



TO: Personnel Committee
FROM: Jill Trevino
DATE: September 7, 2021
RE: September, 2021 Committee policy updates regarding State and Federal Law

We would like to take the time to update you on the state and federal law changes that are being made within the Employee Handbook in order to maintain compliance and keep up with the everchanging laws and regulations that we must follow as an employer. We are looking forward to reviewing more Employee Handbook policies at next month's meeting.

No Current Policy in the Personnel Code

Reason for changes: must legally have an American with Disabilities/Accommodation section in employee handbook.

Proposed Policy:

DISABILITY/PREGNANCY ACCOMMODATION

Qualified applicants or employees who have a physical or mental disability (as defined in the Americans with Disabilities Act) which requires accommodation in order for them to perform the essential functions of their jobs, should inform Human Resources of this so that we can together discuss what accommodations are reasonable, available, and appropriate. IHL S engages in the interactive process for employees with disabilities (as defined in the Americans with Disabilities Act). The interactive process works as follows:

- If an employee believes he or she has a disability (as defined in the Americans with Disabilities Act), and believes that a reasonable accommodation would better enable the employee to perform the essential functions of his/her job, the employee should advise Human Resources of the need for accommodation.
- The accommodation request will be discussed with the employee and the employee's managers, and any others that Human Resources believes may need to be involved to properly resolve the matter.
- The employee may be required to provide documentation verifying the existence of a medical condition and the type of restrictions in place and/or accommodations that are deemed necessary by a medical professional.
- If a reasonable appropriate accommodation is readily available, the request will be approved and the accommodation implemented.

- If an accommodation is not readily ascertainable, the matter will be pursued further with appropriate external resources.
- If a reasonable accommodation exists, the same will be provided. However, the employee should remember that the accommodation granted will not, in all cases, be the particular accommodation desired by the employee.

The same process should be followed for employees who need accommodations due to pregnancy or pregnancy-related conditions. For accommodations to be granted, employees with either pregnancy-related restrictions or non-pregnancy-related restrictions will be required to provide documentation from a physician stating the restrictions that are in place. No pregnant employee will be required to accept an accommodation should the employee not require/request the same. In addition, in accordance with its obligations under the Illinois Nursing Mothers in the Workplace Act, IHLS will provide reasonable break time to an employee who needs to express breast milk for her nursing infant child each time the employee has the need to express milk for up to one year after the child's birth. The break time may run concurrently with any break time already provided to the employee but no employee will lose pay as a result of taking time away from work tasks for the purpose of expressing milk. IHLS will make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where an employee can express milk in privacy.

Current Policy:

Pension Plan (IMRF)

Employees who routinely work 1,000 or more hours per year are covered under the Illinois Municipal Retirement Fund (IMRF). Employees who were hired prior to 2011 are eligible to retire and receive an IMRF pension when they have at least eight years of service credit and are at least 55 years of age. Employees who were hired 2011 or after, must have at least 10 years of service credit and must be at least 62 years of age. Periodically, the region's IMRF representative will have meetings to present information to employees covered by IMRF.

As participants of IMRF, eligible employees have the option to purchase additional term life insurance at their own expense.

Reason for changes: new rules regarding what you can and cannot say to an employee who is retiring. Also a Pension safeguards policy has been put in place to follow the Illinois Pension Code.

Proposed Policy:

Pension Plan (IMRF)

Employees who routinely work 1,000 or more hours per year are eligible to participate in the Illinois Municipal Retirement Fund (IMRF) pension plan. If you are working in a position that qualifies for IMRF you must contribute as the IMRF is not an optional program. The Illinois Pension Code determines how IMRF operates and administers IMRF benefit plans. Under the Illinois Pension Code, employees contribute 4.5% of their wages or salaries to the fund. Employers contribute at annual specified contribution rates as determined by the Illinois Municipal Retirement Fund. Plan descriptions of this program are available from Human Resources. As part of our goal to be good stewards of public funds. The Illinois Heartland Library System (IHLS) has adopted a Pension Management Safeguards Policy, which is presented below:

IHLS will adhere to Illinois Municipal Retirement Fund (IMRF) guidelines and will not permit end-of-career payouts in a way to pad or "spike" pensions. For example, but not by way of limitation, IHLS shall not pay out accrued but unused vacation time prior to the actual date of employment termination and shall not increase an employee's compensation or pay a retirement bonus timed to pad or "spike" an employee's IMRF pension.

Notwithstanding any other policy or practice to the contrary, IHLS recognizes that compensation increases paid during the final years of employment with the purpose of increasing a participant's pension beyond the limitations of section 7-116 of the Illinois Pension Code, as amended from time to time, are not compatible with good pension plan administration and may be one cause of pension plan underfunding. Therefore, all compensation increases authorized or granted to IHLS employees in their final years of employment as defined in the Pension Code will not exceed the limitations defined by that statute for the purpose of increasing a participant's pension beyond the limitations of 7-116. This prohibition includes, but is not limited to, payment of accrued but unused vacation or other benefit time prior to an employee's actual date of retirement or separation, payment of a bonus at retirement, as well as granting a wage increase which exceeds the statutory limitations when not the result of a promotion or transfer to a new position.

Before retirement and within 60 days after, no pre-arrangement (even an informal one) can be made between a retiring member and an IMRF employer that the member will return to work.

To learn more about your benefits, please visit the member publications page on the IMRF website at www.imrf.org.

Current Personnel Code Policy:

Grievance Procedure

Any employee may present his or her perspective in disagreement of an action by his or her supervisor with respect to compensation, conditions of work, or discipline by filing a grievance. The grievance procedure is described in Appendix B.

Appendix B

Details of the Grievance Procedure

The grievance procedure for issues other than discrimination is described below:

1. An employee meets with his or her supervisor to discuss the problem/issue.
2. If the employee is dissatisfied with the decision, the employee must file a written grievance with their immediate supervisor within ten (10) working days of such decision or action. The written request of the grievant shall state the management decision or action with which the employee is dissatisfied and the remedy which the employee is seeking. The supervisor and employee shall meet within a reasonable amount of time, but no later than five (5) working days to attempt to resolve the dispute. Within 5 working days of the meeting, the supervisor shall respond to the grievant (in writing), explaining the proposed resolution.
3. In the event the employee remains dissatisfied with the supervisor's decision or action after the meeting in Step 2, then the employee may file an appeal with the Executive Director within ten (10) working days of receipt of the response from the supervisor. The Executive Director and employee (and if necessary the supervisor) shall meet within a reasonable amount of time to attempt to resolve the dispute. The Executive Director shall issue a written response to the grievant within a reasonable time, but no later than fifteen (15) work days after the meeting.
4. In the event the employee remains dissatisfied with management's decision or action after the meeting in Step 3, the employee shall file a written appeal with the Board President within fifteen (15) working days of the date of the Executive Director's written response. The Personnel Committee of the IHLS Board shall meet with the Executive Director, the employee,

and other necessary staff. All facts will be reviewed within a reasonable time and the IHLS Board shall thereafter issue a final, binding decision.

Reason for change: the name of this policy has been changed to Open Door Policy as Grievance Procedure is typically associated with collective bargaining agreements and those types of agreements do not apply to IHLS. Secondly, it was further clarified that the Personnel Committee Chairperson would assist in handling any escalated complaints and not the entire committee to facilitate a prompt resolution. Also included are all details of the procedure within the policy and Appendix B was removed so that everything is in one place.

Proposed Policy:

OPEN DOOR POLICY

IHLS is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question of any employee can be presented to and addressed by management.

IHLS strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

The purpose of this policy is to assist employees in resolving any work-related concerns they may have in a timely, fair, and equitable manner.

If an employee disagrees with established rules of conduct, policies, or practices, or with an action or failure to act by the employee's supervisor, the employee should first meet with his/her supervisor to discuss the problem, issue, or concern. If the employee is dissatisfied with the decision or outcome of this meeting OR if the employee does not feel comfortable speaking with his/her direct supervisor about the issue (such as when the supervisor is the source of the concern), the employee may then go to the Executive Director. The issue should be brought to the Executive Director's attention either within ten (10) days of the event causing the concern or within ten (10) days after the employee's meeting with his/her supervisor (if the employee chose to meet with his/her supervisor first). The issue/concern should be presented to the Executive Director in writing and contain as many specific details as possible.

The Executive Director and the employee (and anyone else the Executive Director deems to be necessary/appropriate to join the meeting) will meet within a reasonable time after the employee requests assistance from the Executive Director with the purpose of the meeting being to resolve the employee's concern on terms that both the employee and the organization can agree upon. Based on the circumstances, additional meetings may be necessary with either the employee with the concern or others. The Executive Director will issue a written response within a reasonable time after completion of the Executive Director's review of the situation.

In the event the employee remains dissatisfied with resolution of the Executive Director, the employee may file a written appeal from the Executive Director's decision with the President of the Board of Directors. This written appeal must be received by the President of the Board of Directors no later than ten (10) days after the employee receives the Executive Director's decision. The IHLS Board of Directors' Personnel Committee Chairperson will review the situation and may discuss and/or meet with both the employee who voiced the concern and anyone else deemed necessary (including, but not limited to, the Executive Director and other employees) in order to determine if the matter can be resolved to the satisfaction of both the employee and the organization. The IHLS Board shall thereafter issue a final and binding decision on the matter which shall be provided to the employee in writing.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.