 p.m. the following week.

Bi-Weekly Pay Cycle

Payday is normally on every other Friday for services performed during the two (2) week period ending on the previous Friday at 11:59 p.m.

Mandatory Deductions from Paycheck

The District is required by law to make certain deductions from your paycheck each time one is prepared. Among these are your federal, state and local income taxes and your contribution to IMRF, Medicare and Social Security as required by law. These deductions will be itemized on your check stub. The amount of the deductions will depend on your earnings and on the information, you furnish on your W-4 form regarding the number of exemptions you claim. If you wish to modify this number, please request a new W-4 form from the District Manager immediately.

The W-2 form you receive annually reflects how much of your earnings were deducted for these purposes.

The District will administer any other mandatory deductions to be made from your paycheck, such as court-ordered garnishments, as required by law.

Voluntary Deductions for Paycheck

The District offers employees the opportunity to participate in a voluntary 457 type, deferred income retirement savings plan through MissionSquare (formerly ICMA-RC) to allow all full time employees the ability to plan for retirement. Participation is voluntary and the District shall have no liability for any investment losses suffered by employees for any reason. To assist and support employee's retirement savings, the District will deduct and transfer pre-tax funds to MissionSquare from

employee's paychecks as directed by employees. Employees shall bear the sole responsibility of determining their bi-weekly deduction and in verifying that the District is processing these deductions in accordance with their wishes. The District Manager is the designated official responsible for the 457 plan and can supply employees with program information upon request.

The District will also deduct payments for the proportionate share of family medical coverage and for flexible spending accounts, based on the employee's choice and as outlined in this manual.

Error in Pay

Every effort is made to avoid errors in your paycheck. If you believe an error has been made, tell the District Manager immediately. He or she will take the necessary steps to research the problem and to make any necessary correction.

Overtime Pay

If you are a non-exempt employee, you will be eligible to receive overtime pay of one and one-half (1-1/2) times your regular hourly wage for approved hours actually worked over forty (40) hours in one (1) week. Non-emergency overtime hours must be approved by the District Manager in advance of working such time. Non-scheduled sick time, meaning time taken without approval at least one half hour prior to the start of an employee's work hours, or other non-working time does not count as hours worked for the purpose of computing eligibility for overtime pay. Leave due to job-related injury, paid holiday, jury duty, scheduled vacation time, scheduled personal business time and scheduled sick time shall count as hours worked for the purpose of computing overtime pay.

Field Operators certified in wastewater treatment by the Illinois Environmental Protection Agency shall be required to work overtime and remain "on-call" during evenings and weekends on a rotational basis. The operator on-call shall receive an additional 4 hours for that week as compensation for being on-call. Operators who respond to emergency call outs during non-working hours shall receive a minimum of 2 hours call out pay at the appropriate rate for time actually worked not immediately preceding or following regular working hours. Operators called out within two hours of the regular reporting time or required to work beyond the end of the regular work day will receive pay at the appropriate rate for hours actually worked. Operators who are able to handle an after-hours call, such as a lift station alarm that can be reset via phone, District provided computer, or a customer call not requiring the operator to report, shall receive pay for that time actually worked, at the appropriate rate in quarter hour increments.

Scheduled overtime work, such as weekend duty, or work that may be scheduled in advance during non-working hours shall be compensated at the appropriate rate for hours actually worked.

If you work overtime on an emergency call after completing an eight 8 hour day, and your work continues into the next day thereby causing you to be unable to work a full shift the next day because of lack of sleep, the District Manager may authorize such hours to be paid at a premium rate of one and a half times your regular hourly rate, notwithstanding your failure to complete a forty (40) hour work week because you did not work a full shift the next day.

Any additional rates of pay shall not be "pyramided" with overtime or other supplemental pay.

Compensatory Time Off

In lieu of overtime compensation the District and each full-time employee may agree that the employee will receive compensatory time off which will be computed in the same manner as overtime. The District reserves the right to pay overtime in cash, and unless mutually agreed in advance, all overtime will be paid in cash. Employees must request the use of Compensatory time at least 48 hours before

their use when practicable. Employees may not accumulate more than 40 hours of compensatory time at any given time. Compensatory time may be used in fifteen (15) minute increments and can not exceed 80 hours of usage in a calendar year. The District may cash out a non-exempt employee's accrued compensatory time off at any time or otherwise require employees to use accrued compensatory time.

Work Performed on District Holidays

Full-time non-exempt employees who work on a District holiday will receive premium pay at a rate of one and a half times the regular hourly rate for hours worked on the holiday.

Time Records

You are responsible for accurately recording your time. The District does not allow non-exempt employees to work "off the clock" without compensation. Non-exempt employees must record all hours of work, including work performed away from the workplace, on their time sheets and receive prior authorization if performing work outside of the employee's assigned work hours. Failure to accurately record all hours of work may result in disciplinary action, up to and including possible termination of employment

No one may record hours worked on another's timecard. Tampering with another's time record will result in disciplinary action, up to and including possible termination of both employees. In the event of an error in recording your time, please report the matter to the District Manager immediately.

PERFORMANCE AND COMPENSATION REVIEWS

Performance Reviews

Because we want you to grow and succeed in your job, the District conducts a performance review at least one (1) time per year for each employee. New employees may be reviewed near the end of their Introductory Period. A review may also be conducted in the event of a promotion or change in duties and responsibilities.

During a formal performance review your supervisor may cover the following areas:

- Quality and quantity of your work
- Strengths and areas for improvement
- Attitude and willingness to work
- Initiative and teamwork
- Attendance
- Problem solving skills
- Ongoing professional growth and development

Additional areas may also be reviewed as they relate to your specific job. Your review provides an opportunity for collaborative, two-way communication between you and your supervisor. This is a good time to discuss your professional interests and work-related goals. The performance review gives your supervisor an opportunity to identify performance concerns that may affect advancement or to suggest ways for you to advance and make your job at the District more fulfilling.

The District Manager can answer any questions you may have about the performance review process.

Compensation Reviews

The District's compensation reviews are usually made annually by the Board of Trustees at a regular board meeting in April based on budget requests and recommendations submitted by the District Manager in accordance with the District's Salary Administration Policy and Procedure.

The District periodically conducts a review of job descriptions to identify changes in the duties and responsibilities of each position and to adjust compensation accordingly where necessary.

BENEFITS

The District is committed to sponsoring a comprehensive benefits program for all eligible employees.

The District will periodically review the benefits program and will make modifications as appropriate to the District's condition. The District reserves the right to modify, add or delete the benefits it offers.

Eligibility for Benefits

If you are a full-time employee, you will enjoy all of the benefits described in this Employee Manual as soon as you meet the eligibility requirements for each particular benefit. Coverage is available to you and your dependents as defined in the benefit summary plan descriptions.

If you are a part-time employee, you will enjoy only those benefits specifically required by law, provided that you meet the minimum requirements set forth by law and in the benefit plan(s).

Insurance Coverage

A comprehensive, quality health insurance program is available to you and your family based on a two-tiered system. You become eligible for coverage as of the date of employment.

Tier One: The District contributes 100% of the employee, employee/spouse, employee/child or employee/family premium costs for all qualified employees with dates of employment prior to December 1, 2017.

Tier Two: The District contributes 100% of the employee premium costs, and contributes 90% of premium costs for employee/spouse, employee/child or employee/family for all qualified employees with dates of employment after December 1, 2017.

The following benefits are provided, as defined and limited in the literature provided by our insurance company:

- Medical Care Coverage
- Group Term Life Insurance/Accidental Death and Dismemberment Insurance

Upon enrolling, you will obtain summary plan descriptions describing your benefits in detail.

Since the District employs fewer than twenty (20) employees, it is not subject to the continuation of benefits under the Federal COBRA laws. However, employees are entitled to continue coverage under the Illinois Health Insurance Continuation Rights law. Information on your rights under this act may be obtained from the District Manager.

Short Term Disability Benefits

The District will pay 50% of an employee's salary, up to \$300 per week, for a period of up to 26 weeks, upon the receipt of a doctor's statement indicating that the employee is unable to perform the essential functions of the employee's position for more than 30 days due to injury or sickness. Any such documentation and request will be subject to review by the District's medical professionals, and an employee may be required to submit to further medical examination by a District-appointed provider. An employee's failure to cooperate will disqualify the employee from collecting disability benefits.

Benefits begin upon the expiration of all sick-time, vacation time and personal business time benefits already available to the employee.

Weekly benefits will be reduced by any benefits you are entitled to receive under a disability provision of an automobile or other insurance policy.

Retirement Plan

Effective January 1, 2018, the District joined the Illinois Municipal Retirement Fund (IMRF) and became an IMRF employer. As such, payroll deductions will be made on behalf of employees, as determined by IMRF. The District shall contribute the variable rate employer share of the retirement cost based on total payroll for all qualified employees. Employees of the District must perform 1,000 hours of work annually to become qualified for the IMRF pension plan. Full IMRF details are available from the employer's plan administrator.

In addition, employees may take advantage of a District authorized 457 Retirement Savings Plan from ICMA and may make voluntary contributions to that plan through payroll deductions. The District, its Board of Trustees and officers have no interest or liability in the performance of that plan and makes no contributions to the plan on behalf of employees.

Educational Benefits

From time to time, as budgeted and authorized by the District Manager, the District may require employees to attend, at District expense, specialized training or courses to further their efficiency and increase their job knowledge. Where the District requires attendance at a course where a grade is issued, the District requires employees to earn a "C" or better. The District may also authorize a per diem and/or mileage reimbursement if such training or courses are held during working hours outside of the metropolitan Chicago area.

Tuition Reimbursement

The following criteria shall guide the approval of reimbursement for academic instruction:

Request for tuition reimbursement shall be approved by the District Manager prior to an employee registering for any classes. All classes taken or degree program shall relate to the employees current duties or reasonably expected future duties with the District.

- The maximum reimbursement schedule for reimbursement shall be three thousand three hundred dollars (\$3,300) per fiscal year, or less depending on budgeted available funds.
- Employees pursuing academic instruction will be eligible for reimbursement of tuition, including books and fees.
- Only courses taken at an accredited state or private college/university will be eligible for reimbursement. Courses towards certification through continued education units (C.E.U.'s), i.e. non-credit courses, are not eligible for reimbursement. Expenses toward successfully completing a College Level Examination Program (CLEP) are eligible for reimbursement, but shall count toward the maximum reimbursement.
- Reimbursement shall be disbursed based on the following grade criteria:

<u>Grade</u>	<u>Reimbursement</u>
A	100%
B	80%
C	60%
D or less	0%

*For pass/fail classes, the District shall pay 100% for "Pass" and 0% for "Fail". If employee chooses a pass/fail option when the course may be taken for a grade, the District shall pay 50% for "Pass" and 0% for "Fail".

- The acceptance of reimbursement by the employee acknowledges that the employee has not received payment from any other financial assistance program, not including student loans. If other financial assistance is available to the employee, the District will reimburse only the remaining eligible expense. Reimbursement above a specific annual amount established by the IRS will be included in your taxable income.
- Prior to receiving tuition reimbursement, the employee shall make a good faith effort to receive scholarship funds to offset tuition.
- Tuition reimbursement does not include mileage, fees, lodging, and special materials such as computer related items or incidental expenses.
- Seminars, workshops and other short-term training directly related to current District's needs are not covered under this tuition reimbursement directive.

Tuition Reimbursement Procedure

Submit to the District Manager, following the class:

- A completed "Statement of Educational Expenses" form
- Receipts for all expenses for which reimbursement is requested; and,
- Verification of the grade received in the course.
- Submit to the District Manager, the executed "Agreement for Repayment of Educational Expenses" form, pursuant to which you acknowledge your obligation to repay the District a portion of the funds reimbursed to you if you cease to be employed by the District within two (2) years following completion of the last course(s) or degree requirement per the following:

Time employed from and after last Course or Degree requirement	Amount to be refunded to District by the employee
Less than 12 months:	100%*
12 months to 18 months:	50%*
18 months to 24 months:	25%*

*Employees in a degree program shall refund to the District the tuition percentage of the entire degree program from the date of program initiation to the last day of employment, not just the last class taken.

The Employee shall submit this information to the District Manager for final approval.

Expense Reimbursement

All employees are authorized reimbursement of prior approved business expenses. No expenses will be reimbursed without: 1) an employee requesting prior approval to incur the expense; and 2) an employee submitting documentation of the date, amount and business purpose for the expense, along with underlying receipts, invoices or bills. This documentation must be submitted within 30 calendar days of the expense in order to receive reimbursement. Only pre-approved, documented, business-related expenditures will be reimbursed. Under no circumstances will reimbursement of any expense that serves only a partial business purpose exceed 30% of the cost.

Leaves

Both paid and unpaid time off may be granted to eligible employees, according to the following leave policies. Please consult the District Manager for further information.

Holidays

Regular full-time employees are eligible for holiday pay. The following holidays are recognized by the District as paid holidays:

- New Year’s Day
- President’s Day
- Good Friday
- Memorial Day
- Independence Day (July 4th)
- Labor Day
- Columbus Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- New Year’s Eve

Holiday Policies

You may take time off to observe your religious holidays. If available, a full day of unused vacation leave may be used for this purpose. Please schedule the time off in advance with your supervisor. All national holidays are scheduled on the day designated by common business practice. In order to qualify for holiday pay, you must work the scheduled workday immediately before and after the holiday. Only absences approved pursuant to applicable policy and in advance of the day before a holiday will be considered exceptions to this policy. If the holiday occurs during your scheduled vacation, you are eligible for the holiday pay in lieu of a vacation day. You are not eligible to receive holiday pay when you are on an unpaid leave of absence.

Vacation and Vacation Pay

Eligible employees accrue vacation for each month of service. The vacation accrual rate is based on length of employment, as follows:

<u>Full Years of Employment</u>	<u>Total Accrual per Year</u>
After 1 year	5 days vacation
2 to 7 years	10 days vacation
8 to 14 years	15 days vacation
Over 14 years	20 days vacation

Employees hired mid-year will receive their first vacation benefit time at the start of the following year, in the pro-rated amount of their service at the end of their partial year. For example, someone hired on July 1, 2020 will receive 2.5 days of vacation on January 1, 2021; 5 days on January 1, 2022 and 10 days on January 1, 2023.

Vacation Policies

The District will always try to let you use your vacation time as desired, but vacations cannot interfere with the District's operation. Therefore, your vacation must be approved by your supervisor at least three (3) weeks in advance. If any conflicts arise in vacation requests, preference will be given to the employee with the longest length of continuous service.

An employee's vacation pay will be the amount he would have received if he had worked regular hours at straight time during the vacation period.

Vacation periods are not cumulative and must be used during the calendar year. In the event vacation can not be used completely during the calendar year, employees are permitted to cash out up to a maximum of 40 hours of vacation at the end of the year.

If a regularly scheduled holiday falls during the time an employee is on vacation, the employee will receive an additional day of vacation.

Sick Leave

- Accrual and Accumulation

All full time employees shall be credited with two-thirds of a sick day per month. Sick leave will be computed on the basis of 6.666 hours earned on the first day of each month for a total of 80 hours per year. Sick leave may be accumulated to a maximum of 120 days (960 hours).

If employment begins on or before the tenth day of the month, credit for the month will be allowed. If employment begins after the tenth day of the month, the employee will begin earning credit the first day of the following month. New hires may use sick leave, when necessary, after the first credit for sick leave is accrued.

- Sick Leave Use

Sick leave shall be allowed in the event of actual sickness or disability of the employee. All employees shall notify their supervisor of their illness prior to the normal reporting time to receive pay for the time absent.

In addition to employee illness, sick leave may be used for medical or dental appointments, illness in the immediate family and the birth of a male employee's child (or the adoption of a male or female employee's child) but not to exceed three days sick leave usage. Should additional time be required in the case of birth or adoption of a child, the employee must utilize vacation time, personal business time or unpaid leave as described in that section of the employee handbook.

- Physicians Certification/Physical Examination

The District may request verification of sick leave by a physician at any time and may require an employee to submit to a medical examination to verify use of sick leave, fitness for duty, or for other business-related reasons.

An employee who is off on sick leave for more than three (3) consecutive workdays will be required to submit a physician's certificate. The certification should indicate the specific nature of the illness or injury and a prognosis as to the earliest date when the employee will be able to return to work. In the event the employee does not return to work within the time frame established by the physician, the District may require the employee to have the physician's certificate updated.

- Sick Leave Buy Back

An employee who uses less than three (3) days sick leave in the calendar year may receive payment for the difference between three (3) days and the amount actually used. The number of hours for which payment is received will be subtracted from the employee's accumulated sick leave. Employees hired after January 1 are not eligible for this payment in the calendar year in which they are hired.

Separation/Retirement

Employees with over 40 days (320 hours) sick leave accumulation will receive payment of one-half of the accumulation up to a maximum of 60 days (480 hours) upon termination in good standing. The last month worked shall be credited towards the sick leave accumulation if the employee reported to work at least ten working days during the month. Termination in good standing is defined for this paragraph as retirement or voluntary resignation with at least a 10-working-day prior written notice to the District Manager and the return of all District property. The payment of one-half of accrued sick leave shall also apply to an employee who dies while a full-time employee if the employee has accumulated 40 days (320 hours) of sick leave.

Personal Business Days

All regular, full-time employees who are employed on January 1st of each year, with at least one year of service, are entitled to three (3) personal business days during the calendar year.

Regular, full-time employees with at least six months of service, but less than one year, will have 1.5 personal business days. If one year of service is completed during the calendar year, an additional 1.5 days will be accrued. New hires will receive 1.5 personal business days after the completion of six months of service.

Personal business days are flexible time that can be used by employees in small increments to a minimum of one-half hour. Personal business time can only be used with prior notice to the District Manager or designee. Personal business time can be used for personal business appointments, medical or dental appointments, and time off for other personal reasons. In the interest of efficient operations, requests for Personal Business time should be made in advance when practical.

If personal business time is not used during the calendar year, the remainder will be added to the sick leave accrual at the end of the calendar year. Personal business time is not paid as a termination benefit in the event of retirement, resignation or involuntary termination.

Unpaid Leaves

Occasionally, for medical, personal, or other reasons, you may need to be temporarily released from the duties of your job with the District. It is the policy of the District to allow its eligible employees to apply for and be considered for certain specific leaves of absence.

Time off for any reason during a working day will count first against your allotted sick days, personal business time or vacation days, as appropriate. Thereafter, unless specifically allowed, any time off will be without pay.

Failure to return to work as scheduled from an approved leave of absence or to inform the Manager of an acceptable reason for not returning as scheduled will be considered a voluntary resignation of employment.

All requests for leaves of absence shall be submitted in writing to your supervisor. Each request shall provide sufficient detail such as the reason for the leave, the expected duration of the leave, and the relationship of family members, if applicable.

Jury Duty

The District will, upon proof, pay the difference between what an employee is paid for jury duty and his regular pay for up to ten (10) days of jury duty in any calendar year.

Military Reserves or National Guard Leave of Absence

Any employee, whether or not he/she is a member of any active or reserve component of the Armed Services, the Illinois National Guard, or the Illinois Naval Militia, shall be allowed military leave from employment with the District for any period actively spent in military service. Such leave shall be granted for a cumulative period of service of no longer than five (5) years, except as otherwise required by law. In order to receive a military service leave, employees must notify the District Manager of any upcoming military duty. The District requires a copy of the employee's orders and any additional documentation as requested in order to facilitate the proper administration of leave, differential pay and benefits.

Personal Leave of Absence

In special circumstances, the District Manager may grant a paid leave of absence for a personal reason. You should request a paid personal leave of absence from the District Manager. A personal leave of absence must not interfere with the operations of the District. The Manager will advise the Board of Trustees of his or her approval or denial of requests for leave. .

A personal leave of absence may be granted for up to twenty (20) days. If your leave is extended for more than twenty (20) days, vacation and other benefits will no longer continue to accrue. Consult your group insurance booklet to determine your insurance coverage during a leave of absence. Failure to return from a leave at the time agreed upon will result in termination of employment.

Light Duty Policy

The District may require an employee who is receiving workers' compensation benefits to return to work in an available light duty assignment, upon the following conditions:

- Light duty assignments will be considered on a case-by-case basis and shall be based on the operational needs of the District. Further, light duty assignments are temporary and are reserved for employees who will be able to recover from their injuries. Light duty assignments are intended to benefit the employee and the District and to the extent that light duty assignments cease to serve the operational needs of the District, light duty assignments will be terminated;
- Light duty will be a temporary assignment and may not exceed ninety (90) days;
- No employee will be moved from his regular job in order to make a light duty work available to another employee;

- A District-designated physician must have determined that the employee is physically able to perform the light duty assignment in question. Light duty assignments shall be consistent with the limitations established by the employee's injury.

Nothing herein shall be construed to require the District to create light duty assignments for an employee, and the work the employee performs must have existed within the District before the illness or injury occurred. Employees will only be assigned to light duty assignments when the District in its discretion determines that the need exists and only as long as such need exists.

Reasonable Accommodation Policy

The District will make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified individual who is an applicant or an employee unless undue hardship would result. If an employee has a disability and requires accommodation in order to perform the essential functions of his or her job, the employee should contact the Executive Director and request such an accommodation. The employee should specify what accommodation the employee feel he or she needs to perform the employee's job. The District then will engage in an interactive process with the employee to identify the barriers, if any that are interfering with the employee's ability to perform the essential job functions. The District will identify possible accommodations, if any, that will help eliminate the limitation.

Upon presentation of medical documentation supporting the need for a workplace accommodation, the District will consider accommodation of pregnancy pursuant to this this procedure to the extent such accommodation does not pose and undue hardship on the ordinary operation of the business of the District. The District will follow the Nursing Mothers in the Workplace Act and provide reasonable break time during the first year after the child's birth each time the employee needs to express milk.

SAFETY

Office Safety

Office areas present their own safety hazards. Please be sure to:

- Leave desk, file or cabinet drawers firmly closed when not in use.
- Open only a single drawer of a file cabinet at a time.
- Arrange office space to avoid tripping hazards, such as telephone, calculator or computer cords.
- Remember to lift things carefully and to use proper lifting techniques.

Weapons

The District prohibits all persons who enter District property from carrying a handgun, firearm, knife or other prohibited weapon of any kind regardless of whether the person is licensed to carry the weapon or not.

The only exception to this policy will be police officers, security guards or other persons who have been given written consent by the District to carry a weapon on the property.

Any employee disregarding this policy will be subject to immediate termination.

Personal Use of District Property

In some instances, employees may be allowed to borrow certain District tools or equipment for their own personal use while on our premises. In no instance may this be done off our premises, or without prior District Manager approval. You understand and agree that the District is not liable for personal injury incurred during the use of District property for personal projects. As a District employee, you accept full responsibility for any and all liabilities for injuries or losses, which occur, or for the malfunction of equipment. You are responsible for returning the equipment or tools in good condition and you agree that you are required to pay for any damages that occur while using the equipment or tools for personal projects.

Use of District Vehicles

If you are authorized to operate a District vehicle in the course of your assigned work, or if you operate your own vehicle in performing your job, you must adhere to the following rules:

- You must be a licensed driver
- You must maintain weekly mileage reports if using personal vehicles for District use
- You are responsible for following all the manufacturer's recommended maintenance schedules to maintain valid warranties and for following the manufacturer's recommended oil change schedule
- The District provides insurance on District vehicles, however, you will be considered completely responsible for any accidents, fines, moving or parking violations incurred
- The use of hand held personal communication devices or any item that may create a distraction is specifically prohibited while operating any District vehicle.
- You must keep the vehicle clean at all times. You must also wash and vacuum the vehicle as often as necessary
- Persons not authorized or employed by the District cannot operate or ride in a District vehicle

ACCIDENTS

Personal Injuries

It will be the duty of each employee to report any injuries requiring medical attention to the District Manager immediately. Workman's comp forms needed to receive medical attention are available in the District office. **DO NOT SEEK MEDICAL ATTENTION WITHOUT NOTIFYING THE DISTRICT OFFICE.**

Where payment is due an employee under the Workman's Compensation Law because of an on-the-job injury, the employee may be placed on a leave charged against his accrued sick leave to the extent of District paid time.

Accidents to District Equipment – Not involving Other Persons or Person's Personal Property

The employee responsible will make a written report immediately to the Manager explaining the accident and the equipment involved. The Manager will be responsible for scheduling necessary repairs within budgeted funds or for obtaining additional authorization for repairs as necessary.

Accidents Involving District Employees – Personal Injuries to Others and Their Property

- The employee or employees will immediately contact the appropriate police department and the Manager.
- The employee will make no comments or remarks to anyone other than the appropriate police department and the Manager.

The Manager will investigate all accidents.

VIOLENCE IN THE WORKPLACE POLICY

Acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the District or which occur on the District's property will not be tolerated.

Acts or threats of violence include conduct, which is sufficiently severe, offensive or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of co-workers or property are not tolerated. Examples of workplace violence include, but are not limited to the following:

- All threats or acts of violence occurring on the District's premises, regardless of the relationship between the District and the parties involved.
- All threats or acts of violence occurring off the District's premises involving someone who is acting in the capacity of a representative of the District.

Specific examples of conduct that may be considered threats or acts of violence include, but are not limited to the following:

- Hitting, shoving an individual, or any other physical behavior or threat of physical behavior involving aggressive contact
- Threatening an individual or his/her family, friends, associates, or property with harm
- Intentional destruction, vandalism, or threatening to destruct the District's property
- Making harassing or threatening phone calls
- Harassing surveillance or stalking (following or watching someone)
- Unauthorized possession or inappropriate use of firearms or weapons

The District prohibition against threats and acts of violence applies to all persons involved in the District's operation, including but not limited to personnel, contract, and temporary workers and anyone else on the District property. Violations of this policy by any individual on the District property will lead to disciplinary action, up to and including termination and/or legal action as appropriate.

Every employee is encouraged to report incidents of threats or acts of physical violence of which he/she is aware. The report should be made to the District Manager in writing.

STANDARDS OF CONDUCT

Unacceptable Activities

Generally speaking, we expect each person to act in a professional and responsible way at all times. If you have any questions concerning any work or safety rule or any of the unacceptable activities listed below, please see the District Manager for an explanation.

Note that the following list of Unacceptable Activities does not include ALL types of conduct that can result in disciplinary action, up to and including termination.

- Violation of any District rule; any action that is detrimental to the District's efforts to operate efficiently;
- Violation of security or safety rules or failure to observe safety rules or the District safety practices; failure to wear required safety equipment; tampering with the District equipment or safety equipment;
- Negligence or any careless action which endangers the life or safety of another person;
- Being under the influence of alcohol or illegal drugs while at work; use, possession or sale of alcohol or illegal drugs while on duty or on District premises; illegal drugs include controlled

substances as set forth in the District's drug and alcohol testing policy for drivers, any drug which is not legally obtainable and/or any drug which is legally obtainable, such as a prescription drug, but which is not legally obtained, is not being used for prescribed purposes, and/or is not being taken according to prescribed dosages, or any other intoxicating substance;

- Unauthorized possession of firearms, weapons or explosives on District property or while on duty;
- Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on District premises or when representing the District; fighting, or provoking a fight on District property, or negligent damage of property;
- Insubordination or refusing to obey instructions properly issued by your supervisor pertaining to your work; refusal to help out on a special assignment;
- Threatening, intimidating or coercing fellow employees on or off the premises at any time, for any purpose;
- Engaging in an act of sabotage; negligently causing the destruction or damage of District property, or the property of fellow employees, customers, suppliers, or visitors in any manner;
- Theft or unauthorized possession of District property or the property of fellow employees; unauthorized possession or removal of any District property, including documents, from the premises without prior permission from the District Manager; unauthorized use of District equipment or property for personal reasons; using District equipment for profit;
- Dishonesty; falsification or misrepresentation on your application for employment or other work records; lying about sick or personal leave; falsifying reason for a leave of absence or other data requested by the District; alteration of District records or other District documents;
- Violating the non-disclosure policy; giving confidential or proprietary District information to other organizations or to unauthorized District employees; breach of confidentiality of personnel information;
- Spreading malicious gossip and/or rumors; engaging in behavior which creates discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same;
- Immoral conduct or indecency on District property;
- Conducting a lottery or gambling on District premises;
- Unsatisfactory or careless work;
- Any inappropriate sexual, racial or other conduct;
- Leaving work before the end of a workday without approval of your supervisor; stopping work before time specified for such purposes; not being ready to work at the start of a workday;
- Sleeping or loitering during working hours;
- Excessive use of District telephone for personal calls;
- Smoking in restricted areas or at non-designated times;
- Creating or contributing to unsanitary conditions;
- Posting, removing or altering notices on any bulletin board on District property without the permission of an officer of the District;
- Failure to report an absence or late arrival; excessive absence or lateness;
- Obscene or abusive language toward any manager, employ or customer; indifference or rudeness towards a customer or fellow employee; any disorderly/antagonistic conduct on District premises;
- Speeding or careless driving of District vehicles;
- Failure to immediately report damage to, or an accident involving, District equipment; failure to immediately report any workplace accident;
- Soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during working hours, or at a time or place that interferes with the work of another employee on District premises;
- Failure to use your timecard; alteration of your own timecard or records or attendance documents; altering another employee' timecard or records, or causing someone to alter your timecard or records.

Workplace Inspections Policy

The District wishes to maintain a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. The District requires the cooperation of all employees in administering this policy. Desks, lockers and other storage devices may be provided for employee convenience but remains the sole property of the District. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the District at any time, with or without prior notice. The District also reserves the right to conduct searches and inspections of employees, employees' personal effects or District-provided materials such as boxes, thermoses, purses, briefcases, desks, computer files, cabinets, file drawers, or packages without notice. If you refuse to submit to a search or are found in possession of prohibited articles you will be subject to disciplinary action, up to and including dismissal. The District is not responsible for loss of or damage to personal property on the job.

TECHNOLOGY

Resources Policy

This policy addresses use of the District's Technology Resources and governs use of all District owned networks and devices attached to those networks and all District-owned electronic devices. This policy is subject to revision only by approval of the District Manager or Board in writing. The term technology resources refers to telephones, voice mail, computers (including desktop and portable computers, servers, networks, printers, software, and storage media), facsimiles, E-mail, Internet use, cell phones or other similar network systems and communication devices. This policy applies to all employees and all other persons who are authorized to use the District's technology resources (referred to as "users"). Unauthorized access to data or unauthorized use of technology resources is prohibited.

All District issued technology resources are the property of the District and as such are to be used for purposes related to the District's operations. All communications and information created on, transmitted by, received from, or stored in these technology resources or through the District's network systems may be accessed by authorized District personnel. Users shall have no ownership or proprietary interests in the District's technology resources, whether or not the users have private access or an entry code into such resources. Users specifically consent to the access by and disclosure to the District of information created, entered, transmitted or received via the District's technology resources that are stored by a third-party electronic communication service or remote computing service and have no expectation of privacy in such information.

The District's technology resources may not be used to intentionally or unintentionally violate any local, state or federal civil or criminal law. Users are strictly forbidden from copying or downloading any applications from the computer network, copying or loading any applications onto the computer network, or disclosing information regarding the computer network to, or allowing the use of the computer network by, any third party. Users are absolutely forbidden from using the District's technology resources in any way that may be construed to violate the Non-discrimination and Anti-Harassment policy, Equal Employment Opportunity policy, or other policies.

Users likewise may not transmit any data that is harmful, threatening, abusive, malicious, tortuous, defamatory, libelous, vulgar, obscene, or invasive of another's privacy. Users are required to take all reasonable steps to avoid, eliminate and cease receipt of any potentially improper material. Claiming to be a passive recipient of improper material is unacceptable.

Any employee who discovers misuse of technology resources should immediately contact his supervisor or the District Manager.

To ensure that the use of technology resources is consistent with the District's legitimate business interests, authorized representatives of the District may monitor the use of such equipment from time to time to the extent permitted by applicable state and federal law. Users should not have any expectation of privacy with respect to any materials and information created on, transmitted by, received from or stored on these systems.

E-Mail Policy

This policy supplements the District's Technology Resources Policy and sets forth additional guidelines for use of the District's electronic mail (E-mail) system and other communication networks, such as text messaging. Every District employee is responsible for using the E-mail system or other communication networks properly and in accordance with this policy. Any questions about this policy should be addressed to the District Manager.

The E-mail system is the property of the District, as are other network systems and communication devices provided by the District for use in conducting District business. All communications and information created on, transmitted by, received from, or stored in these systems and networks are District records and property of the District. The E-mail system or any other messaging system or communication network available on District technology resources is to be used for District purposes only. Use of these systems or networks for personal purposes is prohibited.

Employees have no right of personal privacy in any matter stored in, created, received, or sent over the District E-mail system or messaging system or communication network available on District technology resources.

The District, in its discretion as owner of the E-mail system and other messaging system or communication network, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over such systems and networks, for any reason and without the permission of any employee.

Even if employees use a password to access the E-mail system or other system or network, the confidentiality of any message stored in, created, received, or sent from the District technology resources and communication devices still cannot be assured. Use of passwords or other security measures does not in any way diminish the District's rights to access materials on its system, or create any privacy rights of employees in the messages and files on the system. Any password used by employees must be revealed to the District as E-mail files may need to be accessed by the District in an employee's absence.

Employees should be aware that deletion of any E-mail messages or files will not truly eliminate the messages from the system. All E-mail and other messages are stored on a central back-up system in the normal course of data management.

Even though the District has the right to retrieve and read any E-mail and other messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any E-mail or other messages that are not sent to them.

The District's conduct policies, including the policy against sexual or other harassment, apply fully to the E-mail and other messaging systems, and any violation of those policies is grounds for discipline up to and including discharge. Therefore, no messages should be created, sent, or received if they

contain intimidating, hostile, or offensive material concerning race, color, religion, sex, sexual orientation, age, national origin, disability or any other classification protected by law.

The E-mail system or other messaging systems and communication networks may not be used to solicit for religious or political causes, commercial enterprises, outside organizations, or other non-job related solicitations.

Employees are reminded to be courteous to other users of the system and always to conduct themselves in a professional manner. E-mails are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Users should write E-mail and other electronic communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on District letterhead.

DISCIPLINARY ACTIONS

The District may apply progressive discipline under the procedure outlined below. There may be particular situations, however, in which the seriousness of the offense justifies the omission of one or more of the steps in the procedure or results in immediate termination.

Discipline Procedure

The District can take any of the following forms of disciplinary actions even for a first offense:

1. Oral reminder
2. Written warning
3. Suspension
4. Termination

Step One: Oral Reminder

Your supervisor will meet with you to discuss the problem or violation, making sure that you understand the nature of the problem or violation and the expected remedy. The purpose of this conversation is to remind you of exactly what the rule or performance expectation is and also to remind you that it is your responsibility to meet the District's expectations.

Step Two: Written Warning

A written warning may be used to address repeated misconduct or performance deficiencies following a verbal reprimand or to address misconduct or performance deficiencies in the first instance. A written reprimand reflects a need for you to immediately remedy the problem and will be reflected in a written memo placed in your personnel file.

Step Three: Suspension

A suspension is a temporary removal of an employee from active service without pay by the District Manager. A notice of suspension documenting the reasons for suspension and length of suspension will be placed in your personnel file.

SEPARATION OF EMPLOYMENT

Termination

You are free to terminate your employment with the District at any time, with or without reason. Likewise, the District has the right to terminate your employment, or otherwise discipline, transfer, or demote you at any time, with or without reason, at the discretion of the District.

The District hopes and expects that you will give at least two (2) weeks notice in the event of your resignation. Any accrued but unused vacation time will be paid out at the time of employment termination. Any unused sick time will be paid out as described in the Sick Leave portion of this policy.

Return of District Property

Any District property issued to you, such as shirts, telephones, keys, instructional material, and credit cards must be returned to the District at the time of your termination. You will be responsible for any lost or damaged items. The value of any property issued and not returned may be deducted from your paycheck, and you may be required to sign a wage deduction authorization form for this purpose.

Post-Employment Inquiries

The District does not respond to oral requests for references. In the event your employment with the District is terminated, either voluntarily or involuntarily, the Manager may provide dates of employment and last position held.

Appendix "A"

Drug and Alcohol Testing Policy for CDL Drivers

To: All Commercial Driver Licensed (CDL) Employees

Subject: CDL Driver Testing Program

Date: March 15, 2011

Transmitted herein and effective immediately is the District's drug and alcohol testing policy for CDL drivers. It is your responsibility to be aware of the requirements of this policy and to abide by this policy. Failure to comply with this policy may result in significant discipline, including termination.

I. Scope of Program

A. Employees Subject To Testing

The drug and alcohol testing required under this policy will apply to any individual who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce and who is required to possess a commercial driver's license (CDL) for the operation of the CMV.

B. Independent Contractors and Owner-Operators

Because this drug and alcohol testing program is required by the Federal Motor Carrier Safety Regulations, it applies to any individual who operates a motor vehicle on behalf of the District in a contract, lease or other agreement with the District. However, mere compliance with the provisions of this policy or the application of this policy to any person shall not operate to convert any independent contractor or other person into an employee of the District unless such other circumstances indicate the existence of an employer-employee relationship.

II. Program Definitions

A. Adulterated Specimen—A specimen that contains a substance not expected to be found in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

B. Alcohol--the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

C. Alcohol use—the drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

D. Alcohol concentration (or content)--the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

E. Canceled Test—A drug or alcohol test that has a problem or cannot be considered valid under DOT rules. A canceled test is neither a positive nor a negative test.

F. Commercial Motor Vehicle (CMV) is defined as a motor vehicle or combination of motor vehicles used to transport passengers or property which:

1. Has a gross combination weight rating of 26,001 or more pounds (11,794 or more kilograms) inclusive of a towed unit with a gross motor vehicle weight rating of more than 10,000 lbs. (4,536 kg.), or has a gross vehicle rating of 26,001 or more pounds (11,794 kg.); or
2. Is designed to transport 16 or more passengers, including the driver; or
3. Is of any size and is used in the transportation of hazardous materials required to be placarded under the Hazardous Materials Transportation Act.

G. Controlled Substances

1. Marijuana
2. Cocaine
3. Opioids
4. Amphetamines
5. Phencyclidine

H. Dilute Specimen—A specimen with creatinine and specific gravity values that is lower than expected for human urine.

I. Driver-- any person who operates a commercial motor vehicle, including but not limited to: full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors.

J. Safety-Sensitive Function—Function determined from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. "Safety-sensitive functions" include:

1. All time at a *District* or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the *District*;
2. All time inspecting equipment as required by 49 CFR §§392.7, .8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle except, time spent resting in a sleeper berth conforming to the requirements of 49 CFR §393.76;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

K. Split Specimen—In drug testing, a part of the urine specimen that is sent to the laboratory and retained unopened in secure storage until the employee whose test is positive, adulterated or substituted, requests that the specimen be transferred to a second laboratory for re-confirmation.

L. Substituted specimen—A specimen with creatinine and specific gravity values that are so diminished that they are inconsistent with human urine.

Procedure:

I. Qualifications for Employment

A. Prohibited Conduct

District policy and the Federal Motor Carrier Safety Regulation (49 CFR Part 382) prohibit the following conduct as it relates to the use of alcohol and drugs with respect to the operation of a commercial motor vehicle:

1. No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. (§382.201).
2. No driver may use alcohol while performing safety-sensitive functions. (§382.205).
3. No driver may perform safety-sensitive functions within four hours after having used alcohol. (§382.207).
4. No driver required to take a post-accident alcohol test under this policy may use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first. (§382.209).
5. No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in § 382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. (§382.213).
6. No driver may report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances. (§382.215).
7. No driver may refuse to submit to any alcohol or controlled substance test required under this policy. (§382.211).

In the event the District has actual knowledge that a driver has violated any of the above prohibitions, it will prohibit him/her from performing any safety-sensitive functions.

B. Removal From Service

A driver who has engaged in any prohibited conduct will be immediately removed from service and disqualified from the performance of any safety-sensitive functions, including driving a commercial motor vehicle, unless and until that driver has complied with the return to work requirements as prescribed in 49 CFR Part 40, subpart O and as described in Section VIII of this policy. The employee will also be subject to any discipline required by the District in accordance with Section VII of this policy.

Any driver requested to submit to an alcohol test required under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be disqualified from performing or continuing to perform any safety-sensitive functions, including driving a commercial motor vehicle, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

C. Prescribed Medications

Use of medication administered, prescribed by, or under the supervision of a physician and according to the prescribing physician's lawful directions or non-prescription medication in conformity with the manufacturer's specified dosage is not prohibited by this policy. However,

a driver must notify his or her supervisor of known side effects of therapeutic drug use that might affect the employee's job performance. In addition, the employee's physician must have advised the employee that the substance will not affect the employee's ability to safely operate a motor vehicle or equipment or otherwise function in his or her position.

D. Drug and Alcohol Background Check

Any driver the District intends to hire or use to perform a safety-sensitive function will be required to undergo a background check of any violations of Department of Transportation drug and alcohol testing regulations during the previous two years. All drivers will be required to sign an appropriate consent form authorizing previous employers to release this information to the District (see Appendix A). The District will then obtain information on the driver's alcohol tests with a concentration result of 0.04 or greater, verified positive drug test results and refusals to be tested within the preceding two years from all of the driver's previous employers during that time period.

No driver will be allowed to perform a safety-sensitive function if the District discovers that he/she has had an alcohol test with a concentration of 0.04 or greater, a verified positive drug test result or has refused to be tested, unless and until the District confirms that the driver has complied with the return to duty requirements of 49 CFR Part 40, Subpart O.

II. Testing Circumstances

A. Pre-Employment/Pre-Duty

Prior to the first time a driver performs a safety-sensitive function for the District (including job applicants and employees transferring into a position requiring the operation of a commercial motor vehicle), he/she will be required to undergo testing for controlled substances and will not be allowed to perform any such function unless a verified negative drug test result is received from the medical review employee.

B. Post-Accident

As soon as practicable following an accident, the District will require any surviving driver to submit to tests for alcohol and controlled substances if:

1. The driver was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or
2. The driver received a citation under State or local law for a moving traffic violation arising from the accident and the accident involved:
 - a. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurring *disabling damage* as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Drivers are prohibited from using alcohol for eight hours following any accident or until the required post-accident alcohol test is administered, whichever occurs first. Every effort will be made to conduct post-accident drug and alcohol tests within two hours following an accident. Any driver involved in an accident must therefore remain readily available for testing and will be considered to have refused to submit to testing if he fails to do so.

This requirement will not, however, require a driver to delay any necessary medical attention for injured people following an accident or to remain at the scene of an accident when his/her

absence is necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. In order to ensure expeditious testing, the District will provide all drivers with information, procedures and instructions explaining the post-accident testing requirements.

If an alcohol test is not administered within eight hours following an accident, the District will make no further effort to administer an alcohol test and will document the reasons why the test was not administered within eight hours. In the event a drug test is not administered within 32 hours following an accident, the District will cease its attempts to administer any further testing and prepare and maintain a record stating the reasons why the test was not promptly administered.

The results of any breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, will be considered to meet the requirements of this Section, provided such tests conform to applicable Federal, State or local requirements, and the results of the tests are obtained by the District.

C. Random

The District will conduct random drug and alcohol tests at a minimum annual percentage rate established by the FMCSA of the average number of driver positions. The random selection process will be completely objective and anonymous and will utilize a scientifically valid method such as a random number table or a computer-based random number generator matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. The tests will be unannounced and the dates for testing will be reasonably spread throughout the course of the year. All drivers will have an equal chance of being tested at any time, regardless of the number of his/her previous selections.

Any driver notified of his/her selection for random alcohol and/or controlled substances testing will be expected to proceed to the test site immediately. If a driver is performing a safety-sensitive function, other than driving, at the time of his/her notification of a random test requirement, he/she will be required to cease performing the safety-sensitive function and proceed to the testing site as soon as possible. However, a driver will only be required to submit to a random alcohol test if the driver is performing a safety-sensitive function, is about to perform a safety-sensitive function, or has just ceased performing a safety-sensitive function.

D. Reasonable Suspicion

Whenever the District has reasonable suspicion to believe that a driver has engaged in prohibited conduct, the driver must submit to an alcohol and/or controlled substances test. Any such suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver, which may include indications of the chronic and withdrawal effects of controlled substances as documented in the Supervisors Report of Reasonable Suspicion (attached). These observations will only be made by a supervisor or District official who has received appropriate training and will be documented in writing by that individual within twenty-four (24) hours after his/her observations, or before any drug test results are released. Any person who makes a determination that reasonable suspicion exists to require a driver to submit to an alcohol test will not be permitted to conduct the alcohol test for that driver. A reasonable suspicion alcohol test will only be required if the reasonable suspicion observations are made during, just preceding or just after the period of the work day that a driver is required to be in compliance with this policy. If the alcohol test is not administered within eight hours

following the reasonable suspicion determination, the District will no longer attempt to administer an alcohol test and will document the reasons for its inability to do so.

Notwithstanding the above testing requirements, a driver may not report for duty or remain on duty requiring the performance of a safety-sensitive function if that driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse.

E. Return-To-Duty

Before a driver who has engaged in any conduct prohibited by this policy will be allowed to return to duty to perform a safety-sensitive function, he/she will be required to undergo return-to-duty alcohol and/or controlled substance tests, with results indicating an alcohol concentration of less than 0.02 and a verified negative for controlled substances use, respectively.

F. Follow-Up

Any employee who has engaged in prohibited drug and/or alcohol-related conduct will be subject to unannounced follow-up testing for alcohol and/or controlled substances as directed by the Substance Abuse Professional for up to 60 months after return to safety-sensitive duties.

G. Refusal to Test

Any driver who refuses to submit to any drug or alcohol test required by this policy will be immediately removed from service and prohibited from performing or continuing to perform a safety-sensitive function. Employees will also be subject to any discipline outlined in Section VII of this policy. For purposes of this policy, "refusal to submit" to an alcohol or controlled substances test will include:

1. Failing to provide adequate breath for alcohol testing, without a valid medical explanation after a driver has received notice of a required breath test;
2. Failing to provide an adequate urine sample for controlled substances testing, without a genuine inability to provide a specimen (as determined by a medical evaluation), after a driver has received notice of a required urine test;
3. Failing to cooperate with any part of the testing process, including failing to permit direct observation or monitoring of specimen collection where required by Part 40 procedures.
4. Submitting a substituted or adulterated specimen.
5. Failing to report for required testing; or failing to report within a reasonable time after notification to do so.
6. Failing to remain at the testing site until the testing process is complete.
7. Failing to undergo a medical examination when required as part of the test result verification process, or as directed for evaluation of the inability to provide an adequate urine or breath specimen.

III. Alcohol Testing Procedures

A. Alcohol Testing Personnel and Equipment

All alcohol testing will be conducted by qualified Breath Alcohol Technicians (BAT) and/or Screening Test Technicians (STT) using Alcohol Screening Devices (ASD) or Evidential Breath Testing (EBT) devices approved by the National Highway Traffic Safety Administration.

B. Alcohol Testing Procedures

All alcohol testing conducted under this policy will be done in accordance with the procedures outlined in 49 CFR Part 40, Subparts L and M. After providing photo identification to the BAT or STT, the employee and the BAT/STT will complete the Alcohol Testing Form. Any employee who refuses to sign the acknowledgment of testing in Step 2 of the form will be considered to have refused to test. The employee will follow the BAT/STT's instructions and provide a breath or saliva sample for the initial test. If the result of the test is <0.02 alcohol concentration, the test is considered negative and the process is complete.

If the initial alcohol test result is 0.02 or greater, a confirmation test, using an EBT capable of printing the test results, will be conducted. After a waiting period of at least 15 minutes, during which the employee is observed and requested not to take anything by mouth, the employee will be asked to provide a breath sample. The purpose of the waiting period is to ensure that no residual mouth alcohol is present for the confirmation test. If the confirmation test result is ≥ 0.02 , the BAT will immediately notify the District representative, and the employee will remain at the testing facility until provided transportation home. The employee and the BAT will complete and sign the breath alcohol testing form and a copy of the form, including the test results, will be provided to the employee. If the confirmation test result is <0.02 , the test is negative.

C. Inability to Provide a Sample

In the event an employee is unable to provide, or alleges he/she is unable to provide a breath or saliva sample, the employee will make two attempts to complete the testing process. If the employee cannot provide a saliva sample for the screening test, the employee will submit to a breath alcohol test. If the employee cannot provide an adequate breath sample after two attempts, the BAT/STT will discontinue the testing process, notify the District representative, and the employee shall, as soon as practical, be evaluated by a physician, designated by the District. The physician will determine if there is a medical condition or diagnosis that prevents the employee from providing an adequate breath sample. If the physician is unable to document a medical condition or diagnosis responsible for the employee's failure to provide an adequate sample, it is considered a refusal to test.

IV. Controlled Substance Testing

A. Specimen Collection Procedures

Controlled Substances testing will be conducted using a urine specimen collected by qualified collection personnel at a collection site located on-site at the District or at an off-site laboratory service center or medical clinic. For all FMCSA required testing, a Federal custody and control form (CCF) will be used to document the collection process. The Collection Procedures are completely outlined in the attached FORM C.

B. Laboratory Analysis

The District shall select a laboratory for testing. All urine specimens tested for drugs of abuse under this policy will be analyzed at a laboratory certified by the Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration (SAMHSA).

All specimens will be tested for the drug or drug classes listed in Section II using an immunoassay screen approved by the Food and Drug Administration (FDA). The immunoassay screen will use cut-off levels established by the DHHS and DOT to eliminate negative specimens from further consideration. Any presumptive positive test will be subject to confirmation analysis.

Any urine specimen identified as positive on the initial screen will be confirmed by gas chromatography/mass spectrometry (GC/MS) methodology. GC/MS analysis will use cut-off levels established by the DHHS and DOT for confirmation. Any specimen that does not contain drug or drug metabolites above the GC/MS confirmation cut-off levels will be reported by the laboratory as negative.

When appropriate, the laboratory may conduct analyses to determine if the specimen has been adulterated. Adulteration tests include but are not limited to specific gravity, creatinine, and pH. In addition, the laboratory may conduct additional analyses to identify or detect a specific adulterant added to the urine specimen. If the laboratory identifies an adulterant added to the specimen, the laboratory will report the specimen as adulterated. If the laboratory determines that the specimen is inconsistent with human urine, the laboratory will report the specimen as substituted. If the laboratory is unable to obtain a valid screening or confirmation analysis, the laboratory will report the specimen as Invalid. If the laboratory determines that the specimen's specific gravity and creatinine are lower than the normal range, the laboratory will report the specimen as dilute.

The laboratory will report all test results to the Medical Review Officer (MRO) by confidential, secure electronic (not telephone) or hard copy transmission.

Negative specimens will be destroyed and discarded by the laboratory after results are reported to the MRO. Non-negative specimens (Positive, Adulterated, Substituted, Invalid) specimens will be retained in long-term frozen storage (-20 degrees C or less) for a minimum of one (1) year.

C. Medical Review Officer

All test results will be reported by the laboratory to a medical review employee (MRO). The MRO will be a licensed physician with knowledge of substance abuse disorders who is trained and certified in accordance with 49 CFR Part 40, subpart G. The MRO will review and consider possible alternative medical explanations for non-negative test results and will review the custody and control form to ensure that it is complete and accurate. The District will designate an MRO for its controlled substance testing program.

Prior to making a final test result for a positive, adulterated, or substituted specimen, the MRO will give the individual an opportunity to discuss the test result. The MRO will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If, after making and documenting three attempts to contact the individual directly, the MRO is unable to reach the individual, the MRO will contact a designated NMWRD representative who will direct the individual to contact the MRO as soon as possible. If, after making all reasonable efforts, the District is unable to contact the employee, the District will place the employee on temporary medically unqualified status or on a medical leave of absence.

The MRO may verify a test without having communicated directly with an individual about the results in three circumstances:

1. If the individual expressly declines the opportunity to discuss the test;
2. If the designated NMWRD representative has successfully made and documented a contact with the individual and instructed him/her to contact the MRO, and more than 72 hours have passed since the individual was successfully contacted; or
3. If neither the MRO nor employer has successfully contacted the employee after 10 days of reasonable effort.

In the test result verification process for an opiate positive, adulterated or substituted result, the MRO may require that the employee submit to a medical examination by a District-designated physician. If the employee refuses to undergo the medical examination, the MRO will verify the test as positive or a refusal to test.

If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO will report the test as negative. If the MRO determines that there is a legitimate physiologic explanation for the adulterated or substituted specimen finding, the MRO will report the result as a cancelled test.

If the MRO determines, that there is no medical explanation for a positive test result, the MRO will report the test as positive, and provide the name of drug(s) detected. If the MRO determines that there is no medical or physiologic explanation for the adulterated or substituted specimen, the MRO will report the result as refusal to test, and provide the adulteration or substitution criteria identified.

If the MRO determines that a specimen reported as invalid is due to medication interference or other legitimate medical circumstances, the MRO will cancel the test. If the MRO determines that there is no medical explanation for the specimen's invalidity, the MRO will cancel the test and inform the District that another specimen must immediately be collected under direct observation.

The MRO will not disclose to any third party medical information provided by the individual to the MRO as part of the testing verification process, except as provided below:

1. The MRO will disclose such information to the District, Federal agency or a physician responsible for determining the medical qualification of the employee under an applicable DOT regulation, if in the MRO's reasonable judgment, the information could result in the employee being determined to be medically unqualified under a DOT rule; or
2. The MRO will disclose such information to the District, if in the MRO's reasonable medical judgment, the information indicates that continued performance by the employee of his or her safety-sensitive function could pose a significant safety risk.

Before obtaining medical information from the employee as part of the verification process, the MRO will advise the employee that the information will be disclosed to third parties as provided above and of the identity of any parties to whom the information may be disclosed.

The MRO will notify each individual who has a verified positive, adulterated, or substituted result that he/she has 72 hours in which to request a test of the split specimen. If the employee requests an analysis of the split specimen within 72 hours of such notice, the MRO will direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis. [The split specimen testing at another laboratory will be at the employee's expense].

If an employee has not contacted the MRO within 72 hours, the employee may present the MRO with

information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation of the employee's failure to contact him/her within 72 hours, the MRO will direct that analysis of the split specimen be performed

If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or fails to reconfirm the adulteration or substitution finding, the MRO will cancel the test and report the cancellation and the reasons for it to the DOT, the employer and the employee. If the split specimen is unavailable or unsuitable for reconfirmation, the MRO will cancel the test and inform the District that another specimen must be immediately recollected under direct observation.

V. Confidentiality and Recordkeeping

A. Confidentiality

The District will maintain all records generated under this policy in a secure manner so that disclosure to unauthorized persons does not occur. Thus, the results of any tests administered under this policy and/or any other information generated pursuant to this policy will not be disclosed or released to anyone without the express written consent of the employee, except where otherwise required or authorized by federal regulation or law. In addition, the District's contract with its designated service agents requires them to maintain all employee test records in confidence.

However, the District may disclose information required to be maintained under this policy to the employee, the employer or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or drug test administered under this policy, or from the employer's determination that the employee engaged in conduct prohibited by this policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.) The District may be required to release information to a DOT agency or other Federal agency as required by applicable law or Federal regulation.

B. Access to Facilities and Records

Upon written request by any covered employee, the District will promptly provide copies of any records pertaining to the employee's use of alcohol or drugs, including any records pertaining to his or her alcohol or drug tests. Access to a covered employee's records will not be contingent upon payment for records other than those specifically requested.

The District will also permit access to all facilities utilized and alcohol or drug testing documents generated in complying with the requirements of 49 CFR Part 382 to the Secretary of Transportation, any DOT agency with regulatory authority over the employer or any of its covered employees, or to a State oversight agency. When requested by the National Transportation Safety Board (NTSB) as part of an accident investigation, the District will disclose information related to the employer's administration of a post-accident alcohol and/or drug test administered following the accident under investigation.

Records will also be made available to an identified person or a subsequent employer upon receipt of a written request from an employee, but only as expressly authorized and directed by the terms of the

employee's written consent. The subsequent release of such information by the person receiving it will be permitted only in accordance with the terms of the employee's consent.

VI. Employee Assistance Program/Substance Abuse Professional

A. Employee Education

The District, through the development of this policy has provided employees subject to this policy with education materials explaining the requirements of the Federal Motor Carrier Safety Administration drug and alcohol regulations and the District policies and procedures for meeting them. In addition, employees will be provided with information concerning the effects of drug use and alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem (the employee's or a co-worker's); and available methods of intervening when an alcohol or drug problem (the employee's or a co-worker's) is suspected, including confrontation, referral to an employee assistance program and/or referral to management. This information may include the following:

1. Display and distribution of informational material
2. Display and distribution of a community service hotline telephone number or employee assistance program.

Copies of the above materials and this policy will be distributed to each employee hired or transferred into a position requiring the performance of a safety-sensitive function covered by this policy. Each employee who receives a copy of these materials will be required to sign a statement certifying that he or she has received a copy of the same. The District will retain the original of the signed certificate and will provide a copy to the employee, if requested.

B. Supervisory Training

Any individual designated to determine whether reasonable suspicion exists to require a covered employee to undergo a drug or alcohol test under this policy will be required to receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. This training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and prohibited drug use.

VII. Discipline

In addition to the removal from safety-sensitive functions required by Federal Motor Carrier Safety Administration Regulations, the NMWRD will take the following disciplinary action against any individual who violates this policy.

A. Applicants

An individual who tests positive on a pre-employment drug test will not be hired for a covered function position. Any individual who adulterates or substitutes a specimen provided for a pre-employment drug test will not be hired for a covered function position.

B. Employees

Any employee who tests positive for a prohibited drug or for alcohol with a concentration level of 0.04 or greater will be subject to discipline, up to and including termination of employment with the District. Any employee who engages in any conduct that constitutes a refusal to submit to a drug or

alcohol test required under this policy will be subject to discipline up to and including termination of employment with the District.

Any employee whose alcohol test result is 0.02-0.039 alcohol concentration will be removed from duty for at least 24 hours or until his/her next regularly scheduled shift, whichever is longer. All time suspended will be without pay. Any employee who tests 0.02-0.039 alcohol concentration on more than one occasion will be terminated from employment with the District.

IX. Recordkeeping and Reporting

A. Retention of Records

The District will maintain records relating to this policy as outlined in 49 CFR Parts 40 and 382. These records will be maintained in a secure location with controlled access for the specified periods of time, measured from the date of the document's or data's creation.

B. Management Information System Reporting

When required by the FMCSA, the District will prepare and submit an annual statistical report, in the format prescribed by the FMCSA, detailing the District's controlled substances and alcohol testing program activity.

Return-to-duty test results: ___ negative ___ positive
Follow-up testing program:

FORM B
NMWRD
POST-ACCIDENT TESTING INSTRUCTIONS

Any driver involved in an accident while operating a commercial motor vehicle on a public road will be required to submit to tests for alcohol and controlled substances as soon as practicable following the incident, if:

1. The driver was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or
2. The driver received a citation for a moving traffic violation arising from the accident and the accident involves:
 - a. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incur *disabling damage*¹ as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Unless otherwise required by the District, post-accident drug and alcohol tests will not be required for occurrences involving only boarding or alighting from a stationary motor vehicle or the loading or unloading of cargo. In order to ensure that the above requirements are met, in the event of any accident, all drivers are required to take the following actions:

When an employee driving a District vehicle is involved in a motor vehicle accident the employee will immediately contact 911 or *999 and request a police officer be sent to the scene, and if necessary an ambulance. As soon as practicable following contacting 911 or *999, the employee shall notify his supervisor of the accident.

If a police officer cannot arrive at the scene, the employee shall collect insurance and witness information from the other party or parties involved. When reporting the accident, the driver/employee will give the following information: Name, location of the accident, whether or not anyone is injured, and whether or not the vehicles are drivable. Since an investigation will occur at a later time, the employee should never admit fault or liability. Employees must report all accidents to his/her supervisor as soon as practicable, and in all cases within 24 hours. An Illinois Traffic Crash Report shall be completed for each accident. This is to be practiced whether or not there are any apparent injuries or vehicle damage.

District Insurance Provider:

Info Needed

¹ “*Disabling damage*” means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. “*Disabling damage*” does not include:

- a. Damage which can be remedied temporarily at the scene of the accident without special tools or parts
- b. Tire disablement without other damage even if no spare tire is available.
- c. Headlight or taillight damage.
- d. Damage to turn signals, horn, or windshield wipers, which make them inoperative.

Insurance identification cards are located in each District vehicle identifying the District's insurance provider and policy number. If additional information is needed contact the NMWRD's District Manager's Office.

These procedures do not require a driver to delay any necessary medical attention for injured people following an accident or to remain at the scene of an accident when his/her absence is necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

DRIVERS ARE STRICTLY PROHIBITED FROM USING ALCOHOL FOR EIGHT HOURS FOLLOWING AN ACCIDENT, OR UNTIL THE POST-ACCIDENT TESTING REQUIREMENTS ARE CARRIED OUT, WHICHEVER OCCURS FIRST.

FAILURE OR REFUSAL TO FOLLOW THESE INSTRUCTIONS, INCLUDING THE USE OF ALCOHOL PRIOR TO THE REQUIRED POST-ACCIDENT ALCOHOL TEST, WILL BE CONSIDERED A REFUSAL TO SUBMIT TO A TEST AND RESULT IN DISCIPLINE UP TO AND INCLUDING DISCHARGE.

FORM C

NMWRD

URINE SPECIMEN COLLECTION PROCEDURES

1. The collector will ask the donor for photo identification.
2. After verification of the donor's identification, the collector will complete Step 1 of the Custody and Control Form (CCF).
3. The collector will ask the donor to remove any unnecessary outer clothing (coat, jacket, hat, etc.) and to leave hand carried items (i.e. briefcase, pocketbook, bags, etc.) outside the toilet enclosure. The collector will secure these items and provide a receipt if requested by the donor. The donor will be required to empty his/her pockets and display the contents of the pockets. Any items which can be used to adulterate or substitute the specimen must be left outside the toilet enclosure.
4. The collector will instruct the donor to wash and dry his/her hands.
5. The collector will provide the donor a wrapped/sealed collection container. Either the collector or the donor may open the container in the donor's presence.
6. Only the collection container should be taken into the toilet enclosure. The wrapped/sealed specimen bottle(s) should remain outside the enclosure and be opened in the donor's presence when the donor presents the filled collection container to the collector.
7. The collector will accompany the donor to the toilet enclosure where the donor will provide the urine specimen. The donor will enter the toilet enclosure and shut the door; the collector remains outside the closed door. If a multi-stall restroom is used, the collector will enter the restroom with the donor and remain outside the closed toilet stall door while the donor provides the urine specimen.
8. The donor will hand the filled collection container to the collector. Both the donor and the collector should maintain visual contact of the specimen until the labels/seals are placed over the bottle cap(s).
9. The collector checks the specimen, reading the specimen temperature indicator within 4 minutes of receiving the specimen from the donor. The collector marks the appropriate box in Step 2 of the CCF.
10. The collector checks the specimen volume, ensuring that there is at least 45 ml of urine.
11. NOTE: If the employee is unable to void or voids an insufficient amount of urine, the employee will be provided up to 40 mL of fluids and up to three hours to provide the specimen. Any partial specimen will be discarded.
12. The collector checks the specimen for unusual color, odor, or other physical qualities that may indicate an attempt to adulterate the specimen.
13. The collector will pour at least 30 ml of specimen into a specimen bottle (designated Bottle A). The remainder of the specimen (at least 15 ml) will be poured into a second bottle (designated Bottle B).
14. The collector immediately places the lid/cap(s) on the specimen bottle(s), and then applies tamper-evident label/seals (CCF, Step 3).
15. The collector will write the date on the label/seal(s). The donor will be asked to initial the label/seal(s) once they are affixed to the bottle(s).
16. After sealing the specimen bottle(s), the donor will be permitted to wash and dry his/her hands, if he/she so desires.

17. The donor will be instructed to read and complete the donor certification Section of the CCF (Step 5), including signing the certification statement.
18. The collector will record any remarks concerning the collection process in the "remarks" Section of the CCF.
19. The collector will complete the collector certification Section of the CCF (Step 4), including signing the certification statement and recording the date and time of the collection, and the "specimen released to" block.
20. The collector will place the specimen bottles and copy 1 of the CCF in the plastic bag and seal it.
21. The collector will give the donor his/her copy of the CCF (copy 5). The donor may leave the collection site at the completion of this step of the collection process.
22. The plastic bag containing the specimen bottles and CCF copy will be shipped in a padded mailer or shipping container if being transported by an express carrier or mail. The specimens will be maintained in a secure area until picked up by the courier or transport service.
23. The collector will distribute the remaining copies of the CCF as appropriate.

FORM D
NMWRD
CERTIFICATION OF RECEIPT OF POLICY and DRUG
AND ALCOHOL AWARENESS INFORMATION

I, _____, hereby certify that I have been provided with copies of the District's Drug and Alcohol Abuse Policy, including the requirements for compliance with 49 CFR Part 382. I have also received drug and alcohol abuse awareness information, including resources available for evaluation and treatment of substance abuse problems.

Date: _____ Employee: _____

Acknowledgment of Receipt of Employee Manual

I acknowledge having received a copy of the Northern Moraine Wastewater Reclamation District Employment Manual and I agree to read and become familiar with its contents. **I understand that I have no guarantee of future employment with the District or employment under any specific conditions. I understand that this Manual is not an express or implied contract of employment and that it does not create any rights in the nature of an employment contract. I understand that I am an employee at will.** Nothing shall restrict my right to terminate my employment at any time and nothing shall restrict the right of the District to terminate my employment at any time, with or without notice and with or without cause. I also understand that the District has the right to change, suspend or terminate any or all of the policies, procedures or benefits described in this manual at any time, with or without advance notice.

Name (please print)

Signature

Date

This acknowledgment form is to be signed and returned to be held in the employee's personnel file.