

Kankakee County Housing Authority  
185 North St. Joseph Street  
Kankakee, IL 60901

## PERSONNEL POLICY



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## **1-1 INTRODUCTION AND EMPLOYMENT-AT-WILL DISCLAIMER**

The purpose of this personnel policy manual is to provide a source of information for all employees of the KCHA concerning the benefits and obligations associated with their employment.

This handbook is a summary of the principal features and a brief description of KCHA employee programs and procedures. In the event of any conflict between the provisions of this manual and those contained in any applicable collective bargaining agreement, the collective bargaining agreement will govern in all cases with respect to employees covered by the agreement.

This manual is designed as a guide to KCHA's policies and services concerning all employees to enhance and govern employment at KCHA and bring a higher degree of understanding, cooperation, efficiency and effectiveness among all KCHA personnel. It should be noted that these are established as basic parameters from which personnel are expected to function. However, circumstances out of the ordinary may arise and give cause for discretionary judgment and action on the part of the KCHA's Executive Director.

**EMPLOYMENT WITH THE KCHA IS AT WILL AND NOTHING IN THIS MANUAL IS INTENDED OR SHOULD BE CONSTRUED AS ALTERING THIS EMPLOYMENT-AT-WILL RELATIONSHIP. THE KCHA RESERVES THE RIGHT TO MAKE CHANGES IN ANY POLICY AND PROCEDURE. SUCH CHANGES TAKE PRECEDENCE OVER PERSONNEL MANUAL STATEMENTS. WHILE REASONABLE EFFORT IS MADE TO PUBLICIZE SUCH CHANGES, IT IS THE RESPONSIBILITY OF THE EMPLOYEE TO VERIFY THE CURRENT POLICY OR PROCEDURE. THIS MANUAL SHALL NOT BE CONSIDERED AS AN OFFER FOR EMPLOYMENT OR CONSTRUED AS AN OBLIGATION ON THE PART OF THE KCHA, ANY OF ITS EMPLOYEES, OFFICERS, BOARD OF COMMISSIONERS OR AGENTS TO CONTINUE EMPLOYMENT. THE MANUAL IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. IT IS DESIGNED SOLELY AS A SOURCE OF INFORMATION FOR EMPLOYEES AND AS A GUIDE FOR SUPERVISORS AND MANAGERS. THE POLICIES AND PROCEDURES DESCRIBED HEREIN MAY BE AMENDED, REVOKED OR SUSPENDED AT THE KCHA'S DISCRETION.**

For complete information regarding any of our benefit programs, please contact the Executive Director.

**YOUR HANDBOOK IS, HOWEVER, ONLY A GUIDE; IT IS NOT A CONTRACT. NEITHER THE PROVISIONS OF THIS HANDBOOK NOR ANY OTHER HUMAN RESOURCE POLICIES OF THE KCHA ESTABLISHES A CONTRACT OF**

**EMPLOYMENT BETWEEN YOU AND THE KCHA. YOUR EMPLOYMENT IS "AT -WILL." NEITHER THE KCHA NOR ANY OF ITS EMPLOYEES ARE COMMITTED TO ANY EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT CAN BE TERMINATED WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE, AT ANY TIME AT THE OPTION OF THE EMPLOYEE OR THE KCHA. NO ONE AT THE KCHA MAY CHANGE THIS UNDERSTANDING.**

No manual can anticipate every circumstance or question about policy. As we continue to grow and as laws are created or amended from time to time, the need may arise to change the guidelines described in the manual. The KCHA therefore reserves the right to revise, supplement, or rescind any policy or portion of this manual from time to time to comply with changing laws, or for other reasons, in the KCHA's sole and absolute discretion. The KCHA will make reasonable efforts to notify employees of changes as soon as practicable, and employees are encouraged to review all posted notices and to read all memoranda concerning such policy changes.

All questions should be directed to the Human Resources Administrator, to your Supervisor, or to the Executive Director.

## **1-2 MISSION OF THE KCHA**

The mission of the KCHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination. The KCHA's mission statement is further elaborated as follows:

### **MISSION:**

The KCHA is committed to providing and ensuring quality affordable housing by being a leader in the industry by setting standards.

The KCHA is committed to establishing creative partnerships and sound economic practices to benefit the community as a whole.

### **VISION:**

The KCHA's vision is to:

- Expand housing choices and options for our community.
- Promote understanding about what our products and services are by educating the public through the use of public relations and marketing activities.
- Be recognized as a leader and role model in the housing industry.
- Make a significant and positive contribution in the community by creating partnerships with the various community services such as law enforcement,

schools, other service associates and the private sector.

### **VALUES:**

The KCHA is committed and dedicated to becoming the recognized leader in the housing industry by:

- Being accountable to our customers, the community, and all of those with whom we partner and interact.
- Striving for excellence through active communication, cooperation and integrity.
- Using our creativity to grow so all of our customers, partners, our community and our Agency will benefit and prosper.

### **1-3 AMENDMENTS TO THIS MANUAL**

This manual sets out some of the basic employment policies and procedures for employees. These policies are not to be read narrowly as "terms of a contract" between you and the KCHA, but rather as guidelines, which provide a framework for day-to-day practices. The manual does not alter, amend or change in any way the status of all employees as employees terminable at the will of the KCHA. No employee or supervisor has the authority to alter, orally or in writing, the terminable-at-will status of any employee.

Moreover, the KCHA reserves the discretion to vary these policies so that specific circumstances may be addressed on an individual basis. The manual policies are subject to amendment or discontinuation, as the needs of the KCHA require. We will make reasonable efforts to keep you informed of all changes. However, occasionally changes must be made immediately to meet unforeseen circumstances or specific situations.

### **1-4 COPIES OF POLICIES UPON REQUEST**

This manual has been prepared for your reference and you should maintain your copy of the manual for that purpose. Each employee will be held accountable for his/her actions based upon the policies set forth in this document. If your manual is lost or misplaced during your employment, the KCHA will supply you with a replacement manual or a copy of a particular policy upon your written request to the Human Resource Administrator or the Executive Director. Employees will be required to sign a form verifying receipt of this document. If the employee desires additional copies of the manual or particular policy, copies will be provided to the employee upon payment of reasonable duplicating costs incurred.

## **ARTICLE 2 - GENERAL INFORMATION**

## **2-1 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The KCHA is firmly committed to equality of opportunity in employment. It is the policy of the KCHA not to discriminate on the basis of race, color, religion, national origin, age, sex, ancestry, unfavorable military discharge, order of protection status, disability, marital status, sexual orientation, genetic information (information about the results of an individual's genetic tests, and the genetic tests of that individual's family members, as well as information about the occurrence of disease, or medical condition or disorder in family members of the individual, i.e. family medical history), military status or any other unlawful basis in the recruitment, selection, employment, training, compensation, or promotion of its employees.

If any employee believes he or she has been discriminated against or is aware of discrimination against others in violation of this policy, the employee is encouraged to bring these issues as soon as possible to the attention of his or her immediate supervisor, the Human Resources Administrator, or the Executive Director. The KCHA will endeavor to protect the privacy and confidentiality of all parties involved to the extent possible consistent with a thorough investigation. The KCHA prohibits retaliation against any employee for cooperating in an investigation or for reporting a complaint. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

## **2-2 ANTI-HARASSMENT POLICY**

The KCHA will not tolerate or condone harassment of any form toward its employees, clients, or anyone in a working relationship with the KCHA. Any form of harassment related to an employee's race, creed, color, sex, pregnancy, national origin, ancestry, citizenship, age, marital status, sexual preference, religion, unfavorable discharge from military service, or mental or physical disability is a violation of this policy and will be treated as a disciplinary matter. It is a violation of the KCHA's policy for an employee to create an intimidating, hostile, or offensive working environment or relationship by persistent comments or actions related to a person's race, creed, color, sex, pregnancy, national origin, ancestry, citizenship, age, marital status, sexual preference, religion, unfavorable discharge from military service, or mental or physical disability, or any status protected by law when the conduct:

- creates an intimidating, hostile, or offensive work environment;
- causes work performance to suffer; or
- negatively affects job opportunities

**Specific actions that can be considered harassment include, but are not limited to:**

- Verbal conduct, such as offensive name-calling, jokes, slurs, negative stereotyping, or threatening, intimidating or hostile acts;**

- Nonverbal conduct, such as staring, leering, and giving inappropriate gifts;**
- Physical conduct, such as unwanted touching, assault, intentionally blocking normal movement, or interfering with work; or**
- Visual conduct, such as derogatory posters or offensive photography, cartoons, drawings, or gestures.**

Employees who violate this policy may be subject to severe discipline, up to and including termination.

Anyone who believes that they have been victimized by harassment should report it to his/her supervisor immediately. You should report harassment regardless of who the offender may be. If the supervisor is the source of the harassment, the problem should be reported to the Human Resources Administrator or to the Executive Director. If the complaint is being lodged against the Executive Director, the complaint may be filed with the Board of Commissioners. Confidentiality of reports and investigation information will be respected to the extent possible. No employee will be subject to any form of retaliation or discipline for pursuing a harassment complaint.

Supervisors who receive a complaint of harassment should report it to the Executive Director immediately and work cooperatively to investigate the matter by questioning anyone who may have knowledge of the incident in question or of similar problems. At no time will personnel involved in the alleged harassment conduct the investigation. Confidentiality should be respected during the investigation to the fullest extent possible under the circumstances. The initial complaint, investigative steps and findings are to be documented thoroughly and quickly. The KCHA will determine whether such conduct constitutes harassment based on a review of findings in each situation and, where appropriate, the KCHA will impose disciplinary action (See Section 5.2 Rules and Regulations).

Retaliation is strictly prohibited by this policy and by law against anyone who in good faith reports a suspected violation of this policy, who assists in making such a complaint, or who cooperates in a harassment investigation. Retaliation means taking any adverse action in response to the complaint being made. Complaints of retaliation should be brought directly to the manager in charge of the facility or program, the Executive Director, or if the complaint is being lodged against the Executive Director, the complaint may be filed with the Board of Commissioners. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to disciplinary action up to and including termination or, in the case of a non-employee, termination of the business relationship.

## **2-3 POLICY AGAINST SEXUAL HARASSMENT**

The KCHA is committed to striving to achieve a workplace free from sexual harassment. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, as well as State discrimination laws. The KCHA will not tolerate such misconduct and our objective is

**ZERO TOLERANCE.** This policy is intended to protect all employees, applicants, guests and other persons visiting our premises. **Sexual harassment is prohibited, whether directed toward men or women.** Reprisals against individuals filing complaints under this policy will not be tolerated. Employees who violate this policy will be subject to discipline, including possible termination. Other persons who violate this policy will be subject to expulsion from the KCHA's premises. **Any supervisor or manager who receives a complaint and does not act upon it under the procedures of this policy will also be subject to discipline, including possible termination.**

#### **(A) Definitions**

Sexual harassment is unwelcome sexual advances, requests for sexual favors or verbal conduct or physical contact of a sexual nature when:

- submission to such conduct is either implied or stated to be a term or condition of employment or a factor in evaluating the individual's job performance, eligibility for promotion, eligibility for an increase in compensation or any other component of employment; or
- such conduct interferes either directly or indirectly with an individual's work performance by creating a hostile, offensive or intimidating environment.

Sexual harassment includes but is not limited to:

- **unwelcome social advances** such as repeated uninvited requests for social dates, dinners or any other non-business-related activity where the invitee has indicated that she/he is not willing to accept such invitations.
- **verbal harassment** such as sexual innuendo, demands or requests for sexual favors, comments or jokes of a sexually vulgar nature, including threats or slurs, remarks about an individual's physical anatomy, derogatory comments about gender or sexually explicit telephone calls.
- **physical harassment** such as sexual advances, touching (or the threat to touch) in a sexual manner, physical interference with normal work or movement, or otherwise invading the personal privacy of employees inside or outside the workplace.
- **distribution or display of written or graphic sexual material** such as sexually oriented magazines or posters, nude pictures or sexually explicit writings of any kind. This shall include the use of the internet in any manner described above.

Occasional compliments of a socially acceptable manner or statements or acts that are acceptable to all elements of society are not sexual harassment.

#### **(B) Procedure**

Any individual who feels sexually harassed by a supervisor, manager, co-worker, subordinate or other person should take the following course of action:

- (a) Tell the offending individual(s) to stop the harassment. State your objection to the action and the specific behavior to which you object. If this discussion does not resolve the problem or if you fear reprisals will result from such discussion, or if you feel uncomfortable confronting the harassing individual, proceed to step (b).

- (b) Inform your supervisor of the situation, or if it is the supervisor who is the harasser or if you feel uncomfortable telling your supervisor, inform another supervisor or management employee with whom you feel comfortable or inform the Executive Director.
- (c) All complaints received by anyone in management will be directed to the Executive Director for investigation unless the complaining employee specifically requests otherwise. You should report harassment regardless of who the offender may be. If the complaint is being lodged against the Executive Director, the complaint may be filed with the Board of Commissioners. During the course of the investigation, the complaining employee's identity, to the extent it is possible, will be withheld from all involved parties. The KCHA will attempt to do the utmost to protect the privacy of the complaining employee and to protect the integrity of any individual who may have been wrongfully accused of sexual harassment.
- (d) The investigation will be thorough and will usually be completed within 10 days. The Executive Director shall present findings and recommend a disciplinary action, if appropriate, to the harassing employee's immediate supervisor. As soon as possible thereafter, the Executive Director and the harasser's immediate supervisor will tell the harassing employee what, if any, discipline will result, and then proceed to enact the disciplinary action.
- (e) In most circumstances, only the complaining employee and the accused harasser will be told of the final disposition of the complaint.
- (f) If the accused harasser is not an employee of the KCHA, upon completion of an investigation, which indicates that harassment did occur, the KCHA will take appropriate remedial action. Possible remedial steps range from letters of objection to the accused harasser to refusal to allow the alleged harasser on KCHA premises or a prohibition from contracting with the KCHA for a set period of time.
- (g) Retaliation is strictly prohibited by this policy and by law against anyone who in good faith reports a suspected violation of this policy, who assists in making such a complaint, or who cooperates in a harassment investigation. Retaliation means taking any adverse action in response to the complaint being made. Complaints of retaliation should be brought directly to the manager in charge of the facility or program, the Executive Director, or if the complaint is being lodged against the Executive Director, the complaint may be filed with the Board of Commissioners. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to disciplinary action up to and including termination or, in the case of a non-employee, termination of the business relationship.

### **(C) Final Note**

The KCHA recognizes that in some instances the question of whether a particular action or incident is sexual harassment as opposed to a purely personal, social relationship without discriminatory effect requires a factual determination based on all of the circumstances. Given the nature of this type of discrimination, the KCHA also recognizes that false allegations of sexual harassment can have serious effects on the lives and careers of innocent men and women. While the KCHA will not tolerate sexual harassment and will discipline any employee engaged in such conduct, the KCHA asks that all employees continue to act responsibly to establish a pleasant working environment free from discrimination. You are encouraged to raise any questions you may have regarding the

KCHA's sexual harassment policy to your Supervisor or the Executive Director. You are also encouraged to report circumstances, which may constitute sexual harassment to your Supervisor, to the Human Resources Administrator, or to the Executive Director, even though the circumstances involve the possible harassment of another employee.

## **2-4 NO SMOKING/TOBACCO POLICY**

The purpose of this policy is to protect the health of all employees and to avoid conflicts between smoking and non-smoking employees. This policy is in affect for all Kankakee County Housing Authority (KCHA) owned and/or leased facilities and all vehicles owned or leased by the KCHA.

It is the policy of the KCHA to fully comply with, and to enforce the provision of the Smoke Free Illinois Act. Under the Act: Smoking means carrying, smoking, burning, inhaling, or exhaling any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

Smoking is prohibited in all public places or place of employment or within 15 feet of an entrance to a public place or place of employment unless exempted by the act. No person may smoke in any vehicle owned, leased, or operated by the KCHA.

Smoking is permitted outside the facility but must be 15 feet from any entrances, exits, windows that can be opened, or intake vents.

Smoking is also prohibited throughout the KCHA including, but not limited to:

- Lobbies, hallways, stairways and other common areas
- Restrooms, kitchens and lounges
- Conference and meeting rooms
- Private offices
- Residential units

Failure to comply with the KCHA's policy on smoking in the workplace may result in disciplinary action (See Section 5.2 Disciplinary Action). ***Please refer to the "Smoking Policy", effective January 1, 2008.***

## **2-5 DRUG AND ALCOHOL POLICY**

- A. It is the policy of the KCHA that all employees and contractors shall be free from drugs and alcohol. All employees and contractors shall be prohibited from: the unlawful manufacture, distribution, dispensing, possession, use, or being under the influence of a Controlled Substance while on KCHA premises or while performing work for the KCHA.
- B. As a condition of employment or of any written contract, each employee or contractor shall agree to abide by the terms of the policy respecting a drug and alcohol-free workplace and notify their

Supervisor of any conviction of any criminal statute for a violation occurring on KCHA premises or while performing work for the KCHA no later than five (5) days after such a conviction.

- C. In order to make employees and contractors aware of the dangers of drug and alcohol abuse, the KCHA through the Human Resources Department, shall make available materials from local, state, and national anti-drug and alcohol abuse organizations and provide in-service information.
- D. In order to assist employees who have not violated policy as set forth in subsection A hereof, but who nonetheless may have a substance-abuse problem, the KCHA may wish to establish procedures to:
  - enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to employees;
  - Encourage such employees to refer themselves to an employee assistance program that would treat all referrals confidentially, and initiate no disciplinary action in such instances.
- E. Action upon violation of Policy  
An employee who violates the terms of this Policy shall be subject to discipline as outlined in Section 5-2 of this Handbook.

## **2-6 REASONABLE ACCOMMODATION FOR QUALIFIED EMPLOYEE WITH DISABILITY POLICY**

The KCHA reaffirms its commitment to: (a) ensuring that no employee is discriminated against on the basis of a disability; and (b) will make every effort to accommodate the known physical or mental limitations of the KCHA's employees with a disability, as required by the Americans with Disabilities Act, ADA Amendments Act and other applicable law. The KCHA's commitment applies to all terms, conditions and privileges of employment. The term "disability" for purposes of this policy shall mean a qualified individual with a disability as defined by the Americans with Disabilities Act or as otherwise defined by applicable law.

Requesting an Accommodation: If, at any time, a qualified employee with a disability requires a reasonable accommodation to perform the essential functions of his or her job, he or she should make a request for accommodation to his or her immediate supervisor. This request should be made in writing. The employee is also required to attach documentation from his or her health care provider describing the employee's functional limitations and specifying the medical condition causing the functional limitations.

After reviewing the documentation and the facts of each request, the Supervisor,

in consultation with the Executive Director and the appropriate Department Head, will determine if the employee is eligible for accommodation under the ADA. This is accomplished by reviewing the marginal and essential functions of the job, the functional limitations of the disability, and the reasonableness of an accommodation. Advice may be sought from third-party experts when necessary.

The KCHA's decision to approve or deny a request for a reasonable accommodation is made on a case-by-case basis and takes into consideration the disability and the needs of the particular employee. Requested accommodations will not be provided if doing so would create an undue hardship on the KCHA.

The employee is responsible for contacting the Director if approved reasonable accommodations are not implemented in an effective and timely manner or if the accommodations are not working. The Director will work with the employee and the employee's supervisor to resolve disagreements regarding recommended accommodations.

All information relating to the request for accommodation will be kept in a secure file separate from the employee's personnel file. Access to the information will be limited to individuals who have a need to know about the accommodation.

## **2-7 PERSONNEL RECORDS REVIEW POLICY**

Personnel records shall be maintained in accordance with all federal and state laws. Employees may request the opportunity to inspect portions of the employee's personnel records which are available for review under applicable law. Not all personnel records may be inspected.

Record review requests must be in writing and requested at least 5 working days prior to the desired inspection date. Inspection will generally be permitted 5 working days after the request unless inspection cannot reasonably be provided on that date, in which case inspection will be permitted within 14 working days from the date of receipt of the request.

The employee shall be notified of the location where records will be made available. Generally, record inspection will only be permitted during working hours and under KCHA supervision, unless other arrangements acceptable to the Executive Director and the employee are agreed upon.

If the employee desires copies of his/her records, copies will be provided to the employee upon payment of reasonable duplicating costs incurred.

## **ARTICLE 3 - EMPLOYEE BENEFITS AND PRIVILEGES**

### **3-1 EMPLOYEE CLASSIFICATIONS; CHANGES IN CLASSIFICATION**

- (A) Employee Classifications: All employees who have completed their initial evaluation period are classified as either exempt or nonexempt, and as either regular full-time,

regular part-time, or casual employees. Completing an initial evaluation period does not modify an employee's at-will status.

Reference will be made to the following definitions throughout this manual:

Exempt employees: Employees who are not entitled to overtime compensation under applicable law.

Nonexempt employees: Employees who are entitled to overtime compensation under applicable law.

Regular full-time: Regular full-time employees are regularly scheduled to work forty (40) or more hours in the workweek.

Regular part-time: Regular part-time employees are regularly scheduled to work no more than twenty (20) hours in the workweek.

Casual: All non-regular employees are casual employees. Casual employees are regularly scheduled to work any combination of full- or part-time hours in the workweek, but casual employees are hired for a specified period of time. Casual employees are only entitled to be paid for hours worked. Casual employees also include temporary employees who work directly for the KCHA and not through an outside agency (also known as ~~direct~~ temps+).

- (B) **Changes In Employee Classification**: When an employee's status is changed from regular full-time or regular part-time to casual, the employee forfeits all accrued benefits except those to which they are legally entitled.

When changing from regular part-time to regular full-time, benefits will be increased to regular full-time commencing the first working day of the month following the month of change.

When changing from regular full-time to regular part-time, benefits will be decreased to regular part-time commencing the first working day of the month following the month of change.

When changing from regular full-time or regular part-time to casual, benefits will be decreased to casual status commencing the first working day of the month following the month of change.

The designation of an employee as a "regular full-time" or "regular part-time" employee does not amount to a guarantee of employment for a fixed number of hours per day or days per week, nor does that designation alter the employment-at-will relationship of all KCHA employees, as stated in the Introduction and in the Acknowledgment Form you have signed.

### **3-2 EMPLOYMENT PROCEDURES**

The KCHA may use a variety of recruitment methods to secure qualified candidates for any position. The KCHA strives to hire the most qualified candidate, abiding by the Equal Employment Opportunity Policy described in Article 2 above.

The authority to appoint, promote, transfer, demote, suspend and terminate employees is vested in the Executive Director.

Available positions may be advertised both internally and externally in appropriate publications. Qualified candidates will be interviewed. Reference checks, previous employment verifications, substance abuse test results, and criminal background checks will be documented and retained in personnel files.

### **3-3 SUBSTANCE ABUSE TESTING**

1. **New Hires** . The KCHA shall require all applicants who are offered employment to provide a urine sample to the medical clinic of the KCHA's choice and execute any required consent form. Providing the required consent and submitting to testing is a condition of each offer of employment. If the sample results for any offeree is ~~positive~~, the offeree will not be hired.
2. **Current Employees** . The KCHA may require an employee to provide both urine and/or blood specimens for laboratory testing or take an alcohol test, at the medical clinic of the KCHA's choice if:
  - a. The KCHA has reasonable suspicion to believe that the employee is under the influence of alcohol, or a legal or illegal drug while on duty.
  - b. The employee is involved in any accident while on duty, regardless of whether he or she is injured or causes the injury of another person or causes damages to any KCHA equipment or property.
  - c. The employee is chosen for a random drug test based on the selection criteria for random testing.
3. **Consent** . If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood and/or urine, or conduct an Alcohol test, and release the results of the laboratory testing to the KCHA.
4. **Refusal to Provide Specimen or Consent** . Any employee who refuses to provide a urine or blood specimen, or take an alcohol test, where the KCHA may require such under this policy, or who refuses to sign a consent form shall be terminated.
5. **Treatment** . The KCHA at its sole discretion, may require any employee who violates this policy, as a condition of employment and in lieu of termination, to agree to a voluntary leave and to submit to and pass a urinalysis or blood test or alcohol test within six weeks after the date on which the KCHA determines that the employee violated the policy. The KCHA may require the employee to undergo alcohol or drug rehabilitative treatment as a condition of employment and in lieu of termination. The KCHA may terminate any employee who fails or refuses to submit to urinalysis or a blood test or alcohol test or undergo rehabilitative treatment and continued counseling, whose urinalysis or blood or alcohol test is positive, or who cannot pass the urinalysis or blood test or alcohol test within six weeks.

### **3-4 INITIAL EVALUATION PERIOD**

An initial evaluation period shall apply to new employees, rehired employees, promoted, demoted or transferred employees. Personnel in this classification will be evaluated for up to three (3) months, but not more than six (6) months, at the discretion of the Executive Director. Unless the initial evaluation period is extended by the KCHA, it is expected that within such period the employee shall be designated as a regular employee or shall have their employment terminated. Extended periods of absence or other circumstances may extend an initial evaluation period. Employees will generally be evaluated at three and six month intervals during the initial evaluation period. This initial evaluation period in no way guarantees continued employment. All employment with the Housing Authority of Kankakee is ~~at-will~~.+

The Supervisor shall evaluate the employee shortly before the end of the initial evaluation period and submit to the Executive Director a written recommendation for retention or termination.

The Supervisor shall give a full explanation for his/her recommendation. The purpose of this initial evaluation period is to test the employee's qualifications to perform satisfactorily under actual working conditions, and to allow the employee to become proficient in the position, and to give the Supervisor time to evaluate the performance of the individual.

Employees terminated or demoted during the initial evaluation period may not grieve their terminations or demotions. Employees who are promoted or who change positions who do not successfully perform during an initial evaluation period shall have the right to return to his/her prior position, but only if their prior position has not been filled. If the previous position has been filled, the employee will be offered the opportunity to transfer to other vacant positions for which he/she is deemed qualified. If no such positions are available, the employee will be terminated.

If you are a new or rehired employee, after you have successfully completed your initial evaluation period, in accordance with your employee classification you will also become entitled to the benefits provided by the KCHA as outlined in this manual.

### **3-5 PERFORMANCE EVALUATIONS AND MERIT INCREASES**

Shortly before the end of the initial evaluation period all employees will receive their first formal performance evaluation in their new position.

Formal performance evaluations for employees will occur periodically. It is the desire of the KCHA that formal performance evaluations take place at least annually. However, this may not be practicable in all circumstances and annual evaluations may not in all cases be accomplished.

Your Supervisor determines your performance rating. The purpose of a performance review is to give proper recognition of work well done, and to indicate those areas in which improvement can be made.

Adjustments in wages or salary, if any, are based upon your record of employment and will occur annually on July 1. Newly hired employees who have successfully completed the

initial evaluation period may receive a wage adjustment on July 1 if they have been employed at least six months. If they have not been employed six months on July 1, they may receive a wage adjustment 6 months after the beginning of their employment.

Employees transferring from one department and/or one position to another will be evaluated after three (3) months, and such transfers may be accompanied by an increase in pay, in the Executive Director's discretion.

### **3-6 POSITION DESCRIPTIONS**

Every position shall have a complete position description outlining job duties, requirements and qualifications. Position descriptions shall be prepared by the Executive Director and provided to the employee in the position. The position description shall serve as the basis of the performance evaluation. It is not possible to define each and every duty an employee may have to perform, but the KCHA will seek to provide a thorough position description. Employees are expected to perform additional appropriate tasks as assigned.

### **3-7 PROMOTIONS/TRANSFERS/DEMOTIONS**

**Promotions** - As positions of higher pay become available within the KCHA, qualified employees may be given the opportunity to fill these positions. In filling positions with existing employees, the following are some of the factors usually considered: Performance appraisals, recommendation of Supervisor, knowledge and ability as they may relate to the current and higher position, seniority, and the employee's desire to be promoted.

All accrued benefits and seniority will be transferred with the employee to the new position.

**Transfers** - Where transfers of personnel are necessitated by organizational changes, re-assignment will be made to a position of comparable pay, provided that a position having equal pay is vacant and the employee is qualified for the position.

The Executive Director, upon the recommendation of the Supervisor, may approve transfers of employees between departments, on either a permanent or temporary basis. In making transfers within the KCHA, consideration shall be given to the desires of the employee involved wherever possible.

It is the policy of the KCHA to transfer or promote employees from within the KCHA whenever possible. Employees are encouraged to obtain the necessary skills, training and education in order to enhance their eligibility for promotion or transfer.

**Demotions** - Demotion is the assignment of an employee to a lower-paying position. Demotions may be made for cause or administratively due to a layoff, lack of work or funds. An employee may be subject to demotion under the following conditions, as well as other circumstances that may arise:

1. If he/she has been found unsuitable for his/her position, but may be expected to give satisfactory service in a lower classification.
2. When a position has been re-allocated to a lower rate of compensation and the

employee cannot be transferred to a position of equal pay.

3. When an employee requests to be transferred to a position with a lower salary.

### **3-8 RESIGNATIONS/REDUCTION IN WORKFORCE**

**Resignations** - An employee who wishes to resign is requested to give at least two (2) weeks advance written notice of resignation to his/her Supervisor or the Executive Director.

An employee who resigns, is terminated, retires, or fails to return after an authorized leave of absence, will be regarded as permanently separated from employment. Should such separated employee be rehired, he/she will be re-employed as a new employee. An employee, who is involuntarily terminated, other than in connection with a reduction in force, will be ineligible for rehire.

Any employee who fails to appear for work for two consecutive working days without proper notification or authorization shall be considered to have abandoned their position and to have resigned.

Terminating employees will receive their final paycheck on the first regularly scheduled payday following their termination date.

**Reduction in Workforce** - If it is necessary to reduce personnel, the selection of employees to be retained shall be based on such factors as KCHA needs, qualifications of employees, past performance of employees, seniority, and willingness of employees to accept new assignment.

## **ARTICLE 4 – EMPLOYMENT BENEFITS**

### **4-1 HOLIDAY LEAVE**

The KCHA observes the following holiday schedule:

New Year's Day	Columbus Day
Martin Luther King Jr. Birthday	Veteran's Day
President's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Eve
July 4th Independence Day	Christmas Day
Labor Day	Employee's Birthday

Holiday observance will be in accordance with the national or local observances. All newly hired regular full-time and regular part-time employees who have completed their initial evaluation period will receive the above Holidays with pay.

Employees are required to work their regularly scheduled hours preceding and following a holiday in order to receive holiday pay.

All regular full-time non-exempt employees who are required to work on the day that any of the above holidays are observed will be paid for all hours worked plus eight (8) extra hours based upon their normal hourly rate of pay. All regular part-time employees who are required to work at least the regular number of hours they usually work on any of the above holidays will be paid as if they worked such hours plus four (4) extra hours based upon their normal hourly rate of pay.

All regular full-time employees who are not required to work on any of the above holidays will be paid as if they worked eight (8) hours based on their normal hourly rate of pay. All regular part-time employees who are not required to work on any of the above holidays or the day the holiday is observed will be paid as if they worked four (4) hours based on their normal hourly rate of pay.

There is no compensation for casual employees who are not required to work on any of the listed holidays or the day the holiday is observed. Casual employees who work during one of the above holidays will be paid for hours worked.

Due to the nature of the KCHA's services, employees may be scheduled to work on holidays.

An employee who wishes to observe religious or ethnic holidays other than those designated above may do so by notifying the Executive Director in writing, at least two weeks prior to such holiday. Late notices may be accepted, if there is no undue hardship on the operations in certain circumstances at the Executive Director's discretion, but may be rejected. Employees may use an annual leave day for such holiday observance or, alternatively, employees who have no accrued and unused annual leave days available will be granted an unpaid absence for this purpose if the holiday absence is approved.

## **4-2 ANNUAL LEAVE**

### **A. Accrual**

The KCHA provides annual leave for regular full-time and regular part-time employees. Regular full-time and regular part-time employees will not be eligible to begin earning annual leave time until after the completion of 1 (one) year or 12 (twelve) months of service.

If an employee successfully completes one year or 12 months of service, the employee will be credited 40 hours of annual leave time and will begin earning annual leave time per the following schedule:

After 1 (one) year or 12 (twelve) months of service, on the first (1<sup>st</sup>) anniversary date of employment 40 hours

At the first (1<sup>st</sup>) anniversary date and up to 6.667 hours per month per year

the fifth (5 <sup>th</sup> ) anniversary date	(10 days per year)
At the fifth (5 <sup>th</sup> ) anniversary date and up to the tenth (10 <sup>th</sup> ) anniversary date	10 hours per month per year (15 days per year)
At the tenth (10 <sup>th</sup> ) anniversary date and up to the twentieth (20 <sup>th</sup> ) anniversary date	13.33 hours per month per year (20 days per year)
At the twentieth (20 <sup>th</sup> ) anniversary date and each anniversary date thereafter	16.667 hours per month per year (25 days per year)

Regular part-time employees shall accrue annual leave benefits at the rate of fifty percent (50%) of the rate indicated above for regular full-time employees. Casual employees do not accrue paid annual leave benefits.

#### **B. USE**

Annual Leave is paid at the employee's regular rate of pay at the time the annual leave is taken in accordance with the KCHA's regular payroll policy. No employee shall receive annual leave pay for any time during which they are engaged in regularly paid duties.

Except in certain circumstances, employees are not permitted to use annual leave time until they have completed one year of service. If an employee terminates employment prior to completion of one year of service, annual leave days are forfeited. In addition, employees may not take annual leave time prior to the time that it is earned.

Annual leave requests must be submitted to your Supervisor or the Executive Director at least two weeks before your requested first day of annual leave. Every effort will be made to give you the annual leave period you prefer. Of course, the needs of the KCHA and its operating efficiency will be considered foremost.

#### **C. Carry-Over and Pay-Outs**

Upon termination after one year of service, all pay for accrued but unused annual leave will be included in the employee's last paycheck.

Vacation days are accumulated from year to year with a maximum allowable carry-over of **25 days** \*. All employees are encouraged to take their allotted vacation days during the calendar year or employment date anniversary. \* Note, maximum carry over is the actual time earned for the employee for that year.

**Any employees having vacation time exceeding 25 days that is unused by *the employee's anniversary date* each year will not be paid for and will be lost by the employee.**

All employees with more than 25 days of accumulated vacation days as of December 1, 2013 shall reduce their accumulated vacation time over 25 days to 25 by December 31, 2015. Such accumulated time shall be used at a rate of at least ½ of the total accumulated days over 25 per year.

### **4-3 SICK LEAVE**

Attendance record is an important factor in every employee's annual salary review. Regular full-time and regular part-time employees are entitled to paid sick leave for illness or incapacity not covered by workers' compensation. Periods of actual incapacity associated with pregnancy shall be treated the same as any other disability. Employees are not permitted to use paid sick leave until they have completed their initial evaluation period.

Regular full-time employees are eligible for paid sick leave at the rate of 5.334 hours earned per month up to a maximum accrual per anniversary year of employment of 8 (eight) days or 64 (sixty-four) hours.

Part time employees are eligible for paid sick leave on a pro-rated schedule of regular full time employees.

Sick leave may be accumulated without limits.

Except in an emergency, an employee must give reasonable notice prior to or at least one-half hour after the start of his/her shift, to his/her Supervisor or to the Executive Director, regarding the employee's intention to be absent and to be paid for that absence in accordance with this policy. Immediately upon return to work the employee must submit a Request for Leave form to his/her Supervisor. Failure to submit a Request for Leave form will result in sick time off to be considered leave without pay.

Paid sick leave may be used only for periods of actual incapacity. The Executive Director may request a physician's written verification of incapacity at any time from the employee's treating physician or from a physician chosen by the KCHA. In order for an employee to be eligible for paid sick leave when an employee is incapacitated, the employee must intend to return to work. Any suspected abuse of sick leave will be investigated.

#### **4-4 FAMILY AND MEDICAL LEAVE**

An employee who (i) has been employed by the KCHA for at least twelve (12) months and (ii) has worked at least 1,250 hours within the preceding 12-month period shall be entitled to take up to twelve (12) workweeks of unpaid leave within a twelve-month period in accordance with the provisions of the federal Family and Medical Leave Act of 1993, as amended, for one or more of the following situations:

- (a) The birth of a child of the employee and in order to care for that child.
- (b) The placement of a child with the employee for adoption or foster care.
- (c) The care of a spouse, child, parent, or domestic partner of the employee, if the spouse, child, parent, or domestic partner has a serious health condition.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves (i) inpatient care in a hospital, hospice, or residential medical care facility; or (ii) continuing treatment by a health care provider.

- (d) A serious health condition that prevents the employee from performing his/her job.

In the case of birth or adoption/foster care, this entitlement expires at the end of the twelve-month period beginning on the date of such birth or adoption/foster care.

#### **Employee's Duty to Give Notice to the KCHA**

An employee requesting a leave under this Policy must comply with the following notice requirements:

- (a) Where the necessity for the leave for the birth of a child or placement for adoption/foster of a child is foreseeable based upon an expected birth or placement, the employee shall give the KCHA not less than thirty (30) days notice, before the date the leave is to begin, of the employee's intention to take leave under this policy; provided, that if the birth or placement requires leave to begin in less than thirty (30) days, the employee is required to give as much advance notice in advance as is practicable under the circumstances.
- (b) In any case in which the necessity for the leave request is for based upon a serious health condition of the employee or a spouse or parent or child or domestic partner of the employee, and the necessity for the leave is foreseeable, it is the employee's duty to (i) make a reasonable effort to schedule the treatment so as not to disrupt unduly the KCHA's operations (subject to the approval of the health care provider), and (ii) give the KCHA not less than thirty (30) days notice, before the date the leave is to begin, of the employee's intention to take leave under this policy, unless the treatment requires the leave to begin in less than thirty (30) days, in which case the employee must give notice as soon as practicable under the circumstances.

### **Types of Military Family Leave:**

1. Eligible employees may use their 12-week leave entitlement to address certain qualifying exigencies when his or her spouse, son, daughter, or parent 1) is a member of the Reserves or National Guard and has been called up to active duty or notified of an impending call or order to active duty in support of a contingency operation; or 2) is a member of a regular component of the Armed forces. Qualifying exigencies may include short notice deployment, attending military events and related activities, arranging for alternative child care and school activities, addressing certain financial and legal arrangements, attending certain counseling, rest and recuperations, attending certain post-deployment activities and such other eligible additional activities to address other events that arise out of the covered service member's active duty or call to active duty status.
2. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member where the employee is a spouse, son, or daughter, parent or next of kin of the covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list; or a veteran who is undergoing medical treatment, recuperation or therapy

for a serious injury or illness and who was a member of the Armed Forces, including the National Guard and Reserves, at any time during the five-year period preceding the date on which the veteran undergoes medical treatment, recuperation or therapy.

#### Written Certification Required

In the event of a serious health problem, the KCHA will require a written certification issued by the Health Care Provider for the employee or person who is claimed to have a serious health problem. The certification must state:

- (a) The date on which the serious health condition began;
- (b) The probable duration of the condition;
- (c) Appropriate medical facts within the knowledge of the health care provider regarding the condition;
- (d) When care is for a family member or domestic partner, a description of the need for the employee to assist in that care and the probable duration of that need; and
- (e) In addition, when an employee requests a medical leave because of his/her own condition, the certification must also include a statement that the employee is unable to perform the function of the position.

Note: When the employee is requesting an intermittent or reduced leave schedule because of the employee's serious health condition or because of the serious health condition of a spouse, child, parent, or domestic partner, the employee's medical certification must contain, additionally, a statement that the intermittent leave or leave on a reduced leave schedule is necessary, and the expected duration of the intermittent leave or reduced leave schedule.

If the KCHA has reason to question the validity of an employee's certification, the KCHA may require the employee, at the KCHA's expense, to obtain the opinion of a second health care provider designated or approved by the KCHA, concerning any information certified by the employee's health care provider. The health care provider selected by the KCHA will not be regularly employed by the KCHA.

If a conflict of opinion exists between a first and second certification, a third health care provider, selected by agreement of the KCHA and employee, will issue the binding opinion.

The KCHA may also require subsequent certification at reasonable intervals during the leave, on a reasonable basis.

At the conclusion of the family and medical leave, as a condition for restoration of the employee's position, the KCHA will require the employee who has been granted a leave for the employee's own serious health condition to provide a certification from the employee's health care provider that the employee is able to resume work. In the event that the KCHA and the employee are governed by a collective bargaining agreement, nothing herein supersedes the requirements for return to work imposed by that agreement.

#### Use Of Paid Leave; Benefits During Leave Period; Reinstatement

If the employee has accrued paid annual leave, the KCHA will require an employee to use that paid leave as part of the 12-week period of the employee's approved family and

medical leave, regardless of the reason for the leave. This will apply, as well, in cases where the KCHA approves an intermittent or reduced leave schedule.

An employee who is granted a family and medical leave pursuant to this policy shall not lose any employment benefit (such as KCHA-provided group life insurance, health insurance, disability insurance, sick leave, educational benefits, or pension) that accrued prior to the date on which the family and medical leave began. The following employee benefits will not accrue during the leave period: annual leave and paid sick leave.

At the end of the leave period, the KCHA will reinstate the employee to the same or an equivalent position to the one held by the employee at the commencement of the leave, with equivalent benefits, pay, and other terms and conditions of employment. However, the employee shall not be entitled to (i) the accrual of any seniority or employment benefits during any period of leave, or (ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

#### Outside Employment

An employee who is on leave under this policy, or any KCHA leave policy, may not work for any other employer on a full-time, part-time, or sporadic basis, either as an employee or as an independent contractor. Violation of this policy will result in disciplinary action, up to and including termination.

### **4-5 LEAVE WITHOUT PAY**

Situations sometimes arise, beyond an employee's control, which may interrupt regular work attendance. Where the needs of the KCHA permit, in situations where an employee's unpaid leave of absence is for reasons other than those outlined in Section 4-4 (Family and Medical Leave), or if an employee does not qualify for leave under Section 4-4, the KCHA will consider requests for unpaid personal leaves of absence for regular full-time and regular part-time employees who have worked continuously at least six (6) months prior to the requested leave. It is expected that a request for leave generally will be for an important reason.

Any eligible employee who desires to take a personal leave of absence from work must first obtain permission. All requests for personal leaves shall be submitted in writing to the Executive Director. Whenever possible, requests shall be made at least thirty (30) days prior to the leave of absence. Based on discussion with the Supervisor, the Executive Director shall grant or deny the request. The Executive Director shall notify the employee of this decision and if the leave of absence is granted, the Executive Director will explain the terms and conditions of the personal leave of absence.

Unless expressly stated in writing, signed by the Executive Director, employee benefits (e.g., annual leave, paid sick leave, retirement) will **not** accrue to an employee on a personal unpaid leave of absence. The employee will also be responsible for premium payments of health care insurance, group life insurance, and disability insurance during this leave period. An employee will be returned to the same or comparable position after the leave based upon the following: the needs of the KCHA; the length of the leave; and, the prior performance of the employee.

No person has the authority to guarantee an employee's position with the KCHA. If an employee's position is available after a leave of absence or the employee is offered a comparable position, the employee's failure to return to work on the day specified will be construed to be a voluntary resignation by the employee. Prior to returning from a leave of absence involving medical incapacity, an employee may be required to submit to the

Executive Director a medical report from his/her physician certifying that he/she is able to resume the regular job responsibilities of his/her position.

Leaves of absence may result in adjustment of the employee's anniversary date to a date commensurate with the length of the leave (i.e. an employee who takes a thirty-one (31) day leave of absence may have his/her anniversary date reset to a date thirty-one (31) days later).

The employee's employment with another employer while on leave of absence will automatically constitute a voluntary resignation.

#### **4-6 FUNERAL LEAVE**

A regular full-time employee or a regular part-time employee may be eligible for a paid time off to attend services, if there is a death in the employee's immediate family, a close personal friend, or domestic partner after notification to the employee's Supervisor or to the Executive Director.

If additional bereavement leave is needed, sick leave may be used with the prior approval of the Executive Director. If extended time off is desired, an unpaid personal leave of absence must be obtained.

#### **4-7 MILITARY LEAVE**

##### *Military Leave*

Employees will be granted a leave of absence for military service in accordance with applicable federal and state laws. Employees are responsible for furnishing the KCHA with the expected beginning and ending dates of military service, including copies of military orders, as far in advance as possible.

**A. Eligibility:** Any employee affiliated with the United States Army, Navy, Air force, Marines, Coast Guard, National Guard, Reserves or contract military service is eligible.

**B. Effect on Benefits:** If applicable, an employee granted leave under this policy will continue to be covered under the KCHA's group health insurance plan on the same conditions as coverage would have been provided if he or she had been continuously working during the leave period. To maintain uninterrupted coverage, an employee will be required to continue to pay his or her portion of insurance premium payments, if applicable. Payments for which an employee is responsible are subject to any change in premium rates while the employee is on leave. During the leave, monthly payments should be forwarded to the Accounting Department no later than the first of the month. If applicable, an employee will continue to accrue benefit hours (sick, personal, or vacation) while he or she is on military leave.

**C. Effect on Wages:** Any employee, who is a member of any reservist component of the United States Armed Services and is mobilized to active

military duty, will receive his or her full KCHA salary minus the amount of his or her base pay for military service, for the duration of his or her active military service. Any full-time employee who is a member of any reservist component of the United States Armed Services will be granted leave for any period actively spent in military activity, including: basic training, special or advanced training, and annual training. During leaves for annual training, the employee will continue to receive his or her full KCHA pay. During leaves for basic training and up to 60 days of special or advanced training, the employee will receive his or her full KCHA salary minus the amount of his or her base pay for military activities. If an employee is called to active military duty by order of the President of the United States, the employee will receive his or her full KCHA salary, minus the amount of his or her base pay for military service, for the duration of his or her active military service.

**D. Reinstatement:** An employee returning from military leave will be entitled to reinstatement in accordance with the applicable federal and state laws. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) requires that returning service personnel be promptly re-employed in the same or similar position that they would have attained if they had not been absent for military service. Under USERRA, to return to the workplace, an employee must have been honorably discharged and cumulative military leave is less than five years. An employee is required to give the KCHA prompt notification of intent to return to work. The amount of required notice to the KCHA varies based on the length of an employee's absence.

**E. After Reinstatement:** After reinstatement, an employee enjoys a certain level of job security. Employees can only be terminated for cause for a specified time, depending on their length of service.

### *Illinois Family Military Leave*

An employee whose qualified family member is engaged in military service may be granted an unpaid leave of absence for family military leave subject to certain conditions. The KCHA will require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

**A. Eligibility** Any employee who has been employed by the KCHA for at least 12 consecutive months, and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave is eligible. An employee may request up to 30 days of unpaid leave in a single 12 month period in order to care for his or her spouse, parent, child, or grandchild, who is a member of the Armed Forces (including the Reserves and the National Guard) and who has a serious injury or illness incurred in the line of duty while on active duty and is undergoing medical treatment, recuperation or therapy. If an employee uses qualifying exigency leave under FMLA, the amount available under this leave will be reduced by the number of days taken

under FMLA (see Section 4-4 for more information)

**B. Effect on Benefits:** An employee granted leave under this policy will continue to be covered under the KCHA's group health insurance plan on the same conditions as coverage would have been provided if he or she had been continuously employed during the leave period. To maintain uninterrupted coverage, an employee will be required to continue to pay his or her portion of insurance premium payments, if applicable. Payments for which an employee is responsible are subject to any change in premium rates while the employee is on leave. If the employee contributes to a group insurance plan in addition to the group health plan, the employee must continue to pay his or her portion of the insurance premium payments. During the leave, monthly payments should be forwarded to the Accounting Department no later than the first of the month. If the employee's payment is more than 30 days late, the KCHA will terminate coverage; however, coverage will be reinstated upon the employee's return to work. An employee will not accrue any type of benefit hours (sick, personal or vacation) while he or she is on Family Military Leave.

**C. Utilization of Accrued Benefits:** An employee may not take Family Military Leave as provided under this policy unless he or she has exhausted all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the employee, except sick leave and disability leave.

**D. Reinstatement:** Any employee who exercises the right to family military leave under this policy, upon expiration of the leave, shall be entitled to be restored to the position held when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment as required by the FMLA. This Section does not apply if the employee was not restored as provided in this Section because of conditions unrelated to the employee's exercise of rights under this policy.

#### **4-8 JURY DUTY**

Employees who are not legally disqualified to serve on juries, and who have received a notice or summons for jury duty, will be given time off as is required to perform jury duty, with pay. However, the employee must deliver to his/her respective Supervisor a copy of the summons for jury duty received by the employee as well as the KCHA Request for Leave form within ten (10) days of the date of issuance of the summons to the employee. The supervisor is responsible for notifying HR and forwarding the Request for Leave accordingly. The fee paid to the employee for witness or jury service shall be given to the Employer, unless the employee used his or her benefit time for such service. Payment by the court to the employee for travel expense at the prevailing rate may be retained by the employee.

#### **4-9 EMPLOYEE HEALTH INSURANCE BENEFITS**

The KCHA will provide regular full time employees with insurance coverage, which may include the following: health, dental, term life, and disability; and a retirement program.

The details of these benefits are provided in Appendix 1.

#### **4-10 CONTINUING EDUCATION**

All regular full time KCHA employees who have completed the initial evaluation period may be extended the privilege of further academic training related to their job. The KCHA will reimburse the employee for one-half (1/2) the cost of tuition and required text books up to \$1,000.00 in a 12-month period. Employees must demonstrate successful completion of such course by receiving a grade of C+ in undergraduate courses and B+ in graduate study in order to obtain reimbursement.

Employees must secure advance approval in writing from the Executive Director. Receipts verifying enrollment and textbook costs must be presented for reimbursement. The course must be taken during hours other than the employee's regular working hours.

#### **4-11 VICTIMS' ECONOMIC SECURITY AND SAFETY ACT**

The Victims' Economic Security and Safety Act (VESSA) provides that an employee who is a victim of domestic or sexual violence or has a family member or household member who is a victim of domestic or sexual violence, may take unpaid leave from work to address such violence. The Act defines domestic violence as abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986. Sexual Violence is defined as sexual assault or stalking as those terms are defined in the Illinois Criminal Code.

**A. Eligibility and Entitlement:** all employees are covered by the Act. An employee is entitled to up to 12 work weeks of unpaid leave during any 12 month period for one or more of the following:

1. seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or member of his or her family or household;
2. obtaining services from a victims services organization for the employee or a family or household member;
3. obtaining psychological or other counseling for the employee or a family or household member;
4. participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or family or household member from further domestic or sexual violence; or
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to the domestic or sexual violence.

Leave may be taken intermittently or on a reduced work schedule, meaning a schedule that reduces the number of hours worked during a workweek or workday. An employee must provide his or her employer with at least 48 hours notice of his or her intention to take leave, unless giving such notice is not practicable.

**B. Effect on FMLA Leave:** An employee may not take more than 12 weeks of leave during any 12-month period if the employee has already taken a 12-week leave under the FMLA for the same reason.

**C. Effect on Benefits:** An employee granted leave under this policy will continue to be covered under the KCHA's group health insurance plan on the same conditions as coverage would have been provided if he or she had been continuously employed during the leave period. To maintain uninterrupted coverage, an employee will be required to continue to pay his or her portion of insurance premium payments, if applicable. Payments for which an employee is responsible are subject to any change in premium rates while the employee is on leave. If the employee contributes to a group insurance plan in addition to the group health plan, the employee must continue to pay his or her portion of the insurance premium payments. During the leave, monthly payments should be forwarded to the KCHA no later than the first of the month. If the employee's payment is more than 30 days late, the KCHA will terminate coverage; however, coverage will be reinstated upon the employee's return to work. An employee will continue to accrue benefit hours (sick, personal, or vacation) while he or she is on VESSA.

**D. Failure to Return to Work:** If an employee fails to return from leave for reasons other than the continuation, recurrence, or onset of domestic or sexual violence, or other circumstances beyond the employee's control, the KCHA may seek reimbursement of health insurance premiums from the employee in a manner consistent with the law. The KCHA may request an employee to provide certification proving the continuation, recurrence, or onset of domestic or sexual violence. If an employee is unable or does not return to work at the end of 12 weeks of leave, all entitlements and rights under this Act will cease at that time. If applicable, the additional time away from work may be considered to be Personal Leave.

**E. Job Protection:** Generally, an employee will be reinstated to his or her former position or to an equivalent position with equivalent compensation, benefits and other employment terms following an approved leave as required by VESSA.

**F. Certification and Confidentiality:** The KCHA may require an employee to provide certification both that the employee or a member of his or her family or household is a victim of domestic or sexual violence, and that he or she is seeking leave for a VESSA purpose. Certification must be provided within thirty days after the KCHA requests it and will include a sworn statement from the employee and documentation from a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or family or household member has sought assistance in addressing domestic or sexual violence and its effects, or a police report, court record, or other corroborating evidence. While on leave, the KCHA may require an employee to report periodically on his or her status and intention to return to work. The KCHA will retain all information contained in an employee's notice seeking leave and in his or her certification in the strictest confidence, except to the extent that disclosure is requested or consented to by the employee, or otherwise required by applicable federal or state law.

#### **4-12 School Visitation:**

Pursuant to the Illinois School Visitation Rights Act, employees are entitled to up to 8 hours of unpaid leave each school year to attend school conferences or classroom activities that cannot be scheduled during non-work hours. No more than 4 hours may be taken on any given day. To be eligible to take school visitation leave, employees must have exhausted all accrued vacation and personal days. The employee shall provide the KCHA with a written request for leave at least 7 days in advance of the time the employee is required to utilize the visitation right. In emergency situations, no more than 24 hours notice shall be required.

#### **4-13 Voting:**

If application for leave is made the day prior to an election and an employee will be allowed two hours of paid time off for voting in a primary, general, or special election. However, such leave will only be granted if the employee's working hours begin less than 2 hours after the opening of the polls and end less than 2 hours before the closing of the polls. The KCHA may specify the 2 hours during which said employee may absent him or herself. IL ST CH 10 § 5/17-15

#### **4-14 Blood Donation Leave:**

Pursuant to the Illinois Blood donation Leave Act, full-time employees who have been employed for a period of six months or more are entitled up to one hour to donate blood every 56 days. Leave may only be taken after obtaining approval from the KCHA.

#### **4-15 Absence without Leave:**

Absence without leave is any absence from duty including a single day or portion thereof which has not been excused or approved in accordance with established policies and procedures. In such cases, pay is denied for the entire period of absence and the employee may be subject to disciplinary action including discharge. Any employee absent without leave for three consecutive days shall be deemed to have terminated his employment with the KCHA. Where such absence is determined excusable and there were conditions which rendered prior approval impossible, the employee may be deemed to have been on vacation, sick leave, or leave without pay. Part-time employees are not entitled to compensation for days absent for any reason, except statutory benefits under workers compensation for job related injuries.

### **ARTICLE 5 - EMPLOYEE RESPONSIBILITIES**

#### **5-1 EMPLOYEE RESPONSIBILITIES, GENERALLY**

All employees are expected to observe the KCHA's policies and procedures and to perform their assigned duties in a satisfactory manner. Such observance would include, but not be

limited to, work as scheduled; clocking in and out at the proper hours; being at your place of work during working hours; following the instructions of your Supervisor; and, obeying safety regulations and other policies and practices of the KCHA.

## **5-2 RULES AND REGULATIONS**

To achieve its objectives in an orderly, efficient and safe manner, to facilitate cooperation between employees, to assure the rights and interests of employees and the KCHA are maintained, the KCHA must have and enforce certain written and unwritten rules and procedures regarding the conduct of its employees. Refer to ~~%~~Rules of Conduct Policy+.

### **(A) Purpose**

It is essential to the successful operation of the KCHA's business and the welfare of its residents and employees that fairly established standards of discipline, health, safety, attendance, workmanship and honesty be maintained. **Disregard or violation of these rules and regulations, inability or unwillingness to meet such established standards or unauthorized disclosure of confidential matters will subject an employee to warning, suspension, or termination, at the Executive Director's discretion, in accordance with these rules and regulations.**

### **(B) Forms of Discipline**

There are various forms of discipline: verbal warning, written warning, suspension without pay, and termination. The administration of discipline by the Executive Director toward an employee may embrace all of these disciplinary forms in a progressive manner or may include only one of them, depending upon the gravity of the offense.

Oral Warning: An oral warning is a form of discipline which is generally appropriate to warn an employee of a minor instance of misconduct. An Oral Warning shall include a written note to the employee's personnel file that such an Oral Warning was given. An Oral Warning is not required to impose discipline for any infraction, but may be utilized at the Executive Director's discretion in a progressive manner.

Written Warning: Some instances of employee misconduct may not be so serious as to warrant Suspension Without Pay or Termination, and may be corrected by a formal Written Warning. As with other forms of discipline, a Written Warning is not required to impose discipline for any infraction, nor is it a necessary step in imposing progressive discipline, but may be utilized, in the Executive Director's discretion, as appropriate under the circumstances. Employees shall have an opportunity to sign formal written warnings, acknowledging that such warning has been given, and to comment in writing on such warning or to any other discipline.

Suspension Without Pay: Suspension is a forced absence from work without pay. The Executive Director, in his or her discretion, may use this form of discipline to correct a disciplinary problem and/or to gain time to review the misconduct, which may be so serious as to warrant termination. Generally, Suspension Without Pay will be imposed to correct an employee's second infraction (of the same or different type of misconduct) after an Oral Warning or a Written Warning has been given. However, like the other forms of discipline, the Suspension Without Pay can be imposed independently of other disciplinary forms or in a progressive manner.

Termination: Termination may be based upon a single violation or a series of violations, in the Executive Director's discretion, depending upon the circumstances. Employees may be terminated at any time, for any reason, with or without cause or as provided by a collective bargaining agreement for those employees covered by one. None of the other

disciplinary forms must be used prior to an employee's termination.

### **(C) Rules, Regulations And Potential Discipline**

No guide will substitute for the Executive Director's judgment in the use of the forms of discipline discussed above. However, general guidelines are offered as an aid to imposing equitable solutions where possible to disciplinary problems that may arise.

#### **1. Some Major Violations Resulting In Immediate Termination:**

The following infractions include some, but not all, of the major violations, which shall be grounds for immediate termination of an employee, even for a first offense, depending upon the circumstances:

- a) Stealing from a resident, visitor or other employee, or from the KCHA.
- b) Possession, use, sale, purchase or being under the influence of alcohol, or of an illegal drug during working time or on KCHA premises. "Illegal drug" means any drug (a) which is not legally obtainable or (b) which is legally obtainable but has not been legally obtained, including prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes. A determination of whether an employee is "under the influence" can be established by a professional opinion, a scientifically valid test, and, in some cases, by a layperson's opinion. In any event, an employee will be conclusively considered "under the influence" of illegal drug(s) if at the time they are tested, the drug test reveals that the employee has illegal drugs in his/her system. An employee will be conclusively considered "under the influence" of alcohol if, at the time they are tested, an alcohol test reveals a concentration of 0.01 percent of alcohol in the employee's blood stream.
- c) Possession or use of a weapon of any type during working hours or on KCHA premises.
- d) Insubordination or refusal to obey instructions (disobedience or disregard of the Executive Director or an immediate supervisor, or some other person in authority at KCHA).
- e) Destruction or damage to property belonging to the KCHA or to any person.
- f) Abusing or attempting to injure a co-worker, a resident or any other person.
- g) Altering, falsifying or making a willful misstatement of fact on any work record, employment application, or timecard.
- h) Verbal or written threat to injure or harm any other person.
- i) Failure to report injury, accidents or safety hazards involving a resident or staff.
- j) Punching another person's time card or asking another person to punch your time card.
- k) Unauthorized use of cameras or recording devices.
- l) Unauthorized use of the internet, such as viewing or downloading inappropriate, offensive, or illegal material.
- m) Asking for, or accepting, tips or gratuities of any kind from residents or the families

of residents.

- n) Revealing to any person any confidential information concerning a resident, other than to an employee who requires the information to perform their job function.
- o) Loafing or sleeping while on working time.
- p) Fighting or provoking a fight.
- q) Any other misconduct which, in the Executive Director's judgment, is so serious as to warrant immediate discharge.

## 2. Other Offenses:

The administration of discipline by the Executive Director, or his/her designee, may embrace all of the disciplinary forms in this four-step process in a progressive manner, or may include only one of them, depending upon the gravity of the offense and other circumstances.

As previously mentioned, there is no exhaustive list of all possible offenses. However, the following should be used as a guideline for the types of infractions, which may fall within this progressive disciplinary process:

- a) Gambling on KCHA premises.
- b) Unauthorized posting, removal or tampering with items on KCHA bulletin boards.
- c) Playing radios or other equipment loudly, so as to disturb residents or others.
- d) Unauthorized use of telephones, computers, or other equipment for purposes other than the KCHA's business.
- e) Interfering with other employees when not scheduled to work.
- f) Failure to follow dress code and good hygiene.
- g) Smoking in unauthorized areas.
- h) Engaging in horseplay or otherwise acting in an unsafe manner.
- i) Failure to notify the Human Resource Administrator of address or telephone number change(s), which the KCHA shall keep confidential.
- j) Failure to be in your assigned workplace at starting time or quitting time.
- k) Failure to punch in or out.
- l) Use of inappropriate or obscene language, or discourteous language to another employee, resident, or visitor.
- m) Being in an unassigned area during working hours without permission.
- n) Overstaying rest or lunch period.
- o) Failure to follow any work standard or any policy or procedure established by the

KCHA.

- p) Inefficiently or negligently performing assigned duties.

### **5-3 ATTENDANCE AND PUNCTUALITY**

Good attendance by all employees is essential to our operation. Each employee is needed on the job every day. When an employee is absent or tardy, that puts a burden on other employees who must perform the work of the absent employee. Therefore tardiness and/or excessive absenteeism will not be tolerated and will be subject to disciplinary action.

### **5-4 EMPLOYEE TRAVEL**

Employee travel must be approved in advance by the Executive Director. Reimbursement for travel expenses will be made in accordance with the KCHA Travel Policy.

### **5-5 DRESS CODE**

All employees are required to wear appropriate attire and/or uniform while employed at the KCHA. Each Supervisor will inform new employees of uniform regulation or attire requirements.

Administrative staff shall be required to wear appropriate business attire; business casual dress is acceptable. Maintenance staff shall be required to wear uniforms furnished by KCHA.

An employee who appears for work in inappropriate attire may be asked to leave and will not be paid for time missed from the workday as a result. Disciplinary action, in the discretion of the Supervisor or Executive Director, may be imposed as appropriate under the circumstances.

### **5-6 FIRE, SAFETY AND HEALTH POLICY; EMERGENCY CODES**

The personal safety and health of each employee of the KCHA and the residents is of primary importance. The prevention of work related injuries and illnesses is of such significance that it will be given precedence over operation productivity whenever necessary and feasible. The KCHA will make every effort practicable to assure the personal safety and health of all employees by providing a healthy and safe working environment.

For the KCHA's Fire, Safety and Health Program to be successful, all employees must comply with the following rules at all times:

1. All employees are responsible to ensure that their work areas are maintained in a clean, neat and orderly fashion.
2. While in a course of daily activities, employees are to be constantly watchful for any condition that appears abnormal.
3. If an employee observes any unsafe conditions such as broken or frayed electrical wires, or smells leaking gas, unusual odors, etc., he/she should report it immediately to the Supervisor or Executive Director or other managerial employee, in their absence.

4. Employees should not use any materials in their work area that are labeled flammable unless instructed by the Supervisor in the proper use of it.
5. If smoke is detected coming from any area, the alarm should be sounded and the KCHA's standard fire fighting procedures followed.
6. Smoking is permitted only in authorized areas.
7. In the event of a fire: unless otherwise directed by his/her Supervisor, the employee will follow the fire procedures which have been established and/or posted.
8. Employees should exercise good fire prevention practice at all times.
9. Employees should remember that they are the most important part of the KCHA's Fire, Safety and Health Program. Without your help and full cooperation, the program cannot succeed.

## **5-7 HOURS OF WORK**

The KCHA work week begins at 12:01 am on Monday and ends at 12:00 midnight on Sunday. The regular work schedule consists of 40 (forty) hours per week. Normal operating hours are from 8:30 am to 5:00 pm, Monday through Friday. All employees shall have an unpaid 30 (thirty) minutes for lunch which should be taken as scheduled by your Supervisor.

Employees are permitted one (1) coffee break of fifteen (15) minutes which should be taken as scheduled by your Supervisor.

Employees may leave the KCHA's premises for their meal period. Employees are expected to be working on the premises during their regularly scheduled hours, unless they have properly notified their Supervisor of illness or other absence.

Leaving the premises during your working hours without the express consent of your Supervisor is not permitted. If your Supervisor grants you permission to leave the premises for non-work reasons, you will be required to record the absence on your time sheet or punch out on the time clock.

## **5-8 OVERTIME COMPENSATION**

Compensation for overtime shall be paid in accordance with applicable federal and state law.

All overtime should be discussed and authorized in advance with the employee's respective supervisor and/or the Executive Director.

Non-exempt employees shall be paid overtime at a rate of 1-1/2 times their regular hourly rate for hours worked in excess of forty (40) hours in a one work week period. Holidays shall be the only time off included in computing actual time worked. Exempt employees are not paid overtime compensation. If you have any question as to whether you are exempt or non-exempt, ask the Human Resource Administrator or the Executive Director.

## **5-9 TIMECARDS; TIME SHEETS; PAYCHECKS; WAGES**

Timecards and time sheets are the basis for computing employee pay. The timecard should be punched or time sheet noted at the start of the shift, and at the end of the shift, unless the employee will be working authorized overtime. In addition, employees will punch their timecard in and out, or make appropriate entry in their time sheet, when

leaving the KCHA's premises for nonbusiness reasons. Employees will be paid only for hours worked.

Any mispunch, clock malfunction, or incorrect time reading should be reported to your Supervisor immediately so that the KCHA may correct errors. Only a Supervisor is authorized to write on a timecard or approve a modification to an employee time sheet. Unauthorized modification of a timecard or time sheet may jeopardize pay for the time in question. Additionally, failure to punch in or out on a shift, or to record the shift time in employee time records, may result in discipline up to and including termination of employment.

If you have any questions or you forget to punch your timecard or mark your time sheet, advise your Supervisor immediately. Tampering with the timecard or time sheet of another employee will be subject to disciplinary action, up to and including termination.

### **Safe Harbor Policy:**

It is the KCHA's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and to report all errors. *You also must not engage in off-the-clock or unrecorded work.*

### **Review Your Pay Stub**

The KCHA will make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below.

### **Non-exempt Employees**

If you are eligible for overtime pay or extra pay (including pay due under our policy manual or a collective bargaining agreement), you must maintain a record of the total hours you work each day. These hours must be accurately recorded on a time card that will be provided to you. Each employee must sign his or her time card to verify that the reported hours worked are complete and accurate (and that there is no unrecorded or ~~%~~off-the-clock+work). Your time card must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each week, you should submit your completed time card for verification and approval. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each workweek.

### **Exempt Employees**

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the KCHA. This salary will be established at the time of hire or when you

become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform. You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For example, absent contrary state law requirements, your salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, other than sickness or disability.
- Full day absences for sickness or disability, in accordance with the KCHA's sick day pay plan and short-term disability insurance plan.
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Family and Medical Leave absences (either full or partial day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event you work less than a full week.

Your salary also may be reduced for certain types of deductions, such as: your portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or retirement plan. In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Your absence because the facility is closed on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law.

### **To Report Violations of This Policy, Communicate Concerns, or Obtain More Information**

It is a violation of the KCHA's policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of KCHA policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. If any manager or employee

instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Executive Director.

You should not work any hours outside of your scheduled work day unless your supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time card. Employees are prohibited from performing any off-the-clock work. Off-the-clock work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

If you have questions about deductions from your pay, please contact the Accounting Department immediately. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to a supervisor immediately.

If a supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply within three business days), you should immediately contact the Executive Director. If you have not received a satisfactory response within five business days after reporting your concern to the Executive Director and you are unsure who to contact to correct the problem, please immediately contact the KCHA's corporate counsel.

Every report will be fully investigated and corrective action will be taken, up to and including discharge of any employee(s) who violates this policy.

In addition, the KCHA will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the KCHA's investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

## **5-10 ACCIDENTS AND ILLNESS ON THE JOB**

Any employee injured on the job during the normal working hours must, as soon as possible, report the injury (no matter how slight) to his/her Supervisor. In the event you become ill on the job, follow the same procedure.

Employees must also report all accidents or incidents involving a resident, other employee, or visitor to the Supervisor or Executive Director, immediately.

## **5-11 CONFLICT OF INTEREST; CONFIDENTIALITY**

KCHA employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

No member, officer or employee of the KCHA shall cause the KCHA to enter into any contract, subcontract or arrangement in which any member, officer or employee of the KCHA, or any member of local government, or any other public official of the locality in which the KCHA is located who exercises any responsibilities or functions with respect to the KCHA or any related project or property during his or her tenure or for one year thereafter, has any interest, direct or indirect.

Further, business dealings with outside firms should not result in personal gains for any member, officer or KCHA employee or their immediate families or close relations. Such gains include, but are not limited to, bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed ultimately to benefit any member, officer or employee of the KCHA, or any member of local government, or any other public official of the locality, or someone with whom the employee has a relationship, and not to benefit the KCHA. Promotional plans that could be interpreted to involve unusual personal gains require specific approval of the Executive Director.

An actual or potential conflict of interest also occurs when any member, officer, or employee of the KCHA, or any member of local government, or any other public official of the locality is in a position to influence a decision that may result in a personal gain for that member, officer, or employee of the KCHA, or any member of local government, or any other public official or for a relative, as a result of the KCHA's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

It is imperative that employees disclose to the Executive Director, as soon as possible, the existence of any actual or potential conflict of interest involving purchases, contracts, leases or other arrangements so that safeguards can be established to protect all parties, since it may be necessary for the KCHA to take prompt action to avoid the appearance of impropriety.

The KCHA maintains certain information which it considers to be confidential, including but not limited to the following: the financial affairs of the KCHA; budgetary information; KCHA employee information; tenant information; and any and all other confidential information provided by the KCHA to the employee and which is maintained as confidential and/or marked as "confidential."

The materials, products, designs, plans, ideas, data and all other proprietary and confidential information belonging to the KCHA are the property of the KCHA and should never be given to an outside firm or individual without appropriate authorization from the Executive Director. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, including termination, and possible legal action.

Unless required in the course of their business responsibilities, no employee is authorized to make copies, excerpts or compilations of any of information or to take that information from the KCHA's premises without the permission of the Executive Director.

## **5-12 EMPLOYMENT OF FAMILY MEMBERS**

The employment of spouses, members of same immediately family, domestic partners or relatives of Board members or employees shall be avoided unless approved in writing by the Executive Director. In no event shall one family member supervise or occupy a position which has influence over another family members employment, salary, or other management or personnel consideration.

### **5-13 PROHIBITED POLITICAL ACTIVITIES**

Each employee has the right to vote as he or she chooses and to express his or her opinions on political subjects or candidates. However, KCHA employees and officers are prohibited by federal law [5 U.S.C. Section 1502] from taking part in the following political activities:

- A. Using their official KCHA position or influence for the purpose of interfering or affecting the result of an election or a nomination for office;
- B. Directly or indirectly coercing, attempting to coerce, commanding, or advising a State or local officer or employee, including another employee of the KCHA, to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes; or
- C. Being a candidate for elective office.

Employees who have questions about their involvement in political activities, or who believe that others may be involved in political activities in violation of this provision, are encouraged to consult their Supervisor or the Executive Director.

### **5-14 OUTSIDE EMPLOYMENT**

Employees are allowed to hold outside employment providing that such employment does not interfere with his/her duties during his/her regular or overtime working hours with the KCHA and does not violate any applicable laws or regulations.

### **5-15 USE OF PERSONAL VEHICLE**

When a KCHA owned vehicle is not available to provide essential business related transportation, employees shall be authorized by the Executive Director to use privately owned vehicles. (Refer to the attached policy entitled, ~~%~~Kankakee County Housing Authority Vehicle Operation and Risk Management Policy Statement+)

### **5-16 MOTOR VEHICLE ACCIDENTS**

In case of a motor vehicle accident, the Police Department should be notified immediately while all parties are on the scene. The KCHA should be notified immediately. An accident report must be completed and filed with the Human Resource Administrator immediately and a copy sent to the Executive Director within 24 (twenty-four) hours. Report should contain the following:

- (a) License and registration number of cars involved,
- (b) Names and addresses of all occupants of vehicles involved and witnesses,
- (c) Nature of accident and how it occurred,
- (d) Names, address, insurance policy number and insurance company of drivers of other vehicles involved.

All drivers of KCHA owned vehicles must conform at all times to the driving rules of the State. Failure to comply with these regulations may result in disciplinary action.

### **5-17 TECHNOLOGY**

#### **E-mail and Internet**

The KCHA provides computers and electronic mail (e-mail) system to some of its employees in order to facilitate the communication of work related data internally and externally in the most effective and efficient manner possible consistent with legal requirements and established policies and procedures. In order to provide KCHA employees with the benefits of e-mail communications without exposing the KCHA to the many risks inherent in e-mail communications, we have developed the following rules. If you have any questions, contact the Executive Director.

- (A) Use of the KCHA E-mail and internet system is primarily intended to be used to process and communicate work related data and messages and for a source of information relating to KCHA business. Employees may use e-mail and the internet to conduct personal business on a limited basis during employee breaks primarily and should have no expectation of privacy on KCHA computers. Access or use of inappropriate sites such as pornography is prohibited. All data of any nature that is entered or received through your KCHA computer including all e-mail are and will remain KCHA property. If it is discovered that the employee is violating this policy, the appropriate disciplinary action will be taken, up to and including termination.
- (B) KCHA computers and all data and e-mail messages on KCHA computers systems are subject to inspection and search by the KCHA. In the course of their duties, KCHA systems operators, managers, directors, and senior executives may monitor employee use of the e-mail system and review the contents of data or messages entering, leaving or stored in the e-mail system.
- (C) The creation or transmission of any data or E-mail message that may be construed to violate the KCHA's Harassment Free Workplace Policy or Equal Employment Opportunity Policy is strictly prohibited. This prohibition includes sexually explicit or offensive messages, cartoons, jokes, ethnic, or religious slurs, racial epithets or any other statement or image that might be constructed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability, marital status, or any other status protected by law.
- (D) E-mail may not be used to transmit disciplinary messages or statements regarding individual employees. All such negative messages must be kept strictly confidential and therefore they may not be communicated via E-mail in any form whatsoever. For many of the same reasons, performance evaluations, may not be conducted or transmitted via E-mail.
- (E) Unauthorized access of E-mail, use of other employees' passwords and disclosure of other employees' passwords is strictly prohibited. Unauthorized use of codes or passwords intended to gain access to other employees' email accounts is prohibited. Likewise, the unauthorized disclosure of other employees' passwords is prohibited.
- (F) Retention . Generally, E-mail messages are temporary communications which are non-vital and may be discarded routinely. Depending on the content of an E-mail, it may be considered public record. Accordingly, staff has the same responsibilities for E-mail messages as they do for any other public record and non-public records information.

Non-public record messages should be deleted from files as soon as they have fulfilled their purpose. These are records that are not required to be kept under law or whose preservation is not necessary or convenient to conduct housing authority business.

Messages determined by users to be a public record should be properly preserved and disposed of as specified in the housing authority's approved records retention schedule. Factors to consider when deciding whether a document is a public record include:

- Its connection with the transaction of public business;
- Whether it is official documentary material (a draft letter versus the letter itself);
- If it is a record that must be produced under the Freedom of Information Act . FOIA . (when the record is publicly cited and identified by the head of the public body);
- Whether the material is appropriate for preservation by the agency or an officer as evidence of the organization, function, policies, decisions, procedures, or other activities thereof or because of the informational data the material contains;
- Whether the document has any historical significance or evidence of the function, policies, decisions, procedures, or other activities of the municipality.
- If the records are duplicative, only one copy need be retained.

If E-mail does fall within the definition of a public record, it may not be deleted except as provided in the municipality's record retention schedule. Further, these E-mails should be reviewed prior to release under FOIA so that any exempt information contained in them may be deleted or redacted. If the E-mail falls within one of the exemptions, (protected by attorney-client privilege), it need not be produced. When in doubt about whether an E-mail message is public record or contains exempt information, contact the Executive Director or, if unavailable, the KCHA Attorney.

- (G) Retention Schedule . If the E-mail is determined to be a public record, it shall be retained by the sending or copying to the KCHA E-mail file address at PublicRecords@kchail.com. The Accountant in concurrence with the Executive Director will review every 90 days to determine if the content is to be retained per State and KCHA Policy.

## **Software Use and Compliance**

A. **General Statement of Policy** . It is the policy of the KCHA to respect all computer software and copyrights and to adhere to the terms of all software licenses to which the KCHA is a party.

Users may not duplicate any licensed software or related documentation for use either on premises or elsewhere, unless the KCHA is expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject users and/or the agency to both civil and criminal penalties under the United States

Copyright Act.

Users may not give software to any non-KCHA employees. Staff may use software on local area networks or on multiple machines only in accordance with applicable license agreements.

B. **Acquisition of Software** . All software acquired by the KCHA staff must be approved and purchased through the IT Coordinator or his/her designee. Software acquisition channels are restricted to ensure that the KCHA has a complete record of all software that has been purchased and can register, support and upgrade software accordingly.

C. **Registration of Software** . Software must be registered in the name of the KCHA and job title or department in which it will be used.

D. **Unauthorized Software** . The KCHA's computers and software are agency property and must be kept both legal and virus free. Authorized users are not permitted to install outside software or load it onto KCHA computers, without the expressed authorization of the IT Coordinator.

E. **Shareware** . Shareware software is copyrighted software that is distributed freely through bulletin boards and on-line services. It is the policy of the KCHA to pay shareware authors the fee they specify for use of their products. Registration of shareware products will be handled the same way as for commercial software products.

F. **Periodic Audits** . The KCHA may conduct periodic audits of all agency PCs including portables, to ensure that the KCHA is in compliance with all software licenses.

G. **Penalties and Reprimands** . According to the US Copyright Act, illegal reproduction of software is subject to civil damages of as much as \$100,000 per title infringed, and criminal penalties, including fines of as much as \$250,000 per title infringed and imprisonment of up to five years. Users who make, or acquire unauthorized copies of software will be disciplined as appropriate under the circumstances.

### **Telephone, Fax and Voice Mail**

The KCHA's telephone, fax and voice mail landline and mobile systems are essential to the effective and efficient operation of the KCHA. Accordingly, these systems are to be used principally for official KCHA business, and personal usage must be minimized. KCHA employees do not have an expectation of privacy in their use of KCHA phones.

### **Social Media**

A. **Purpose** . The KCHA recognizes the popularity of Internet social media, such as Facebook, Twitter, blogs and wikis. We also recognize the possible value to the individual and our organization of being able to access and share information on such sites and that employees have the right to engage in concerted activities.

However, employees' use of social media can compromise confidential and proprietary information, damage the reputations of individuals and organizations, and expose the KCHA and employees as individuals, to liability for damages.

To minimize these risks, avoid declines in employee productivity and job performance, and ensure that our IT resources and communications systems are used only for legitimate purposes, the KCHA expects its employees to adhere to the following guidelines regarding the use of social media.

**B. Compliance with Related Policies and Agreements** . First and foremost, individuals must recognize that they are individually responsible for everything they post or disseminate on social media, and that postings can be and often are viewed and re-circulated much more widely once they appear on a particular site. This can occur very rapidly, with the result that something intended for a limited audience quickly is shared with a much wider, unintended audience. Also, once an item is on the internet, it may live there forever, despite attempts to retract it.

Therefore, social media should never be used in a way that violates any other KCHA policies or employee obligations. If your post would violate any of the KCHA's policies in another forum, it will also be a violation in an online forum. For example, employees are prohibited from using social media to:

- Violate the KCHA's IT resources and communications system policies.
- Violate the KCHA's confidentiality and proprietary rights policies.
- Circumvent the KCHA's ethics and standards of conduct policies.
- Defame or disparage the KCHA or its affiliates, constituents, clients, vendors or other interested parties.
- Harass other employees in any way.
- Circumvent policies prohibiting unlawful discrimination against employees or applicants for employment.
- Violate the KCHA's privacy policies (for example, to access private password protected sites of co-workers or others without permission).
- Violate any other laws or ethical standards.

Employees who violate the KCHA's policies and in any of these ways and who are not engaging in concerted activity may be subject to discipline, up to and including termination of employment.

**C. Personal Use of Social Media** - Personal use of social media should be limited during work hours, and if used, should be on an employee's break.

**1. NO EXPECTATION OF PRIVACY**

An employee should not use the KCHA's resources and communications system for any matter that the employee desires to be kept private or confidential. All contents of the KCHA's IT resources and communications systems are the property of the KCHA. Therefore, employees should have no expectation of privacy in any message, files, data, document, facsimile, telephone conversation, social media post, conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored and recorded on the KCHA's electronic information and communication system.

Employees are expressly advised that in order to prevent misuse, ***the KCHA reserves the right to monitor, intercept and review, without further notice, every employee's activities using our IT resources and communications systems, including but not limited to social media postings and activities, and employees consent to such monitoring by acknowledgement of this policy and an employee's use of such resources and systems.*** This might include, without limitation, the monitoring interception, accessing, recording, disclosing, inspecting, reviewing, retrieving and printing or transactions, messages, communications, postings, log-ins, recordings and other uses of the systems as well as keystroke capturing and other network monitoring technologies. The KCHA may also store copies of such data or communications for a period of time after they are created, and may delete such copies from time to time without notice.

- D. Business Use of Social Media . If an employee's job duties involve posting of information to the KCHA Website or other social media source, they will be authorized to do so by the Executive Director. All postings are required to coincide with KCHA Policies.
- E. Guidelines for Employees' Responsible Use of Social Media . The above material covers specific rules, policies and contractual obligations that employees must follow in using social media, whether for personal or business purposes, in consideration of their employment and subject to discipline for violations. The following sections of the policy provide employees with common-sense guidelines and recommendations for using social media responsibly and safely, in the best interests of the KCHA. These guidelines reflect the duty of loyalty every employee owes its employer, and are intended to add to, not limit or replace, the applicable rules, policies and obligations set forth above.
- F. Respect Others' Intellectual Property and Confidential Information . The KCHA's policies also restrict employee's use and disclosure of confidential information and intellectual property. Even beyond those mandatory restrictions, however, employees must protect proprietary and other confidential information and intellectual property, and refrain from doing anything to jeopardize them, through the employee's use of social media. To protect the KCHA and its employees against liability for copyright infringement, employees should include source references for particular information that he/she posts or uploads, and sources must be accurately cited. If an employee has questions about whether a particular post or upload might violate the copyright or trademark of any person or company, the employee should ask the Executive Director before making the communication.
- G. Respect Your Co-Workers and Colleagues . Employees should not post anything that their co-workers or the KCHA's affiliates, partners, constituents, clients, vendors or others might find offensive. Ethnic jokes, mass forwarded E-Mails, slurs, sexist or other discriminatory comments, insults or obscenity should not be included in anything posted by an

employee.

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## **EMPLOYEE ACKNOWLEDGMENT**

*(This signed acknowledgement will be included in the employee's personnel file.)*

I acknowledge the receipt of the KCHA's Personnel Policy Manual, which describes many of my employee benefits and obligations. I agree to read it and study its contents and abide by the KCHA's written and unwritten policies, procedures, rules and regulations.

Since the information, policies, and benefits described here are necessarily subject to change, I understand that revised information will supersede, modify, or eliminate existing policies. Only the KCHA's Commissioners and the Executive Director of the KCHA have the ability to adopt any revisions to the policies in this handbook.

**THIS HANDBOOK IS ONLY A GUIDE; IT IS NOT A CONTRACT. NEITHER THE PROVISIONS OF THIS HANDBOOK NOR ANY OTHER HUMAN RESOURCE POLICIES OF THE KCHA ESTABLISHES A CONTRACT OF EMPLOYMENT BETWEEN THE KCHA AND ME. MY EMPLOYMENT IS "AT WILL." NEITHER THE KCHA NOR ANY OF ITS EMPLOYEES ARE COMMITTED TO ANY EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT CAN BE TERMINATED WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE, AT ANY TIME AT THE OPTION OF THE EMPLOYEE OR THE KCHA. NO ONE AT THE KCHA MAY CHANGE THIS UNDERSTANDING.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name