

COUNTY OF COOK

PERSONNEL RULES

Effective February 19, 2020

IMPORTANT NOTICE

These Human Resources Rules are issued pursuant to the Human Resources Ordinance enacted as amended on April 5, 2000, October 17, 2000 and March 20, 2013 by the Cook County Board of Commissioners. The Ordinance directs the Chief of the Bureau of 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 County's Municipal Code 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.

It is the intent of the Board of Commissioners of Cook County that all provisions of the Rules 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 service or discharge status, gender identity, genetic information, source of income or housing.

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APPENDIX
ORDINANCES AND EXECUTIVE ORDERS

RULE 1
GENERAL PROVISIONS
(Effective February 19, 2020)

1.1 PURPOSE

These rules and procedures are adopted to promote an efficient, effective personnel system for Cook County and all Cook County employees in Bureaus and Departments in the offices under the President and/or covered by the Cook County Employment Plan. The rules set forth in detail, procedures which ensure equal treatment for employees, and define the obligations, rights and privileges, benefits and prohibitions placed upon Cook County employees under the jurisdiction of the President and/or covered by the Cook County Employment Plan. These rules and procedures should be read consistently with the Cook County Employment Plan, Supplemental Policies and other related County Policies.

1.2 SCOPE

These rules apply to all positions and employees under the jurisdiction of the Cook County Board President and otherwise authorized under State law, except as expressly provided in the rules.

1.3 EFFECT OF RULES

These rules repeal, supplant, and supersede all previous versions of the personnel rules of Cook County and the Cook County Employee Resources Guide.

1.4 INTERPRETATION

The Bureau Chief of Human Resources or his/her designee is solely responsible for providing official interpretations of these rules in cases of apparent internal conflicts between rules, or when questions arise about their application to specific situations, procedures or policies.

1.5 ENFORCEMENT

The Bureau Chief of Human Resources or his/her designee shall ensure that these rules are enforced and applied uniformly by all Bureaus and Departments in the Offices under the President.

1.6 DEFINITIONS

Actively Recruited Position: High ranking or technical/professional related Positions for which discretion and flexibility in hiring are necessary, appropriate and justifiable and the candidate's academic credentials or accumulated experience is an important determinant for the differentiation among candidates. Actively Recruited Positions are not Exempt Positions and have Minimum Qualifications requiring a Bachelor's Degree or higher. Actively Recruited Positions fall into one of two categories:

A. Positions requiring an M.D., D.O. or J.D.; or

B. Positions that (1) are not covered by any CBA; (2) are exempt from career service under the Personnel Rules and are at-will (unless the employee in the Position was hired into that Position prior to November 1, 2012), and (3) are either (a) responsible for the day-to-day performance of a high-level technical/professional function, or (b) responsible for the day-to-day supervision of at least three employees.

Actively Recruited Positions Under the Jurisdiction of the Cook County Board President List: The list of all Actively Recruited Positions kept and maintained by the Compliance Officer.

Actively Recruited Positions Under the Jurisdiction of Cook County Public Defender List: The list of all Actively Recruited Positions for the Office of the Cook County Public Defender, kept and maintained by the Compliance Officer.

Agency Head: Bureau Chief of the Department of Human Resources; Human Resources Director of the Forest Preserve District of Cook County.

Anniversary Date: 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 modified by promotion, leaves of absence, reclassification, and/or upgrade.

Applicant: A person who has submitted an online application to the Bureau of Human Resources and whose name appears on the Preliminary Eligibility List.

Applicant Tracking and Application System ("ATAS"): The electronic employment application system implemented by the County and used in the hiring of the County's employees.

Appointment: Employment in the career service of an eligible employee certified to the department by the Bureau of Human Resources for a particular position.

ATAS: See Applicant Tracking and Application System.

BHR: See Bureau of Human Resources.

Board: Employee Appeals Board.

Board of Commissioners: Board of Commissioners of Cook County.

Break in Service: Authorized absences from the County without pay for periods in excess of 30 calendar days; all suspensions, layoffs lasting for more than 30 calendar days but less than one year; and all absences without leave.

Bureau Chief/Designee: Executive head of the Bureau of Human Resources or his/her designee.

Bureau of Human Resources: The Bureau of Human Resources of the County.

Candidate: An Applicant whose name is included on the Interview List.

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 Position: A position under the jurisdiction of the President of the Cook County Board of Commissioners that must be filled competitively pursuant to the Human Resources Ordinance and these Rules, excluding at-will Positions.

Career Service Status: Successful completion of the probationary period in a position in the Career Service.

Certification: Notification by the Bureau of Human Resources to the Department Head of the name of any eligible applicant/employee who is legally qualified to be appointed to a vacant position.

Chief: Bureau 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.

Collective Bargaining Agreement (“CBA”): Any current collective bargaining agreement between the County and any legally-recognized collective bargaining

representative of employees of the County.

Compensatory Time: Time earned pursuant to law by an eligible employee who works beyond his or her scheduled shift is eligible for Compensatory Time.

Continuity of Service: Employment without a break in service or interruption, provided that any absence of authorized leaves with pay, military leave of absence, or absence of 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.

Cook County Time System (CCT or CC Time): The County's time and attendance system to which employees gain access through Time Clocks, an IVR Clock, or the web-based Dashboard.

County: The County of Cook, Illinois.

Day or day: A calendar day, unless otherwise indicated.

Demotion: A downgrade from one position to another lower-level position that may or may not result in lower compensation. A demotion may occur when:

- An individual is assigned to a position that requires performing accountabilities of significantly decreased complexity or responsibility; or
- An employee is unable to perform satisfactorily in the higher-level position; or
- An employee's request for a demotion is approved; or
- As a result of a reorganization.

The County will follow the Personnel Rules, any applicable collective bargaining agreement, and the Employment Plan with respect to demotions.

Department: A unit of the County, including, but not limited to, a bureau, operating unit or department, which is under the jurisdiction of the President of the Board of Commissioners.

Department Head: The individual assigned to head or direct a Department.

Discipline: An action taken by the County in response to an employee's behavior or performance, including oral or written warnings, suspensions and Terminations, but not including counseling.

Downgrade: A downgrade occurs when the Bureau of Human Resources assigns the

pay grade level of a classification to a lower grade level, affecting the grade of all positions assigned to the downgraded classification. The County will follow the Personnel Rules and any applicable collective bargaining agreement with respect to downgrades.

Exempt List: The list of all Exempt Positions.

Exempt Position: A County employment position that is included on the Exempt List and is a job that involves policymaking to an extent or is confidential in such a way that political affiliation is an appropriate consideration for the effective performance of the job.

External Applicant: An Applicant who applies for a Position and is not an employee of the County at the time of application.

Full-time Employee: An employee who works a minimum of forty (40) hours per week.

Household: Any family member who resides in an employee's dwelling.

Immediate Family: Mother, father, husband/wife, civil union partner, domestic partner, child (including stepchildren, adopted or foster children), brothers, sisters, grandchild(ren), grandparents, spouse's/partner's parents or such person who has reared the employee.

Internal Applicant: An Applicant who applies for a Position and who is actively employed by the County at the time of application.

Job Description: The written job description that describes the Minimum Qualifications and current responsibilities of a Position and the skills, education and abilities needed to perform those responsibilities.

Layoff: Reduction of the County's workforce in response to a temporary or long-term business strategy or economic condition.

Minimum Qualifications: The specific minimum qualifications that an Applicant or Candidate must possess to be considered for employment in a Position.

Non-Exempt Employees: Employees actively employed in positions not included on the Exempt List.

Non-Exempt Position: Any Position that is not included on the Exempt List.

Notice of Job Opportunity: The official written notification of an available vacant position, which shall be posted and filled consistent with the Employment Plan.

Ordinances: Cook County Code of Ordinances, as amended from time to time.

Overtime: Time worked by an eligible employee beyond the regularly-scheduled workweek for which additional compensation or other compensatory time is earned.

Part-time Employee: An employee whose employment terms require less than forty (40) working hours per week.

Performance Evaluation: A formal written review of an employee's job-related performance.

Position: A description of key and general duties and responsibilities assigned or delegated by competent authority, requiring the full-time or part-time employment of an individual.

President: The President of the Cook County Board of Commissioners.

Probationary Period: The working test period, not to exceed one year, during which an employee is required to demonstrate his/her fitness for service by the actual performance of the duties and responsibilities of his/her position prior to achieving Career Service Status, except as modified by a collective bargaining agreement.

Promotion: A promotion is the appointment of a current, active classified employee to a higher-graded position than his or her current position. A promotion is also advancement to a position of a higher title or one that requires performing accountabilities of significantly increased complexity or responsibility. Promotions may occur as a result of a job posting and/or application. The County will follow the Personnel Rules, any applicable collective bargaining agreement, and the Employment Plan with respect to promotions.

Recall Candidate: An individual who has been laid off from a Position and is eligible for recall in accordance with the Personnel Rules or an applicable CBA.

Reclassification: The process by which a Position is reclassified to another lower or higher classification. A reclassification occurs when the job duties, responsibilities, and required qualifications of a position are re-evaluated by the Bureau of Human Resources and the position is assigned a new classification that may result in a higher pay grade, a lower pay grade, or the same pay grade. The County will follow the Personnel Rules, any applicable collective bargaining agreements, and the Employment Plan with respect to reclassifications.

All requests for reclassification must adhere to the Cook County Employment Plan and Supplemental Policies.

Request to Hire: The form completed by a Department Head and submitted to BHR in hard copy or through ATAS, which initiates recruitment and hiring activities to fill a Position.

Supervisor: Any employee of the County who, among other managerial duties, has the authority to authorize, execute or recommend any Employment Action.

Supplemental Policy: BHR issued policies addressing reclassifications/promotions,

temporary assignments, transfers, training, compensatory time and overtime, desk audits and other employment related activities or policies.

Seniority Date: An employee's length of most recent continuous employment with the County, except as modified by a collective bargaining agreement.

Termination: The voluntary or involuntary separation of an employee from employment with the County.

Transfer: Movement of an employee from a position to another within the same grade.

Upgrade: An upgrade occurs when the Bureau of Human Resources assigns the pay grade level of a Classification to a higher grade, affecting the grade of all positions assigned to the upgraded Classification. The County will follow the Personnel Rules and any applicable collective bargaining agreement with respect to upgrades.

Written or in writing: Written or in writing in hard copy or electronically, unless otherwise indicated.

1.7 Political Activities

- a. Political discrimination in all aspects of Cook County employment, including the hiring, promotion, discipline, discharge, award of overtime, evaluation of employee performance and transfer of employees in Non-Exempt Cook County positions under the Office of the President shall be strictly prohibited.
- b. 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 contributing, from receiving a voluntary contribution, or from voluntary participation in political activities.
- c. Nothing herein shall affect the right of any 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 themselves 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.
- f. Complaints alleging unlawful political discrimination as a result of the consideration

of political reasons or factors in any aspect of Cook County employment, including the hiring, promotion, discharge, issuance of overtime, evaluation of employee performance or transfer of employees in non-exempt positions or employment applications seeking a non-exempt position shall be made to the Office of the Independent Inspector General. The Inspector General shall be responsible for conducting or directing the investigation of the complaint.

- g. It shall be the duty of every County employee who learns of any unlawful political discrimination in connection with any aspect of government employment with the County, or who believes that such unlawful political discrimination has occurred or is occurring to report this information to the Office of the Independent Inspector General without undue delay.
- h. County employees and officials shall not retaliate against, punish, or penalize any job applicant, County employee, or County official for cooperating with or assisting the Office of the Independent Inspector General's investigation into unlawful political discrimination.

1.8 Equal Employment Opportunity

- a. Cook County Government is an Equal Employment Opportunity ("EEO") employer. As an employer, Cook County prohibits illegal discrimination and harassment and affords equal employment opportunities to employees and applicants without regard to race, color, religion, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or discharge status, housing status, source of income, gender identity, or genetic information. Cook County is committed to keeping its workplace free from discrimination and harassment and to maintaining an environment in which every person is treated with dignity and respect.
- b. In accordance with applicable anti-discrimination laws and regulations, the purpose of the Cook County EEO Policy is to ensure that the Offices under the Cook County Board President provide a workplace free from discrimination and harassment and provide an effective means for the resolution of discrimination and harassment complaints by County employees and applicants for employment. Cook County encourages its employees and applicants to raise any concerns regarding the EEO Policy with the EEO Office within the Cook County Bureau of Human Resources. Retaliation against any person, who makes a report concerning potential violations of the Policy, is expressly forbidden pursuant to the terms of the Policy.

1.9 Drug-Free Workplace

- a. In accordance with Cook County's Drug and Alcohol Policy, Cook County is a drug-free workplace. The Federal Drug-Free Workplace Act of 1988 (41 U.S.C. 5702-704) is applicable to Cook County Government as a grantee of federal funds.
- b. In accordance with the Federal Drug-Free Workplace Act of 1988, the unlawful

manufacture, distribution, dispensing, possession, or use of a controlled substance in any Cook County Government workplace is prohibited.

1.10 Workplace Violence

- a. Cook County is committed to providing a safe and healthy workplace for its employees and the public. Violence in the workplace is prohibited and will not be tolerated.
- b. Workplace violence includes, but is not limited to, a deliberate, aggressive, and/or hostile act or communication by an individual or group of individuals that is intended to humiliate, harass, bully, threaten and/or force into or deter another individual or group of individuals from some action by inducing fear or causing physical injury to person or property.

RULE 2
POSITION CLASSIFICATION AND COMPENSATION
(Effective February 19, 2020)

2.1 **SCOPE**

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

2.2 **CLASSIFICATIONS**

- (a) Positions shall be classified in appropriate titles for purposes of administration. The Bureau of Human Resources (BHR) shall consider the resolutions of the Board of Commissioners, the provisions of law and all official acts for the duration of the Classification.
- (b) BHR shall maintain standards of duties and requirements of all Career Service Positions and Exempt Positions in a formal job description. The standards established by these rules shall be changed only by authority of the Chief of BHR or his/her Designee. In the event that Federal or State funds are made available to any County Bureau or 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 of BHR, such standards shall not be in the best interest of the County, the Career Service, or the Bureau or Department involved.
- (c) The Classification plan may be amended in writing by the Chief of BHR. 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 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 Classification in the Career Service or on the Exempt List is to be changed, such proposed title change shall be submitted to the Chief of BHR. There shall be no title change without the prior written approval of the Chief of BHR.
- (f) The BHR Workforce Strategy Division shall maintain a functional job description in writing of the duties and requisite qualifications for each Position of employment in all departments and make each description available to the executive department heads.

- (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 of BHR 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 (see definition in section 1.6) in the previous title. 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 or investigation as it deems warranted.

2.3 ENTRY RATE

A new employee entering the County service shall be paid the minimum salary provided in the salary step in which the job has been placed. Advanced step hiring above the entry rate for the grade shall only be done with the written approval of the Chief of BHR only at the written request of the applicable Department Head.

2.4 APPLICABILITY OF STEP PROGRESSION AND STEP PLACEMENT

- (a) Non-Exempt 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 respective salary schedule.
- (b) Anniversary step advancement will be effective the first 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 years of service requirements established in the respective salary schedules.
- (d) Advanced step progression requires a written letter of justification from a department head subject to the approval of the Chief of BHR.*
- (e) Eligibility for step placement for trades apprentices shall be in accordance with provisions as set forth in agreement between the County and respective trades.

* The Chief of BHR has the discretion to authorize and/or conduct salary surveys from time to time, which may result in salary rate adjustments across titles.

2.5 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 unless the reduction is authorized by the Cook County Board of Commissioners pursuant to the implementation of shutdown days, a furlough program, unpaid holidays, or another program established to address a budget deficit, or loss in salary resulting from unpaid leave or zero days.
- (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.

2.6 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 received at the time of transfer, provided the budget of the department to which he or she is being 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 movement shall not set a new anniversary date.

2.7 PROMOTIONS – UNION PAY PLANS

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. If years of service requirements are met, the employee will be placed at the appropriate step that provides a salary increase that complies with longevity requirements.
- (d) A previous Promotion has not been given within the same fiscal year* (see note below).
- (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 within the same agency or in Offices under the President.

*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 prior to 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 and a new probationary period unless otherwise required in the relevant collective bargaining agreement.

2.8 PROMOTIONS - NON-UNION PAY PLANS

Employees promoted into an Exempt Position shall receive the salary commensurate with the Position, duties and experience. Non-Exempt Employees promoted to Positions in higher salary grades shall be entitled to placement in the step of the new salary grade which will provide a salary not to exceed two steps above the salary received prior to the time the Promotion is made or, where applicable, such employees shall be entitled to a salary amount within the posted salary range,** 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) A previous Promotion has not been given within the same fiscal year*** (see note below).
- (d) The budget of the department to which the employee is assigned can accommodate the salary.
- (e) In all cases, an employee must spend at least 6 months in the job Classification from which he or she is being promoted.

*In all cases of Promotion, the employee shall receive at least the first step of the new salary grade. The effective date will set a new anniversary date and a new Probationary Period.

**Effective FY2020, where applicable, non-exempt employees are entitled to salary amounts within the posted salary range of the Positions to which they are promoted.

***If an employee has been given a previous Promotion within the same fiscal year or has less than 6 months in the job Classification from which he or she is being promoted, a written letter of justification is required for final approval of the Promotion by the Chief of Human Resources.

2.9 DEMOTIONS - UNION PAY PLANS

The following shall apply to Demotions from one grade to a lower grade:

- (a) An employee demoted to a Position in a lower salary grade shall have the rate of pay or salary adjusted in the new Position to the same rate of pay of the new salary grade as in the salary grade from which the employee is 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 and had never received the Promotion. In such cases, the Anniversary Date of the employee does not change.

2.10 DEMOTIONS – NON-UNION PAY PLANS

The following shall apply to demotions from one grade to a lower grade:

- (a) An employee demoted to a Position in a lower salary grade shall have the salary adjusted in the new Position to the rate that is equal to two (2) steps per grade lower than the current step but not lower than the lowest rate of the grade for the new Position. The employee's Anniversary Date does not change.
- (b) An employee promoted to a Position in a higher salary grade and subsequently demoted to a Position 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 and never received the Promotion. In such cases, the Anniversary Date of the employee does not change.

2.11 RECLASSIFICATION OF POSITIONS

An employee whose Position 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.

An employee's salary may not align to a salary rate on the new lower grade. In such cases, the employee will receive the rate of pay closest to that received immediately prior to the Reclassification that does not result in a decrease in pay and will advance to the next step

of the new grade that provides a salary increase upon the employee's Anniversary Date.

An employee whose Position is reclassified to a lower grade and whose salary exceeds the maximum salary rate of the lower grade shall remain at the same salary received prior to the Reclassification, not be eligible for a longevity bonus and be frozen at such rate until the applicable salary range of the new grade is adjusted over time and the employee is placed on a step which exceeds the frozen salary on the employee's Anniversary Date.

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 increase not to exceed two steps 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. In no case shall an employee be paid below the minimum salary rate of the higher graded Position.

An employee whose job is reclassified to a Classification in the same grade shall be placed in the same step the employee was assigned to prior to such Reclassification and shall retain the same salary received in the prior Classification.

*If an employee's Position has been previously reclassified within the same fiscal year or the employee has been in the reclassified Position for less than six months, a written letter of justification is required for final approval of the Reclassification by the Chief of BHR

2.12 UPGRADING OF POSITIONS

Employees whose Classifications are 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 the Classification 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. Upon assignment to the higher grade, employees shall be required to work a minimum of one year at each step, except where elsewhere provided for in the respective Salary Schedule. In no case shall an employee be paid below the minimum salary rate of the higher graded Position.

2.13 DOWNGRADING OF POSITIONS

Employees whose Classifications are downgraded 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 the Classification being downgraded. In no case shall an employee be paid below the minimum salary rate of the lower graded Position. The employee's Anniversary Date does not change.

2.14 SALARY RATES BASED UPON FULL-TIME AND PART-TIME EMPLOYMENT

Unless otherwise defined in the applicable collective bargaining agreement, the salary rates prescribed in the Salary Schedules are fixed on the basis of Full-Time service for normal

work weeks of forty (40) hours. For Part-Time service of less than 40 hours per week, the bi-weekly and annual rates in the Salary Schedules are prorated to match the hours worked.

For positions classified as Exempt under the Fair Labor Standards Act (FLSA), 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. Employees in Positions classified as FLSA non-exempt are eligible for overtime pay or compensatory time for hours worked in excess of the normal work week of 40 hours. FLSA non-exempt employees must receive their supervisors' approval prior to working overtime. FLSA exempt employees are not eligible for overtime pay.

2.15 PREVAILING RATE POSITIONS

A prevailing rate 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. All such positions are assigned to Grade X in the Classification and Compensation Plan Schedules.

2.16 SALARIES AND WAGES OF EXTRA EMPLOYEES

Titles and grades of employees on the Extra Account (501140) shall be the same as those of the Regular Account (501010), unless authorized in advance by the Chief of BHR. All such Positions shall conform to the provisions of these rules.

2.17 CONTINUITY OF SERVICE

Absence from County service due to leave without pay for periods in excess of 30 calendar days, all suspensions, layoffs for more than 30 calendar days but less than one year, and all absences without leave shall be deducted in computing total continuous service and will effect a change in the anniversary date.

Seasonal employment of less than 120 calendar days in any calendar year shall not be credited toward Continuity of Service.

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. Employees who have not experienced an interruption in Continuous Service shall establish credit for such prior service by filing, with the Chief of BHR, a certificate of such prior service from such former place or places of employment.

2.18 GENERAL PROVISIONS

(a) All changes in pay shall be implemented the first full pay period following the effective date of the change.

- (b) Any change in the job Classification title terminology not involving a change in the major duties of the job will not affect the status of the employee, including eligibility for increases within a specific salary grade.
- (c) Notwithstanding these provisions as set forth, the Board of Commissioners of Cook County may in its discretion, limit the amount of salary increases, step advancements, cost of living increases or non-compounding cost of living allowances for any or all employees or provide for salary rates in excess of those prescribed.

RULE 3
RECRUITMENT, APPLICATION AND SELECTION
(Effective February 19, 2020)

3.1 SCOPE

This rule applies to all Positions under the jurisdiction of the President. All recruitment, application and selection activities provided herein shall be taken in conformity with the requirements of the applicable Employment Plan and Supplemental Policies incorporated into these Rules by reference, as well as any applicable Collective Bargaining Agreement.

3.2 RECRUITMENT AND APPLICATION

(a) Filling Vacant Positions

1. When there is a Position vacancy, the Department Head desiring to fill such vacant Position shall complete a Request to Hire (“RTH”) form in accordance with the applicable Employment Plan.
2. All RTHs shall be completed pursuant to the requirements established in the applicable Employment Plan.

(b) Recruitment and Use of Third-Party Providers

1. The Chief of BHR or Agency Head of HR will assist Departments in determining various recruitment opportunities and take steps to assure that all recruitment efforts are conducted in a manner that maximizes the pool of Applicants and avoids any unlawful discrimination.

In an effort to recruit Applicants, all Positions which the County is seeking to fill will be posted in accordance with the applicable Employment Plan or Collective Bargaining Agreement, unless otherwise exempted from such posting process pursuant to the applicable Employment Plan.

2. Third-party providers may be used to recruit, validate, interview and recommend Applicants and Candidates for employment.
3. The use of third-party providers shall be governed by the applicable Employment Plan and/or Supplemental Policy.

3.3 QUALIFICATIONS OF APPLICANTS

- (a) In order to qualify as an Applicant for any Position, a person must meet all the requirements specified by law, in these rules, in the applicable Employment Plan and in the notice of job opportunity or Job Description.

(b) The Chief of BHR or Agency Head of HR may reject or disqualify any Applicant or disqualify any otherwise eligible Candidate 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 is an applicant for Positions in certain County facilities.
2. Lacks any of the requirements as set forth in the notice of job opportunity or job description or fails to demonstrate the skills, abilities and qualifications set forth in the job description during the application process or probationary status. Employees holding a Position in an at-will status may be terminated at any time.
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, including, but not limited to, being found to have engaged in unlawful political discrimination.
6. Has been previously discharged "for cause" or has resigned to avoid discharge from any prior employment.
7. Has intentionally 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.
11. Currently is on the Ineligible for Rehire List.

- (c) All Applicants/Candidates are responsible for reporting to and participating in all parts of the selection process, including the interview, any required examination that may be administered as part of the application or interview process, 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 Chief of BHR or Agency Head of HR. Applicants/Candidates who fail to follow such instructions shall become ineligible.
- (d) Fraudulent conduct or false statements by an Applicant/Candidate or by others with the Applicant/Candidate's involvement, in any application or interview, may be cause for the exclusion of such Applicant/Candidate from consideration, removal of such Applicant/Candidate's name from all eligible lists, and/or discharge from the service after appointment.

3.4 APPLICATIONS

- (a) Applications must be timely submitted in the manner required by the applicable Employment Plan.
- (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 Chief of BHR or the Agency Head of HR to furnish evidence of a degree of education, satisfactory training or experience, or license of the profession.

3.5 SELECTION

(a) Selection of Applicants/Candidates

The selection of Applicants and Candidates for employment and/or promotional opportunities shall be handled in accordance with the applicable hiring process set forth in the applicable Employment Plan or Collective Bargaining Agreement.

(b) Confidential Nature of the Selection Process and Material

It is the responsibility of every employee and representative of BHR to treat as confidential any information available to them concerning employment materials and ratings earned by Applicants/Candidates. Any employee engaging in corrupt or negligent practices in connection with the employment and selection process shall be subject to disciplinary action.

3.6 ELIGIBILITY LISTS

Persons shall be ensured an interview or be certified for appointment to Positions from eligible lists where applicable in the following sequence: recall lists; validated promotional lists; and validated eligibility lists.

3.7 VALIDATED PROMOTIONAL LISTS, VALIDATED ELIGIBILITY LISTS AND INTERVIEW LISTS

Validated promotional lists, validated eligibility lists and interview lists shall be subject to the following rules:

- (a) Depending upon the Position, the method of application and applicable hiring process, the Chief of BHR or the Agency Head of HR shall verify eligibility prior to providing a list of Candidates to the Department for interview and/or selection. The Chief of BHR or Agency Head of HR shall screen and apply any preferences, including, but not limited to Veterans Preferences, as defined in Chapter 44 section 44-47(6) of the Cook County Code of Ordinance, and validation requirements as required per the applicable Employment Plan and/or Collective Bargaining Agreement. If required per the Employment Plan, the Chief of BHR or the Agency Head of HR shall forward interview lists to the hiring Department for interview and ranking from the applicable validated promotional or eligibility list.
- (b) Names of eligible persons shall be removed for any of the following reasons:
 - 1. Failure to respond to a request by BHR or the Agency Head of HR 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 Rule 3.3(b).
 - 5. Failure to report for an interview, a medical examination, or drug test, where required.
 - 6. Failure to report to work after appointment.
 - 7. Decline of an offer of employment or deferral for more than three months an offer of employment, unless otherwise approved by the Chief of BHR or the Agency Head of HR.

3.8 OFFERS OF EMPLOYMENT

- (a) The appointment or offer of Candidates for employment and/or promotional opportunities shall be made as authorized in the applicable Employment Plan from the eligibility lists following interview and ranking by the hiring Department, where applicable.

- (b) An offer of employment must be accepted within a period of five (5) days, unless otherwise authorized by the Chief of BHR or Agency Head of HR. If the Candidate declines the offer, the Candidate will then be removed from the ranked interview list for said Position and will not move forward in the interview process.
- (c) Post-Offer Testing shall be handled consistently with the policies and procedures set forth in the applicable Employment Plan. Post-Offer Testing conducted by BHR or the Agency Head of HR shall include any required investigation of the background of selected Candidates, including, but not limited to, fingerprinting to ascertain criminal records and verification of claimed experience and training, as BHR determines is necessary to establish the fitness and qualifications of the Candidate.

3.9 PROBATIONARY PERIOD

- (a) Except as modified by a Collective Bargaining Agreement, a period of probation for any new employee in a Career Service Position who has been appointed after the effective date of these Rules shall be twelve (12) months of continuous service. The Probationary Period for a current employee who is not in an at-will status or otherwise covered by a Collective Bargaining Agreement who has been appointed to a new Position after a Promotion is fixed at a period of six (6) months of continuous service.
- (b) An employee (other than an at-will employee) who successfully completes the Probationary Period will have the status of a Career Service employee.

3.10 TRANSFER

Transfers shall be conducted in accordance with the applicable Employment Plan, Supplemental Policy and Rule 2 of the Personnel Rules.

3.11 DEMOTION

Demotions shall be conducted in accordance with the applicable Employment Plan, Supplemental Policy and Rule 2 of the Personnel Rules.

**RULE 4
RESERVED**

RULE 5
PERFORMANCE MANAGEMENT
(Effective February 19, 2020)

5.1 SCOPE

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

5.2 PERFORMANCE EVALUATION POLICY

The performance of all employees will be evaluated periodically in accordance with systems and procedures established by the Bureau 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.

5.3 PERFORMANCE EVALUATION SYSTEMS

The Bureau Chief shall develop performance evaluation systems which may take into account differences in work performed and level of Positions involved. The Bureau 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 Bureau 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.

5.4 PERFORMANCE EVALUATION RECORDS

The evaluation of the performance of individual employees shall be reported on forms and at times prescribed by the Bureau 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.

5.5 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.

RULE 6
LEAVES OF ABSENCE
(Effective February 19, 2020)

6.1 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 the Chief of BHR or collective bargaining agreements which stipulate otherwise, which may deviate from these provisions.

The heads of the various county offices, agencies, or departments, 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, agency 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 of BHR.

6.2 LEAVES OF ABSENCE WITH PAY

(a) Designation of Holidays

1. The following dates are hereby declared holidays, except in an emergency and for necessary operations, for all salaried County officers and employees in the County offices, departments, or institutions.

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
Floating Holiday	

2. 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.
3. All salaried employees shall be granted the above holidays, or equivalent paid days off per year. 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 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).
2. 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 for any purpose other than to cover an absence related illness and shall not be used as additional vacation leave.
3. All eligible salaried 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.
4. All eligible part-time employees shall be granted sick leave with pay proportionate to the time worked per pay period.
5. Sick leave may be accumulated to equal, but at no time to exceed, one hundred seventy-five (175) working days. Records of sick leave credit and use shall be maintained by each office or department, through the CCT System. 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.

6. Sick leave may be used by employees on maternity or paternity leave during the first four (4) to six (6) weeks following childbirth, depending on the type of delivery. Use of sick leave during maternity or paternity leave may be extended upon the Leave Coordinator's receipt of a medical statement indicating that the employee is unable to return to work due to medical reasons.
7. After five (5) consecutive non-FMLA sick days, employees shall submit to their department head a doctor's certificate indicating the need for the absence. Employees are not required to disclose medical conditions to their department heads.
8. Upon returning to work, the employee shall provide to the BHR Personnel Services Manager a completed Return to Work Release Form.
9. The employee has the burden of establishing that an illness related absence was legitimate. Failure to provide such reasonable evidence or proof of illness may result in the denial of sick leave benefits, or revocation of benefits granted. The determination as to appropriateness of the sick leave will be made by the employee's supervisor. In addition to denial of sick leave benefits, where the circumstances indicate that the employee is abusing sick leave, disciplinary measures may be taken.
10. If, in the opinion of the Department Head (or Designee) the health of an employee warrants prolonged absence from duty after exhaustion of sick time, the employee will be permitted to use his/her vacation and/or personal days, if any, with the prior approval of the Department Head (or Designee).
11. The employee may apply for disability under the rules and regulations established by the Cook County Annuity and Benefit Fund.
12. Severance of employment prior to the use of any part of such sick leave terminates all rights to such sick leave accrual and compensation for such sick leave unless such sick leave continues to accrue under another County office or agency.
13. If an employee is recalled from layoff status into the same or a new Position in the County Agency, as defined in the Budget Resolution, from which the employee was laid off, the employee shall receive the full benefit of the sick leave accrual severed from the employee at the time of layoff.

(c) **Vacation leave**

1. All officers and employees, other than seasonal employees, who have completed one year of service with Cook County, including service mentioned in subsection 5 of this Section, shall be granted vacation leave with pay for periods as follows. Vacation accruals for employees 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>
1 - 6	10 working days	20 working days
7 - 14	15 working days	30 working days
15 onward	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 the heads of the County offices, departments, or agencies 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 of Cook County, the Metropolitan Water Reclamation District of Greater Chicago, agencies under the State of Illinois, including, without limitation, the University System, the Regional Transportation Agency, the Chicago Transit Authority 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. See Rule 2.17, *Continuity of Service*.
6. In the event an employee has not taken vacation leave as provided under this section by reason of separation from service, the employee's unused accumulated vacation will be paid out following separation from service. In the event of death of an employee, the employee's spouse or estate shall be entitled to receive such unused accumulated vacation.
7. In computing years of service for vacation leave and vacation leave accruals, employees shall be credited with regular working time plus the time of duty

disability.

8. Any Cook County employee returning from military leave in accordance with the Military Service Policy shall be entitled to be credited with working time for each of the years absent due to military service. The employee'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.

(d) Bereavement Leave

An employee will be entitled to three (3) normal days' pay of excused leave to attend a funeral, make arrangements, or grieve the death of a member of the employee's immediate family or household. Where death occurs and/or the funeral is to be held outside a one-hundred and fifty (150) mile radius from the Cook County Building, 118 North Clark Street, Chicago, Illinois, the employee will be entitled to a maximum of five (5) normal days' pay of excused leave.

An employee will be entitled to a maximum of ten normal (10) days' pay to attend a funeral, make arrangements, or grieve the death of a child or up to a maximum of thirty (30) normal days' pay to attend the funeral, make arrangements, or grieve the death of more than one child in a 12-month period.

For purposes of this section, immediate family includes mother, father, husband/wife, domestic partner, civil union partner, child (including stepchildren and foster children), brothers, sisters, grandchildren, grandparents, spouse's parents or such persons who have reared the employee.

Unless impracticable or unreasonable, the employee must provide the Supervisor and Leave Coordinator with at least 48 hours' advance notice of the intention to take bereavement leave. The leave must be completed within 60 days after the date on which the employee received notification of death of the employee's child, immediate family or household member, unless otherwise approved.

Within 48 hours after returning to work, the employee shall provide to the Supervisor (or Designee) proof of death (e.g.: obituary or newspaper announcement), relationship to the deceased and attendance at the funeral. Failure to provide such supporting documentation may lead to discipline, up to and including discharge, and the employee may be required to reimburse the County for any payment received as a result of the bereavement leave.

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, personal day(s) or floating holiday 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, provided, however, that any employee requesting a leave of absence with pay must meet the following conditions:

1. The employee must be a delegate or alternate delegate to the convention as established in the by-laws of the organization.
2. They must register with the credentials committee at the convention headquarters.
3. 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.
4. They must have attended no other veterans' convention, with a leave of absence with pay, during the fiscal year.
5. 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) and those in a per diem pay status 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 (1/2) day at a time, unless otherwise stated in the County's Time and Attendance Policy.
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, unless otherwise approved by the Supervisor. 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. No more than one (1) personal day may be carried over to the next fiscal year.
8. Severance of employment shall terminate all rights to accrued personal days.

(h) Military Service Leave

Employees called to perform uniformed service, whether in the reserves or on active duty, and whether members of the United States Marines Corps, Army, Navy, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service, and/or any reserve component of the State of Illinois and others designated by the President of the United States in a time of war or emergency, will be provided Military leave in accordance with state and federal law.

Employees have reemployment rights upon completion of military service, subject to terms outlined in the Military Service Leave Policy. The County is not required to maintain temporary Positions while an employee is on Military Service Leave. Employees should contact the BHR Leave Coordinator with questions pertaining to Military Service Leave.

(i) Parental Leave

Eligible non-union County employees shall be granted parental leave as an

alternative to maternity/paternity leave, as outlined in the County's Parental Leave Policy. Parental Leave shall be administered in conjunction with the Family and Medical Leave policy, and may be combined with other accrued paid time such as vacation, personal, and/or sick time (consistent with the Sick Leave policy above). Employees should contact the BHR Leave Coordinator with questions pertaining to Parental Leave.

(j) **Organ Donor Leave**

Cook County provides paid leave to employees for the purpose of organ or bone marrow donation. Employees must have been employed by the County for a period of at least 12 months to be eligible for leave. Employees should contact the Bureau of Human Resources Leave Coordinator with questions pertaining to Organ Donor Leave.

6.3 LEAVES OF ABSENCE WITHOUT PAY

Unless otherwise noted, during a Leave of Absence Without Pay, employees are responsible for continued payment of the employee contribution portion of their health insurance benefits and as invoiced by the Department of Risk Management.

(a) **Personal Leave**

An employee not affected by the leave of absence rules as administered under a collective bargaining agreement may be granted a leave of absence, without pay, by the Department Head with the written approval of the Chief of BHR. Approval of personal leave will be based upon the operational needs of the department. Such leave of absence shall be limited to one month for every full year of continuous employment by the County, with a maximum of one year of leave. Personal leave shall not be granted in increments of less than one month.

During a personal leave, the County shall not pay any insurance benefits; however, the employee may retain insurance benefits at the employee's own cost. 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, provided that the department budgeted for the employee's Position. If the department's budget cannot accommodate the salary, the employee shall be eligible to have the salary received at the time the leave started restored at the earliest possible date. In all cases, the department shall provide the County Comptroller with the names of any employees on leave of absence.

Employees shall be returned to work in accordance with the provisions in Rule 12.

(b) **Maternity/Paternity Absence**

Employees shall be granted maternity or paternity leaves of absence to cover periods of pregnancy, postpartum childcare, adoption of a child and placement of a child in foster care. FMLA shall run concurrently with maternity or paternity leave. FMLA eligibility is not a precondition to maternity/paternity leave.

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:

1. An employee requiring maternity/paternity leave shall, no later than 30 calendar days before the expected date of delivery, request such leave through the Cook County Time and Attendance System and upload supporting documents signed by a physician, indicating the expected date of delivery.
2. A pregnant employee may continue to perform her job duties until otherwise advised in writing by her physician. The employee shall provide such document to the Leave Coordinator and accordingly, notify her supervisor.
3. An employee returning to work from maternity leave shall be eligible for reinstatement as soon as her physician deems her able to assume her job duties. Prior to reporting to her work location, the employee shall bring to the BHR Personnel Services Division, a written statement from her physician indicating that she is capable of resuming her duties.
4. The reinstatement rights of an employee returning from maternity/paternity leave will be identical to those of an employee returning from an ordinary disability leave, as defined by the Cook County Annuity and Benefit Fund.
5. An employee returning to a safety sensitive Position following a leave of absence of 30 consecutive calendar days or more shall be subject to a drug and/or alcohol test.

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

The Family and Medical Leave Act (“FMLA”) provides eligible employees up to twelve (12) work weeks of unpaid leave for certain family and medical reasons during a rolling twelve-month period, and provides other eligible employees up to 26 weeks of unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness. Employees on FMLA leave are entitled to group health plan coverage on the same terms as if they continued to work.

At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent Position. All terms in this section

are used in accordance with the definitions set out in the County's FMLA Policy. An eligible employee may be entitled to FMLA leave for one of the following reasons:

1. Due to the birth of a child of the employee and to care for the child
2. Due to the placement of a child for adoption or foster care;
3. In order to care for employee's spouse, child or parent who has a serious health condition;
4. Due to the employee's serious health condition that renders the employee unable to perform the functions of his or her job;
5. Due to any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

An eligible employee is entitled to a total of 26 work weeks of unpaid leave in a 12-month period if he or she is the spouse, son, daughter, parent or next of kin of a member or veteran (within the last five years of the United States Armed Forces who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, and the eligible employee is required to care for the service member. An employee's combined leave total may not exceed 26 work weeks in a 12-month period.

An eligible employee may take Family Medical Leave on a continuous, intermittent or reduced schedule basis. If the need for FMLA leave is foreseeable, the employee must provide the BHR Leave Coordinator 30 days' advance notice of the leave. When the need is not foreseeable, the employee must provide the BHR Leave Coordinator notice of the intention to take leave as soon as is reasonable and practicable.

Employees and their physicians must provide sufficient certification supporting the need for the leave to the Leave Coordinator. Necessary Form(s) may be obtained from the Leave Coordinator. Employees are required to have a physician submit FMLA recertification documents of the type or duration of leave changes. Employees may use approved FMLA leave only for the purpose(s) set forth in the approved request(s). Employees must file additional requests to cover other applicable family and medical situations.

Employees on FMLA leave will be required to use at least half of their sick, compensatory, and vacation time, in this order, as of the first date of absence, before taking any unpaid leave. Employees may opt to use more than the required

half of each accrued leave bank in order to be compensated while on leave. Any portion of the FMLA leave to which accrued leave is not applied will be without pay, unless the employee is eligible for holiday pay. For more information, please see the County's Family and Medical Leave Act Policy.

(d) **Family Military Leave (Non-FMLA)**

An eligible employee who has exhausted all vacation leave, personal leave, compensatory leave and any other leave granted to the employee, except sick and disability leave, may take up to 30 days of unpaid Family Military Leave due to the employee's spouse or child being called to military service. The number of days of leave provided under the Illinois Family Military Leave Act will be reduced by the number of days of Qualifying Exigency Leave provided under the Family Medical Leave Act ("FMLA"), further detailed in the County's FMLA Policy. Employees should contact the Human Resources Leave Coordinator with questions pertaining to Family Military Service Leave.

(e) **Victims' Economic Security and Safety Act (VESSA)**

An employee who is a victim of domestic or sexual violence (sexual assault or stalking) or an employee who has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may be eligible to take VESSA leave from the first day of employment if the employee or employee's family or household member is experiencing an incident of domestic or sexual violence or to address domestic or sexual violence as provided in the County's VESSA Leave Policy. Employees seeking VESSA leave should notify the BHR Leave Coordinator at least forty-eight (48) hours in advance of taking VESSA leave, unless such notice is not practicable. If such notice is not practicable, then the employee must provide notice of VESSA leave within a reasonable time period.

Employees may request VESSA leave through the Cook County Time and Attendance (CCT) System or by submitting a completed VESSA Leave Request Form to the BHR Leave Coordinator. The employee must provide proper certification and supporting documentation to the BHR Leave Coordinator. Failure to provide proper certification and documentation may result in delay or denial of leave. For more information, please see the County's Victims' Economic Security and Safety Act Leave Policy.

6.4 **DISABILITY PROVISIONS**

Employees should contact the Cook County Annuity and Benefit Fund (“Fund”) to obtain an application, benefit information, eligibility rules and other documentation pertaining to ordinary or duty-related disability.

(a) **Ordinary Disability**

Ordinary disability is the result of injury or illness due to any cause other than that incurred in the performance of an act of duty. Employees seeking ordinary disability benefits are required to use all accrued paid leave (sick, personal and vacation) before any disability payment can be made by the Fund.

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**

Duty-related disability results from injury or illness that arises out of and in the course of employment and in accordance with the Illinois Worker’s Compensation Act, 820 ILCS 305, *et seq.*

1. It is the responsibility of injured employees to report any injury, regardless of severity, as soon as possible to their supervisor. The responding supervisor should ensure that the employee is provided with the appropriate medical response to the injury. The supervisor may, depending on the nature of the injury, request outside medical response to the situation. Once the injured employee provides verbal notice, the supervisor or manager is responsible for reporting the claim to the Department of Risk Management.
2. Cook County Department of Risk Management is responsible for the administration and payment of Worker’s Compensation benefits for injuries or illness sustained in the course and scope of employment with Cook County. The

Department of Risk Management performs these duties in accordance with the Illinois Workers' Compensation Act.

3. The injured worker is required to cooperate with the Department of Risk Management and at a minimum, must provide written medical updates within 24 hours of any evaluation and updated medical information and work restrictions every 30 days or as otherwise requested. The work restrictions should be shared with the employing department, and the employing department should make an effort to provide modified duty as outlined in the work restrictions.
4. 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.
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. Employees on approved duty-disability leave will accrue paid time off in the same manner as afforded in the normal course of County Employment.

6.5 MAINTENANCE OF RECORDS

- (a) The Cook County Bureau of Human Resources shall maintain leave records for employees under the jurisdiction of the President of the Cook County Board of Commissioners.
- (b) Respective elected officials and/or Departments/Bureaus shall maintain leave records for employees not under the jurisdiction of the President of the Cook County Board of Commissioners.

6.6 DUTY TO INFORM

Employees must inform their Supervisors and the Leave Coordinator of their intention to go on leave in accordance with the notice provisions contained herein. Before departure, employees must provide the Supervisor with a current address and telephone number and maintain current contact information while on leave. In addition, Supervisors may require employees to report in on a reasonable periodic basis. Employees who wish to extend a leave must so inform the Supervisor and Leave Coordinator at least thirty (30) days before the scheduled return date, unless a medical emergency precludes such notice.

Employees must contact their Supervisors and the BHR Personnel Services Unit at least two weeks before returning from leave and complete all processing, including medical examinations, if applicable, before they can return to work. Failure to comply with these provisions may lead to disciplinary action, delays in reporting and/or forfeiture of pay.

RULE 7
REDUCTION IN WORK FORCE, LAYOFF AND RECALL
(Effective February 19, 2020)

7.1 **SCOPE**

This rule applies to all Positions covered by the Career Service.

7.2 **GENERAL**

Should the County determine that it is necessary to decrease the number of employees within a job Classification, the surplus employees in the Classification shall be removed in reverse order of seniority.

7.3 **NOTICE**

When a reduction in work force or Layoff occurs within the Offices under the President and also Departments covered by the Employment Plan, the Department Head shall notify the Bureau Chief of Human Resources of the Positions which must be vacated. The Bureau Chief of Human Resources shall notify the Department Head, in writing, of the names of the employees having the least seniority in those Positions affected by the reduction in force or Layoff. The Department Head shall conduct the reduction in force or Layoff in accordance with reverse order of seniority or as otherwise provided by the collective bargaining agreement or Supplemental Policy.

7.4 **ORDER OF LAYOFF**

A reduction in work force or Layoff shall be made according to Classification within a department, and shall be made in the following order: probationary Career Service employees and Career Service employees. The Bureau Chief of Human Resources 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 Classification within the department. If two or more Career Service employees have the same seniority, the Department Head 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.

Employees who have been notified that their Positions will be laid off may apply for any posted Position(s) for which they qualify and if selected, shall receive a salary within the range of the posted Position.

7.5 RECALL

The names of Career Service employees who are laid off shall be placed on appropriate lists, upon written application by the employee within 60 days after being laid off. Those employees on a recall list shall be ensured an interview for any Position for which they apply and meet the minimum qualifications.

The name of an employee shall be retained on a recall list until the person is re-employed or one (1) year, whichever comes first, except that a name will be removed if the person is offered and declines an appointment to a Position during the Layoff period.

RULE 8
CONDUCT AND DISCIPLINE OF PERSONNEL
(Effective February 19, 2020)

8.1 **SCOPE**

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

8.2 **RULES OF CONDUCT**

- (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) The following conduct, discussed below, when engaged in by an employee, will result in disciplinary action which may include discharge unless the employer, taking all circumstances into account deems it to be excusable:

CRIMINAL OR IMPROPER CONDUCT

- 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. Intimidate or coerce another employee through physical or verbal threats.
- 5. Patient, employee or visitor abuse or harassment including, but not limited to, racial and ethnic slurs.
- 6. Unauthorized possession of weapons.
- 7. Willful destruction of Cook County property.
- 8. Failure to carry out a lawful rule, order or directive of an employee's supervisor related to the performance of the employee's duties.
- 9. Assaulting, threatening, intimidating or abusing a supervisor either physically or verbally.

10. Theft or unauthorized possession of patient, employee, or County property.
11. 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.
12. The arrest or criminal indictment of any employee may be grounds for suspension if the arrest or indictment and facts in support of either made known to a Department Head (or Designee):
 - a. Resulted from an employee's conduct in the course of employment duties, including a failure to perform such duties; or
 - b. Occurred on or proximate to County premises and as a result of the employee's conduct thereon; or
 - c. Raises reasonable doubt concerning the employee's suitability for continued County employment in the present assignment or Position.

JOB PERFORMANCE, TARDINESS AND ABSENTEEISM

13. Negligence in performance of duties.
14. Incompetence or inefficiency in the performance of duties of the Position. This means performance of the duties of the Position at a level lower than that ordinarily expected of other employees in similar Positions, due to either a lack of ability, knowledge or fitness, lack of effort or motivations, carelessness or neglect.
15. Misuse of timekeeping facilities or records by:
 - a. Changing the timekeeping records of another employee by any means without proper authorization.
 - b. Altering or falsifying time sheets, timecards, or other records.
16. Absence without an approved leave. A department head or his/her designee may discipline an employee for an absence without leave of any duration, including discharge in appropriate circumstances. A department head is required to initiate discharge action against an employee who is absent without an approved leave for three consecutive work days.
17. Be repeatedly tardy or excessively absent from work, or be absent or tardy without justification or proper notification.
18. Falsification of employment records or any other County records

through misstatement or omission of pertinent facts or information.

19. 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.

VIOLATION OF COUNTY POLICY

20. Misuse of confidential or proprietary information, or use of confidential or proprietary information for other than a business purpose.
21. Fail to follow instructions or fail to work in accordance with County policies, procedures and/or practices.
22. Post or distribute unauthorized literature or pamphlets or remove authorized notices from bulletin boards without prior permission.
23. Engage in non-County business or sales of any kind without prior authorization.
24. Leave assigned place or area of work during working hours without permission of the supervisor.
25. Loiter or remain on County premises outside of duty hours without authorization from supervisory personnel.
26. Litter, create or contribute to unsanitary conditions.
27. Smoke in prohibited areas.
28. Engage in gambling on County premises.
29. Sleeping or inattention to duty during working hours.
30. 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.
31. Create an unsafe condition or fail to abide by safety and/or fire prevention regulations.
32. 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.

33. Violation of the County's Human Rights Ordinance, Ethics Ordinance, or any other executive order issued by the President of the Board of Commissioners or Ordinances enacted by the Board.
34. Violation of the Employment Plan and/or its supplemental policies.
35. Violating any departmental regulations, work rules or procedures.
36. Conduct unbecoming an employee or conduct which brings discredit to the County.

8.3 DISCIPLINARY ACTION

- (a) Disciplinary action procedures apply to all Career Service employees. Non-Career Service employees are employed "at will." They may be disciplined or discharged at any time for any reason or no reason so long as the reason is not illegal under the law. Non-Career Service employees have no expectation of continued employment. Therefore, while the conduct rules set forth in Section 8.03 may be used as guidelines by supervisors in dealing with non-Career Service employees, and will be useful to such employees in conforming their conduct to County requirements, discipline is not limited to the reasons stated therein, nor are the hearing and progressive discipline procedures applicable.
- (b) 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.

Progressive discipline is a systematic approach to correct unwanted behavior and deter its occurrence by administering disciplinary actions based upon various factors, including, but not limited to, the severity of the infraction, the number of times it has occurred, and the totality of the circumstances surrounding the misconduct. Cook County recommends the use of progressive and corrective discipline where appropriate. Cook County uses progressive discipline at its discretion and does not solely rely on this concept in every instance when taking disciplinary action. Examples of infractions that may not warrant reliance on progressive discipline include, but are not limited to:

1. The unlawful possession or unauthorized manufacture, distribution, dispensation, possession or use of a controlled substance, drug paraphernalia or alcohol while on duty, in County vehicles or on County premises, or while engaged in County activities.

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. Absence for three consecutive workdays without notifying the immediate supervisor or department head.
 4. 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.
 5. 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.
- (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.
 7. The totality of the circumstances surrounding the misconduct.
- (d) In general, discipline will include the following steps:
- 1st Offense - Oral Reprimand.
 - 2nd Offense - Written Reprimand.
 - 3rd Offense - Suspension.
 - 4th Offense - Discharge.

- (i) Disciplinary action may begin, or advance to, any step specified above dependent upon the nature of the infraction.
 - (ii) Employees must serve a suspension in consecutive scheduled workdays.
 - (iii) Disciplinary action may only be appealed in accordance with the Grievance/Appeals Board Procedure or any applicable collective bargaining agreement.
- (e) 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 of BHR or Agency head of HR, before the employee is notified of such action.
- (f) All disciplinary action for employees must be issued in accordance with these rules, the Employment Plan and the relevant Cook County or agency policies. No decision with respect to employee discipline may be based upon any Political Reasons or Factors as defined by the applicable Employment Plan.

8.4 PROCEDURE

(a) Pre-disciplinary Hearings

1. Except for probationary, at-will employees or other employees who are Exempt or otherwise exempt from provisions of these Rules or from Career Service, departments shall conduct a pre-disciplinary hearing for all employees for all rule violations that may lead to a suspension or discharge before imposing disciplinary actions. Pre-disciplinary 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 by hand delivery or postal mail. 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, the policy or rule alleged to have been violated, and the possible disciplinary action that might be imposed should the charges be sustained.
2. The Independent Inspector General shall be notified in writing of the time and place of any pre-disciplinary hearing scheduled by a Department resulting from a sustained Office of the Independent Inspector General finding in order for the Independent Inspector General or his or her designee to present any testimony or evidence regarding his or her findings.
3. Departments should convene a hearing and impose disciplinary action as soon as practicable after the alleged infraction occurred or became known

to the Department. However, any challenge to the timing of the hearing 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. 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.

4. 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 disciplinary action consisting of a written warning, suspension or termination, in accordance with the Employment Plan.
- (c) Copies of the Disciplinary Action Form are distributed as follows:
 1. The employee.
 2. The department head.
 3. The collective bargaining representative or unit, if any.
 4. For office under the president, where there has been a suspension or termination a copy must be distributed to the Chief of BHR and the Cook County Compliance Officer within 5 days of issuing the discipline.
- (d) **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. A Disciplinary Action Form documenting an oral reprimand may be considered in issuing subsequent discipline for a period of one (1) calendar year.
- (e) **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. A Disciplinary Action Form documenting a written reprimand may be considered in issuing subsequent discipline for a period of one (1) calendar year.
- (f) **Suspension:** Suspension may be given where there has been previous disciplinary action or for the first infraction of a more serious nature. A Disciplinary Action Form documenting a suspension may be considered in issuing subsequent discipline for a period of four (4) calendar years.

For Career Service employees not covered by a collective bargaining agreement, suspensions exceeding 10 workdays shall be in conformance with the procedure under the following section concerning **Discharge**, paragraph 3 (Employees not Covered by a Collective Bargaining Agreement).

(g) **Discharge**

1. Discharge is invoked for just cause, which is defined as conduct that is so serious in nature or extent that it justifies terminating the employment relationship. Just cause includes, but is not limited to the following:
 - (i) 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.
 - (ii) Misconduct that after considering all the relevant factors listed in Rule 8.042 is so serious that discharge of the employee is necessary to maintain the efficient and effective operation of the department.
2. Employees Covered by a Collective Bargaining Agreement:
 - (i) 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.
 - (ii) 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:
 - The employee is to be discharged.
 - The employee is given lesser disciplinary action than discharge, or none at all, and the employee's personnel file reflects the decision.
 - (iii) 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:

- (i) 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.
- (ii) The employee may respond to the charges in writing within five (5) calendar days of the conference before disciplinary action is taken.
- (iii) 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.
- (iv) 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.
- (v) 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 or Agency Head of HR before the employee is notified of such action.

8.5 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 and time is needed to conduct an investigation. Departments must report all emergency suspensions to the Chief of BHR. In no case shall an emergency suspension exceed 15 working days without the prior written approval of the Chief or Agency Head of HR. Emergency suspensions shall not be considered discipline.

8.6 REPRESENTATION: An employee may have a representative of his or her 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.

- 8.7** **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 PROCEDURE
(Effective February 19, 2020)

9.1 **SCOPE**

Except as set forth below, this rule applies only to Career Service Status employees except where the employee has a right to grieve under a collective bargaining agreement.

9.2 **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 in a disciplinary action. "Grievance," as defined herein, shall not include disputes over any terms and conditions of employment, hiring/promotion, salary scales or wage rates.

9.3 **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.
- (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) For grievances not related to the employee's department, the grievance should be filed with the Bureau of Human Resources or Agency Human Resources Department, if applicable, which will answer it, or will forward it as appropriate.
- (e) 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.
- (f) 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.
- (g) Employees in their initial period of probation as a new employee shall have no recourse or right to the grievance/appeals board procedure.

9.4 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.

9.5 PROCEDURE

- (a) **Step One:** The employee advances the grievance as follows:
 - 1. The employee obtains a Grievance Form from the agency or department's human resources office.
 - 2. The employee writes the nature of the grievance and the resolution sought on the Grievance Form and -
 - (i) Has the grievance recorded at the agency or department's human resources office.
 - (ii) Presents the grievance to the immediate supervisor.

In all cases it will be the responsibility of the agency or 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 or Agency Head of HR, 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 may be submitted directly to Step 3.

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.

9.6 **APPEALS TO THE EMPLOYEE APPEALS BOARD**

- (a) This section applies to all Career Service employees not covered by a collective bargaining agreement.
- (b) This section governs appeals by an employee of discharge, demotion or suspension for a period exceeding ten days:
- (c) **Hearings and Findings**
 1. The employee shall be given written notice of the disciplinary decision by the department head or designee. The employee may appeal the department head's or designee's decision to the Employee Appeals Board by making a

written request therefor within (5) five calendar days of the effective date of discipline. An appeal shall not affect the effective date of discipline.

2. The Employee Appeals 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.
3. All proceedings before the Employee Appeals Board, one of its members, or a hearing officer appointed by the Board shall be recorded.
4. Upon motion and good cause shown, the Employee Appeals Board may allow discovery by any method available in civil cases in the courts of the State of Illinois.
5. 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 as determined by the Board, or if no Position exists due to reorganization, to a like Position, upon notification of the Board's decision, or following such lesser discipline as may be imposed by the Board, as appropriate.
6. Nothing in this section limits the power of the department head or his or her designee to take disciplinary action against a subordinate pursuant to these rules.
7. The Employee Appeals Board may issue rules for the hearing before the board concerning conduct of hearings, discovery and any other topic relevant to the proceedings.

(d) Time limits and Continuances

8. The initial hearing shall be set not more than 45 calendar days following receipt of the request for hearing by the Employee Appeals Board.
9. At the initial hearing, the hearing officer or Employee Appeals Board shall set a date for hearing on the appeal. The hearing on the appeal must be completed within 60 calendar days of the initial hearing date, except upon good cause shown.
10. Either party may request a continuance of the hearing on the appeal for good cause shown.
11. The hearing officer or Employee Appeals Board may condition the granting of a request for a continuance by the employee on the employee voluntarily

waiving any claim to compensation for the period of the continuance if the employee is ordered to be reinstated.

12. 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 continuance has been granted.
13. Any continuances requested by the employee shall toll the time limitations set forth in this section.
14. If the time limitations provided for in this section are not met, the employee shall be entitled prospectively to the pay and benefits of the Position held before the imposition of the 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.
15. The Employee Appeals Board shall file a written report in all cases where a discharged, demoted or suspended employee becomes entitled to the compensation 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.
16. No failure to meet a time limit shall deprive the Employee Appeals Board of jurisdiction.

9.7 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 than 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. A voluntary resignation may still place the employee on the applicable Agency's Do Not Hire List or Ineligible for Rehire List.

- (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
(Effective February 19, 2020)

10.1 **SCOPE**

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

10.2 **MAINTENANCE OF RECORDS**

- (a) The Chief of BHR 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.

10.3 **STATUTORY REQUIREMENTS**

- (b) State and federal laws address the confidentiality and disclosure of personnel-related records. The Freedom of Information Act ("FOIA"), 5 ILCS 140 *et seq.*, provides for the disclosure of public records, including, but not limited to, the names, salaries, titles and dates of employment of all employees and offices of public bodies.
- (c) The Personnel Record Review Act ("PRRA"), 820 ILCS 40 *et seq.*, permits former employees, current employees and/or their union representatives to inspect and copy personnel records, with certain exceptions.
- (d) The Public Labor Relations Act ("PLRA"), 5 ILCS 315 *et seq.*, gives labor unions the right to inspect and copy personnel records upon a showing of relevancy.
- (e) The Americans with Disabilities Act as Amended ("ADAAA"), 42 U.S.C. § 12101, *et seq.*, requires that medical information relating to employees be kept confidential.

10.4 **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. The Bureau Chief or Designee shall have access to password-protected computer files.
- (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

10.5 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 Bureau Chief. This procedure does not apply to employees of BHR and to requests by executive department heads for business related information and for records relating to employees in their department.
 2. **Requests by current employees:** Current employees may inspect their personnel files 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; otherwise, there will be a copying charge of 25 cents per page.

3. **Requests by former employees:** A former employee is one whose employment with the County has terminated. All requests for inspection and copying shall be put in writing and directed to the Bureau Chief or the executive department head. There will be a copying charge of 25 cents per page.
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 Bureau Chief of BHR. There will be a copying charge of 25 cents per page.
6. **Requests by news media or other third party:** Requests shall be put in writing. Requests shall be directed to Bureau Chief or Designee. There will be a copying charge of 25 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 Bureau Chief.

- (c) The time for responding to requests for personnel-related information and documents made pursuant to the PRRA is seven (7) working days, and five (5) working days pursuant to FOIA. Additional time may be granted in accordance with both Acts.

10.6 **INFORMATION AND DOCUMENTS THAT MAY NOT BE DISCLOSED**

(a) **Personnel Record Review Act (PRRA)**

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 (FOIA)**: Pursuant to FOIA, personnel records are generally subject to public request, unless otherwise exempt under the provisions of FOIA or by law.
- (c) **Americans with Disabilities Act as Amended (ADAAA)**: Under the ADAAA, medical information shall not be disclosed except when authorized by the Chief of BHR or Designee or as required by law

10.7 PRESERVATION OF RECORDS

Personnel-related records will be retained in accordance with the records retention policy. In the event of litigation, these records will be retained until the conclusion of the litigation or as prescribed in the records retention policy, whichever is longer.

10.8 CERTIFICATION OF PAYROLLS

- (a) The Bureau Chief shall certify that all employees in County service named on every payroll have been employed in accordance with the current budget. The Bureau 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 Bureau 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 Bureau Chief or Designee.

RULE 11
TRAINING AND DEVELOPMENT
(Effective February 19, 2020)

11.1 **SCOPE**

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

11.2 **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 coordinate training programs that will effectively meet those needs which are unique to the operations of the department concerned.

The Chief of BHR or Designee 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 professional development programs, (c) coordinating training resources, (d) planning and implementing training and professional 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.

11.3 **TYPES OF TRAINING AND PROFESSIONAL DEVELOPMENT PROGRAMS**

The Chief of BHR 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 professional development programs shall be designed and applied to prepare employees for advancement opportunities, with specific consideration given to the requirements of the respective occupational groups and for managerial Positions within the County service. Such professional development programs may be established in a manner which will provide for (a) the identification of Positions toward which the employee's professional development is addressed, (b) the specific elements of training through which employees may progress, and (c) review and evaluations of such programs.

11.4 USE OF OUTSIDE PROVIDERS AND VENDOR FACILITIES

The Chief of BHR, or a department head with the approval of the Chief of BHR, 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 of BHR may enter into agreements with other public jurisdictions for joint staffing, participation in programs and use of training facilities.

11.5 USE OF COUNTY TIME FOR PROFESSIONAL DEVELOPMENT

The County may allow employees to attend career-related programs based on the operational needs of the department.

RULE 12
MEDICAL EXAMINATIONS AND DRUG TESTS
(Effective February 19, 2020)

12.1 SCOPE

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

12.2 POST OFFER OF EMPLOYMENT

Applicants for safety sensitive Positions are required to undergo a drug and/or alcohol test, including a physical examination as a precondition of employment. Such requirements are set forth on respective job postings.

12.3 RETURN TO WORK

Employees returning to work from a medical leave of absence of five (5) or more consecutive work days are required to submit a completed Return to Work Release Form to the Personnel Services Division prior to reporting to work.

Employees in safety sensitive Positions returning to work from a medical leave of absence of thirty (30) consecutive calendar days or more are required to contact the Personnel Services Division and undergo a drug and/or alcohol test, including a physical examination, as part of the return to work process.

12.4 NOTIFICATION

Any medical document excusing an employee from performing work or restricting the performance of his or her job function(s) shall be submitted to the Personnel Services Division. Employees may also contact the EEO Office to request an ADA Accommodation.

RULE 13
DUAL EMPLOYMENT
(Effective February 19, 2020)

13.1 **SCOPE**

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

13.2 **REPORT OF DUAL EMPLOYMENT**

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

- (a) Persons entering County service;
- (b) Any person who after entering the service as an employee becomes engaged in any gainful employment;
- (c) Any employee engaged in any outside employment, whose work schedule in the County service or work schedule in any gainful outside employment has changed;
- (d) Any employee whose dual employment has been discontinued.

13.3 **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 employee's 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 13.3 (a)(1) above.

- (b) 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.

13.4 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.