

Berwyn Park District  
Monthly Committee Meeting  
Freedom Park Administration Building  
3701 S. Scoville Ave. Berwyn, IL  
April 7, 2026, at 4:30 p.m.  
Agenda

- I. Call to Order – Roll Call of Commissioners (action)
- II. Adoption of Agenda (action)
- III. WSSRA Presentation
- IV. Public Comments
- V. Correspondence
- VI. Financial Report
  - a. Account Payables (action)
- VII. Policy and Personnel
  - a. Employee Policy Manual Updates
- VIII. Recreation
- IX. Parks and Facilities
- X. Other Business
  - a. Freedom Deed Amendment
  - b. Intergovernmental Agreement with Berwyn School District 100
  - c. Proksa Redevelopment
  - d. Proksa Pond Updates
  - e. City of Berwyn Pool Committee
  - f. Commissioner’s Suggestions
- XI. Commissioner Comments
- XII. Executive Session
  - a. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees.
  - b. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.
  - c. Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06
  - d. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.
- XIII. Approve Items from Executive Session (action)
- XIV. Adjournment (action)

The next regular scheduled meeting of the Board of Commissioners is April 21, 2026, at 6:00pm at Proksa Park Activity Center.

The next Committee meeting of the Board of Commissioners is May 5, 2026, at 4:30pm at Freedom Park Administration Building.

Persons with disabilities requiring reasonable accommodation to participate in this meeting should contact Director Fallon at 708-788-1701, at least 48 hours prior to the meeting.

**BOARD OF COMMISSIONERS**

Gretchen Kostelny, President  
Zachary Taylor, Treasurer  
Janel King, Commissioner

Ana Espinoza, Vice President  
Claire Clark, Secretary



## Cathy Fallon

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**From:** David Hulseberg <davidh@berwyn.net>  
**Sent:** Friday, March 27, 2026 8:47 AM  
**To:** Cathy Fallon  
**Subject:** Re: Berwyn Park District

Cathy, I will have the correction made. Is your Board interested in operating the block party wagons in your district? I am thinking that could be a starting point.

Dave Hulseberg

Get [Outlook for iOS](#)

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**From:** Cathy Fallon <cfallon@berwynparks.org>  
**Sent:** Thursday, March 26, 2026 10:09:12 AM  
**To:** David Hulseberg <davidh@berwyn.net>  
**Subject:** Berwyn Park District

Hi David,

I hope you're doing well. I wanted to reach out regarding the article in the February issue of the BDC magazine. On page 17, it mentions that the Berwyn Park District received a vehicle from the BDC. Would it be possible to include a corrected version of this information in the next edition?

Additionally, the Board and I are interested in exploring opportunities to partner with the BDC to strengthen our relationship. We would appreciate any guidance on how to move forward.

Thank you for your time and assistance!



Cathy Fallon  
Executive Director  
Berwyn Park District | 708-956-7856  
3701 S. Scoville Ave. Berwyn, IL 60402  
[www.berwynparks.org](http://www.berwynparks.org)



## Cathy Fallon

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**From:** Leticia Garcia <lgarcia@ci.berwyn.il.us>  
**Sent:** Friday, March 27, 2026 1:31 PM  
**To:** Cathy Fallon  
**Subject:** RE: Bus Donation Request Update

Good afternoon Ms. Fallon,

My sincere apologies no one reached out to you and informed you, at this time, the Township does not have the means or resources to fund a bus for the Berwyn Park District.

I brought forth your communication and request at our last several meetings. Our Township Supervisor, David, had intended to reach out to you directly regarding this matter. I followed up periodically to ensure communication, and I regret that this update was not shared with you sooner.

Please feel free to reach out to him directly with any questions or concerns.

Best,  
Leticia Garcia  
Berwyn Clerk



**From:** Cathy Fallon <cfallon@berwynparks.org>  
**Sent:** Thursday, March 26, 2026 10:51 AM  
**To:** davila@berwyntownship.org; eespinoza@berwyntownship.org; Leticia Garcia <lgarcia@ci.berwyn.il.us>; jmiranda@berwyntownship.org; nmargarites@berwyntownship.org; zortiz@berwyntownship.org  
**Cc:** Gretchen Kostelny <GKostelny@berwynparks.org>  
**Subject:** RE: Bus Donation Request Update

Good Morning,

I am looking for follow up on the request below.



Cathy Fallon  
 Executive Director  
 Berwyn Park District | 708-956-7856  
 3701 S. Scoville Ave. Berwyn, IL 60402  
[www.berwynparks.org](http://www.berwynparks.org)



**From:** Cathy Fallon  
**Sent:** Monday, February 9, 2026 11:08 AM  
**To:** [davila@berwyntownship.org](mailto:davila@berwyntownship.org); [eespinoza@berwyntownship.org](mailto:eespinoza@berwyntownship.org); Leticia Garcia <[lgarcia@ci.berwyn.il.us](mailto:lgarcia@ci.berwyn.il.us)>; [jmiranda@berwyntownship.org](mailto:jmiranda@berwyntownship.org); [nmargarites@berwyntownship.org](mailto:nmargarites@berwyntownship.org); [zortiz@berwyntownship.org](mailto:zortiz@berwyntownship.org)  
**Cc:** Gretchen Kostelny <[GKostelny@berwynparks.org](mailto:GKostelny@berwynparks.org)>  
**Subject:** FW: Bus Donation Request Update

Good Morning,

I am following up and looking for communication on the below request.  
 If there is additional information necessary for this request to move forward, please let me know.  
 Thank you for your time.



Cathy Fallon  
 Executive Director  
 Berwyn Park District | 708-956-7856  
 3701 S. Scoville Ave. Berwyn, IL 60402  
[www.berwynparks.org](http://www.berwynparks.org)



**From:** Cathy Fallon  
**Sent:** Wednesday, October 15, 2025 1:49 PM  
**To:** [davila@berwyntownship.org](mailto:davila@berwyntownship.org); [eespinoza@berwyntownship.org](mailto:eespinoza@berwyntownship.org); Leticia Garcia <[lgarcia@ci.berwyn.il.us](mailto:lgarcia@ci.berwyn.il.us)>; [jmiranda@berwyntownship.org](mailto:jmiranda@berwyntownship.org); [nmargarites@berwyntownship.org](mailto:nmargarites@berwyntownship.org); [zortiz@berwyntownship.org](mailto:zortiz@berwyntownship.org)  
**Cc:** Gretchen Kostelny <[GKostelny@berwynparks.org](mailto:GKostelny@berwynparks.org)>  
**Subject:** Bus Donation Request Update

Good Afternoon,  
 I have updated the letter to reflect the total cost of the bus.

If there are additional steps, I need to take to formalize this request, please let me know.  
Thanks for your time.



Cathy Fallon  
Executive Director  
Berwyn Park District | 708-956-7856  
3701 S. Scoville Ave. Berwyn, IL 60402  
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10/15/25

Dear David J. Avila Berwyn Township Supervisor & Health Board President,

CC: Leticia Garcia, Jacqueline Pereda, Edward Espinoza, Jesse Miranda, Nicholas Margarites, Zulema Ortiz

I am Cathy Fallon the Executive Director of the Berwyn Park District. The Berwyn Park District's Mission is to enrich the quality of life for the community by providing superior parks, facilities, and recreational services in a fiscally responsible manner. The Berwyn Park District has been working diligently to meet the goals within the mission. The Berwyn Park District has completed a Master Plan to engage residents to understand what they need from their Park District. The Park District has been applying for grants to improve parks. Additionally, the agency has been working hard to reach all different demographics within the programming scope.

While we have made some great strides, the Berwyn Park District still has a lot to accomplish.

We need your support to acquire a new passenger bus through the State of Illinois contract. The total cost of the bus is \$100,873. The primary function of the bus will be to transport our adult program participants to different registered activities, to different venues in the city and suburbs.

Research has shown that social interaction is vital for seniors' overall well-being, offering numerous benefits for their physical, mental and emotional health. This collaborative effort would help meet these goals for residents in the community.

If you have any questions, I would be happy to provide you with more information about how you can help support our work at the Berwyn Park District.

We greatly appreciate your consideration for a donation to the Berwyn Park District.

*Cathy Fallon*

Cathy Fallon, Executive Director  
Berwyn Park District

**DATE:** 4/7/2026  
**TO:** The Board of Commissioners  
**FROM:** Cindy Hayes  
Superintendent of Finance and HR  
**RE:** Accounts Payable Report

**FINANCE**

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**March/April 2026 Payables:**

Check numbers: 26183-26230 (detail listing following this page)

Total: \$ 200,702.46

**I motion to approve the March/April 2026 payables in the amount of \$ 200,702.46**

BERWYN PARK DISTRICT  
 CHECK RECONCILIATION REPORT

DATED FROM 03/11/2026 TO 04/07/2026  
 ALL CHECK STATUSES

CHECK #	VENDOR	NAME	STATUS	ISSUE DATE	STATUS DATE	CHECK AMT
26183	ASCAP	ASCAP	OUT	03/17/26	03/17/26	460.71
26184	BER-WATE	City of Berwyn	OUT	03/17/26	03/17/26	559.47
26185	CDS	CDS Office Technologies	OUT	03/17/26	03/17/26	2,533.30
26186	COMCAST	COMCAST BUSINESS	OUT	03/17/26	03/17/26	1,077.12
26187	COMCAST2	COMCAST BUSINESS	OUT	03/17/26	03/17/26	659.70
26188	COMED	Com. Ed.	OUT	03/17/26	03/17/26	2,234.46
26189	Commeg	Commeg Systems, Inc.	OUT	03/17/26	03/17/26	123.00
26190	FSS	FSS Technologies LLC	OUT	03/17/26	03/17/26	605.82
26191	Groot	GROOT INDUSTRIES, iNC.	OUT	03/17/26	03/17/26	2,105.98
26192	IAPD	Illinois Association of	OUT	03/17/26	03/17/26	5,906.86
26193	JCLICHT	JC Licht Ace	OUT	03/17/26	03/17/26	23.97
26194	L&A	Lauterbach and Amen, LLP	OUT	03/17/26	03/17/26	5,000.00
26195	Moran	F.E. Moran, Inc.	OUT	03/17/26	03/17/26	2,620.00
26196	NCSI	NCSI	OUT	03/17/26	03/17/26	55.50
26197	ORKIN	Orkin	OUT	03/17/26	03/17/26	97.00
26198	PDRMA	Park District Risk Management	OUT	03/17/26	03/17/26	17,728.59
26199	PEAC	Peac Solutions	OUT	03/17/26	03/17/26	339.80
26200	PFM Fina	PFM Financial Services	OUT	03/17/26	03/17/26	7,428.52
26201	PIW	Pierini Iron Works INC	OUT	03/17/26	03/17/26	1,557.00
26202	PROWASTE	Pro Waste Disposal Inc.	OUT	03/17/26	03/17/26	225.00
26203	PWD	Premier World Discovery	OUT	03/17/26	03/17/26	17,962.40
26204	RELIABLE	RELIABLE FIRE & SECURITY	OUT	03/17/26	03/17/26	273.30
26205	RVi	RVi Planning and	OUT	03/17/26	03/17/26	13,535.00
26206	TMobile	T-Mobile	OUT	03/17/26	03/17/26	306.30
26207	R0003703	Saida Minch	OUT	03/17/26	03/17/26	12.00
26208	PWD	Premier World Discovery	OUT	03/20/26	03/20/26	420.00
26209	COMCAST2	COMCAST BUSINESS	OUT	04/07/26	04/02/26	241.06
26210	COMED	Com. Ed.	OUT	04/07/26	04/02/26	1,910.52
26211	DIAMOND	Diamond Graphics	OUT	04/07/26	04/02/26	70.00
26212	diamond1	Diamond Lighting & Maintenance	OUT	04/07/26	04/02/26	1,046.00
26213	Groot	GROOT INDUSTRIES, iNC.	OUT	04/07/26	04/02/26	2,402.91
26214	Harris	Harris Computer Systems	OUT	04/07/26	04/02/26	15,422.05
26215	Jasmin	Jasmine & Fig, LLC	OUT	04/07/26	04/02/26	432.60
26216	JCLICHT	JC Licht Ace	OUT	04/07/26	04/02/26	87.15
26217	Jerry	Jerry Kidd	OUT	04/07/26	04/02/26	360.00
26218	KONICA	KONICA MINOLTA	OUT	04/07/26	04/02/26	595.61
26219	L&A	Lauterbach and Amen, LLP	OUT	04/07/26	04/02/26	4,650.00
26220	Moran	F.E. Moran, Inc.	OUT	04/07/26	04/02/26	2,490.00
26221	NICOR	Nicor Gas	OUT	04/07/26	04/02/26	2,300.58
26222	ORKIN	Orkin	OUT	04/07/26	04/02/26	97.00
26223	PDRMA	Park District Risk Management	OUT	04/07/26	04/02/26	19,711.31
26224	PEAC	Peac Solutions	OUT	04/07/26	04/02/26	339.80
26225	Petty Ca	Petty Cash Checking	OUT	04/07/26	04/02/26	1,915.09
26226	PROWASTE	Pro Waste Disposal Inc.	OUT	04/07/26	04/02/26	840.00
26227	Roth	Roth Legal LLC	OUT	04/07/26	04/02/26	180.00

DATE: 04/02/26  
TIME: 17:01:09  
ID: AP460000

BERWYN PARK DISTRICT  
CHECK RECONCILIATION REPORT

DATED FROM 03/11/2026 TO 04/07/2026  
ALL CHECK STATUSES

CHECK #	VENDOR	NAME	STATUS	ISSUE DATE	STATUS DATE	CHECK AMT
26228	RVi	RVi Planning and	OUT	04/07/26	04/02/26	22,192.50
26229	TMobile	T-Mobile	OUT	04/07/26	04/02/26	306.14
26230	WSSRA	West Suburban Special	OUT	04/07/26	04/02/26	39,261.34
					TOTAL---ALL CHECKS	200,702.46



FROM 03/11/2026 TO 04/07/2026

VENDOR #	INVOICE #	ITEM DESCRIPTION	ACCOUNT NUMBER	INV. DATE	P.O. NUM	CHECK #	CHK DATE	CHECK AMT	INVOICE AMT/ ITEM AMT
	April 26-PP								
	01	Telephone and Internet	50010052641	03/09/26		26187	03/17/26	659.70	225.52 225.52
	April 26-SP								
	01	Tel and Internet Sunshine	10010052641	03/09/26		26187	03/17/26	659.70	218.66 218.66
								VENDOR TOTAL:	900.76
COMED	Com. Ed.								
	Feb 26-LCC								
	01	LCC	50020052638	02/26/26		26188	03/17/26	2,234.46	762.47 762.47
	Feb 26-LCC green								
	01	LCC green	50020052638	02/26/26		26188	03/17/26	2,234.46	73.99 73.99
	Feb 26-PP								
	01	Elec. Proksa	50020052638	02/26/26		26188	03/17/26	2,234.46	684.19 684.19
	Feb 26-SP								
	01	Elec. Sunshine	10020052638	02/26/26		26188	03/17/26	2,234.46	713.81 713.81
	Mar 26- Smirz								
	01	Elec. Smirz	50020052638	03/20/26		26210	04/07/26	1,910.52	97.27 97.27
	Mar 26-FP								
	01	Elec. Freedom	10020052638	03/27/26		26210	04/07/26	1,910.52	472.10 472.10
	Mar 26-Hessler								
	01	Elec. Hessler	50020052638	03/27/26		26210	04/07/26	1,910.52	51.74 51.74
	Mar 26-LCC								
	01	Elec. LCC	50020052638	03/27/26		26210	04/07/26	1,910.52	461.77 461.77
	Mar 26-LCC green								
	01	LCC green	50020052638	03/27/26		26210	04/07/26	1,910.52	42.72 42.72
	Mar 26-PP								
	01	Elec. Proksa	50020052638	03/27/26		26210	04/07/26	1,910.52	505.12 505.12
	Mar 26-SP								
	01	Elec. Sunshine	10020052638	03/27/26		26210	04/07/26	1,910.52	279.80 279.80
								VENDOR TOTAL:	4,144.98
Commeg	Commeg Systems, Inc.								
	26031211								
	01	Employee per month	10010052610	03/13/26		26189	03/17/26	123.00	123.00 61.50

FROM 03/11/2026 TO 04/07/2026

VENDOR #	INVOICE #	ITEM DESCRIPTION	ACCOUNT NUMBER	INV. DATE	P.O. NUM	CHECK #	CHK DATE	CHECK AMT	INVOICE AMT/ ITEM AMT
	26031211			03/13/26		26189	03/17/26	123.00	123.00
		02 Manager per month	50010052610						61.50
								VENDOR TOTAL:	123.00
DIAMOND		Diamond Graphics							
	0110906504			03/19/26		26211	04/07/26	70.00	70.00
		01 Business Cards Carlos D.	50010055761						70.00
								VENDOR TOTAL:	70.00
diamondl		Diamond Lighting & Maintenance							
	32026-025			03/23/26		26212	04/07/26	1,046.00	1,046.00
		01 Lighting-Freedom	10020053667						1,046.00
								VENDOR TOTAL:	1,046.00
FSS		FSS Technologies LLC							
	I-90288			03/17/26		26190	03/17/26	605.82	605.82
		01 Facility Alarms	10020052640						302.91
		02 Facility Alarms	50020052640						302.91
								VENDOR TOTAL:	605.82
Groot		GROOT INDUSTRIES, iNC.							
	16013121T098			03/02/26		26191	03/17/26	2,105.98	1,115.78
		01 Sunshine garbage	10020052630						557.89
		02 Proksa garbage	50020052630						557.89
	16013638T098			03/02/26		26191	03/17/26	2,105.98	569.03
		01 Freedom garbage	10020052630						569.03
	16013855T098			03/02/26		26191	03/17/26	2,105.98	421.17
		01 LCC garbage	50020052630						421.17
	16159204T098			04/01/26		26213	04/07/26	2,402.91	1,282.03
		01 Sunshine garbage	10020052630						641.01
		02 Proksa garbage	50020052630						641.02
	16159717T098			04/01/26		26213	04/07/26	2,402.91	629.12
		01 Freedom Garbage	10020052630						629.12
	16159931T098			04/01/26		26213	04/07/26	2,402.91	491.76
		01 Lcc garbage	50020052630						491.76
								VENDOR TOTAL:	4,508.89



DATE: 04/02/2026  
 TIME: 17:02:51  
 ID: AP450000

BERWYN PARK DISTRICT  
 PAID INVOICE LISTING

FROM 03/11/2026 TO 04/07/2026

VENDOR #	INVOICE #	ITEM DESCRIPTION	ACCOUNT NUMBER	INV. DATE	P.O. NUM	CHECK #	CHK DATE	CHECK AMT	INVOICE AMT/ ITEM AMT
VENDOR TOTAL:									360.00
KONICA	KONICA MINOLTA								
	48827406	01 Final Payment	50010052617	03/19/26		26218	04/07/26	595.61	595.61 595.61
VENDOR TOTAL:									595.61
L&A	Lauterbach and Amen, LLP								
	111915	01 Accounting Assistance	10010051575	03/02/26		26194	03/17/26	5,000.00	5,000.00 5,000.00
	116427	01 February 2026 Accounting 02 Assistance	10010051575 ** COMMENT **	03/19/26		26219	04/07/26	4,650.00	4,650.00 4,650.00 0.00
VENDOR TOTAL:									9,650.00
Moran	F.E. Moran, Inc.								
	502920-11	01 Freedom HVAC	10020053666	03/16/26		26195	03/17/26	2,620.00	2,620.00 2,620.00
	5076151-1	01 Freedom HVAC	10020053666	03/25/26		26220	04/07/26	2,490.00	2,490.00 2,490.00
VENDOR TOTAL:									5,110.00
NCSI	NCSI								
	66688	01 Lopez Juvenal 02 Fenn, Don 03 Rodriguez, Crystal	23000052629 23000052629 23000052629	03/17/26		26196	03/17/26	55.50	55.50 18.50 18.50 18.50
VENDOR TOTAL:									55.50
NICOR	Nicor Gas								
	April 26-FP	01 Natural gas FP	10020052637	03/26/26		26221	04/07/26	2,300.58	416.21 416.21
	April 26-LCC	01 Natural Gas LCC	50020052637	03/26/26		26221	04/07/26	2,300.58	798.58 798.58
	April 26-LCC gen	01 Natural gas LCC gen	10020052637	03/26/26		26221	04/07/26	2,300.58	187.65 187.65

FROM 03/11/2026 TO 04/07/2026

VENDOR #	INVOICE #	ITEM DESCRIPTION	ACCOUNT NUMBER	INV. DATE	P.O. NUM	CHECK #	CHK DATE	CHECK AMT	INVOICE AMT/ ITEM AMT
	April 26-PP								
	01	Natural gas Proksa	50020052637	03/26/26		26221	04/07/26	2,300.58	306.49 306.49
	April 26-SP								
	01	Natural Sunshine	10020052637	03/26/26		26221	04/07/26	2,300.58	591.65 591.65
								VENDOR TOTAL:	2,300.58
ORKIN	Orkin								
	292049524-PP								
	01	Pest Control	10020052624	03/03/26		26197	03/17/26	97.00	97.00 97.00
	293612167								
	01	Pest Control Proksa	10020052624	04/01/26		26222	04/07/26	97.00	97.00 97.00
								VENDOR TOTAL:	194.00
PDRMA	Park District Risk Management								
	0226066H								
	01	Monthly Member Contribution	10010050510	03/02/26		26198	03/17/26	17,728.59	17,728.59 8,864.29
	02	Monthly Member Contribution	50010050510						8,864.30
	0326066H								
	01	Montlhy Member Contribution	10010050510	03/30/26		26223	04/07/26	19,711.31	19,711.31 9,855.65
	02	Monthly Member Contibution	50010050510						9,855.66
								VENDOR TOTAL:	37,439.90
PEAC	Peac Solutions								
	41696684								
	01	Photo Copier	10010052617	03/02/26		26199	03/17/26	339.80	339.80 169.90
	02	Photo Copier	50010052617						169.90
	41835058								
	01	Photo Copier	10010052617	04/02/26		26224	04/07/26	339.80	339.80 169.90
	02	Photo Copier	50010052617						169.90
								VENDOR TOTAL:	679.60
Petty Ca	Petty Cash Checking								
	Jan-Mar 26								
	01	Jessie Ramirez-reimbursement	10020055785	03/31/26		26225	04/07/26	1,915.09	1,915.09 150.00
	02	for work boots	** COMMENT **						0.00
	03	Zach Dudek- mileage	50010050545						66.70
	04	reimbursement	** COMMENT **						0.00
	05	Eli Quintana-contractor	52090055440						1,531.60
	06	payment	** COMMENT **						0.00

FROM 03/11/2026 TO 04/07/2026

VENDOR #	INVOICE #	ITEM DESCRIPTION	ACCOUNT NUMBER	INV. DATE	P.O. NUM	CHECK #	CHK DATE	CHECK AMT	INVOICE AMT/ ITEM AMT
	Jan-Mar 26			03/31/26		26225	04/07/26	1,915.09	1,915.09
	07	Maria Casiano refund for	55130043450						125.00
	08	rental	** COMMENT **						0.00
	09	Don Fee-Reimbursement for	10020055785						41.79
	10	work boots	** COMMENT **						0.00
								VENDOR TOTAL:	1,915.09
PFM Fina	PFM Financial Services								
	Feb 26- Nepomuck			03/13/26		26200	03/17/26	7,428.52	429.89
	01	Email Subscription Services	50010052721						101.00
	02	Apples for Book and Bites	51160055415						10.01
	03	Space HBeaters	50010055750						55.96
	04	Supplies for Bunny Suit	54100055440						142.93
	05	Yearly Canva Subscription	50010052721						119.99
	Feb 26-DeLeon			03/03/26		26200	03/17/26	7,428.52	2,386.26
	01	Knupp Co. Fire Sprinkler	10020053665						88.59
	02	Edwards 30LB Tennis Net	10020053661						1,063.17
	03	Raised Planter Box	10020055815						936.50
	04	Schlage Spring Cage	10020053665						28.00
	05	Mortise/Mounting screw	10020053665						270.00
	Feb 26-Fallon			03/03/26		26200	03/17/26	7,428.52	145.19
	01	Staff Appreciation Lunch	10020055796						145.19
	Feb 26-Hayes			03/05/26		26200	03/17/26	7,428.52	445.25
	01	Federal Filing/Mailing	10010052611						82.00
	02	1099 Forms	10010052611						-21.72
	03	Wireless Bluetooth	10010055750						175.99
	04	Speakerphone	** COMMENT **						0.00
	05	Binder Dividers	10010055790						12.90
	06	Wite-out	10010055790						5.24
	07	Avery address Labels	10010055790						24.99
	08	Pen	10010055790						6.89
	09	Binder	10010055790						19.97
	10	Federal E-File	10010052611						44.85
	11	Clip Boards	10010055790						17.99
	12	Command Hooks	10010055790						12.46
	13	Storage Boxes	10010055790						64.59
	14	Promotion	10010055790						-0.90
	FEB 26-Kell			03/09/26		26200	03/17/26	7,428.52	2,414.23
	01	Field Trip Schamburg	51160052430						110.00
	02	Field Trip- Flying High	51160052430						100.00
	03	Skyzone- Field Trip	51160052430						100.00
	04	Lunch/Conference	50010054700						13.17
	05	Breakfast at Conference	50010054700						7.82

FROM 03/11/2026 TO 04/07/2026

VENDOR #	INVOICE #	ITEM DESCRIPTION	ACCOUNT NUMBER	INV. DATE	P.O. NUM	CHECK #	CHK DATE	CHECK AMT	INVOICE AMT/ ITEM AMT
	Feb 26-Kell			03/09/26		26200	03/17/26	7,428.52	2,414.23
		06 Hotel for conference	50010054700						314.60
		07 Breakfast at Conference	50010054700						9.67
		08 Tab dividers/Key chain office	50010055790						23.98
		09 Water color paper	51160055420						21.95
		10 ID protection stamp roller	50010055790						11.24
		11 Pro Connect Mentorship	50010054700						150.00
		12 Easter egg	54100055440						29.99
		13 Classroom Spots	51160055415						50.95
		14 preschool cups	51160055410						9.58
		15 Easter Eggs	50100055796						720.00
		16 Parking Fees	53120052618						27.00
		17 locker rental	53120052616						6.00
		18 Easter Bunny Costume	50100055796						106.99
		19 Lunch	53120052617						21.00
		20 Summer Camp Field Trip	51160052430						390.00
		21 Sabd/Berries Early Childhood	51160055415						16.38
		22 Puzzles	53120055600						119.94
		23 Puzzles	53120055600						53.97
	Feb 26-Roberts			03/03/26		26200	03/17/26	7,428.52	619.66
		01 to ensure safety of Employee	23000051551						38.32
		02 FEIT Utility LED	10020053660						239.92
		03 Vehicle Maintenance Bus	10020053650						341.42
	Feb 26-Swade			03/09/26		26200	03/17/26	7,428.52	988.04
		01 Volleyballs	52090055480						52.97
		02 Lunch Conference	50010054700						20.19
		03 Dinner Conference	50010054700						52.80
		04 Lunch Conf.	50010054700						13.73
		05 Dinner Conf.	50010054700						72.35
		06 Conference Hotel	50010054700						406.60
		07 Zach Cabinet	50010055750						87.99
		08 Rec Staff Welcome	50010055796						68.80
		09 Nerf Supplies	52090055470						52.35
		10 Nerf Supplies	52090055470						109.00
		11 Backdrop Stand	52090055470						37.98
		12 Sports Whistles	52090055470						13.28
								VENDOR TOTAL:	7,428.52
PIW	Pierini Iron Works INC								
	21580			03/04/26		26201	03/17/26	1,557.00	1,557.00
		01 Bay#2 door binding	10020053665						1,557.00
								VENDOR TOTAL:	1,557.00

FROM 03/11/2026 TO 04/07/2026

VENDOR #	INVOICE #	ITEM DESCRIPTION	ACCOUNT NUMBER	INV. DATE	P.O. NUM	CHECK #	CHK DATE	CHECK AMT	INVOICE AMT/ ITEM AMT
PROWASTE	Pro Waste Disposal Inc.								
	I16246	01 Porta Potty Sunshine	25000052615	03/02/26		26202	03/17/26	225.00	225.00 225.00
	I16503	01 Porta Potty Proksa	25000052615	03/20/26		26226	04/07/26	840.00	195.00 195.00
	I16504	01 Porta Potty Freedom	25000052615	03/20/26		26226	04/07/26	840.00	225.00 225.00
	I16617	01 Porta Potty Sunshine	25000052615	03/30/26		26226	04/07/26	840.00	195.00 195.00
	I16659	01 Porta potty Smirz	25000052615	04/01/26		26226	04/07/26	840.00	225.00 225.00
								VENDOR TOTAL:	1,065.00
PWD	Premier World Discovery								
	201566	01 Payment for Holland Trip	53120052618	03/20/26		26208	03/20/26	420.00	420.00 420.00
	202469-Final	01 Final Payment	53120052620	03/06/26		26203	03/17/26	17,962.40	17,962.40 17,962.40
								VENDOR TOTAL:	18,382.40
R0003703	Saida Minch								
	102615	01 Future Hoop Stars	52090041480	03/17/26		26207	03/17/26	12.00	12.00 12.00
								VENDOR TOTAL:	12.00
RELIABLE	RELIABLE FIRE & SECURITY								
	142413	01 Part Proksa Park	10020053665	03/05/26		26204	03/17/26	273.30	273.30 273.30
								VENDOR TOTAL:	273.30
Roth	Roth Legal LLC								
	26-05	01 Services rendered through	10010051570	03/25/26		26227	04/07/26	180.00	180.00 180.00
		02 March 23, 2026	** COMMENT **						0.00
								VENDOR TOTAL:	180.00

DATE: 04/02/2026  
 TIME: 17:02:51  
 ID: AP450000

BERWYN PARK DISTRICT  
 PAID INVOICE LISTING

FROM 03/11/2026 TO 04/07/2026

VENDOR #	INVOICE #	ITEM DESCRIPTION	ACCOUNT NUMBER	INV. DATE	P.O. NUM	CHECK #	CHK DATE	CHECK AMT	INVOICE AMT/ ITEM AMT
Rvi	Rvi Planning and								
	00121600T56			03/02/26		26205	03/17/26	13,535.00	13,535.00
	01	ODLAD 2025	41000056832						13,535.00
	0022600581			03/20/26		26228	04/07/26	22,192.50	22,192.50
	01	OSLAD 2025	41000056832						22,192.50
								VENDOR TOTAL:	35,727.50
TMobile	T-Mobile								
	Feb 26			03/03/26		26206	03/17/26	306.30	306.30
	01	Cell Phones	10020052644						153.15
	02	Cell Phones	50010052644						153.15
	Mar 26			03/31/26		26229	04/07/26	306.14	306.14
	01	Cell Phones	10010052644						34.01
	02	Cell Phones	10020052644						102.03
	03	Cell Phones	50010052644						170.10
								VENDOR TOTAL:	612.44
WSSRA	West Suburban Special								
	Qtr 2-2026			03/20/26		26230	04/07/26	39,261.34	39,261.34
	01	2nd Quarter Share Payment	26000052645						39,184.00
	02	Inclusion Expenses	26000050505						71.84
	03	FICA	26000050505						5.50
								VENDOR TOTAL:	39,261.34
								TOTAL --- ALL INVOICES:	200,702.46

---

**DATE:** 4/7/2026  
**TO:** The Board of Commissioners  
**FROM:** Cindy Hayes, Superintendent of Finance and HR  
**RE:** Updates to the Employee Policy Manual

---

The following are updates and additions to the Employee Policy Manual.

- Section 1.4 Pregnancy Discrimination Policy- last paragraph was updated. The specific length of time for the investigation was removed.
- Section 1.15 Personnel Files and Requests for Personnel Records -language was updated. Illinois amended the Illinois Personnel Records Review Act to create more comprehensive employee rights on a broader range of personnel documents.
- Section 1.16 Child Labor Laws: Employment of Minors - language was updated for compliance.
- Section 1.23 Independent Contractors -new
- Section 1.24 Pay Transparency - new
- Section 1.25 Captive Audience Meetings and Communications -new
- Section 2.7 Meal and Rest Periods – last paragraph regarding Nursing Mothers was updated for compliance.
- Section 2.9 Paystubs -new
- Section 3.6 Family Bereavement Leave- language was updated
- Section 3.9 Personal Leave of Absence-last paragraph was updated. The wording of the Pregnancy Discrimination Policy was added in.
- Section 3.11 Military Leave- language was updated in the section “Concurrent Compensation”. “Coordination with Other Benefits” was added.
- Section 3.13 Victims’ Economic Security and Safety Act (VESSA) was updated to amend employees using work equipment to record violence and updated language.
- Section 3.14 Employee Blood and Organ Donation Leave Act-language was updated.
- Section 3.15 Military Leave Act- language was updated.
- Section 3.16 Cook County Paid Leave Ordinance-new
- Section 3.17 Family Neonatal Intensive Care Leave Act (NICLA) new
- Section 5.3 Use of Berwyn Park District Computer Systems – added in VESSA language from section 3.13

- Section 5.7      Recording Phone Calls and Conversations- name of policy and language was updated to support VESSA.
- Section 6.4      Smoking- updated to include vapes, e- cigarettes, cigars, etc. and language to reflect the Smoke Free Illinois Act
- Section 6.8      Attendance , Punctuality and Dependability- update to paragraph 4. Language to include the Cook County Paid Leave Ordinance.
- Section 6.9      Proper Dress and Appearance- language regarding tattoos was updated.
- Appendix A      Drug and Alcohol Policy and Procedures for CDL Employees- language was updated.

The table of contents was updated to include the new sections and updates to the page numbers.

**DATE:** March 31, 2026  
**TO:** The Board of Commissioners  
**FROM:** Mary Swade, Superintendent of Recreation  
**RE:** Recreation

---

**Athletics:**

- We have 10 enrolled in Little Hoopers-Adult/Tot Basketball.
- We have 79 enrolled in the Spring Youth Soccer League.
- We have 8 enrolled in Adult/Tot Little Warriors.
- We have 54 enrolled in the Spring Baseball League.
- We have 8 enrolled in the Little Ninjas.
- We have 7 enrolled in Adult Pickleball.

**General Recreation:**

- We have 12 enrolled in First Step Twos. This class is full.
- We have 12 signed up for Preschool Afternoons. This class is full.
- We have 5 enrolled in Tinkergarden.
- We have 13 enrolled in Mini Messy Makers.
- We have between 15 and 19 enrolled in each week of Happy Campers 3-5 Camp.
- All weeks of Adventure Camp are full with 40 campers.

**Marketing:**

- Please see attached

**Special Events:**

- We have 18 signed up for the Community Garage Sale.
- Nature Play Day will take place on April 22<sup>nd</sup>.
- Touch a Truck will take place on May 20<sup>th</sup>.

# Marketing Report

March 2026

## Insights over 28-day period

Views

Visits/Reach

Interactions

Follows

### Facebook

104.5K

2.8K

938

101

### Instagram

13.5K

1.3K

413

42

## Top Posts

### Facebook

#### OVERVIEW

Views

23,741

Interactions

317

Link Clicks

46



### Instagram

#### OVERVIEW

Views

1,298

Interactions

79

Watch Time

2h 47m



## Other Marketing Benchmarks

### Calameo (Digital Guide)

Views

2.7k

Page Views

61.3K

Avg Reading Time

2:58

Downloads

26

Link Clicks

403

### Google Analytics (berwynparks.org)

Active Users

3.3K

Event Count

24k

New Users

3.1k

Average Engagement Time (per User Session)

36s

**DATE:** 3/30/2026  
**TO:** The Board of Commissioners  
**FROM:** Carlos DeLeon, Interim Foreman of Parks and Facilities  
**RE:** Department Report

**Completed Projects**

Project	Status	Completed Date
Serenity Park	Repaired foundation around shed	March 04, 2026
Proska Park	Installed three (3) new Tennis nets	March 06, 2026
Sunshine Park	Outdoor restrooms repaired/ painted	March 18, 2026
Proska Park	Garden plots removed/ replaced	March 25, 2026

**Upcoming Projects**

Project	Status	Anticipated Completed Date
Proska Park	Baseball field maintenance	April 03, 2026
All Parks	Paint trash can lids	April 10, 2026
All Parks	Aerate/Backfill grass areas	April 17, 2026
All parks	Spring cleanup (mulch leaves)	April 30, 2026
Proksa Park	Aquascape Project	May 2026

**Routine Maintenance,**

- Trash removal and collection of loose debris from all parks.
- Clean all facilities.
- Graffiti removal as needed.
- Monthly inspections of vehicles, parks, and facilities.
- Snow removal as needed.

**DATE:** 4/7/2026  
**TO:** The Board of Commissioners  
**FROM:** Cathy Fallon, Executive Director  
**RE:** Other Business

---

- **Freedom Deed & Intergovernmental Agreement:** The attorney for Berwyn South School District 100 and the Park District have been connected to move this project forward.
- **Proksa Redevelopment:** Attached is the updated financial information. Bids are scheduled to be available to the public April 9, 2026, at 10 a.m... The bid documents will be hosted on the Hitchcock Design Room Portal. We will share bid information on both our website and social media. The bids are scheduled to be open on April 30, 2026, at Freedom. With a bid update provided to the Board at the May committee meeting, and formal award of the project at the May board meeting.
- **Proksa Pond Updates:** The renovations have started. Project is on schedule and moving forward. The staff is working with IDNR to correct the overpopulation of turtles and fish in the pond. IDNR is helping the Park district to decide the best course of action.
- **Commissioner Suggestions:**

<b>2026 Capital Expenditures</b>			<b>Capital Actual Balance</b>	<b>Capital Approved Projects</b>
			\$ 2,971,857.00	\$ 2,656,158.06
<b>Projects:</b>	<b>Vendor</b>	<b>Expense</b>		
<b>Proksa Park Redevelopment</b>				
	RVI (LA Prof Services) Vanderstappen Topographical Survey	\$ 90,872.44	\$ (90,872.44)	\$ (106,900.00)
	OSLAD Grant			\$ (600,000.00)
<b>Proksa Pond Repairs</b>				
	Aquascape	\$ 124,467.90	\$ (124,467.90)	\$ (207,446.51)
		\$ 82,978.60	\$ (82,978.60)	
<b>Proksa Trails Grant</b>				
	Grant Award Fee Regional Trails Grant	\$ 2,000.00	\$ (2,000.00)	\$ (250,000.00)
<b>Miscellaneous Repair/Improvements</b>				
<b>Freedom OSLAD</b>				
				\$ (600,000.00)
<b>Capital Ending Balance</b>			\$ 2,656,158.06	\$ 891,811.55

### **Proksa Redevelopment Estimates**

	Estimated Base Cost	Alternate Estimate	Notes
<b>Playground Flooring</b>	\$ 17,000.00	\$ 106,000.00	

**Alternate Bid Items**

Shade Structure for swings	\$16,000	This does not include install
Water fountain at playground	\$40,000	
Concrete Park Entry	\$75,000	
Connection to City walk ways	\$40,000	

**Proposed Phase 2**

Veteran's Memorial Redevelopment  
Children's Garden



# Employee Policy Manual

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## **A. Employment Policies and Procedures (Section 1)**

### **Equal Employment Opportunity Policy (Section 1.1)**

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the Berwyn Park District, which bases employment upon personal capabilities and qualifications without discrimination because of an individual's actual or perceived race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, religion, sex, gender (including gender identity and expression), age, national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who is not a U.S. citizen but is authorized by the federal government to work in the United States), ancestry, marital status, veteran status, disability, association with a person with a disability, sexual orientation, genetic information, unfavorable discharge from military service or military status, civil union partnership, order of protection status, pregnancy, childbirth or a medical condition related to pregnancy or childbirth, or any other protected characteristic as established by law.

In accordance with federal, state, and local laws, it is the Berwyn Park District's policy to provide equal employment opportunities to all qualified persons. The Berwyn Park District makes and executes all personnel policies, procedures and decisions pertaining to hire, promotion, transfer, layoff, rates of pay, discipline, dismissal and other terms and conditions of employment without regard to an individual's actual or perceived race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, religion, sex, gender (including gender identity and expression), national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who is not a U.S. citizen but is authorized by the federal government to work in the United States), ancestry, age, marital status, veteran status, civil union partnership, order of protection status, genetic information, disability, association with a person with a disability, unfavorable discharge from military service or military status, sexual orientation, pregnancy, childbirth or a medical condition related to pregnancy or childbirth, or any other category protected by law.

The Berwyn Park District makes reasonable accommodations when necessary for all employees and/or applicants with disabilities, provided the individual is otherwise qualified to perform the essential functions of the job with or without the reasonable accommodations. The Berwyn Park District encourages such individuals to discuss their need for a reasonable accommodation with the Human Resources Department (see the ADA Policy).

The Human Resources Department has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees should refer their questions or concerns to the Human Resources Department. If the employee is uncomfortable

reporting to the Human Resources Department, the employee should report to their Department Head, Executive Director or President of the Board. (For the full complaint reporting procedure, see the Berwyn Park District's Nondiscrimination and Antiharassment Policy)

## **Nondiscrimination and Antiharassment Policy (Section 1.2)**

The Berwyn Park District commits to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that prohibits discriminatory practices, including harassment. The Berwyn Park District expects all relationships among people in the workplace to be business-like and free of bias, prejudice and harassment.

It is the responsibility of each and every employee, intern, officer, official, commissioner or Board member, agent, volunteer and vendor of the Berwyn Park District, as well as anyone using the Berwyn Park District's facilities, to refrain from sexual and other harassment. The Berwyn Park District will not tolerate sexual or any other type of harassment of or by employees, interns, elected officials, or any other person in an employee's work environment. Actions, words, jokes or comments based on an individual's actual or perceived gender (including gender identity or expression), sex, race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who is not a U.S. citizen but is authorized by the federal government to work in the United States), ancestry, marital status, veteran status, genetic information, unfavorable discharge from military service or military status, age, religion, disability, association with a person with a disability, sexual orientation, civil union partnership, order of protection status, pregnancy, childbirth or a medical condition related to pregnancy or childbirth, or any other legally protected characteristic will not be tolerated.

This policy should not, and may not, be used as a basis for excluding or separating individuals because of their actual or perceived gender (including gender identity or expression), sex, sexual orientation, civil union partnership, race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who is not a U.S. citizen but is authorized by the federal government to work in the United States), ancestry, marital status, veteran status, genetic information, unfavorable discharge from military service or military status, age, religion, disability, association with a person with a disability, order of protection status, pregnancy, childbirth or a medical condition related to pregnancy or childbirth, or any other legally protected characteristic, from participating in business or work-related social activities or discussions to avoid allegations of harassment.

The law and policies of the Berwyn Park District prohibit disparate treatment based on an individual's actual or perceived gender (including gender identity or expression), sex, family responsibilities, reproductive health decisions, association with someone else's reproductive health decisions, sexual orientation, civil union partnership, race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who is not a U.S. citizen but is authorized by the federal government to work in the United States), ancestry, marital status, veteran status, genetic information, unfavorable discharge from military service or military status, age, religion, disability, association with a person with a disability, order of protection status, pregnancy, childbirth or a medical condition related to pregnancy or childbirth, or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The Berwyn Park District intends the prohibition against harassment, discrimination and retaliation to complement and further these policies, not to form the basis of an exception to them.

In addition to this policy and the Berwyn Park District's EEO Policy, the Berwyn Park District provides training on discrimination, harassment and retaliation to its employees at or near the time of hire and annually thereafter.

### **Definitions of Harassment**

1. Sexual harassment may occur whenever there are unwelcome sexual advances, requests for sexual favors or any other verbal, physical or visual conduct of a sexual nature when any of the following occur:
  - Submission to the conduct is made either implicitly or explicitly as a condition of the individual's employment.
  - Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
  - The harassment has the purpose or effect of interfering with the individual's work performance or creating an environment that is intimidating, hostile, or offensive to the individual.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender or sex. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendos; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering; catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

2. The Berwyn Park District also strictly prohibits harassment on the basis of any other legally protected characteristic. Under this policy, harassment is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an

individual because of an individual's actual or perceived race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, religion, gender (including gender identity or expression), sex, sexual orientation, civil union partnership, age, national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who is not a U.S. citizen but is authorized by the federal government to work in the United States), ancestry, marital status, veteran status, genetic information, unfavorable discharge from military service or military status, disability, association with a person with a disability, order of protection status, pregnancy, childbirth or a medical condition related to childbirth or pregnancy, or any other characteristic protected by law, or that of an individual's relatives, friends or associates, and results in any of the following:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment.
- Has the purpose or effect of unreasonably interfering with an individual's work performance.
- Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through email).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings, business-related social events and any other location where the Berwyn Park District has assigned the individual to perform their job duties.

**IMPORTANT: Any employee/ intern engaging in practices or conduct constituting sexual harassment, discrimination, harassment or retaliation (as discussed later in this policy) of any kind will be subject to disciplinary action, up to and including dismissal from employment. The Berwyn Park District will take appropriate remedial action against any other individual (e.g., board members, independent contractors, patrons, vendors, etc.) engaging in practices or conduct constituting sexual harassment, discrimination, harassment or retaliation.**

### **Retaliation Is Prohibited**

The Berwyn Park District prohibits retaliation against any individual, because the individual reports discrimination, harassment, or retaliation; participates in an investigation of such reports; and/or files a charge of discrimination, harassment or retaliation. Retaliation against an individual for reporting harassment, discrimination or

retaliation; participating in an investigation of a claim of harassment, discrimination or retaliation; or for filing a charge of discrimination, harassment or retaliation is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including dismissal and/or other remedial action as warranted by the circumstances.

In addition to the Berwyn Park District's prohibition on retaliation, various state and federal laws prohibit retaliation for reports of discrimination, harassment or retaliation. For instance, protections against retaliation exist under the Illinois Human Rights Act and, depending on the circumstances, protections against retaliation may exist under the Illinois Whistleblower Act and/or the State Officials and Employee Ethics Act.

### **Complaint Reporting Procedure**

The Berwyn Park District strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. This policy applies to all full-time, part-time, temporary and seasonal employees and interns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination or retaliation. While the Berwyn Park District has not established a fixed reporting period, it strongly urges the prompt reporting of complaints or concerns, so the Berwyn Park District can take rapid remedial action if warranted.

The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing, discriminatory or retaliatory conduct from promptly advising the offender that the offender's behavior is unwelcome and requesting it be discontinued. However, nothing in this policy will require individuals who believe they are being subjected to harassing, discriminatory or retaliatory behavior to inform the offender.

If an employee experiences or witnesses harassment, discrimination or retaliation of any kind, the employee should deal with the incident(s) as directly and firmly as possible by clearly communicating their position to their immediate supervisor, Department Head and/or the Executive Director. The employee should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident). Written records such as letters, notes, memos, texts, social media postings, tweets, emails and telephone messages can strengthen documentation. Any employee, even when the discrimination, harassment or retaliation is not directed at them, can and should make a complaint.

- **Direct Communication with Offender:** If there is harassing, discriminatory or retaliatory behavior in the workplace, and if the employee feels comfortable doing so, they should directly and clearly express the objection to the offending person(s) regardless of whether the behavior is directed at the employee witnessing the behavior. If the employee is the harassed individual, and if the

employee feels comfortable doing so, they should also clearly state the conduct is unwelcome and the offending behavior must stop. However, an employee is not required to confront the person directly who is the source of the report, question or complaint before notifying any of those individuals listed below. The Berwyn Park District does not require an employee to confront the person who is the source of the report, question or complaint directly, if they feel uncomfortable doing so. The initial message may be oral or written, but documentation of the notice should be made. If subsequent messages are needed, they should be put in writing.

- **Report to Supervisory and Administrative Personnel:** At the same time direct communication is undertaken, or in the event the employee witnessing or experiencing the behavior feels threatened or intimidated by the offending person, the employee should promptly report the offending behavior to their immediate supervisor or Department Head. If the employee feels uncomfortable doing so, or if the immediate supervisor and/or Department Head is the source of the problem, condones the problem or ignores the problem, please report the conduct directly to the Executive Director. If the Executive Director is the source of the problem, condones the problem or ignores the problem, the employee should immediately report the incident or incidents in writing directly to the President of the Board.
- **Report to Executive Director/President of the Board:** An individual may also report incidents of harassment, discrimination or retaliation directly to the Executive Director. If the complaint alleges harassment, discrimination or retaliation by the Executive Director, or if the Executive Director condones the problem or ignores the problem, an employee should immediately report the incident or incidents in writing to the President of the Board.
- **Complaint Against a Board Member:** If someone makes a complaint about alleged discrimination, harassment or retaliation by an elected official of the Berwyn Park District (such as a Board Commissioner), they should also report the allegations to the Human Resources Department, the President of the Board or any other board member not involved in the alleged discrimination, harassment or retaliation. If someone makes a complaint against an elected official of the Berwyn Park District under this section, the Berwyn Park District will refer the matter to its legal counsel. The Human Resources Department (or its designee) or an independent attorney or consultant will document and thoroughly investigate the complaint. A committee made up of other board members who are not subjects of the allegations will review the findings.

When someone reports an allegation of discrimination, harassment or retaliation, the Berwyn Park District will conduct an investigation within a prompt period of time and take appropriate remedial action when the investigation determines the allegation is a substantiated violation of policy. At no time will personnel involved in the alleged discrimination, harassment or retaliation conduct the investigation.

Nothing in this policy precludes a report of discrimination, harassment or retaliation to the Illinois Department of Human Rights (IDHR), which is the state Berwyn Park District responsible for enforcing the Illinois Human Rights Act, as described in the Conclusion section below. The IDHR maintains a hotline for confidential reports of sexual harassment at 877.236.7703.

### **Harassment Allegations Against Nonemployees/Third Parties**

If an employee makes a complaint alleging harassment, discrimination or retaliation against an agent, vendor, supplier, contractor, volunteer or person using Berwyn Park District programs or facilities, the Executive Director (or designee) will promptly investigate the incident(s) and determine the appropriate remedial action, if any. The Berwyn Park District will take reasonable efforts to protect the reporting/impacted employee(s) from further contact with such persons when warranted or will take other reasonable steps to remediate the situation, including (but not limited to) evaluating interim steps warranted while the Berwyn Park District investigates the allegations.

**IMPORTANT: Individuals who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of the complaint reporting procedure.**

### **Harassment Allegations by Elected Officials Against Other Elected Officials**

Elected officials can report alleged harassment by one elected official against another to the Berwyn Park District's President of the Board. If the President of the Board reports the harassment or the allegation implicates the President of the Board, elected officials should report the allegation to any other Berwyn Park District board member. If a complaint is made against an elected official of the Berwyn Park District by another elected official of the Berwyn Park District under this section, the Berwyn Park District will refer the matter to the Berwyn Park District's legal counsel. An independent review will thoroughly investigate the allegations of the complaint, which may include referring the matter to a qualified, independent attorney or consultant to review and investigate the allegations. If warranted (as determined, where possible, by a committee of the other commissioners who are not the reporting official or the official who is the subject of the complaint), the Berwyn Park District will take reasonable remedial measures.

### **Harassment of Nonemployees**

The Berwyn Park District strictly forbids harassment of non-employees by employees and will discipline employees, up to and including dismissal for engaging in harassment. If a non-employee has a complaint of harassment, they should notify the Berwyn Park District's Human Resources Department. If the complaint implicates the Human Resources Department, non-employees can report the allegation to the Executive Director of the Berwyn Park District. If the allegation implicates both the Human Resources Department and the Executive Director, the nonemployee can make the report to the President of the Board. The Human Resources Department, Executive

Director or President of the Board (or designee) as appropriate will thoroughly investigate the allegations of the complaint and, if warranted, take reasonable remedial measures. For the purposes of this section, “nonemployee” means a person who is not otherwise an employee of the Berwyn Park District and is directly performing services for the employer pursuant to a contract with the employer; it includes independent contractors and consultants.

### **Responsibility of Supervisors and Witnesses**

Any supervisory or managerial employee who becomes aware of any possible sexual or other harassment, discrimination and/or retaliation of or by any individual should immediately advise the Executive Director, and the Executive Director (or designee) will investigate the conduct promptly and take prompt remedial action, if the investigation substantiates the allegations. In the event the allegations implicate the Executive Director, the supervisory or managerial employee who becomes aware of any possible sexual or other harassment, discrimination and/or retaliation of or by any individual should immediately advise the President of the Board, and the Berwyn Park District will investigate the conduct promptly and take prompt remedial action, if the investigation substantiates the allegations.

The Berwyn Park District encourages all individuals to report incidents of harassment, discrimination and retaliation regardless of who the offender may be or whether the reporting employee is the intended victim.

### **The Investigation**

The Berwyn Park District will investigate any reported allegations of harassment, discrimination or retaliation promptly. The Berwyn Park District will make every reasonable effort to conduct an investigation in a responsible and confidential manner. However, it is impossible to guarantee absolute confidentiality, as the Berwyn Park District must be able to investigate fully and take prompt remedial action when necessary. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other knowledge relevant to the allegations. The Berwyn Park District reserves the right and hereby provides notice that it may use third parties to investigate claims of harassment, discrimination or retaliation. Employees must cooperate in any investigation of workplace wrongdoing or risk disciplinary action, up to and including dismissal from employment.

### **Responsive Action**

After investigation, the Berwyn Park District will determine whether the investigation substantiates a complaint of harassment, discrimination or retaliation after reviewing the facts and circumstances of each situation. The Berwyn Park District will deal with misconduct constituting a violation of this policy (such as engaging in harassment, discrimination or retaliation) appropriately. Appropriate remedial action for a substantiated complaint may include, by way of example only: training, referral to counseling and/or disciplinary action (such as warning, reprimand, withholding of a

promotion or pay increase, reassignment, temporary suspension without pay or dismissal from employment), as the Berwyn Park District believes appropriate under the circumstances.

### **False and Frivolous Complaints**

Given the possibility of serious consequences for an individual accused of sexual or other harassment, discrimination or retaliation, the Berwyn Park District considers complaints made in bad faith or otherwise false and frivolous charges severe misconduct and may result in disciplinary action, up to and including dismissal.

### **Conclusion**

In summary, employees have a right to: be free from unlawful discrimination, harassment or retaliation in the workplace (see this policy and the Berwyn Park District's EEO Policy); file a charge of discrimination, harassment or retaliation (see this policy); and obtain reasonable accommodations, such as those based on pregnancy, childbirth or medical conditions related to pregnancy or childbirth (see the Berwyn Park District's ADA Policy and Pregnancy Discrimination Policy).

While the Berwyn Park District hopes to be able to resolve any complaints of discrimination, harassment or retaliation within the Berwyn Park District, it acknowledges each employee's right to contact the IDHR at the James R. Thompson Center, 100 West Randolph Street, Suite 10-100, Chicago, Illinois, 60601, about filing a formal complaint. The IDHR also has a reporting hotline that includes a method for the intake of anonymous phone calls regarding allegations of sexual harassment: 877.236.7703. If the IDHR determines there is sufficient evidence of harassment to proceed further, it will file a complaint with the Illinois Human Rights Commission (IHRC), located at the same address on the fifth floor. If the IDHR does not complete its investigation within 365 days, an employee may file a complaint directly with the IHRC between the 365th and the 395th day.

### **Americans with Disabilities Act Policy (Section 1.3)**

The Berwyn Park District commits to complying with all applicable provisions of the Americans with Disabilities Act (ADA). It is the Berwyn Park District's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's actual or perceived disability (or association with a person with a disability) so long as the employee can perform the essential functions of the job with or without reasonable accommodations. Consistent with this policy of nondiscrimination, the Berwyn Park District will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Berwyn Park District aware of their disability, provided such accommodation does not constitute an undue hardship on the Berwyn Park District or

create a direct threat to the safety of the employee or the safety of others.

The Berwyn Park District will make all decisions concerning recruitment, placement, selection, training, hiring, advancement, dismissal or other terms, conditions or privileges of employment based on job-related qualifications and abilities.

### **Requests for Reasonable Accommodations – Interactive Process**

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department or their Department Head. The Berwyn Park District encourages individuals with disabilities to come forward and request reasonable accommodation when needed. If employees feel uncomfortable making an accommodation request to the Human Resources Department or their Department Head, or they believe the accommodation request was not properly managed when made, they should report the matter to the Executive Director.

On receipt of an accommodation request, the Berwyn Park District (usually the Human Resources Department or designee) will meet with the requesting employee as part of an interactive process. During this interactive process, the employee and the Berwyn Park District will discuss and identify the precise limitations or restrictions resulting from the disability and the potential accommodation(s) the Berwyn Park District might make to help overcome those limitations/restrictions and allow the employee to perform the essential job functions of the employee's position. The Berwyn Park District may request employees obtain medical documentation supporting their reported need for reasonable accommodations in compliance with applicable laws.

The Berwyn Park District will determine the feasibility and reasonableness of the requested accommodation considering various factors, including but not limited to, the nature and cost of the accommodation, the Berwyn Park District's overall financial and other resources, the accommodation's impact on the operation of the department, including the ability of other employees to perform their duties, and the Berwyn Park District's ability to provide its services to the public.

The Berwyn Park District determines what is a reasonable accommodation on a case-by-case analysis. The ADA does not require the Berwyn Park District to make the best possible accommodation, reallocate essential job functions, create new positions or provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.). However, when the Berwyn Park District denies a particular request, it will endeavor to find and offer a reasonable alternative.

### **Decision on Accommodations and Appeal Process**

The Berwyn Park District will inform the employee of its decision on the accommodation request. If the Berwyn Park District denies accommodation requests, it will advise the

employee of their right to appeal the decision by submitting a written statement explaining the reasons for the request to the Human Resources Department or (if the denial came from the Human Resources Department) to the Executive Director. If the Executive Director denies the appeal request, that decision is final.

### **Questions on Policy – Reporting Disability Discrimination/Harassment**

An employee or job applicant who has questions regarding this policy or believes they have been discriminated against or harassed based on an actual or perceived disability (or based on an association with a person with a disability) should immediately follow the Complaint Reporting Procedure outlined in the Berwyn Park District's Nondiscrimination and Antiharassment Policy. The Berwyn Park District will treat all such inquiries or complaints as confidentially as possible. However, the Berwyn Park District cannot guarantee absolute confidentiality, as it must share information as needed to investigate complaints promptly and take remedial action when warranted.

### **No Retaliation**

The antiretaliation provisions in the Berwyn Park District's Nondiscrimination and Antiharassment Policy apply to this ADA Policy in equal force.

### **Summary**

In summary, employees have a right to: be free from unlawful discrimination or harassment in the workplace; file a charge of discrimination or harassment; and obtain reasonable accommodations for disabilities.

While the Berwyn Park District hopes to resolve any complaints of discrimination within the Berwyn Park District, it acknowledges each employee's right to contact the IDHR at the James R. Thompson Center, 100 West Randolph Street, Suite 10-100, Chicago, Illinois, 60601, about filing a formal complaint. If the IDHR determines there is sufficient evidence of discrimination to proceed further, it will file a complaint with the IHRC, located at the same address on the fifth floor. If the IDHR does not complete its investigation within 365 days, an employee may file a complaint directly with the IHRC between the 365th and the 395th day.

### **Pregnancy Discrimination Policy (Section 1.4)**

The Berwyn Park District prohibits and does not tolerate discrimination against anyone on the basis of pregnancy, childbirth or medical or common conditions related to pregnancy or childbirth. The Berwyn Park District commits to making reasonable accommodations related to pregnancy, childbirth and medical or common conditions related to pregnancy or childbirth. It treats all applicants and employees who are pregnant in the same manner as any other applicant or employee with regard to job-related functions, benefits and opportunities. No person or employee, no matter their title or position, has the authority, whether express, actual, apparent or implied, to

discriminate against a pregnant employee or applicant.

The Berwyn Park District will not deny or remove an applicant or employee from a position, because the applicant or employee is pregnant, considering pregnancy or experiencing any pregnancy-related problems. It will base all decisions regarding a pregnant applicant's or employee's placement in, or continuation in, a job on the same considerations that govern all employment decisions – the applicant's or employee's ability to perform the essential functions of the job in question satisfactorily, with or without reasonable accommodation.

### **Requests for Reasonable Accommodations – Interactive Process**

Employees or applicants who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department or their Department Head. The Berwyn Park District encourages employees or applicants to come forward and request reasonable accommodation when needed for pregnancy, childbirth or medical or common conditions related to pregnancy or childbirth. If employees or applicants feel uncomfortable making an accommodation request to the Human Resources Department or their Department Head, or they believe the accommodation request was not properly managed when made, they should report the matter to the Executive Director.

On receipt of an accommodation request, the Berwyn Park District (usually the Human Resources Department or designee) will meet with the requesting employee or applicant to begin an interactive process. During this interactive process, the employee/applicant and the Berwyn Park District will discuss and identify the precise limitations or restrictions resulting from the pregnancy, childbirth or a related medical or common condition, and the potential accommodation(s) the Berwyn Park District might make to help overcome those limitations/ restrictions and allow the employee to perform the essential job functions of the position without creating an undue hardship to the Berwyn Park District. The Berwyn Park District may request employees obtain medical documentation supporting their reported need for reasonable accommodations in compliance with applicable laws.

The Berwyn Park District will determine the feasibility and reasonableness of the requested accommodation, considering various factors, including, but not limited to, the nature and cost of the accommodation, the Berwyn Park District's overall financial and other resources, the accommodation's impact on the operation of the department, including the ability of other employees to perform their duties, the Berwyn Park District's ability to provide its services to the public and any undue hardships.

The Berwyn Park District will determine what it considers a reasonable accommodation on a case-by-case analysis. When it denies a particular request, the Berwyn Park District will endeavor to find and offer a reasonable alternative. The Berwyn Park District will not

require an employee/applicant to accept an accommodation other than a reasonable accommodation arrived at through the interactive process, nor will the Berwyn Park District require an employee to take leave, whether paid or unpaid, if it can provide another reasonable accommodation.

### **Decision on Accommodations and Appeal Process**

The Berwyn Park District will inform the employee or applicant of its decision on the accommodation request. If the Berwyn Park District denies accommodation requests, it will advise the employee or applicant of their right to appeal the decision by submitting a written statement explaining the reasons for the request to the Human Resources Department or (if the denial came from the Human Resources Department) to the Executive Director. If the Executive Director denies the appeal request, that decision is final.

### **Questions on Policy – Reporting Disability Discrimination/Harassment**

An employee or job applicant who has questions regarding this policy or believes they have been discriminated against or harassed based on their pregnancy, childbirth or medical or common conditions related to pregnancy or childbirth or believes they have been retaliated against for their request for accommodation or opposition to discrimination/harassment, should immediately follow the Complaint Reporting Procedure outlined in the Berwyn Park District's Nondiscrimination and Antiharassment Policy. The Berwyn Park District will treat all such inquiries or complaints as confidentially as possible. However, the Berwyn Park District cannot guarantee absolute confidentiality, as it must share information as needed to investigate complaints promptly and take remedial action when warranted.

### **No Retaliation**

The antiretaliation provisions in the Berwyn Park District's Nondiscrimination and Antiharassment Policy apply to this Pregnancy Discrimination Policy in equal force.

### **Summary**

Employees have a right to: be free from unlawful discrimination or harassment in the workplace; file a charge of discrimination or harassment; and obtain reasonable accommodations for pregnancy, childbirth and/or related medical or common conditions.

While the Berwyn Park District hopes to resolve any complaints of discrimination within the Berwyn Park District, it acknowledges each employee's right to contact the IDHR at the James R. Thompson Center, 100 West Randolph Street, Suite 10-100, Chicago, Illinois, 60601, about filing a formal complaint. If the IDHR determines there is sufficient evidence of discrimination to proceed further, it will file a complaint with the IHRC, located at the same address on the fifth floor. If the IDHR does not complete its investigation timely, an employee may file a complaint directly with the IHRC.

### **Open Door Policy (Section 1.5)**

The Berwyn Park District promotes an atmosphere whereby employees can talk freely with members of management. It encourages employees to discuss openly with their immediate supervisor any problems, so the Berwyn Park District may take appropriate action. If the immediate supervisor cannot help, the Department Head and Executive Director are available for consultation and guidance. The Berwyn Park District is interested in all of its employees' success and happiness with their employment and welcomes the opportunity to help employees whenever feasible.

### **Anti-Nepotism Policy (Section 1.6)**

The Berwyn Park District will consider members of an employee's immediate family, with the exception of Board of Commissioners, Executive Director, and Superintendents for employment on the basis of their qualifications only but may not hire immediate family if employment would create any of the following circumstances:

1. Supervisor/subordinate relationship with a family member.
2. Potential for an adverse impact on work performance.
3. Actual conflict of interest or the appearance of a conflict of interest.

This Berwyn Park District also considers this policy when assigning, transferring or promoting employees. For the purpose of this policy, immediate family includes: spouse; civil union or domestic partner; parent; child; sibling; in-law; aunt; uncle; niece; nephew; grandparent; grandchild; and members of household. This policy also applies to romantic relationships (Please review the Berwyn Park District's policy on Romantic or Sexual Relationships).

Employees who later become immediate family members or establish a romantic relationship may continue employment as long as it does not involve any of the above. If one of the conditions outlined should occur, the Berwyn Park District will try to find a suitable position to which one of the employees can transfer and will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security or morale. If changes of this nature are not feasible or reasonable, the Berwyn Park District will ordinarily allow employees to determine which of them will resign. If the employees cannot make a decision, the Berwyn Park District will decide, in its sole discretion, who will remain employed.

### **Introductory Employment Period (Section 1.7)**

New employees go through an initial period of adjustment to learn about the Berwyn Park District and their jobs. During this time, employees have an opportunity to find out if they are suited to, and like, their new position(s).

The initial employment period also gives employees' supervisors a reasonable period of

time to evaluate performance, including determining if the employee appears to possess the aptitude and attitude necessary to meet the required standards and expectations of the position. The introductory employment period is six months for full-time and part-time employees and three months for seasonal employees.

Employees' immediate supervisors will use the introductory period to help employees adjust to their new positions and for orientation and training, if any. The Berwyn Park District may dismiss from employment employees at any time during this period, if the supervisor concludes employees are not progressing or performing satisfactorily. Under appropriate circumstances, the introductory period may be extended. **Additionally, as is true at all times during employment with the Berwyn Park District, employees' employment is not for any specific time, and the Berwyn Park District may terminate it at will, with or without cause and without prior notice.**

At the end of the introductory employment period, the employee and immediate supervisor may discuss the employee's performance and/or the immediate supervisor may provide a written evaluation for the employee. Provided the employee's job performance meets the expectations of the Berwyn Park District at the end of the introductory employment period, the employee will continue in employment as an at-will employee. **Successful completion of the introductory period does not guarantee continued employment for any specific period of time or otherwise create an employment contract between the employee and the Berwyn Park District, and employees remain at-will at all times.**

## **Classification, Definitions, and Status of Employees (Section 1.8)**

### **Introductory Employees**

The Berwyn Park District classifies all full-time and part-time employees as Introductory Employees during the first six months of employment with the Berwyn Park District (also known as the Introductory Period) for purposes of orientation, evaluation and training, if any. The Introductory Period for seasonal employees is three months. Introductory Employees also include employees who have previously served with the Berwyn Park District and are beginning a new position.

During their Introductory Period, the Berwyn Park District will pay newly hired employees for holidays recognized by the Berwyn Park District that are applicable to their employment classification. However, the Berwyn Park District does not allow them other time off such as vacation, personal, illness or floating holidays. Other employee benefits (such as insurance) will be applicable as required or mandated by the Berwyn Park District's agreement with the group insurance providers or by Berwyn Park District policy and depends upon the employee's classification. Transferred or promoted employees will continue the same benefits, if any, they had previously, unless the employee's new position provides for different or no benefits.

## **Full-time Employees**

The Berwyn Park District considers employees designated as full-time by the Executive Director or the board and who have completed their introductory period as full-time employees. The Berwyn Park District classifies full-time employees as exempt or nonexempt (depending on their job duties and salaries). The Berwyn Park District generally schedules full-time employees to work at least 40 hours per workweek for four consecutive calendar quarters during a calendar year. The Berwyn Park District may require full-time employees to work additional hours as necessary to complete all assigned tasks and as needed during busy periods. The Berwyn Park District excludes short-term and part-time employees from the full-time employee classification regardless of the number of hours worked.

## **Part-time Employees**

The Berwyn Park District classifies employees designated as part-time by the Executive Director or the board under one of the following three categories depending on work schedule:

- **Classification I:** Part-time employees generally scheduled to work at least 1,000 hours during three quarters of a calendar year.
- **Classification II:** Part-time employees generally scheduled to work at least 600 hours but less than 1,000 hours during three quarters of a calendar year.
- **Classification III:** Part-time employees generally scheduled to work less than 600 hours during three quarters of a calendar year.

The Berwyn Park District classifies part-time employees as exempt or nonexempt (depending on their job duties and salaries) and may require them to work more than their generally scheduled hours during busy periods. The number of hours that a part-time employee actually works will not change the employee's status or classification as a part-time employee. Unless specifically stated otherwise in writing by the Executive Director or the board, part-time employees are not eligible to receive benefits, except as required by law (e.g., some part-time classification I employees will be eligible to participate in the Illinois Municipal Retirement Fund (IMRF), healthcare insurance and other benefits provided by the Berwyn Park District, as described in the relevant summary plan descriptions and this handbook). The Berwyn Park District excludes short-term (or seasonal) employees from the part-time employee's classification regardless of the number of hours worked.

## **Short-term (or Seasonal) Employees**

Regardless of hours worked in a workweek or period, the Berwyn Park District considers employees designated short-term (or seasonal) by the Executive Director or the board and who work in a specific function or project for a temporary and limited period of time (generally less than three quarters during a calendar year) as short-term employees. The Berwyn Park District pays a short-term employee in a nonexempt position by the hour but a short-term employee in an exempt position according to the terms of hire for that

individual. The Berwyn Park District will not consider any short-term employee working during three quarters or more of a calendar year a full-time or part-time employee unless designated in writing by the Executive Director or the board. The Berwyn Park District does not guarantee it will rehire short-term employees in a subsequent season or, if rehired, that it will rehire them for the same position. Short-term employees are ineligible to receive benefits.

### **Exempt and Nonexempt Employees**

Exempt employees are those employees classified by the Berwyn Park District as exempt, who are paid on a salary basis, and whose job duties are exempt from the overtime and compensatory provisions of the federal and state wage and hour laws. Exempt employees are not eligible for overtime pay. The Berwyn Park District calculates their salaries on a weekly basis, but exempt employees must still track and submit documentation of hours worked per workweek for record-keeping purposes.

Nonexempt employees receive overtime pay or compensatory time in accordance with our overtime and compensatory time policies and applicable laws. The Berwyn Park District typically calculates their pay rates on an hourly basis, and nonexempt employees must use a time clock and/or time sheets to track and document hours worked per workweek.

### **Definitions/Employment Status**

Executive Director – Executive Director for the Berwyn Park District.

Department Heads – Employees who direct and are in charge of a particular department within the Berwyn Park District's organization structure. Department Heads may include without limitation Superintendent of Parks, Superintendent of Recreation and Superintendent of Finance and Human Resources.

Managers – Employees who manage and/or have supervisory responsibility over employees employed at various Berwyn Park District facilities, buildings or grounds.

Supervisor – An employee's immediate supervisor and each supervisor at succeeding levels of authority within the department, up to and including the Executive Director.

### **Employee Classification Review**

Employees may at any time submit a written request to the Human Resources Department for a review of the classification or status of their position. The request must state the employee's reasons justifying a review. The Human Resources Department will investigate the position with a view toward determining its classification and will discuss its findings and recommendations with the appropriate Department Head and/or the Executive Director. The Executive Director has final approval over any change in the classification or status of a position pursuant to this policy, and their decision is final. The Human Resources Department will notify the requesting employee of the decision and the reasons for the decision.

## **Hiring Procedures (Section 1.9)**

The Berwyn Park District attempts to hire and retain the best available, suitable and qualified individuals for all staff positions determined at its sole discretion. The Berwyn Park District may need to reorganize departments or reassign responsibilities within a department or position from time to time to best serve the public and better utilize its limited resources.

### **Position Vacancies**

The Berwyn Park District will attempt to post full-time position vacancies on Berwyn Park District bulletin boards, its intranet and/or external websites, though it usually will not post part-time and short-term openings. If available, employees can obtain a list of these positions from the Human Resources Department or external websites. The Berwyn Park District may also recruit applicants for position vacancies from outside of the organization.

### **Transfer and Promotion**

Employees interested in a particular opening should apply, in writing, to the position's hiring supervisor or notify their immediate supervisor. The Berwyn Park District will make all transfers and advancements on the basis of past performance, ability, attitude, aptitude and other relevant job-related criteria as determined by the Berwyn Park District in its sole discretion. Please note that employees requesting a transfer or promotion are subject to the same selection process and employment test requirements as outside applicants.

### **Application and Selection Process**

1. Individuals interested in a particular position opening must complete an application for employment. The initial application may consist of a Berwyn Park District application form or a letter and/or resume. The Berwyn Park District requires applicants, including current employees, to furnish information and complete any and all forms deemed necessary, in the Berwyn Park District's sole discretion, to inform the Berwyn Park District satisfactorily of an applicant's qualifications and suitability for the position. Providing false, incomplete or misleading information in the employment application or other materials submitted on an application or in response to any questions, no matter when discovered, may result in a non-hire decision, rescission of an offer of employment or dismissal of an employee.
2. The selection process involves an evaluation of the applicant's apparent qualifications for the position sought. This includes, but is not limited to, a review of the application materials, one or more interviews by phone or in person, verification of information obtained from the application or interview, checking of

references, testing (when applicable for a position) and/or any other means required to evaluate adequately an applicant's qualifications and suitability to perform properly the necessary and essential functions of the particular position. The Berwyn Park District attempts to base employment, advancement and promotion decisions on a person's apparent suitability for the position including, without limitation, past performance, future potential and aptitude and attitude.

3. The Berwyn Park District may give the selected applicant a formal, written offer of employment that will include the job title, expected starting date, starting rate of pay and any other details related to the position. The offer of employment will be contingent upon the individual's successful completion of one or more pre-employment tests and criminal background checks applicable to the position. The Berwyn Park District will send a copy of the offer letter, signed by the applicant's hiring supervisor, to the Human Resources Department for inclusion in the employee's personnel file. This employment offer does not constitute an actual or implied employment contract and will not change or modify the at-will employment relationship between employees and the Berwyn Park District.

### **Proof of Right to Work**

Within three business days of the date employment begins, Berwyn Park District employees must provide adequate documentation of their eligibility to work in the United States. The Berwyn Park District requires all new employees to furnish proof of citizenship or right to work by completing the Federal Form I-9 and providing appropriate supporting documentation within the first three days of employment.

### **Proof of Birth Date**

The Berwyn Park District requires all employees to furnish certified proof of date of birth at the time of hire.

### **Preemployment Tests (Section 1.10)**

The Berwyn Park District may require one or more tests of employees hired for certain positions, including without limitation, transferred and promoted employees.

The Berwyn Park District requires certain job positions (e.g., maintenance staff, trades, security staff, drivers of Berwyn Park District vehicles and other safety-sensitive positions deemed appropriate), to complete a medical examination successfully after offering a position to the employee but prior to starting employment. This medical examination is necessary to determine if the employee can perform the essential functions of the job offered with or without reasonable accommodations. The Berwyn Park District will also require preemployment drug testing, in accordance with the Berwyn Park District's Alcohol and Drug Abuse Policy, for all applicants offered a full-time position with the Berwyn Park District and for all other applicants based upon the position offered.

A healthcare provider of the Berwyn Park District's choice and at the Berwyn Park District's expense will perform the examination. Employees must consent to the disclosure of the findings, conclusions and opinions to the Berwyn Park District. The Berwyn Park District will maintain employee medical records, including pre-employment medical examinations and drug tests, in a separate confidential file and will not release or disclose information in an employee's medical file without the impacted employee's written consent, pursuant to court order, or except to persons with a lawful right or need to know.

The Berwyn Park District may require employees to undergo subsequent medical examinations when such examinations are job-related and consistent with business necessity. The Berwyn Park District will conduct such examinations under the same procedures and guidelines outlined above for pre-employment medical examinations.

## **State Criminal Conviction Background Check**

### **Park Districts**

State statute (70 ILCS 1205/8-23) requires park districts to obtain criminal conviction information concerning all applicants, and the Berwyn Park District will initiate a criminal background check for applicants for all positions prior to the applicant starting work. Pursuant to the statute, any conviction of offenses enumerated in subsection (c) of said statute (regardless of when the conviction sentenced ended) will automatically disqualify the applicant from consideration for working for the Berwyn Park District, and any conviction of offenses enumerated in subsection (d) of said statute where the conviction sentence ended within the seven years prior to employment will automatically disqualify the applicant from consideration for working for the Berwyn Park District. Any other conviction(s) will not automatically disqualify the applicant from consideration, but rather, the Berwyn Park District will consider such conviction(s) pursuant to its Criminal Convictions Policy. The Berwyn Park District does not require applicants to disclose sealed or expunged records of corrections. The Berwyn Park District may require applicants to submit fingerprints and/or other identification information to facilitate such an investigation. All information concerning the record of convictions will be confidential and only transmitted to those persons who are necessary to the decision process.

### **Preemployment Drug Test**

The Berwyn Park District will require drug testing, in accordance with its Alcohol and Drug Abuse Policy, for all applicants offered a full-time position with the Berwyn Park District and other applicants based upon the position offered.

The Berwyn Park District will test employees required to have a commercial driver's license (CDL) for their position in accordance with the Berwyn Park District's CDL Controlled Substance and Alcohol Testing Policy.

### **Driver's License Abstract**

Although the Berwyn Park District does not generally require all employees to have a valid driver's license as a condition of their employment, any employee expected to drive either their personal vehicle or an Berwyn Park District vehicle in the course of their job duties must have a valid driver's license with the proper classification for the vehicle(s) the employee will operate. Before such an employee has started work, and generally on an annual basis thereafter, the Berwyn Park District will request a driver's license abstract review from the Illinois Secretary of State's office.

A history of severe and/or excessive driving violations may result in an applicant/employee being unable to drive as part of their work duties, and if driving is an essential function of their position, may result in rescission of an offer or discipline up to and including dismissal from employment. Similarly, a driver's license being placed on suspended or restricted status may result in an applicant/employee being unable to drive as part of their work duties, and if driving is an essential function of their position, may result in rescission of an offer or discipline up to and including dismissal from employment. However, if a restriction or suspension is a result of an applicant's/employee's disability or pregnancy, the applicant/employee will have all rights available under the Berwyn Park District's ADA and Pregnancy Discrimination Policies, and the Berwyn Park District will engage in the interactive process to determine what reasonable accommodations, if any, are available to the employee pursuant to the relevant policy.

### **Orientation (Section 1.11)**

Newly hired employees or employees who, because of a transfer, promotion or reclassification, are in a different employment classification or qualify for different benefits must report to the Human Resources Department on or before the first day in that position to complete the necessary paperwork.

The Berwyn Park District may require each new employee, including transferred or promoted employees, to complete a job training and orientation session within the first two weeks of their employment in their new position. The orientation process may include training required by both governmental regulations and compliance with the regulations and guidance promulgated by the Park District Risk Management Berwyn Park District. The Berwyn Park District requires employees to sign an Employee Orientation Checklist or Acknowledgement to confirm they received and understand the necessary material.

### **Employment in More Than One Department (Section 1.12)**

The Berwyn Park District usually hires employees for a specific position in a department. Full-time exempt and non-exempt employees are only allowed to work in one department. Provided it does not compromise in any manner the employee's primary job with the Berwyn Park District, and the employee receives written, advance permission from the employee's Department Head (which may be withheld for any lawful reason in the Berwyn Park District's sole discretion), an employee may work an additional part-time or short-term job with the Berwyn Park District. (Employees may not have more than one full-time job with the Berwyn Park District.) The Berwyn Park District may subsequently revoke permission, however, if it determines in its sole discretion that such an additional job adversely interferes with an employee's primary job or for any other lawful business reason.

### **Outside Employment (Section 1.13)**

If full-time employees secure employment outside of their job with the Berwyn Park District, they must inform their Department Head and the Executive Director. If it appears, in the sole discretion of a Department Head or Executive Director, that the outside employment presents a possible conflict of interest or interferes with fulfilling job responsibilities at the Berwyn Park District, the Department Head and/or Executive Director can require employees to quit their outside employment to resign from the Berwyn Park District if unwilling to quit their outside employment.

To avoid potential conflicts of interest, full-time, part-time and short-term (or seasonal) employees may not accept work from or work for persons or companies with whom the Berwyn Park District conducts any form of business.

No employee may work for another employer when they are scheduled or requested to work for the Berwyn Park District.

Failure to terminate outside employment when so directed by a Department Head and/or Executive Director may be cause for disciplinary action, up to and including dismissal from employment.

### **Performance Evaluations (Section 1.14)**

The Berwyn Park District has a formal performance evaluation system for employees to provide a means of attempting to evaluate an employee's performance and progress. The performance evaluation process assists the Berwyn Park District in making personnel decisions related to promotions, transfers, demotions, dismissals from employment and salary adjustments. Performance evaluations are an essential part of an employee's personnel records.

## **Frequency**

Under usual and appropriate circumstances, full-time and part-time employees should receive a performance review annually. If an employee's job responsibilities change substantially at any time after the annual review, however, the Berwyn Park District may perform another before the next annual review, after the new assignment has begun. Immediate supervisors generally will conduct formal evaluations on a predetermined schedule as set forth by the Executive Director.

Under usual and appropriate circumstances, short-term (or seasonal) employees should receive a performance review at the end of the season or their project. Immediate supervisors generally will conduct these evaluations on a predetermined schedule as set forth by the department in consultation with the Executive Director. While the Berwyn Park District endeavors to provide short-term (or seasonal) employees notification of such evaluations, given the short/seasonal nature of the work, notification may or may not occur at the end of the season/project. In addition, immediate supervisors may give, or employees may request, an informal review at any time.

## **Informal Review of Employee Performance**

Immediate supervisors, Department Heads and/or the Executive Director generally observe and informally evaluate employees' performance on a daily basis. They will attempt to notify employees of observed deficiencies in work performance or inappropriate conduct.

## **Unsatisfactory Review**

If an employee receives an unsatisfactory formal performance evaluation, they are ineligible for a merit pay increase and may be subject to disciplinary action up to and including dismissal from employment. In the case of a short-term (or seasonal) employee, an unsatisfactory performance evaluation may render the employee ineligible to return for a subsequent season and/or project.

## **Appeal**

If an employee disagrees with a formal performance evaluation, they may request another interview with their immediate supervisor to discuss the evaluation. If they do not reach an agreement as to the evaluation, an employee may:

1. Request in writing, within five (5) working days of receipt of the performance evaluation, a meeting with the supervisor at the succeeding level of authority in the department. The request must include an explanation as to why the employee believes a change to the formal performance evaluation is necessary. The employee must attach to the request any supporting documentation. If the employee does not timely request a meeting, the evaluation of the immediate supervisor will be final, and the supervisor will place a copy of the evaluation in the employee's personnel file. If the employee timely requests a meeting, the supervisor will meet with the employee and investigate the circumstances

surrounding the evaluation. The supervisor will generally issue a written determination within ten (10) working days of receipt of the written request. If the determination does not satisfy the employee, they may continue this process through each succeeding supervisory level up to the Executive Director. Any decision of the Executive Director is final.

2. In addition, or in the alternative, an employee may also prepare a written response stating their position or objection to the evaluation and request to include the written response in the employee's personnel file.

### **Personnel Files and Requests for Personnel Records (Section 1.15)**

The Berwyn Park District will create a personnel file for each employee that contains all pertinent employment information and forms, including without limitation, employment application, references, evaluations, commendations, disciplinary actions and other employment records. The Berwyn Park District will maintain a separate, confidential file for employees' medical and benefit records, as well as any other confidential personnel records.

The Berwyn Park District will not release or disclose any information contained in personnel (and confidential medical or benefit) files without an employee's written consent, except as required by law and/or to persons with a lawful right or need to know, including without limitation, pursuant to a court order.

The Berwyn Park District will not disclose an employee's disciplinary report, letter of reprimand or other disciplinary action to a third party or to a party outside of the Berwyn Park District's organization (except in the event of union representation) without first providing written notice to the employee mailed first-class mail to the employee's last known address on or before the day the information is divulged. (When the request for such a record is made pursuant to IL FOIA, the Berwyn Park District may send the written notice to the employee via first-class mail or through electronic mail). This paragraph is inapplicable, however, if (1) the employee specifically waived written notice as part of a written, signed employment application with another employer; (2) the disclosure is ordered in a legal action or arbitration; or (3) a government agency requested the information as a result of a claim or complaint by the employee or as a result of a criminal investigation by such agency.

It is to an employee's advantage to ensure all personnel records are accurate and up to date. Employees are responsible for and must promptly advise the Berwyn Park District of any changes in their:

- Name and/or marital status.
- Address, email and/or telephone number.
- Number of eligible dependents.
- W-4 deductions.
- Person(s) to contact in case of emergency.

- Other personal information the Berwyn Park District needs to know to contact an employee or properly administer agency benefits programs or general operational concerns.
- An employee's immigration status (if eligibility for employment in the United States is affected).

**IMPORTANT: Employees should immediately notify the Human Resources Department of any changes in pertinent information.**

Upon written request (including via electronic communications, like email, text, etc.), employees (and former employees separated from the Berwyn Park District within the last 12 months) have a right to inspect, copy and/or receive their personnel records pursuant to the Illinois Personnel Records Review Act (IPRRA). An employee may only make two requests per calendar year, spaced at reasonable intervals. They must make the request in writing to the Berwyn Park District's Human Resources Department, as well as (1) identify what personnel records the employee is requesting (or identify if the employee is requesting all records allowed under the IPRRA), (2) specify whether they want to inspect, receive or copy the records, (3) specify whether the records should be in hard copy or a reasonable and commercially available electronic format, (4) specify whether inspection, copying or receipt of copies will be performed by that employee's representative and (5) if the records being requested include medical information and medical records, include a signed waiver to release medical information and medical records to that employee's specific representative.

Personnel records employees may request include:

- Any personnel documents that are, have been or are intended to be used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, benefits, discharge or other disciplinary action, except as exempted by Section 10 of the IPRRA.
- Any employment-related contracts or agreements the Berwyn Park District maintains and are legally binding on the employee.
- Any employee handbooks the Berwyn Park District made available to the employee or the employee acknowledged receiving.
- Any written employer policies or procedures the Berwyn Park District contends the employee was subject to and concern qualifications for employment, promotion, transfer, compensation, benefits, discharge or other disciplinary action.

The Berwyn Park District shall comply with the request within seven working days of its receipt; if the Berwyn Park District can reasonably show such a deadline cannot be met, the Berwyn Park District shall have an additional seven calendar days to comply. If the Berwyn Park District does not maintain records in one or more of the categories requested, the Berwyn Park District may respond in writing to that effect but will still permit inspection, copying or receipt of records that the Berwyn Park District does maintain. If the Berwyn Park District maintains the records requested in a manner and fashion already accessible by the employee, the Berwyn

Park District will provide the employee with instructions on how to access the records. The Berwyn Park District reserves the right to charge an employee for the actual costs of duplication of records.

### **Child Labor Laws: Employment of Minors (Section 1.16)**

The Agency complies with all applicable federal, state and local child labor laws regarding employment of minors including, but not limited to, the Fair Labor Standards Act (FLSA) (which applies to minors under the age of 18 years old) and the Illinois Child Labor Act of 2024 (which applies to minors under the age of 16 years old). This policy does not seek to list all those laws but to highlight key provisions generally.

All minors under age 16 must have an employment certificate before the Agency will allow them to work. The Regional or District Superintendent of Schools or a duly authorized agent issues employment certificates and must give the certificate to the Agency for employment purposes, so the Agency can produce the certificate upon request to the Illinois Department of Labor.

The Agency will provide an unpaid meal period of at least 30 minutes to minors under the age of 16 no later than the fifth consecutive hour of work.

Employees under age 16 cannot supervise any part of the transportation of camp, field trips or other Agency-sponsored program participants to or from Agency-sponsored activities, including loading participants or materials onto a bus prior to departure, supervising the participants (or performing any other work) during the ride to and from the activity and unloading participants or materials upon arrival at the activity or back at the point of departure. Employees under age 16 are relieved of all duties during this time and are not to resume their duties until all participants and materials have been unloaded from the bus.

Under applicable federal, state and local laws, certain duties or positions may be prohibited for certain age groups, such as those under the age of 16 or under the age of 18. The Agency complies with all such limitations and may include relevant age restrictions in applicable job descriptions and/or postings for clarity.

For purposes of this policy, “School Day” means any day when school is in session and “School Week” means any week where one or more days are school days.

Federal and Illinois child labor laws mandate a minor under the age of 16 cannot work the following hours:

- During school hours when school is in session.
- More than six consecutive days in a calendar week.
- More than 40 hours in a calendar week when school is not in session.

- More than eight hours in any 24-hour period.
- Over three hours a day when school is in session.
- Over eight hours a day combining school and work hours when school is in session.
- Over 18 hours in a calendar week when school is in session.
- Earlier than 7 a.m. and later than 7 p.m., except:
  - From Labor Day to June 1, the minor may work up to 9 p.m. if the minor works no more than 3 hours per day, no more than 2 school days in the week, and no more than 24 hours total in the week outside school time.
  - From June 1 to Labor Day, when the minor may work up to 10 p.m.

For minors under 16 years old working for the Agency where no alcohol or tobacco is being sold on-site, the Agency will provide an adult 18 years of age or older to supervise or, in the case of a minor under 16 years old working for the Agency as an officiant of youth sports activities, will have an adult Agency employee 21 years of age or older to be on call. For all other minors, the Agency will provide an adult 21 years of age or older, on-site, to supervise minors under the age of 16 at all times while the minors are working.

### **Search of Lockers, Desks, and Other Park District Property (Section 1.17)**

Employees should understand that while certain Berwyn Park District property (such as desks, lockers and vehicles) are available for their use, they remain the property of the Berwyn Park District and are subject to inspection, with or without notice, at any time. Employees cannot store any wrongfully obtained, illegal or prohibited items or substances in or on Berwyn Park District property or otherwise misuse Berwyn Park District property.

**IMPORTANT: Whenever necessary, and at the Berwyn Park District’s sole discretion, Berwyn Park District property and employees’ work areas (i.e., desks, file cabinets, lockers, vehicles, etc.) may be subject to a search without notice. Employees are required to cooperate.**

The Berwyn Park District will generally try to obtain an employee’s consent before conducting a search of Berwyn Park District property or work areas, but this is not required.

### **Workplace Inspections**

To safeguard the property and personal safety of its employees and the Berwyn Park District, the Berwyn Park District reserves the right to inspect any packages, parcels, purses, handbags, gym bags, briefcases, lunch boxes or any other possessions or articles carried to and from Berwyn Park District property by employees and all other persons on the Berwyn Park District’s premises.

The Berwyn Park District reserves the right to inspect an employee’s office, desk, files,

lockers or other area or article on Berwyn Park District premises. As noted above, all lockers, offices, desks, telephones, computers, files and so forth are the property of the Berwyn Park District and issued for employees' use only during and for their employment with the Berwyn Park District.

The Berwyn Park District may conduct inspections at any time at its sole discretion and is not responsible for the loss of personal property.

Employees who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of unauthorized Berwyn Park District property, confidential material, stolen property, weapons, alcohol or cannabis, or illicit drugs, will be subject to disciplinary action, up to and including dismissal.

### **Alcohol and Drug Abuse (Section 1.18)**

#### **Purpose**

The Berwyn Park District has implemented an Alcohol and Drug Abuse Policy in response to overwhelming evidence that alcohol and drug abuse has a detrimental impact on employees' health, job performance, safety and efficiency. Since Berwyn Park District employees operate, supervise and maintain parks, facilities, programs and equipment for use by members of the public and perform services that may have a direct effect on the health and safety of members of the public and fellow employees, the Berwyn Park District wishes to maximize the health and safety of its patrons and employees.

This policy also expresses the Berwyn Park District's desire to satisfy the requirements of the federal and state Drug Free Workplace Acts (41 U.S.C.A. § 701 et seq. and 30 ILCS 580/1 et seq.). In accordance with these statutes and concerns, the Berwyn Park District has resolved to maintain a drug-free workplace.

The purpose of this policy is to inform employees of the Berwyn Park District's investigation, treatment and disciplinary policy relating to alcohol and drugs. As such, all Berwyn Park District employees will abide by its terms. As with all policies in this handbook, this policy is subject to periodic addition, modification, or deletion.

This policy does not replace any of the provisions or requirements of the Berwyn Park District's Controlled Substance and Alcohol Testing Policy for positions that require a Commercial Driver's License (CDL). (See the Berwyn Park District's Alcohol and Drug Procedures for CDL Employees Policy.)

Berwyn Park District employees who operate Berwyn Park District commercial motor vehicles and possess a CDL have special responsibilities because of operating vehicles

that require additional skill and attentiveness. As part of its continuing commitment to safety and to comply with federal law, the Berwyn Park District has established a controlled substance and alcohol testing policy for Berwyn Park District positions that require a CDL. (See the Berwyn Park District's Alcohol and Drug Procedures for CDL Employees.) Both the Berwyn Park District and the federal government recognize it is important to establish programs to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. The Alcohol and Drug Procedures for CDL Employees is in addition to, and supplements and complements rather than supersedes, all other Berwyn Park District policies, rules, procedures, and practices including without limitation this Alcohol and Drug Abuse Policy. However, for persons to whom the Alcohol and Drug Procedures for CDL Employees applies, in the event of any conflict between any of the provisions of the Alcohol and Drug Procedures for CDL Employees and the provisions of any other Berwyn Park District policy, rule, procedure or practice, the provisions of the Alcohol and Drug Procedures for CDL Employees will control.

### **Acts Prohibited**

The Berwyn Park District prohibits unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including cannabis, medical marijuana and alcohol, on its property or while acting on behalf of the Berwyn Park District.

### **Definitions**

For purposes of this policy, the following definitions apply:

- "Alcohol" means any substance containing any form of alcohol, including but not limited to: ethanol, methanol, propanol and isopropanol.
- "Cannabis" is defined as provided in the Cannabis Control Act (720 ILCS 550/1, et seq.) which provisions are specifically incorporated in this policy by reference.
- "Controlled Substance" means a controlled substance in schedules I through V of section 812 of Title 21 of the United States Code, which provisions are specifically incorporated in this policy by reference.
- "Criminal Drug Statute" means a criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance or cannabis.
- "Berwyn Park District Property" means any building, gym, pool, office, common area, open space, vehicle, parking lot, or other area owned, leased, managed, used or controlled by the Berwyn Park District. Berwyn Park District Property also includes property used by Berwyn Park District patrons while on Berwyn Park District sponsored events or field trips or property of others when presence thereon by the Berwyn Park District employee is related to employment with the Berwyn Park District.
- "Drugs" mean Legal Drugs and controlled substances, including cannabis and medical marijuana.
- "Legal Drugs" mean prescription drugs, including medical marijuana and over-the-

counter drugs which have been obtained legally and are being used in the manner and for the purpose for which they were prescribed or manufactured.

- "Medical Facility" means any physician, laboratory, clinic, hospital, or other similar entity.
- "Policy" means this Alcohol and Drug Abuse Policy of the Berwyn Park District.
- "Possess" means to have either in or on an employee's person, personal effects, desk, files, or other similar area.
- "Public Safety Responsibility" means a position in which the nature of an employee's duties is such that impaired perception, reaction time or judgment may place the employee, a member or members of the public or other employees at risk of serious bodily harm or is responsible for the administration or enforcement of alcohol/drug policies. Sworn peace or law enforcement officers have Public Safety Responsibility regardless of their duties.
- "Under the Influence" means that the employee is affected by alcohol or drugs in any determinable manner. A determination of being under the influence can be established by a professional opinion, a scientifically valid test, a layperson's opinion, or the statement of a witness.

### **Voluntary Treatment**

It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to disciplinary action. The Berwyn Park District will not discipline an employee who voluntarily seeks treatment for a substance abuse problem if the employee is not in violation of the Berwyn Park District's drug and alcohol policies or other policies, rules of conduct and employment standards. Seeking such assistance will not be a defense for violating the Berwyn Park District's drug and alcohol policies, nor will it excuse or limit the employee's obligation to meet the Berwyn Park District's policies, rules of conduct, and employment standards including, but not limited to, those regarding attendance, job performance, and safe and sober behavior on the job.

Employees who suffer from alcohol or drug abuse are encouraged to consult voluntarily with Berwyn Park District management and/or the Employee Assistance Program (EAP) and undergo appropriate medical treatment. Participation in such treatment will be at the employee's expense, although an employee's benefits may cover some of these expenses, as determined by the plan documents. Please see the Human Resources Department for details. Berwyn Park District management will keep such voluntary discussions and medical treatment confidential in accordance with this policy.

### **Screening and Testing**

The Berwyn Park District may require employees to complete an alcohol and/or drug screen: (1) on a preemployment basis for positions whose job functions require them to operate or maintain vehicles or machinery, handle hazardous or toxic materials or substances of any kind, or have a Public Safety Responsibility; (2) on a random basis for positions whose job functions require them to operate or maintain vehicles or machinery, handle hazardous or toxic materials or substances of any kind or have a Public Safety

Responsibility; (3) for all employees following a work place accident or injury (particularly those involving injury to a third party, damage to property and/or a possible violation of safety rules); (4) during and after an employee's participation in an alcohol or drug counseling or rehabilitation program; or (5) upon reasonable suspicion that the employee is under the influence of alcohol or drugs while working. The screening or testing will be conducted by a medical facility selected by the Berwyn Park District at the Berwyn Park District's expense. The screening or testing may require an analysis of the employee's breath, urine and/or blood or such similar substance as the medical facility may recommend. Employees who undergo alcohol or drug screening or testing will be given the opportunity, prior to the collection of a specimen or other testing, to disclose the use of legal drugs, including medical marijuana, and to explain the circumstance of their use. If an initial test is positive, a second test will be conducted from the same sample. A confirmed positive drug and/or alcohol test may result in disciplinary action, up to and including dismissal.

The Berwyn Park District requires each employee and prospective employee who must screen/test to sign a consent form, a copy of which is included at **Appendix B**, at the time it is distributed to the employee. Employees in positions that require a CDL (or who are otherwise covered by the DOT) will be required to sign a separate consent form prior to testing/screening.

The Berwyn Park District may also require each employee and prospective employee to sign a separate consent form requested specifically by the medical facility conducting the screening/testing. Refusal to sign any requested consent form will result in non-hire or disciplinary action up to and including dismissal from employment, as deemed appropriate by the Berwyn Park District, in its sole discretion, under the circumstances.

### **Treatment**

If the medical facility recommends treatment, the Berwyn Park District may, depending on the circumstances as determined in its sole discretion, give the employee one opportunity to undergo treatment offered by a clinic or trained professional mutually acceptable to the Berwyn Park District and employee.

Participation in such treatment will be at the employee's expense. The employee must enter the treatment program within ten (10) days from the time of recommendation of treatment. The Berwyn Park District may reinstate the employee provided that the employee submits a statement issued by the medical facility certifying successful completion of the treatment program, that the employee is released to return to work, and that the employee agrees to all conditions of reinstatement as determined by the Berwyn Park District, which may include, but is not limited to, future alcohol and/or drug testing.

## **Use of Legal Drugs**

Any employee who operates or maintains a vehicle or machinery, handles hazardous materials or substances of any kind, or has a Public Safety Responsibility and who has taken a legal drug (including medical marijuana) must report the use of such legal drug to their immediate supervisor if the legal drug may cause drowsiness or if it may alter judgment, perception or reaction time.

While the Berwyn Park District will not penalize an employee solely for their status as a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act, any employee who is a registered qualifying patient is nevertheless required to comply with this policy. Similarly, while the Berwyn Park District will not penalize an employee for off-duty use of a lawful product, employees must comply with this policy. (The Berwyn Park District prohibits sworn peace/law enforcement officers employed by the Berwyn Park District from using cannabis while on-duty and off-duty.)

The burden is on the employee to ascertain from the employee's doctor or pharmacist whether or not the legal drug may have such a potential side effect. The information will be retained by the Berwyn Park District in a confidential manner and will be disclosed only to persons who need to know. The employee's immediate supervisor, after conferring with the Department Head or Executive Director, will decide whether or not the employee may safely continue to perform the job while using the legal drug. Failure to declare the use of such legal drugs may be cause for discipline up to and including dismissal from employment.

## **Notice of Convictions**

Any employee convicted of violating any federal or state criminal drug statute must notify the Executive Director within five (5) days of such conviction. For purposes of this notice requirement, a conviction includes a finding of guilt, a no contest plea, and/or an imposition of sentence by any judicial body for any violation of a criminal statute involving the unlawful manufacture, distribution, sale, dispensation, possession or use of any controlled substance or cannabis. Failure to notify the Executive Director may subject the employee to disciplinary action, up to and including dismissal from employment.

## **Discipline/Penalties for Violation**

The Berwyn Park District will discipline in accordance with the Disciplinary Action section of this handbook any employee who: reports to work or is found to be or to have been under the influence of alcohol, controlled substances, or cannabis during working hours; manufactures, possesses, uses, sells or dispenses alcohol, controlled substances, or cannabis while on Berwyn Park District property or while acting on behalf of the Berwyn Park District; is convicted of a drug related crime that precludes employment under the

Berwyn Park District's Criminal Convictions Policy; causes financial or physical damage to the Berwyn Park District property, its employees or patrons as the result of alcohol or drug abuse; or fails to report the use of legal drugs in accordance with this policy. The Berwyn Park District prohibits sworn peace/law enforcement officers employed by the Berwyn Park District from using cannabis while on-duty and off-duty.

In addition to or in the alternative, depending on the circumstances as determined by the Berwyn Park District in its sole discretion, the Berwyn Park District may require an employee to successfully complete an alcohol and/or drug abuse assistance or rehabilitation program approved for such purposes by the Berwyn Park District and by a federal, state or local health law enforcement or other appropriate Berwyn Park District. An employee who participates in a treatment program will be expected to meet job performance standards and comply with all rules established by the Berwyn Park District. Participation in a treatment program will not, in itself, protect the employee from disciplinary actions should job performance remain unsatisfactory.

In addition to the examples of misconduct that may subject an employee to disciplinary action contained in this policy and the handbook, the Berwyn Park District will discipline an employee up to and including dismissal for the following: (1) the employee refuses to submit to testing or screening upon request of the Berwyn Park District; (2) the employee tampers in any way with the specimen given to the medical facility for purposes of alcohol or drug screening or testing; (3) the medical facility recommends treatment and the employee refuses to undergo such treatment; (4) while undergoing treatment, the employee fails or refuses to follow the course of treatment; (5) the employee, during the course of or following treatment, is again under the influence of alcohol or drugs in violation of this policy; or, (6) if the employee fails to notify the Executive Director of a conviction for violating any federal or state Criminal Drug Statute in accordance with the "Notice of Conviction" section of this policy.

### **Inspections**

To assure employees comply with the prohibition on being under the influence of, manufacturing, distributing, dispensing, possessing, or using alcohol, controlled substances, or cannabis (including medical marijuana), employees may be subject to inspection as follows:

- Lockers, desks, files, vehicles, equipment and other containers and property owned or leased by the Berwyn Park District and which an employee is permitted to use during employment with the Berwyn Park District, are and remain the property of the Berwyn Park District. Employees are not permitted to keep controlled substances, cannabis (including medical marijuana) or alcohol in or on

such property. Any such property reasonably suspected of having or holding such substances is subject to search by the Berwyn Park District.

- Any refusal to submit to such an inspection will be treated as an act of insubordination and may result in disciplinary action, up to and including dismissal.

## **Records**

The Berwyn Park District will maintain medical records relating to alcohol or drug abuse, diagnosis, and treatment confidential and in a file separate from the regular personnel files. Access will be limited to those who need to know. The Berwyn Park District will not disclose these records to persons outside the Berwyn Park District without the employee's written consent unless disclosure of the records is necessary for legal or insurance purposes or is otherwise required by law.

## **Modified Duty Program (Section 1.19)**

The Berwyn Park District commits to providing employees with available and reasonable opportunities to maintain career and employment status and benefits, and to maximize the Berwyn Park District's ability to provide its services to the public. It has a Modified Duty Program for employees who have sustained injuries or illnesses arising out of and in the course of their employment with the Berwyn Park District (i.e., a work-related injury or illness).

The purpose of the Modified Duty Program is to provide a temporary modified work assignment when feasible, available and applicable. The Berwyn Park District will determine feasibility of modified duty on a case-by-case basis, considering several factors, at the sole discretion of the Berwyn Park District. These factors include, but are not limited to, the aptitude of the employee, the specific physical or mental limitations, the essential functions of the temporary job assignment, the work environment and the ability of the Berwyn Park District to provide an accommodation. Modified duty may not be available for certain positions and/or at certain times, depending on the business needs of the Berwyn Park District. Noncompliance or failure to cooperate with the Modified Duty Program may affect workers' compensation benefits, and the Berwyn Park District may consider it job abandonment.

## **Definitions**

For purposes of this policy, the following definitions apply:

- Employee – Any individual employed by the Berwyn Park District in a valid, authorized position.
- Modified Duty Program – Temporary assignment of duties to an employee with an occupational injury or illness whose treating healthcare provider indicates the employee may return to work subject to specified restrictions and who has not yet

reached a level of maximum recovery enabling the employee to return to regularly assigned duties. Modified duty may only be applicable to those employees eligible for temporary total disability benefits under the Illinois Workers' Compensation or Occupational Disease Acts (hereafter acts) or whose injury or illness is compensable under the acts. However, nothing in this policy shall prohibit or limit employees from requesting, or the Berwyn Park District from granting, reasonable accommodations to individuals with non-work-related injuries or illnesses, such as those under the ADA and/or because of pregnancy, childbirth or conditions related to pregnancy or childbirth.

- Occupational injury or illness – Injury or illness arising out of, and in the course of, the employee's employment and compensable under the Illinois Workers' Compensation Act or Occupational Disease Act. All claims for workers' compensation benefits are subject to initial and continuing investigation.

### **Objectives**

- To return occupationally injured or ill employees to work as soon as possible provided there is not a probability of reinjury or aggravation of an injury/illness, and the return to work does not directly or indirectly adversely jeopardize the safety of others or is potentially detrimental to the Berwyn Park District.
- To minimize financial hardship and emotional stress to the employee who sustained an occupational injury.
- To assist employees in returning to work at a level close to their preinjury earnings and productivity.
- To retain qualified and experienced employees.
- To further the Berwyn Park District's commitment and obligation to provide recreational programs, services and facilities to the public.

### **Basic Program Requirements**

- The Berwyn Park District may provide employees a modified duty assignment when employees are temporarily unable to perform the essential functions of their regular position due to occupational injury or illness, provided the modified duty assignment fulfills a job function(s) useful to the Berwyn Park District and is within limitations set by treating and/or evaluating healthcare providers. Modified duty assignments will not create a new job but rather incorporate or modify an existing position on a temporary basis. The assignment may include duties anywhere within the Berwyn Park District.
- The Berwyn Park District will establish a time limit on a case-by-case basis for the length of time it offers modified duty. The time limit is subject to review and revision at the sole discretion of the Berwyn Park District.
- The Berwyn Park District will compensate an employee on modified duty at the employee's regular pay rate if possible. If this is not possible, and if the injury/illness is compensable under the relevant occupational injury/illness laws, the employee will receive no less than 2/3 of what their average weekly regular

wage (excluding overtime) was prior to the accident, injury or illness. The Berwyn Park District or the Berwyn Park District's workers' compensation provider (PDRMA) may compensate the employee.

- There should be regular communication among the Risk Manager, Human Resources Department, Facility Manager, the employee's immediate supervisor, the treating healthcare provider and PDRMA throughout the course of treatment and recovery.
- Employee responsibilities: Participate in the Modified Duty Program as assigned; report any problems with modified duty assignment to immediate supervisor or Human Resources Department/Risk Manager; notify the immediate supervisor or Human Resources/Risk Manager promptly of any and all changes or modifications to the work restrictions; provide all medical releases and reports and all medical records and forms to the Human Resources Department/Risk Manager promptly when received; notify the person who assigned the task immediately, if an employee cannot complete a task or if it in any way adversely affects the injury/illness. In addition, if an employee's injury/illness requires them to see a healthcare provider for subsequent visits, they must inform their immediate supervisor prior to any and all appointments (except in emergencies), so their immediate supervisor can complete the necessary forms and arrangements for the absence, if the employee must visit a medical provider during working hours. If the immediate supervisor is unavailable, employees must contact the supervisor at the succeeding level of authority in the department. To avoid disruption of Berwyn Park District operations, employees should schedule appointments during nonwork hours when at all possible.
- Please note, under the Illinois Workers' Compensation Act (820 ILCS 305/12), the Berwyn Park District may ask an employee entitled to receive disability payments under the act to undergo an examination by a duly qualified medical practitioner or surgeon selected by the Berwyn Park District at any time and place reasonably convenient to the employee to determine the nature, extent and probable duration of the injury received by the employee and to ascertain the amount of compensation due to the employee from time to time for disability according to the provisions of the act.
- The Berwyn Park District may consider an employee who declines modified duty work within the limitations as determined by the treating or evaluating healthcare provider (and provided there is no conflicting medical opinion), to have abandoned their job. The employee may also lose eligibility for workers' compensation benefits.
- The Berwyn Park District may conduct a review at any time while an employee is on modified duty status to determine the appropriateness and reasonableness of continuing the assignment.

## **Procedure**

- The immediate supervisor and Risk Manager/Human Resources Department are typically responsible for the management of employees on modified duty status.

They may also coordinate modified duty assignments with other departments and/or PDRMA. Each department is responsible for maintaining an updated list of modified duty assignments and advising the Risk Manager/Human Resources Department of any changes to modified duty lists.

- When an employee is injured, the attending healthcare provider must complete a Modified Duties Physician Form. This form, sent to the treating healthcare provider by the Human Resources Department or Risk Manager, requests a list of the duties the employee can perform and any physical limitations they may have.
- The employee must return the Modified Duties Physician Form to the Human Resources Department or Risk Manager, who will contact the employee's immediate supervisor. The immediate supervisor will work with the Department Head or Facility Manager to assign modified duty to the employee, if possible or applicable.
- If a department does not have any available modified duty tasks, the Risk Manager/Human Resources Department will work with other departments to explore such assignments.
- All modified duty assignments are subject to continuing review of the employee's existing medical restrictions, and departments will continue to develop and coordinate appropriate duty assignments with the Risk Manager, Human Resources Department and PDRMA, and monitor ongoing medical status and work adjustment.
- The Berwyn Park District will compensate employees at the predetermined rate of pay while performing modified duty assignments, including time necessary to report to a medical office for further review. The Berwyn Park District will charge time above and beyond what is necessary for medical visits, including reasonable transportation time, against the employee's available paid sick, personal or other time off. If the employee does not have any available time, they will receive compensation only to the extent required by law.

### **Children in the Workplace (Section 1.20)**

The presence of children in the workplace with the employee parent during the employee's workday is inappropriate, and the Berwyn Park District requires employees to avoid this situation except in extraordinary emergency situations. This policy exists to avoid disruptions and distractions in job duties of the employee and coworkers, reduce property and general liability, increase safety and help maintain the Berwyn Park District's professional work environment.

Childcare is the personal responsibility of the employee, and it is the further responsibility of the employee to prearrange for childcare in the event of an emergency. Bringing a child to work is only an option when the employee has exhausted all other emergency alternatives.

If bringing a child to work is unavoidable, employees must contact their immediate supervisor as soon as possible to discuss the situation and obtain permission to have the child accompany them while working. Factors the supervisors will consider are the age of the child, how long the child needs to be present, the work environment in the employee's area and any possible disruption to the employee's and coworkers' work. The Berwyn Park District will not allow a child with an illness to come to work with the employee.

A child brought to the workplace in unavoidable situations will be the responsibility of the employee parent, and the employee must accompany and supervise the child at all times. Excessive need to bring a child to the workplace and/or unauthorized bringing of a child to the workplace may result in discipline, up to and including dismissal from employment.

### **Telecommuting Policy (Section 1.21)**

To accommodate our employees' needs, the Berwyn Park District will permit some employees in specific positions to telecommute and work at home for temporary periods of time as long as telecommuting does not impact the employee's productivity or adversely affect the efficient operation or business needs of the Berwyn Park District. Some positions within the Berwyn Park District, by their very nature, do not lend themselves to telecommuting. For example, positions that require frequent supervision of other employees do not lend themselves to telecommuting, since it is an integral part of those positions for the supervisors to be available on-site to answer questions and coach employees in their growth and development. Similarly, positions that require manual work (such as maintenance or parks labor) also do not lend themselves to telecommuting, since it is an integral part of those positions to be on-site to complete the work. The Berwyn Park District will determine whether employees can perform a specific job effectively off site and whether an individual is effective working without direct supervision at home. Employees should understand the ability to telecommute may vary based on business needs that change over time depending on the circumstances.

If an employee wishes the Berwyn Park District to consider telecommuting, they must submit their request in writing to their immediate supervisor, including the proposed dates/times for the arrangement and all the reasons for the arrangement. The immediate supervisor may then meet with the employee to discuss the request prior to the Berwyn Park District making a decision.

When considering a telecommuting request, the immediate supervisor and employee are responsible for ensuring they meet the following conditions:

- Telecommuting does not adversely affect the Berwyn Park District, departmental assignments/projects, customer relations or other departments.
- There is adequate and suitable work available for the employee to perform at

home with no direct supervision.

- The position is appropriate for a telecommuting arrangement.
- Adequate equipment is in place, or reasonably could be put into place, to facilitate the telecommuting arrangement.
- The employee has maintained a good work record prior to making their request to telecommute (for example, no excessive or unexcused absences and no corrective action within the last six months of employment).

Employees interested in telecommuting should discuss with their immediate supervisor whether telecommuting is an option in their current position. If the immediate supervisor agrees, the employee and immediate supervisor should meet with the Human Resources Department to draft any relevant paperwork that permits the employee to telecommute. The employee must sign the paperwork. The terms of the arrangement can include the following, among any other relevant information:

- Hours and days the employee must be present in the workplace.
- Acknowledgement that the employee has a suitable home office environment with the necessary equipment to perform the duties of the position.
- Performance criteria used to determine whether the telecommuting arrangement is effective.
- Reporting and/or responsiveness requirements for the telecommuting employee, such as frequency of check-ins, availability for phone calls, etc.
- Acknowledgement that the Berwyn Park District does not intend the telecommuting arrangement to be permanent, will review it on an as-needed basis and may revise or discontinue it at any time, with or without advance notice.
- Acknowledgement that the employee remains employed at will and the telecommuting agreement does not constitute a contract of employment.
- Acknowledgement that violation of the telecommuting arrangement will result in discipline, up to and including dismissal from employment (for example, engaging in personal activities when scheduled to work from home, lack of responsiveness during work hours, etc.).
- Employee fully understands the Berwyn Park District may revise or rescind the arrangement at any time for any reason or no reason at all. When telecommuting, an employee must adhere to all other policies and procedures.
- To be eligible for telecommuting, the employee must have been employed by the Berwyn Park District for at least 6 months (after the introductory period).

## **Criminal Convictions (Section 1.22)**

### **Park Districts**

State statute (70 ILCS 1205/8-23) requires park districts to obtain criminal conviction information concerning all applicants, and the Berwyn Park District will initiate a criminal background check on applicants for all positions prior to the applicant starting work. Pursuant to the statute, any conviction of offenses enumerated in subsection (c) of said statute (regardless of when the conviction sentenced ended) will automatically disqualify the applicant from consideration for working for the Berwyn Park District, and any conviction of offenses enumerated in subsection (d) of said statute, where the conviction sentence ended within the seven years prior to employment, will automatically disqualify the applicant from consideration for working for the Berwyn Park District. Any other conviction(s) will not automatically disqualify the applicant from consideration (or employee from continued employment), but the Berwyn Park District will consider whether the convictions are substantially related to the employment sought or held or whether granting or continuing employment would involve an unreasonable risk to property or to the safety and welfare of specific individuals or the general public, as discussed below.

### **Sealed or Expunged Records**

The Berwyn Park District does not require applicants to disclose sealed or expunged records of corrections, nor will the Berwyn Park District take adverse employment action based on same.

### **Consent**

The Berwyn Park District may require applicants to submit fingerprints and/or other identification information to facilitate a criminal conviction background check. All information concerning the record of convictions will be confidential and only transmitted to those persons necessary to the decision process, or as required by law.

### **Disqualifying Convictions**

In some circumstances, the law may require the Berwyn Park District to disqualify an applicant (or dismiss an employee) with certain criminal convictions automatically. In all other instances, the Berwyn Park District will not consider conviction records in making adverse employment decisions regarding applicants and employees unless: (1) there is a substantial relationship between one or more of the previous criminal offenses and the employment sought or held; or (2) the granting or continuation of the employment would involve an unreasonable risk to property or to the safety and welfare of specific individuals or the general public.

- “Substantial relationship” means a consideration of whether the employment position offers the opportunity for the same or a similar offense to occur and whether the circumstances leading to the conduct for which the person was convicted will recur in the employment position.
- Showing that a conviction record poses an “unreasonable risk” means that before making a decision to bar employment, the Berwyn Park District will assess the risk the employee poses to the workplace in the particular position and determine whether the risk is unreasonable under the circumstances.
- The Berwyn Park District will consider the following factors in determining whether a substantial relationship or unreasonable risk exists: (1) length of time since the conviction(s); (2) number of convictions; (3) nature and severity of the conviction(s) and its relationship to the safety and security of others; (4) facts or circumstances surrounding the conviction; (5) age of the applicant/employee at the time of conviction; and (6) evidence of rehabilitation efforts.

### **Notice of Pending Adverse Action and Interactive Process**

The Berwyn Park District gives notice to, and has an interactive process with, applicants/employees prior to making a final adverse employment decision based on any conviction record. In particular:

- If, after considering the listed factors, the Berwyn Park District makes a preliminary decision the applicant’s/ employee’s conviction record may result in an adverse employment action, the Berwyn Park District will notify the employee of the preliminary decision in writing that contains: (1) the potentially disqualifying conviction(s); (2) a copy of the conviction history report; and (3) an explanation of the employee’s right to respond to the notice before that decision becomes final, including (but not limited to) submission of evidence challenging the accuracy of the conviction record or evidence of mitigation.
- The employee/applicant then receives at least five business days to respond before the Berwyn Park District will make a final decision.
- The Berwyn Park District will consider any documentation or information submitted by the applicant/employee.

### **Notice of Adverse Action or Hiring/Continued Employment**

After engaging in this interactive process, the Berwyn Park District will either notify the applicant/employee they can continue with hiring/employment or will give written notice to applicant/employee of a final adverse employment decision based on any conviction record. Any written notice of a final adverse employment decision based on a conviction record will contain: (1) notice of the disqualifying conviction(s) that is the basis for the final decision and the Berwyn Park District’s reasoning for the disqualification; (2) any existing procedure the Berwyn Park District has for the applicant/employee to challenge

the decision or request reconsideration (if any); and (3) the right to file a Charge of Discrimination with the IDHR.

### **Independent Contractors (Section 1.23)**

The Berwyn Park District is required to report any newly hired individuals in the independent contractor relationship to the Illinois Department of Employment Security (IDES). Independent contractors are not employees or agents of the Berwyn Park District but are reported to IDES as “newly hired employees” pursuant to Illinois law, 820 ILCS 405/1801.1(D).

### **Pay Transparency (Section 1.24)**

In compliance with amendments to the Illinois Equal Pay Act, the Berwyn Park District will provide the pay scale and benefits in any job posting, as well as to any applicant for employment, prior to any offer being made or discussion of compensation. In addition, the Berwyn Park District will announce, post or otherwise make known all opportunities for promotion to all current employees no later than 14 calendar days after the Berwyn Park District makes an external job posting for the position. “Pay scale and benefits” means the wage or salary, or the wage or salary range, and a general description of the benefits and other compensation including, but not limited to, bonuses, stock options or other incentives the employer reasonably expects in good faith to offer for the position, set by reference to any applicable pay scale, the previously determined range for the position, the actual range of others currently holding equivalent positions or the budgeted amount for the position, as applicable. Nothing in this policy shall require the Berwyn Park District to use job postings, however.

### **Captive Audience Meetings and Communications (Section 1.25)**

In compliance with the amendments to the Illinois Worker Freedom of Speech Act, as well as other laws applicable to public employers, the Berwyn Park District will not discharge, discipline or otherwise penalize an employee or threaten to do so: (1) for declining to attend or participate in an employer-sponsored meeting or declining to receive or listen to communications from the employer or the agent, representative or designee of the employer, if the meeting or communication is to communicate the opinion of the employer about religious matters or political matters; (2) as a means of inducing employees to participate in such meetings or receive/listen to such communications; or (3) for their good-faith report of such a violation.

For the purposes of this policy and the Act, “political matters” means “matters relating to elections for political office, political parties, proposals to change legislation, proposals to change regulations, proposals to change public policy and the decision to join or support any political party or political, civic, community, fraternal or labor organization.” “Religious matters”

means “matters relating to religious belief, affiliation and practice, and the decision to join or support any religious organization or association.”

Nothing in this policy or the Act limits the Berwyn Park District’s ability to:

- Communicate information required to be communicated to employees by law.
- Conduct voluntary meetings on religious or political matters, or communicate on the same, so long as receipt of and listening to the communication is voluntary. “Voluntary” means the action is not (1) incentivized by a positive change in any employment condition including, but not limited to, any form of compensation or any other benefit of employment; and (2) taken under threat of a negative change in any employment condition for nonattendance, including but not limited to, any negative performance evaluation or any other adverse change in any form of compensation or any other benefit of employment.
- Communicate information necessary for employees to do their job.
- Train employees on topics intended to foster a civil and collaborative workplace or reduce workplace harassment or discrimination.
- Any other exemptions listed under the Act.

For more information on the Act, please see the Berwyn Park District’s workplace posters located in the back areas of the Freedom Park Administration Building, Proksa Park Recreation Building and the Sunshine Maintenance Building

## **B. Payroll Policies and Procedures (Section 2.0)**

### **Compensation Program (Section 2.1)**

The board generally reviews the Berwyn Park District's compensation program annually and establishes any changes made in the compensation program by official action.

Under usual and appropriate circumstances, the Berwyn Park District considers full-time employees for salary adjustments on an annual basis, based on several factors, including, without limitation, performance. In general, the Executive Director predetermines the schedule when any adjustments become effective. The Berwyn Park District considers part-time and short-term (or seasonal) for salary adjustments based on several factors, including without limitation, performance, business needs, changes in law, etc., on either their anniversary date or a schedule predetermined by their Department Head or the Executive Director. Employees receiving an unsatisfactory performance evaluation are not eligible for any wage increase and may be subject to disciplinary action, up to and including dismissal.

The Department Heads may, at any time during the year, recommend an adjustment to an employee's wage, subject to the Executive Director's approval. All salary and wage decisions are in the sole discretion of the Berwyn Park District.

### **Overtime and Compensatory Time (Section 2.2)**

The Berwyn Park District compensates all employees in accordance with the Fair Labor Standards Act (FLSA), the Illinois Minimum Wage Law (IMWL) and any other applicable wage-hour laws.

#### **Definitions**

- **Exempt Employee** – Employee to whom the overtime provisions of the FLSA and IMWL do not apply.
- **Nonexempt Employee** – Employee subject to the overtime provisions of the FLSA and IMWL.
- **Workweek** – the Berwyn Park District workweek begins at 12:01 a.m. Sunday and ends at 12 a.m. midnight the following Saturday.

#### **Eligibility**

The Berwyn Park District considers nonexempt employees entitled to overtime compensation or compensatory time off at the rate of one-and-one-half times their established pay rate for all hours worked in excess of 40 in a single workweek. For purposes of overtime calculation, "hours worked" will not include any form of leave or other nonworking time, whether paid or unpaid. Salaried exempt employees are not eligible for overtime pay.

## **Overtime Obligations and Approval**

Because of the nature of the park and recreation field and the public services rendered, the Berwyn Park District may require employees to work more than their standard hours per work week. Depending on the Berwyn Park District's business needs, employees need to work overtime, including weekends and at events. The Berwyn Park District requires employees to work overtime when necessary and may invoke disciplinary action, up to and including dismissal, on any employee unwilling or refusing to work overtime.

**IMPORTANT: The Berwyn Park District requires all nonexempt employees to obtain their immediate supervisor's approval before working overtime. The Berwyn Park District may invoke disciplinary action, up to and including dismissal, if an employee works overtime without such approval.**

## **Compensation**

The Berwyn Park District will compensate all nonexempt employees for overtime hours through overtime pay or compensatory time off. The employee may request to be either:

- Compensated with pay at the rate of 1½ times the regular hourly rate for all hours worked in excess of 40 in a single workweek.
- Compensated through compensatory time off at the rate of 1½ hour for each hour worked in excess of 40 hours in a single workweek, if agreed to in writing by the employee prior to completing the work. The maximum accrued compensatory time by an employee is 120 hours (80 hours of actual overtime hours worked).
- The employee must let their supervisor know if they would like overtime pay or compensatory time off for each pay period. Only one option may be chosen for each pay period. If an option is not chosen it will default to overtime pay.

The Berwyn Park District permits employees to use compensatory time within a reasonable period after making the request if use of the time does not unduly disrupt the operations of the Berwyn Park District. An employee's immediate supervisor, based upon whether granting such requests results in short staffing or other disruption of the Berwyn Park District's operations, will generally determine whether to approve an employee's request for use of compensatory time. However, the Berwyn Park District may, in its sole discretion, elect to pay cash wages for overtime rather than permitting additional accruals of compensatory time. Nonexempt employees may take no more than 80 hours of compensatory time consecutively within a pay period and must schedule it with the approval of their immediate supervisor. The employee must use their compensatory time within 26 pay periods, or their compensatory time will expire.

## **Separation of Employment**

Upon separation of employment, the Berwyn Park District will calculate payment for accrued compensatory time at the average regular rate of pay for the last three years of

employment or the final regular rate received by the employee at the time of separation, whichever is higher.

### **Payroll Periods and Payday (Section 2.3)**

The Berwyn Park District pays employees biweekly (every other) Friday for the two-week (14 day) period that ends at midnight the preceding Saturday. If the payday is an Berwyn Park District-recognized holiday, employees receive their pay the preceding working day.

The Berwyn Park District will deliver employees' paychecks to their immediate supervisor, who will attempt to give them to employees no later than the end of the workday. The supervisor may not give the paycheck to anyone other than the employee without the employee's written consent. Employees should arrange with their immediate supervisor to collect their paycheck if they are not working on a payday. If an employee separates employment in the middle of a pay period, the Berwyn Park District will pay the employee for the actual hours worked (or the prorated portion of the pay period in the case of a salaried exempt employee).

The Berwyn Park District may pay employees by check or through direct deposit of funds to either a savings or checking account at their bank of choice (providing the bank has direct deposit capability). To activate direct deposit, employees must obtain a Direct Deposit Authorization form from the Human Resources Department. Employees must then return the completed form, with a voided personal check, to the Human Resources Department. Due to banking requirements, the timing for activation of the direct deposit may vary.

In the event of a lost paycheck, employees must notify the Human Resources Department in writing as soon as possible before the Berwyn Park District can issue a replacement check. In the event the lost paycheck is recovered, and the Berwyn Park District identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the Berwyn Park District within 24 hours of the time the Berwyn Park District demands it and may face discipline, up to and including dismissal.

### **Payroll Deductions (Section 2.4)**

The Berwyn Park District will make automatic payroll deductions for federal and state income tax purposes, pension contributions and Social Security tax and any other item ordered by a court or applicable law. It may also make voluntary deductions for elective programs such as health insurance, tax-deferred retirement plans, credit union accounts and supplemental life insurance. Please contact the Human Resources Department for

information on payroll deductions.

Except as required by law or court order, the Berwyn Park District will not make deductions without an employee's written authorization. Deductions required by law include Social Security, Medicare and federal and state income taxes; federal or state law determines these deductions. The Berwyn Park District will make other involuntary deductions as required by law or court order, such as child support payments and wage garnishments. Also, the Berwyn Park District will withhold Illinois Municipal Retirement Fund (IMRF) pension contributions from employees who meet certain hourly requirements.

### **Work Schedules (Section 2.5)**

Immediate supervisors or Department Heads establish department work schedules based on the business needs of the Berwyn Park District. The number of working hours scheduled for employees is subject to the financial and staffing requirements of the Berwyn Park District, and the Berwyn Park District does not guarantee employees any specific number of hours per day or week. The responsibilities of certain positions may require an employee to be on call on a 24-hour basis. At the Berwyn Park District's discretion, the Berwyn Park District may change the work schedules.

Employees may not make any change in their assigned work schedules or exchange work periods with coworkers without the advance, written approval of each employee's immediate supervisor(s). Violation of this policy may result in disciplinary action, up to and including dismissal.

### **Recording of Hours Worked (Section 2.6)**

The Berwyn Park District requires all employees to maintain an accurate and legible record of the hours worked, whether by time sheet, time clock or timecard (depending on the position). These time records, which employees' immediate supervisors must review and either approve or correct with documented explanation, are the basis for paycheck calculations (particularly for nonexempt employees) and serve as time worked records for the Berwyn Park District for all employees.

The Berwyn Park District computes time to the nearest quarter of an hour (15 minutes) per week. However, the Berwyn Park District expects employees to be ready to work at their scheduled start time, even though the time clock may round to the nearest quarter of an hour.

The Berwyn Park District gives employees unpaid meal periods under the Meal and Rest Period Policy at Section 2.7. During unpaid meal periods, or any period where an employee has permission to leave during working hours for nonwork purposes, the employee must clock out/sign out when leaving and clock in/sign in upon returning. Employees are responsible for their own time records. Violation of this policy may result in appropriate disciplinary action, up to and including dismissal.

**IMPORTANT: Employees are not to clock or sign in or out for other employees. Recording another employee's time record or falsification of any employee's time record is against the Berwyn Park District's policies and rules and is grounds for disciplinary action, up to and including dismissal.**

Once employees clock or sign in, they should immediately begin work. The Berwyn Park District considers failure to do so falsification of timekeeping records, and it may result in appropriate disciplinary action, up to and including dismissal.

If employees forget to clock or sign in or out, the employee must fill out a time sheet to record the hours worked and they must notify their immediate supervisors immediately, so they can accurately record the time for payroll. Immediate supervisors must timely document the reason(s) for adjusting employees' time records, including but not limited to if the employee indicated a failure to clock or sign in or out, and submit them to the Human Resources Department for the purposes of payroll documentation.

The Berwyn Park District requires exempt employees to sign in or out using what is specified by the district. They must accurately track and report their hours worked, including but not limited to designating vacations, sick and personal days. Exempt employees should submit their time records to their immediate supervisor, who will review, approve and provide the records to the Human Resources Department.

### **Meal and Rest Periods (Section 2.7)**

The Berwyn Park District authorizes Department Heads to establish and arrange meal periods and reasonable rest periods during each workday that are most consistent with departmental operation. For employees who work in excess of 7.5 hours in a day, they must take at least a 30-minute meal break (which is unpaid), and the meal break must take place within the first five (5) hours of the employee's shift. (Consistent with the Berwyn Park District's Child Labor Policy, the Berwyn Park District must provide an unpaid meal period of at least thirty (30) minutes to minors under the age of 16 no later than the fifth consecutive hour of work.) An employee who works in excess of 7.5 continuous hours must take an additional meal break of at least 30-minutes (which is unpaid) for every additional 4.5 continuous hours worked. A meal period does not include reasonable time spent using the restroom facilities.

Employees must take authorized rest breaks away from the designated work area, but the Berwyn Park District does not permit employees to leave Berwyn Park District premises during this period. The Berwyn Park District compensates rest or break time as work time but not unpaid meal periods.

Employees who choose to remain at work during a rest or meal break cannot leave work early. The Berwyn Park District will compensate employees asked to work through their meal hours and perform job tasks during this time for the time worked, and their immediate supervisor or Department Head will provide them a meal break at another time during their shift.

Employees on rest or meal breaks cannot interfere with employees who are working.

Nursing mothers will also receive reasonable paid breaks (as needed) to express milk (e.g., breastfeeding, pumping, etc.) in a private location for one year after the child's birth. Nursing mothers will be compensated at their regular rate of pay and will not be required to use paid leave/paid time off for these breaks. Mothers requiring a break to express milk should discuss with their immediate supervisor or the Human Resources Department the appropriate location.

### **Emergency Closings (Section 2.8)**

On occasion, due to inclement weather, national crisis or other emergency, the Berwyn Park District may close for all or part of a normally scheduled workday. The Berwyn Park District will attempt to notify employees of its closure through email, text and/or social media. The Berwyn Park District encourages employees to stay apprised of emergency closings prior to leaving for work when possible. The Berwyn Park District considers emergency unpaid leave. In the event of weather that hinders employees from attending work when there is not an emergency closing, the Berwyn Park District requires employees to request time off (and use applicable accrued but unused paid time off) under the policies of the Berwyn Park District.

### **Paystubs (Section 2.9)**

The Berwyn Park District will provide employees with a paystub each pay period. "Paystub" means an itemized statement or statements reflecting an employee's hours worked, rate of pay, overtime pay and overtime hours worked, gross wages earned, deductions made from the employee's wages and the total of wages and deductions year to date.

Employees will have the right to inspect (or request in physical or electronic form, at their election) their paystubs within 21 days of a request twice per 12-month period but must complete an Agency-provided written request form. Similarly, former employees will have a right to inspect (or request in physical or electronic form, at their election) their paystubs within 21 days of a request twice in the 12-month period following separation of employment. Requests for paystubs should be to the Human Resources Department, which maintains the employer's payroll information. The Berwyn Park District will retain the paystubs for at least three years from the date of payment.

## **C. Time Off Benefits (Section 3.0)**

### **Holidays (Section 3.1)**

The Berwyn Park District observes the following holidays:

- New Year's Day.
- Martin Luther King Day.
- Memorial Day.
- Independence Day.
- Labor Day.
- Thanksgiving Day.
- Thanksgiving Friday.
- Day of Christmas Eve.
- Christmas Day.
- New Year's Eve.
- Employee's Birthday (to be used during that month only).
- One Federal or State Holiday (to be used on the specific holiday date).

Where a holiday falls on a weekend, the Berwyn Park District will observe it on either the preceding Friday or following Monday.

### **Full-time Employees**

The Berwyn Park District provides the above holidays as a paid day off for full-time employees. If a full-time employee has work hours on one of these holidays, the Berwyn Park District will provide them with an alternative paid holiday date, such as the day after the actual or observed holiday. If an employee is on an approved vacation leave during which a holiday falls, the holiday will not count as a day of used vacation leave. For example, if an employee takes vacation leave Monday through Friday and a holiday falls on that particular Friday, the Berwyn Park District will consider the employee to have used only four (4) days of vacation.

### **Part-time Classification I Employees**

The Berwyn Park District provides part-time classification I employees a Federal or State Holiday (employee's choice) and Employee's Birthday with pay. The Berwyn Park District bases holiday pay on hours the employee would normally work. The employee must request the day off at least fourteen (14) days in advance of the desired date for the immediate supervisor to approve the request.

### **Vacation Leave (Section 3.2)**

Full-time employees earn paid vacation leave beginning after six months of continuous employment as outlined below.

### **Amount of Vacation**

The basis for administering the vacation policy is the calendar year, Jan. 1 through Dec.

31. The Berwyn Park District determines the number of eligible vacation days by an employee's total calendar years of service while employed by the Berwyn Park District on a continuous full-time basis. It bases a vacation day on the employee's regular work schedule (i.e., if a participating employee's regular work schedule is 40 hours per week at eight hours per workday, then one vacation day would be eight hours of pay). The year of hire counts as one calendar year of service.

**First Calendar Year of Employment**

Full-time employees hired between Jan. 1 and June 30 are eligible to earn five (5) vacation days after six months of continuous employment. The month of hire counts as one full month of employment. Employees must use these vacation days by Dec. 31.

Full-time employees hired between July 1 and Dec. 31 earn vacation days on a pro-rata basis and can take earned vacation time after six months of continuous employment. The month of hire counts as one full month of employment. For the limited purpose of employees who accrue paid vacation time in their first calendar year of employment under this sub-section, they may carry over vacation time earned but unused to the following year, since employees are not eligible to use the time for six months.

**After the First Calendar Year of Employment**

The Berwyn Park District credits a calendar year of service on Dec. 31 to all full-time employees on the active payroll. On Jan. 1, full-time employees will be eligible for vacation days as specified in the schedule below. (To determine an employee's calendar years of service, they should subtract their year of hire from the current calendar year.)

<b>Calendar Year of Service</b>	<b>Vacation Days</b>
0 – 1	10
2 – 4	12
5 – 7	15
8 – 10	18
11 – 13	21
14 – 16+	25

For new full-time employees, the Executive Director, in writing and with prior board approval, may give vacation credit for past experience.

**Accrual Schedule**

Employees eligible for paid vacation benefits accrue their time over the calendar year at the following rate of days per month: Number of vacation days to which they are entitled for the calendar year (based on years of service) divided by 12.

### **Vacation as Sick Leave or Other Leave**

Employees may use eligible vacation days in lieu of paid sick leave when and if they exhaust all accrued sick leave. At the discretion of the Berwyn Park District, it may require employees to use vacation days for other types of leave, providing the employee exhausts the benefits associated with those leaves.

### **Scheduling Vacation**

The minimum vacation increment is ½ day. Employees must have their immediate supervisor's approval in advance of vacation leave. Employees must make written vacation requests at least thirty (30) days prior to the planned leave. An employee's immediate supervisor will make every effort to comply with requests for vacation time. However, in all cases, immediate supervisors will schedule employees' vacation leave when the Berwyn Park District can best afford to be without a specific employee's services. An employee's immediate supervisor will approve or reject the dates requested depending on the workload during the particular time requested. When two or more employees in the same department request the same days off (and it is not possible to let both have it), the Department Head will decide based on factors such as seniority, timeliness of vacation request, job duties, disciplinary histories, reasons for the request and emergencies. An employee's immediate supervisor may require employees to reschedule their vacation if the Berwyn Park District determines an employee's presence is necessary for the efficient or safe operation of the Berwyn Park District.

### **Carryover of Vacation**

Employees may carryover ½ of their total earned vacation hours of the calendar year. The carryover vacation hours must be used by June 30<sup>th</sup>. The Berwyn Park District will not pay earned but unused vacation days.

### **Vacation Pay Upon Separation**

If an employee's employment ends for any reason, they will receive pay for any earned but unused vacation days during the calendar year of their separation of employment. The Berwyn Park District bases payment for accrued but unused vacation leave at separation upon an employee's regular hourly rate of pay or rate of salary at the time of separation.

### **Reporting Vacation to Payroll**

The employee's immediate supervisor will record vacation leave on the Payroll Time Card. In addition, a vacation request form must be completed and signed by the immediate supervisor, this will be turned into HR and placed in the employee's file.

### **Failure to Return from Vacation**

If an employee fails to return to work following the end of an approved vacation leave, the Berwyn Park District may consider them to have voluntarily resigned their position

with the Berwyn Park District effective immediately and/or discipline them pursuant to the Berwyn Park District's Attendance, Punctuality and Dependability Policy.

### **Personal Days (Section 3.3)**

The Berwyn Park District grants full-time employees three paid personal days per calendar year. The Berwyn Park District issues the personal days on the first of January. Except for emergencies, employees must request personal days at least fourteen (14) days in advance of the desired date for the immediate supervisor to approve the request. The Berwyn Park District grants personal days to employees to allow paid time off for personal reasons of any nature, including holidays not recognized by the Berwyn Park District.

Personal days are not cumulative, and employees must take them during the calendar year granted, or they forfeit them without compensation. The Berwyn Park District will pay an employee for any personal days earned but not yet used upon separation.

### **Floating Holidays (Section 3.4)**

- **Full-time employees:** Granted two (2) floating holidays per calendar year.
- **Part-time classification I employees:** Granted one (1) floating holiday per calendar year. Employees should request to use floating holidays at least two (2) weeks in advance of the desired date for their immediate supervisor to approve the request. Employees must use floating holidays during the calendar year granted, or they forfeit them without compensation. The Berwyn Park District will not pay an employee for any earned but unused floating holidays upon separation.

### **Sick Days (Section 3.5)**

Full-time employees receive 12 paid sick days per calendar year based on their regular work schedule, at the accrual rate of one per month, up to a maximum accumulation of 40 days.

Part-time classification I employees receive one (1) sick day per calendar year based on their regular work schedule up to a maximum accumulation of five (5) days, at the accrual rate of one per year.

Sick days will not accrue while an employee is on an unpaid leave of absence. An employee may use sick days for:

- Absences from work because of an employee's nonwork-related illness or injury.

- Although the Berwyn Park District encourages employees to make medical and dentist appointments during nonworking hours, employees may use paid sick days for their medical/dentist appointments.
- Injuries and illnesses of, or medical and dentist appointments for, an employee's covered family member.
- Their covered family member's "personal care." Personal care includes activities to ensure meeting the covered family member's basic medical, hygiene, nutritional or safety needs or to provide transportation to medical appointments for a family member unable to meet their own needs. Personal care also means being physically present to provide emotional support to a family member with a serious health condition who is receiving inpatient or home care.

For purposes of this policy, "covered family member" means an employee's spouse, civil union or domestic partner, child, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent.

Whenever an employee will be absent or late to work (or must leave early from work), the employee or someone on their behalf must notify their immediate supervisor directly, or the supervisor at the succeeding level of authority in their department if they are unable to reach their immediate supervisor, at least 30 minutes before their scheduled starting time. If an employee is unable to make the call personally, a family member or a friend should contact the supervisor. The employee must contact their immediate supervisor, or the supervisor at the succeeding level of authority in their department if their immediate supervisor cannot be reached, each day of absence. If an employee fails to notify a supervisor, the Berwyn Park District may consider the absence/tardiness as an absence without leave, which may result in loss of pay and/or disciplinary action, up to and including dismissal. The employee must later confirm notice of sick leave in writing as soon as practicable after the leave or when requested by an immediate supervisor.

If an employee is away from work for three or more consecutive days because of illness or injury, or if their immediate supervisor becomes aware they have incurred an illness or injury likely to last more than three consecutive days, their immediate supervisor may require the employee to provide documentation from their treating health care provider confirming the illness or injury, the employee's fitness to return to work and/or their ability or inability to perform the essential functions of their position. If the Berwyn Park District has reason to suspect abuse of this sick day policy, the Berwyn Park District may require the employee to provide such documentation for time away from work of less than three consecutive days.

Failure to comply with this policy or abuse of this policy may result in disciplinary measures, up to and including dismissal.

Sick leave may not be used as vacation time.

Upon an employee's separation from the Berwyn Park District, it will not pay an employee for any accrued but unused sick days. However, upon retirement from the Berwyn Park District, an employee may be eligible to receive one month of additional service credit for each 20 days of accrued but unused sick leave, not to exceed one year of additional service credit. Please go to [www.imrf.org](http://www.imrf.org) for more information.

### **Family Bereavement Leave (Section 3.6)**

All employees eligible for leave under the federal Family and Medical Leave Act (FMLA) are also eligible for bereavement leave in accordance with the Illinois Family Bereavement Leave Act (the Act).

#### **Amount of Leave**

The Act provides up to a maximum of two weeks (10 workdays) of unpaid bereavement leave.

In the event of the death of more than one covered family member in a 12-month period, an employee may take up to a total of six weeks of bereavement leave during the 12-month period. The Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to, the unpaid leave time permitted by, the FMLA.

#### **Reasons for Leave**

Bereavement leave is available under the Act for the following reasons: (1) attend the funeral or alternative to a funeral of a covered family member; (2) make arrangements necessitated by the death of a covered family member; (3) grieve the death of a covered family member; or (4) be absent from work due to (i) a miscarriage; (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure; (iii) a failed adoption match or an adoption that is not finalized because another party contests it; (iv) a failed surrogacy agreement; (v) a diagnosis that negatively impacts pregnancy or fertility; or (vi) a stillbirth.

"Covered family member" means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent.

"Domestic partner," used with respect to an unmarried employee under this policy, includes: (1) the person recognized as the domestic partner of the employee under any domestic partnership or civil union law of a state or political subdivision of a state; or (2) an unmarried adult person who is in a committed, personal relationship with the employee, who is not a domestic partner as described under subsection (1) to or in

such a relationship with any other person, and who is designated to the employee's employer by such employee as that employee's domestic partner.

“Child” means an employee’s son or daughter who is a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis.

### **Paid Leave**

All full-time and part-time classification I employees are allowed up to three working days with pay per family bereavement to attend the funeral of a family member, or up to five days if travel of more than 100 miles one way is necessary, with the approval of the employee’s supervisor. Pay is based on the number of hours that the employee was regularly scheduled to work on those days. The remaining allowed days of bereavement leave in accordance with the Family Bereavement Leave Act would be unpaid.

Bereavement under the Act and this policy is unpaid. Eligible employees may elect, but will not be required, to substitute accrued and unused paid leave for unpaid bereavement leave under the Act.

### **Use within a Reasonable Time**

Employees must take leave under this policy consecutively within a reasonable time after the death of the covered family member or other triggering event (typically 60 days) and generally cannot postpone it.

### **Notification**

The employee must notify their immediate supervisor and the Human Resources Department of the reason and length of the employee’s absence. An employee must provide notice at least 48 hours in advance, unless providing such notice is not reasonable and practicable.

### **Reasonable Documentation**

The Berwyn Park District may require reasonable documentation. Documentation may include a death certificate, a published obituary or written verification of death, burial or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution or government agency. For leave resulting from an event listed under reason (4) above, reasonable documentation is a form provided by the Illinois Department of Labor, filled out by a health care practitioner who has treated the employee or the employee's spouse or domestic partner or surrogate for an event listed under reason (4) above, or documentation from the adoption or surrogacy organization the employee worked with related to an event listed under reason (4) above certifying the employee, spouse or domestic partner has experienced an event listed under reason (4) above. The Berwyn Park District does not require the employee identify which subcategory of event the leave pertains under reason (4) above as a condition of exercising rights under this Act.

### **Jury Duty (Section 3.7)**

The Berwyn Park District grants all employees selected for jury duty time off for the duration of their jury service. Full-time and classification I and II part-time employees on jury duty will receive an amount equal to the difference between their regular base pay (if exempt) or the number of hours for which the employee was scheduled to work on those days and their jury duty pay, up to a maximum of 10 working days. To receive pay from the Berwyn Park District, eligible employees must submit a copy of the check received for jury duty to the Human Resources Department before the Berwyn Park District will pay the difference. Any additional time spent serving on a jury will be unpaid, unless an employee elects to use accrued but unused paid vacation or personal time off.

All other employees will receive jury duty leave without pay from the Berwyn Park District. All employees must provide written notice, supported with appropriate documentation of jury duty (e.g., the jury duty summons), to their immediate supervisor as promptly as possible, before reporting for jury duty. During jury duty, and as promptly as possible, employees must inform their immediate supervisor as to the expected duration of the jury duty. Following jury duty, all employees must provide the Berwyn Park District with appropriate documentation evidencing the length of their jury duty.

### **Family and Medical Leave (Section 3.8)**

This policy summarizes the Berwyn Park District's policies and procedures under the FMLA, and the Berwyn Park District provides it for informational purposes. The FMLA statute and regulations contain more detailed rules about FMLA leave, requirements, limits and definitions that control to the extent this policy may not address a particular issue.

#### **Leave Entitlements**

Eligible employees can take up to 12 weeks of unpaid, job-protected leave in a rolling 12-month period for any one of the following reasons:

- Bonding leave for the birth of a child or placement of a child for adoption or foster care (leave must be taken within one year of the child's birth or placement).
- Care for the employee's spouse, child or parent who has a qualifying serious health condition.
- Employee's own qualifying serious health condition that makes the employee unable to perform their job.
- Qualifying exigencies related to the deployment of a military member who is the employee's spouse, child or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care

for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees must use available accrued paid time off benefits concurrently while taking FMLA leave (unless the employee is receiving paid workers' compensation benefits, paid IMRF benefits or other paid short-term disability benefits).

### **Benefits and Protections**

While on FMLA leave, the Berwyn Park District will continue health insurance coverage as if the employee was not on leave. Prior to taking leave, employees must arrange with the Human Resources Department to pay their share of the health insurance premiums during the leave. The Berwyn Park District reserves the right that, if an employee's health insurance premium payments are more than 30 days late, the Berwyn Park District will provide written notice to the employee that it has not received the payments and health insurance coverage will terminate in 15 days, if the employee does not pay the premiums.

Upon return from FMLA leave, the Berwyn Park District must restore most employees to the same job or one nearly identical to it with equivalent pay, benefits and other employment terms and conditions. There are exceptions to this general rule, including, for example, where the Berwyn Park District would have eliminated the employee's position or shift irrespective of the leave, the employee fraudulently obtained leave or the employee is unable to perform essential job functions, with or without an accommodation.

Employees do not ordinarily accrue paid time off or other benefits while on unpaid FMLA leave.

The Berwyn Park District will not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA or being involved in any proceeding under or related to the FMLA.

### **Eligibility Requirements**

An employee who works for the Berwyn Park District must meet three criteria to be eligible for FMLA leave. They:

- Have worked for the Berwyn Park District for at least 12 months.
- Have worked at least 1,250 hours in the 12 months before taking leave.
- Currently work at a location where the Berwyn Park District has at least 50 employees within 75 miles of the employee's worksite.

## **Requesting and Returning from FMLA Leave**

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30 days' notice, they must notify the Human Resources Department as soon as practicable.

Employees do not have to share a medical diagnosis but must provide enough information to the Berwyn Park District, so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing the Berwyn Park District the employee is or will be unable to perform their job functions, that a family member cannot perform daily activities or needs hospitalization or continuing medical treatment. Employees must inform the Berwyn Park District if the need for leave is for a reason for which FMLA leave was previously taken or certified.

The Berwyn Park District ordinarily requires an initial medical certification and/or periodic recertifications supporting the need for leave. If the Berwyn Park District determines the certification is incomplete, it will provide a written notice indicating what additional information or clarification it requires. The Berwyn Park District also reserves the right to seek second and third medical opinions.

If continuous leave was due to an employee's own serious health condition, they must submit a fitness-for-duty certification from their health care provider in accordance with the Berwyn Park District's normal policies and practices applicable to other leaves of absence, certifying the employee is able to resume work and perform the essential functions of the job (either with or without a reasonable accommodation). The Berwyn Park District will give a list of the essential job functions or a job description with the medical certification form for compliance with this requirement prior to the Berwyn Park District designating leave as FMLA leave. The Berwyn Park District will require a fitness-for-duty certification following intermittent leave only where reasonably safety concerns exist about an employee' ability to perform their essential job duties.

Even when the Berwyn Park District approves leave, employees must still provide their supervisors with advance notice of foreseeable absences (e.g., appointments) and comply with the Berwyn Park District's call-off procedure for unforeseen absences, which requires them to make every reasonable effort to contact their immediate supervisor, Department Head or other supervisor personally and as soon as practicable. Employees calling off for intermittent leave must specifically tell the supervisor they are taking FMLA leave.

The Berwyn Park District may consider an employee's failure either to return to work on the scheduled date of return or to apply in writing for an extension as soon practicable after they know they need additional leave as a voluntary resignation of employment effective as of the last date of the approved leave.

An employee who fraudulently obtains FMLA from the Berwyn Park District is not protected by the FMLA's job restoration or maintenance of health benefits provisions. The Berwyn Park District prohibits employees from working a second job while on leave. In addition, the Berwyn Park District will take all available appropriate disciplinary action against such employee due to such fraud, up to and including dismissal.

### **Berwyn Park District Responsibilities**

Once the Berwyn Park District becomes aware an employee's need for leave is for a reason that may qualify under the FMLA, the Berwyn Park District will notify the employee if they are eligible for FMLA leave and, if eligible, will also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the Berwyn Park District will provide a reason for ineligibility.

The Berwyn Park District will notify its employees if it will designate the leave as FMLA and, if so, how much leave it will designate as FMLA.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against the Berwyn Park District.

### **Compliance with Other Laws**

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. Depending on the circumstances, the Berwyn Park District may grant additional leave or other accommodations to employees under the Americans with Disabilities Act or Illinois Human Rights Act on a case-by-case basis.

The Genetic Information Nondiscrimination Act (GINA) prohibits employers from requesting or requiring genetic information of an employee or family member of the employee, except as specifically allowed by this law. To comply with this law, the Berwyn Park District asks employees not provide any genetic information when responding to a request for medical certification regarding their own serious health conditions under this FMLA Policy. "Genetic information" as defined by GINA includes an individual's family medical history, results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### **Personal Leave of Absence (Section 3.9)**

The Berwyn Park District may grant eligible full-time and classification I and II part-time employees a personal leave of absence for a period not to exceed 90 consecutive calendar days within any 24-consecutive-month period, unless otherwise required by law.

This is an unpaid leave except in the case of a full-time or classification I part-time employee who must concurrently use applicable accrued but unused paid benefit time during the leave, such as sick time, personal time, vacation time or compensatory time. Normally, the Berwyn Park District will not grant a personal leave of absence during the first year of employment, unless required by law.

Employees should make all requests for personal leaves (and extensions) in writing, which the employee's immediate supervisor, Department Head and the Executive Director must review and either approve or reject. The Berwyn Park District will consider the following when determining whether to grant the leave: purpose for which the leave is requested; length of time the employee plans to be away; the employee's job performance, attendance and punctuality record; the effect the employee's absence will have on the work in the department (i.e., the staffing requirements in the employee's facility or department); the employee's position and length of service; the expectation that the employee will return to work when the leave expires; and any other legitimate business factors deemed relevant by the Berwyn Park District in its sole discretion. The Berwyn Park District reviews each request on a case-by-case basis.

Employees must provide a written application for a personal leave of absence to their immediate supervisor or the Human Resources Department at least one month in advance of the date they would like the leave to begin when the need for leave is foreseeable. If employees request an extension while on FMLA leave period, they should make the request at least two (2) weeks prior to the end of the original leave when the need for extension is foreseeable. The application must specify the reasons for the extended leave and the length of time the employee intends to be away. In the event an employee requests a personal leave of absence for nonFMLA medical reasons, the Berwyn Park District retains the right to request medical documentation substantiating the need for the leave.

The Berwyn Park District may grant additional leave time, provided it does not extend the total leave beyond one year (unless otherwise required by law), including leave granted under the FMLA, if any. Employees should make requests for additional leave time under this policy in writing at least two weeks prior to the expiration of the initial

leave period when the need for extension is foreseeable, and they must specify the reason(s) for the request and the amount of additional time sought.

While an employee with healthcare benefits through the Berwyn Park District is on an approved nonFMLA personal leave, the employee will be eligible to continue the group health insurance coverage in existence for that employee at the start of the leave under the Berwyn Park District group plan provided the employee pays 100 percent of the premium contribution pursuant to COBRA. Other employment benefits, if any, such as vacation, sick leave or personal days, shall not accrue during an unpaid personal leave of absence. Employees on a personal leave, however, will not forfeit any benefits accrued prior to the start of the leave, including but not limited to seniority.

Unless otherwise required by law, the Berwyn Park District will defer any planned salary increase for an employee returning from an unpaid leave of absence by the length of the leave and extend the normal appraisal date by the length of the leave.

In the case of an employee's own illness or injury, the Berwyn Park District requires a physician's statement certifying the employee's ability to perform the essential functions of their job (with or without reasonable accommodations) before it allows an employee to return to work.

Although the Berwyn Park District will attempt to reinstate the employee at the conclusion of the personal leave period to the same or similar position as the one vacated, conditions may arise which necessitate the filling of that vacated position. The Berwyn Park District does not guarantee reinstatement after a personal leave of absence, unless otherwise required by law.

The Berwyn Park District will consider any employee who fails to return to an available position on the first scheduled working day after the leave of absence has expired to have voluntarily resigned from the Berwyn Park District.

Pursuant to the Berwyn Park District's ADA Policy and/or Pregnancy Discrimination Policy, all employees may request unpaid leave or extended unpaid leave as a "reasonable accommodation" for a disability, pregnancy, childbirth or a medical condition related to pregnancy or childbirth, and the Berwyn Park District will review those requests on a case-by-case basis as outlined in the Berwyn Park District's ADA Policy and/or Pregnancy Discrimination Policy.

### **School Visitation Rights Act (Section 3.10)**

If employees have worked for the Berwyn Park District at least six (6) months and for an average of at least one-half the full-time equivalent position in the Berwyn Park District's

job classifications during those six (6) months, they may be eligible to take up to eight (8) hours of unpaid school visitation leave per school year to attend school conferences, behavioral meetings or academic meetings related to their child(ren) if the school cannot schedule those conferences or meetings during nonwork hours. For purposes of this policy, "school" means any public or private primary or secondary school or educational facility located in Illinois or a state that shares a common boundary with Illinois.

Employees may take no more than four hours of leave in any one day. The Berwyn Park District will not grant leave until the employee has used all available paid vacation leave, personal days, compensatory time and floating holidays.

Before arranging attendance at the school conference, behavioral meeting or academic meeting, employees must provide the Berwyn Park District with a written request for leave at least seven days in advance of the requested time off. In an emergency situation, employees may give 24-hour notice. In addition, employees must consult with their immediate supervisors to schedule the leave so as not to disrupt operations unduly.

School visitation leave is unpaid. Employees may choose, however, to make up the time taken for school visitation leave on a different day or shift if the Berwyn Park District may reasonably provide such arrangements. The Berwyn Park District will make a good faith effort to permit an employee to make up the time taken for the purposes of this Act. If no reasonable opportunity exists for the employee to make up the time taken or the employee opts not to make up the time taken, the Berwyn Park District will not pay the employee for the time (but the Berwyn Park District may require a salaried exempt employee to make up the leave hours within the same pay period). Upon completion of a school visitation, the Berwyn Park District may require employees to produce and submit documentation of their visit from the school administrator.

**IMPORTANT: Failure to submit the documentation upon request to the Berwyn Park District within two working days of the school visit may subject an employee to disciplinary action, up to and including dismissal.**

The Berwyn Park District will not dismiss an employee for an absence from work, if the absence is due solely to the employee's attendance at a school conference, behavioral meeting or academic meeting, as provided in this policy. Please contact the Human Resources Department for further information regarding school visitation leave.

## **Military Leave (Section 3.11)**

Employees who have need for leave due to voluntary or involuntary service in the military should contact the Berwyn Park District's Human Resources Department and their immediate supervisor as soon as they receive military orders, as the laws surrounding military leave are complex and, in support of its members of the uniformed services, the Berwyn Park District wants to ensure full compliance with the laws discussed below. While this policy attempts to summarize the applicable laws, Illinois and federal law control in the event of any conflict between the law and this policy.

### **General Information**

The Berwyn Park District grants employees military leave as required by applicable state and federal law. Unless the law requires differential or concurrent pay, military leave from the Berwyn Park District is unpaid. In accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Illinois Service Member Employment and Reemployment Rights Act (ISERRA), reemployment rights generally extend to employees who have been absent from a position of employment because of service in the uniformed services. The Berwyn Park District will not discriminate or retaliate against employees for their status as being in the uniformed service.

### **Who Is Protected**

- All members of the Armed Forces of the United States whether active duty or reserve, including the National Guard when performing state duty.
- All members of Military Auxiliary Radio System, United States Coast Guard Reserve, Civil Air Patrol and the Merchant Marines when performing official duties in support of an emergency.
- Members who are released from military duty with follow-on care by the Department of Defense.

Service in the uniformed services means the performance of duty on a voluntary or involuntary basis in a uniformed service including, but not limited to:

- Active duty and active service.
- Active-duty training.
- Inactive duty training.
- Funeral honors duty.
- Reserve component active service.

### **Notification**

As soon as an employee is aware they will be absent because of service in the military, they must notify their immediate supervisor and the Human Resources Department. The

Berwyn Park District prefers notification in writing but also accepts verbal notification for this policy. This is only for purposes of notice and not to seek permission. The law does not require permission to take military leave, but the employee must provide advance notice to secure their rights under this policy and the related laws.

The Berwyn Park District requires employees to inform the Berwyn Park District regarding any changes to their military orders as soon as practicable.

### **Concurrent Compensation**

During periods for annual training for the military, or orders in lieu of annual training, full-time employees only will continue to receive full compensation for up to thirty (30) days per calendar year, which may be nonconsecutive days. "Orders in lieu of annual training" are any paid active duty performed by a service member that has been designated by that service member's military authority as a replacement or substitution of that service member's annual training obligation. Employees may receive concurrent compensation for both annual training orders and orders in lieu of annual training in the same calendar year. However, the combined total of their concurrent compensation shall not exceed 30 days in a calendar year.

### **Differential Compensation**

Full-time employees may be eligible for differential compensation during periods of leave for active service. They will receive the difference between the employee's average daily rate of military pay and the average daily rate of pay the employee would have received had the employee remained working.

Typically, an employee qualifying for differential pay for voluntary service will only be eligible for it for a period of 60 workdays in a calendar year. After a public employee on military leave for a consecutive 3-year period while performing voluntary active service, the employee's entitlement to differential compensation shall be terminated. Upon return to work for more than 90 calendar days, the employee's right to differential pay shall be reinstated.

If an eligible employee exceeds the 30-day limit for concurrent compensation, they may receive differential pay up to the 60-day calendar limit for periods of annual training or orders in lieu of annual training.

In general, for periods of involuntary active service, the Agency relies on the then-current caps (if any) regarding the amount of differential compensation to which an employee is entitled, as determined by USERRA, ISERRA and any other applicable laws.

Employees may elect the use of (but may not be required to use) accrued but unused vacation, personal or similar leave with pay in lieu of differential compensation (or to pay otherwise unpaid military leave) during any period of military leave.

### **Coordination with Other Benefits**

A service member whose employment is interrupted by a period of active service will be permitted, upon request of that service member, to use any vacation, PTO or similar leave with pay accrued by the service member before the period of active service. The Agency does not require the service member to use vacation, PTO or similar leave during active service,

whether paid or unpaid (such as travel to and from military orders, rest periods immediately before or after military orders and military service during which the service member does not receive pay from the military).

### **Performance Evaluations**

During the period of military leave, the Agency will credit the employee with the average of performance evaluations they received for the three (3) years immediately before the military leave. Additionally, the employee will not receive a lower rating than they received for the period immediately prior to the commencement of the military leave. This subsection does not apply to probationary (i.e., introductory) periods.

### **Maintenance of Health Benefits**

The Agency's health plan benefits will continue during military leave, except the Agency will pay the full premium and administrative costs, while an employee is on active duty, not to exceed the length of time determined by USERRA, ISERRA and any other applicable laws.

### **Return to Work/Reemployment**

Employees returning from military leave service are eligible for reemployment in the job they would have attained had they not been absent for military service, with the same seniority status and pay, as well as other rights and benefits determined by seniority. In general, to be eligible for reemployment: (1) the Agency must have notice of the employee's service; (2) the employee must timely return to work or apply for reemployment; and (3) the employee must not be separated from service with a disqualifying discharge or under other than honorable conditions.

The period an employee has to apply for reemployment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days to 180 days, the service member must submit an application for reemployment within 14 days of release from service. For absences of more than 180 days, the service member has 90 days to contact the Agency and request reemployment.

### **More Information**

For more information, employees with questions about military leave should consult the Human Resources Department. However, both Illinois and the federal government have additional resources, as well. Employees can find that information, as well as additional information on employees' rights and responsibilities regarding military leave, on the [Illinois Department of Labor poster for ISERRA](#) and the [U.S. Department of Labor poster for USERRA](#).

### **Absence Without Leave (Section 3.12)**

Absence without leave is any absence from work, including a single day or portion of a day, which the Berwyn Park District has not granted or approved in accordance with established policy and procedure. In such cases, the Berwyn Park District may deny the employee pay, and the employee may be subject to disciplinary action, up to and including dismissal.

If employees are absent without leave for three consecutive working days, the Berwyn Park District considers them to have voluntarily resigned their position. Where the Berwyn Park District determines an absence excusable on conditions that rendered prior approval impossible, it may change the charge of absence without leave to vacation leave, sick leave or leave without pay, in its sole discretion.

### **Victims' Economic Security and Safety Act (Section 3.13)**

This section briefly summarizes rights and regulations under the Victims' Economic Security and Safety Act (VESSA).

VESSA provides employees with up to twelve (12) workweeks of unpaid, job-protected leave during a 12-month period to address the consequences of actual or threatened domestic, gender, sexual violence, or any other crimes of violence, to themselves or their family or household member who is a victim. VESSA also grants unpaid leave for eligible employees grieving the death of family or household members a result of a violent crime, attending the funeral or wake of family or household members killed as a result of violent crime and/or making related arrangements.

#### **Basis of Leave**

The Berwyn Park District will provide up to twelve (12) workweeks of unpaid leave from work on an intermittent, reduced or continuous work-schedule basis to an employee who is a victim of actual or threatened domestic, gender, sexual violence, or any other crimes of violence, (or who has a family or household member who is a victim of such violence) to address the violence if the employee is pursuing any of the following actions:

- **Seeking medical attention** for, or recovering from, physical or psychological injuries caused by actual or threatened domestic, gender or sexual violence, or by any other crimes of violence, to the employee or the employee's family or household member.
- **Obtaining services from a victim services organization** for the employee or the employee's family or household member.
- **Obtaining psychological or other counseling** for the employee or the employee's family or household member.
- **Participating in safety planning, temporarily or permanently relocating**, or taking other actions to increase the safety of the employee or the employee's family or household member from future actual or threatened domestic, gender, sexual violence,

or any other crimes of violence, or ensure economic security.

- **Seeking legal assistance or remedies** to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from actual or threatened domestic, gender or sexual violence, or from any other crimes of violence.

VESSA leave is capped at a maximum of two (2) workweeks, as discussed in the "Period of Leave" section below, for the following reasons:

- **Attending the funeral** or alternative to funeral or wake of a family or household member who is killed in a crime of violence.
- **Making arrangements** necessitated by the death of a family or household member who is killed in a crime of violence.
- **Grieving the death** of a family or household member who is killed in a crime of violence.

"Family or household member" means a spouse, civil union partner, parent, grandparent, child, grandchild, sibling, any other person related by blood or by present or prior marriage or civil union, any other person who shares a relationship through a child or any other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee and persons jointly residing in the same household.

"Crime of violence" means any conduct proscribed by Articles 9, 11, 12, 26.5, 29D, and 33A of the Illinois Criminal Code of 2012 or a similar provision of the Criminal Code of 1961, in addition to conduct proscribed by Articles of the Criminal Code of 2012 referenced in other definitions in the Illinois Victims' Economic Security and Safety Act.

### **Period of Leave**

The Berwyn Park District allows employees a total of twelve (12) workweeks of unpaid, job-protected leave during any 12-month period if they qualify for VESSA leave. (This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under the unpaid leave time permitted by the federal FMLA.)

The Berwyn Park District allows employees a total of up to two (2) workweeks of unpaid leave (to be deducted from the maximum amount of VESSA leave allowed) for specific reasons relating to a family or household member who is killed in a crime of violence, which must be completed within sixty (60) days after the date on which the employee receives notice of death of the victim. However, the employee may still receive additional time off under VESSA during the same 12-month period for other qualifying reasons mentioned above. For information regarding the coordination of VESSA leave needed for bereavement purposes and the Illinois Family Bereavement Leave Act, please see Human Resources.

### **Existing Leave**

The employee may use any available paid or unpaid leave (including family, medical, sick,

annual, personal, etc.) as substitution for any period of such leave for an equivalent period of leave.

### **Notification**

The employee must notify their immediate supervisor and the Human Resources Department of the reason and length of the employee's absence. An employee must provide notice at least 48 hours in advance, unless providing such notice is not reasonable and practicable.

### **Reasonable Documentation/Certification**

The Berwyn Park District may require the employee to provide certification to the Berwyn Park District that:

- Employee or the employee's family or household member is a victim of actual or threatened domestic, gender or sexual violence or any other crimes of violence.
- Leave is for one of the purposes enumerated in the above "Basis of Leave" paragraph.

The employee shall provide such certification to the Berwyn Park District's Human Resources Department within a reasonable period after the Berwyn Park District requests certification.

An employee may satisfy the above certification requirement by providing the Berwyn Park District a signed and dated statement of the employee and, upon obtaining such documents, the employee will (if the employee has possession of such document) provide one of the following to the Berwyn Park District:

- Documentation from an employee, agent or volunteer of a victim services organization, an attorney, a member of the clergy or a medical/professional from whom the employee or the employee's family or household member has sought assistance in addressing actual or threatened domestic, gender or sexual violence, or any other crimes of violence, and/or its effects of the violence.
- Police, court or military record.
- Death certificate, published obituary or written verification of death, burial or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution or government agency, documenting a victim was killed in a crime of violence.
- Other corroborating evidence.

The employee will choose which document to submit, and the Berwyn Park District will not request or require more than one document. The Berwyn Park District will not request or require more than one certifying document during the same 12-month period that the employee requests or takes leave if the reason for leave is related to the same incident or incidents of violence or the same perpetrator or perpetrators of the violence.

### **Use within a Reasonable Time**

Employees may take leave in a single continuous period, intermittently or on a reduced work schedule.

### **Continued Access to Data**

Notwithstanding any other provision in this handbook (including but not limited to the Use of Berwyn Park District Information, Property and Equipment Policy at Section 5.2, the Use of Berwyn Park District Computer Systems at Section 5.3 and/or similar policies), the Berwyn Park District is prohibited from terminating, disciplining or retaliating against an employee for using employer-issued electronic equipment (e.g. computer, phone, etc.) for the limited purpose of recording domestic violence, sexual violence, gender violence or any other crime of violence committed against the employee or a member of their household. Likewise, the Berwyn Park District will not deprive an employee of Berwyn Park District-issued equipment solely because they used or attempted to use the employer-issued equipment to record domestic violence, sexual violence, gender violence or any other crime of violence committed against them or a family or their household member. The Berwyn Park District shall continue to guarantee the employee future access to any photographs, voice/video recordings, sound recordings or any other digital documents or communications stored on the device(s) as required by any applicable laws.

### **Confidentiality**

All information provided to the Berwyn Park District, including a statement of the employee or any other documentation, record or corroborating evidence, and the fact the employee has requested or obtained leave pursuant to this policy, will be retained in the strictest confidence by the Berwyn Park District, except to the extent that disclosure is one of the following:

- Requested or consented to in writing by the employee.
- Otherwise required by applicable federal or state law.

### **Restoration to Position**

In general, VESSA entitles an employee who takes leave under this policy to one of the following upon returning from such leave:

- Restoration to the position of employment held when the leave commenced.
- Restoration to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

### **Loss of Benefits**

The taking of leave under this policy will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. However, the employee is not entitled to either:

- Accrual of any seniority or employment benefits during any period of unpaid leave.
- Any right, benefit or position of employment other than any right, benefit or position to which the employee would have been entitled had they not taken the leave.

### **Reporting to the Berwyn Park District**

The Berwyn Park District may require an employee on leave under this policy to report periodically to the Berwyn Park District on the status and intention of the employee to return to work.

### **Maintenance of Health Benefits**

Except as provided under the “Loss of Benefits” paragraph, during any period an employee takes leave under this policy, the Berwyn Park District will maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

### **Failure to Return from Leave**

The Berwyn Park District may recover the premium it paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this policy if the situation meets all of the following conditions:

- Employee fails to return from leave under this policy after the period of leave to which the employee is entitled has expired.
- Employee fails to return to work for a reason other than: (a) the continuation, recurrence or onset of actual or threatened domestic, gender or sexual violence that entitles the employee to leave; (b) the need for other job-protected leave under an applicable law; or (c) other circumstances beyond the control of the employee.

The Berwyn Park District may require an employee who claims they are unable to return to work because of a reason above to provide, within a reasonable period after making the claim, certification to the Berwyn Park District that the employee is unable to return to work because of that reason.

An employee may satisfy the certification requirement in this sub-section by providing the Berwyn Park District any one of the following (at the employee's sole election):

- Sworn statement of the employee.
- Documentation from an employee, agent or volunteer of a victim services organization, an attorney, a member of the clergy or a medical/professional from whom the employee has sought assistance in addressing actual or threatened domestic, gender, sexual violence, or any other crimes of violence, and the effects of that violence.
- Police, court or military record.
- Other corroborating evidence.

The Berwyn Park District will not:

- Fail to hire, refuse to hire, dismiss from employment or harass any individual for exercising their rights under this policy.
- Otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation, terms, conditions or privileges of employment of the individual.
- Retaliate against an individual in any form or manner for exercising their rights under this policy.

### **Reasonable Accommodations**

In response to an actual or perceived threat of domestic, sexual or gender violence, or any other crimes of violence, an employee may qualify for a reasonable accommodation, which may include adjustment to a job structure, workplace facility, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure and/or assistance in documenting actual or threatened domestic, sexual or gender violence (or any other crimes of violence) that occur at the workplace or in a work-related setting, unless the accommodation would create an undue hardship on the operation of the Berwyn Park District.

### **Employee Blood and Organ Donation Leave Act (Section 3.14)**

Any full-time employee who has been employed by the Berwyn Park District for at least six (6) months is entitled to up to one hour of blood donation paid leave every 56 days and up to ten (10) days of paid leave in any 12-month period to serve as an organ or tissue donor.

### **Reasonable Notice**

Employees must provide advanced written notice and include a statement from a blood bank or medical/transplant facility confirming their blood or organ donation appointment to use leave under this policy.

### **Verification**

The Berwyn Park District may require a written statement from the blood bank or medical/transplant facility confirming the employee kept the appointment.

### **Military Leave Act (Section 3.15)**

The Military Leave Act (the Act) applies to both eligible employees and independent contractors.

The Berwyn Park District grants 15 days of unpaid family military leave to eligible employees who are either the spouses, civil union partner, parents, grandparents or children of soldiers called into active military duty. The leave must be taken during the period the military deployment orders are in effect.

Employees can take unpaid leave under this Act only after they exhaust all accrued vacation, personal days, floating holidays, compensatory time and other relevant paid time off available to the employee, except sick leave and disability leave.

### **Eligibility**

For the purpose of this Act, an eligible “employee” is a person employed for at least 12 months at the Berwyn Park District with at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

## **Notice**

If the leave under this Act is for five consecutive workdays or more, the employee must provide the Berwyn Park District with at least 14-days notice in advance of the leave date. For leave of less than five consecutive workdays, the employee should provide as much advance notice as possible.

## **Benefits**

The Berwyn Park District will maintain benefits at the employee's expense for the duration of the leave. "Employee benefits" means all the benefits, other than salary and wages, provided or made available to employees by the Berwyn Park District and includes group life insurance, health insurance, disability insurance and pensions, regardless of whether the Berwyn Park District provides those benefits by a policy or practice.

Upon expiration of the leave, the Berwyn Park District will restore any employee who exercises their right to family military leave to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment.

## **Verification**

The Berwyn Park District may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

## **Cook County Paid Leave Ordinance (Section 3.16)**

### **Eligibility**

All employees, including but not limited to all full-time, part-time and seasonal employees, are eligible to earn up to forty (40) hours of paid leave per year under the Cook County Paid Leave Ordinance.

### **12-month Period**

This Policy is administered on a calendar year basis from Jan. 1 to Dec. 31.

### **Accrual and Carryover**

Employees accrue one (1) hour of paid leave for every forty (40) hours worked. For the purposes of this Policy, salaried exempt employees are assumed to work forty (40) hours per workweek. Accrual begins the first day of employment. Employees may accrue up to forty (40) hours of paid leave per year. Employees may carry over all earned but unused hours of paid leave up to forty (40) hours into the subsequent year.

### **Usage and Notice**

Employees may use paid leave after completing ninety (90) days of employment. Employees must use paid leave in increments of at least two (2) hours. Employees may use paid leave for any reason under this Policy.

When use of paid leave under this Policy is foreseeable, the employee must notify their supervisor at least seven (7) calendar days before the date the leave is to begin. If leave taken under this Policy is not foreseeable, the employee (or someone calling off on behalf of the

employee) shall notify the employee's supervisor as soon as is practicable after the employee is aware of the necessity of the leave.

Generally, an employee (or someone calling off on behalf of the employee) is expected to notify their supervisor of the need for unforeseeable leave at least one (1) hour before the employee's scheduled starting time. Employees are not required to find a substitute or replacement worker to cover the hours during which they use paid leave under this Policy.

Use of paid leave may be denied to meet core operational needs.

Paid leave under this Policy does not count as hours worked for overtime purposes.

### **No Payout Upon Termination of Employment**

If an employee's employment is terminated for any reason, the employer does not pay the employee for any earned but unused paid leave under this Policy.

If the employee is rehired within twelve (12) months of termination, previously accrued paid leave not used by the employee shall be reinstated, and the 90-day usage waiting period shall not apply.

### **No Retaliation**

Retaliation of any kind is prohibited because an employee (1) exercises rights or attempts to exercise rights under this Policy or the Cook County Paid Leave Ordinance, (2) opposes practices the employee believes to be in violation of the Act or (3) supports the exercise of rights of another under the Act.

Employees may raise any concerns about retaliation by following the complaint reporting procedure set forth in the Nondiscrimination and Anti-Harassment Policy.

### **Family Neonatal Intensive Care Leave Act (NICLA) (Section 3.17)**

In compliance with the Family Neonatal Intensive Care Leave Act (NICLA), eligible employees are entitled to unpaid neonatal intensive care leave in the amounts below while any child of the employee is a patient in a neonatal intensive care unit. The definition of "child" includes "a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis."

The Berwyn Park District allows the employee to take up to 10 days of unpaid leave.

### **Eligibility**

All employees are eligible for this leave, regardless of their tenure or employment status.

### **Usage**

This leave can be taken continuously or on an intermittent basis in minimum increments of two hours. The Berwyn Park District does not require employees to use any accrued paid time off before or while taking NICLA leave. Rather, employees may choose to use paid time off concurrently while taking leave under NICLA. The Berwyn Park District does not require employees using NICLA leave to find a replacement before being allowed to use the leave.

### **Coordination with Other Leaves**

An employee who is entitled to leave under the Family and Medical Leave Act and takes leave under NICLA shall be granted, upon completion of and in addition to any leave taken under the Family and Medical Leave Act, any leave available under NICLA.

### **Benefits**

The Berwyn Park District will maintain benefits as if the employee had not taken NICLA leave to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment.

### **Verification**

While the Berwyn Park District may require reasonable verification of the child's NICU stay and the duration of the stay, the Berwyn Park District will not ask for information that would violate the Health Insurance Portability and Accountability Act (HIPAA) or other privacy laws (e.g., by requesting private medical details relating to the hospital stay).

**NOTE to PDRMA Members:** While the law does not currently define what counts as "reasonable verification," the Illinois Department of Labor will likely issue guidance. For now, documentation from a medical provider confirming the duration or expected length of the NICU stay would likely meet the requirement.

### **No Retaliation**

Retaliation of any kind is prohibited because an employee (1) exercises rights or attempts to exercise rights under this Policy, (2) opposes practices the employee believes to be in violation of the Act or (3) supports the exercise of rights of another under the Act.

Employees may raise any concerns about retaliation by following the complaint reporting procedure set forth in the Nondiscrimination and Anti-Harassment Policy of this Handbook.

## **D. Employee Benefits (Section 4)**

### **Disclaimer (Section 4.1)**

The Berwyn Park District has established a variety of employee benefit programs to assist full-time (and, in some cases, qualifying part-time) employees and their eligible dependents in meeting the financial burdens that can result from illness and disability, and to help them plan for retirement. This portion of the handbook contains a general description of the benefits to which employees may be entitled through the Berwyn Park District. Please understand this general explanation is not intended to, and does not provide, all details of these benefits. This handbook does not change or otherwise interpret the terms of the official plan documents. Employees can only determine their rights by referring to the full text of the official plan documents, which are available for examination from the Human Resources Department. To the extent that any of the information in this handbook is inconsistent with official plan documents, the provisions of the official documents govern in all cases.

**IMPORTANT: Nothing contained in the benefit plans described herein will be held or construed to create a promise of employment or future benefits, or a binding contract between the Berwyn Park District and its employees, retirees or their dependents for benefits or for any other purpose. All employees remain subject to dismissal or discipline to the same extent as if these plans had not been put into effect.**

As in the past, the Berwyn Park District reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that maybe extended to retirees and their dependents. The Berwyn Park District also reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein and to decide all matters arising in connection with the operation or administration of such plans.

Benefits under the plans described here will be paid only if the plan administrator decides at its discretion that the applicant is entitled to the benefits.

For more information regarding any of our benefit programs, please refer to the summary plan descriptions, which employees received separately, or contact the Human Resources Department. If an employee lost or misplaced those descriptions, they can contact the Human Resources Department for another copy.

## Insurance Plans (Section 4.2)

### Introduction

Eligible employees may enroll in certain group insurance plans based on their employment classification and timely completion of the required enrollment forms. The employee's portion of any required premium payment may be made through payroll deduction.

Group plans are subject to the rules and regulations of the insurance/coverage providers and the Berwyn Park District. Except where prohibited by law, the Berwyn Park District reserves the right to change, modify, cancel or discontinue any group insurance plans, or change the amount of the required employee premium, at any time with or without notice. Employees' insurance/coverage under the plan(s) terminates immediately if the Berwyn Park District cancels its group policies or if the employee fails to make any required premium payment.

Newly hired employees do not have to complete their Introductory Period before being eligible to participate in the plan; they are eligible to participate on their first day of employment provided they meet all plan requirements.

The Human Resources Department will assist employees in making the necessary arrangements for enrollment in any of the above plans if they are eligible. A complete description of the plans is provided to each employee in the form of a summary plan description and appropriate supplements.

### Full-time Employee Insurance Plans

The following group insurance plans are limited to full-time employees and their dependents (as defined by the insurance/coverage providers).

- **Medical, Vision, and Dental Insurance.** Group medical, hospitalization, vision, and dental insurance are available to all eligible full-time employees; employees are expected to pay a portion of the cost. A summary plan description (or its equivalent) is available from the Human Resources Department.
- **Life and Accidental Death and Dismemberment (AD&D) Insurance.** The Berwyn Park District provides all eligible full-time employees with basic life and AD&D insurance based on the employee's annual base salary and at no cost to the employee. A summary plan description (or its equivalent) is available from the Human Resources Department.
- **Supplemental Life Insurance.** The Berwyn Park District offers supplemental life and AD&D policies to eligible full-time employees and their dependents; the employee must pay the entire premium, which they can do through payroll

deduction. Details on these plans are available from the Human Resources Department.

### **COBRA**

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) and Illinois law provides employees and their covered dependents the option to extend group health insurance coverage in the event the insurance terminates due to separation of employment, reduction of hours, death, divorce or legal separation, disability, or Medicare entitlement. Please contact the Human Resources Department for detailed information on COBRA or other healthcare continuation.

### **Early Retirement Under the IMRF Pension Plan**

Eligible full-time and part-time classification I employees electing to retire early under the IMRF Pension Plan may purchase continuous health insurance coverage under the Berwyn Park District's existing plan until age 65.

### **IMRF Pension Plan (Section 4.3)**

Employees who work in Berwyn Park District positions that meet certain hour standards must participate in the Illinois Municipal Retirement Fund (IMRF). The Berwyn Park District will notify employees who are eligible for IMRF benefits upon hire or upon transfer/promotion into an IMRF-qualifying position. IMRF provides retirement, disability and death benefits to eligible participants. These benefits are in addition to those provided by Social Security. Details are available in the Human Resources Department or at <https://www.imrf.org>.

### **Contribution**

Participating employees contribute a certain percentage of their gross pay as determined by IMRF through payroll deduction. These tax-deferred contributions are not subject to federal or Illinois income tax but are subject to federal income tax when refunded or withdrawn as a pension or death benefit. The Berwyn Park District also contributes to IMRF as a percentage of total contributions, which funds survivor's pensions, disability benefits, death benefits and the retirement costs of its employees.

### **Return of Contributions for Regular Plan Tier 1 (i.e., employees enrolled before Jan. 1, 2011)**

Employees may receive a separation refund of IMRF contributions when they cease working in an IMRF-qualified position if they meet any of the following requirements:

- They are under age 55, regardless of length of service.
- They have less than eight years of service, regardless of age.
- They are age 55 or over, but their pension would be less than \$30 per month.

A separation refund consists of the employee's IMRF contributions only. No interest is paid with a separation refund, nor are the Berwyn Park District's contributions refunded to the employee.

### **Pension**

If employees are at least 55 years of age and have eight or more years of service credit, they may be entitled to a reduced retirement benefit. To receive full retirement benefits, employees must be 60 years of age or older and have at least eight years of service credit.

### **Disability Benefits**

IMRF provides monthly disability payments if eligible members are unable to perform the duties of their position reasonably assigned by the Berwyn Park District. Employees must have at least 12 consecutive months of IMRF service credit, at least nine months of service credit within the previous 12 immediately prior to the disability and may not be receiving any earnings from any employer.

### **Death Benefits**

Under certain conditions, IMRF provides a lump-sum payment or surviving spouse pension upon an employee's death.

### **Return of Contributions for Regular Plan Tier 2 (i.e., employees enrolled on or after Jan. 1, 2011)**

Employees may receive a separation refund of IMRF contributions when they cease working in an IMRF-qualified position if they meet any of the following requirements:

- They are under age 62, regardless of length of service.
- They have less than 10 years of service, regardless of age.
- They are age 62 or over, but their pension would be less than \$30 per month.

A separation refund consists of the employee's IMRF contributions only. No interest is paid with a separation refund, nor are the Berwyn Park District's contributions refunded to the employee.

### **Pension**

If employees are at least 62 years of age and have 10 or more years of service credit, they may be entitled to a reduced retirement benefit. To receive full retirement benefits, employees must be 67 years of age or older and have at least 10 years of service credit.

### **Disability Benefits**

IMRF provides monthly disability payments if eligible members are unable to perform

the duties of their position reasonably assigned by the Berwyn Park District. Employees must have at least 12 consecutive months of IMRF service credit, at least nine months of service credit within the previous 12 immediately prior to the disability and may not be receiving any earnings from any employer.

### **Death Benefits**

Under certain conditions, IMRF provides a lump-sum payment or surviving spouse pension upon an employee's death.

### **Social Security and Medicare (Section 4.4)**

As required by law, the Berwyn Park District deducts a fixed percentage of employees' earnings from each paycheck and deposits it with the Social Security Administration. In addition, the Berwyn Park District contributes an equal amount to help fund benefit programs. Detailed information on benefits, eligibility requirements and account status are available to employees from their local Social Security Administration office.

The Social Security Administration recommends employees periodically verify their personal earnings and benefits. Information on requesting an account balance is available from employees' local Social Security Administration offices.

### **Unemployment Compensation (Section 4.5)**

The Berwyn Park District provides employees Unemployment Compensation coverage in accordance with Illinois law at no cost to employees. Should employees become unemployed, they may be entitled to receive unemployment benefits provided they meet certain eligibility requirements. Information about eligibility requirements is available from an employee's local Unemployment Insurance office.

### **Indemnification and Liability Insurance (Section 4.6)**

The law requires the Berwyn Park District to indemnify and protect employees against civil rights, damage claims and suits, constitutional rights damage claims and suits, death and bodily injury damage claims and suits, and property damage claims and suits, including defense thereof, when damages are sought for negligent or wrongful acts or omissions alleged to have been committed within the scope of employment or under the direction of the board. Such indemnification and protection extend to Berwyn Park District employees at the time of the incident from which a claim arises. However, statutes prohibit the Berwyn Park District from indemnifying employees for "punitive" or

“exemplary” damages.

The Berwyn Park District’s liability insurance/coverage may extend to employees to defend any civil action that may be brought against employees or the Berwyn Park District, its agents or any other employee for damages arising out of the lawful performance of their duties.

### **Workers’ Compensation (Section 4.7)**

The Illinois Workers’ Compensation Act (WCA) covers all Berwyn Park District employees. The act provides for medical care and replacement of wages if employees sustain an injury or illness arising out of and occurring in the course and scope of their employment with the Berwyn Park District. The act does not cover non-job-related illnesses or injuries, or illnesses or injuries not related to the performance of assigned job duties. For questions regarding workers’ compensation, please see the Human Resources Department, the Berwyn Park District’s Risk Manager or contact the Berwyn Park District’s Workers’ Compensation coverage provider, PDRMA, at 630-769-0332.

The Berwyn Park District strictly prohibits retaliation against any employee who, in good faith, reports a work-related injury or illness, regardless of whether the employee fails to comply with the reporting procedures under this policy. However, the Berwyn Park District reserves the right to discipline any employee for engaging in unsafe, careless or reckless conduct contributing to an avoidable workplace injury or illness, or for filing a fraudulent workers’ compensation claim.

All employees must adhere to the following conditions:

- Employees must immediately report any work-related injury or illness (even if the employee is uncertain if the injury or illness is work-related but suspects it might be work-related) upon discovery or onset directly to the employee’s immediate supervisor or Department Head, if they cannot reach their immediate supervisor directly.
- **IMPORTANT: The prompt reporting of any work-related injury or illness maximizes the Berwyn Park District’s ability to evaluate the claim, confirm compensability under the WCA, and assist employees in fully understanding their rights under the WCA. The late reporting of claims will not impact employees’ rights under the WCA (except as specifically provided in the act) but may result in a delay in receipt of benefits.**
- Upon notification, the Berwyn Park District shall instruct the employee to report to a designated hospital or physician for an examination or treatment. In the case of an emergency, the employee should go to the nearest hospital emergency room

for treatment and then use the Berwyn Park District's Physician Network Referral Service if additional treatment is necessary.

- Employees must submit all medical evaluations by any licensed physician to the Human Resources Department/Risk Manager for the duration of their leave.
- The Berwyn Park District reserves the right to have the employee examined by a licensed physician of its own choice at any time during the period of leave. This examination is at the Berwyn Park District's expense, and the physician will submit the results to the Berwyn Park District; the employee is entitled to a copy of this report.
- The Berwyn Park District may assign an injured employee to a modified duty assignment in accordance with the Berwyn Park District's Modified Duty Policy. An employee can only return to work with a statement from a physician approving the employee's return to work without restrictions or with restrictions acceptable to the Berwyn Park District.
- Depending on the circumstances, the Berwyn Park District reserves the right to explore all reasonable accommodations that may be available including, but not limited to, temporary modified duty, temporary or permanent reassignment to a position in which the employee can perform the essential functions of the job with or without an accommodation, etc.

### **Education, Training and Professional Participation (Section 4.8)**

The Berwyn Park District requires all employees to attend orientation meetings, staff meetings and in-service training sessions designed to improve the overall job performance, communication and efficiency of the Berwyn Park District.

In the best interest of the Berwyn Park District, employees may attend professional conferences, seminars and belong to professional associations as budgeted and approved by the Executive Director. Such activities should further the insight of staff into better ways to operate and provide recreational activities to the public.

The Berwyn Park District encourages employees to discuss advancement and professional development opportunities with their immediate supervisor. When possible, supervisors may authorize attendance at conferences, seminars, workshops, conventions and technical meetings and participation in professional organizations related to an employee's position with the Berwyn Park District.

The Berwyn Park District must approve in writing and in advance employees' attendance at conferences, seminars, workshops, conventions and technical meetings. Employees should check with their immediate supervisor for applicable policies, procedures and approvals.

## **Conference Attendance**

The Berwyn Park District considers attendance at and participation in professional seminars, conferences, conventions, workshops and technical meetings part of the administrative and supervisory staff's normal duties. Reimbursement for attendance expenses is 100 percent of approved expenses. Please see the Berwyn Park District's Expense Reimbursement Policy for more details.

If employees attend professional seminars, conferences, conventions, workshops and technical meetings outside the Berwyn Park District, they may need to submit a written report to their immediate supervisor within five days of attendance, summarizing the ideas or methods discussed at the meeting.

## **Education**

At the discretion of the Berwyn Park District, employees may have the opportunity to take educational courses related to their positions with the Berwyn Park District. Interested employees should consult with their immediate supervisor. Berwyn Park District resources are limited, and the employee's immediate supervisor and the Executive Director will evaluate individual requests. Approval is contingent upon the agency's available funding. Please see the Tuition Reimbursement Policy for details.

## **Professional Organizations**

The Berwyn Park District encourages employees to join and participate in professional associations that promote Berwyn Park District goals, individual skill development in employees' positions, professional recognition or relate to their job responsibilities. However, employee participation in such associations must not conflict with the Berwyn Park District's interests. Depending upon the benefits the Berwyn Park District derives from membership, it may pay all or part of the membership fees.

Employees must obtain written approval from their immediate supervisor in advance of an event to participate in it during normal working hours. Approval is contingent upon the employee's ability to meet their work responsibilities.

## **Tuition Reimbursement (Section 4.9)**

If an employee is a full-time employee and has worked for the Berwyn Park District at least one year, they may be eligible to participate in the Berwyn Park District's tuition reimbursement program.

The Berwyn Park District will partially reimburse the employee for tuition for certain courses it believes are job-related. Eligible courses must be directly and substantially

related to an employee's improving productivity in their current job. The amount an employee receives will depend on the Berwyn Park District's approval and the grade received and will not exceed an annual reimbursement of \$2,000.00 (two thousand).

To receive tuition reimbursement, an employee must apply and be approved before the course begins following this process:

- Complete a Tuition Reimbursement Form, which employees can obtain from the Human Resources Department. Give the completed form to the Department head for review and approval/denial. If the Department Head approves the form, return the signed form to the Human Resources Department. The employee pays the initial course fees.
- Once the employee receives their grade(s), they should attach the tuition bill and final grades to a copy of the initial Tuition Reimbursement Form and submit them to the Human Resources Department.
- Within 30 days, the employee will receive a reimbursement. For 100-percent reimbursement, the employee must receive a grade of "A" or points in the range of 3.5 - 4.0. The Berwyn Park District offers 75-percent reimbursement for a "B" (3.0 - 3.4) and 50-percent reimbursement of the costs of the program for a "C" (2.5 - 2.9/pass). The Berwyn Park District provides no reimbursement for a grade below 2.5. In courses where the employee receives only a "Pass/Fail" grade, the Berwyn Park District offers 50-percent reimbursement of program costs.

Unless specifically approved in writing by the employee's Department Head or Executive Director in advance, employees may not perform course work during Berwyn Park District work hours.

If an employee resigns, or the Berwyn Park District dismisses them for cause before receiving a grade, the Berwyn Park District will not reimburse the employee for tuition expenses. If an employee resigns, or the Berwyn Park District dismisses them for cause within 12 months after receiving reimbursement, the employee must repay the Berwyn Park District in full, per the applicable Tuition Reimbursement Agreement.

### **Employee Assistance Program (Section 4.10)**

The Berwyn Park District realizes personal and work-related problems can affect an employee's job performance, health, family and emotions. To help with these pressures, the Berwyn Park District contracts with an independent firm to provide Employee Assistance Program (EAP) services on a confidential basis. The services are available to all full-time employees and their families and part-time classification I. Please contact the Human Resources Department for further information on the EAP.

## **Employee Reimbursement (Section 4.11)**

This policy assists employees in reporting and receiving reimbursement for reasonable expenses incurred while conducting business for or on behalf of the Berwyn Park District.

The Berwyn Park District expects employees to act responsibly and professionally when incurring business expenses. It will reimburse employees for reasonable expenses incurred on behalf of the Berwyn Park District and preapproved in writing by the immediate supervisor, Department Head or Executive Director. This includes, for example, travel, mileage, tools, uniforms, airfare, accommodations, meals, use of mobile devices for work and purchases made on behalf of the Berwyn Park District. Employees must exercise care to avoid impropriety or the appearance of impropriety. The Berwyn Park District allows reimbursement only when employees have not, and will not, receive reimbursement from other sources.

Employees must adhere to the following general guidelines to qualify for reimbursement for any expenses:

- Submit original receipts, mobile telephone bills and/or other documents evidence of charges. If the employee cannot provide original documents, they must submit a signed statement explaining the missing receipts.
- Submit all requests for reimbursements and supporting documentation to the Human Resources Department within 30 days of incurring the expense. The Berwyn Park District may not reimburse expenses submitted beyond the 30 days.
- The Berwyn Park District must preapprove all reimbursable expenses.
- Employees must return any reimbursement that exceeds the actual cost incurred to the Berwyn Park District within 30 days.

When submitting business meal expenses for reimbursement, please include the following:

- Business purpose.
- Names and affiliations of participants or other information establishing a business relationship with the individual(s) incurring the expense.

If an employee does not comply with the above guidelines, or the Berwyn Park District has not preapproved an expense in writing, it may deny the employee reimbursement. If an employee incurs an expense due to their own negligence or misconduct, the Berwyn Park District may not reimburse such an expense. Falsification of any expense reimbursement, supporting documentation or other misrepresentations in connection with a request for expense reimbursement is subject to discipline up to and including

dismissal, no matter when the Berwyn Park District discovers it. The Berwyn Park District requires employees to repay the Berwyn Park District for reimbursements improperly obtained by the employee and reserves the right to pursue any additional avenues of applicable relief (e.g., civil proceedings, criminal charges, etc.).

It is the intention of the Berwyn Park District for this policy to serve as an “accountable plan” (as described by the Internal Revenue Service) to allow employees to exclude such reimbursements from taxable income; employees should consult their own tax advisor to determine how any such reimbursements will affect them personally in that regard.

### **Employee Awards (Section 4.12)**

The Berwyn Park District’s Employee Awards Program was established to recognize length of service or outstanding performance appropriately. The Berwyn Park District may so honor full-time employees based on the recommendation of the Department Head or Executive Director and approval of the board. The length of service or outstanding performance award is not a guarantee of employment for any specified length of time, nor does it change the status of employment from at-will.

### **Suggestion System (Section 4.13)**

The Berwyn Park District encourages employees who have suggestions for the improvement of services, reduction of costs, improvement of safety or training, or other related programs or plans to discuss their suggestions with their immediate supervisor who may submit a written report to the Department Head. The Berwyn Park District considers all suggestions and, when warranted, implements them. Generally, the Berwyn Park District will attempt to notify employees of the dispositions of their suggestions. When practical, if the Berwyn Park District implements an employee’s suggestion, it will place a copy of the written report, including action taken, in the employee’s personnel file. The Berwyn Park District may recognize particularly meritorious suggestions with special awards as recommended by the Department Head or Executive Director.

## **E. Berwyn Park District Property and Facilities (Section 5.0)**

### **Use of Recreational Facilities (Section 5.1)**

#### **General Information**

The Berwyn Park District offers various benefits to its employees so long as those benefits do not discriminate in favor of “highly compensated employees” (HCEs) under applicable laws. For no additional cost services, such as free fitness membership or free golf, the service must not result in substantial added cost to the Berwyn Park District. In other words, employees can only use these benefits when they do not interfere with use by the paying public. Further, as discussed in this policy, the Berwyn Park District should only offer these benefits to employees in our line of business, which is parks and recreation.

#### **Recreation Programs/Group Lessons**

The Berwyn Park District will allow full-time employees and immediate family members of full-time employees (spouse, civil union partner, and dependent children living at home) as well as classification I and II part-time employees to enroll in recreation programs or group lessons at a reduced rate or no charge subject to the following conditions:

- Employees or immediate family members are not eligible to register for any resident lottery for recreation programs without complying with all requirements, regulations, rules and fees.
- The employee or immediate family member pays the Berwyn Park District for any out-of-pocket expense in connection with attendance in the program or lesson.
- In the case of employees, participation in any recreational program does not conflict with normal working hours.
- All eligible employees and family members must meet any requirements and restrictions for facility usage including regular hours of operation, age limitations and waivers.

#### **Procedures / No Sharing of Privileges**

Employees should contact their respective Facility Manager or the Human Resources Department regarding the use of the Berwyn Park District’s programs and facilities. All complimentary passes and discounts given to an employee and/or the employee's immediate family in accordance with this section shall expire immediately upon separation of employment with the Berwyn Park District. The Berwyn Park District does not allow employees to transfer any such complimentary passes and discounts to other people nor does it give them to persons other than the employee or members of the employee's immediate family as defined in this policy. Unauthorized use or distribution of any complimentary pass may result in revocation of all pass privileges and disciplinary action, up to and including dismissal.

## **Use of Berwyn Park District Information, Property and Equipment (Section 5.2)**

The protection of the Berwyn Park District's business information, property and all other Berwyn Park District assets are vital to the interests and success of the Berwyn Park District. Except in the ordinary course of performing duties for the Berwyn Park District, or otherwise permitted, no employee may remove any Berwyn Park District property from the Berwyn Park District's premises. Accordingly, when an employee separates employment, or at any time the employee's immediate supervisor, Department Head, the Human Resources Department or the Executive Director asks for the return of Berwyn Park District property, the employee must return all Berwyn Park District information and property that the employee possesses, including without limitation, keys, phones, laptops or computers, documents, files, records, manuals, information stored on a personal computer or on a computer disc, supplies, equipment and office supplies.

No employee, elected official, or member of the public may use Berwyn Park District property for personal use without proper authorization. No Berwyn Park District property may be released for personal use without the prior written approval of the Facility Manager and/or Department Head responsible for the property or the Executive Director. Only the Executive Director can approve personal use of Berwyn Park District vehicles, and only in advance and in writing.

For the purpose of this section, "Berwyn Park District property" is defined as buildings, vehicles, facilities, grounds, tools, implements, building materials, electronic equipment, keys, phones, laptops or computers, documents, files, records, manuals, information stored on a personal computer or on a computer disc, equipment, office supplies and all other property owned, leased or in the possession of the Berwyn Park District. Because safety and liability are of chief concern, the Berwyn Park District expects that Berwyn Park District property it assigns, authorizes or permits employees to use will be operated in a fashion consistent with the Berwyn Park District's established safety rules and regulations, as well as all other applicable policies. The Berwyn Park District will provide instructions on safe and proper use as needed, as well as upon request. In addition, the use of some Berwyn Park District property may require licenses, certifications, permits, waivers and/or releases.

To the extent allowed by applicable law, the employee will be responsible for the full cost of repair or replacement of Berwyn Park District property damaged or lost while in the employee's possession, custody or control. The Berwyn Park District will comply with all applicable laws to recover any such costs. Employees should report any loss, damage or theft of Berwyn Park District property immediately. The Berwyn Park District

may consider negligence in the care and use of Berwyn Park District property as grounds for discipline, up to and including dismissal.

The Berwyn Park District's equipment (which also constitutes "Berwyn Park District property"), such as telephones, postage, facsimile and copier machines, is intended for business purposes. An employee may only use this equipment for nonbusiness purposes in an emergency and only with the permission of their immediate supervisor, Department Head or Executive Director. Employees should immediately report to their immediate supervisor or the Human Resources Department any personal usage, in an emergency, that results in a charge to the Berwyn Park District so reimbursement can be made to the extent allowed by applicable law.

Upon separation of employment, employees must return all Berwyn Park District property to the Human Resources Department or their immediate supervisor.

Violation of this policy is a serious offense and may result in appropriate disciplinary action, up to and including dismissal, as well as the Berwyn Park District pursuing all available and lawful legal channels to recoup unreturned or repair/replace damaged Berwyn Park District property.

### **Use of Berwyn Park District Computer Systems (Section 5.3)**

Use of the Berwyn Park District's computers and software is limited solely to appropriate business use. Except as otherwise provided below, employees cannot use the computer system for their personal benefit. The Berwyn Park District strictly forbids employees from installing software on the system. Further, this policy reaffirms Berwyn Park District employees have no reasonable expectation of privacy with respect to any computer hardware, software, electronic mail or other computer or electronic means of communication or storage, whether or not the employees have private access or an entry code into the computer system. The Berwyn Park District reserves the right to monitor the use of its computer system at any and all times.

Subject to approval from the employee's immediate supervisor or Department Head, an employee's occasional use of Berwyn Park District computers for personal use and outside projects may be acceptable during nonwork times (e.g., breaks, meal periods, etc.). However, to keep such use to a reasonable level, the employee's immediate supervisor or Department Head must give advance approval to use the system in such a manner. Moreover, the Berwyn Park District may purge files on its computer at any time, with or without notice, and is not responsible for any personal files or outside project files it may purge or lose.

Under the Victims' Economic Security and Safety Act (VESSA), employees of domestic violence, sexual violence, gender violence, or other violent crimes committed against themselves, or a family or household member will retain access to photographs, voice or video recordings, sound recordings, or any other digital documents or communications stored on an agency-issued device relating to the violence/crime. If any recording or information needs to be retained, it is the employee's responsibility to report the matter to Human Resources as soon as it is known.

The use of the system for such personal efforts must occur outside of the employee's working time, and the employee must delete any personal files created at the end of the project or personal use. Also, because of the normal heavy load on the system, personal use and outside projects will not receive priority over operational requirements, system maintenance or file back up.

#### **Email Policy (Section 5.4)**

Every employee is responsible for using the Berwyn Park District's email system properly and in accordance with this policy. Employees should address any questions about this policy to the Human Resources Department.

The email system is the property of the Berwyn Park District. The Berwyn Park District provides it to conduct Berwyn Park District business. All communications and information transmitted by, received from or stored in this system are Berwyn Park District records and property of the Berwyn Park District. Employees should use the email system only for Berwyn Park District business purposes. The Berwyn Park District prohibits use of the email system for personal purposes.

Employees have no right to personal privacy in any matter stored in, created, received or sent over the Berwyn Park District's email system. Further, the Berwyn Park District reminds employees that emails are subject to the Illinois Freedom of Information Act (IL FOIA) and may turn them over to third parties in compliance with applicable laws or policies.

The Berwyn Park District, in its sole discretion as owner of the email system, reserves and may exercise the right to monitor, access, retrieve and delete any matter stored in, created, received or sent over the email system, for any reason and without the permission of any employee.

Even if employees use a password to access the email system, the Berwyn Park District cannot assure the confidentiality of any message stored in, created, received or sent from or to the Berwyn Park District email system. Use of passwords or other security measures does not in any way diminish the Berwyn Park District's rights to access materials on its system, nor does it create any privacy rights of employees in the

messages and files on the system. Employees must reveal any password used for Berwyn Park District email to authorized (and only authorized) personnel at the Berwyn Park District (such as an IT Manager), as the Berwyn Park District may need to access email files in an employee's absence, emergency or for other business purposes.

Employees should be aware that deletion of any E-mail messages or files will not truly eliminate the messages from the system. All E-mail messages are stored on a central back-up system in the normal course of data management and as part of the Berwyn Park District's compliance with applicable record keeping laws.

Even though the Berwyn Park District has the right to retrieve and read any email messages, employees still should treat email messages as confidential, with only the intended recipient accessing them. The Berwyn Park District does not authorize employees to retrieve or read any email messages not sent to them. Any exception to this policy must receive the prior approval of the Executive Director, Department Head or IT Department.

Policies against sexual or other harassment, as well as all other Berwyn Park District policies (e.g., workplace violence, etc.) apply fully to the email system, and any violation of those policies is grounds for discipline, up to and including dismissal. Therefore, employees should not create, send or receive any email messages that contain threatening, intimidating, hostile or offensive material based on an individual's actual or perceived race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, religion, sex, age, national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who not a U.S. citizen but who is authorized by the federal government to work in the United States), ancestry, marital status, civil union partnership, veteran status, disability, association with a person with a disability, sexual orientation, gender (including gender identity or expression), genetic information, unfavorable discharge from military service or military status, order of protection status, pregnancy, childbirth or a medical condition related to childbirth or pregnancy or any other classification protected by law. Employees encountering or receiving this kind of email should immediately report the incident using the Complaint Reporting Procedure in the Berwyn Park District's Nondiscrimination and Antiharassment Policy.

Employees must not use the email system to solicit for religious or political causes, commercial enterprises, outside organizations or other nonjob-related solicitations.

Employees must not use the email system to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization from Berwyn Park District management.

Employees, if uncertain about whether certain information is copyrighted, proprietary or otherwise inappropriate for transfer, should resolve all doubts in favor of not transferring

the information and consult their Department Head, IT Department or the Executive Director.

The Berwyn Park District reminds employees to be courteous to other users of the system and always to conduct themselves in a professional manner at all times. Emails are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Users should write email communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on Berwyn Park District letterhead.

Any employee who discovers misuse of the email system should immediately contact their Department Head, the Human Resources Department, IT Department or the Executive Director.

Violations of this email policy will result in disciplinary action, up to and including dismissal.

As with all Berwyn Park District policies, the Berwyn Park District may amend or revise this policy from time to time as the need arises.

The Berwyn Park District requires employees to sign an Email, Voice Mail and Internet Use Policies Acknowledgment Form as a condition of employment.

**IMPORTANT: Please review and sign the Email, Voice Mail and Internet Use Policies Acknowledgment Form in Appendix C.**

### **Internet Use Policy (Section 5.5)**

Employees may not access the Internet using the Berwyn Park District's computer systems unless their job duties require such use. Absent such need, employees may not access the Internet using the Berwyn Park District's computer systems at any time or for any reason without prior written approval of their Department Head or the Executive Director.

The Berwyn Park District prohibits use of the Internet for more than occasional personal purposes and limits such occasional personal use to nonworking time (e.g., meal breaks, breaks, etc.) with permission from an employee's immediate supervisor or Department Head, and in compliance with all other policies and applicable laws.

Employees must receive permission from management before posting any information on commercial on-line systems or the Internet on behalf of the Berwyn Park District. Any approved posted material should have all proper copyright and trademark notices. Absent prior approval from the Berwyn Park District to act as an official representative

of the Berwyn Park District, employees posting information must include a disclaimer in that information stating: “Views expressed by the author do not necessarily represent those of the Berwyn Park District.”

The Berwyn Park District may provide certain employees with access to the Internet to perform their job duties. The Internet can be a valuable source of information and research. In addition, email can provide excellent means of communicating with other employees, our patrons, outside vendors and other business entities. Employees must temper use of the Internet with common sense and good professional judgment.

If employees abuse their right to use the Internet, the Berwyn Park District will revoke its permission. In addition, employees who abuse the Internet may be subject to disciplinary action, including possible dismissal from employment and civil and criminal liability.

Employees’ use of the Internet is governed by this policy and the Email Policy.

### **Disclaimer of Liability for Use of Internet**

The Berwyn Park District is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. The Berwyn Park District cautions users that many of these pages include offensive, sexually explicit, violent and other inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an email address on the Internet may lead to receipt of unsolicited emails containing offensive conduct. Users accessing the Internet do so at their own risk.

### **Duty Not to Waste Computer Resources**

Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, downloading large files, spending excessive amounts of time on the Internet, playing games, streaming videos or otherwise creating unnecessary network traffic. Because audio, video and picture files require significant storage space, employees may not download files of this or any other sort unless they are business-related.

### **No Expectation of Privacy**

The computers and computer accounts given to employees are to assist them in the performance of their jobs. Employees should not and do not have an expectation of privacy in anything they create, store, send or receive on the Berwyn Park District’s computer system, including but not limited to their browsing history. The computer system belongs to the Berwyn Park District and may only be used for business purposes.

### **Monitoring Computer Usage**

The Berwyn Park District has the right, but not the duty, to monitor any and all of the aspects of its computer system including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet and reviewing email or voice mail sent and received by users.

### **Blocking of Inappropriate Content**

The Berwyn Park District may use software to identify and/or block from Berwyn Park District networks inappropriate or sexually explicit or violent Internet sites. In the event an employee nonetheless encounters inappropriate or sexually explicit or violent material while browsing on the Internet, they must immediately navigate away from the site, regardless of whether the site was subject to blocking software from the Berwyn Park District.

### **Prohibited Activities**

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, inappropriate, offensive (including offensive material based on an individual's actual or perceived race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, religion, sex, age, national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who not a U.S. citizen but who is authorized by the federal government to work in the United States), ancestry, marital status, civil union partnership, veteran status, disability, association with a person with a disability, sexual orientation, gender (including gender identity or expression), genetic information, unfavorable discharge from military service or military status, order of protection status, pregnancy, childbirth or a medical condition related to childbirth or pregnancy or other characteristic protected by law), or violative of the Berwyn Park District's EEO Policy and its policies against sexual or other harassment may not be downloaded from the Internet or displayed or stored in the Berwyn Park District's computers. Employees encountering or receiving this kind of material should immediately report the incident using the Complaint Reporting Procedure in the Berwyn Park District's Nondiscrimination and Antiharassment Policy.

The Berwyn Park District's EEO Policy and its Nondiscrimination and Antiharassment Policy apply fully to the use of the Internet and any violation of those policies is grounds for discipline, up to and including dismissal from employment.

### **Games and Entertainment Software**

Employees may not use the Berwyn Park District's Internet connection to download games, gamble, set fantasy online teams, other entertainment software or to play games over the Internet.

## **Illegal Copying**

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. Employees are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages and other material they wish to download or copy. Employees may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the employee's Department Head or the Executive Director.

## **Accessing the Internet**

To ensure security and to avoid the spread of viruses, employees accessing the Internet through a computer attached to the Berwyn Park District's network must do so through an approved Internet firewall. The Berwyn Park District strictly forbids accessing the Internet directly by modem unless the computer the employee is using is not connected to the Berwyn Park District's network.

## **Virus Detection**

Files obtained from sources outside the Berwyn Park District, including disks brought from home; files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to email; and files provided by customers or vendors may contain dangerous computer viruses that can damage the Berwyn Park District's computer network. Employees should never download files from the Internet, accept email attachments from outsiders or use programs or disks/drives from sources outside the Berwyn Park District without first scanning the material with Berwyn Park District-approved virus checking software. If employees suspect a virus has been introduced into the Berwyn Park District network, they must notify the IT Department and their immediate supervisor immediately.

## **Sending Unsolicited Email (Spamming)**

Without the express permission of their immediate supervisors, employees may not send unsolicited e-mail to persons with whom they do not have a prior relationship.

## **Amendment and Revisions**

As with all Berwyn Park District policies, the Berwyn Park District may amend or revise this policy from time to time as the need arises.

The Berwyn Park District takes violations of this policy seriously and may result in disciplinary action, including possible dismissal and civil and criminal liability.

Employees must sign an Email, Voice Mail and Internet Use Policies Acknowledgment Form as a condition of employment.

**IMPORTANT: Please review and sign the Email, Voice Mail and Internet Use Policies Acknowledgment Form in Appendix C.**

## **Voice Mail Policy (Section 5.6)**

Every employee is responsible for using the voice mail system properly and in accordance with this policy. Employees should address any questions about this policy to the Human Resources Department.

The voice mail system is the property of the Berwyn Park District. The Berwyn Park District provides it for use in conducting Berwyn Park District business. All communications and information transmitted by, received from or stored in this system are Berwyn Park District records and property of the Berwyn Park District. Use of the voice mail system for more than occasional personal purposes is prohibited and limits such occasional personal use to nonworking time, with the advance permission of an employee's immediate supervisor or Department Head and in compliance with all other policies.

Employees have no right to personal privacy in any matter stored in, created, received or sent over the Berwyn Park District's voice mail system. Further, the Berwyn Park District reminds employees that voice mails are subject to the Illinois Freedom of Information Act (IL FOIA), and it may turn them over to third parties in compliance with applicable laws or policies.

The Berwyn Park District, in its sole discretion as owner of the voice mail system, reserves and may exercise the right to monitor, access, retrieve and delete any matter stored in, created, received or sent over the voice mail system for any reason without the permission of any employee and without notice.

Even if employees use a password to access the voice mail system, the Berwyn Park District cannot assure the confidentiality of any message stored in, created, received or sent from or to the Berwyn Park District voice mail system. Use of passwords or other security measures does not in any way diminish the Berwyn Park District's rights to access materials on its system, nor does it create any privacy rights of employees in the messages and files on the system. Employees must reveal any password used to the authorized (and only authorized) personnel at the Berwyn Park District (such as the IT Manager), as the Berwyn Park District may need to access voice mail messages in an employee's absence, an emergency or for other business purposes.

Even though the Berwyn Park District reserves the right to retrieve and read or listen to any voice mail messages, employees should treat those messages as confidential, with only the intended recipient should access them. The Berwyn Park District does not authorize employees to retrieve or listen to any voice mail messages not sent to them.

Any exception to this policy must receive the prior approval of the Executive Director, IT Department or Department Head.

Policies against sexual or other harassment, as well as all other Berwyn Park District policies, (e.g., workplace violence, etc.) apply fully to the voice mail system, and any violation of those policies is grounds for discipline, up to and including dismissal. Employees should not create, send or receive any voice mail messages if they contain threatening, intimidating, hostile or offensive material based on an individual's actual or perceived race (including but not limited to traits associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists), color, religion, sex, age, national origin, citizenship status, work authorization status (i.e., the status of being a person born outside the U.S., who not a U.S. citizen but who is authorized by the federal government to work in the United States), ancestry, marital status, civil union partnership, veteran status, disability, association with a person with a disability, sexual orientation, gender (including gender identity or expression), genetic information, unfavorable discharge from military service or military status, order of protection status, pregnancy, childbirth or medical condition related to childbirth or pregnancy or any other classification protected by law. Employees encountering or receiving this kind of voice mail should immediately report the incident using the Complaint Reporting Procedure in the Berwyn Park District's Nondiscrimination and Antiharassment Policy.

Employees will not use voice mail to solicit for religious or political causes, commercial enterprises, outside organizations or other nonjob-related solicitations.

Because of the storage space required for voice mail messages, employees should not send a voice mail message to a large number of recipients without prior approval from their Department Head or the Executive Director.

The Berwyn Park District reminds employees to be courteous to other users of the system and always to conduct themselves in a professional manner at all times. Voice mails are sometimes misdirected or forwarded and may be heard by persons other than the intended recipient. Users should create voice mail communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on Berwyn Park District letterhead.

Employees should also use professional and courteous greetings on their voice mail boxes so as to represent the Berwyn Park District properly to outside callers.

To avoid accidentally disclosing message contents to unauthorized listeners, employees should not listen to voice mail messages while using the speakerphone feature or at a volume where unauthorized listeners can hear.

Any employee who discovers misuse of the voice mail system should immediately contact their Department Head, the Human Resources Department, the IT Department or the Executive Director.

Violations of this voice mail policy will result in disciplinary action, up to and including dismissal.

As with all Berwyn Park District policies, the Berwyn Park District may amend or revise this policy from time to time as the need arises.

Employees are required to sign an Email, Voice Mail and Internet Use Policies Acknowledgment Form as a condition of employment.

**IMPORTANT: Please review and sign the Email, Voice Mail and Internet Use Policies Acknowledgment Form in Appendix C.**

### **Recording Phone Calls and Conversations (Section 5.7)**

When serving as an employee, it is a violation of Agency policy to record any conversation or communication with a tape recorder, cell phone or other recording device unless the employee receives prior written approval from the Department Head or the Executive Director or **all** parties to the conversation give their clear and documented consent. However, under the Victims' Economic Security and Safety Act (VESSA), acts of domestic violence, sexual violence, gender violence, and other violent crimes committed against themselves or a family or household member may be recorded on agency-provided equipment, in compliance with the act.

The purpose of this policy is to eliminate a chilling effect on the expression of views that may exist when people have concerns about the secret recording of their conversations. This concern can inhibit spontaneous and honest dialogue especially when discussing sensitive or confidential matters. Further, such surreptitious recording may lead to civil or criminal liability, depending on the applicable laws.

Violation of this policy will result in disciplinary action, up to and including immediate dismissal.

## **Travel and Vehicle Use (Section 5.8)**

Employees must obtain the prior written approval of their immediate supervisor or Department Head to operate a motor vehicle, whether owned by the Berwyn Park District or their own personal vehicle, on Berwyn Park District business. (For Berwyn Park District vehicles, employees must also obtain the prior written approval of their Executive Director.) The following general rules apply to the use of motor vehicles on Berwyn Park District business. Employees should see their immediate supervisor for further details.

### **Applicable to All Vehicles Operated on Berwyn Park District Business**

- The employee's immediate supervisor must authorize the use of any vehicle for Berwyn Park District business prior to using it for such business.
- Employees operating any vehicle for Berwyn Park District business must have a valid driver's license with the proper classification for the type of vehicle being operated and must show proof of such license upon request. Employees must notify their immediate supervisor or Department Head immediately if the status of their driver's license changes (e.g., suspension, revocation, placed on restricted status, etc.).
- The Berwyn Park District requires employees to obey all traffic regulations and laws applicable to the use of motor vehicles. This includes without limitation the use of seat belts, the "headlight law" (where vehicles must have their headlights on when their windshield wipers are on) and prohibitions or limitations on the use of electronic communication devices including cell phones, personal digital assistants and mobile/portable computers while driving.
- Employees must report all accidents to their immediate supervisor or Department Head immediately and must include a copy of the police report.
- No employee may be under the influence of alcohol, illegal substances or legal drugs while operating any vehicle for Berwyn Park District business. "Under the influence" means the employee is affected by alcohol, illegal substances or legal drugs in any determinable manner. For purposes of this policy, a professional opinion, scientifically valid test, lay person's opinion or the statement of a witness can establish the determination of being under the influence. (See the Berwyn Park District's Alcohol and Drug Abuse Policy for more information.)
- The Berwyn Park District specifically prohibits employees from using any electronic communication device while driving. This includes composing, sending or reading electronic messages while operating a vehicle on a roadway. However, this prohibition does not apply to employees engaging in electronic communications via their cellular telephones in hands-free or voice-activated mode only (which may include use of a headset); while parked on the shoulder of a roadway; or when the vehicle is stopped due to normal traffic being obstructed,

and the driver has the motor vehicle transmission in neutral or park. This section does not apply to any of the following:

- Law enforcement employees while performing their official duties.
  - Driver using two-way or citizens band radio services.
  - Driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication.
  - Driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal digital assistant (for example, a fleet management system, dispatching device, citizens band radio or music player) for purpose that is not otherwise prohibited by law.
- Employees under the age of 19 are specifically prohibited from using a wireless phone at any time while driving, except for emergency purposes.
  - Employees, regardless of age, may not use a wireless telephone at any time while operating a motor vehicle on a roadway in a school zone or on a highway in a construction or maintenance speed zone, except for emergency purposes.
  - Employees who receive a citation for any Illinois Traffic Offense while operating a Berwyn Park District vehicle or operating a personal vehicle in the course of their employment with the Berwyn Park District, must report the citation to their immediate supervisor and provide a copy of the citation as soon as possible. Additionally, employees who receive an immediate action offense or points assigned offense, whether on-duty or off-duty, must report the citation to their immediate supervisor and provide a copy of the citation as soon as possible. Failure to report a citation or to provide a copy of the citation may be grounds for discipline, up to and including dismissal from employment.
  - The Berwyn Park District will conduct a pre-employment and annual State Motor Vehicle Record review for employees who drive as part of their job duties to determine if the employee has been found liable for any Immediate Action Offenses or Point-Assigned Offenses (or equivalent offenses in other states), a list of which can be found [here](#). The Berwyn Park District may engage in any of the following steps if it determines, in its sole discretion, that an employee's drivers' record is deficient: engage in periodic checks or other driver monitoring; require attendance and completion of driver safety training; enact temporary or permanent suspension from driving Berwyn Park District-owned vehicles and/or from driving as part of an employee's job duties for the Berwyn Park District; and/or issue discipline, up to and including dismissal from employment.

## **Berwyn Park District-owned Vehicles**

In addition to the requirements listed above, the following applies to any employee granted authorization by the Executive Director to operate a Berwyn Park District vehicle.

- Berwyn Park District-owned vehicles may be taken home only when authorized in writing and in advance by the Executive Director and only in cases where the employee is subject to emergency calls during off-duty hours or has another business need for the vehicle.
- Vehicles may not be taken out of state without the advanced written authorization of the Executive Director.
- Employees operating Berwyn Park District vehicles must be 18 years or older. Further, the Illinois Vehicle Code requires a driver of at least 21 years of age with one year of driving experience when transporting school age children or senior citizens.
- Berwyn Park District vehicles will not be used to transport Berwyn Park District patrons unless the vehicle and employee are authorized to do so or in case of emergency.
- Any employee required to have a Commercial Driver's License (CDL) as a condition of employment with the Berwyn Park District is subject to random drug and alcohol testing in accordance with Department of Transportation regulations. Please see the Berwyn Park District's Drug and Alcohol Policy and Procedures for CDL Employees for more information.
- Employees are responsible for the care and conservation of Berwyn Park District vehicles and must promptly report any accident, breakdown or malfunction of any unit to their immediate supervisor, so the Berwyn Park District can make any necessary repairs.
- The Berwyn Park District has the right to search any Berwyn Park District vehicle at any time, with or without notice. Therefore, employees have no reasonable expectation of privacy with respect to Berwyn Park District vehicles.
- No employee may be under the influence of alcohol, illegal substances or legal drugs while operating any Berwyn Park District-owned vehicle at any time, irrespective as to whether the use is for personal or Berwyn Park District business. "Under the influence" means that the employee is affected by alcohol, illegal substances or legal drugs in any determinable manner. For purposes of this policy, a professional opinion, scientifically valid test, lay person's opinion or the statement of a witness can establish determination of being under the influence.
- Certain Berwyn Park District vehicles have global positioning systems (GPS). The Berwyn Park District reserves the right to use GPS technology at any time and for any Berwyn Park District-related purpose including, but not limited to,

determining unauthorized use of the vehicle; misuse of the vehicle; unsafe use of the vehicle; unauthorized or misuse of work time; and emergency assistance. Employees using any Berwyn Park District vehicle for Berwyn Park District purposes at any time (including conferences) should have no expectation of privacy regarding their whereabouts during working hours, when acting on behalf of the Berwyn Park District at any time when on Berwyn Park District business.

### **Personal Vehicles**

In addition to the general regulations listed above, the following apply to any employee who operates their personal vehicle for Berwyn Park District business.

- The Berwyn Park District requires employees using their personal vehicle for Berwyn Park District business to carry liability insurance on their vehicle in accordance with applicable law and may need to provide proof of this insurance. The Berwyn Park District's liability insurance is secondary to the employee's own coverage.
- The Berwyn Park District strictly prohibits using an employee's personal vehicle to transport participants in any Berwyn Park District programs.
- The Berwyn Park District will predetermine reimbursement for authorized use of personal vehicles by a monthly car allowance or at the standard mileage rate established by the Internal Revenue Service and considers it payment for the use of the vehicle, insurance, and all other transportation costs. The Berwyn Park District does not reimburse employees for regular commutes between home and work.

To qualify for reimbursement, employees must secure prior written approval from their immediate supervisor or Department Head, provide proof of the mileage used for Berwyn Park District business and provide proof they used the vehicle on Berwyn Park District business (i.e., submission of an approved mileage reimbursement form and other appropriate documentation such as receipts as required by the Berwyn Park District). Please see the Berwyn Park District's Expense Reimbursement Policy for more details.

## **Purchasing Policy (Section 5.9)**

### **Introduction**

The purpose of this policy is to provide procedures for soliciting, processing, and awarding bids, proposals, and quotations. These guidelines are for purchases of equipment, supplies, materials, and services for the operational requirements of the Park District and are created to ensure competitive and unbiased selection of qualified and cost-effective vendors and suppliers. This policy applies to all Park District purchases and any additional purchase procedures that may be required for capital improvements.

Purchasing decisions generally involve the Director, Superintendents, other authorized employees, and the Board of Commissioners. Generally, the Director or appropriate Superintendent will review the purchases to confirm that they are in compliance with Park District's fiscal and budgetary parameters. The Park District's legal counsel will also review all legal documents. In addition, the Director will review purchases to confirm that they are consistent with the goals and objectives that will be accomplished through the purchase. This information is also referenced in the Financial Policies and Procedures manual.

### **Purchasing Procedures**

In general, Park District purchasing procedures for operational purposes is a cooperative effort involving the input and assistance of the Board of Commissioners, the Director, Superintendent and other authorized Park District employees. Although the Director will administer and coordinate Park District purchasing procedures, the Director may delegate authority to other Park District officers or employees regarding specific purchasing decisions. The Board of Commissioners has the duty to maintain responsible purchase practices Park District-wide.

The Director will work with the Board of Commissioners and staff members to provide assistance and direction, and to answer questions regarding Park District-wide purchasing procedures. In reviewing and approved purchases, the Director will focus on compliance with fiscal issues, applicable laws, accounting procedures, and the approved budget.

### **Methods of Purchase Procurement**

1. **Written Quotations:** a written response by a vendor to a Park District inquiry on a specific product or service
2. **Requests for Proposals (RFPs):** a Park District created outline of a specific Park District service or need. The vendor proposes a way to meet the Park District defined service or need and outlines the costs associated with the proposal. A proposal may, at the discretion of the Park District, be subject to

further negotiations, modifications and rejections until the Park District accepts the proposal.

3. **Bids:** a written response to a vendor to a Park District created list of specified products or services.

## **Methods of Purchase Procurement**

### **1. Preference for Economical Purchasing**

Where a competitive market exists for a particular purchase, the Park District shall endeavor to select the vendor with the lowest responsible bid, proposal or quote, as the case may be, for goods and services.

### **2. Preference for Local Vendors**

Purchase recommendations are to be made using vendors located within the corporate limits of the Park District where two or more bids, quotes or proposals are substantially equal in quality, other material elements and price.

### **3. Product Specifications Based on Function**

Product designation or specification must be reasonably related to the function or purpose to be served by the item selected. Specifications shall not limit the selection to a particular brand or vendor, either expressly or by effect, or exclude the use of recycled materials, unless required to serve a particular need or objective. When a brand is used as a reference, such as compatibility, the phrase "or equivalent" will be included in the specifications.

### **4. Standardized Forms**

The Director or designee may develop and periodically update forms and materials for use in Park District-wide purchasing, including bidding and RFP checklists, documents, as well as electronic documents that will be stored on the Park District's computer network. The primary form that will be used to facilitate purchases will be the purchase order request form.

### **5. Fiscal Review and Recommendations**

The Director will review purchase orders and Board action items prior to submission for final approval for compliance with the Park District purchasing policy, grant requirements, budget considerations and accounting procedures. The Park District's attorney will review all legal documents prior to submission to the Board of Commissioners. The Director may request additional information and offer suggestions and modifications related to any purchase to ensure that the purchase complies with all the above. The Director has the authority to reject any proposed purchase that he/she determines is not in conformance with this directive, applicable laws, grant requirements, or approved budgetary limits.

## **6. Purchase Justifications**

The Director or his/her designee will provide purchase justifications for any purchase in excess of \$10,000.00. A “purchase justification” is defined as a description of the purchase, including budget information, a description of the material or service sought, information regarding any bids or proposals and the basis for the recommended vendor or product. The form of justification will depend on the level of approval needed.

## **7. Approval Process**

The approval of the Park District’s Board of Commissioners must be given for any purchase of \$29,999.99 or more. The Park District’s Board of Commissioners must approve any change order that would cause the total cost of a purchase contract to exceed 105% of the original contract. The Director or his/her designee will coordinate presentation of such purchasing matters to the Board of Commissioners in conjunction with meetings of the Board of Commissioners.

## **8. Approval Limits/Authorization Levels**

Superintendents are authorized to purchase a singular item (or group of items) or service of up to \$10,000.00 without pre-approval for Park District needs unless the Director has granted additional expense authority for various maintenance, upkeep or operational expenditures.

Supervisors are authorized to purchase a singular item (or group of items) or service of up to \$4,000.00 without pre-approval for District needs unless the Director has granted additional expense authority for various maintenance, upkeep or operational expenditures.

Full Time Staff are authorized to purchase a singular item (or group of items) or service for their area of up to \$4,000.00 without pre- approval as long as the purchase is assigned to their designated budget line. Expenses exceeding \$4,000.00 must be approved by the Director, or designee, through a Purchase Order Request or Payment Voucher Form.

The Director authorizes purchases up to and not exceeding \$29,999.99. The Director is further authorized to exceed \$29,999.99 in the case of immediate concern for public health, safety, or welfare and when required to maintain the operational integrity of the Park District.

After the purchase is completed, a receipt and/or invoices and a completed payment voucher form shall be completed and handed to the Park District’s Superintendent of Finance and HR.

## Standard Competitive Purchasing

### 1. Generally

Except as otherwise provided by law, the Board of Commissioners of the Park District maintains the sole discretion to determine whether purchases will be subject to a formal competitive bidding process.

### 2. Purchasing Assistance

The Director and his/her designee will provide administrative support when requested by the area or operating areas for obtaining quotes, preparing and/or reviewing bids and requests for proposals (RFPs), arranging for appropriate advertising, conducting pre-bid conferences, and bid openings.

### 3. Bids

The Park District recognizes the value of the public bidding process. When and if the Board of Commissioners determines that it is necessary or advantageous for the Park District to engage in a competitive bidding process for the purchase of goods or services, the Board of Commissioners shall ensure that all necessary legal bidding requirements are complied with, including adhering to written specifications, advertising, and awarding bids to the lowest responsible bidder as defined by Illinois law.

## Mandatory Competitive Purchasing

### 1. Generally

Except as otherwise required by law, the Board of Commissioners shall engage in a competitive bidding process that complies with Section 8-1(c) of the Illinois Park District Code (70 ILCS 1205/8-1(c)) for all contracts for supplies, materials, or work involving an expenditure in excess of \$30,000.

### 2. Notice Requirement

The Park District shall publish a newspaper notice for all proposals to award contracts subject to mandatory competitive bidding at least 10 days, excluding Sundays and legal holidays, in advance of the date announced for receiving bids. The notice shall describe the proposed contract and shall identify the date, time and place assigned for the opening of bids. The notice shall state that the Park District reserves the right to reject any and all bids.

### 3. Contract Specifications

Prior to advertising for proposals, the Board shall establish specifications, terms of delivery, quality and serviceability requirements for the supplies, materials or work being sought. The Board is not required to accept a bid that does not meet its specifications, terms of delivery, quality and serviceability requirements.

#### **4. Exceptions to Competitive Bidding**

The Board shall not be required to engage in competitive bidding for the following:

- i. The purchase of personal property, supplies and services jointly with one or more other governmental units, as provided for under the Illinois Governmental Joint Purchasing Act (30 ILCS 525/0.01 et seq.).
- ii. Contracts for emergency expenditures, when the emergency expenditure is approved by a vote of at least three-fourths of the Board; and
- iii. Contracts which, by their nature, are not adapted to award by competitive bidding, including, but not limited to:
  - a. Contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;
  - b. Contracts for the printing of finance committee reports and departmental reports;
  - c. Contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness.
  - d. Contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent, or which involve proprietary parts or technology not otherwise available.
  - e. Purchases and contracts for the use, purchase, delivery, movement, installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;
  - f. Contracts for duplicating machines and supplies;
  - g. Contracts for utility services such as water, light, heat, telephone, or telegraph;
  - h. Contracts for goods or services procured from another governmental agency;
  - i. Purchases of equipment previously owned by some entity other than the Park District itself;
  - j. Contracts for goods or services which are economically procurable from only one source;

- k. Contracts for the purchase of magazines, books, periodicals, pamphlets, and reports; and
- l. All other contracts which, by their nature, are not adapted to award by competitive bidding.

## Ineligibility

1. **Ineligibility due to a conviction.** No Business shall be eligible to do business with the Park District if the Business or controlling person of such Business has ever been convicted, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any kind, or of a criminal offense of whatever degree, involving;
  - a. bribery or attempted bribery, or its equivalent under any local, state or federal law, of any public officer or government employee; or
  - b. theft, fraud, forgery, perjury, dishonesty or deceit, or attempted theft, fraud, forgery, perjury, dishonestly or deceit, or its equivalent under any local, state or federal law, against any government agency; or
  - c. conspiring to engage in any of the acts set forth in items (a) or (b) of this subsection.
2. **Ineligibility due to filing of charges or indictment.** No Business shall be eligible to do business with the Park District if the Business or controlling person of such Business is charged with or indicted for any felony or criminal offense set forth in items (a) through (c), inclusive, of subsection (1) of this section. Such ineligibility shall remain in effect until final adjudication is made with respect to such felony or criminal offense.
3. **Successor business entities.** Notwithstanding anything to the contrary in the section, if a Business seeking to do business with the Park District (“the applicant entity”) acquires or is merged with a Business that is ineligible under this section to do business with the Park District (“prohibited entity”) such applicant entity shall be eligible to do business with the Park District if all of the following apply:
  - a. no controlling person or agent of such applicant entity has made an admission of guilt or been convicted, charged or indicted for any of the criminal conduct forming the basis of the prohibited entity’s ineligibility to do business with the Park District; and
  - b. no person who was a controlling person of the prohibited entity at the time such criminal conduct occurred is a controlling person of the applicant entity; and
  - c. all other eligibility requirements of this section have been met by the applicant entity and all controlling persons thereof.

## Credit Card Purchasing

Park District credit cards are maintained to allow for limited, specific purchase situations where providing a credit card to a vendor speeds, or otherwise facilitates the purchase. The Park District will allow the Director and other authorized members to make purchases using Park District credit cards or through “charge” accounts only on a limited basis.

1. All credit card purchases are subject to the same approval limits as other purchases. These purchases are capped at the staff’s credit limit based on hierarchy:

- a. Superintendents are authorized to purchase a singular item (or group of items) or service of up to \$10,000.00 without pre-approval for Park District needs unless the Director has granted additional expense authority for various maintenance, upkeep, or operational expenditures. Credit card limit is \$5,000.
- b. Supervisors are authorized to purchase a singular item (or group of items) or service of up to \$4,000.00 without pre-approval for District needs unless the Director has granted additional expense authority for various maintenance, upkeep or operational expenditures. Credit card limit is \$5,000.
- c. Full Time Staff are authorized to purchase a singular item (or group of items) or service for their area of up to \$4,000.00 without pre- approval as long as the purchase is assigned to their designated budget line. Expenses exceeding \$4,000.00 must be approved by the Director, or designee, through a Purchase Order Request or Payment Voucher Form. Credit card limit is \$5,000.
- d. The Director authorizes purchases up to and not exceeding \$29,999.99. The Director is further authorized to exceed \$29,999.99 in the case of immediate concern for public health, safety or welfare and when required to maintain the operational integrity of the Park District. by employees other than the Director must be verbally authorized in advance by the Director or his/her designee. All proposed purchases by the Director in an amount of \$29,999.99 or greater shall be preauthorized by the Board of Commissioners. Credit card limit is \$8,000.

2. After the purchase is completed, a receipt and/or invoices and a completed payment voucher form shall be completed and turned into the Park District’s Superintendent of Finance and HR.

3. Park District employees shall not utilize the Park District credit card for personal purchases, whether reimbursable or not.

## **F. Employee Conduct (Section 6.0)**

### **Introduction (6.1)**

Berwyn Park District employees work together as a team to develop, promote and maintain quality recreational programs and facilities for the community. The Berwyn Park District expects each employee to work toward meeting the goal of providing services in a friendly, efficient and professional manner and urges employees to make any suggestions they feel will benefit the Berwyn Park District and its patrons by saving time, reducing waste, promoting safety, increasing efficiency and making the working and recreational experience for all persons more enjoyable.

The Berwyn Park District expects employees to demonstrate the highest standards of personal and professional integrity, honesty, responsibility and fortitude in the performance of their duties and to treat Berwyn Park District patrons, their fellow employees and members of the general public honestly, fairly and courteously. The rules identified below are a guide for employee conduct while acting on behalf of the Berwyn Park District. These rules promote orderly, safe and efficient operations. The Berwyn Park District developed them using common sense and years of experience and requires all employees to read these rules carefully and conduct themselves accordingly.

### **Compliance with Berwyn Park District Policies and Procedures (Section 6.2)**

Employees must comply with all policies and procedures established by the Berwyn Park District's board or management.

### **Compliance with Supervisory Directive (Section 6.3)**

Employees must comply with the directives of their immediate supervisors, the board, management, and supervisory staff in the performance of their duties.

### **Smoking (Section 6.4)**

To comply with the law and protect the health of our employees, the Berwyn Park District prohibits smoking, vaping and using e-cigarettes in or on any Berwyn Park District building, facility, equipment or vehicle or at all while working directly with the public, except in specifically designated areas.

The Berwyn Park District abides by the Smoke-Free Illinois Act (SFIA), a state law that protects residents, workers and visitors from the harmful effects of exposure to secondhand

tobacco smoke, vaping and e-cigarette vapor by prohibiting smoking of all forms of combustible tobacco, including cigarettes, cigars and hookah, and e-cigarettes, vapes and any other electronic smoking device in public places and places of employment. Use of these products is banned in all indoor areas (including in or on any Berwyn Park District building, facility, equipment or vehicle) and in all outdoor areas within 15 feet of any entrance, exit, window that opens or ventilation intake of a public place or place of employment. SFIA became law Jan. 1, 2008; vaping and e-cigarettes were added to the act beginning Jan. 1, 2024.

SFIA does not apply to traditional tobacco use/smoking associated with a recognized religious ceremony, ritual or activity by American Indians held in accordance with the federal American Indian Religious Freedom Act (42 U.S.C. 1996 and 1996a). For more information about traditional tobacco visit the National Native Network <https://keepitsacred.itcni.org/>.

### **Expeditious and Diligent Performance of Duties (Section 6.5)**

The Berwyn Park District expects employees to perform their job duties expeditiously and diligently to the best of their ability.

### **Acting in the Berwyn Park District's Interests (Section 6.6)**

Employees must act and conduct themselves at all times in the best interest of the Berwyn Park District.

### **Accurate Records (Section 6.7)**

Any reports employees produce, or records they maintain, are important to the administration of the Berwyn Park District, and employees must ensure they are accurate and complete.

### **Attendance, Punctuality and Dependability (Section 6.8)**

Attendance is an essential part of each job position and an employee's overall job performance and is critical to the smooth and efficient operation of the Berwyn Park District. Absenteeism and tardiness are expensive, disruptive and place an unfair burden on fellow employees and immediate supervisors. It is imperative that employees report to work regularly, promptly and be ready to perform their assigned duties at the beginning of the workday. To the extent permitted by law, excessive absenteeism and tardiness lessen an employee's chances for advancement and may result in discipline, up to and including dismissal.

If employees are going to be late or absent for any reason (whether for all or part of the workday), they or someone else on their behalf must telephone, text or email the employee's immediate supervisor at least thirty (30) minutes prior to the employee's scheduled starting time. If the immediate supervisor is not available, employees must contact the supervisor at the succeeding level of authority in their department. If employees are unable to contact supervisors directly, they may leave a voice mail. It is each employee's personal responsibility to ensure that they give proper notification.

If employees must leave work early because of illness or personal emergency, they must make every reasonable effort to advise their immediate supervisor promptly or, if the immediate supervisor is not available, the supervisor at the succeeding level of authority in their department prior to leaving work.

Unless prohibited by the Illinois Paid Leave for All Workers Act and/or the Cook County Paid Leave Ordinance, an employee's notice must include a reasonable explanation for the absence or tardiness (or need to leave early) and a statement as to when the employee expects to arrive at or return to work. The Berwyn Park District may require an employee to present a note from their treating healthcare provider or other documentation substantiating the length of, and reasons for, the absence or tardiness (or need to leave early).

The foregoing notice requirements apply to each day of absence or tardiness (or need to leave early), including without limitation consecutive days. Failure to satisfy these requirements may result in loss of pay for the time in question and/or disciplinary action, up to and including dismissal. Moreover, if employees fail to report to work on three consecutive working days without notifying their supervisor(s), the Berwyn Park District will consider them to have abandoned their employment with the Berwyn Park District voluntarily, resulting in dismissal. The Berwyn Park District will require employees who are absent for three or more consecutive shifts for the employee's own medical condition (and notify their supervisor such that they have not voluntarily abandoned their employment) to submit a note from a treating healthcare provider indicating the employee is fit to return to work with or without a reasonable accommodation.

Attendance is an essential function of every job at the Berwyn Park District. On-site attendance is an essential function of all or most jobs at the Berwyn Park District. Even if employees provide proper notice of their absences or tardiness (or need to leave early), continued irregular attendance or excessive absenteeism or tardiness, as determined in the sole discretion of the Berwyn Park District, constitutes unsatisfactory performance, and will subject employees to disciplinary action, up to and including dismissal.

In calculating an employee's attendance record, all absences, whether paid or unpaid, approved or without approval, or with or without notice, will be counted except for absence due to the following: approved leave under the FMLA, approved military leave, ADA or pregnancy accommodations and other legally protected leaves.

## **Proper Dress and Appearance (Section 6.9)**

The personal appearance of employees conveys to the public a general impression of the Berwyn Park District. Employees' on the job attire, including jewelry, should be in good taste, clean, neat, appropriate and safe for the duties being performed. The Berwyn Park District expects employees to be mature in choosing the type of hairstyle, accessories, shoes, and makeup worn while working. Certain jobs may require safety equipment and attire. The Berwyn Park District expects employees holding these positions to wear the assigned apparel when on the job. For specific details, please see specific department work rules.

Employees should avoid extremes in dress and appearance and be neat, clean, and orderly at all times while on duty. Hair must be neat, clean, trimmed and present a groomed appearance. The Berwyn Park District permits mustaches and beards as long employees keep them neatly trimmed and groomed, and they do not pose a safety or health risk given the nature of the employee's job responsibilities. For safety purposes, all employees working with maintenance equipment must either keep their hair in the back no longer than one inch below the ear or must firmly secure longer hair, so it does not hang below the ears.

The Berwyn Park District strictly limits exposed body piercing jewelry to earrings and nose rings, and the style of earring or jewelry may not present a safety hazard to employees, their coworkers, or the public, as determined by the Berwyn Park District.

Tattoos are allowed but must comply with all Agency policies (e.g., nonharassing, nondiscriminatory, etc.) and not draw inappropriate attention. The agency will not permit excessive visible tattoos or those tattoos determined by management to be offensive in nature (e.g., words including profanity, violence, nudity and/or harassing or discriminatory words or symbols).

Torn, frayed deteriorated and/or visibly dirty clothing is unacceptable.

**IMPORTANT: While the agency has strict appearance standards, the Agency does support all appearance protections noted in the EEO policy. Any employee who cannot comply with this policy based upon disability, religion, national origin or other legally recognized basis must forward a written request to the Human Resources Department for an authorized deviation from this policy. The request must include the policy exception requested and the basis for the request.**

It is the employees' responsibility to wear their nametags and/or uniforms while on duty if the Berwyn Park District has provided them. Uniforms, nametags, keys, and other Berwyn Park District property are and remain the property of the Berwyn Park District,

and employees must return them upon separation of employment. To the extent authorized by law, the Berwyn Park District will hold employees liable for the replacement cost of any damaged or lost Berwyn Park District property. Uniforms, nametags, and other identifying items identify workers as Berwyn Park District employees while they are on duty; employees should not wear those items when not on duty.

### **Work Areas (Section 6.10)**

- Keep work areas clean and orderly at all times.
- Store apparel such as boots, coats, and umbrellas in designated areas.
- Clean and store all tools and equipment prior to the end of the workday and properly secure all items, papers or information of value.
- The Berwyn Park District allows nonwork materials, such as posters, signs, pictures, and calendars to the extent they do not interfere with the performance of work and are not in violation of Berwyn Park District policies. Employees should use common sense when determining what items are appropriate to bring to work. The Executive Director is the final authority when deciding whether or not a non-work item is permissible.

### **Reporting Employees Who Possess, Use or Are Under the Influence of Alcohol or Drugs (Section 6.11)**

The Berwyn Park District expects and requires employees to report to work on time and able to work, both physically and mentally. To do so, employees must not have alcohol or illegal drugs in their system, or legal drugs in their system that interfere with their ability to work safely. Employees in certain Public Safety Responsibility roles must self-report the use of legal drugs in certain situations. Please see the Berwyn Park District's Alcohol and Drug Abuse Policy for more information.

It is the responsibility of every Berwyn Park District employee to ensure their coworkers and patrons in Berwyn Park District programs are safe. To that end, the Berwyn Park District requires all employees to report violations of the Berwyn Park District's Alcohol and Drug Abuse Policy to management, as outlined below.

If an employee knows of another employee possessing, using or being under the influence of drugs or alcohol while at work, or otherwise violating the Berwyn Park District's Alcohol and Drug Use Policy, they must immediately report the situation to their immediate supervisor, Department Head and/or the Executive Director. If the situation involves the Executive Director, or the Executive Director condones or does not address the problem, employees may take the complaint to the President of the

Board. The Berwyn Park District will investigate all complaints. Employees violating this policy may be subject to immediate disciplinary action, up to and including dismissal from employment.

### **Weapons Policy (Section 6.12)**

The Berwyn Park District strictly prohibits and does not tolerate weapons at any Berwyn Park District facility, on any Berwyn Park District property or at any Berwyn Park District-sponsored event, except as required by, and in strict accordance with, applicable federal and state laws.

Weapons include visible and concealed weapons, as well as those for which the owner has necessary permits. Weapons can include firearms, knives with a blade longer than three inches, explosive materials or any other objects that could be used to harass, intimidate, or injure another individual, employee, manager or supervisor. The Berwyn Park District prohibits employees from displaying, brandishing, discharging or otherwise using any and all weapons, including concealed firearms, on Berwyn Park District property, within the workplace, during work functions or while engaged in any business on behalf of the Berwyn Park District. The Berwyn Park District also prohibits employees from making threats or engaging in acts of violence or bullying, especially if they involve a weapon. Employees who violate this policy may be subject to disciplinary action, up to and including dismissal from employment.

### **Procedure for Reporting Possession of a Weapon**

If an employee knows of another employee possessing a weapon, they must report the situation to the Facility Manager, as well as their immediate supervisor, Department Head and/or the Executive Director. If the situation involves the Executive Director, or the Executive Director condones or does not address the problem, employees may take the complaint to the President of the Board. The Berwyn Park District will investigate all complaints.

Nothing in this policy shall prevent any employee from contacting 911 any time they believe there is an emergency in the workplace. An employee contacting 911 during work time should take all reasonable steps to secure their immediate safety and/or the immediate safety of others and then notify the Facility Manager, as well as their immediate supervisor, Department Head and/or the Executive Director of the 911 call.

### **Employee Cooperation (Section 6.13)**

Berwyn Park District employees provide a service to the community, and each employee must cooperate with fellow workers and the public to set a high standard of work performance. Unwillingness or failure to cooperate will subject the employee to disciplinary action, up to and including dismissal. The employees of the Berwyn Park District must function as a team, and each employee must make a positive contribution in the interest of effective and efficient public service.

The Berwyn Park District will not condone wrongful conduct, including without limitation insubordination, which engenders employee divisiveness, loss of morale or workplace disruption and such conduct may lead to disciplinary action, up to and including dismissal.

### **Carelessness Policy (Section 6.14)**

The Berwyn Park District prohibits, forbids, and does not tolerate carelessness, substandard or hazardous work practices within its facilities, on its property or while conducting Berwyn Park District business.

The Berwyn Park District expects and demands that employees perform their employment duties with care and attention to our patrons' needs, the safety and welfare of fellow employees and patrons, and to the Berwyn Park District's quality standards and requirements. Employees who are careless or negligent in performing their job duties will be subject to disciplinary action, up to and including dismissal.

### **Procedure for Reporting Careless, Hazardous or Substandard Work Practices**

If employees are aware of a careless or negligent act or behavior by another, they must report the act or behavior to their immediate supervisor. If employees feel uncomfortable doing so, or if an employee's supervisor is the source of the problem, condones or ignores the problem, employees must report it to the Department Head or the Executive Director.

If neither of these alternatives is satisfactory, then employees must direct their questions, problems, complaint, or reports to the President of the Board. The Berwyn Park District does not require employees to confront the person who is the source of their report, question, or complaint directly to notify any of those individuals listed.

## **Whistleblower Protection Policy (SAFE-T Act) (Section 6.15)**

Pursuant to § 4.1 of the Public Officer Activities Act, 50 ILCS 105/4.1 (the “Act”), the Berwyn Park District protects the confidentiality of and prohibits retaliation against any full-time, part-time, or temporary employee or contractor who reports improper governmental action under the Act and this Policy. Confidentiality will be protected to the extent permissible by law unless waived by the employee. The Berwyn Park District’s Auditing Official will manage and investigate complaints filed under the Act and this Policy in accordance with the following processes and procedures. Upon hire and then annually thereafter, employees must review this policy and procedures carefully and sign an Acknowledgment. (See **Appendix D.**)

### **Improper Governmental Action**

For purposes of this Policy, “improper governmental action” means any action by an employee of the Berwyn Park District, an appointed member of a board, commission or committee, or an elected official of the Berwyn Park District to which any of the following apply:

- Is undertaken in violation of a federal or state law or local ordinance.
- Is an abuse of authority.
- Violates the public's trust or expectation of their conduct.
- Is of substantial and specific danger to the public's health or safety.
- Is a gross waste of public funds.

The action need not be within the scope of the official duties of the employee, elected official, board member, or commission member to be subject to a claim of improper governmental action.

Improper governmental action does not include the Berwyn Park District’s personnel actions, including but not limited to: (1) employee grievances or complaints; (2) appointments, promotions, transfers, reassignments, or reinstatements; (3) restorations or reemployment; (4) performance evaluations; (5) reductions in compensation; (6) dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

### **Confidentiality**

The identity of an employee will be kept confidential to the extent allowable by law unless waived in writing by the employee.

The Auditing Officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.

## **No Retaliation**

The Berwyn Park District will not retaliate against an employee or contractor who:

- Reports an improper governmental action under this Policy or the Act;
- Cooperates with an investigation by the Auditing Official related to a report of improper governmental action; or
- Testifies in a proceeding or prosecution arising out of an improper governmental action.

Prohibited retaliation means any adverse change in an employee's employment status or terms and conditions of employment. Retaliatory action includes, but is not limited to, (1) denial of adequate staff to perform duties; (2) frequent staff changes; (3) frequent and undesirable office changes; (4) refusal to assign meaningful work; (5) unsubstantiated letters of reprimand or unsatisfactory performance evaluations; (6) demotion; (7) reduction in pay; (8) denial of promotion; (9) transfer or reassignment; (10) suspension or dismissal; or (11) other disciplinary action made because of an employee's protected activity under the Act.

## **Reporting Procedures**

To invoke the protections of the Act and this policy, any employee who is aware of an improper governmental action (as defined above) is required to make a **written** report of it to the Berwyn Park District's Superintendent of Human Resources and Finance, who serves as our Auditing Official.

Further, any employee who believes that he or she is being retaliated in violation of the Act and this Policy must submit a **written** report regarding the retaliation to the Berwyn Park District's Auditing Official, within 60 days of learning of the retaliatory conduct.

If the Auditing Official is the individual doing the improper governmental action, then a report may be submitted to any State's Attorney.

## **Investigation Procedures**

Upon receiving a report of alleged improper governmental action, the Auditing Official shall conduct a confidential investigation of the report.

The Auditing Official will also notify the employee and all witnesses of the Berwyn Park District's policy against retaliation for reporting alleged improper government action or participating in a related investigation or proceeding.

The Auditing Official may notify the Berwyn Park District's corporate counsel and/or the General Counsel of the PDRMA of the report and seek legal advice regarding the report, investigation, and potential findings and remedies.

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

If the Auditing Official (or their designee) concludes an improper governmental action has taken place or concludes that any person has hindered the investigation, the Auditing Official shall notify in writing the Berwyn Park District's Executive Director and any other individual or entity the Auditing Official deems necessary in the circumstances, including, for example, the President of the Board or other board members.

If the Auditing Official determines that an employee has been subjected to retaliation in violation of the Act or this Policy, the Auditing Official may also reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution. In instances where the Auditing Official determines that restitution will not suffice, the Auditing Official may make their investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.

The Auditing Official shall maintain records relating to the report, investigation, and findings confidential to the extent allowed by law and shall consult with the Berwyn Park District's corporate counsel and/or PDRMA's General Counsel before disclosing such records to any third parties, including, but not limited to, pursuant to a request under the Illinois Freedom of Information Act (IL FOIA).

### **Other Duties of the Auditing Official**

The Auditing Official shall also:

- Ensure that each employee receives a written summary or a complete copy of § 4.1 of the Act upon hire and at least once each year of employment.
- Ensure that all employees receive a copy of this Policy upon hire and at least once each year of employment, as well as any updates to it, and sign a form acknowledging receipt.
- Be familiar with § 4.1 of the Act and any amendments thereto and shall comply with all requirements of the Act.
- Respond to questions from employees about this policy.

### **Telephone and Cell Phone Usage (Section 6.16)**

Office telephones are a vital part of Berwyn Park District operations. Because of the large volume of Berwyn Park District business transacted by telephone, employees should limit personal use of the telephone and make personal calls brief and during nonworking time (e.g., breaks, meal periods, etc.).

The Berwyn Park District provides cellular telephones to certain employees in connection with their job duties. Employees issued cellular telephones by the Berwyn Park District should use those phones to make all long-distance telephone calls while traveling. Employees must limit personal use of their cellular telephone in the same way they limit personal use of their office telephone. The Berwyn Park District will subject employees who have excessive cellular usage for personal calls to corrective action, up to and including dismissal.

The Berwyn Park District requires the safe use of its cellular telephones by employees while conducting business. The Berwyn Park District may also give employees with cellular telephones an earphone/microphone adapter for increased safety and convenience. Employees must fully comply with all traffic laws and laws related to cellular phone use.

The Berwyn Park District specifically prohibits employees from accessing email, text messaging, typing or instant messaging while driving. This includes composing, sending or reading an electronic message while operating a vehicle on a roadway. However, this prohibition does not apply to either: (1) law enforcement employees while performing their official duties; (2) employees engaging in electronic communications via their cellular telephones in hands-free or voice-activated mode; or (3) while parked on the shoulder of a roadway.

The Berwyn Park District specifically prohibits employees under the age of 19 from using a cell phone (including hands-free or voice-activated) at any time while driving, except for emergency purposes.

Employees, regardless of age, may not use a cell phone (including hands-free or voice-activated) at any time while operating a motor vehicle on a roadway in a school zone or on a highway in a construction or maintenance speed zone, except for emergency purposes.

During work time, the Berwyn Park District does not permit employees to use personal cellular telephones; they can use them only during breaks and mealtimes.

### **Security and Keys (Section 6.17)**

In the interest of safety and protection of property, the Berwyn Park District maintains strict control over access to Berwyn Park District property, work locations, records, computer information, cash and other items of value or a confidential nature. Employees assigned keys, safe combinations, or other secure access to Berwyn Park District property in connection with their job responsibilities must exercise sound judgment and discretion to protect against theft, loss or negligence. Employees must immediately report any loss of keys or other secure access to their immediate supervisor; similarly,

employees must immediately report any unapproved disclosure of security codes/information about which they learn. Failure to do so may result in disciplinary action, up to and including dismissal. Employees may not transfer keys and other security access items, codes, and information from one employee to another without prior written authorization by the appropriate Facility Manager, Department Head or Executive Director.

### **Romantic or Sexual Relationships (Section 6.18)**

Consenting “romantic” or sexual relationships between a supervisor/manager and a nonsupervisory/nonmanagerial employee may at some point lead to unhappy complications and significant difficulties for all concerned – the employee, the supervisor/manager, and the Berwyn Park District. Any such relationship may, therefore, be contrary to the best interests of the Berwyn Park District.

Accordingly, the Berwyn Park District strongly discourages such relationships and any conduct (such as dating between a supervisor/manager and a nonsupervisory/nonmanagerial employee) designed or reasonably expected to lead to the formation of a “romantic” or sexual relationship.

By its discouragement of romantic and sexual relationships, the Berwyn Park District does not intend to inhibit the social interactions (such as work-related, professional lunches or dinners or attendance at entertainment events) that are or should be part or extension of the working environment; and the policy articulated above is not a justification or excuse for a supervisor’s/manager’s refusal to engage in such social interaction with employees.

If a romantic or sexual relationship between a supervisor/manager and an employee develops, it is the responsibility and mandatory obligation of the supervisor/manager promptly to disclose the existence of the relationship to the supervisor’s/manager’s Department Head. The employee may make the disclosure as well, but the burden of doing so belongs to the supervisor/manager.

The Berwyn Park District recognizes the ambiguity of and the variety of meanings that can apply to the term “romantic.” It assumes, or at least hopes, that either or both of the parties in such a relationship will appreciate the meaning of the term as it applies to either or both of them and will act in a manner consistent with this policy.

The Department Head will inform the Executive Director, the Human Resources Manager, and others with a need-to-know of the existence of the relationship, including in all cases the person responsible for the employee’s work assignments.

Upon being informed or learning of the existence of such a relationship, the Berwyn Park District may take all steps that it, in its discretion, deems appropriate. At a minimum, the employee and supervisor/manager will not be able to work together on the same matters (including matters pending at the disclosure of the relationship), and the supervisor/manager must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments and discipline) that may reward or disadvantage any employee with whom the supervisor/manager has or has had such a relationship.

In addition, and for the Berwyn Park District to deal effectively with any potentially adverse consequences such a relationship may create, the Berwyn Park District encourages any person who believes they have been adversely affected by such a relationship, notwithstanding its disclosure, to make their views about the matter known to the Department Head, the Human Resources Manager, or the Executive Director.

This policy shall apply without regard to gender and without regard to the sexual orientation of the participants in a relationship of the kind described.

### **Violence in the Workplace (Section 6.19)**

The Berwyn Park District strongly believes all employees should treat each other with dignity and respect and will not tolerate acts or threats of violence. Employees must report any instances of acts or threats of violence to the Facility Manager as well as the employee's immediate supervisor, the Department Head and/or the Executive Director. If the situation involves the Executive Director or the Executive Director condones or does not address the problem, employees may take the complaint to the President of the Board. The Berwyn Park District will investigate all complaints.

This list of behaviors provides examples of prohibited conduct:

- Causing physical injury to another person.
- Making threatening remarks.
- Displaying aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another employee.
- Possessing a weapon while on Berwyn Park District property or while on Berwyn Park District business.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.
- Discussing weapons or bringing them to the workplace.
- Displaying overt signs of extreme stress, resentment, hostility, or anger.
- Displaying irrational or explosive behavior.

The Berwyn Park District will promptly respond to any incident or threat of violence. Violation of this policy will result in disciplinary action, up to and including immediate dismissal.

Nothing in this policy shall prevent any employee from contacting 911 any time the employee believes there is an emergency in the workplace. An employee contacting 911 during work time should take all reasonable steps to secure their immediate safety and/or the immediate safety of others and then notify the Facility Manager, as well as their immediate supervisor, Department Head and/or the Executive Director of the 911 call.

### **Reporting Unsafe Activity (Section 6.20)**

Employees must act and conduct themselves at all times in the best interests of the Berwyn Park District. If an employee reasonably suspects or knows another Berwyn Park District employee is engaging or has engaged in unsafe conduct while on duty, they must report such misconduct together with any supporting information to their immediate supervisor, Department Head and/or the Executive Director. If the situation involves the Executive Director or the Executive Director condones or does not address the problem, employees may take the complaint to the President of the Board. The Berwyn Park District will investigate all complaints.

### **Political Activity (Section 6.21)**

The Berwyn Park District expects employees to serve all patrons equally. The political opinions or affiliations of any patron should in no way affect the amount or quality of service received from the Berwyn Park District.

Berwyn Park District rules do not preclude an employee from becoming a political candidate or from taking part in election campaigns and other lawful political activities. However, employees may not engage in political activities at any time while on duty or when others may identify them as an employee of the Berwyn Park District by any means such as uniform, insignia, motor vehicle or in any other manner. Political activities include, but are not limited to, running as a candidate for public office, soliciting or receiving funds for a political party or candidate for public office, soliciting votes for such party or candidate, attending political rallies, circulating petition, distribute political literature or encouraging others to do any of the above. For purposes of this policy “while on duty” includes those hours scheduled for employees to work and when they are working for the Berwyn Park District but does not include, breaks, meal periods or other duty-free periods of time.

The Berwyn Park District also prohibits employees from interrupting or disturbing other employees while they are on duty.

Political affiliation, preference or opinion will not influence an individual's employment, retention, or promotion as a Berwyn Park District employee. The Berwyn Park District does not require employees to contribute monies to any candidate or political party, but they may do so on a strictly voluntary basis.

### **Solicitation, Distribution and Use of Bulletin Boards and Berwyn Park District Websites (Section 6.22)**

Employees may not solicit any other employee during work time, nor may employees distribute literature on Berwyn Park District premises, which includes all areas where employees perform their assigned work tasks, during work time. Under no circumstances may an employee disturb or interrupt the work of others to solicit or distribute literature to them during their work time. For the purposes of this policy “while on duty” or “work time” does not include breaks, meal periods or other duty-free periods of time.

### **Bulletin Boards and Berwyn Park District Websites**

Employees should only use bulletin boards and websites maintained by the Berwyn Park District for posting or distributing material of the following nature:

- Notices containing matters directly concerning Berwyn Park District business.
- Announcements of a business nature that are equally applicable and of interest to employees.
- All posted material must have authorization from the Department Head or the Executive Director. The Berwyn Park District expects all employees to check these bulletin boards and websites periodically for new and/or updated information and to follow the rules set forth in all posted notices. Employees must not remove material from the bulletin boards or websites (unless approved in advance and in writing by the Executive Director as part of their job duties).

Any employee who violates this policy is subject to disciplinary action, up to and including dismissal.

### **Gifts (Section 6.23)**

Employees must not intentionally solicit or accept any gift, gratuity or other reward from any person, business or entity doing business with the Berwyn Park District, attempting to secure business from the Berwyn Park District or from any other “prohibited source.” “Prohibited source” means any person or entity who: (1) is seeking official action by the employee or Berwyn Park District; (2) does business or seeks to do business with the

Berwyn Park District; (3) conducts activities regulated by the Berwyn Park District; (4) has interests that may be substantially affected by the performance or nonperformance of the official duties of employee/Berwyn Park District; (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act; or (6) is an agent of, a spouse of or an immediate family member living with a "prohibited source."

Employees also must not intentionally solicit or accept, nor should they expect people who use Berwyn Park District programs or facilities, to give them gifts, gratuities or other rewards, or other remunerative devices or favors for performing their job, except as otherwise provided in this policy.

If someone offers or gives an employee a gift as a result of their position as a Berwyn Park District employee, they must report it to the Executive Director. The Executive Director must report any offers or gifts made to the President of the Board.

This policy does not apply to nominal noncash matters (if under \$75 on a single calendar day and under \$100 cumulative from one prohibited source in any calendar year) such as a cup of coffee, a soft drink, a sandwich, or other similar items. However, employees must report such noncash matters to their Department Head for tracking and compliance purposes.

If employees are in doubt about any provisions of this policy, they must contact their Department Head; Department Heads may contact the Executive Director, and the Executive Director may contact the President of the Board. This policy applies to all employees. Retention of any gift will be conditional upon the approval of the Executive Director after consulting with the appropriate Department Head. Failure to report a gift, gratuity or other reward properly may subject employees to disciplinary action, up to and including dismissal.

### **Conflict of Interest and Statement of Economic Interest (Section 6.24)**

The Berwyn Park District expects its employees to conduct business according to the highest ethical standards of conduct and expects employees to devote their best efforts to the interests of the Berwyn Park District. Business dealings that appear to create a conflict between the interests of the Berwyn Park District and an employee are unacceptable.

The Berwyn Park District recognizes the right of employees to engage in activities outside of their employment, which are of a private nature and unrelated to Berwyn Park District business. However, the employee must disclose any possible conflicts, so the Berwyn Park District may assess and prevent potential conflicts of interests from arising. A potential or actual conflict of interest occurs whenever an employee is in a

position to influence a decision that may result in a personal gain for the employee or an immediate family member (i.e., spouse, civil union partner or significant other, children, stepchildren, parents, siblings) as a result of the Berwyn Park District's business dealings.

It is the responsibility of every Berwyn Park District employee to disclose any personal or financial interest in any person, firm, company, or any business entity doing business with the Berwyn Park District. The Berwyn Park District requires this information to determine whether there is or may be any undue or special influence involved in sales to or purchases from the Berwyn Park District. The employee must make such disclosure in writing and forward it to the Executive Director for review of a potential conflict of interest.

Although it is not possible to specify every action that might create a conflict of interest, this policy sets forth the ones that most frequently present problems. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, they should immediately contact the Human Resources Department or Executive Director to obtain advice on the issue. The purpose of this policy is to protect employees from any conflict of interest that might arise.

Certain employees are required to file a Statement of Economic Interest as required by Illinois law. Please see the Executive Director for additional details. As a general matter, the following groups of employees (in addition to the Berwyn Park District's elected officials) must file a Statement of Economic Interest at the time of initial hire/appointment and annually by May 1 thereafter pursuant to the Illinois Governmental Ethics Act, 5 ILCS 420/4A-101, et seq.:

- Those who serve as head of a department or other administrative unit or who exercise similar authority.
- Those who have direct responsibility over the formulation, negotiation, issuance, or execution of contracts in the amount of \$1,000 or more.
- Those who have non-ministerial authority to approve licenses and permits.
- Those who adjudicate, arbitrate, decide, or review any judicial or administrative proceeding.
- Those who issue or promulgate rules and regulations.
- Those who have supervisory authority for 20 or more employees.

A violation of this policy may result in immediate and appropriate discipline, up to and including immediate dismissal from employment.

## **Outside Activities (Section 6.25)**

The Berwyn Park District does not allow employees to pursue outside work activities when one or more of the following occurs:

- Prevents employees from fully performing work for which they are employed at the Berwyn Park District, including overtime assignments.
- Involves organizations that are doing or seek to do business with the Berwyn Park District, including actual or potential vendors.
- Violates provisions of law or the Berwyn Park District's policies or rules.

From time to time, the Berwyn Park District may require employees to work beyond their normally scheduled hours. Employees must perform this work when requested. In cases of conflict with any outside activity, the employee's obligations to the Berwyn Park District have priority. In the case of full-time employees, the Berwyn Park District hires them to continue in the Berwyn Park District's employ with the understanding the Berwyn Park District is their primary employer. In all cases, other employment or commercial involvement in conflict with the business interests of the Berwyn Park District is strictly prohibited.

Employees also must not perform work on behalf of outside entities or enter into any contracts with an individual or company to perform services on behalf of outside entities while on duty with the Berwyn Park District or while using the Berwyn Park District's vehicles, equipment or other property. No employee shall receive pay other than Berwyn Park District pay for performing services while on duty.

## **Social Media Policy (Section 6.26)**

In general, the Berwyn Park District respects the right of employees to use social networking, personal websites, and weblogs as a medium of self-expression. If employees choose to identify themselves as Berwyn Park District employees and discuss matters related to the Berwyn Park District, staff or patrons on a website, blog, or other online social network (i.e., Facebook, LinkedIn, YouTube, Twitter, Instagram), they should proceed with caution and discretion. Although employees' posts may be a personal project conveying individual expression, some people may nonetheless view an employee as a de facto spokesperson for the Berwyn Park District.

Such activities at or outside of work may affect an employee's job performance, the performance of others, staff morale, teamwork and/or the reputation or business interests of the Berwyn Park District. In light of these possibilities, the Berwyn Park District asks employees to observe the following guidelines:

- Employees must make it clear the views they express are the employee's alone and they do not necessarily reflect the views of the Berwyn Park District. Only those employees officially designated by the Berwyn Park District have the

authorization to speak on behalf of the Berwyn Park District. To help reduce the potential for confusion, the Berwyn Park District suggests employees put the following notice — or something similar — in a reasonably prominent place on their sites/posts (e.g., at the bottom of an employee’s “about me” page):

*The views expressed in my postings are mine alone and do not necessarily reflect the views of my employer.*

- Many social network users put a similar disclaimer on their home page stating who they work for, and that they are not speaking officially. This is good practice but may not have much legal effect. While it is not necessary to post a notice on every page, employees should use reasonable efforts to draw attention to it — if at all possible – from the home page of the site.
- Employees should be careful to avoid disclosing any confidential or proprietary Berwyn Park District information (including our patrons, staff, partner agencies/affiliates or vendors), to any third party that disclosed information to the Berwyn Park District.
- Since employees’ postings are in a public space, employees should be respectful of the Berwyn Park District, its employees, patrons, partners and affiliates, and others. For example, employees should refrain from posting personal insults or obscenity, or engaging in any conduct that would not be acceptable in the workplace. Employees should show proper consideration for others’ privacy and for topics potentially considered objectionable, inflammatory or counterproductive to morale or teamwork. Employees may provide a link from their site(s) to the Berwyn Park District website. However, employees require advance written permission from the Executive Director to use the Berwyn Park District logo or reproduce any Berwyn Park District material on their site(s).
- When using Berwyn Park District computers, employees are subject to both the Berwyn Park District’s Internet Use Policy and Computer Use Policy.
- One of the Berwyn Park District’s core values is “trust and personal responsibility in all relationships.” As a public entity, the Berwyn Park District trusts – and expects – staff to exercise personal responsibility whenever they participate in social media. Employees must remember that what they publish will be around for a long time, so they should consider the content carefully and be judicious in disclosing personal details.
- Employees should not use social media sites and other websites such as Slack, Facebook Messenger, Snapchat, GChat, WhatsApp or other tools hosted outside of the Berwyn Park District’s protected intranet environment for internal business communications among fellow employees.
- Employees must recognize that both during working hours and nonworking hours, they are ambassadors of the Berwyn Park District. The Berwyn Park District expects employees to conduct themselves at all times in the best interest of the Berwyn Park District and to promote teamwork and inspire trust and confidence. For example, if an employee’s views negatively impact the reputation

or integrity of the Berwyn Park District, hurt staff morale and/or create friction among staff, the Berwyn Park District may discipline them, up to and including dismissal.

- Lastly, ***use good judgment***. An employee's actions both in and outside the workplace reflect on their judgment, decision-making, professionalism, maturity, and commitment to the Berwyn Park District. If employees are about to publish something that makes them even the slightest bit uncomfortable, they should review the guidelines above and consider the potential consequences of their actions. Ultimately, employees have sole responsibility for what they post to their blogs or publish in any form of online social media.

If employees have any questions about these guidelines or any matter related to social media sites that these guidelines do not address, please direct them to the Human Resources Department.

### **Identity Protection (Section 6.27)**

The Berwyn Park District adopted this Identity Protection Policy pursuant to the Illinois Identity Protection Act (the Act). The Act requires local and state government agencies to draft, approve and implement an Identity Protection Policy to ensure the confidentiality and integrity of social security numbers (SSNs) that these agencies collect, maintain and use. It is important to safeguard SSNs against unauthorized access to protect against identity theft.

### **Definitions**

The words below shall have the following meanings when used in this Policy.

- Act – Illinois Identity Protection Act.
- Board – Board of the Berwyn Park District.
- Agency or District – Berwyn Park District.
- Person – Any individual in the employ of the Berwyn Park District.
- Policy – This Identity Protection Policy.
- Publicly post or publicly display – To communicate intentionally or otherwise intentionally make available to the general public.
- Redact – To alter or truncate data so none of the digits of a SSN are accessible as part of personal information.
- SSN(s) – Any Social Security Number provided to an individual by the Social Security Administration.
- Statement of Purpose – Statement of the purpose or purposes for which the Berwyn Park District is collecting and using an individual's SSN that the Act requires the Berwyn Park District to provide when collecting a SSN or upon request by an individual. When necessary, the Berwyn Park District will provide all persons with a Statement of Purpose for the Berwyn Park District.

## **Statement of Purpose**

The Berwyn Park District will provide an individual with a Statement of Purpose anytime it asks an individual to provide the Berwyn Park District with their SSN or if an individual requests it.

## **Prohibited Activities**

Neither the Berwyn Park District nor any person may:

- Publicly post or publicly display in any manner an individual's SSN.
- Print an individual's SSN on any card required for the individual to access products or services provided by the Berwyn Park District.
- Require an individual to transmit a SSN over the Internet unless the connection is secure or the SSN is encrypted.
- Print an individual's SSN on any materials they mail to the individual through the U.S. Postal Service, any private mail service, electronic mail or any similar method of delivery unless state or federal law requires the SSN to be on those documents. Notwithstanding the foregoing, SSNs may be on applications and forms sent by mail including, but not limited to: (i) any material mailed in connection with the administration of the Unemployment Insurance Act; (ii) any material mailed in connection with any tax administered by the Department of Revenue; and (iii) documents sent as part of an application or enrollment process or to establish, amend or terminate an account, contract, or policy or to confirm the accuracy of the SSN. A SSN permissibly mailed pursuant to this paragraph will not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without opening the envelope.

Except as otherwise provided in this policy (as described below) or as otherwise provided in the Act, neither the Berwyn Park District nor any person may:

- Collect, use or disclose a SSN from an individual unless: (i) required to do so under state or federal law, rules or regulations, or the collection, use or disclosure of the SSN is otherwise necessary for the performance of the Berwyn Park District's duties and responsibilities; (ii) the need and purpose for the SSN is documented before collection of the SSN; and (iii) the SSN collected is relevant to the documented need and purpose.
- Require an individual to use their SSN to access an Internet website.
- Use the SSN for any purpose other than the purpose for which it was collected.

The prohibitions identified immediately above do not apply in the following circumstances:

- Disclosure of SSNs to agents, employees, contractors or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors or subcontractors if disclosure is necessary for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the

governmental entity first receives from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the contractor or subcontractor will meet the requirements imposed under this Act on a governmental entity to protect an individual's SSN.

- Disclosure of SSNs pursuant to a court order, warrant or subpoena.
- Collection, use or disclosure of SSNs to ensure the safety of state and local government employees; wards of the state; and all persons working in or visiting a state or local government Berwyn Park District facility.
- Collection, use or disclosure of SSNs for internal verification or administrative purposes.
- Disclosure of SSNs by a state Berwyn Park District to the Berwyn Park District for the collection of delinquent child support or of any state debt or to the Berwyn Park District to assist with an investigation or the prevention of fraud.
- Collection or use of SSNs to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting Berwyn Park District under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act or to locate a missing person, lost relative or a person due a benefit, such as a pension benefit or an unclaimed property benefit.

### **Coordination with the Freedom of Information Act and Other Laws**

The Berwyn Park District will comply with the provisions of the Illinois Freedom of Information Act and any other applicable law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's SSN. However, the Berwyn Park District will redact SSNs from the information or documents before allowing public inspection or copying of the information or documents.

When collecting SSNs, the Berwyn Park District will request each SSN in a manner that makes the SSN easy to redact if the Berwyn Park District must release it as part of a public records request.

### **Limited Employee Access to Social Security Numbers**

Only employees required to use or handle information or documents that contain SSNs will have access. All employees who have access to SSNs will first receive training on how to protect the confidentiality of SSNs. The training will include instructions on the proper handling of information that contains SSNs from the time of collection through destruction of the information.

Neither the Berwyn Park District nor any person shall encode or embed a SSN in or on a card or document including, but not limited to, using a bar code, chip, magnetic strip, RFID technology or other technology in place of removing the SSN as required by the Act and this policy.

## **Applicability**

If any provision of this policy conflicts with any provision of the Act, the stricter of the two (2) provisions shall prevail.

This policy does not apply to either of the following:

- Collection, use or disclosure of a SSN as required by state or federal law, rule, or regulation.
- Documents recorded with a county recorder or required to be open to the public under a state or federal law, rule or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois; however, the Berwyn Park District shall redact the SSN from such documents if such law, rule or regulation permits.

## **Availability of Policy**

The Berwyn Park District has provided a copy of this policy to any employees required to use or handle information or documents that contain SSNs, and each employee shall maintain it at all times. A copy of the policy is available to all other employees and any member of the public by requesting a copy from the Human Resources Department or pursuant to Illinois FOIA.

## **Amendments**

The Berwyn Park District may amend this policy at any time. If it amends the policy, the Berwyn Park District will file a written copy of the policy, as amended, with the board and also advise all Berwyn Park District employees of the existence of the amended policy. It will make available a copy of the amended policy to Berwyn Park District employees and the public as set forth here.

## **Violation**

Violation of this policy, intentionally or otherwise, shall be grounds for disciplinary action, up to and including dismissal from employment, and they may be found guilty of a Class B misdemeanor and/or such other penalties as now or hereafter provided for under the Act.

## **G. Safety in the Workplace (Section 7.0)**

### **Intent of the Safety Policies (Section 7.1)**

It is the Berwyn Park District's intention to provide a safe environment for employees and the public who use Berwyn Park District programs, facilities, and parks. The Berwyn Park District expects employees to perform their assignments in a manner that will avoid injury.

Supervisory personnel and the Risk Manager/Safety Coordinator are available for assistance in safety-related matters.

In keeping with this objective, the Berwyn Park District has developed the following safety rules and requires employees to read and follow these rules and the rules, policies and procedures of their respective facilities or departments.

### **General Safety Policy and Rules (Section 7.2)**

Safety while on the job is the responsibility of every Berwyn Park District employee. With proper precautions, employees can prevent most on-the-job accidents. It is every employee's responsibility to know and comply with all health and safety policies, rules, and regulations and to act in a safe manner. Carelessness, inattention, neglect, and disregard for safety rules can cause accidents. Employees must, at all times, be careful, attentive, alert and follow proper safety procedures. The Berwyn Park District will not condone any breach of safety rules or regulations by employees and expects employees to be alert for safety hazards that could affect the general public or employees of the Berwyn Park District. Employees are also responsible for reporting any unsafe equipment or condition to their immediate supervisor immediately upon discovery of such condition.

Employees must all work together to achieve a safe and healthy working environment. Every employee should make certain that they do not create safety hazards and that they eliminate safety hazards.

It is the intent of the Berwyn Park District to provide a safe working environment for each employee and a safe leisure environment for the public using our programs, facilities, and parks. It is also the Berwyn Park District's intent to develop, implement and administer a safety and comprehensive loss control program. In all assignments, the health and safety of all people should be the first consideration.

The Berwyn Park District directs employees to make safety a matter of continuing and mutual concern, equal in importance with all other operational considerations. Employees should use their best efforts to ensure they do work in a safe manner, conduct inspections on a regular basis, confront and remove hazards and investigate accidents as appropriate. The Berwyn Park District is confident that with each

employee's help, this program will be successful, and we expect each employee's cooperation and support.

Accordingly, all employees shall adhere to the following rules:

- No horseplay and/or fighting in the workplace.
- No possession of unauthorized firearms or weapons, alcoholic beverages, illegal drugs, or unauthorized medically prescribed drugs in the workplace.
- Inform their immediate supervisor if they take legal drugs during work hours that may cause drowsiness, alter judgment, perception, or reaction time. They may need to provide written medical evidence that their legal drugs will not adversely affect their decision-making or physical ability. Please refer to the Alcohol and Drug Abuse Policy.
- Notify their immediate supervisor of any permanent or temporary impairment that reduces their ability to perform in a safe manner or prevents or hinders their performance of the essential functions of their position.
- Use personal protective equipment when they cannot eliminate potential hazards, as well as when required by applicable laws, policies, or directives of the Berwyn Park District.
- Operate equipment only if they are either trained and authorized to use the equipment.
- Conduct periodic inspections of workstations to identify potential hazards and ensure equipment or vehicles are in safe operating condition.
- Report any potentially unsafe conditions or acts immediately to their immediate supervisor.
- Consult with their immediate supervisor before beginning work, if there is any doubt about the safety of a work method.
- Report all accidents, near misses, injuries, and property damage to their immediate supervisor, regardless of the severity of the injury or damage.
- Report any known hazardous condition.
- Follow recommended work procedures outlined for their job, department and/or facility.
- Maintain an orderly environment. Store all tools and equipment in a designated place. Discard scrap and waste material in a designated refuse container.
- Report any smoke, fire, or unusual odors promptly to their immediate supervisor (and call 911 in case of a suspected emergency).
- Correct any potential slip or trip hazard immediately or mark the area clearly before leaving it unattended and make arrangements for someone else to correct it.
- Fasten safety and restraint belts before operating any motorized vehicle.
- Obey all driver safety instructions and comply with traffic signs, signals and markers and all applicable laws and Berwyn Park District policies.

- Maintain a valid driver's license for the class of vehicle they operate as part of their job responsibilities for the Berwyn Park District. Report revocation, suspension or restricted status designations of their driver's license as required by this handbook's policies.
- Know departmental rules regarding accident reporting, evacuation routes and fire department notification.
- Follow departmental and facility rules and procedures specific to departmental operations.
- Assist and cooperate with all safety investigations and inspections and assist in implementing safety procedures as required.

Failure to abide by these important safety rules may lead to disciplinary action, up to and including dismissal from employment.

### **Safety Committee (Section 7.3)**

The Berwyn Park District Safety Committee assists employees by providing safe and efficient operations and services. The Safety Committee has one or more full-time employees from each facility. The committee makes safety inspections of Berwyn Park District facilities, organizes employee-training sessions, manages Safety Awareness campaigns, reviews patron and employee accidents and makes recommendations to improve safety. The Berwyn Park District encourages employees to attend the monthly Safety Committee meetings. Employees should speak with their immediate supervisor or the Risk Manager/Safety Coordinator to attend a meeting.

### **Your Right to Know (Section 7.4)**

The Berwyn Park District commits to protecting employees against the dangers of hazardous materials on the job. Safety training and the proper handling and storage of hazardous substances are just a few of the things the Berwyn Park District does to keep employees safe. In addition, the Illinois Occupational Safety and Health Administration (IL OSHA) states that employees have a right to know what hazards they face on the job and how they can protect themselves against them. This is an employee's **Right to Know**.

Chemical manufacturers must determine the physical and health hazards of each product they make and let users know about those hazards by providing information on the container label and on a Safety Data Sheet (SDS) for every product.

The Berwyn Park District must develop a written hazard communication program that:

- Tells employees about the Hazard Communication Standard.

- Explains how the standard is in effect in the workplace.
- Creates an inventory of hazardous chemical products and collects SDS in the workplace.
- Labels hazardous material containers.
- Provides information and training on hazardous chemicals in the workplace, which includes how to recognize, understand, and use labels and SDS sheets and the correct safety procedures for working with hazardous substances.

**IMPORTANT: Employees have to read labels and SDS sheets, and they have to follow the Berwyn Park District’s safety procedures for storing, handling and using hazardous materials.**

### **What Information Is on the Label?**

Although labels differ from employer to employer, all labels must contain an appropriate group of written, printed, or graphic information elements (pictogram, hazard statement, signal word and precautionary statement) concerning a hazardous chemical affixed to, printed on or attached to the container that holds the hazardous chemical or to the outside packaging.

### **What Labels Tell Employees**

The Berwyn Park District’s policy is not to release any container of hazardous chemicals for use without its label containing the following information:

- **Product identifier** – Name or number used for a hazardous chemical on a label or in the SDS. It provides a unique means by which the employee can identify the chemical.
- **Signal word** – Word used to indicate the relative level of severity of hazard and alert the employee to a potential hazard on the label. The signal words used in this section are "danger" and "warning." "Danger" designates more severe hazards, while "warning" indicates less severe hazards.
- **Pictogram** – Composition that may include a symbol plus other graphic elements, such as a border, background pattern or color intended to convey specific information about the hazards of a chemical. The Hazcom standard designates eight pictograms for application to a hazard category.
- **Hazard statement** – Statement assigned to a hazard class and category that describes the nature of the hazard(s) of a chemical including, where appropriate, the degree of hazard.
- **Precautionary statement(s)** – Phrase that describes recommended measures to take to minimize or prevent adverse effects resulting from exposure to a hazardous chemical or improper storage or handling.
- **Contact information** – Name, address and phone number of the chemical manufacturer, distributor, or importer.

While employees can find a lot of valuable information on the label, they should refer to

the SDS if they do not find all the information needed. Employees also should review the SDS prior to using hazardous chemicals.

The SDS is the primary document by which the manufacturer provides health and safety information to the distributor and, ultimately, to the employee using the product. The SDS may be in any format and may vary greatly in length but will contain the following information:

### **Section 1: Identification**

Identifies the chemical on the SDS as well as the recommended uses. It also provides the essential contact information of the supplier. The required information consists of the product identifier used on the label and any other common names or synonyms by which the substance is known; name, address, phone number of the manufacturer, importer, or other responsible party and an emergency phone number; recommended use of the chemical (e.g., a brief description of what it actually does, such as flame retardant); and any restrictions on use (including recommendations given by the supplier).

### **Section 2: Hazard(s) Identification**

Identifies the hazards of the chemical presented on the SDS and the appropriate warning information associated with those hazards.

### **Section 3: Composition/Information on Ingredients**

Identifies the ingredient(s) contained in the product indicated on the SDS including impurities and stabilizing additives. It also includes information on substances, mixtures, and all chemicals where a trade secret is claimed.

### **Section 4: First-aid Measures**

Describes the initial care for untrained responders to give to an individual who was exposed to the chemical.

### **Section 5: Fire-fighting Measures**

Provides recommendations for fighting a fire caused by the chemical.

### **Section 6: Accidental Release Measures**

Provides recommendations on the appropriate response to spills, leaks or releases, including containment and cleanup practices to prevent or minimize exposure to people, properties or the environment. It may also include recommendations distinguishing between responses for large and small spills where the spill volume has a significant impact on the hazard.

### **Section 7: Handling and Storage**

Provides guidance on the safe handling practices and conditions for safe storage of chemicals.

### **Section 8: Exposure Controls/Personal Protection**

Indicates the exposure limits, engineering controls and personal protective measures to minimize employee exposure.

### **Section 9: Physical and Chemical Properties**

Identifies physical and chemical properties associated with the substance or mixture.

### **Section 10: Stability and Reactivity**

Describes the reactivity hazards and chemical stability information. This section contains three parts: reactivity, chemical stability and other.

### **Section 11: Toxicological Information**

Identifies toxicological and health effects information or indicates such data is not available.

### **Section 12: Ecological Information (nonmandatory)**

Provides information to evaluate the environmental impact of the chemical(s) if released in the environment.

### **Section 13: Disposal Considerations (nonmandatory)**

Provides guidance on proper disposal practices, recycling or reclamation of the chemical(s) or its container and safe handling practices. To minimize exposure, this section should also refer the reader to **Section 8 – Exposure Controls/Personal Protection** of the SDS.

### **Section 14: Transport Information (nonmandatory)**

Provides guidance on classification information for shipping and transporting hazardous chemical(s) by road, air, rail, or sea.

### **Section 15: Regulatory Information (nonmandatory)**

Identifies the specific safety, health and environmental regulations for the product not indicated anywhere else on the SDS.

### **Section 16: Other Information**

Indicates when the SDS was prepared or when the last known revision was made. For the Hazard Communication Standard to be effective, employees must:

- Respect all warnings and precautions – do not take any chances!

- Read all substance labels and SDS sheets.
- Follow warning and instructions.
- Use the correct personal protective equipment when handling hazardous substances.
- Know in advance what could go wrong and what to do about it.
- Practice sensible, safe work habits.
- Ask their immediate supervisor, if in doubt.

**IMPORTANT: When employees work safely and smart, they make the workplace safer for everyone.**

### **Park District Risk Management Berwyn Park District (PDRMA) (Section 7.5)**

The Berwyn Park District is a member of the Park District Risk Management Berwyn Park District (PDRMA). PDRMA is a self-insured risk pool organization of Illinois public park and recreation agencies formed as a contractual organization under the Illinois Intergovernmental Cooperation Act to administer a program of coverage in the areas of property, liability, workers' compensation, and specialty lines. PDRMA also provides support services such as claims and litigation administration and management, loss control services and training, legal advice and services, risk management and financial reporting services. The Berwyn Park District expects all employees to cooperate fully with PDRMA staff.

## **H. Disciplinary Policies and Procedures (Section 8.0)**

### **Disciplinary Actions (Section 8.1)**

The Berwyn Park District expects all employees to meet the Berwyn Park District's standards of work performance, engage in acceptable conduct and satisfactorily perform their duties under the policies, procedures, guidelines, and rules contained in this handbook. In addition, the Berwyn Park District expects all employees to follow any other Berwyn Park District policies, procedures, rules and guidelines, performance standards, directions from their supervisors and to act in accordance with federal, state and local law. Work performance encompasses many factors, including (but not limited to) attendance, punctuality, personal conduct, job proficiency and general compliance with policies and procedures.

If an employee does not meet these standards, the Berwyn Park District may, under appropriate circumstances, take corrective action, other than immediate dismissal. The intent of corrective action is to document problems formally while providing the employee with a reasonable time within which to improve their performance. The process encourages development by providing employees with guidance in areas that need improvement such as (but not limited to) work performance, attendance problems, attitude, personal conduct, general compliance with policies and procedures and/or other disciplinary problems.

Although not required or guaranteed, the Berwyn Park District may use some form of progressive discipline if it is deemed appropriate. The Berwyn Park District may dismiss employees from employment if their performance or conduct does not improve after it issues a progressive disciplinary action.

**IMPORTANT: Notwithstanding the Berwyn Park District's option to use progressive discipline, the Berwyn Park District is not required to do so and may, in its sole discretion, forego lesser forms of discipline at any time and proceed immediately with dismissal.**

While the Berwyn Park District hopes and expects the need for disciplinary action will be rare, when employees' job performance, attitude or conduct falls short of established standards, the Berwyn Park District will not hesitate to take appropriate action. Such actions will range from oral warnings to dismissal from employment. This means that, as a general rule, the Berwyn Park District will give employees an increasingly severe penalty each time they commit an offense. Some types of misconduct, however, are so intolerable that the Berwyn Park District may impose dismissal from employment for the first offense, taking all relevant factors into consideration.

### **Oral Warning**

A supervisor(s) may issue an oral warning to express disapproval of conduct or poor work performance and/or attendance, clarify applicable procedures or guidelines and warn employees that repetition of the conduct or failure to improve work performance and/or attendance may result in more severe discipline, up to and including dismissal. The supervisor imposing the oral warning will discuss the warning with the employee and suggest how to correct the offending conduct. The Berwyn Park District will place documentation of an oral warning in the employee's personnel file.

### **Written Warnings**

A supervisor(s) may issue a written warning, which consists of a conference between employee and the supervisor imposing the warning and a written memorandum expressing disapproval of conduct or poor work performance and/or attendance along with a warning that repetition of the conduct or failure to improve may result in more severe discipline, up to and including dismissal. Supervisors typically will use written warnings for poor work performance and/or attendance, repeated misconduct of a minor nature or for more serious misconduct that, in the Berwyn Park District's opinion, does not warrant suspension or dismissal.

Employees must sign the written warning, indicating receipt of it and an understanding of the reason for the warning. Employees also have an opportunity to provide written comments on the form or in another format. If an employee refuses to sign, another supervisory or management employee, or a Human Resources staff, will witness the refusal. The Berwyn Park District will place a copy of the written warning in the employee's personnel file.

### **Suspension**

A suspension is defined as temporarily relieving an employee from job duties. Depending on the circumstances, a suspension may be with or without pay, in the sole discretion of the Executive Director, as discussed below. The supervisor(s) imposing the suspension will meet with the employee and give them a written memorandum outlining the details of the suspension, including without limitation, the reasons for and duration of the suspension. During this meeting, the employee will have an opportunity to respond to the reason(s) for the suspension.

Unpaid suspensions of nonexempt employees typically will be in daily increments. To the extent permitted by law, the Berwyn Park District will base unpaid suspensions of exempt employees on full workweek increments, except in instances of serious infractions of workplace conduct rules, in which case the unpaid suspension of exempt employees may use daily increments but only with the express written approval of the Executive Director in advance of issuing the suspension.

The Berwyn Park District requires employees to sign the written notice of suspension indicating receipt and understanding of the reason(s) provided in the suspension memorandum. Employees will also have an opportunity to provide written comments on the notice or in another format. If an employee refuses to sign, another supervisory or management employee, or a Human Resources staff, will witness the refusal. The Berwyn Park District will place a copy of the suspension notice in the employee's personnel file.

### **Dismissal**

A dismissal is a separation of employment initiated by the Berwyn Park District. The Berwyn Park District may dismiss employees for any lawful reason at any time, with or without notice; all employees serve at the will of the Berwyn Park District.

Generally, if the Berwyn Park District dismisses an employee, they will receive written notice of the reasons for the dismissal, including the effective date of and the reason or reasons for dismissal. Under ordinary circumstances, the employee's immediate supervisor or designee will meet with the employee, explain the reasons for the dismissal and offer them the opportunity to respond. Employees must sign the written notice of dismissal indicating their receipt of the notice and understanding of the reasons for the dismissal. If an employee refuses to sign, another supervisory or management employee, or a Human Resources staff, will witness the refusal. The Berwyn Park District will place a copy of the notice in the employee's personnel file. Employees may further respond to dismissal, if they desire, through the formal review procedure outlined in the Review of Dismissal Policy.

### **Examples of Reasons for Disciplinary Action (Section 8.2)**

The Berwyn Park District may warn, suspend and/or dismiss employees at the Berwyn Park District's sole discretion. Nevertheless, listed below are some examples of reasons for disciplinary action. This list, however, does not constitute an exhaustive list of all the acts that may subject employees to disciplinary action including dismissal from employment and does not change the employment-at-will relationship between employees and the Berwyn Park District. Instead, this list sets forth some of the more typical cases that arise in the course of an employment relationship. They include but are not limited to:

- Failure to adhere to Berwyn Park District policies and/or procedures including, without limitation, safety policies, ordinances, and procedures.
- Absence from duty without permission, habitual tardiness, excessive absenteeism, or misrepresentation of material facts relating to the use of leave.
- Extending breaks or meal periods and/or not taking breaks or meal periods at scheduled times.

- Leaving job during working hours without permission.
- Failure to obey any lawful official rule, policy, procedures or order, or failure to obey any proper direction made or given by an employee's supervisor(s).
- Inability or unwillingness to take orders from supervisor(s).
- Uncooperative, hostile, or discourteous attitude or conduct toward supervisor(s), the board, coworkers or members of the public or threatening or striking any person who is in or on Berwyn Park District property or participating in Berwyn Park District activities.
- Being wasteful of, or the willful destruction of, Berwyn Park District supplies, materials, vehicles, equipment, tools, working time or other Berwyn Park District property.
- Failure to wear uniforms, safety equipment (e.g., safety shoes, glasses, goggles and/or face shield) or appropriate clothing for duties as required by this handbook and/or department manuals, rules and/or procedures.
- Endangering one's safety and/or the safety of others because of a failure to act properly and safely in the performance of job duties.
- Failure to follow any federal, state, local or Berwyn Park District law, rule or regulation while on duty or while in or on Berwyn Park District property or engaging in criminal activity while on duty or while in or on Berwyn Park District property.
- Failure to report an accident or known hazardous conditions to the Berwyn Park District.
- Gambling or fighting while on duty.
- Violating the Alcohol and Drug Abuse Policy.
- Violating the Boundary Violations Policy or other policies, rules, or regulations regarding sexual abuse prevention.
- Violating codes of conduct or expectations regarding working with, transporting and traveling with minor and/or vulnerable adult patrons.
- Theft or misappropriation or the careless, negligent, or improper use of funds or property belonging to the Berwyn Park District, fellow employees, or the public.
- Possession of weapons in or on Berwyn Park District property or while on duty.
- Criminal conviction that is substantially related to job duties and/or that creates an unreasonable risk to the safety or welfare of others or property.
- Incompetent, inefficient, or negligent performance of duties; inability or failure to perform duties properly.
- Failure to maintain a valid driver's license or other license or certification which may be required for a job position or as provided in this handbook.
- Smoking in restricted areas.
- Discrimination/retaliation toward or harassment of other employees or members of the public.
- Dishonesty: Lying to Berwyn Park District personnel or falsifying or providing misleading information on forms, records or reports provided to or on behalf of

the Berwyn Park District, including without limitation accident reports, employment applications/resumes, financial reports, expense reimbursement reports and departmental reports.

- Tampering or falsifying time records.
- Unauthorized possession, use or copying of any records that are the property of the Berwyn Park District.
- Sleeping on duty.
- Violating employee policies, rules or guidelines or engaging in any conduct determined by the Berwyn Park District, in its sole discretion, not to be in its best interests.
- Violating policies or procedures regarding the privacy of individually identifiable health information (or protected health information) or disclosing without written authorization health or other confidential information of employees, patrons or members of the public.

### **Review of Disciplinary Action Other Than Dismissal (Section 8.3)**

In the case of disciplinary action other than dismissal, an employee may request a review of the action by submitting a request in writing to their immediate supervisor within five working days from the date the action was taken. The employee's immediate supervisor may meet with the employee and should issue a written determination within 10 working days of receipt of the written request for review. If the employee is not satisfied with this determination, they may seek review by submitting a written request with a copy of the initial determination to the supervisor at the succeeding level of authority in the employee's department within five working days after the date of the initial determination. This supervisor may meet with the employee and should issue a written determination within 10 working days of receipt of the written request for review. If the employee is not satisfied with the determination at this stage, they may continue this process through each succeeding supervisory level in the department up to the Executive Director. Any decision of the Executive Director is final.

**IMPORTANT: The Berwyn Park District's failure to adhere strictly to the time limits or the procedure in this section does not affect the resolution of any disciplinary action.**

The Berwyn Park District should follow this procedure to the extent that it is, in the Berwyn Park District's sole discretion, practicable under the circumstances.

#### **Review of Dismissal (Section 8.4)**

The decision to dismiss an employee is final unless the employee requests a review of the dismissal by submitting a written request to the Executive Director within five working days from the date the action was taken. The Executive Director, or a designee, may meet with the employee and investigate the circumstances surrounding the dismissal. The Executive Director or the designee(s) should issue a written determination within 10 working days of receipt of the written request for review. The Executive Director's decision is final.

If the employee is a Department Head who reports directly to the Executive Director and has been dismissed, the employee may make a request to the President of the Board to have the board review the employee's dismissal. The Executive Director's decision to dismiss an employee is final unless the employee submits a written request for review of dismissal to the President of the Board within five working days from the date the action was taken. The President of the Board and the board (or designee, such as the Human Resources Department) may meet with the employee and investigate the circumstances surrounding the dismissal. The President of the Board on behalf of the board (or designee, such as Human Resources) should issue a written determination within 10 working days of receipt of the written request to review the dismissal. The board's decision is final.

**IMPORTANT: Nothing in this section limits or restricts the Berwyn Park District's right to dismiss an employee at any time, with or without cause. The Berwyn Park District's failure to adhere strictly to the time limits or the procedure in this section will not affect the resolution of any disciplinary action.**

The Berwyn Park District will follow this procedure to the extent that it is, in the Berwyn Park District's sole discretion, practicable. The Berwyn Park District reserves the right to proceed directly to the Executive Director's or the designee's review of an employee's dismissal.

#### **Employee's Response (Section 8.5)**

Employees may respond to any disciplinary action taken against them (including dismissal) by preparing a written response stating their position or objection to the disciplinary action and requesting the Berwyn Park District place it in their personnel file, which the Berwyn Park District will do.

**IMPORTANT: Nothing in this section limits or restricts the Berwyn Park District's right to dismiss employees at any time, with or without cause or notice. As an at-will employee of the Berwyn Park District, employees may end their employment at any time, with or without cause or notice, and the Berwyn Park District retains a similar right.**

# **I. Complaint Process and Procedures (Section 9.0)**

## **Complaint Reporting Procedure (Section 9.1)**

The Berwyn Park District encourages employees who have complaints arising from their employment with the Berwyn Park District to attempt to resolve problems with the person(s) involved. If that is unsuccessful or if, for any reason, employees feel uncomfortable discussing the problem with the person(s) involved, they may use the following procedure:

- Employees may present a complaint to their immediate supervisor. The immediate supervisor will meet with the employee and give a response within five working days of discussing the complaint with the employee. In most cases, the problem can, and should, be resolved with a frank and open discussion between employees and their immediate supervisors. However, if a satisfactory resolution is not reached at this level, employees may proceed to the next step.
- Employees may present a written complaint to the supervisor at the succeeding level of authority in their department. The supervisor will investigate the matter, discuss the matter with the employee and immediate supervisor and should give a written response within five working days of discussing the complaint with the employee. If employees are not satisfied with the resolution at this stage, they may continue this process through each succeeding level of authority in the department. If they do not reach a satisfactory resolution at this level, they may proceed to the next step.
- Employees may present a written complaint to the Human Resources Department. The Human Resources Department will investigate the matter, discuss it with the employee and immediate supervisor and should give a written response within five working days of discussing the complaint with the employee. If employees are not satisfied with resolution at this stage, they may proceed to the next step.
- In the event it is necessary for employees to process their complaint up to the Executive Director after going through the steps above, the Executive Director (or designee) should issue a written decision within 10 working days of discussing the complaint with the employee unless an investigation requires a longer period of time. Any decision of the Executive Director is final and not subject to further review.

If employees feel uncomfortable discussing their complaints with their immediate supervisor, they may immediately proceed to write a report to the Department Head or the Executive Director. In all cases, the Executive Director's decision shall be final.

**IMPORTANT: The Berwyn Park District's failure to strictly adhere to the timeframes or specific steps suggested above will not affect the resolution of the complaint.**

This complaint procedure does not apply to requests to review performance evaluations, disciplinary actions, or dismissals that it may review in accordance with Sections 1.14, 8.3, and 8.4 respectively. Further, this complaint procedure does not apply to complaints of discrimination, harassment, or retaliation, which are governed in accordance with Sections 1.1 through 1.4.

The Berwyn Park District will not discriminate or retaliate against an employee, if the employee, in good faith, processes a complaint through this procedure or, in good faith, participates in an investigation. The Berwyn Park District will place a copy of all correspondence relating to the complaint in the employee's personnel file or an investigation file, as deemed appropriate by the Berwyn Park District.

## **J. Separation of Employment (Section 10.0)**

### **Events Triggering Separation of Employment (Section 10.1)**

Employment with the Berwyn Park District is on an at-will basis. This means both employees and the Berwyn Park District have the right to end employment at any time with or without cause or notice. Generally, an employee's employment with the Berwyn Park District will end if the Berwyn Park District dismisses the employee or for one of the reasons below.

#### **Layoffs**

The Berwyn Park District may, in its sole discretion, reduce the number of employees in any given area at any time. It may lay off employees whenever there is a lack of work or funds, or a change in functions directly or indirectly creates a surplus of employees for the workload of the Berwyn Park District. Although there is no obligation to do so, the Berwyn Park District will make reasonable efforts to transfer employees to another department rather than laying them off. When this is impractical, the Department Head will consider seniority among other factors, where qualifications, ability, attitude, and performance factors are substantially the same, in determining whom to lay off.

#### **Resignations**

At-will employees may resign their position at any time, with or without notice or cause. However, the Berwyn Park District requests employees give their immediate supervisor and the Human Resources Department sufficient notice of their intention to resign to enable the Berwyn Park District to minimize departmental hardship and make proper provisions for filling the position. The Berwyn Park District requests employees give

written notice to their immediate supervisor and the Human Resources Department at least 10 working days prior to their last workday. However, the Berwyn Park District prefers 20-working-days' notice. Vacation days or personal days shall not be taken during the 10- day notice period.

Employees may leave anytime during the 10 days with their immediate supervisor's consent and remain in good standing. If employees fail to resign in good standing, they may not be eligible for rehire unless they demonstrate good cause for leaving early, in the Berwyn Park District's sole discretion. Short-term employees will not be in good standing or eligible for rehire, if they leave their employment before the end of their assignment without good cause for leaving early.

### **Retirement**

Employees who want to retire should contact the Human Resource Department so they can complete the appropriate paperwork in a timely manner.

### **Procedures for Separation (Section 10.2)**

#### **Return of Berwyn Park District Property**

Before officially separating from employment for any reason, employees must return all Berwyn Park District property including without limitation vehicles, tools, keys, uniforms, equipment and identification, credit and insurance cards, nametags, cell phones and computers, security cards and fobs, etc.

#### **Employment References**

Information provided by the Berwyn Park District in response to requests for employment references will generally be limited to "neutral" information, such as employees' starting date, ending date, job title and job description. Employees should complete and deliver a written release to the Berwyn Park District, in the form required by the Berwyn Park District, before it provides any additional information.

#### **Exit Interview**

Generally, the Berwyn Park District conducts exit interviews with departing full-time employees, though nothing precludes the Berwyn Park District from conducting an exit interview with part-time or seasonal separating employees when warranted. If possible, the departing full-time employee's immediate supervisor or Department Head will conduct the exit interview. At or before this meeting, the Berwyn Park District requires employees to return all Berwyn Park District property not previously returned. Additionally, employees should speak with the Human Resources Department as part of the exit interview about required completion of forms for insurance continuation, IMRF and other separation-of-employment-related matters.

# **Appendix A – Drug and Alcohol Policy and Procedures for CDL Employees**

## **Introduction**

To promote public safety and to help prevent accidents and injuries, the U.S. Department of Transportation (DOT) instituted regulations that establish a zero-tolerance level for the presence of alcohol or controlled substances in the system of any individual who operates or maintains a commercial class vehicle. The regulations establish testing requirements to help ensure compliance with the alcohol and controlled substance prohibitions. The controlled substances prohibited by the DOT regulations are: Marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). The following procedures have been developed to implement the DOT regulations, which can be found in 49 CFR Parts 40 and 382. The numbers inside the parentheses appearing in many of the sections refer to 49 CFR Part 40 or 382 sections relevant to the procedure. Employees who violate this policy are subject to disciplinary action, up to and including dismissal from employment.

## **Adverse Effects of Alcohol and Drug Use**

Unlawful use of drugs and alcohol poses several risks. Alcohol and drug abuse can lead to several health problems, such as lung cancer, obstructive pulmonary disease, chronic respiratory infections, liver disease, high blood pressure, cardiac disease and seizures. Drug abusers are at an increased risk for AIDS and hepatitis.

The impairments drugs cause mean users (and their nearby coworkers) suffer more accidental injuries and motor vehicle accidents. Drugs can also rob the user of their ability to reach short- and long-term goals, to deal constructively with stress and anxiety or to have successful and satisfying friendships and family relationships. Because drug use is unlawful, user can ruin lives when they are arrested, jailed or injured by drug-related violence.

The Berwyn Park District has gathered a variety of pamphlets and other materials about alcohol and drug use and abuse. These materials are available from the Human Resources Department (as applicable). In addition, full-time employees may access the confidential Employee Assistance Program (EAP) for information and assistance with alcohol or drug use. Full-time employees may obtain information about the Berwyn Park District's EAP through the employees' immediate supervisor or Human Resources Department (as applicable).

## **Affected Employees**

The following employees are subject to these alcohol and drug procedures, restrictions and requirements: All employees required to have a valid CDL driver's license as a condition of employment and operate a commercial vehicle for the Berwyn Park District. This includes full-time, part-time, and seasonal employees.

The above employees are always subject to these procedures and regulations while on duty including all overtime and call back time. An exception may be made by the Executive Director to exempt an employee from alcohol use restrictions if the employee is attending off-site training and not expected to return to duty for the remainder of the day.

### **Employee Requirements (382.201 to .215):**

To meet the DOT regulations, the following requirements are placed upon affected employees. Exceptions to these requirements may be made by the Executive Director in making temporary work assignments for employees.

Affected employees will not consume any product containing alcohol or controlled substances while on duty.

Affected employees will not report for duty while there is any alcohol or controlled substance in their system (unless the use is pursuant to the instruction of a physician who has been informed of the affected employee's job duties and has advised the affected employee the substance does not adversely affect his/her ability to safely perform his/her job).

Affected employees will not possess any product containing alcohol or controlled substances while on duty.

Affected employees cannot report for duty within four hours of having consumed alcohol and may not perform safety-sensitive functions (this includes but is not limited to operating motor vehicles or equipment) within four hours after using alcohol.

Affected employees must immediately report for testing when so ordered and must cooperate with testing personnel and procedures.

Affected employees must agree to release testing results to the Berwyn Park District and to the substance abuse professional (SAP) and to release the substance abuse professional's report to the Berwyn Park District.

Affected employees cannot consume alcohol for eight hours following an accident involving a death or an accident for which the employee received a moving violation for the operation of a commercial class vehicle that contributed to the accident or until the employee undergoes a post-accident or controlled substance test, whichever occurs first. The employee must remain available for testing for a period of eight hours for an alcohol test or 72 hours for a controlled substance test.

### **Tests Performed**

Detailed descriptions of the testing procedures are contained in 49 CFR Part 40 and Part 382. A brief description of the testing procedure follows.

### **Alcohol Test**

Employee immediately reports to the designated testing facility, shows a photo identification card and signs any required testing forms.

Employee blows into alcohol testing device. If employee cannot exhale enough quantity of air through the machine for a complete test, a medical exam will be performed.

If test results are negative, the employee returns to work. Results will be reported to the Executive Director.

If test results are positive, another test will be performed after a 15-minute wait but before 20 minutes. The employee may not eat or drink anything nor belch during the waiting period for the retest.

If retest results are negative, test is reported to the Executive Director as negative.

If retest results are positive, the test results are immediately reported to the Executive Director.

### **Controlled Substances Test**

Testing will be performed for the five controlled substances prohibited by DOT regulations – marijuana, cocaine, opiates, amphetamines, and PCP.

Employee immediately reports to the designated testing facility, shows a photo identification card, and signs any required testing forms.

Employee provides a urine sample. If unable to provide enough quantity for testing, the employee will be asked to drink water (up to 24 oz. in two hours) and attempt again.

Hospital personnel will perform required testing to verify the specimen sample has not been tampered with. The employee returns to work.

Sample is sent to a lab where it is split in half. A screening test is performed on a portion of one of the sample splits. If negative results are obtained, the testing is reported as negative to the medical review officer (MRO) who, in turn, reports negative results to the Executive Director. If screening tests are positive, sophisticated confirmation testing is performed on the rest of the split sample. Results are reported to the MRO. If negative, the MRO reports a negative result to the Executive Director.

If the results are positive, confirming the presence of one of the five controlled substances, the MRO contacts the employee to discuss the results of the test to determine if there is a legitimate clinical reason for the presence of the drug and then will decide if test results are negative or positive. If the employee cannot be reached by the MRO, the Executive Director will be contacted to tell the employee to contact the MRO. If contact is not made in 72 hours, the MRO will determine the test results as positive. The MRO reports test results to the Executive Director as positive or negative.

If test results are positive, the employee will be removed from duties of operating or maintaining a commercial class vehicle. The employee has 72 hours in which to request a retest of the second split sample and can request the split sample be tested at a second lab. A negative retest of the split sample will cancel the first positive results.

## **Six circumstances under which to perform testing**

Note that testing required by this policy must be performed separately from, and take precedence over, any other testing conducted for drugs or alcohol. Other testing may be performed separately only after completing testing required by this policy. Results from testing not conducted under this policy and in accordance with DOT regulations should not be considered for purposes of this policy.

### **1. Preemployment Testing (382.301, 413)**

Before a new employee is hired, or before an existing employee may be transferred to a position in which operating or maintaining a commercial class vehicle is required, both alcohol and controlled substance testing is required.

If an employee has not been in a random testing pool for one month, then alcohol and controlled substance testing must be performed before the employee may operate or maintain a commercial class vehicle.

Alcohol test results must be below 0.04 and controlled substances negative, or the employee cannot be hired to the position without a SAP evaluation. There is no requirement that the prospective employee be hired or that they see the MRO or SAP, but an attempt must be made to inform the prospective employee of the test results and

to seek an evaluation.

In addition to submitting to testing, the prospective employee must supply the Berwyn Park District with the names of all firms for which they have been employed in the previous two years operating or maintaining commercial class vehicles. Additionally, the Berwyn Park District will conduct a pre-employment full query of the DOT's database containing records of drug and alcohol program violations (referred to as the Clearinghouse) about whether the prospective employee has: (1) a verified positive, adulterated or substituted controlled substances test result; (2) an alcohol confirmation test of 0.04 or higher; (3) refused to submit to a test in violation of 382.211; (4) an employer has reported actual knowledge the prospective employee used alcohol on duty or before duty or following an accident; or (5) used a controlled substance. (Notably, through Jan. 6, 2023, the Berwyn Park District will also continue to contact these employers manually for this same information regarding prospective employees, as required by law.) The Berwyn Park District will report these categories of information to the Clearinghouse when it collects it. In addition, the Berwyn Park District will report to the Clearinghouse a SAP's report of the successful completion of the return-to-duty process, a negative return-to-duty test and reports of completing follow-up testing in accordance with FMCSA requirements. Thereafter, the Berwyn Park District will conduct an annual limited query of the Clearinghouse.

The prospective employee must cooperate fully with the Berwyn Park District in obtaining from each previous employer the results of any positive test, SAP's reports and any refusals to test. The Berwyn Park District will retain records of queries, consents and results for at least three years.

## **2. Random Testing (382.305)**

All affected employees will be placed in pool from which random selections for testing will be made. Random testing will be for both alcohol and controlled substances. A CDL Employee may only be tested for alcohol while performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions or just after the employee has ceased performing such functions.

The annual rate of testing for the entire pool will be as directed by the U.S. Secretary of Transportation, currently 10 percent per year for alcohol and 50 percent per year for illegal drugs. Every employee in the selection pool has an equal chance of being selected each time a drawing is made. Selection for testing will be performed on a sufficiently random basis. Employees will not know when testing is complete for the year nor when to anticipate the next selection. A surplus of names will be generated, so another selection may be made in place of an employee who is temporarily on leave.

The Berwyn Park District will report, or cause to be reported, positive test results based on random testing to the Clearinghouse when required by law. Refusals to test or failure

to cooperate with testing may be subject to reporting to the Clearinghouse, as required by law.

### **3. Reasonable Suspicion Testing (382.307)**

When a supervisor has reason to believe an employee has alcohol or controlled substances in their system, the supervisor contacts another supervisor or management official trained in the signs and symptoms of drug and/or alcohol misuse who will also observe the employee. If both supervisors agree, the employee will be driven to the designated testing facility for alcohol or controlled substances testing as appropriate (or the testing facility will come to the employee, if available). While the Berwyn Park District may elect to require testing under a nonDOT-regulated policy, alcohol testing under this policy is permitted only if the observations are made during, just preceding or just after the period of the workday when the driver is required to be in compliance with this part. A driver may be directed to undergo reasonable suspicion testing under this policy while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions or just after the driver has ceased performing such functions.

The supervisor's determination must be based upon specific, describable, current observations of the employee's appearance, behavior, speech or body odor. The observations also may include indications of the chronic and withdrawal effects of controlled substances. Possession alone is not enough cause to require the employee to submit to testing, though may be independent grounds for discipline up to and including dismissal from employment under the Berwyn Park District's policies.

When a reasonable suspicion determination has been made, the employee must immediately stop operation or maintenance of a commercial class vehicle. (For 24 hours or until a negative test result, whichever comes first).

The employee will be informed of their right to consent or refuse testing, and the consequences of refusing testing or failing an alcohol or drug test. The employee will be asked to review and sign a Consent/Refusal Form.

The supervisor calls the designated testing facility to advise that the employee will be reporting for the testing. The employee under suspicion must be accompanied to the testing facility, preferably by a supervisor.

If an employee refuses to submit to a test, they will be required to call someone to drive them home. If unable to find someone, a cab will be called. The Berwyn Park District will pay for the cab with reimbursement by the employee if/when they return to work. If the employee insists on driving, the Berwyn Park District will immediately call to notify the local police department.

Testing for alcohol reasonable suspicion should be performed within two hours but cannot be conducted if eight hours have passed since the determination was made. A written report must

be submitted to the Executive Director for the file explaining why testing was not performed within two hours. Controlled substances testing should be performed as soon as possible but not after 32 hours since the determination was made.

The supervisor(s) making the determination must submit a signed written description citing the specific observations that led to the reasonable suspicion testing. The written description should be submitted before the test results have been received.

The Berwyn Park District will report, or cause to be reported, positive test results based on reasonable suspicion testing governed by this policy to the Clearinghouse when required by law. Refusals to test or failure to cooperate with testing may be subject to reporting to the Clearinghouse, as required by law.

#### **4. Post-accident Testing (382.303)**

While the Agency may elect to require accident-related testing under a nonDOT-regulated policy, a surviving driver of a commercial class vehicle involved in an accident in which a death occurred or for which the driver received a ticket for the operation of the commercial vehicle having contributed to the accident, will be tested for both alcohol and controlled substances.

The driver will remain readily available for testing after an accident until 32 hours have passed or earlier if a supervisor advises that testing will not be necessary.

A driver cannot consume any alcohol within eight hours following an accident unless a supervisor advises that no testing will be required or testing has already been performed.

If a death occurs or a driving citation is issued, alcohol testing will be performed within two hours but no testing after eight hours and controlled substance testing within 32 hours. A written record must be submitted to file explaining why alcohol testing could not be performed within two hours if such is the case and a record if either testing could not be performed.

The Agency will report, or cause to be reported, positive test results based on post-accident testing governed by this policy to the Clearinghouse when required by law. Refusals to test or failure to cooperate with testing may be subject to reporting to the Clearinghouse, as required by law.

#### **5. Return-to-duty Testing (382.309)**

Alcohol and controlled substances testing will be performed with negative test results (less than 0.02 alcohol) on all affected employees who either:

- Have been removed from duty of operating or maintaining a commercial class vehicle for refusing to test or testing positive for controlled substances or alcohol

greater than 0.04. Employee will be responsible for all costs associated with this classification of return-to-duty testing.

- Have not been in a random testing pool for more than 30 days. (Employees who have been on extended leave).

#### **6. Follow-up Testing (382.311.605)**

Any affected employee who has refused to test or who has tested positive for controlled substances or greater than 0.04 alcohol content and has been determined by a SAP to require help in dealing with their substance abuser's problem will be subject to follow up testing.

The Executive Director will order the affected employee to report immediately for surprise alcohol or controlled substance (or both) testing at the frequency prescribed by the SAP. The Executive Director will advise the SAP of the test results. The duration of surprise testing will continue, if required by the SAP, for a maximum of five years.

At a minimum, six unannounced tests will be required within the first 12 months of return to duty. This minimum must be conducted regardless of whether the SAP deems no more testing is required.

Employee is responsible for all costs associated with follow-up testing.

The Berwyn Park District will report negative test results to the Clearinghouse, when required by law. (The MRO reports positive drug tests, and the Berwyn Park District reports positive alcohol tests).

#### **Consequences of failed or refused tests (382.605)**

The Berwyn Park District will immediately remove an employee from duty upon the employee's refusal to cooperate with testing procedures or upon receipt of positive test results. The Berwyn Park District will report such information to the Clearinghouse, as required by law. Employees who refuse to submit to testing or fail an alcohol or drug test are subject to disciplinary action, up to and including dismissal from employment.

The employee selects a SAP. The employee is responsible for payment to the SAP and subsequent counseling and rehabilitation. The employee's medical insurance may be used to help pay for these services. A list of SAPs will be provided to the employee. However, the employee is free to choose any certified SAP.

The employee signs a release allowing the Berwyn Park District to release the test results to the SAP and signs a release for the SAP to report back to the Executive Director. The Berwyn Park District will report an employee's completion of the SAP return-to-duty process to the Clearinghouse, when required by law.

## **SAP reports to Executive Director regarding information for return to duty**

The SAP reports to the Executive Director certain information for the purposes of when an employee may return to duty. In particular, the SAP must report either:

- Employee does not require any help in dealing with a substance abuse problem – in which case the employee may be (but is not required by the Berwyn Park District to be) returned to full duty.
- Employee requires and is cooperating with continued counseling and rehabilitation and may return to full duty (but is not required by the Berwyn Park District to be returned to full duty) or may not return to full duty yet.
- Employee requires but is not cooperating with counseling and rehabilitation and may not return to duty.
- Employee is responsible for obtaining any counseling or rehabilitation prescribed the SAP and must provide appropriate releases for counseling and rehabilitation professionals to report back to the SAP. Employees are advised that DOT regulations require the additional counseling and rehabilitation not be performed by any business entity in which the SAP has a financial interest.

To return to duty and operate commercial class vehicles:

- Employees must test negative in return-to-duty alcohol or controlled substances testing (or both tests, if so indicated by the SAP).
- Employees must continue with any rehabilitation therapy if so, prescribed by the SAP.
- Employees must test negative in unannounced follow-up testing as prescribed by the SAP or at a minimum, six tests in the first 12 months of returning to duty as ordered by the Executive Director.

Information regarding the employee's completion of the SAP's return-to-duty steps may be reported to the Clearinghouse, as may be required by law.

## **Required training**

All affected employees will be informed of any new DOT regulations and these policies and procedures to implement the regulations.

All supervisory personnel of covered employees will receive training in recognizing physical signs of alcohol misuse and controlled substance use prior to any employee being ordered to submit to reasonable suspicion testing by that supervisor. 60 minutes of training for alcohol misuse recognition and 60 minutes of training for controlled substance use recognition is required.

All new employees, and newly transferred employees to affected positions, will receive training prior to operating or maintaining a commercial class vehicle. All newly hired supervisory personnel will receive 60 minutes of alcohol misuse recognition training and 60 minutes of controlled substances use training prior to requiring any employee to submit to reasonable suspicion testing. All employees will sign a receipt confirming they attended the training. The receipt will be kept in Berwyn Park District records.

Additionally, all new employees, and newly transferred employees to affected positions, will receive training prior to operating or maintaining a commercial class vehicle regarding the requirements of the FMCSA Clearinghouse. All employees will sign a certification that they attended the training. The receipt will be kept in Berwyn Park District records.

**NEITHER THIS POLICY NOR ANY OF ITS TERMS ARE INTENDED TO CREATE A CONTRACT OF EMPLOYMENT OR CONTAIN THE TERMS OF ANY CONTRACT OF EMPLOYMENT. THE BERWYN PARK DISTRICT RETAINS THE SOLE RIGHT TO CHANGE, AMEND OR MODIFY ANY TERM OR PROVISION OF THIS POLICY AND WILL PROVIDE NOTICE WHEN IT DOES SO.**

**PLEASE BE ADVISED THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) SETS THE MINIMUM REQUIREMENTS FOR TESTING OF SAFETY SENSITIVE EMPLOYEES. THE BERWYN PARK DISTRICT'S POLICY IN CERTAIN INSTANCES MAY BE MORE OR LESS STRINGENT FOR OTHER EMPLOYEES. IN THE EVENT OF CONFLICT BETWEEN THIS POLICY AND THE LAW, THE BERWYN PARK DISTRICT SHALL ABIDE BY THE LAWS.**

I have received a copy of the Berwyn Park District's DOT Drug and Alcohol Policy Procedures for CDL Employees.

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**Date**

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**Driver's Signature**

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**Driver's Name (printed)**

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**Driver Identification**

## **Appendix B – Consent to Drug and/or Alcohol Screening or Testing**

I hereby voluntarily consent to submit to drug and/or alcohol screening or testing by a physician, clinic, hospital, laboratory, or medical facility chosen by the Berwyn Park District, at the Berwyn Park District's expense to determine if I have alcohol or any controlled substance or cannabis in my system. I hereby consent to the physician, clinic, hospital, laboratory, or medical facility taking and analyzing a sample or specimen of my breath, urine, saliva, blood, and other similar substances. I also authorize the physician, clinic, hospital, laboratory, or medical facility to disclose their findings, conclusions, and opinions regarding the drug and/or alcohol screening or testing to a Berwyn Park District official or a designated representative, but to no other person without my written consent. If the results of such testing indicate that I have violated the Berwyn Park District's Alcohol and Drug Abuse Policy, I understand that I will be subject to non-hire, or disciplinary action up to and including immediate dismissal from employment.

If I test positive for a drug which may be legally prescribed for prescription or nonprescription use (including medical marijuana), I hereby further consent to allow the Medical Review Officer (MRO) of the medical facility which administered the test to contact my physician or pharmacist to verify my reported use of legally prescribed or legal drugs. I authorize my physician or pharmacist to provide the Berwyn Park District or its agents with any current prescription bottles or physician's letters authorizing the use of any such medicines, which may explain the positive test results, and I will execute any consent or authorization forms that may be required. I understand that the legal use of certain prescription or legal drugs may disqualify me from certain jobs due to safety risks.

I also confirm that I will cooperate with any disclosure authorization requirements that the physician, clinic, laboratory or medical facility has implemented pursuant to applicable law (including the Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA)), which relate to its ability to disclose findings, conclusions, and opinions, or other protected health information associated with the drug and/or alcohol screening or testing to an Berwyn Park District official or a designated representative. I hereby further confirm that I will cooperate with any disclosure authorization requirements that my physician or pharmacist has implemented pursuant to applicable law (including HIPAA) so as to allow it to share information with the medical facility or Berwyn Park District regarding my reported use of legal drugs in accordance with the Berwyn Park District's Alcohol and Drug Abuse Policy.

In consideration of my employment or continued employment, I hereby release and agree to hold the Berwyn Park District and its elected officials, Board members, officers,

members and agents harmless against any, and all claims, charges or causes of action whatsoever I now have or may have in the future which may arise from this drug/alcohol policy or screening/testing or from any investigation or personnel action related to or arising out of any such testing/screening.

I also acknowledge receiving, reading, and understanding the Berwyn Park District's Alcohol and Drug Abuse Policy. I understand that, in accordance with this policy, failure to execute this document and submit to drug and/or alcohol screening or testing, or failure to report to the Berwyn Park District the use of legal drugs as required by the policy, may result in non-hire or disciplinary action, up to and including dismissal from employment. I further acknowledge that I have read this consent form carefully and that I am signing of my own free will.

Employee Name: \_\_\_\_\_  
(Print)

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

Parent/Guardian Name (if a minor): \_\_\_\_\_  
(Print)

Employee Signature (if a minor): \_\_\_\_\_

Date: \_\_\_\_\_

Witness Signature:  
\_\_\_\_\_

- I agree to the test       I will not agree to the test

## **Appendix C – Email, Voice Mail, and Internet Use Policies Acknowledgment Form**

I acknowledge that I have received a copy of the Berwyn Park District’s E Mail, Voice Mail, and Internet Use Policies. I agree to read them thoroughly and agree that if there is any policy or provision in the policies I do not understand, I will seek clarification from the Human Resources Department.

I understand that my use of the Berwyn Park District’s Email, Voice Mail and/or internet constitutes my consent to all the terms and conditions of those policies.

In particular, I understand that (1) the Email, Voice Mail and internet systems and all information transmitted by, received from, or stored in that system are the property of the Berwyn Park District, (2) the systems are to be used only for business purposes and not for personal purposes (except for authorized occasional personal use of Voice Mail and internet during non-working times), and (3) I have no expectation of privacy in connection with the use of the E mail and Voice Mail systems or the Internet, or with the transmission, receipt, or storage of information in those systems.

I agree not to use a code, access a file, or retrieve stored communications unless authorized. I acknowledge and consent to the Berwyn Park District monitoring my use of the Email and Voice Mail systems and my Internet usage at any time at its sole discretion, including printing and reading all Emails entering, leaving, or stored in the system, listening to all Voice Mails entering, leaving, or stored in the system, and monitoring my search history of internet use.

Date:

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Signature:

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Print Name:

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## **Appendix D - Employee Acknowledgement of Whistleblower Protection (SAFE-T Act) Policy and Procedures**

By signing below, I confirm I have received, read, and understand the “Whistleblower Protection (Safe T Act) Policy and Procedures for the Berwyn Park District. I also understand that as an employee, it is my responsibility to abide by this Policy.

Employee Name (Printed): \_\_\_\_\_

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

Date: \_\_\_\_\_

## **Appendix E - Employee Acknowledgement of Employee Policy Handbook**

By signing below, I confirm I have received, read, and understand the Personnel Policy Handbook for the Berwyn Park District. I agree that if there is any policy or provision in the handbook that I do not understand, I will seek clarification from my immediate supervisor, Department Head, the Human Resources Department, or the Executive Director. I also understand that as an employee, it is my responsibility to abide by all policies, procedures, and expectations set forth in the handbook, and that failure to do so will result in disciplinary action, up to and including dismissal from employment.

I understand and acknowledge that my employment with the Berwyn Park District is at-will, which means that my employment with the Berwyn Park District is not for a definite or guaranteed period of time; as such, I have the right to end my employment with the Berwyn Park District at any time, without notice or reason, and the Berwyn Park District retains the same right. I also understand and acknowledge that this handbook has been created as a general guide for the Berwyn Park District and is not intended to create nor shall it create an employment contract, either express or implied, between the Berwyn Park District and myself. I understand and acknowledge that the Berwyn Park District can change or discontinue the policies, benefits and rules contained in this handbook at any time, with or without advance notice. I understand that nothing contained in this handbook may be construed as creating a promise of future benefits or a binding contract with the Berwyn Park District for benefits or for any other purpose.

Employee Name (Printed): \_\_\_\_\_

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

Date: \_\_\_\_\_