

RESOLUTION

RE: Vermilion County Personnel Policies and Procedures

WHEREAS, the Vermilion County Board, on December 8, 1981, adopted a Vermilion County Personnel Policies and Procedures manual; and,

WHEREAS, it is the desire of the Vermilion County Board to revise and update said manual; and,

WHEREAS, the Finance/Personnel Committee of the Vermilion County Board has revised Articles 13 and 15 of the manual.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Vermilion County, Illinois, hereby adopts and approves the attached revision of the Vermilion County Personnel Policies and Procedures Manual.

PRESENTED, APPROVED, and RESOLVED by the County Board of Vermilion County, Illinois, at their June 9, 2015, Session.

DATED, this 9th day of June, 2015, A.D.

AYE 16 NAY 7 ABSENT 3

Michael T. Mason
Chairman, Vermilion County Board

ATTEST:
Cathy Johnson
Clerk of the County Board

Randall J. Brunger
Approved to form: State's Attorney

APPROVED BY FINANCE/PERSONNEL:

Steve Fourez (Y) N A 6/11/15
Chairman Date

Bill Wright (Y) N A

Wes Bieritz (Y) N A

Chuck Mockbee (Y) N A

Bruce Stark Y N A

Robert Boyd (Y) N A

Larry Davis Y N A

Resolution No. 15-0704

Article 13

Rules of Conduct and Disciplinary Action

Rules of Conduct

Good relations with co-workers, with other departments and offices of the County and with other public agencies are essential. Failure to maintain appropriate work standards and behavior can result in disciplinary action or termination of employment. Work rules, in addition to those set forth in this policy, may be established by the Department Head/Officeholder and a copy furnished to the Human Resources Department.

Disciplinary Action

Whenever an employee's performance, attitude, work habits, or personal conduct falls below a desirable level, the applicable supervisor, Department Head/Officeholder may, where circumstances permit, inform the employee promptly and specifically and give counsel, guidance and assistance. After an appropriate period of time, if improvements or correction is not evident, disciplinary action should be initiated.

Unless an employee is part of a bargaining unit covered by a labor contract requiring just cause for termination or some form of progressive discipline, no particular steps in discipline are required. While it is expected that each employee will receive the guidance needed to successfully perform their duties, circumstances may require different approaches. Employees who hold confidential positions of trust or make or influence policy, may be held to a different standard due to the nature of their duties and the needs of the employer. See the provisions regarding at-will employment in this section. However, the following are typical and may be used where appropriate:

- **Warning** – A warning is a form of discipline and notice that you should discontinue some action or take action immediately. For example, should you fail to follow your manager's/supervisor's instructions or violate a provision of a county/departmental policy.

More than one disciplinary warning can lead to a suspension, negative evaluation or even termination.

Management has the discretion of offering two types of disciplinary warnings: verbal and written. Verbal disciplinary warnings are issued orally from a supervisor, department head or officeholder. At his or her discretion, the verbal warning can be recorded in writing and placed in your personnel file.

Written disciplinary warnings are warnings that are put into writing, signed by the manager and read by you. Written disciplinary warnings are placed in your personnel file for future reference.

Verbal or written disciplinary warnings are not a pre-requisite before issuing a suspension or terminating your employment. Disciplinary action documentation will be reviewed during evaluations and other important employer decisions.

- **Suspension Without Pay** – At management’s discretion, employees may be suspended without pay for a period of time as a consequence for an action taken or not taken. During this time, an employee is not permitted to work for the employer and no wage or salary is provided for the time the employee is suspended.

In addition to the suspension without pay, written documentation is placed in the employee’s personnel file.

Whether or not a suspension without pay is imposed is at the discretion of management. No counseling, warning or other form of discipline is required on the part of management before a suspension without pay is issued.

Suspensions without pay are reviewed for determining an employee’s contribution to the department during evaluations and other important employer decisions.

- **Termination of Employment** – Vermilion County hopes that its relationship with its employees is mutually beneficial for both parties. When circumstances occur that make the relationship less than mutually beneficial, management or you have the option to terminate the employment relationship.

Whether or not to terminate an employment relationship is at the sole discretion of the department head/officeholder and you and can be made at any time with or without warning or notice. No reason is necessary for terminating the employment relationship and if reason is given, it can be for any reason so long as the reason is lawful.

Vermilion County may classify terminations as they occur. The following are the different termination classifications:

1. **Voluntary Termination** – A voluntary termination of employment occurs when an employee informs his or her supervisor of the employee’s resignation or when an employee is absent from work for three consecutive workdays and fails to contact his or her supervisor (job abandonment).

A **resignation** is when an employee terminates his or her employment on their own accord and provides reasonable notice to department head/officeholder of their intent to resign. Reasonable notice is defined as written notice of intent to resign as an employee 14 days prior to departure.

Employees who provide 14-days written notice of their resignation may be considered for reemployment with Vermilion County so long as their employment record is satisfactory. A satisfactory work record is at the discretion of management.

Job abandonment is when an employee does not show up for work at their department or duty station or call in to notify an employer or supervisor of the reason for their absence for three consecutively scheduled shifts. Employees who do not provide reasonable cause for their absenteeism are considered to have voluntarily terminated their employment.

At its discretion, department head/officeholder may rescind any voluntary termination so long as it is determined that the employee acted in good faith and has reasonable cause for not providing notice.

Employees that voluntarily terminated their employment by job abandonment are not eligible for rehire.

2. **Involuntary termination** – An involuntary termination is when management terminates the employment relationship. Management may terminate employment at any time for any legal reason with or without warning or notice. In some cases, progressive discipline may be used prior to termination to correct a performance problem. However, certain types of employee misconduct are so severe that one incident of misconduct will result in immediate dismissal without prior use of progressive discipline.

Such grounds for immediate termination include, but are not limited to theft, dishonesty, gross misconduct, insubordination, use of position for personal advantage, falsification of records, unauthorized absence and other justifiable reasons where alternative personnel actions are not appropriate.

Insubordination includes not only the refusal to follow a directive of the employer, but also may include use of abusive language to an employer or supervisor, or exhibiting an attitude of disrespect or defiance.

3. **Lay-Off** – Situations or conditions, economic or otherwise, may require Vermilion County to lay-off employees. Employees that are laid off are eligible for rehire at the discretion of management. Rehiring after a lay-off is not guaranteed.

At-Will

Please note, unless you are a part of a bargaining unit that has a labor contract requiring just cause for termination, you are an at-will employee, and nothing in this policy manual or this particular policy shall constitute a contract requiring certain action be taken before termination, including any step-by-step or progressive disciplinary procedure or any requirement to classify your termination. Your department head/officeholder has the right to terminate your employment at any time and for any lawful reason with or without rendering counseling, warnings, or any other forms of discipline. Likewise, you may terminate your employment with Vermillion County at any time and for any reason.

Questions about This Policy

If you have questions, suggestions or concerns about this policy, you should direct them to the Human Resources Department. If you feel uncomfortable discussing your questions, suggestions or concerns with the Human Resources Department listed above, you can direct them to the County Board Chairman or Assistant State's Attorney in the Civil Division.

Article 15

Grievance Procedure

Definition

A grievance is the dissatisfaction of an employee when he/she believes that he/she has not been treated fairly concerning work conditions or issues of discipline including termination.

Grievance Procedure

Employees who have any grievance arising out of their employment with Vermilion County have the right of redress.

- **Supervisor Level** - The grievance must be submitted in writing, signed by the employee to the employer's supervisor within five (5) working days of the event which has caused the grievance to be filed. Failure to do so automatically abandons the grievance. The supervisor will make every effort to resolve the grievance at this level. The supervisor's reply should be in writing and returned to the employee with in five (5) working days after the receipt of the grievance.
- **Department Head/Officeholder Level** - If settlement is not reached at the supervisory level, the aggrieved employee may carry it to the department head/officeholder within five (5) working days from receipt of the supervisor's decision. The department head/officeholder should submit a written reply within five (5) working days after receipt of grievance.

In cases where the immediate supervisor is the department head/officeholder, the employee is expected to start at the Department head/Officeholder level. For employees of Emergency Management Agency, Animal Regulations, Building and Grounds, Information Services and County Board office, the County Board Chairman shall be the last step in the supervisory chain of command.

The proper method of delivery at any step of the grievance is personal delivery, email or certified mail through the US postal service.

Appeal

If settlement is not reached at the administrative level, the grievance may be carried to the Human Resources Director within five (5) working days from receipt of the Department Head/Officeholder's decision. The Human Resources Director or designee will meet with

the employee as early as practicable, but within 30 days of the written appeal. Either party may bring persons to the meeting to aid in the resolution or discussion of the grievance. The Human Resources Director will provide an answer in writing within 14 calendar days after the meeting.

The recommendation of the Human Resources Director is non-binding due to the internal control laws applicable to each officeholder. Final authority is that of the Department Head/Officeholder.

Employees shall be assured freedom from restraint, interference, discrimination and/or reprisal arising from any grievance presented. Any employee shall be allowed reasonable time with pay during working hours for the presentation of a grievance, provided the employee has obtained permission from their immediate supervisor and the employee's absence will not interfere with operations of the agency, department or office.

*Current***ARTICLE 13****RULES OF CONDUCT AND DISCIPLINARY ACTION**

13.01 RULES OF CONDUCT.

Good relations with co-workers, with other departments and offices of the County, and with other public agencies are essential. Failure to maintain appropriate work standards and behavior can result in disciplinary action or termination of employment. Work rules, in addition to those set forth in this policy, may be established by the department head/officeholder and a copy furnished to the Employee Relations Committee and Personnel Committee.

13.02 DISCIPLINARY ACTION.

Whenever an employee's performance, attitude, work habits, or personal conduct falls below a desirable level, the applicable supervisor, department head/officeholder shall inform the employee promptly and specifically and give counsel, guidance and assistance. After an appropriate period of time, if improvement or correction is not evident, disciplinary action should be initiated.

Disciplinary action should take the following form:

13.02.01 Written Reprimand. After counseling by an employee's supervisor or department head/officeholder has met with little or no success, a written reprimand may be sent to the employee with a copy placed in the employee's personnel folder. Reference to previous counseling will be noted in the written reprimand.

13.02.02 Written Commitment by Employee. The employee must give his or her supervisor or department head/officeholder a written commitment that he/she will resolve the problem that exists.

13.02.03 Suspension Totaling Not More Than Thirty Days in Any Twelve-month Period. Disciplinary suspension without pay totaling not more than 30 days in any 12 month period may be imposed on an employee by operating agency, department or office. Written notice of such disciplinary action must be served upon the employee in person or by certified mail. Notice of such disciplinary action must also be filed immediately with the EEO Officer, who shall have the obligation to review such action.

13.02.04 Employee Rights and Obligations. At least two days prior to the effective date of the suspension, an employee shall be served with, or informed orally, of the reasons for suspension. Opportunity then shall be given to the employee to rebut in writing the reasons for suspension. The EEO Officer shall review the rebuttal to determine if the suspension is justified. No rebuttal period shall be granted if the employee's presence may result in harm or damage to the agency, Department or office and/or personnel. Under these circumstances, the employee shall immediately leave the premises.

Employees seeking redress from any disciplinary action imposed must do so in accordance with the grievance procedure.

13.02.05 Salary and Other Benefits of Employee. If, on appeal the suspension is reversed, the employee shall receive all salaries and benefits due. If, on appeal the suspension is modified, no salaries or benefits shall accrue to any employee during such time as he/she is suspended for disciplinary purposes.

13.02.06 Termination. A department head/officerholder may terminate an employee. Causes for immediate termination include but are not limited to gross misconduct, negligence, inefficiency, insubordination, unauthorized absence, conviction of a criminal offense, falsification of records, use of a position for personal advantage, or other justifiable reasons where alternative personnel actions are not appropriate. Within ten (10) working days, the employee may be furnished with a statement in writing setting forth the reasons for such action. A copy of any termination notice shall be sent to the EEO Officer. All employees have a right to appeal a termination notice to the Grievance Committee. The committee will consider the appeal at a time set by the committee and will submit its determination in writing to the employee. The Grievance Committee shall recommend a decision as to the grievance. Final authority is that of the department head/officerholder.

Current
ARTICLE 15

GRIEVANCE PROCEDURE

15.01 DEFINITION.

A grievance is the dissatisfaction of an employee when he/she believes, rightly or wrongly, that he/she has not been treated fairly concerning seniority, hours of work, vacation and holiday eligibility or other related terms and conditions of employment, or when he/she believes a mistake has been made in the administration of a rule, plan, or policy.

15.02 GRIEVANCE COMMITTEE.

The Grievance Committee shall be comprised of at least a Vermilion County Board Personnel Committee member, an elected officeholder, an appointed official and two County employees. If a conflict of interest exists between the person grieving and any member of the Grievance Committee, an alternate shall be appointed to the committee in order to eliminate said conflict of interest. The Committee shall recommend a decision as to the grievance. Final authority is that of the department head/officeholder.

15.03 PROCEDURE

15.03.01 Employees who have any grievance arising out of their employment by Vermilion County have the right of redress. The grievance must be submitted in writing, signed by the employee, and presented personally or through an authorized representative to the employees supervisor within five (5) working days of the event which has caused the grievance to be filed. Failure to do so automatically abandons the grievance. In cases of vacation, this five-day period will commence upon the first day the employee returns to work. The supervisor will make every effort to resolve the grievance at this level. The supervisor's reply must be in writing and returned to the employee within two (2) working days after receipt of the grievance.

15.03.02 If settlement is not reached at the supervisory level, the aggrieved employee may carry it to the department head/officeholder within five (5) working days from receipt of the supervisor's decision. Department heads/officeholders must submit a written reply within two (2) working days after receipt of the grievance.

15.04 APPEAL.

If settlement is not reached at the administrative level, the grievance may be carried to the Grievance Committee within five (5) working days from receipt of department head/officeholder's decision. The Grievance Committee will place the matter on their agenda. The committee shall hear and investigate all sides of the case and render a recommendation within ten (10) working days after the committee meeting unless a postponement is agreed to by the committee and the employee. In any case, employees shall be assured freedom from restraint, interference, discrimination and/or reprisal arising from any grievance presented. An employee shall be allowed reasonable time with pay during working hours for the presentation of a grievance, provided the employee has obtained permission from their immediate supervisor and the employee's absence will not interfere with operations of the agency, department or office.