

C O U N T Y O F C O O K

P E R S O N N E L R U L E S

IMPORTANT NOTICE

These Human Resources Rules are issued pursuant to the Human Resources Ordinance enacted as amended on April 5, 2000 and October 17,2000 by the Cook County Board of Commissioners. The Ordinance directs the Chief of the Human Resources to issue rules. The Rules reflect procedures developed to comply with applicable federal, state and county laws and ordinances, the Judgment and Consent Decrees entered in Michael L. Shakman, et.al. v. The Democratic Organization of Cook County, et.al., No. 69 C 2145 on January 5, 1994 and other applicable statutes. In the event that provisions of these Rules vary from the terms of effective collective bargaining agreements, the terms of those agreements shall govern for affected members of the collective bargaining unit.

Please be advised that these Rules do not constitute a contract, and the language used in these Rules is not intended to create or to be construed as a contract or promise of continued employment. The Rules set forth general information and guidelines and do not purport to address every situation or contingency. Employees should direct questions about policies, programs or other applications of these Rules to the Bureau of Human Resources or other appropriate department. Employees should also be advised that the County Board has enacted Ordinances and that the President has promulgated Executive Orders from time to time and that they apply to all County employees. They appear in the Appendix to these rules and are hereby incorporated by reference. They include, without limitation, policies on Ethics, Human Rights, Domestic Violence, Drug-Free Workplace and Sexual Harassment. Employees should consult the Orders and Ordinances for their full text.

Please also be advised that the Ordinance empowers the County Board and the Chief of the Human Resources Bureau to enact amendments, revisions and changes to these Rules. The authority of the Chief of Human Resources to revise these Rules and promulgate new ones in accordance with the Human Resources Ordinance shall not be limited, circumscribed or otherwise affected by these Rules. Employees should consult the Rules from time to time to familiarize themselves with any revisions or additions to these Rules.

TABLE OF CONTENTS

<u>Rule</u>	<u>Section</u>	<u>Subject</u>	<u>Page</u>
1.		GENERAL PROVISIONS	7
	1.01	Purpose of Rules	7
	1.02	Scope; Exemptions	7
	1.03	Effect of Rules	8
	1.04	Career Service Status for Current Employees	8
	1.05	Definitions	9
	1.06	Political Activities	11
	1.07	Equal Employment Opportunity	12
	1.08	Interpretation of Rules	12
2.		POSITION CLASSIFICATION AND COMPENSATION	13
	2.01	Scope	13
	2.02	Classifications	13
	2.03	Entry Rate	14
	2.04	Applicability of Step Progression & Step Placement	14
	2.05	Existing Rates	14
	2.06	Transfers or Changes of Positions	14
	2.07	Promotions	14
	2.08	Demotions	15
	2.09	Reclassification of Positions	15
	2.10	Upgrading of Positions	16
	2.11	Salary Rates Based Upon Full-Time Employment	16
	2.12	Prevailing Rate Positions	16
	2.13	Salaries and Wages of Extra Employees	16
	2.14	General Provisions	16
3.		RECRUITMENT AND APPLICATION	17
	3.01	Scope	17
	3.02	Vacant Positions	17
	3.03	Qualifications of Applicants	17
	3.04	Applications	17
	3.05	Residence Requirement	19
	3.06	Contact Information	19
4.		SELECTION	20
	4.01	Scope	20
	4.02	Examinations	20

TABLE OF CONTENTS
(Continued)

<u>Rule</u>	<u>Section</u>	<u>Subject</u>	<u>Page</u>
	4.021	Responsibility for Examinations	20
	4.022	General Employment Examinations Posting	20
	4.023	Promotional Examination Postings	20
	4.024	Development of Tests and Examinations	20
	4.025	Conduct of Examinations	21
	4.026	Fraudulent Conduct or False Statement by Applicant	21
	4.027	Applicant's Background Investigation	21
	4.028	Confidential Nature of the Examination Process and Material	21
	4.03	Eligible Lists	22
	4.031	Layoff Lists	22
	4.032	Reinstatement Lists	22
	4.033	Promotional Lists and General Eligibility Lists	22
	4.04	Certifications and Appointments	23
	4.041	Certification	23
	4.042	Appointments	24
	4.05	Probationary Period	24
	4.06	Transfer	24
	4.07	Demotion	25
4.		PERFORMANCE MANAGEMENT	26
	5.01	Scope	26
	5.02	Performance Evaluation Policy	26
	5.03	Performance Evaluation Systems	26
	5.04	Performance Evaluation Records	26
	5.05	Performance Evaluation Results	26
	5.06	Application of Results of Performance Evaluation	26
5.		LEAVES OF ABSENCE	27
	6.01	Scope	27
	6.02	Leaves of Absence with Pay	27
	(a)	Designation of Holidays	27
	(b)	Sick Leave	28
	(c)	Vacation Leave	29
	(d)	Bereavement Leave	30
	(e)	Jury Duty	30
	(f)	Veterans' Convention Leave	30
	(g)	Personal Days	30
	(h)	Military Leave (limited service)	31

**TABLE OF CONTENTS
(Continued)**

<u>Rule</u>	<u>Section</u>	<u>Subject</u>	<u>Page</u>
	6.03	Leaves of Absence Without Pay	31
	(a)	Personal Leave	31

	(b)	Maternity/Paternity Absence	32
	(c)	Family and Medical Leave (FMLA)	32
	(d)	Military Leave	33
6.04		Disability Provisions	34
	(a)	Duty-Related Disability	34
6.05		Maintenance of Records	35
6.06		Duty to Inform	35
7.		LAYOFFS AND REINSTATEMENTS	36
	7.01	Scope	36
	7.02	General	36
	7.03	Order of Layoff	36
	7.04	Reinstatement	36
8.		CONDUCT AND DISCIPLINE OF PERSONNEL	37
	8.01	Rules of Conduct	37
	8.02	Scope	37
	8.03	Policy	37
	8.04	Disciplinary Action	39
	8.041	Scope	39
	8.042	Policy	39
	8.043	Procedure	40
	8.044	Emergency Suspension	43
	8.045	Representation	43
9.		GRIEVANCE/EMPLOYEE APPEALS BOARD PROCEDURE	44
	9.01	Scope	44
	9.02	Definition	44
	9.03	Policy	44
	9.04	Time Limits	45
	9.05	Procedure	45
	9.06	Appeals to the Employee Appeals Board	46
	9.07	Miscellaneous Provisions	48
10.		PERSONNEL RECORDS AND CERTIFICATION OF PAYROLLS	
	10.01	Personnel Records	49
	10.011	Maintenance of Records	49
	10.012	Statutory Requirements	49
	10.013	Policy on Confidentiality	49
	10.014	Disclosure of Personnel-related Records	50

TABLE OF CONTENTS
(Continued)

<u>Rule</u>	<u>Section</u>	<u>Subject</u>	<u>Page</u>
	10.015	Information and Documents that May Not Be Disclosed	51

10.016	Preservation of Records	52	
10.017	Discipline		52
10.02	Certification of Payrolls	52	
11.	TRAINING AND DEVELOPMENT		53
11.01	Scope	53	
11.02	Responsibility for Training	53	
11.03	Types of Training and Career Development Programs		53
11.04	Use of Outside Facilities	53	
12.	MEDICAL EXAMINATIONS AND DRUG TESTS		54
12.01	Scope	54	
12.02	Applicant		54
12.03	Post-Appointment	54	
12.04	Return to Work		54
13.	DUAL EMPLOYMENT	55	
13.01	Scope	55	
13.02	Report of Dual Employment		55
13.03	Parameters for Dual Employment		55
13.04	Falsification or Omission of Information		55

APPENDIX

ORDINANCES AND EXECUTIVE ORDERS

Revised: 1/24/07

RULE 1 GENERAL PROVISIONS

1.01 Purpose of Rules

These rules are promulgated pursuant to Section 4 of the Bureau of Human Resources Ordinance ("Ordinance") adopted on November 16, 1992, amended on April 5, 2000 and amended again on October 17, 2000.

The fundamental purpose of these rules is to establish personnel policies and procedures which will:

- (a) Provide fair and equitable merit-based selection procedures for all employees and applicants for employment.
- (b) Ensure competitive wage rates for all job classifications.
- (c) Provide management with the necessary flexibility and control to assure the delivery of quality public service.
- (d) Attract, retain and motivate competent employees.
- (e) Develop and maintain a professional and progressive human resources management system.

1.02 Scope; Exemptions

- (a) These rules apply to all employees in the County service except those employees exempted by Ordinance or these rules. These rules shall apply to employees represented by a labor organization, except where there is a conflict between these rules and a collective bargaining agreement.
- (b) The following positions shall be exempt from the classification authority of the Chief of Human Resources and from the career service provisions of these rules:
 - 1. Elected Officials
 - 2. Bureau Chiefs
 - 3. Executive department heads
 - 4. Members of boards and commissions.
- (c) The following positions shall be exempt only from the career service provisions of these rules:
 - 1. Employees working directly for the Board of Commissioners and its various committees
 - 2. Employees working in the office of the President, and support staff in the offices of Bureau Chiefs and the Department of Capital Planning and Policy;
 - 3. Physicians and dentists employed by the County of Cook to work within the Cook County Bureau of Health Services. The Chief of the Cook County Bureau of Health

Services shall establish procedures for the recruitment, selection discipline, grievance affirmative action, performance management, probationary periods training and promotion of physicians and dentists in a manner consistent with applicable law and the requirements of applicable accrediting organizations;

- 4. Employees of departments directly or indirectly headed by an elected official other than the President;
- 5. Employees whose work is seasonal and does not exceed 150 days in any calendar year;
- 6. Employees designated as executive service; and,
- 7. Positions exempted from the career service because of the need for flexibility in appointment in order to maintain confidentiality or in order to effect a program, including those exempted under the provisions of the Shakman Judgment and Consent Decrees.

- (d) Upon the written recommendation of an executive department head, the Chief shall exempt positions from the career service in accordance with the criteria set forth in Section 3 (5) and (6) of the Ordinance. The President shall have the final authority to approve or disapprove the positions designated as exempt.
- (e) A list of all positions exempt from the career service will be maintained by the Bureau. Such list will be available for inspection upon written request directed to the Chief/designee.

All employees other than physicians and dentists exempted under this Section 1.02 are considered "at will" employees and shall serve at the pleasure of the appointing authority unless otherwise provided for by law or contract.

1.03 Effect of Rules

These Rules repeal, supplant and supercede the rules and regulations of the Civil Service Commission, the Health and Hospitals Governing Commission, the Department of Personnel and the Position Classification Agency (collectively "former rules"). However, the Rules of the Civil Service Commission shall apply to cases pending before the Commission at the time these Rules take effect and to other cases exempted by the Ordinance as amended.

1.04 Career Service Status for Current Employees

- (a) Employees holding civil service appointments at the time of the adoption of the Ordinance shall have career service status, unless otherwise exempt. Employees serving a probationary period in a civil service position at the time of the adoption of the Ordinance shall have career service status upon the satisfactory completion of their probationary period, unless otherwise exempt. Civil service employees on a leave of absence on or after the adoption date of the Ordinance shall be eligible for reinstatement, in accordance with these rules, to a career service position in the same classification from which they were certified.
- (b) An employee holding a temporary appointment for one (1) year or more at the time of the adoption of the Ordinance shall have career service status, unless otherwise exempt. An employee holding a temporary appointment for less than one (1) year at the time of the adoption of the Ordinance shall attain career service status after
- (c) completing a probationary period of one (1) year from the appointment, unless otherwise exempt.

1.05 Definitions

ANNIVERSARY DATE: The date utilized for purposes of determining an employee's step progression within his/her current classification in accordance with the applicable salary schedule. The anniversary date is established by the original date of employment as modified by promotion, leaves of absence, demotion, reclassification and/or upgrade.

APPOINTING OFFICER: The President of the Board of Commissioners.

APPLICANT: A person who on proper forms has applied to the Bureau of Human Resources for a position in County employment.

APPOINTMENT: Employment in the career service of an eligible who has been certified to the executive department head by the Bureau of Human Resources for a particular position.

BHR: The Bureau of Human Resources.

BOARD: The Employee Appeals Board.

BOARD OF COMMISSIONERS: The Board of Commissioners of Cook County.

BUREAU CHIEF/DESIGNEE: The executive head of a Bureau or his/her designee.

CAREER SERVICE: A uniform system of recruitment, selection, promotion, discipline, and compensation encompassing all positions of employment that must be filled competitively pursuant to the Human Resources Ordinance and these Rules and that are under the jurisdiction of the President of the Cook County Board of Commissioners, except those exempted hereunder.

CAREER SERVICE EXEMPT POSITIONS: The Career Service Rules shall not apply to the following positions:

- (a) Positions listed in Rule 1.02 (b) and (c) herein;
- (b) Positions identified as exempt from the Provisions of a Plan of Compliance submitted by the County pursuant to a January 7, 1994 Judgement entered in Michael L. Shakman, et al. v. The Democratic Organization of Cook County, et al., case number 69 C 2145 filed in the United States District Court for the Northern District of Illinois, Eastern Division.

CAREER SERVICE STATUS: Successful completion of the probationary period in a position in the career service.

CERTIFICATION: Notification by the BHR to the executive department head of the name and address of any eligible who is legally qualified to be appointed to a vacant position.

CHR: The Chief of the Bureau of Human Resources

CLASSIFICATION: A job title comprising one or more positions, having duties and responsibilities requiring like qualifications of the employee, including education, experience, knowledge and proficiency.

CLASSIFICATION PLAN: An orderly arrangement of classifications to which positions are allocated and for which there are written specifications describing the duties, responsibilities and qualifications of each classification.

CONTINUITY OF SERVICE: Employment without a break or interruption; provided that any absence on authorized leaves with pay, military leave of absence, or absence on personal leave without pay for 30 calendar days or less shall not affect the continuity of service. All other leaves of absence, a personal leave without pay that is in excess of 30 calendar days, all suspensions, and

layoffs of more than 30 calendar days shall be deducted in computing total continuous service. Discharges for cause, retirements, resignations and layoffs not followed by reinstatement within one year, shall interrupt continuous service and shall result in the loss of all prior service credit.

DEPARTMENT: Any department, institution or office of Cook County, which is under the jurisdiction of the President of the Board of Commissioners.

ELIGIBLE: A person whose name is on an eligible register as the result of qualifying for certification by examination or selection process.

EMERGENCY APPOINTMENT: The employment of an individual on an emergency basis not to exceed 90 days, with the approval of the Chief of Human Resources.

EXAMINATION: A selection process which may consist of any combination of tests whether written, oral, practical or unassembled, an evaluation of qualifications and experience, or any combination thereof, which determines the relative capacity of persons to discharge the duties and responsibilities of the position in which they are seeking appointment. The three types of examinations are:

- (1) **Open Competitive Examination:** an examination open to any person qualified under the requirements specified by law, by these rules and the examination notice.
- (2) **Continuous Examination:** an examination open to any person qualified under the requirements specified by law, by these rules and the examination notice which is conducted on a periodic basis and for which applications may be filed for an indefinite period of time.
- (3) **Promotional Examination:** an examination open to any employee of a lower rank who meets the requirements specified by law, by these rules and the examination notice and who has completed the probationary period in such lower rank without a subsequent break in service.

EXECUTIVE DEPARTMENT HEAD: An individual who is the chief administrative officer responsible for the policy and administration of a department.

HOUSEHOLD: Any family member or domestic partner who resides in an employee's dwelling.

IMMEDIATE FAMILY: An employee's natural parents, guardian, person acting in loco parentis, spouse, natural children, adopted or foster children, wards or domestic partner.

LAYOFF: Separation from employment because of lack of work or funds, abolition of position, or material change in duties or organizational structure.

NOTICE OF JOB OPPORTUNITY: The official written notification of an available vacant position in the career service which shall be posted and filled consistent with the Rules concerning Recruitment and Selection.

POSITION: A group of duties and responsibilities assigned or delegated by competent authority, requiring the full-time or part-time employment of one person.

PRESIDENT: The President of the Board of Commissioners.

PROBATIONARY PERIOD: The working test period, not to exceed one year, during which a certified and appointed employee is required to demonstrate his/her fitness for service by the actual performance of the duties and responsibilities of his/her position, except as modified by a collective bargaining agreement.

SENIORITY DATE: Employee's length of most recent continuous employment with the County, except as modified by a collective bargaining agreement.

TITLE: The designation of a job classification.

1.06 Political Activities

- a. No Official or Employee shall compel, coerce or intimidate any County Official or Employee to make or refrain from making any political contribution or to participate or refrain from participating in political activities. Nothing in this section shall be construed to prevent any Official or Employee from voluntarily making a contribution or from receiving a voluntary contribution or from voluntary participation in political activities.
- b. Political preference, contributions to political campaigns, political activities or political sponsorship shall not be required as a condition to employment or promotion in the County and may not be used as a basis for disciplinary action or discharge.
- c. Nothing herein shall affect the right of such employee to hold membership in and support a political party or candidate, to vote as he/she chooses, to express his/her opinions, to attend political meetings and to maintain political neutrality.
- d. Employees shall not use or attempt to use political influence in order to secure preferential treatment in employment decisions for himself/herself or other person.
- e. Notwithstanding the provisions herein, the judgment and consent decrees entered in Michael L. Shakman, et.al. v. The Democratic Organization of Cook County, et.al., No. 69 C 2145 empower the President to designate positions as exempt from certain hiring procedures and permit political factors to influence the hiring and retention of employees occupying those positions. The full text of the Shakman judgment appears in the Appendix to these Rules.
- f. Complaints about violations of this rule shall be made to the Chief.

1.07 Equal Employment Opportunity

- a. It has been and will continue to be, the County's policy to be an equal opportunity employer. In keeping with this policy, the County will continue to recruit, hire, train and promote the most qualified persons without regard to race, color, sex, age, religion, disability, national origin, citizenship status, ancestry, sexual orientation, marital status,

military discharge status, source of income or housing status. Similarly, the County will continue to administer compensation, benefits, transfers, layoffs, training, and all other terms and conditions of employment in accordance with this policy.

- b. These rules will be administered and enforced without regard to race, color, sex, age, religion, disability, national origin, citizenship status, ancestry, sexual orientation, marital status, military discharge status, source of income or housing status. No employee will be discriminated against because he/she has exercised a right under these rules.
- c. Any employee who believes that he/she has been discriminated against in violation of subsections (a) or (b) may file a written complaint with the BHR. The Chief will be responsible for maintaining a program of equal employment opportunity, including, but not limited to:
 - 1. Coordination and direction of equal employment opportunity programs in the departments and agencies of the County.
 - 2. Maintenance of records required by law.
 - 3. Development and implementation of programs within the BHR to assure equality of opportunity for employment in County government.

1.08 Interpretation of Rules

All questions concerning the specific application of the provisions of these Rules shall be interpreted and resolved by the Chief of Human Resources.

RULE 2 POSITION CLASSIFICATION AND COMPENSATION

2.01 Scope:

This rule applies to all County employees except as indicated in 1.02 (b).

2.02 Classifications

- (a) Positions shall be classified in appropriate titles for purposes of examination and administration. The BHR shall consider the resolutions of the Board of Commissioners, the provisions of law and all official acts or orders by virtue of which any position is created or abolished.
- (b) The BHR shall maintain standards of duties and requirements of all career service positions as a basis of examination. The standards established by these rules shall be changed only by authority of the Chief. In the event that Federal or State funds are made available to any County Department, and as a prerequisite to receiving such funds, certain standards are required or prescribed by any Federal or State agency, such standards shall govern, unless in the opinion of the Chief, such standards shall not be in the best interests of the County, the career service, or the department involved.

- (c) The classification plan may be amended in writing by the Chief. In determining the classification to which any position should be allocated, the requirements of each classification shall be considered in their entirety. Consideration shall be given to the general duties, specific tasks, responsibilities, qualifications desired and relation to other classifications.
- (d) Requirements of classifications shall not be construed as limiting or modifying the power of any executive department head/designee to assign duties and to direct and control the work of employees under his/her supervision.
- (e) Whenever the title used to designate any position in the career service is to be changed, such proposed title change shall be submitted to the Chief. There shall be no title change without the prior written approval of the Chief.
- (f) Each executive department head shall maintain a functional job description in writing of the duties and requisite qualifications for each position of employment in his/her department and make each description available to the BHR.

- (g) Upon the reclassification of a position from one classification to another classification, the method of determining the career service status of the incumbent or a candidate for the position shall be made in accordance with the provisions set forth herein. However, in the event of a reclassification of a position to a classification of a higher level, the Chief may grant the employee the same career service status in the new classification as

the employee had in the former classification provided that the skills, responsibilities and qualifications of the new classification do not significantly differ or significantly exceed those required for the career service status in the previous title.

The BHR may, before recognizing status in the higher level, require such evidence of the qualifications and fitness of the employee and may conduct any hearing, investigation and/or noncompetitive examination, as it deems warranted.

2.03 Entry Rate

A new employee entering the County service shall be paid the minimum salary provided in the salary grade in which the job has been placed. Advanced step hiring shall only be done with the approval of the Chief.

2.04 Applicability of Step Progression and Step Placement

- (a) Employees compensated by the salary schedules shall be required to work a minimum of one year at each step, except where elsewhere provided for in the Salary Schedule.
- (b) Anniversary step advancement will be effective the first day of the full pay period following the employee's anniversary date.
- (c) Eligibility for longevity step advancement and longevity step placement must be in conformance with the regulations as established in the respective salary schedules.

2.05 Existing Rates

- (a) An employee whose compensation is above the maximum salary of the salary grade in which the job classification has been placed shall not have the salary reduced during the incumbency in the job classification.
- (b) No salary shall be raised as long as it exceeds the maximum salary of the salary grade in which the job has been placed.

- (c) An employee whose salary is within the limits of the salary grade in which the position is placed, but does not correspond to one of the established steps of the salary grade, shall be eligible for an increase to the first established step above the present salary at the time of the employee's next anniversary.

2.06 Transfers or Changes of Positions

An employee transferring from one department to another in the same job classification and/or grade shall be eligible to receive the salary he or she has been receiving at the time of transfer, provided the budget of the department to which he or she has been transferred can accommodate the salary and, if not, the employee shall be eligible to have the salary received prior to the transfer restored at the earliest possible date. Such appointment shall not set a new anniversary date.

2.07 Promotions

An employee who is promoted to a job in a higher salary grade shall be entitled to placement in the step of the new salary grade which will provide a salary increase at least two steps above the salary received at the time the promotion is made, provided that—

- (a) The new salary does not exceed the maximum established for the grade to which the employee is promoted.
- (b) The new salary is not below the first step established for the grade to which the employee is promoted.
- (c) Years of service requirements are fulfilled concerning longevity step placement.
- (d) A previous promotion has not been given within the same fiscal year.
- (e) The budget of the department to which the employee is assigned can accommodate the salary.
- (f) In all cases, an employee must spend at least 6 months in the job classification from which he or she is being promoted.

If an employee has been given a previous promotion within the same fiscal year, the employee shall be entitled to placement in the step of the new salary grade which will provide a salary increase at least one step above the salary received at the time the promotion is made. However, in all cases such salary will be in conformity with the provisions of (a), (b), (c), (e) and (f) above.

In all cases of promotion, the effective date will set a new anniversary date.

2.08 Demotions

The following shall apply to demotions from one grade to another:

- (a) An employee performing the duties of a job continuously and demoted to a job in a lower salary grade shall have the salary adjusted in the new job to the same step of the new salary grade as was received in the salary grade of the job from which demoted. The employee's anniversary date does not change.

- (b) An employee promoted to a job in a higher salary grade and subsequently demoted to a job in a lower salary grade shall have the salary adjusted to the step of the salary grade to which the employee would be entitled had the employee remained in the salary grade from which he or she was promoted.

2.09 Reclassification of Positions

- (a) An employee whose job is reclassified to a lower classification shall continue to receive compensation at the same rate received immediately prior to reclassification. Such action shall not change the employee's anniversary date. If the salary rate received immediately prior to reclassification is less than the last step rate of the lower classification, the employee shall be entitled to further step advancement.
- (b) An employee whose job is reclassified to a higher classification shall be placed in the first step of the higher grade which provides a salary at least one step above the salary received at the time of the reclassification. Such action will change the employee's anniversary date. In all cases of reclassification, the employee shall receive at least the first step of the grade to which the position is reclassified.

2.10 Upgrading of Positions

An employee whose position is upgraded shall be placed in the first step of the new grade which is at least the same as the salary the employee was receiving prior to being upgraded. In all cases of upgrading, the employee shall receive at least the first step of the new grade, and shall retain the anniversary date held prior to the upgrading.

2.11 Salary Rates Based Upon Full-Time Employment

The salary rates prescribed in Salary Schedule I are fixed on the basis of full-time service for normal work weeks of 40 hours. The salary rates of Salary Schedules II through X are likewise fixed on the basis of full-time service, with designations as to the constitution of a normal work week left to the Chiefs of departments involved. For positions which are professional, supervisory and executive in character, the normal work week of 40 hours generally applies, but the compensation is intended to be appropriate for the class regardless of variations in the time that may be required to satisfactorily fulfill the responsibilities of the positions.

2.12 Prevailing Rate Positions

A prevailing rate (X) position is hereby defined as one for which the rate is established under the acceptable evidence of the wage prevailing in industry. Such positions are usually craft, labor or trade positions, and are not paid under the provisions of the Classification and Compensation Plan Schedules.

2.13 Salaries and Wages of Extra Employees

Titles and grades of employees on the extra (Account 130) and grant accounts shall be the same as positions on the 110 Account unless authorized in advance by the BHR. All such positions shall conform to the provisions of these rules.

2.14 General Provisions

- (a) All changes in pay shall be implemented the first full pay period following the effective date.
- (b) Any change in the job classification title terminology not involving a change in the major duties of the job will not affect the career service status of the employee, including eligibility for increases within a specific salary grade.

RULE 3 RECRUITMENT AND APPLICATION

3.01 Scope:

This rule applies to all positions covered by career service, as well as all non-exempt positions under the jurisdiction of the President.

3.02 Vacant Positions

When there is a vacancy in the career service, the executive head of the department in which a position is to be filled shall notify the Chief, upon forms prescribed by the BHR, stating the following:

- a. The department in which the vacancy exists;
- b. The source of funding for the position and the budget sequence number;
- c. The title, classification and salary of the position, if it is a position previously classified by the BHR; if not, then the date and manner of its creation and a statement of the duties thereof.
- d. Whether the position is exempt from the career service, designated as Shakman exempt or is a position covered by a collective bargaining agreement;
- e. Whether the executive department head desires to fill the vacancy by transfer, promotion or open recruitment;
- f. Whether filling the position is an emergency matter, and if so, the nature of and reasons for the emergency.
- g. Whether, there are any special skills, knowledge or abilities required.

3.03 Qualifications of Applicants

(a) In order to qualify as an applicant for any position, a person must:

1. Be, on the first date for the filing applications, at least 18 years of age, unless the Chief sets a different age limit for a classification in the notice of job opportunity.
2. File an application on the form furnished by the BHR, within the prescribed filing period.
3. Meet all the requirements specified by law, in these rules and in the notice of job opportunity.

(b) The BHR may reject or disqualify any applicant or disqualify any eligible at any time prior to appointment or disqualify any employee prior to the completion of his/her probationary period if he/she:

1. Has been convicted of a felony, or a misdemeanor under certain circumstances or for applicants for positions in certain County facilities.
2. Lacks any of the requirements as set forth in the notice of job opportunity.
3. Has a physical or mental disability that prevents him/her from performing the essential functions of the job, with reasonable accommodation.
4. Tests positive for or is a current illegal user of non-prescribed controlled substances.
5. Has been guilty of conduct which would reflect adversely on, or bring discredit to the County or the Career Service.
6. Has been previously discharged "for cause" from the County or has resigned to avoid discharge from any prior employment.
7. Has made a false statement or omitted any material fact during the application or selection process, interviews or on the application itself.
8. Has engaged in practices or has attempted to practice any deception or fraud in his/her application or in securing his/her eligibility or appointment.
9. Has a record of previous unsatisfactory service in County employment of such a nature as to demonstrate unsuitability for employment in a classification for which he/she is applying.
10. Advocates the overthrow of the government of the United States or the State of Illinois by force or violence.

(c) All applicants are responsible for reporting to and participating in all parts of an examination, and furnishing all information or materials that are requested, in accordance with the

notice of job opportunity and such instructions as are furnished by the BHR. Candidates who fail to follow such instructions shall become ineligible.

3.04 Applications

- (a) The date and time of receipt of an application pursuant to a notice of job opportunity shall be endorsed thereon. An application executed or dated prior to the date of the notice of job opportunity shall be rejected.
- (b) Any applicant for a position requiring technical, professional or scientific knowledge and experience, or for a position which requires special qualifications, may be required by the BHR to furnish evidence of a degree of education, satisfactory training or experience, or license of the profession.
- (c) Any person shall be admitted to or included in an examination or selection process who has filed an application within the period prescribed in the notice of job opportunity, upon the form furnished by the BHR, and whose application has not been rejected for cause.
- (d) Applications filed pursuant to a notice of job opportunity whether qualified or unqualified, shall not be returned. Minor defects or omissions in an application on file may be corrected or supplied only after special permission granted by the Chief.
- (e) No person in any manner concerned with preparing, conducting or holding a particular examination may apply for a position covered by such examination.

3.05 Residence Requirements

Pursuant to the Personnel Residence Requirement Amended Ordinance, passed on December 5, 2000, all County employees must maintain residence in Cook County throughout their employment. All County employees residing outside of Cook County when the Board of Commission adopted the Ordinance are exempt from the residency requirement. New employees must establish actual residency in Cook County within six months from their date of hire or face summary discharge.

3.06 Contact Information

All employees must maintain a current address and telephone number on file with their departments and the Bureau. Failure to comply with this section may expose employees to disciplinary action.

**RULE 4
SELECTION**

4.01 Scope:

This rule applies to all positions covered by career service unless they are exempted under Section 1.

4.02 EXAMINATIONS

4.021 Responsibility for Examinations

All examinations shall be prepared and conducted under the direction of the Chief. Examinations shall be designed to furnish eligible lists as needed for all classifications in the career service.

4.022 General Employment Examination Postings

- (a) General employment examination postings shall be open to any persons who meet the minimum qualification requirements for the classification. All examinations and selection techniques shall relate to those matters which will measure fairly the capacity and fitness of the applicant to perform the duties of the position in an efficient and effective manner.
- (b) The examination process may include consideration of such factors as education, relevant work experience, knowledge, skill, ability, or any other job-related qualifications which, in the judgment of the Chief, determine the relative fitness of applicants. They may include, but not be limited to, evaluation of training and experience; written, oral or performance tests; other measures of fitness; or any combination of these as determined by the Chief.

4.023 Promotional Examination Postings

- (a) The Chief, in consultation with the department head, shall determine eligibility for promotion except as provided otherwise in collective bargaining agreements.
- (b) A promotional examination may comprise any or all of the following job-related parts as determined by the Chief: evaluation of training and experience; written, oral or performance tests or other measures of fitness; evaluation of work performance and/or

promotional potential based upon past work performance; seniority in the classification from which promotion is sought.

4.024 Development of Tests and Examinations

- (a) The determination of appropriate written, oral and performance tests and of methods of evaluating experience and training shall be made by the Chief.
- (b) Appropriate techniques and procedures based on merit principles shall be used in evaluating the results of examinations and in determining the relative ratings or ranking of the candidates.
- (c) The Chief shall establish the minimum requirements or passing score for all examinations and parts thereof. The passing score on an examination may be based on a statistical analysis of the distribution of scores on the examination, the requirements of the position involved, the number of positions to be filled within a reasonable period of time, and other appropriate factors.

4.025 Conduct of Examinations

- (a) The convenience of applicants and the needs of the BHR shall be considered in determining the times and places for holding examinations. All examination procedures shall be conducted in such ways and under such conditions as to prevent fraud, substitution, or other unfair advantage or disadvantage to any candidate.
- (b) No applicant shall be admitted to any examination room in any assembled examination more than 10 minutes after the time set for beginning of the examination. If an applicant is unable to take an examination at the scheduled time and place because of circumstances not involving negligence on his/her part, the BHR Chief may approve alternate administration of the examination to the applicant. During any examination, no candidate shall be permitted to leave the room except in case of necessity and with the permission of the examination monitor. Unauthorized communication between applicants during an examination shall be strictly prohibited. Unless specifically stated in advance, no help of any kind shall be allowed during any examination. All necessary explanations shall be made to all candidates as a whole. Any unauthorized material which might be of aid during the examination must be handed in before the examination begins.

4.026 Fraudulent Conduct or False Statement by Applicant

Fraudulent conduct or false statements by an applicant or by others with the applicant's connivance, in any application or examination, may be cause for the exclusion of such applicant from an examination, or for removal of such applicant's name from all eligible lists, or for discharge from the service after appointment.

4.027 Applicant's Background Investigation

The Chief may make such investigation of the background of applicants, including, but not limited to, fingerprinting to ascertain criminal records and verification of claimed experience and

training, as he or she determines is necessary to establish the fitness and qualifications of applicants.

4.028 Confidential Nature of the Examination Process and Material

- (a) It is the responsibility of every employee and representative of the Department of Human Resources to treat as confidential any information available to them concerning examination materials and ratings earned by competitors. Any employee engaging in corrupt or negligent practices in connection with examinations shall be subject to disciplinary action.
- (b) In order to protect the security of test material and to protect the rights and privacy of applicants, all applications, examination and test material shall be regarded as privileged and confidential and not available for public inspection.

4.03 ELIGIBLE LISTS

Persons shall be certified for appointment to positions from eligible lists in the following sequence: layoff lists; reinstatement lists; promotional lists; and general eligibility lists.

4.031 Layoff Lists

- (a) Layoff lists contain the names of employees who have career service status and have been laid off, and have made written application for a place on a layoff list within 60 days after being laid off. These lists shall be by department only.
- (b) The name of an employee shall be retained on a layoff list until the person is re-employed or two (2) years, whichever comes first, except that a name will be removed if the person is offered and declines an appointment to a position in the same classification during the layoff period.

4.032 Reinstatement Lists

- (a) Reinstatement lists contain the names of career service employees who have completed and are returning from leaves of absence. These lists shall be by department only.
- (b) The name of an employee shall be retained on a reinstatement list until the employee is reinstated or two (2) years, whichever comes first, except that an employee's name shall be removed if the employee is offered and declines an appointment.

4.033 Promotional Lists and General Eligibility Lists

Promotional lists and general eligibility lists shall be subject to the following rules:

- (a) Depending upon the position and the method of examination, the Chief may rank persons on promotional and general eligibility lists numerically by final examination score or categorically by groups of relative excellence.
 - 1. When a list is prepared on the basis of numerical ratings, and two or more persons receive the same number of total points, the names of such persons shall be placed on the list in the order selected by date and time of application.

2. When a list is prepared by category, the order in which names appear within any category on a categorical list shall be alphabetical.
 3. Where no competitive examination is given, names of persons meeting the minimum qualifications shall be entered on an eligible list in the chronological order of qualification.
- (b) Veterans' Preference—For all positions requiring open, competitive written examinations, qualified eligible veterans shall be entitled to receive five points added to any final adjusted passing score provided that the veteran has served in the United States Armed Services on active duty for a period of not less than six months of continuous service, was not dishonorably discharged, and provides documentation confirming status as an eligible veteran. Five additional points shall be added to a passing score for veterans holding proof of a service-connected disability from the United States Veterans Administration or recipients of a purple heart decoration. Those seeking veterans' preference under this section must submit documentation confirming their eligibility to the Bureau of Human Resources within five working days of the examination.
- (c) The Chief may establish eligibility lists for specific departments or agencies and/or for positions in the career service as a whole. The Chief may develop eligibility lists to account for departmental needs on the basis of location or area of employment, or other consideration, when such action will assist in the administration of certifications and appointments.
- (d) Eligibility lists may be merged whenever two or more classes of positions have been consolidated, or whenever separate lists exist for the same classification resulting from successive or continuous examinations. Such merger may be made if the Chief determines the merger helpful in the administration of the selection process.
- (e) Eligibility lists shall remain in effect for one (1) year from the beginning date of the notice of job opportunity, unless stated otherwise in such notice.
- (f) An individual whose name appears on an eligible list may, with the approval of the Chief, decline no more than one offer of employment during the life of an eligible list or request no more than one deferral of an offer of employment, such deferral not to exceed a three month period from the date of the request.
- (g) Names of eligible persons shall be removed for any of the following reasons:
1. Failure to respond to a request by the BHR for a statement of continuing availability for employment.
 2. Cannot be contacted by regular mail at the address on record.
 3. Request of the eligible person.
 4. Conduct set forth in Rules 3 (3.03) and 4 (4.026).
 5. Failure to report for an interview, a medical examination, or drug test.
 6. Failure to report to work after appointment.
 7. Decline two offers of employment or defer for more than three months an offer of employment.

4.04 CERTIFICATIONS AND APPOINTMENTS

4.041 Certification

Where it appears from the records of the BHR that the position has been lawfully created and duly classified and that the vacancy has occurred without violation of the law, the BHR shall, in all positions or vacancies except those for which there is no competitive examination:

- (a) Certify to the executive department head, the names of the persons most qualified on a layoff or reinstatement list for that department, and if there is no such person, then;
- (b) Certify the names of the applicants most qualified from an eligible register. Persons on any promotional eligible list have preference over persons on any eligible list compiled from an original examination.

4.042 Appointments

- (a) Notice of the certification of appointment to an eligible or tender of reinstatement to a former employee in the priority required by these rules shall be by a written notice sent to such person at his/her last known address as shown by the records of the BHR. The notice shall direct such person to report for duty to the BHR within ten (10) days after the date of mailing such notice. Applicants must maintain a current address and telephone number on file or risk missing notification.
- (b) In any case of vacancy caused by leave of absence granted in accordance with Rule 6, the appointment shall be for the duration of such leave of absence. If the period of such appointment exceeds the period of probation, the name of the employee, upon layoff, shall be placed upon the layoff list as hereinafter provided. If the period of such appointment is less than the period of probation, the name of such employee shall be returned to the eligible register, and shall assume the same rank on the register which it held immediately prior to the appointment.
- (c) The acceptance or refusal of a temporary appointment to a position shall not affect the standing on the eligible register for permanent appointment of the eligible who so accepts or refuses.

4.05 PROBATIONARY PERIOD

- (a) Except as modified by a collective bargaining agreement, a period of probation for any new employee who has been appointed after the effective date of these Rules shall be twelve (12) months of continuous service. The period of probation for a current employee who has been appointed to a new position after a promotional examination is fixed at a period of six (6) months of continuous service.
- (b) An employee who successfully completes the probationary period will have the status of a career service employee.

4.06 TRANSFER

- (a) The Chief may grant authority for the transfer of an employee from a position in one department to a position in another department in the same classification, provided that the Chief determines that the employee is eligible to be assigned to the position to which transfer is contemplated.

- (b) Any transfer made without the approval of the Chief shall be null and void. The Chief may refuse to authorize or may, subsequently, revoke authorization of the transfer of an employee where he/she finds that the transfer of an employee is for the purpose of avoiding a layoff.
- (c) An employee transferred pursuant to these rules shall not be required to serve another probationary period if he/she has completed the probationary period prior to the transfer. If he/she has not completed the probationary period prior to the transfer, he/she shall start a new probationary period. A department receiving a transferred employee may petition the Chief to nullify a transfer within ninety days of its effective date upon a showing of good cause. The Chief shall review the petition and render a ruling within fourteen business days.
- (d) Any intradepartmental transfer is within the absolute discretion of the executive department head.

4.07 DEMOTION

- (a) The Chief may grant authority for the demotion of an employee from a position in one department to a lower level position in another department, or within the same department, provided that the Chief determines that the employee is eligible to be assigned to the position to which demotion is contemplated.
- (b) Any demotion made without the approval of the Chief shall be null and void. The Chief may refuse to authorize or may, subsequently, revoke authorization of the demotion of an employee where he/she finds that the demotion is for the purpose of avoiding a layoff.
- (c) A demotion may be either voluntary or involuntary. An involuntary demotion should ordinarily be based upon unsatisfactory work performance and should not be used as a form of disciplinary action as a result of violation(s) of the Rules of Conduct.
- (d) An employee who is demoted either voluntarily or involuntarily shall be required to serve six (6) month probationary period in the new job classification.

RULE 5
PERFORMANCE MANAGEMENT

5.01 Scope:

This rule applies to all positions under the jurisdiction of the President.

5.02 Performance Evaluation Policy

The performance of all employees shall be evaluated periodically in accordance with systems and procedures established by the Chief. The evaluation of performance shall be an integral part of the responsibility of each supervisor, under the direction of the executive department head. The final responsibility for performance ratings shall be with the executive department head. It shall be the responsibility of each executive department head to ensure that performance evaluations of employees are made and used in an appropriate manner.

5.03 Performance Evaluation Systems

The Chief shall develop performance evaluation systems which may take into account differences in work performed and level of positions involved. The Chief shall prescribe coverage of the systems and may authorize certain departments or offices to develop and use their own systems provided basic requirements are met.

The Chief may develop and require the use of special rating systems for promotions, which may report on an employee's promotional potential as well as performance.

5.04 Performance Evaluation Records

The evaluation of the performance of individual employees shall be reported on forms and at times prescribed by the Chief. Such evaluation reports shall be maintained by the department and the Bureau as a part of the employee's personnel record, and shall be available to the employee in accordance with the County's policy on disclosure of personnel-related information in Rule 10.

5.05 Performance Evaluation Results

The supervisor responsible for the rating shall discuss with the employee the results of a performance evaluation prior to its submission to the executive department head. The employee shall sign and date the performance evaluation to indicate that he/she has been informed of the rating. The employee may include a statement of the reasons he/she disagrees with the evaluation. If the employee refuses to sign the evaluation form, the refusal shall be noted in the space designated for the employee's signature.

5.06 Application of Results of Performance Evaluation

The results of performance evaluations may be used in the manner prescribed by these rules and by procedures established by the Chief as one criterion for performance related actions. The performance ratings of employees may be used as a criterion for termination or retention

of an employee on probation, as a factor in promotional examinations, and as a factor in layoffs and re-employment rights, disciplinary actions including discharges, and transfers.

RULE 6

LEAVES OF ABSENCE

6.01 Scope:

This rule applies to all employees under the jurisdiction of the President.

Pursuant to a resolution by the members of the Board of Commissioners of Cook County, approved and adopted April 6, 1967, and amended periodically, all officers and employees of the County of Cook whose salaries or rates of compensation are fixed or established by the Board of Commissioners in the Annual Appropriation Bill shall be entitled to designated holidays and leave from duty in accordance with the provisions set forth herein, or as modified by collective bargaining agreements which stipulate otherwise, or current policies in effect for the Cook County health facilities which may deviate from these provisions. Cook County health facilities, as referenced herein, include Cook County Hospital, Oak Forest Hospital, Provident Medical Center and Cermak Health Services.

The heads of the various county offices, departments, or institutions, in order to conduct the business of Cook County in an orderly and efficient manner, shall be permitted to make rules and regulations pertaining to their own particular office, department, or institution which are not inconsistent with the provisions set forth herein. All questions concerning the specific application of the provisions of this resolution shall be interpreted and resolved by the Chief.

It is the intent of the Board of Commissioners of Cook County that all provisions of this resolution shall apply to all designated officers and/or employees, without regard to race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income or housing.

6.02 LEAVES OF ABSENCE WITH PAY

(a) DESIGNATION OF HOLIDAYS

1. The following dates are hereby declared holidays, except in emergency and for necessary operations, for all salaried county officers and employees in the county offices, departments, or institutions. Employees of the health facilities receive all of the following holidays except Casimir Pulaski's birthday.

New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
Lincoln's Birthday	February 12
Washington's Birthday	Third Monday in February
Casimir Pulaski's Birthday	First Monday in March
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

In addition to the holidays listed above, there shall be a floating paid holiday that may be used by employees. Employees must be on the payroll on the first day of the fiscal year in order to avail themselves of the floating holiday in that fiscal year. Employees shall lose the floating holiday if they do not use it by the end of the fiscal year in which it accrued or if they leave County service before using it.

2. All salaried employees shall be granted the above holidays, or equivalent paid days off per year.
3. Should a certain holiday fall on Saturday, the preceding Friday shall be set as the holiday; should a certain holiday fall on a Sunday, the following Monday shall be set as the holiday.
4. In addition to the above, any other day or part of a day shall be considered a holiday when so designated by the Board of Commissioners of Cook County.

(b) Sick Leave

1. Sick leave is granted by Cook County because an employee is unable to perform his/her assigned duties, or because the employee's presence at work would jeopardize the health of his/her co-workers. Accordingly, sick leave shall not be used as additional vacation leave.
2. All eligible employees, other than seasonal employees, shall be granted sick leave with pay at the rate of one working day for each month of service. Sick leave accruals will be carried out in accordance with the bi-weekly payroll system. Employees must be in a pay status for a minimum of five (5) days in a pay period to accrue sick time in that period. Please note that certain collective bargaining agreements contain their own binding procedures for obtaining sick or vacation leave.
3. All individuals employed on a part-time work schedule of twenty (20) hours per week or more shall be granted sick leave with pay proportionate to the time worked per pay period.
4. Sick leave may be accumulated to equal, but at no time to exceed, one hundred seventy-five (175) working days, except health facilities employees who cannot exceed one-hundred fifty (150) days. Records of sick leave credit and use shall be maintained by each office, department, or institution. Severance of employment terminates all rights for the compensation hereunder. Amount of leave accumulated at the time when any sick leave begins shall be available in full, and additional leave shall continue to accrue while an employee is using that already accumulated.
5. Sick leave may be used for illness, disability incidental to pregnancy or non-job related injury to the employee; appointments with physicians, dentists, or other recognized practitioners; or for serious illness, disability, or injury in the immediate family of the employee, (see Definitions). After five (5) consecutive sick days, employees shall submit to the Medical Unit of Human Resources a doctor's certificate as proof of illness sharing the reason for absence/diagnosis in order to obtain a return to work form. Sick leave may be used as maternity or paternity leave by employees.

6. If, in the opinion of the executive head of the office, department or institution, the health of an employee warrants prolonged absence from duty, the employee will be permitted to combine his/her vacation, sick leave and personal days.
7. The employee may apply for disability under the rules and regulations established by the Retirement Board.

(c) **Vacation leave**

1. All officers and employees, other than seasonal employees and certain classifications of nursing personnel, who have completed one year of service with Cook County, including service mentioned in paragraph 5 of this section, shall be granted vacation leave with pay for periods as follows. Vacation accruals for employees of the health facilities may vary in accordance with provisions of collective bargaining agreements or existing policies.

<u>Anniversary of Employment</u>	<u>Days of Vacation</u>	<u>Maximum Accumulation</u>
1st thru 6th	10 working days	20 working days
7th thru 14 th	15 working days	30 working days
15th thru -	20 working days	40 working days

2. Vacation accruals will be carried out in accordance with the bi-weekly payroll system. Employees must be in a pay status for a minimum of five days in a pay period to accrue vacation time in that period.
3. All individuals employed on a part-time work schedule of twenty (20) hours per week or more shall be granted vacation leave with pay proportionate to the time worked per pay period.
4. Employees may use only such vacation leave as has been earned and accrued provided, however, that five (5) working days of the initial vacation allowance may be allowed after the first six (6) months of service. The heads of the county offices, departments, or institutions may establish the time when the vacation shall be taken.
5. Any employee of the County of Cook who has rendered continuous service to the City of Chicago, the Chicago Park District, the Forest Preserve District, the Metropolitan Water Reclamation District of Greater Chicago and/or the Chicago Board of Education shall have the right to have the period of such service credited and counted for the purpose of computing the number of years of service as employees of the county for vacation credit only. All discharges and resignations not followed by reinstatement within one (1) year shall interrupt continuous service, and shall result in the loss of all prior service credit. Credit for such prior service shall be established by filing, in the office of the comptroller of Cook County, a certificate of such prior service from such former place or places of employment.
6. In the event an employee has not taken vacation leave as provided by reason of separation from service, the employee, or in the event of death, the employee's spouse or estate, shall be entitled to receive the employee's prevailing salary for such unused vacation periods.

7. In computing years of service for vacation leave, employees shall be credited with regular working time plus the time of duty disability.
8. Any Cook County employee who is a reemployed veteran shall be entitled to be credited with working time for each of the years absent due to military or naval service. The veteran's years of service for purposes of accrual of vacation time in the year of return to employment with Cook County, shall be the same as if employment had continued without interruption by military service.
9. Holidays recognized by the Board of Commissioners of Cook County are not to be counted as part of a vacation.

(d) Bereavement Leave

Excused leave with pay will be granted, up to three (3) days, to an employee for the funeral of a member of the employee's immediate family or household, (see Definitions). Leave requested to attend the funeral of someone other than a member of an employee's immediate family or household may be granted, but time so used shall be deducted from the accumulated vacation or personal leave of the employee making the request.

(e) Jury Duty

Approval will be granted for leave with pay, for any jury duty imposed upon any officer or employee of the County of Cook. However, any compensation, exclusive of travel allowance received, must therefore be turned over to the County of Cook by said officer or employee.

(f) Veterans' Convention Leave

Any employee who is a delegate or alternate delegate to a national or state convention of a recognized veterans' organization may request a leave of absence for the purpose of attending said convention, providing, however, that any employee requesting a leave of absence with pay must meet the following conditions:

- The employee must be a delegate or alternate delegate to the convention as established in the by-laws of the organization.
- They must register with the credentials committee at the convention headquarters.
- Their name must appear on the official delegate-alternate rolls that are filed at the state headquarters of their organization at the close of the convention.
- They must have attended no other veterans' convention, with a leave of absence with pay, during the fiscal year.
- The employee must produce, upon returning from the convention, a registration card signed by a proper official of the convention, indicating attendance.

(g) Personal Days

1. All employees, except trades (grade x), those in a per diem pay status, and those of the health facilities, shall be permitted four (4) days off with pay each fiscal year. Employees may be permitted these four (4) days off with pay for personal leave for such occurrences as observance of a religious holiday or for other personal reasons. Such personal days shall not be used in increments of less than one-half (½) day at a time.

2. Employees entitled to receive such leave, who enter Cook County employment during the fiscal year, shall be given credit for such personal leave at the rate of one (1) day for each full fiscal quarter in pay status; except that two (2) personal days may be used for observance of religious holidays prior to accrual, to be paid back in the succeeding two (2) fiscal quarters. No more than four (4) personal days may be used in a fiscal year.
3. Personal days shall not be used as additional vacation leave. If the health of an employee warrants prolonged absence from duty, the employee will be permitted to combine personal days, sick leave, and vacation leave.
4. Personal days may not be used consecutively unless approved by the department head.
5. Personal days off shall be scheduled in advance to be consistent with operating necessities and the convenience of the employee, subject to department head approval.
6. In crediting personal days, the fiscal year shall be divided into the following fiscal quarters;

1st quarter - December, January, February
 2nd quarter - March, April, May
 3rd quarter - June, July, August
 4th quarter - September, October, November

7. Severance of employment shall terminate all rights to accrued personal days.

(h) **Military Leave (limited service)**

- (1) Any employee who has at least six (6) months or more of continuous actual service and is a member of the Illinois National Guard or any of the Reserve components of the Armed Forces of the United States shall be entitled to leave of absence with full pay for limited service in field training, cruises, and kindred recurring obligations. Such leave will normally be limited to 11 working days in each year.
- (2) The Board may grant other military leaves as it sees fit.

6.03 Leaves of Absence Without Pay

(a) **Personal Leave**

An employee not affected by the Leave of Absence Rules of the Merit Board of Cook County may be granted a leave of absence, without pay, by the head of a department with the written approval of the Comptroller of Cook County. Such leave of absence shall be intended to take care of emergency situations and shall be limited to one month for every full year of continuous employment by the county, with a maximum of one year of leave, except for military service. During a personal leave, the County shall not pay any insurance benefits. An employee granted a leave of absence shall be eligible, when such leave expires, to receive the salary he or she received at the time the leave of absence was granted. In all cases, the department shall provide the County Comptroller with the names of any employees on leave of absence.

(b) **Maternity/Paternity Absence**

Employees shall be granted maternity or paternity leaves of absence to cover periods of pregnancy and postpartum child care. Employees need not exhaust all accrued vacation or sick time before going on maternity/paternity leave, but may apply such accrued time to the leave. Such leave, in general, shall not exceed six months, but may be renewed by the department head. The following rules shall apply:

- An employee who will require a maternity/paternity leave shall inform the supervisor in writing of the request no later than 30 days before to the expected date of delivery and shall present a signed statement by a physician stating the expected date of delivery.
- A pregnant employee may continue in her assignment as long as her attendant physician deems her to be able to perform her normal work routines. Her physician shall specify in writing the latest date maternity leave shall commence.
- An employee who has been absent due to maternity/paternity leave shall be eligible for reinstatement as soon as her physician deems her to be able to assume her regular duties. The employee shall report to work with a written statement from her physician and release from the applicable county medical authority advising that the employee is physically capable of returning to her duties.
- Upon return from maternity/paternity leave the reinstatement rights of the employee will be identical to those of an employee returning from an ordinary disability leave.

(c) **Family and Medical Leave (FMLA)**

1. An employee entitled to leave of absence under Family and Medical Leave is an employee who has been employed at least 12 months by the County and has worked at least 1,250 hours during the previous 12-month period. All terms in this section are used in accordance with definitions set out in the FMLA. Employees need not exhaust all of their accrued vacation or sick leave before going on FMLA leave.
2. A leave of absence may last up to 12 weeks during any 12-month period for (a) the birth of a child; (b) placement of a child with an employee for adoption or foster care; (c) the care of an employee's spouse, son, daughter or parent who has a serious health condition; and, (d) a serious health condition that makes an employee unable to perform the functions of his/her position. Where spouses are both employed by the county, leave for the birth or adoption of a child or to care for a sick parent is limited to an aggregate of 12 weeks in a 12-month period. Leave for the birth or adoption of a child shall be taken within 12 months of the birth or placement.
3. Employees may take leave in one block or intermittently as needed in accordance with the provisions of the FMLA. Intermittent leave may also take the form of a reduced work schedule. Employees should make every effort to accommodate their departments in scheduling intermittent leave or a reduced work schedule. A department may temporarily reassign an employee on a reduced work schedule to other duties that better accommodate the reduced schedule. Employees must take FMLA leave for the birth or adoption of a child in a single bloc unless intermittent leave is approved by a supervisor. Employees with approved FMLA intermittent leave must still comply with a department's call-in, call-off procedures for sick leave unless an emergency exists. Those using intermittent leave may do so only for the purposes outlined in their approved leave requests.

4. Requests for leave due to birth of a child or the placement of a child for adoption or foster care shall be made at least 30 days before the expected date the leave is to begin. When leave is due to planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the County, and shall provide not less than 30 days written notice before the date the leave is to begin. If the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.
5. A doctor's certification must be provided when an employee requests leave for his/her own serious health condition or that of family members as defined by the FMLA. The County reserves the right to require a second opinion at County expense and a third opinion, again at County expense, should the two opinions conflict.
6. During FMLA leave, the County will continue to pay its share of an employee's health insurance premiums. Employees must arrange with the Benefits office to pay their share of premiums normally paid through payroll deduction. The County may recover the cost of paid health insurance premiums from employees who do not return to work at the end of such leave of absence in accordance with the provisions of the Act. Employees will not lose accrued benefits during this leave period, although no benefits will accrue during this period. Employees will be reinstated to the same position or equivalent position upon the return from such leave. The period of absence will be deducted in computing total continuous service and will effect a change in the anniversary and seniority dates.
7. Pursuant to the record keeping requirements of the FMLA, all FMLA-related requests, reports and certifications shall be forwarded to the Bureau of Human Resources for review and maintenance, except for those pertaining to employees of elected officials other than the President and the Bureau of Health Services.
8. Employees with approved FMLA requests on file may only use FMLA leave for the purposes set forth in the approved requests. Employees must file additional requests to cover other applicable family and medical situations. Employees should note that they are entitled to a total of twelve weeks of leave per year regardless of the number of approved FMLA requests they have on file

(d) **Military Leave**

1. Any employee granted a leave of absence without pay to enter service in the military or naval forces of the United States, either voluntarily or by reason of conscription, shall upon return to County service, be restored to the position held prior to going on leave with the same anniversary and seniority dates, status and pay as if the employee had been employed continuously by Cook County.
2. The employee must present a copy of military orders when requesting a leave. The employee must file written request for reinstatement to a former position or re-employment within 60 days after termination of military or naval service, along with a copy of military discharge papers.

6.04 Disability Provisions

(a) **Ordinary Disability**

Employees seeking ordinary disability benefits must apply to the Cook County Annuity and Disability Fund for approval. Employees should contact the Fund to obtain application and benefit information, eligibility rules and other documentation. Employees must also inform their supervisors and department heads of their intention to apply for disability, as well as the length and terms of any benefits granted by the Fund. Employees must notify their department heads of their readiness to return to work before the termination dates of their disability leaves. In all cases, employees must notify their department heads within one business day after being released for duty by a physician or the expiration of benefits, whichever comes first. An employee who is on official disability leave and returns to work within 60 calendar days after disability leave is terminated shall be eligible to receive the salary paid at the time disability leave started, provided the budget of the department can accommodate the salary and, if not, the employee shall be eligible to have the salary received at the time disability leave started restored at the earliest possible date.

(b) **Duty-Related Disability**

1. Employees off work due to an injury or illness arising out of and in the course of employment are eligible for temporary total disability benefits in accordance with the provisions of the Illinois Workers' Compensation Act. Employees must file an accident report with their supervisors immediately following a job-related injury.
2. Any employee who is off duty and receiving supplemental temporary total disability may be eligible to receive duty disability benefits as provided under the provisions of the Cook County Employees' Annuity and Disability Fund. Separate application must be made with the Fund.
3. Any employee who is injured in an accident arising out of and in the course of his/her employment will not be eligible to substitute sick leave, vacation leave, or personal days in place of supplemental temporary total disability or substitute for temporary total compensation as defined in the workers' compensation act.
4. Any period for which an employee is shown to be carried on supplemental temporary total disability or on temporary total disability compensation is subject to review by the Cook County Injury Compensation Committee. The Committee is authorized to require a physical examination of any employee injured in the course of employment to determine eligibility for supplemental temporary total disability or for temporary total disability compensation benefits. Any employee who fails to submit to such physical examination will immediately have supplemental temporary total disability or temporary total disability compensation benefits terminated.
5. No employee shall return to duty after having been carried on supplemental temporary total disability or on temporary total disability compensation without a physician's approval to return to work and authorization from Cook County.

6.05 Maintenance of Records

- (a) For employees under the jurisdiction of the President, records of leave shall be maintained by the Bureau of Human Resources.

- (b) For employees not under the jurisdiction of the President, records of leave shall be maintained by the elected official and/or executive department head.

6.05 Duty to Inform

Employees must inform their departments of their intention to go on leave in accordance with the notice provisions contained herein. Before their departure, they must provide the departments with a current address and telephone number and maintain current contact information while on leave. In addition, departments may require employees to report in on a reasonable periodic basis. Employees who wish to extend a leave must apply to their departments at least thirty days before they are scheduled to return, unless a medical emergency precludes such notice. Employees must contact their departments at least two weeks before returning from leave and complete all processing, including medical examinations, before they can return. Failure to comply with these provisions may lead to disciplinary action, delays in reporting and forfeiture of pay.

**RULE 7
AMENDMENT TO THE LAYOFFS AND REINSTATEMENTS**

7.01 Scope:

This rule applies to all positions covered by career service.

7.02 General:

In the event a layoff is necessary, the executive department head shall notify the Chief of the number of positions which must be vacated. The Chief shall notify, in writing, the executive

department head of the names of the employees having the least seniority in those positions affected by the reduction in force. The executive department head shall conduct the reduction in accordance with the direction of the Chief.

7.03 Order of Layoff:

Layoffs shall be made according to position or grade within a department, and shall be made in the following order: probationary career service employees and career service employees. The Chief shall determine the order of separation within each of these categories of appointments. When employees in the career service are laid off, such layoff shall be made according to seniority in the position within the department. If two or more career service employees have the same seniority, the executive head of the department shall determine the order of layoff based on job-related factors.

In cases where an employee was promoted to a new position, the employee's prior years of service with Cook County shall be included when calculating seniority for purposes of layoff.

7.04 Reinstatement:

The names of career service employees who are laid off shall be placed on appropriate layoff lists for preferential reinstatement, upon written application by the employee, in accordance with Rule 4 (4.031).

Rule 7 of the Cook County Human Rules may be reviewed at 118 N. Clark Street, Room 840, Chicago, Illinois, 60602. Please refer any questions to the Chief of Human Resources at the above listed address.

**RULE 8
CONDUCT AND DISCIPLINE OF PERSONNEL**

8.01 Rules of Conduct:

8.02 Scope:

The rules of conduct apply to all employees under the jurisdiction of the President.

8.03 Policy:

- (a) Employee behavior contrary to the Rules of Conduct shall be subject to disciplinary action, up to and including discharge, depending on the nature of the rule infraction.

- (b) Disciplinary action for major cause infractions need not be progressive. "Major Cause" is defined as, but not limited to, the following behavior by an employee on duty or on the premises of any County facility:
1. Seeking to work, reporting to work or being present on County premises, in County vehicles, or engaged in County activities while under the influence of illegal drugs, alcohol or legal drugs which adversely affect safety or job performance.
 2. The unlawful or unauthorized manufacture, distribution, dispensation, possession or use of a controlled substance, drug paraphernalia or alcohol on County premises, while on duty, in County vehicles or while engaged in County activities.
 3. Fighting or disruptive behavior.
 4. Patient, employee or visitor abuse or harassment including, but not limited to, racial and ethnic slurs.
5. Unauthorized possession of weapons.
6. Willful destruction of property.
7. Gross insubordination.
 8. Theft or unauthorized possession of patient, employee, or County property.
9. Negligence in performance of duties.
10. Misuse of timekeeping facilities or records by:
- a. Intentionally punching the timecard of another employee.
 - b. Altering or falsifying time sheets, timecards, or other records.
11. Absence for three consecutive work days without notifying the immediate supervisor or department head.
12. Conviction of a State Class "A" or Federal misdemeanor, felony or plea of nolo contendere, regardless of whether on duty or on the premises of any County facility.
13. Violation of the County's Human Rights Ordinance, Ethics Order, or any other executive order issued by the President of the Board of Commissioners or Ordinances enacted by the Board.
14. Falsification of employment records or any other County records through misstatement or omission of pertinent facts or information.
15. Loss of professional or other license, or failing to attain the pre-requisites necessary to obtain or renew the license when such a license is required to meet the standards of the position.

16. For current and probationary employees covered by the Cook County Personnel Residence Requirement Ordinance, failure to maintain a residence in Cook County.

17. **An employee must disclose to their department head immediately the occurrence of an arrest of any kind, whether on duty or not.**

(c) Other violations which will result in disciplinary action include, but are not limited to, the list specified below:

NO EMPLOYEE SHALL DO ANY OF THE FOLLOWING WHILE ON DUTY OR WITHIN COUNTY FACILITIES:

1. Misuse confidential or proprietary information, including patient or personnel records, Hospital reports or tests, or any department files, documents, or data.
2. Fail to follow instructions or fail to work in accordance with County policies, procedures and/or practices.
3. Post or distribute unauthorized literature or pamphlets or remove authorized notices from bulletin boards without prior permission.
4. Engage in non-County business or sales of any kind without prior authorization.
5. Be repeatedly tardy or excessively absent from work, or be absent or tardy without justification or proper notification.
6. Leave assigned place or area of work during working hours without permission of the supervisor.
7. Loiter or remain on County premises outside of duty hours without authorization from supervisory personnel.
8. Litter, create or contribute to unsanitary conditions.
9. Smoke in prohibited areas.
10. Engage in gambling on County premises.
11. Intimidate or coerce another employee through physical or verbal threats.
12. Sleeping or inattention to duty during working hours.
13. Violate security rules and regulations of the Cook County Department of Corrections or specific rules and regulations of the Department of Corrections if pertinent and relevant to County operated activities.
14. Perform at less than a satisfactory level in any job classification.

15. Create an unsafe condition or fail to abide by safety and/or fire prevention regulations.
16. Use any information technology or County instrumentality, including, without limitation, e-mail, Internet services or telephone, for an unauthorized purpose. Employees are forbidden from installing or using unlicensed computer software on County-issued computers.

8.04 DISCIPLINARY ACTION

8.041 Scope:

Disciplinary action procedures apply to all career service employees.

8.042 Policy:

- (a) Disciplinary action is taken when an employee has committed an infraction of a County rule as specified in Rules of Conduct, or other behavior deemed unacceptable.
- (b) Disciplinary action must be timely and progressive, and is based upon the commission of the same, similar, or other infractions, except for MAJOR CAUSE infractions.
- (c) All discipline shall be given only for just cause. The level of disciplinary action and/or degree shall be appropriate to the infraction including, if appropriate, a consideration of the following:
 1. Documentation of the employee's past conduct.
 2. Whether or not the employee was adequately warned and counseled of the consequences of his/her conduct.
 3. Length of service.
 4. Severity and circumstances of the particular offense.
 5. County practice in similar cases.
 6. Motives and reason for violating a rule.
- (d) In general, discipline will include the following steps:
 1. 1st Offense - Oral Reprimand.
 2. 2nd Offense - Written Reprimand.
 3. 3rd Offense - Suspension.
 4. 4th Offense - Discharge.
- (e) Disciplinary action for MAJOR CAUSE infractions, as specified in the Rules of Conduct, need not be progressive.

- (f) Disciplinary action may begin, or advance to, any step specified above dependent upon the nature of the infraction.
- (g) Disciplinary action may only be appealed in accordance with the Grievance/Appeals Board Procedure or any applicable collective bargaining agreement.
- (h) No career service employee may be discharged, demoted or suspended for more than ten days unless the statement of charges and any supporting documentation or evidence are first reviewed by the Chief before the employee is notified of such action.

8.043 Procedure:

- (a) **Predisciplinary Hearings:** Except for probationary, at-will employees or other employees who are senior executive service, Shakman-exempt or otherwise exempt from provisions of these Rules or career service, departments shall conduct a predisciplinary hearing for all employees before imposing disciplinary actions. Predisciplinary hearings for union employees shall conform to the provisions of applicable collective bargaining agreements. Departments shall serve proper notice of the hearing upon the employee either by providing a letter to the employee or mailing the letter to the employee. The notice shall set forth the date time and place of the hearing, along with a recitation of the charges or nature of the alleged infractions, and the possible disciplinary action that might be imposed should the charges be sustained. Departments should convene a hearing and impose disciplinary action within 30 days of the time the alleged infraction occurred or became known to the Department. However, this time limit will be deemed waived if the employee or the employee's representative requests a delay of the hearing or if the hearing is delayed due to the employee's unavailability or the Department's inability to effect service of the hearing notice. Such time limits shall not apply to charges of job abandonment, unauthorized absence or failure to return from a leave of absence when the employee is absent when the disciplinary action is commenced. Should an employee fail to appear at a hearing after proper notice without a showing of good cause, that employee shall forfeit any right to appeal any disciplinary action imposed.

Employees are entitled to bring a representative to the hearing. If the employee is represented by a union, that union shall have the exclusive right of representation unless the employee expresses a desire for other representation in writing. Union employees are entitled to representation by duly elected or appointed union representation, or designated union counsel, but may not insist upon representation by a specific union official or steward.

- (b) **Disciplinary Action Form:** The Disciplinary Action Form is to be completed for all steps of disciplinary action.

- 1. The Disciplinary Action Form is completed, to include the following:
 - a. A statement of the charges, an explanation of evidence supporting the charges, and previous disciplinary action is listed.
 - b. A statement that committing the same, similar, or other infraction will result in further disciplinary action up to and including discharge.

- c. The Disciplinary Action Form is given to an employee by his immediate supervisor in a conference discussing the disciplinary action.
- d. The Form is signed by the immediate supervisor, the Department Head/Designee and the employee. If the employee refuses to sign the form, the refusal is noted in the space designated for the employee's signature.

2. When the disciplinary action is for discharge, paragraph 1-b does not apply.

3. A letter prepared and given to the employee that contains all of the information set forth in (a)1 above can be used in lieu of the Disciplinary Action Form

(d) Copies of the Disciplinary Action Form are distributed as follows:

- a. The employee.
- b. The Hospital Personnel Office, or the respective department for other offices under the President.
- c. The collective bargaining representative or unit, if any.

(c) **Oral Reprimand**: An oral reprimand is given for an infraction for which there has been previous counseling, or for the first infraction of a minor nature.

1. An oral reprimand is documented on a Disciplinary Action Form and given to an employee in a conference.

2. The Disciplinary Action Form is completed and distributed as specified previously.

3. A Disciplinary Action Form documenting an oral reprimand will be disregarded if after one (1) calendar year there has been no further disciplinary action.

(d) **Written Reprimand**: A written reprimand may be given when there has been previous disciplinary action, or for the first infraction of a more serious nature.

1. A written reprimand is documented on a Disciplinary Action Form and given to an employee in a conference.

2. The Disciplinary Action Form is completed and distributed as specified previously.

3. Written reprimands shall be purged from an employee's file after twelve months.

(e) **Suspension**: Suspension may be given where there has been previous disciplinary action or for the first infraction of a more serious nature.

1. For career service employees not covered by a collective bargaining agreement, suspensions exceeding 10 work days shall be in conformance with the procedure under the following section concerning **Discharge**, paragraph 3 (Employees not Covered by a Collective Bargaining Agreement).
2. The Department Head/Designee presents a written statement of the charges to the employee and indicates a date and time for a conference.
3. After hearing all the evidence and the employee's response; if the charges are found to have merit, the suspension is documented on a Disciplinary Action Form, given to an employee in a conference or no later than seven (7) calendar days following the conference and distributed as specified previously.

(f) **Discharge:**

1. Discharge is invoked for just cause, which is defined as follows:

a. Repetition of the same or similar infractions, or a combination of infractions of the Rules of Conduct for which there has been progressive disciplinary action. An employee who has been previously suspended may be subject to discharge for the next offense.

b. Commission of an infraction considered "Major Cause" as defined previously.

2. Employees Covered by a Collective Bargaining Agreement:

a. The Department Head/Designee presents a written statement of the charges and an explanation of the evidence supporting the charges to the employee and indicates a date and time for a conference.

b. After hearing all the evidence and the employee's response, either at the end of the conference or no later than seven (7) calendar days following the conference, the Department Head/Designee makes a determination concerning one of the following:

i. The employee is to be discharged.

ii. The employee is given lesser disciplinary action than discharge, or none at all, and the employee's personnel file reflects the decision.

c. The decision is directed to the employee in writing with copies distributed as is done with the Disciplinary Action Form.

3. Employees not Covered by a Collective Bargaining Agreement:

Discharge, demotion or suspension exceeding 10 work days for career service employees not covered by a collective bargaining agreement shall be in conformance with the following procedure:

- a. In a conference with the employee, the Department Head/Designee responsible for making the decision concerning the discipline to be issued shall provide a written statement of charges on which discipline is based, together with an explanation of the evidence supporting the charges.
- b. The employee may respond to the charges in writing within five (5) calendar days of the conference before disciplinary action is taken.
- c. The employee's response must be reviewed by the Department Head or Designee responsible for making the decision, provided that such designee may not be the person who initiated the charges against the employee.
- d. A determination of the disciplinary action to be taken, if any, will be made after review of all the evidence and the employee's response.
- e. No career service employee may be discharged, demoted or suspended for more than 10 work days unless the statement of charges and any matters in

support are first reviewed by the Chief before the employee is notified of such action.

8.044 Emergency Suspension: An emergency suspension may be given prior to any step of disciplinary action when the presence of the employee is dangerous or will result in the disruption of operations or when major cause is alleged and time is needed to conduct an investigation. Departments must report all emergency suspensions lasting for more than five days to the Chief. In no case shall an emergency suspension exceed 15 working days without the prior written approval of the Chief.

8.045 Representation: An employee may have a representative of his choosing at any step of disciplinary action, except as follows:

1. An employee may not be represented by his Bureau Chief, Division/Department Head or Supervisor.
2. An employee may not be represented by any member of a Human Resources/Personnel Office staff.

The right to limit the number of representatives or participants at the discharge or suspension conference is reserved to the Department Head/Designee.

8.046 Time Limits: The time limits set forth above shall not be strictly applied when employees or their representatives delay the proceedings or are unavailable for hearings.

**RULE 9
GRIEVANCE/APPEALS BOARD PROCEDURE**

9.01 Scope:

Except as set forth below, this rule applies to all career service status employees except as modified by a collective bargaining agreement. No physician or dentist employed as such by the Bureau of Health Services shall be entitled to grieve a corrective action taken against medical staff membership or clinical privileges pursuant to applicable Medical Staff Bylaws.

9.02 Definition:

A grievance is a difference between an employee and the County with respect to the interpretation or application of, or compliance with, the rules and regulations, disciplinary action, or the terms in Agreements between the County and collective bargaining representatives. "Grievance," as defined herein, shall not include disputes over salary scales or wage rates.

9.03 Policy:

- (a) The County is committed to fair employment practices and recognizes its responsibility to review and make reasonable effort to resolve employees' grievances. All eligible employees have a right to file a grievance and shall be assured freedom from coercion, restraint, or reprisal. The term "employee" as used throughout this procedure shall also be understood to include any collective bargaining representative, unless otherwise stated.
- (b) An employee is encouraged first to discuss the problem/dispute with the immediate supervisor.
- (c) If the employee feels the problem/dispute has not been satisfactorily adjusted as a result of this discussion, the employee may advance review in accordance with the procedure set forth under Section 9.05 (Procedure).

- (d) Grievances of a general nature or affecting more than one (1) employee may be presented by collective bargaining representatives at Step 3.
- (e) For grievances not related to the employee's department, the grievance should be filed with the Bureau of Human Resources, which will answer it, or will forward it as appropriate.
- (f) Employees are entitled to a representative of their own choosing at any of the steps provided herein, except his/her immediate supervisor, Bureau Chief, Department Head/designee, or a member of a human resources/personnel office.
- (g) Grievances concerning a discharge, demotion or suspension for a period exceeding 10 working days shall be commenced at the Employee Appeals Board for matters involving employees under the Board's jurisdiction.
- (h) Employees in their initial period of probation as a new employee shall have no recourse or right to the grievance/appeals board procedure.

9.04 Time Limits:

- (a) Grievances, except those commenced at the Employee Appeals Board, must be presented by the employee within 30 calendar days from occurrence of cause for the grievance or 30 calendar days from the date cause should have been known to the employee, whichever occurs later, except that for errors in pay, the time period shall be six (6) months.
- (b) An employee's failure to file a grievance within the time period specified shall constitute a waiver of any rights to advance the grievance. Failure to appear for a hearing after proper notice at any step of the grievance process shall constitute a waiver of rights to further advance a grievance. Time limits will be deemed waived should employees or their representatives request continuances of any hearing or other delay the proceedings, or if indispensable parties are unavailable.

9.05 Procedure:

- (a) **Step One:** The employee advances the grievance as follows:

1. The employee obtains a Grievance Form from the department's human resources office.
2. The employee writes the nature of the grievance and the resolution sought on the Grievance Form and -
 - a. Has the grievance recorded at the department's human resources office.
 - b. Presents the grievance to the immediate supervisor.

In all cases it will be the responsibility of the department's human resources office to maintain a log of the grievances and assign a grievance or file number.

3. Within five (5) calendar days after receipt, the immediate supervisor shall meet with the employee to discuss the grievance.

4. Within five (5) calendar days after the meeting, the immediate supervisor answers the grievance on the Grievance Form and transmits the answer to the employee.
5. If the answer is satisfactory, the grievance procedure is concluded at Step 1.
6. If the answer is not satisfactory, the employee may, within five (5) calendar days after receipt, or if no answer is given, advance the grievance to Step 2.
7. Failure to advance the grievance within five (5) calendar days after the Step 1 answer is due, concludes the grievance procedure.

(b) **Step Two:** The employee advances the grievance as follows:

1. On the Grievance Form, the employee checks that the answer is not satisfactory, writes the date referred to Step 2 and signs the form. The employee presents the grievance to the Department Head/designee.
2. Within five (5) calendar days after receipt, the Department Head/designee shall meet with the employee to discuss the grievance.
3. Within 10 calendar days after the meeting specified in (2) above, the Bureau Chief/designee, writes the answer on the Grievance Form and transmits the answer to the employee.

(c) **Step Three:** Only suspensions of one (1) through ten (10) working days and grievances concerning promotions may be submitted up to Step 2. Grievances related to the above or those involving suspensions of longer than ten days and discharge should bypass Steps 1 and 2 and be submitted directly to the Chief of Human Resources. Provisions of collective bargaining agreements prevail for employees represented by a labor organization.

The employee advances the grievance as follows:

1. Within 5 calendar days after receipt of the Step 2 answer, the employee writes a letter to the BHR Chief, stating that the answer given at Step 2 is unsatisfactory, including specific reasons as to why this answer is unsatisfactory and requesting a review hearing at Step 3.
2. The BHR Chief shall then select a Hearing Officer to hear the grievance. The Hearing Officer will set a date for the appeal hearing within 30 days, and submit a written decision to the employee. The decision of the Hearing Officer is final.
3. Any appeals of the Hearing Officer's decision shall be by common law Writ of Certiorari to the Circuit Court of Cook County.

9.06 Appeals to the Employee Appeals Board

(a) This section applies to all career service employees not covered by a collective bargaining agreement.

(b) Grievances concerning a discharge, demotion or suspension for a period exceeding 10 work days shall be governed by the following procedure:

1. Within five (5) calendar days of the effective date of the disciplinary action by the Department Head or designee, the employee may grieve the Department Head's or designee's decision to the Employee Appeals Board by making a written request for a hearing. A grievance shall not affect the effective date of discipline.
2. If the employee requests a hearing, a date therefor shall be set, not more than 45 days following receipt of the request for hearing by the Employee Appeals Board. Either party may request a continuance for good cause shown, but the hearing must be completed within 60 calendar days of the initial hearing date, unless further delay is caused by the employee.

(c) **Hearings and Findings**

1. The Board, any of its members, or a hearing officer appointed by the Board may administer oaths and secure by notice both the evidence and witnesses for the production of relevant books and papers. All proceedings before the Board, a member thereof, or the hearing officer shall be recorded.
2. Decisions are subject to the following time limitations:
 - a. The hearing officer or Employee Appeals Board shall render a decision on the grievance not more than 50 calendar days after the close of the hearing unless a delay is caused by the employee.
 - b. If the time limitations provided for herein are not met, the employee shall be entitled prospectively to the pay and benefits of the position held before the imposition of suspension or discharge, or in the case of a demotion the difference in pay between the former and current position, beginning with the first day after the failure to meet the time limit, pending decision of the Employee Appeals Board, but the employee shall have no right to be reinstated except by order of the Employee Appeals Board.
 - c. The Employee Appeals Board shall file a written report in all cases where a discharged, demoted or suspended employee becomes entitled to the pay and benefits of his or her former position prospectively by reason of failure to meet a time limit. The report shall be filed with the Board of Commissioners within 21 days of the failure to meet a time limit, and shall contain the causes and circumstances of such failure.
3. The findings and decision of a member of the Board or hearing officer shall be certified to the Employee Appeals Board, which may accept or reject the findings and decision or may require further hearing before the Board.

4. After the Board accepts the findings and decision of its member or hearing officer, or after a hearing by the Employee Appeals Board, it shall certify the findings and decision and notify the appropriate executive department head and appellant.

5. Nothing herein shall deprive the Employee Appeals Board of jurisdiction

6. An employee whose discipline is not upheld shall receive full back pay for any period when he or she was off work, or serving in a lower position, less any lesser disciplinary action imposed by the Board. Said employee shall be reinstated to his or her position or such lower position as determined by the Board, upon notification of the Board's decision, or following such lesser discipline as may be imposed by the Board, as appropriate.

7. Nothing in this Section limits the power of the executive department head or his/her designee to take disciplinary action against a subordinate pursuant to these rules.

9.07 Miscellaneous Provisions

- (a) In any case where an employee has been charged with an offense which involves criminal proceedings pending before the Grand Jury or in court at the time the grievance is filed with the BHR Chief for hearing, the person so charged may request that the hearing be continued until such time as the criminal proceedings are terminated and such request shall be granted; provided such persons shall execute a waiver of all rights to compensation and benefits during the period of adjournment, and provided further that he/she may terminate his/her request for continuance and waiver upon 10 days notice in writing to the BHR Chief. Said 10 day period begins upon receipt of the termination request by the BHR Chief.
- (b) At any time prior to the announcement of findings and decision, with the express consent of the employee and the approval of the Department Head/designee, the Hearing Officer may accept the employee's resignation in lieu of discharge or suspension.
- (c) The Employee Appeals Board may provide by rule for review of suspensions of 10 days or less.

RULE 10

PERSONNEL RECORDS AND CERTIFICATION OF PAYROLLS

10.01 Personnel Records

10.011 Maintenance of Records

- (a) The Chief shall establish and maintain a system of personnel records and reports covering all County employees under the jurisdiction of the President of the Cook County Board of Commissioners. Departments and agencies of the County shall participate in the preparation and maintenance of such records and reports. The "official" employee personnel record shall be maintained by each department or facility.

10.012 Statutory Requirements

- (a) State and federal laws address the confidentiality and disclosure of personnel-related records. The Freedom of Information Act ("FOIA") provides for the disclosure of public records, including "the names, salaries, titles and dates of employment of all employees and offices of public bodies." The FOIA exempts from disclosure the "personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions."
- (b) The Personnel Record Review Act ("PRRA") permits former employees, current employees and their union representatives to inspect and copy personnel records, with certain exceptions.
- (c) The Public Labor Relations Act ("PLRA") gives labor unions the right to inspect and copy personnel records upon a showing of relevancy.
- (d) The Americans With Disabilities Act ("ADA") requires that medical information relating to employees be kept confidential.

10.013 Policy on Confidentiality

- (a) During the course of the performance of their duties, employees may have access to information and records concerning applicants, current employees and former employees of Cook County. Although state and federal laws require the County to disclose certain information about applicants and employees, the County is also required to protect the privacy rights of these individuals. To ensure that no individual's right to privacy is invaded, all personnel-related information and records shall be treated as confidential.
- (b) Specifically, personnel-related information shall not be discussed with others, including co-workers, unless it is necessary to the performance of County business or authorized by law. No copies of personnel-related records shall be made or disseminated except when it is necessary to the performance of County business or authorized by law. Personnel-related records, including computer records, shall be maintained in accordance with security procedures. For example, records are not to be left on desks or work areas when

they are not being used. Access to computer files shall be restricted by the use of passwords.

(c) The term "personnel-related information and records" includes, but is not limited to:

- ! employment applications
- ! performance evaluations
- ! disciplinary records
- ! grievance forms
- ! test documents
- ! payroll records
- ! medical records
- ! drug test results and reports
- ! worker's compensation records
- ! tax forms
- ! insurance records
- ! dual employment reports
- ! any other document in an employee's personnel file

10.014 Disclosure of Personnel-related Records

(a) Personnel-related information and records may be disclosed to authorized County officials and employees when it is necessary to the performance of County business. State laws (FOIA, PLRA and PRRA) also require the disclosure of personnel-related information and documents under certain circumstances.

(b) The following procedures shall be followed in handling requests for information and records:

1. Requests by County officials and employees: These requests shall be put in writing and submitted to the executive department head or BHR Chief. This procedure does not apply to employees of the BHR and to requests by executive department heads for information and for records relating to employees in their department.
2. Requests by current employees: Current employees may inspect their personnel files at least twice in a calendar year, but requests may be limited to a reasonable number and interval. All requests for inspection and copying shall be put in writing. The request shall be directed to the executive department head, who shall authorize the release of the requested information or records. The terms of an applicable collective bargaining agreement will control access and charges.
3. Requests by former employees: A former employee is one whose employment has terminated within the preceding year. All requests for inspection and copying shall be put in writing and directed to the BHR or the executive department head.

4. Requests by applicants: No information or documents shall be released to applicants.
 5. Requests by labor organizations: All FOIA requests shall be put in writing. Requests made under the PRRA shall also be put in writing and reference any pertinent provision in a collective bargaining agreement. Requests shall be directed to the BHR. There will be a copying charge of 10 cents per page.
 6. Requests by news media or other third party: Requests shall be put in writing. Requests shall be directed to the BHR. There will be a copying charge of 10 cents per page.
 7. Requests by law enforcement agencies, other government agencies and parties to a civil or criminal action: A valid Subpoena duces tecum must be served on the custodian of the records before such records may be disclosed. Records shall not be released without the authorization of the executive department head or the BHR.
- (c) The time for responding to requests for personnel-related information and documents made pursuant to the PRRA and the FOIA is seven (7) working days. Additional time may be granted with permission of the Chief.

10.015 Information and Documents that May Not Be Disclosed

(a) Personnel Record Review Act

Under the PRRA, the following documents shall not be disclosed to a former or current employee or a labor organization:

1. Letters of reference;
2. Any portion of a test document (including drug test results), except that an employee (or former employee) may be informed of a cumulative test score;
3. Records relating to a pending claim between the County and an employee (or former employee) except when a valid subpoena duces tecum is served;
4. Investigatory or security records maintained by the County to investigate criminal conduct or conduct harmful to County operations;
5. Materials used for management planning, such as recommendations concerning future salary increases, promotions and job assignments;

(b) Freedom of Information Act

Under the FOIA, personnel files and personal information relating to employees, applicants and elected officials are exempt from disclosure to third parties.

(c) Americans with Disabilities Act

Under the ADA, medical information shall not be disclosed except when authorized by the Chief of the Human Resources Bureau.

10.016 Preservation of Records

Personnel-related records will be retained for five (5) years following an employee's termination of employment. In the event of litigation, these records will be retained until the conclusion of the litigation or five (5) years, whichever is longer.

10.017 Discipline

A violation of this rule will result in disciplinary action.

10.02 Certification of Payrolls

- (a) The Chief shall certify that all employees in County service named on every payroll have been employed in accordance with the current budget. The Chief shall also certify that every employee under the jurisdiction of the President named on every payroll has been appointed in accordance with the provisions of the Ordinance and these rules.
- (b) The Chief shall remove the names of persons from a payroll when such certification cannot be made, and notify the Comptroller and executive department head involved.
- (c) The Comptroller or other disbursing or auditing officer shall only process a payroll for payment which has been certified by the Chief/designee.

TRAINING AND DEVELOPMENT

11.01 Scope:

This rule applies to all positions under the jurisdiction of the President.

11.02 Responsibility for Training

Each executive department head shall have the responsibility to identify training needs, and based on available resources and staff, to prepare and conduct training programs that will effectively meet those needs which are unique to the operations of the department concerned.

The Chief shall be responsible for (a) reviewing needs for training and encouraging the development of appropriate training programs within available resources, (b) establishing priorities for the different types of training and career development programs, (c) coordinating training resources, (d) planning and conducting training and career development programs on his or her own initiative or at departmental request, (e) planning and conducting management and executive development programs, (f) reviewing training budgets and establishing appropriate management over tuition reimbursement programs and other programs involving institutions outside the County service, (g) providing technical advice and assistance, facilities and equipment to the departments for their training activities, and (h) evaluating training programs to assure effective response to training needs.

11.03 Types of Training and Career Development Programs

The Chief shall ensure that the overall training program of the County provides a proper balance between the training of employees to improve their current effectiveness and the development of employees for career advancement. Appropriate methods of on-the-job and off-the-job training shall be utilized as required to effectively satisfy training needs.

The career development programs shall be designed and applied to assist in preparing for advancement opportunities for employees, with specific reference to the requirements of the respective occupational groups and for managerial positions within the County service. Such career development programs shall be established in a manner which will provide for (a) the identification of positions toward which the career development is addressed, (b) the specific elements of training through which employees shall progress, (c) the admission of employees to such programs on the basis of their qualifications and potential, and (d) review and evaluations of such programs.

11.04 Use of Outside Facilities

The Chief, or a department head with the approval of the Chief, may enter into agreements with universities, colleges and other educational institutions, organizations and individuals for education or training services for employees under planned training programs. The Chief may enter into agreements with other public jurisdictions for joint staffing, participation in programs and use of training facilities.

RULE 12 MEDICAL EXAMINATIONS AND DRUG TESTS

12.01 Scope:

Except as set forth below, this rule applies to all employees under the jurisdiction of the President.

12.02 Applicant:

The Chief may require that prior to examination, a person shall undergo a test for illegal drugs. Such requirement shall be set forth in the notice of the examination.

12.03 Post-Appointment:

An employee, following appointment but prior to reporting for duty, may be required by the Chief to submit to a medical examination, a drug test or both. Such requirement will be set forth in the notice of the examination.

12.04 Return to Work:

Any employee who returns from layoff or a leave of absence may be subject to a medical examination that is job related and consistent with business necessity, and/or a drug test.

12.05 Notification

Employees shall submit a copy of any document generated by Employee Health Services excusing them from duty to their departments. Failure to do so may subject the employee to disciplinary action or discharge from County service.

**RULE 13
DUAL EMPLOYMENT**

13.01 Scope:

This rules applies to all employees under the jurisdiction of the President.

13.02 Report of Dual Employment:

The Report of Dual Employment Form must be executed by the following:

1. Persons entering County service;
2. Any person who after entering the service as an employee becomes engaged in any gainful employment;
3. Any employee engaged in any outside employment, whose work schedule in the County service or work schedule in any gainful outside employment has changed;
4. Any employee whose dual employment has been discontinued.

13.03 Parameters for Dual Employment:

- (a) Dual employment for Cook County employees is permissible only within the following considerations:
 1. Does not exceed 20 hours per week.
 2. The type of work is approved by the Department Head.
 3. The specific hours of outside employment are not in conflict with the employees normal duty hours with Cook County.
 4. Dual employment will also include self-employment, and practices or services rendered by professional persons.
 5. Part-time employees shall not be subject to the time restrictions set forth in 13.03 (a) (1) above.

1. No employee shall engage in a business, profession, trade or occupation while actually employed by Cook County which will:

1. Impair his/her efficiency;
2. Seriously interfere with such employee's ability to satisfactorily perform his/her duties;
3. Impair or reflect poorly upon the reputation of Cook County.
4. Impair an employee's independence of judgment and/or constitute a conflict of interest as defined by the Cook County Ethics Ordinance.

13.04 Falsification or Omission of Information:

Failure by an employee to disclose the above information to his/her Department Head or providing false information on the form shall be cause for disciplinary action up to and including discharge from County employment.