



TO: Personnel Committee
FROM: Jill Trevino
DATE: October 12, 2021
RE: October 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 ever-changing 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 Identity Protection Policy in the Personnel Code

Reason for changes: Must legally comply with the Identity Protection Act, which is an Illinois State law.

Proposed Policy:

IDENTITY PROTECTION

Purpose

IHLS complies with the provisions of the Identity Protection Act (5 ILCS 179/1 *et seq.*).

Requirements

- All employees who have access to social security numbers in the course of performing their duties must be trained to protect the confidentiality of social security numbers. Training will include instructions on the proper handling of information that contains social security numbers from the time of collection through the destruction of the information.
- Only employees who are required to use or handle information or documents that contain social security numbers in connection with the performance of their job duties will have access to such information or documents.
- Social security numbers requested from an individual will be provided in a manner that makes the social security number easily redacted if required to be released as part of a public records request.
- When collecting a social security number, or upon request by the individual, a statement of the purpose or purposes for which the social security number is being collected and used must be provided.

Prohibited Activities

No employee may do any of the following:

- Publicly post or publicly display in any manner an individual's social security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.
- Print an individual's social security number on any card required for the individual to access products or services.
- Encode or embed an individual's social security number in or on any cards or documents, including, but not limited to, using a barcode, chip, magnetic strip, RFID technology, or other technology.
- Require an individual to transmit his or her social security number over the Internet, unless the connection is secure, or the social security number is encrypted.
- Print an individual's social security number on any materials that are mailed to the individual through the U.S. Postal Service, any private mail service, email, or any similar method of delivery, unless state or federal law requires the social security number to be on the document to be mailed. Notwithstanding any provision in this section to the contrary, social security numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and 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 social security number. A social security number that may permissibly be mailed under this section may 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 the envelope having been opened.
- Collect, use, or disclose a social security number from an individual, unless:
 - A. Required to do so under state or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities;
 - B. The need and purpose for the social security number is documented before collection of the social security number; and
 - C. The social security number collected is relevant to the documented need and purpose.
- Require an individual to use their social security number to access an Internet website.

- Use the social security number for any purpose other than the purpose for which it was collected.

The prohibitions listed immediately above do not apply in the following circumstances:

- The disclosure of social security numbers pursuant to a court order, warrant, or subpoena.
- The collection, use, or disclosure of social security numbers in order to ensure the safety of other employees.
- The collection, use, or disclosure of social security numbers for internal verification or administrative purposes.
- The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency 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, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.

Public Inspection and Copying of Documents

Notwithstanding any other provision of this policy to the contrary, all employees must comply with the provisions of any other state law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's social security number. This includes requests for information or documents under the Illinois Freedom of Information Act. Employees must redact social security numbers before allowing the public inspection or copying of the information or documents.

Applicability

This policy does not apply to the collection, use, or disclosure of a social security number as required by state or federal law, rule, or regulation.

Section for Revision: Employment Definitions

Reason for changes: Update handbook to reflect temporary employee status which was not included in the current handbook. Additionally, we want to make sure that we are able to give employee benefits to employees consistent with how our insurance policies are written.

A. Employment Definitions

1. All employees fall within one of the following categories that are relevant in determining eligibility for benefits:
 - a. Full-time employee – An employee who is regularly scheduled to work a 40-hour work week, defined as Sunday through Saturday. Full-time employees are eligible for all benefits provided by IHLS.
 - b. Part-time employee with limited benefits– An employee who regularly works 29 hours or less per week will receive all legally required benefits and limited benefits provided by IHLS. Employees who work 1,000 hours or more in any 12-month period will also be eligible to participate in the retirement plan.
2. All employees also fall within one of the following classifications:
 - a. Library professional – salaries and wages paid to employees of IHLS whose position descriptions ordinarily require an MLS, MIS, or above.
 - b. Other professional – salaries or wages paid to employees of IHLS whose position descriptions ordinarily require a bachelor’s degree or above, excluding library professional.
 - c. Support services – salaries or wages paid to employees of IHLS whose positions are not classified as library professional or other professionals.
3. All positions fall under the following categories to ensure compliance with the Federal Fair Labor Standards Act:
 - a. Exempt employee – Salaried employees in executive, administrative, professional, and certain employees in computer-related positions as defined by the U.S. Department of Labor are exempt from pay for overtime. Full-time exempt employees work at least 40 hours a week.
 - b. Non-exempt employee – Employees who are paid on an hourly or salaried basis and whose customary and regular duties and responsibilities are not considered exempt by the U.S. Department of Labor and are entitled to the overtime provisions of the Fair Labor Standards Act.

Proposed Policy:

EMPLOYMENT CLASSIFICATIONS

Upon hire, you will be classified as a (1) exempt or non-exempt employee, (2) full-time or part-time employee, and (3) regular or temporary employee. IHLS assigns positions, determines wages, and compensates employees for overtime in accordance with applicable state and local laws and the Fair Labor Standards Act. Please note that certain wage, salary, employee benefits (if applicable), and time-off provisions may differ depending on how you are classified. If you are unsure of which job classification your position fits into, please ask your manager or the Human Resources Representative.

Please note that nothing stated herein alters the employment-at-will status of each employment classification.

EXEMPT AND NON-EXEMPT EMPLOYEES

Each employee is designated as either non-exempt or exempt from overtime pay requirements in federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws; specifically, exempt employees normally receive a set weekly salary and are not eligible for overtime pay, regardless of the number of hours worked in any work week. Your status can be found on your job description under the Fair Labor Standard Act classification noted as FLSA on your job description.

EXEMPT

Certain professional, executive, and administrative personnel are considered to be exempt from overtime and are paid a specified salary for all hours worked. These employees may be expected to work beyond their normal work hours when necessary to accomplish the work of the organization. All employees must accurately record all time worked, including time worked over their normal schedule, on the Microix time keeping system at the time it actually occurs.

NON-EXEMPT

All other employees are non-exempt and qualify for overtime pay under the Fair Labor Standards Act. All overtime work by a non-exempt employee must be approved in advance by an employee's supervisor. Non-exempt employees who work overtime without receiving approval in advance from the employee's supervisor will receive overtime pay for the overtime hours worked. However, repeatedly working overtime without authorization will result in disciplinary action, up to and including discharge. All employees must accurately record all time worked, including time worked over their normal schedule, on the Microix time keeping system at the time it actually occurs.

Overtime pay is calculated at one and one-half (1½) times the employee's regular hourly rate of pay for all hours over forty (40) hours in one work week. Overtime is computed based on a non-exempt employee's total hours worked in a work week. Hours that are paid for but not worked, *e.g.*, holidays, personal, sick leave, floating holidays, building closure and vacation days, do not count as hours worked for overtime purposes.

FULL-TIME EMPLOYEE

An employee who is hired to work on a regular basis for an indefinite period of time and is generally scheduled to work at least 40 hours per week/80 hours per pay period is considered a full-time employee. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

PART-TIME EMPLOYEE

An employee who is hired to work on a regular basis for an indefinite period of time and is generally scheduled to work less than 40 hours per week/less than 80 hours per pay period is considered a part-time employee. Part-time employees are eligible for some of the benefits offered by IHLS and are subject to the terms, conditions, and limitations of each benefits program.

TEMPORARY EMPLOYEE

From time to time, IHLS may hire employees for a specific period of time or for the completion of a specific project. An employee hired under these conditions will be considered a temporary employee. The job assignment, work schedule, and duration of the position will be determined on an individual basis. Temporary employees may be entitled to benefits depending on the duration of the position.

PROFESSIONAL CLASSIFICATIONS

Here at IHLS we have professional classifications designated for the types of positions that are held within the organization.

Library professional – salaries and wages paid to employees of IHLS whose position descriptions ordinarily require an MLS, MLIS, or above.

Other professional – salaries or wages paid to employees of IHLS whose position descriptions ordinarily require a bachelor's degree or above, excluding library professional.

Support services – salaries or wages paid to employees of IHLS whose positions are not classified as library professional or other professionals.