

**COOK COUNTY HEALTH
AND HOSPITALS SYSTEM**

**P E R S O N N E L
R U L E S**

Proposed Amendment to the CCHHS Personnel Rules

Seeking approval of the proposed amendment to the IMPORTANT NOTICE in the CCHHS Personnel Rules, pending the publication of the amendment pursuant to the Cook County Human Resources Ordinance. The amendment proposes to add the language shown in bold and delete the language shown as stricken below.

IMPORTANT NOTICE

These Personnel Rules are issued pursuant to the Cook County Human Resources Ordinance and the Ordinance Establishing the Cook County Health and Hospitals System (“**CCHHS**”). The Rules reflect procedures developed to comply with applicable federal, state and county laws, the Judgment and Consent Decrees and Supplemental Relief Order (“**SRO**”) entered in Michael L. Shakman, et al. v. The Democratic Organization of Cook County, et al., No. 69 C 2145, on January 5, 1994 and other applicable laws. The CCHHS is currently working with the Cook County Shakman Compliance Administrator to develop an Employment Plan pursuant to the SRO. In the event that provisions of these Rules vary from the provisions of that Employment Plan, the terms of the Employment Plan shall govern. In the event that provisions of these Rules vary from the terms of effective collective bargaining agreements, the terms of those agreements shall govern for affected members of the collective bargaining unit.

Please be advised that these Rules do not constitute a contract, and the language used in these Rules is not intended to create or to be construed as a contract or promise of continued employment. The Rules set forth general information and guidelines and do not purport to address every situation or contingency. Employees should direct questions about policies, programs or other applications of these Rules to the Department of Human Resources within the **CCHHS**. Employees should also be advised that the Cook County Board of Commissioners may enact Ordinances, that the President of the Cook County Board may promulgate Executive Orders and that the Board of Directors of the System (“System Board”) or the System’s Chief Executive Officer may adopt policies that apply to all System Employees. These Ordinances, Executive Orders and Policies are hereby incorporated into these Rules by reference.

Please also be advised that the System Board or its authorized designee may enact amendments, revisions and changes to these Rules. Nothing in these Rules shall be construed to limit the authority of the System Board or its designee to enact such amendments, or revisions. Employees should consult the Rules from time to time to familiarize themselves with any revisions or additions to these Rules.

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RULE 1 GENERAL PROVISIONS

1.1 Purpose of Rules

The fundamental purpose of these Rules is to establish personnel policies and procedures which will:

- a. Provide fair and equitable merit-based selection procedures for all Employees and Applicants for employment.
- b. Ensure competitive wage rates for all job Classifications.
- c. Provide management with the necessary flexibility and control to assure the delivery of quality health care services.
- d. Attract, retain and motivate competent Employees.
- e. Develop and maintain a professional and progressive human resources management system.

1.2 Definitions

AFFILIATE or SYSTEM AFFILIATE: Any one of the following entities constituting the Cook County Health and Hospitals System: John H. Stroger, Jr. Hospital of Cook County, Oak Forest Hospital of Cook County, Provident Hospital of Cook County, Cermak Health Services of Cook County, the Cook County Department of Public Health, the Ruth M. Rothstein CORE Center, the Ambulatory and Community Health Network of Cook County, and any future Affiliate designated as such by the System Board.

AFFILIATE CMO: The Chief Medical Officer of a System Affiliate.

AFFILIATE COO: The Chief Operating Officer of a System Affiliate.

AFFILIATE HR DIRECTOR: The HR Director of a System Affiliate.

ANNIVERSARY DATE: The date utilized for purposes of determining an Employee's step progression within his/her current Classification in accordance with the applicable salary schedule. The Anniversary Date is established by the original date of employment as modified by these Rules in connection with a promotion, leave of absence, demotion, reclassification and/or upgrade.

APPLICANT: A person who on proper forms has applied to the System for a Position, including a current Employee who applies for another Position within the System.

APPOINTMENT: Approval by the System's Human Resources Director of an Applicant to be employed in a particular Position.

CAREER SERVICE: A uniform system of recruitment, selection, promotion, discipline, and compensation set forth in certain of these Rules designated as Career Service provisions and encompassing all Positions under the jurisdiction of the System Board that are not Exempt Positions.

CAREER SERVICE EMPLOYEE: An Employee who is in a Career Service Position and who has successfully completed the Probationary Period, including any extension thereto.

CAREER SERVICE POSITION: A Position that is not an Exempt Position and is covered by all of these Rules.

CHIEF EXECUTIVE OFFICER, CEO or SYSTEM CEO: The Chief Executive Officer of the Cook County Health and Hospitals System appointed by the System Board.

CLASSIFICATION or TITLE: A Position or group of Positions identified by a particular Title and job code which identifies the education, experience, knowledge and proficiency qualifications required and the typical duties associated with the Position or group of Positions.

CLASSIFICATION PLAN: An orderly arrangement of Titles to which Positions are allocated.

CONTINUOUS SERVICE: Employment with Cook County that is served without a break or interruption. An authorized leave of absence shall not constitute a break or interruption of Continuous Service. Discharges for cause, retirements, resignations, and layoffs, not followed by reinstatement within one year, shall interrupt Continuous Service.

CONTINUOUS SERVICE CREDIT: The period of time covered by Continuous Service, minus any periods during which an Employee has taken an authorized leave of absence greater than thirty (30) days without pay other than a military leave and any periods during which an Employee has been suspended or laid off for more than thirty (30) calendar days.

COOK COUNTY HEALTH AND HOSPITALS SYSTEM OR SYSTEM: The system created by the Cook County Board of Commissioners through the adoption of the Ordinance Establishing the Cook County Health and Hospitals System. (Cook County Code of Ordinances, Section 38-70 *et seq.*)

COUNTY: Cook County, Illinois.

COUNTY BOARD: The Board of Commissioners of Cook County, Illinois.

DENTIST: A person who possesses a general license to practice dentistry under the Illinois Dental Practice Act and who is employed by Cook County to work as a Dentist within the System.

DEPARTMENT: A discrete area or group of services, both clinical and non-clinical, identified by the Chief Executive Officer or his/her designee as a Department for purposes of these Rules.

DEPARTMENT HEAD: The individual who is responsible for the policy and administration of a Department.

DIRECTOR: A member of the Board of Directors of the Cook County Health and Hospitals System.

ELIGIBLE: An Applicant who has been determined to be eligible for consideration in the selection process.

EMPLOYEE: An individual employed by the County through the System to work within the System, whether part-time or full-time or by a contract of employment.

EXEMPT EMPLOYEE: An individual employed by the County to work in an Exempt Position.

EXEMPT POSITION: A Position listed as Exempt from either the Career Service provisions of these Rules or the Classification and Compensation Provisions of these Rules, or both, as set forth in Section 1.03 of these Rules.

FULL-TIME EMPLOYEE: An Employee who is required to work an average of at least 2080 hours in a calendar year, inclusive of any Vacation, Sick, Holiday or other authorized Leave.

IMMEDIATE FAMILY MEMBER: A parent, stepparent, brother or sister, child or stepchild, grandparent, spouse's parent, spouse's grandparent or legal guardian.

LAYOFF: Separation from employment for a reason other than cause, including, but not limited to, lack of work or funds, abolition of Position, or material change in duties or organizational structure.

MEDICAL EXAMINATION: An examination performed by, or at the direction of, any Employee Health Service Unit of the Health System or County, which may include physical as well as psychological or psychiatric evaluation and laboratory testing.

NOTICE OF JOB OPPORTUNITY or JOB POSTING: The official document that is posted to notify the public about an available vacant Position.

PHYSICIAN: A person employed to work as a physician within the System who is (a) licensed under the Illinois Medical Practice Act to practice medicine in all of its branches; (b) licensed as a chiropractic physician under the Illinois Medical Practice Act to treat human ailments without the use of drugs and without operative surgery; or (c) licensed to practice podiatric medicine under the Illinois Podiatric Medical Practice Act of 1987.

POSITION: A group of duties and responsibilities identified by a particular Title and job code requiring the Full-Time or part-time employment of at least one person.

PROBATIONARY PERIOD: The working test period during which a newly appointed Employee is required to demonstrate his/her fitness for his/her Position. Unless extended in writing by the System HR Director, the Probationary Period for any new Employee shall be twelve (12) months of Continuous Service Credit. Unless extended in writing by the System HR Director, the Probationary Period for a current Employee who has been promoted to a new Position shall be six (6) months of Continuous Service Credit.

RULES: These Personnel Rules as initially approved by the System Board and as amended from time to time by the Chief Executive Officer.

SENIORITY: The Continuous Service Credit earned by an Employee.

SUPERVISOR: An individual with supervisory authority over that Employee. A manager or Affiliate COO may act in lieu of a Supervisor in exercising the Supervisor's authority over that Employee.

SYSTEM: The Cook County Health and Hospitals System.

SYSTEM BOARD: The Board of Directors of the Cook County Health and Hospitals System.

SYSTEM CHIEF MEDICAL OFFICER or SYSTEM CMO: The Chief Medical Officer of the Cook County Health and Hospitals System.

SYSTEM CHIEF OPERATING OFFICER or SYSTEM COO: The Chief Operating Officer of the Cook County Health and Hospitals System.

SYSTEM HR DIRECTOR: The Human Resources Director of the Cook County Health and Hospital System or his/her designee. The designee may include the Cook County Bureau of Human Resources to ensure an orderly transition of responsibilities from the County's Bureau of Human Resources to the System.

SYSTEM LABOR DIRECTOR: The System Labor Director of the Cook County Health and Hospitals System or his/her designee.

TEMPORARY EMPLOYEE: An Employee who works on an intermittent, temporary or seasonal basis not exceeding 150 days per year. This shall include short-term employees as defined in the Illinois Public Relations Act.

1.3 Scope

These Rules apply to all Employees except as expressly provided in this Section 1.03.

1.4 **Exemptions**

These Rules shall apply to Employees represented by a labor organization, except where there is a conflict between these Rules and a collective bargaining agreement, in which instance the collective bargaining agreement controls. This Rule shall apply to Employees who are employed subject to an employment contract, except where there is a conflict between these Rules and that contract, in which instance that contract controls. These Rules apply to an Employee's employment with the County and do not pertain to medical staff membership or grant of clinical privileges by a medical staff within the System.

- a. The Positions listed in Appendix A to these Rules shall be exempt from the classification provisions and the career service provisions of these Rules. Accordingly, the following Rules do not apply to the Positions listed in Appendix A : Rule 2, Position Classification and Compensation; Rule 3, Recruitment and Application; Rule 4, Selection; Rule 5, Performance Management; Rule 7, Layoffs and Reinstatements; Rule 8, Conduct and Discipline of Personnel; and, Rule 9, Grievances.
- b. The Positions or categories of Positions listed in Appendix B to these Rules shall be Exempt Positions which shall be exempt from the career service provisions of these Rules. Accordingly, the following Rules do not apply to the Positions and categories of Positions listed in Appendix B to these Rules: Rule 3, Recruitment and Application; Rule 4, Selection; Rule 5, Performance Management; Rule 7, Layoffs and Reinstatements; Rule 8, Conduct and Discipline of Personnel; and, Rule 9, Grievances.

The provisions of Rule 1.03 (b) and (c) notwithstanding, hiring procedures for the above Exempt Positions shall comport with any policy approved pursuant to the Michael L. Shakman, et.al. v. The Democratic Organization of Cook County, et al., No. 69 C 2145.

- c. The CEO shall have authority to designate additional Positions or categories of Positions to be Exempt Positions and thereby exempt from certain of these Rules. A list of all Positions or categories of Positions exempt from certain of these Rules will be maintained by the System. Such list will be available for inspection upon written request directed to the System HR Director.

Notwithstanding anything stated elsewhere in these Rules, all Exempt Employees are considered "at will" Employees, are not covered by the Career Services provisions of these Rules and shall serve at the pleasure of the System unless otherwise provided for by law or contract.

- d. The above notwithstanding, the System is fully committed to and enthusiastically embraces the achievement of diversity within exempt Positions in the System. In keeping with its Equal Employment Opportunity policy, the System welcomes the

participation of all Employees without regard to their race, color, sex, age, religion, disability, national origin, citizenship status, ancestry, sexual orientation, gender identity, marital status, and military discharge status.

1.5 Effect of Rules

These Rules repeal, supplant and supersede the Cook County Bureau of Human Resources Rules and Regulations (County of Cook Personnel Rules) and the Cook County Bureau of Health Services Personnel Rules for Physicians and Dentists.

1.6 Political Activities

- a. No Director, Employee or other person working for or on behalf of the system shall compel, coerce or intimidate any Employee to make or refrain from making any political contribution or to participate or refrain from participating in political activities. Nothing in this section shall be construed to prevent any Director, Employee, or other person working for or on behalf of the System from voluntarily making a contribution or from receiving a voluntary contribution or from voluntary participation in political activities.
- b. Political preference, contributions to political campaigns, political activities or political sponsorship shall not be required as a condition to employment or promotion in the System and may not be used as a basis for hiring, promotion, transfer, disciplinary action or discharge.
- c. Nothing herein shall affect the right of an Employee to hold membership in and support a political party or candidate, to vote as he/she chooses, to express his/her opinions, to attend political meetings and to maintain political neutrality.
- d. Employees shall not use or attempt to use political influence in order to secure preferential treatment in employment decisions for themselves or other persons.
- e. Complaints about violations of this Rule may be made to the System HR Director, the System's Compliance Officer, the Shakman Compliance Administrator or the Office of Independent Inspector General.

1.7 Equal Employment Opportunity

- a. It is the System's policy to be an equal opportunity Employer. In keeping with this policy, the System will continue to recruit, hire, train and promote the most qualified persons without regard to race, color, sex, age, religion, disability, national origin, citizenship status, ancestry, sexual orientation, gender identity, marital status and military discharge status. Similarly, the System will continue to administer compensation, benefits, transfers, layoffs, training, and all other terms and conditions of employment in accordance with this policy.
- b. These Rules will be administered and enforced without regard to race, color, sex, age, religion, disability, national origin, citizenship status, ancestry, sexual orientation, marital status, gender identity, military discharge status, source of income or housing status.
- c. The System HR Director will be responsible for developing and maintaining a program of equal employment opportunity to assure equality of opportunity for employment within the System.

1.8 Interpretation and Implementation of Rules

- a. The System HR Director may develop and approve policies, procedures and forms to implement these Rules. These policies, procedures and forms shall supersede applicable policies, procedures and forms utilized within the Affiliates except as expressly approved by the System HR Director. All questions concerning the specific application of the provisions of these Rules shall be interpreted and resolved by the System HR Director.
- b. Unless otherwise provided in these Rules, any reference to a specific number of "days" shall mean calendar days. If the counting of days for the performance of a specific action ends on a Saturday, Sunday or holiday, the following weekday shall be the end of the counting period.
- c. No Employee will be discriminated against because he/she has exercised a right under these Rules.
- d. Any Employee who believes that he/she has been discriminated against in violation of Section 1.06, Equal Employment Opportunity, or Section 1.07 c. above, may file a written complaint with the System HR Director.

1.9 Amendment of Rules

The System HR Director may propose amendments to these Rules, including the Appendices, in whole or in part, which amendments shall be effective upon the written approval of the CEO.

RULE 2

CLASSIFICATION AND COMPENSATION

2.1 Scope

This Rule 2, Position Classification and Compensation, applies to Career Service Employees and to those categories of Exempt Employees listed in Rule 1.03(c).

2.2 Classifications

- a.** Positions shall be classified in appropriate Titles and set forth in a System Classification Plan.
- b.** The System HR Director shall maintain, as part of the Classification Plan, an inventory of the standard qualifications, duties and requirements (“standards”) for each Title. These standards shall be changed only by authority of the System HR Director.
- c.** The Classification Plan may be amended in writing by the System HR Director. In determining the Classification to which any Position should be allocated, the requirements of each Classification shall be considered in their entirety. Consideration shall be given to the general duties, specific tasks, responsibilities and qualifications desired in relation to other Classifications.
- d.** The Standards for each Classification shall not be construed as limiting or modifying the power of any Department Head or his/her designee to assign specific duties and to direct the work of Employees under his/her supervision.
- e.** No Title used to designate any Position in the Classification Plan may be changed to another Title (i.e., reclassified) without prior written approval of the System HR Director.
- f.** Each Department Head shall maintain a written functional job description setting forth the duties and requisite qualifications for each Position in his/her Department and make each description available to the System HR Director.

2.3 Salary Schedules

Salary schedules set forth the compensation rates and the corresponding intervals at which these compensation rates are payable (“steps”), if any, within each Classification in the Classification Plan, including salary schedules that set forth the compensation rates and the corresponding intervals at which these compensation rates are payable to unionized Employees pursuant to the terms of applicable collective bargaining agreements. The salary schedule shall also set forth the rules applicable to step advancement, including any provisions for merit-based step advancement as may be established by the System HR Director.

Different Classifications which have identical compensation rates and corresponding intervals at which these compensation rates are payable are in the same “salary grade.”

Unless advanced step placement is approved by the System HR Director, a new Employee shall be paid the minimum salary set forth on the applicable salary schedule as the first step in the grade assigned to the Classification.

2.4 Applicability of Step Progression and Step Placement

- a. Employees shall be required to work a minimum of one year at each step of the grade assigned to their Title on the applicable salary schedule, except as otherwise provided in the salary schedule.
- b. In general, anniversary step advancement will be effective the first day of the full pay period following the Employee's Anniversary Date.
- c. Eligibility for longevity step advancement and longevity step placement must be in conformance with the provisions set forth in the applicable salary schedule.

2.5 Transfers and Compensation

An Employee transferring from one Department to another in the same Classification shall be eligible to receive the salary he/she has been receiving at the time of transfer, provided the budget of the Department to which he/she has been transferred can accommodate the salary and, if not, the Employee shall be eligible to have the salary received prior to the transfer restored at the earliest possible date. Such transfer shall not set a new Anniversary Date. All changes in pay shall be implemented the first full pay period following the effective date of the transfer.

2.6 Promotions and Compensation

Except as otherwise approved by the System HR Director, an Employee who is promoted to a Position in a higher salary grade shall be placed in the step of the new salary grade which will provide a salary increase commensurate with his/her new responsibilities. All changes in pay shall be implemented the first full pay period following the effective date. In all cases of promotion, the effective date will set a new Anniversary Date.

2.7 Demotions and Compensation

The following shall apply to demotions from one grade to another:

- a. An Employee who is demoted to a Position in a lower salary grade shall be entitled to receive the salary rate associated with the same step of the new salary grade as was received in the corresponding step in the salary grade of the Position from which the Employee was demoted. The Employee's Anniversary Date does not change.

- b. An Employee promoted to a Position in a higher salary grade and subsequently demoted to a Position in a lower salary grade shall be entitled to receive the salary corresponding to the step to which the Employee would have been entitled had the Employee remained in the salary grade from which he/she was promoted.
- c. All changes in pay shall be implemented the first full pay period following the effective date of the demotion.

2.8 Reclassification of Positions and Compensation

- a. An Employee whose Position is reclassified to a Position in a lower grade shall continue to receive the compensation rate received immediately prior to reclassification. Such action shall not change the Employee's Anniversary Date. If the salary rate received immediately prior to reclassification is less than the rate in the last step of the grade associated with the new Classification, the Employee shall be entitled to further step advancement.
- b. An Employee whose Position is reclassified to a Classification associated with a higher salary grade shall be placed in the first step of the higher grade which provides a salary at least one step above the salary received at the time of the reclassification. Such action will change the Employee's Anniversary Date.
- c. In all cases of reclassification, the Employee shall be placed in the first step of the grade to which the Position is reclassified.
- d. All changes in pay shall be implemented the first full pay period following the effective date of the reclassification.

2.09 Upgrading of Positions and Compensation

An Employee whose Position is upgraded shall be placed in the first step of the new salary grade which is at least the same salary the Employee was receiving prior to being upgraded. The Employee shall retain the Anniversary Date held prior to the upgrading. All changes in pay shall be implemented the first full pay period following the effective date of the upgrade.

2.10 Full-Time Service

Salaries are fixed on the basis of Full-Time service for a normal work week. The determination of what constitutes a normal work week for a particular Classification shall be made by the CEO in consultation with the appropriate Department Head. The Department Head shall establish the work schedule, including on-call schedules and location of work assignments, for Employees in his/her Department.

2.11 Work Assignments

While Employees of the System shall typically be assigned to work within one or more System Affiliates, the locations of their work assignments shall be as determined by the CEO, in consultation with the appropriate Affiliate COO or Department Head. In order to best meet the needs of the System and its patients and to make maximum use of the skills and abilities of existing staff, the CEO or his/her designee may assign or reassign Employees to any facility utilized by the System to provide services.

RULE 3 RECRUITMENT AND APPLICATION

3.1 Scope

This Rule 3, Recruitment and Application, applies to all Career Service Employees and does not apply to any Exempt Employee.

3.2 System Hiring Policies

The provisions of the System Policy titled, *Hiring Process for Non-Physicians and Physicians* ("Hiring Policy"), as approved by the System Board, and as amended from time to time, is hereby incorporated into this Rule 3, Recruitment and Application. To the extent the language in these Rules conflicts with the language in the Hiring Policy, the language in the Hiring Policy shall control.

3.3 Vacant Positions

When a Department Head wishes to fill a vacancy in a Career Service Position in his/her Department, the Department Head shall provide, in a manner prescribed by the System HR Director, the following information:

- a. The Department in which the vacancy exists;
- b. The source of funding for the Position and the budget sequence number;
- c. The Title and grade or salary range of the Position, if it is a Position previously classified; if not, then the date and manner of its creation and a statement of the duties thereof;
- d. Whether the Department Head desires to fill the vacancy by transfer, promotion or open recruitment;
- e. Whether filling the Position is an emergency matter, and if so, the nature of and reasons for the emergency;

- f.** Whether there are any special skills, knowledge, abilities, licensure, certifications, degrees, training, or experience required;
- g.** A copy of the job description for the vacant Position; and
- h.** Such other information as the System HR Director may require for a particular Position.

3.4 Qualifications of Applicants

- a.** In order to qualify as an Applicant for any Position, a person must:
 - 1. Be at least 18 years of age on the first date for filing application at least, unless the System HR Director sets a different age limit for a Classification in the Notice of Job Opportunity.
 - 2. File an Application on the form designated by the System HR Director, within the prescribed filing period.
 - 3. Meet all the requirements specified by law, in these Rules, and in the Notice of Job Opportunity.
- b.** The System HR Director may exclude any Applicant from further consideration at any time prior to Appointment for any non-discriminatory or non-political reason including, but not limited to, the reasons set forth below.
 - 1. The Applicant has been convicted of a felony, or for certain Positions in certain facilities, a misdemeanor.
 - 2. The Applicant fails to demonstrate the skills, abilities and qualifications set forth in the job description contained in the job posting.
 - 3. The Applicant is unable to perform the essential functions of the job with reasonable accommodation.
 - 4. The Applicant tests positive for or is a current user of non-prescribed controlled substances.
 - 5. The Applicant has engaged in conduct which would reflect adversely on, or bring discredit to the System or the County.
 - 6. The Applicant has been previously discharged for cause from the County or has resigned to avoid discharge for cause from any prior employment.
 - 7. The Applicant has an unsatisfactory reference or history of performance in connection with prior employment or professional service.

8. The Applicant has made a false statement or omitted any material fact during the application, selection or interview process or on the Application itself.
 9. The Applicant has engaged in or has attempted to engage in any deception or fraud in connection with the Application or in securing eligibility or Appointment.
 10. The Applicant advocates the overthrow of the government of the United States or the State of Illinois by force or violence.
 11. The Applicant is or has been the subject of an adverse action taken against the Applicant's license to practice a profession, if applicable, in Illinois or another State or against the Applicant's authority to prescribe controlled substances, if applicable.
 12. The Applicant is or has been the subject of an adverse action taken against the Applicant's medical staff membership or clinical privileges at any health care entity, if applicable.
 13. The Applicant is or has been the subject of an adverse action or a medical malpractice payment report to the Illinois Department of Financial and Professional Regulation or the National Practitioner Data Bank.
 14. The Applicant is or has been the subject of an adverse action taken with respect to participation in Medicare, Medicaid or another third party payer.
 15. The Applicant fails to secure a medical staff appointment and clinical privileges which appointment and clinical privileges are required by the System Affiliates to which the Applicant will be assigned.
- c. To remain eligible, Applicants must participate in the selection process including the provision of any interviews, information or materials or consent to any medical examinations that are required by the System HR Director.
- d. The HR Director reserves the right to review all Applications to identify the best qualified Applicant for a Position.

3.5 Applications

- a. The date and time of receipt of an Application submitted in response to a Notice of Job Opportunity shall be recorded. An Application executed or dated prior to the date of the Notice of Job Opportunity shall be rejected.

- b. Applicants shall be required to furnish satisfactory evidence of their education, training, experience and/or licensure as required to meet the qualifications for the particular Position.
- c. Applications will not be returned to Applicants.
- d. Minor defects or omissions in an Application on file may be corrected or supplied with the authorization of the HR Director. No person may apply for a Position for which he/she participates in the Selection process.

RULE 4 SELECTION

4.1 Scope

This Rule 4, Selection, applies to all Career Service Employees, and does not apply to any Exempt Employees.

4.2 System Hiring Policies

It is the policy of the System to hire, promote and retain the best qualified candidates for all positions.

The provisions of the System Policy titled *Hiring Process for Non-Physicians and Physicians* ("Hiring Policy"), as approved by the System Board, and as amended from time to time, is hereby incorporated into this Rule 4, Selection. To the extent the language in these Rules conflicts with the language in the Policy, the language in the Policy shall control.

4.3 General Criteria

In selecting an Applicant for Appointment to a Position, the System HR Director may consider relevant factors including, but not limited to, education, training, relevant work experience, knowledge, skill, ability, references, written tests, oral tests, performance tests, licensure, board certification, reports of the National Practitioner Data Bank and the Illinois Department of Professional Regulation, or any other job-related qualifications which, in the judgment of the System HR Director, determine the relative fitness of Applicants. In the event the Applicant is a Physician or Dentist or Mid-Level Provider, the Applicant may be required to secure a medical staff appointment and/or clinical privileges at one or more System Affiliate hospitals or another hospital within which the System delivers services.

4.4 Applicant's Background Investigation

The System HR Director may investigate the background of Applicants, including, but not limited to, fingerprinting to ascertain criminal record, queries to the National Practitioner Data Bank or Illinois Department of Financial and Professional Regulation, and verification of education, experience and training, as he/she determines is necessary to evaluate the fitness and qualifications of Applicants or as required by law, including, but not limited to, the Illinois Health Care Workers Background Check Act.

4.5 Eligible Lists

The System HR Director shall identify Applicants who meet the minimum requirements set forth on the Job Description that is included with the posted Notice of Job Opportunity and shall forward a list of the Applicants deemed eligible for further consideration to the Department Head.

4.6 Veterans' Preference

The System HR Director shall afford preferential consideration, when other factors are substantially equal, to Applicants who are Veterans and who, within twelve (12) months prior to the Job Posting: (1) returned from a period of not less than six months of continuous service on active duty in the United States Armed Services, (2) were not dishonorably discharged, and (3) provide documentation confirming status as an eligible veteran.

4.7 Appointments

The System HR Director shall notify an Applicant in writing of any offer of Appointment, and shall include in such notification any conditions which must be satisfied before an Appointment is made.

4.8 Probationary Period

- a.** A Probationary Period for a new Employee shall be twelve (12) months of Continuous Service Credit. The Probationary Period for an Employee who has been transferred, promoted or demoted to a new Position shall be a period of six (6) months of Continuous Service Credit.
- b.** Probationary Periods may be extended with the approval of the System HR Director upon advance written notice to the Employee.
- c.** An Employee who is in a career service Position who successfully completes the Probationary Period will have Career Service Status.

- d. An Employee may be terminated for any lawful reason at any time during the Probationary Period, including any extension thereto. The reasons for such termination shall be documented and reviewed by the System HR Director. The Employee shall not have a right to a pre-disciplinary hearing or to grieve or appeal such termination.

4.9 Transfer

- a. Upon request of the affected Department Heads, the System HR Director may authorize a transfer of an Employee from a Position in one Department to a Position in another Department in the same Classification, provided that the System HR Director determines that the Employee is eligible to be assigned to the Position to which transfer is contemplated.
- b. An Employee who is transferred shall not be required to serve another Probationary Period unless a full Probationary Period was not completed prior to the transfer, in which case the Employee shall start a new probationary period in the Position to which he/she transferred.

4.10 Demotion

- a. A demotion shall refer to the transfer of an Employee from a Position in one classification to a different Position in another Classification which is associated with a lower range of salary rates (i.e., a lower grade). An Employee may be demoted to a Position within the same Department or to a Position in another Department, provided that the Employee is qualified for the Position to which demotion is contemplated.
- b. All demotions shall be subject to the approval of the System HR Director.
- c. A demotion may be either voluntary or involuntary. An involuntary demotion should ordinarily be based upon unsatisfactory work performance.
- d. An Employee who is demoted either voluntarily or involuntarily shall be required to serve a six (6) month probationary period in the new job Classification.

RULE 5 PERFORMANCE MANAGEMENT

5.1 Scope:

This Rule 5, Performance Management, applies to all Career Service Employees and does not apply to any Exempt Employees.

5.2 Non-Disciplinary Employment Actions

Employees are subject to non-disciplinary employment actions based on their ability to competently perform the duties required in their Positions. Such employment actions may include, but are not limited to, placement in a different Position, denial of promotion, demotion and discharge from employment.

Performance evaluation tools and assessments are examples of criteria to document that an Employee is not able to competently perform the duties required in his/her Position. In addition, if deemed appropriate, the Department Head may place an Employee on an action plan with clearly articulated objectives and timelines designed to determine whether the Employee is able to competently perform the duties required in his/her position.

5.3 Performance Evaluation Policy

The performance of all Employees shall be evaluated periodically in accordance with minimum intervals, systems and procedures established by the System HR Director, in consultation with the appropriate Department Head. The periodic evaluation of performance shall be an integral part of the responsibility of each Supervisor, under the direction of the Department Head. The final responsibility for performance ratings shall be with the Department Head. It shall be the responsibility of each Department Head to ensure that performance evaluations of Employees are made and used in an appropriate manner.

5.4 Performance Evaluation Systems

The System HR Director shall develop performance evaluation systems which may take into account differences in work performed and level of positions involved. In addition, the System HR Director may authorize certain Departments to develop and use their own standards and criteria provided basic requirements are met.

The System HR Director may develop and require the use of special rating systems for promotions, which may report on an Employee's promotional potential as well as performance.

5.5 Performance Evaluation Records

Evaluation reports shall be maintained by the Department and the System HR Director as a part of the Employee's personnel record, and shall be available to the Employee in accordance with the System's policy on disclosure of personnel-related information in Rule 10, Personnel Records and Certification of Payrolls.

5.6 Performance Evaluation Results

The Supervisor responsible for conducting the performance evaluation shall provide and discuss the written evaluation with the Employee prior to its submission to the Department Head. The Employee shall sign and date the performance evaluation to indicate that he/she has been informed of the evaluation. The Employee may include a statement of the reasons he/she disagrees with the evaluation. If the Employee refuses to sign the evaluation form, the refusal shall be noted in the space designated for the Employee's signature.

RULE 6

LEAVE FROM DUTY

6.1 Scope

This Rule 6, Leave From Duty, applies to all Employees under the jurisdiction of the System.

Employees shall be entitled to designated holidays and leave from duty in accordance with the provisions set forth herein, except as modified by collective bargaining agreements which stipulate otherwise.

6.2 Leave From Duty With Pay

a. Designation of Holidays

1. Except in an emergency and as required for necessary operations, Full-Time Employees shall be entitled to leave with pay on the following holidays:

New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
Lincoln's Birthday	February 12
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

In addition to the holidays listed above, Employees who are on the payroll on the first day of the fiscal year shall be entitled to one day of leave for a floating holiday provided that it must be used in that fiscal year or it shall be forfeited. Part-time Employees working at least twenty hours per week shall be granted holidays on a pro-rata basis commensurate with hours worked.

2. Full-time Employees who are required to work on the above holidays shall be entitled to equivalent paid days off provided that such equivalent days must be taken during the fiscal year in which the holiday occurs or it shall be

forfeited.

3. Should a certain holiday fall on Saturday, the preceding Friday shall be set as the holiday; should a certain holiday fall on a Sunday, the following Monday shall be set as the holiday.
4. In addition to the above, any other day or part of a day shall be considered a holiday when so designated by the System Board.

b. Sick Leave

1. Sick leave is paid leave granted because an Employee is unable to perform assigned duties, or because the Employee's presence at work would jeopardize the health of co-workers. Sick leave shall not be used as additional vacation leave.
2. All Full-Time Employees, other than Temporary Employees, shall be granted sick leave with pay at the rate of one working day for each month of service. Sick leave accruals will be carried out in accordance with the bi-weekly payroll system. Employees must be in a pay status for a minimum of five (5) days in a pay period to accrue sick leave in that period.
3. All individuals employed on a part-time work schedule of twenty (20) hours per week or more shall be granted sick leave proportionate to the time worked per pay period.
4. Sick leave may be accumulated to equal, but at no time to exceed, one-hundred fifty (150) days. Records of sick leave credit and use shall be maintained by each Affiliate. Severance of employment terminates all rights to compensation for accumulated sick leave. The amount of sick leave accumulated at the time any sick leave begins shall be available in full, and additional leave shall continue to accrue while an Employee is using that already accumulated leave.
5. Sick leave may be used for illness; disability not caused by a work-related injury or illness; appointments with physicians, dentists, or other recognized health practitioners; or for serious illness, disability, or injury in the immediate family of the Employee (see Definitions). Sick leave may also be used during approved maternity or paternity leave. After five (5) consecutive sick days, Employees shall submit to the Employee Health Service a doctor's certificate setting forth the reason for absence including a diagnosis and may be required to undergo an examination or provide additional information in order to obtain clearance to return to work. Employees may also be required to provide information to, or submit to examination by, the Employee Health Service if there are reasonable concerns about whether sick leave is properly used or whether an absence should be excused; for example, when there is a pattern or an excessive amount of absenteeism.

6. If, in the opinion of the Employee Health Service, the health of an Employee warrants prolonged absence from duty, the Employee will be permitted to combine his/her accumulated vacation and sick leave days. An Employee may be required to utilize all accumulated sick leave before being permitted to take an unpaid leave.
7. Eligible Employees may apply for disability benefits under the rules and regulations established by the Pension Fund. Such benefits are not considered County salary and the procedure for requesting them is separate from and in addition to the procedure for requesting leave from the workplace.

c. Vacation Leave

1. Unless otherwise indicated by the Chief Human Resources Officer, Full-Time Employees shall be granted vacation leave with pay as follows:
 - a. During the first year of service through the fourth year of service
 - i. Accrual Rate: 1 ¼ days per month (15 days per year)
 - ii. Maximum accrual: 30 days
 - b. During the fifth year of service through the 9th year of service
 - i. Accrual Rate: 1 2/3 days per month (20 days per year)
 - ii. Maximum Accrual: 40 days.
 - c. During the tenth year of service or more
 - i. Accrual Rate: 2 1/12 days per month (25 days per year)
 - ii. Maximum Accrual: 50

Building and Operating Trade Classifications will accrue vacation according to the following schedule:

- a. During the first year of service through the fourteenth year of service
 - ii. Accrual Rate: 10/12 days per month (10 days per year)
 - iii. Maximum Accrual: 20 days
 - d. During the fifteenth year of service or more
 - i. Accrual Rate: 1 ¼ days per month (20 days per year)
 - ii. Maximum Accrual: 40 days
2. Vacations are provided to employees for the express purpose of providing time away from work for the health and welfare of the employee. For this reason, payment of wages in lieu of vacation is prohibited.

3. Certain designated administrative classifications (Grade 24 and K-12 employees) receive five (5) weeks' vacation from the first year. All other employee classifications shall receive three weeks' accrued vacation the first year pursuant to Personnel Rule 206(c)(1) above, except for the following:
 - a. Grade 24 and K-12 employees who report in their permanent assignment either to the Chief Executive Officer; the Deputy Chief Executive Officer, Operations; the Deputy Chief Executive Officer, Finance & Strategy; the Chief Medical Officer; or the Chief Nursing Officer, shall receive five (5) weeks of vacation per year; and
 - b. As otherwise stipulated in union collective bargaining agreements.
4. Vacation accruals will be carried out in accordance with the bi-weekly payroll system. Employees must be in a pay status for a minimum of five (5) days in a pay period to accrue vacation leave in that period.
5. All individuals employed on a part-time work schedule of twenty (20) hours per week or more shall be granted vacation leave with pay proportionate to the time worked per pay period.
6. Employees may use only such vacation leave as has been earned and accrued provided that five (5) working days of the vacation leave may be allowed after completion of the first six (6) months of service unless approved by the System HR Director. Department Heads may establish the time when the vacation shall be taken.
7. Any Employee who has previously rendered Continuous Service to the City of Chicago, the Chicago Park District, the Forest Preserve District, the Metropolitan Water Reclamation District of Greater Chicago and/or the Chicago Board of Education shall receive reciprocal credit for such prior service which shall be added to Continuous Service to the County for the limited purpose of accruing and accumulating vacation leave. Entitlement to credit for such prior service shall be established by filing, in the Office of the Comptroller of Cook County, a certificate of such prior service from such former place or places of employment.
8. Upon separation from service or in the event of death, the Employee or the Employee's spouse or estate, as applicable, shall be entitled to receive payment for unused maximum accumulated vacation leave at the most recent rate of pay received by the Employee.
9. Employees shall continue to accrue vacation leave during periods of duty disability.
10. For purposes of determining accrual and accumulation of vacation leave, an

Employee who is re-employed by the County following a leave of absence due to service in the Armed Forces of the United States shall have the period of military service credited toward total continuous service, as if County employment had continued without interruption by military service.

11. Holidays recognized by the System Board are not to be counted as part of a vacation.

d. Bereavement Leave

Up to three (3) days of leave with pay will be granted to an Employee for the funeral of a member of the Employee's immediate family (see Definitions). Part-time Employees who work at least twenty (20) hours per week shall be granted a proportionate amount of leave to cover scheduled days while the Employee is on bereavement leave. An Employee may request leave to attend the funeral of someone other than a member of the Employee's immediate family, but must utilize accumulated leave, other than sick leave, for this purpose.

e. Jury Duty

Employees summoned for jury duty will be granted leave with pay on those scheduled work days on which the Employee is required to fulfill the summons. Any compensation received, less any amount allocated for travel expenses, shall be submitted to the County.

f. Veterans' Convention Leave

Any Employee who is a delegate or alternate delegate to a national or state convention of a recognized veterans' organization may request paid leave in order to attend up to one such convention per fiscal year, if the Employee:

1. Is a delegate or alternate delegate to the convention as established in the by-laws of the organization;
2. Is registered with the credentials committee as a delegate or alternate delegate at the convention;
3. Upon returning from the leave, provides a registration card signed by a proper official of the convention, confirming attendance as a delegate or alternate delegate during the dates for which leave was taken.

Such leave must be approved by the System HR Director.

g. Military Leave (limited service)

Any Employee who has at least six (6) months of Continuous Service and is a member of the Illinois National Guard or any of the Reserve components of the Armed Forces of the United States shall be entitled to paid leave for limited service in field training, cruises, and kindred recurring obligations. Such leave will normally be limited to 11 working days in each year and must be approved by the System HR Director.

6.3 Leaves of Absence Without Pay

An Employee may be granted the following leaves of absence, without pay, only with the approval of the System HR Director.

a. Personal Leave

A personal leave of absence shall be intended to take care of emergency situations and shall be limited to one month for every year of Continuous Service Credit, with a maximum of one year of leave. During a personal leave, the County shall not pay any insurance benefits. An Employee granted a personal leave of absence shall be eligible, when such leave expires, to receive the salary he or she received at the time the leave of absence was granted.

b. Maternity/Paternity Leave

An Employee shall be granted a leave of absence during periods of disability due to pregnancy and during the period following the birth or adoption of a child. Employees need not exhaust all accumulated vacation leave before beginning a maternity/paternity leave, but shall be required to use any accumulated sick leave during the maternity/paternity leave. In general, maternity/paternity leave shall not exceed six months, but may be extended at the discretion of the System HR Director. Maternity/paternity leave is counted as part of, and not in addition to, any entitlement an Employee may have to FMLA leave. The following rules shall apply:

1. An Employee requesting a maternity/paternity leave shall inform the Supervisor in writing at least 30 days before to the expected date of delivery and shall include a signed statement by a physician stating the expected date of delivery.
2. A pregnant Employee may continue in her assignment as long as her personal physician deems her to be able to perform her normal work routines. Her physician shall specify in writing the latest date maternity leave shall commence.
3. An Employee who has taken a maternity leave shall be eligible for reinstatement as soon as her physician deems her to be able to assume her regular duties. The Employee shall report to Employee Health Services with a written statement from her physician indicating when the Employee is physically capable of returning to her duties in order to obtain clearance to return to work.

c. Family and Medical Leave (FMLA)

1. Employees eligible for leave under the Family and Medical Leave Act, including the regulations adopted there under (collectively referred to in these Rules as the FMLA), shall be entitled to take leave in accordance with the provisions of the FMLA.

2. Employees with accumulated sick leave must use such leave during the FMLA leave, but need not exhaust all of their accumulated vacation leave prior to or during the FMLA leave.
3. If spouses are both employed by the County, FMLA leave for the birth or adoption of a child or to care for a member of the Employee's immediate family is limited to an aggregate for both Employees of 12 weeks in a 12-month period. Leave for the birth or adoption of a child shall be taken within 12 months of the birth or placement.
4. Employees may take FMLA leave in one continuous block or intermittently, as needed and permitted under the FMLA. Intermittent leave may also take the form of a reduced work schedule. Employees should make every effort to avoid disruption of Department operations in requesting intermittent leave or a reduced work schedule. A Department may temporarily reassign an Employee on a reduced work schedule to other duties that better accommodate the reduced schedule. Employees must take FMLA leave for the birth or adoption of a child in a single block unless intermittent FMLA leave is approved by the Department Head. Employees with approved intermittent FMLA leave must still comply with a Department's procedures for requesting sick leave except in an emergency. Employees may use intermittent FMLA leave only to the extent and for the purposes outlined in their approved leave requests and may be required to submit documentation with respect to their use of intermittent FMLA leave consistent with applicable law.
5. Requests for FMLA leave shall be made in accordance with the time frames applicable to requests for leave generally. Regardless of how a leave request is characterized, leave to which an Employee is entitled under the FMLA is counted for purposes of determining whether the Employee has exhausted his/her entitlement to leave under the FMLA. However, to the extent the County permits an Employee to request longer periods of unpaid leave, an Employee's leave request shall not be limited by the FMLA.
6. A doctor's certification must be provided in support of a request for FMLA leave. The County reserves the right to require a second opinion at County expense and a third opinion, again at County expense, should the two opinions conflict.
7. During FMLA leave, the County will continue to pay its share of an Employee's health insurance premiums. Employees must arrange with the Benefits office to pay their share of premiums normally paid through payroll deduction. The County may recover the cost of paid health insurance premiums from Employees who do not return to work at the end of a period of FMLA in accordance with the provisions of the FMLA.

8. Employees will not lose accumulated vacation leave during an FMLA leave. No additional vacation or sick leave shall accrue during periods of unpaid FMLA leave. Except as provided under the FMLA, Employees will be entitled to reinstatement to the same Position or equivalent Position upon the return from FMLA leave consistent with the requirements of the FMLA. Periods of unpaid FMLA leave lasting more than thirty (30) days will be deducted in computing Continuous Service Credit and will effect a change in the Anniversary and Seniority Dates.
9. Pursuant to the record keeping requirements of the FMLA, all FMLA-related requests, reports and certifications shall be forwarded to the System HR Director who may refer them to Employee Health Service for review and maintenance.
10. Employees may only use FMLA leave for the purposes set forth in the approved requests. Employees must file additional FMLA requests to cover situations that may qualify for FMLA leave but are not covered by the approved request. Employees are entitled to a maximum total of twelve weeks or equivalent hours of FMLA leave per year regardless of the number of FMLA requests that are made.

d. Military Leave

1. The System Board shall grant military leave, with or without pay to the same extent such leaves are granted to other System Employees or as provided under applicable law. Military leave that is permissibly taken under the FMLA is counted as part of, and not in addition to, any entitlement an Employee may have to FMLA leave. Reinstatement rights shall be as provided by the System Board or pursuant to applicable law.
2. Any Employee granted a leave of absence to enter service in the Armed Forces of the United States, either voluntarily or by reason of conscription, shall upon return to County service, be restored to the Position held prior to going on leave with the same anniversary and seniority dates, status and pay as if the Employee had been employed continuously by Cook County.
3. The Employee must present a copy of military orders when requesting a leave. The Employee must file written request for reinstatement to a former position or re-employment within 60 days after termination of military or naval service, along with a copy of military discharge papers.

6.4 Disability Leave

a. Ordinary Disability

Employees who are disabled due to a non-work related health condition shall be entitled to request a leave of absence for the period during which they use their accumulated sick leave and, in addition, for the period during which they are receiving ordinary disability benefits from the Cook County Annuity and Benefit Fund ("Fund"). Employees should contact the Fund to obtain application and benefit information, eligibility rules and other documentation.

In addition to any application that is made to the Fund, Employees must request a disability leave of absence from the Affiliate COO. Disability leave that is permissibly taken under the FMLA is counted as part of, and not in addition to, any entitlement an Employee may have to FMLA leave.

An Employee who is on approved disability leave and returns to work within sixty (60) days after disability leave is terminated shall be eligible to receive the salary paid at the time disability leave started, provided the budget of the Department can accommodate the salary and, if not, the Employee shall be eligible to have the salary received at the time disability leave started restored at the earliest possible date.

b. Duty-Related Disability

1. Employees who are disabled as a result of an injury or illness arising out of and in the course of employment are eligible for benefits in accordance with the provisions of the Illinois Workers' Compensation Act.
2. Employees must file an accident report with their Supervisor immediately following a job-related injury or illness.
3. Any Employee who is entitled to temporary total disability benefits may be eligible to receive additional duty disability benefits from the Cook County Employees' Annuity and Benefit Fund. Separate application must be made with the Fund.
4. An Employee who is entitled to temporary total disability benefits shall not be entitled to utilize accumulated sick, vacation or other paid leave during the period for which temporary total disability benefits are payable.
5. An Employee's request for temporary total disability benefits is subject to review by the Cook County Injury Compensation Committee. The Committee is authorized to require a physical examination to determine eligibility for benefits.

6.5 Maintenance of Records

Records of Employee leaves shall be maintained by the System HR Director.

6.6 Duty of Employee

Employees must inform their Supervisors and Department Heads of their intention to request a leave and must comply with the requirements of the System HR Director with respect to applications, documentation and Medical Examinations. The Employee must provide the System HR Director with a current address and telephone number and maintain current contact information while on leave. The Department Head may require an Employee who is on leave of absence to report in on a reasonable periodic basis. All leaves of absence shall be subject to the approval of the System HR Director and the appropriate Affiliate COO.

An Employee who wishes to request an extension of a leave must notify their Supervisor and Department Heads and submit the required application for extension at least thirty (30) days before their leave is scheduled to expire, unless a medical emergency precludes such notice. Employees must contact their Departments at least two weeks before returning from leave and complete all processing required by the System HR Director, including Medical Examinations, before they can return. Failure to comply with these provisions may lead to disciplinary action, delays in reporting and forfeiture of pay.

6.7 Medical Examinations: Return to Duty Following Leave

The System may require an Employee who requests or who is on leave of absence for medical reasons to submit to a Medical Examination to review the Employee's health status. Failure to submit to a Medical Examination, or a determination that the Employee is no longer disabled, may result in denial of leave or termination of approved leave. Prior to returning to duty from a leave of absence for medical reasons, an Employee must submit to a Medical Examination by Employee Health Service to obtain clearance to return to duty.

RULE 7 LAYOFFS AND REINSTATEMENTS

7.1 Scope

This Rule 7, Layoffs and Reinstatements, applies to all Career Service Employees and does not apply to any Exempt Employees.

7.2 General

In the event a layoff is necessary, the Department Head shall notify the System HR Director of the number of positions which must be eliminated. The System HR Director shall notify, in writing, the Employees affected by the reduction in force. The Department Head shall conduct the reduction in accordance with the direction of the System HR Director.

7.3 Order of Layoff

The System HR Director, after consulting with the Department Head, shall determine whether a layoff may be implemented within each affected Classification within a work unit within a Department, or within each affected classification within a Department or Affiliate. Before Employees are laid off, Probationary Employees in the affected group shall be laid off. In determining the Employees who shall be laid off, the System shall consider the Employees' education, training, experience, knowledge, skill, ability, qualifications, credentials, productivity and seniority. When all of these factors are equal, the least senior Employee shall be laid off.

7.4 Layoff Lists

- a.** The names of Employees who are laid off shall be placed on appropriate layoff lists for preferential reinstatement, upon written application by the Employee, in accordance with this Section 7.04.
- b.** Layoff lists contain the names of persons who were Employees with Career Service Status who have been laid off, and have made written application for a place on a layoff list within 60 days after being laid off. The name of such person will only be maintained on a lay off list for the Department in which the person was working at the time of the layoff. These lists shall be by the Department only.
- c.** The name of a laid off Employee shall be retained on a layoff list until the person is re-employed or for two (2) years, whichever comes first; provided, however, that a name will be removed if the person is offered and declines an Appointment to a Position in the same Classification during the layoff period.

7.5 Recall

The System HR Director may offer to recall a laid off Employee in lieu of posting a Notice of Job Opportunity. In determining the laid off Employees who shall be recalled, the System HR Director shall consider the laid off Employees' education, training, experience, knowledge, skill, ability, qualifications, credentials, productivity and seniority. When all of these factors are equal, the most senior laid off Employee who has made application to be placed on the layoff list shall be recalled.

RULE 8

CONDUCT AND DISCIPLINE OF PERSONNEL

8.1 Rules of Conduct

As a general principle, Employees shall conduct themselves in an honest, courteous and cooperative manner, shall adhere to all applicable laws, rules and policies including but not limited to, the Counties code of Ethical Conduct, and shall dedicate their full effort to the performance of quality services for and on behalf of the Health System. Failure to do so, or commission of an infraction as defined in this Rule, shall be considered a failure to comply with the Rules of Conduct.

8.2 Scope

This Rule 8, Conduct and Discipline of Personnel, applies to all Career Service Employees and shall not apply to Exempt Employees. This notwithstanding, Exempt Employees are also expected to adhere to all applicable laws, rules and policies including, but not limited to, the Counties Code of Ethical Conduct.

8.3 Policy

- a.** Employee behavior contrary to the Rules of Conduct shall be subject to disciplinary action, up to and including discharge, depending on the nature of the rule infraction.
- b.** In general, disciplinary action will be progressive. However, progressive discipline shall not require that a less severe level of discipline always occur before the imposition of a more severe level of discipline.
- c.** Disciplinary action for major cause infractions may result in the imposition of more severe levels of discipline regardless of whether any prior disciplinary action has been taken. "Major Cause" infractions include, but are not limited to, the following:
 - 1.** Reporting to work or being present on System premises, in System vehicles, or engaged in System activities while under the influence of illegal drugs or alcohol, or while under the influence of legal drugs which adversely affect safety or job performance.
 - 2.** The unlawful or unauthorized manufacture, distribution, dispensation, possession or use of a controlled substance, drug paraphernalia or alcohol while on System premises, while on duty, while in System vehicles or while engaged in System activities.

3. Fighting or disruptive behavior.
4. Employee abuse or harassment of patients, visitors, Employees or any other person while on duty or while conducting business on behalf of the System or on System premises including, but not limited to racial, ethnic, gender, sexual, sexual orientation or other forms of abuse or harassment.
5. Unauthorized possession of weapons.
6. Willful destruction of patient, visitor, Employee or System property, including, but not limited to System data and equipment.
7. Gross insubordination.
8. Negligent performance or willful misconduct in the performance of duties.
9. Theft or unauthorized possession of patient, visitor, Employee, or System property.
10. Misuse of timekeeping facilities or records through:
 - (a) Swiping the timecard of another Employee.
 - (b) Altering or falsifying time sheets, timecards, or other records.
11. Absence from duty without notifying the direct Supervisor or Department Head in accordance with the System Attendance Policy.
12. Conviction of a criminal offense, or plea of nolo contendere regardless of whether on duty or on the premises of any System facility, with the exception of situations where the System elects to accept a waiver as granted pursuant to the Illinois Healthcare Worker Background Check Act.
13. Violation of the County's Human Rights Ordinance, Ethics Ordinance, or an executive order or Ordinance applicable to Health System Employees; violation of a County, System or Affiliate policy or procedure, including, but not limited to, the policies governing Corporate Compliance and Dual Employment.
14. Falsification of, or failure to complete, patient records, applications for medical staff appointment or clinical privileges, billing records, employment records or any other records required to be completed in conjunction with an Employee's duties through misstatement or omission of pertinent facts or information.
15. Loss of, or restriction upon, any license, certification or permit required to fulfill the qualifications of the Employee's Position.

16. Being the subject of an adverse action taken against the Employee's license to practice a profession either in Illinois or another State or country, or being the subject of an adverse action against the Employee's authority to prescribe controlled substances.
17. Having an adverse action taken against the Employee's medical staff membership or clinical privileges at an Affiliate or at another institution.
18. Being the subject of a report to the National Practitioner Data Bank, the Illinois Department of Financial and Professional Regulation, the Illinois Healthcare Worker Registry or any other regulatory agency.
19. Being the subject of an adverse action with respect to the Employee's participation in Medicare, Medicaid, or another third party payor program.
20. Failure to report to the Department Head in a timely manner when the Employee becomes the subject of any actions/reports addressed in items 15, 16, 17, 18 and 19 immediately above.
21. Failure to complete medical records in accordance with the policies of the System and its Affiliates.
22. Failure to maintain medical staff appointment(s) and clinical privileges required to perform assigned duties.
23. Failure to comply with a valid request to undergo a drug or alcohol test or testing positive for illegal drugs or the presence of alcohol while on duty, on System premises, in System vehicles or engaged in System activities.
24. Using System facilities or resources for personal purposes.
25. Engaging in conduct that reflects adversely or brings discredit to the System; that harms, or has the potential of harming, another individual.
26. Falsification of employment records or any other System or County records through misstatement or omission of pertinent facts or information.
27. Misuse or improper access or disclosure of confidential or proprietary information including, but not limited to, patient or personnel records, Hospital reports or tests, or System files, documents or data.
28. Engaging in gambling while on duty, on System premises, in System vehicles or while engaged in System activities.
29. Intimidating or coercing another Employee including, but not limited to, conduct that amounts to a written, physical or verbal threat.
30. Sleeping or inattention to duty during working hours.

31. Violating safety, security or fire prevention rules and regulations of the System, any System Affiliate, the Cook County Department of Corrections, the Cook County Juvenile Temporary Detention Center or any other facility at which the Employee is engaged in System Activities.
 32. Job abandonment in accordance with the System Attendance Policy.
 33. Misuse of System equipment for the purposes of viewing or disseminating obscene or inappropriate materials; the display of obscene or inappropriate materials in the work area while on duty, on System premises, in System vehicles or engaged in System activities.
 34. Any conduct an Employee should reasonably know is prohibited.
- d.** Disciplinary action for infractions other than those set forth in paragraph (c) above will initially result in the imposition of lesser levels of discipline unless disciplinary action has previously been imposed, in which case, a more severe level of discipline may be imposed. "Non-Major Cause" infractions include, but are not limited to, the following:
1. Misuse of any System information technology or equipment, including, but not limited to misuse of e-mail, Internet services or telephone; or installation or use of unlicensed computer software on System issued computers.
 2. Failure to follow instructions or failure to work in accordance with System policies, procedures and/or practices.
 3. Posting or distribution of unauthorized literature or pamphlets or removal of authorized notices from bulletin boards without prior permission while on duty, on System premises, in System vehicles or engaged in System activities.
 4. Engaging in non-System business or sales of any kind without prior authorization while on duty, on System premises, in System vehicles or engaged in System activities.
 5. Repeated tardiness or excessive absenteeism; absence or tardiness without justification or proper notification in accordance with the System Attendance Policy.
 6. Leaving the assigned place or area of work during working hours without permission of the Supervisor.
 7. Loitering or remaining on System premises outside of duty hours without authorization from supervisory personnel.
 8. Littering, creating or contributing to unsafe or unsanitary conditions.

9. Failure to maintain a current mailing address and telephone number on file with the System.

8.4 Levels and Types of Disciplinary Action

- a. Disciplinary action is taken when an Employee has committed an infraction as specified in this Rule 8, Conduct and Discipline of Personnel, or other behavior deemed unacceptable.
- b. Disciplinary action shall be timely and shall be given only for just cause.
- c. Discipline shall be reasonably proportionate to the nature of the infraction. In determining the level and type of disciplinary action that is appropriate, consideration shall be given to the following:
 1. The Employee's past conduct.
 2. Whether or not the Employee reasonably should have been aware of the consequences of his/her conduct.
 3. The severity and circumstances of the particular offense.
 4. Department practice in recent similar cases unless a policy providing for specific levels of discipline has been approved.
 5. Motives and reason for the behavior resulting in disciplinary action.
- d. In general, discipline will consist of the following levels, from least severe to more severe:
 1. 1st Level - Verbal Reprimand.

Verbal Reprimand: A disciplinary measure delivered verbally to the Employee whereby the Employee is reprimanded for certain conduct and written documentation of the verbal reprimand is placed in the Employee's personnel file.
 2. 2nd Level - Written Reprimand.

Written Reprimand: A disciplinary measure delivered in writing to the Employee whereby the Employee is reprimanded for certain conduct and a copy of the written reprimand is placed in the Employee's personnel file.
 3. 3rd Level – Suspension.

- (a) Disciplinary Suspension: A disciplinary measure removing an Employee from the workplace for a specified period of time. A disciplinary suspension is unpaid.
- (b) Emergency/Investigatory Suspension: A measure removing an Employee from the workplace for a period not to exceed ten (10) calendar days in order that an investigation may be conducted. An emergency suspension may be given prior to any step of disciplinary action when it is believed by the Department Head or his/her Designee that the presence of the Employee will pose a danger, will impede the investigation, will result in the disruption of operations or when major cause is alleged and time is needed to conduct an investigation. If an emergency or investigatory suspension is to exceed ten calendar (10) days, the written approval of the System Labor Director is required. The System Labor Director will determine whether an emergency or investigatory suspension is paid or unpaid.

4. 4th Level - Discharge.

Discharge: Employer's decision to terminate the Employee from employment. Discharge is invoked for just cause, which is defined as repetition of the same or similar infractions, or a combination of infractions of the Rules of Conduct for which there has been progressive disciplinary action, or commission of an infraction considered "Major Cause". An Employee who has been previously suspended may be subject to discharge for the next offense.

- e. Discipline may also consist of other measures designed to address the specific circumstances.
 - 1. Disciplinary action may begin at, or advance to, any step specified above dependent upon the nature of the infraction.
 - 2. Disciplinary action may only be appealed in accordance with the Procedure set forth in Rule 9, Grievances, or as provided in an applicable collective bargaining agreement.
 - 3. No Employee may be discharged, demoted or suspended for more than ten days for disciplinary reasons unless the statement of charges and any supporting documentation or evidence are first reviewed and approved by the System Labor Director.

8.5 **Disciplinary Action Procedure**

- a. Verbal and Written Reprimands. Except as otherwise directed by the Department Head, the Employee's direct Supervisor may impose discipline if the maximum disciplinary action to be taken is a verbal or written reprimand.
- b. Pre-disciplinary Hearing. A pre-disciplinary hearing will only be required if the discipline being considered is either a suspension or termination disciplinary hearing shall be conducted for the purpose of informing the Employee of the basis of the charges and giving the Employee an opportunity to explain or refute the charges. The recommendation of the Employee's direct Supervisor shall be solicited and shall receive serious consideration by the Department Head or his/her designee who shall conduct the pre-disciplinary hearing and determine the level of discipline to be imposed.
- c. Notice. The Supervisor shall serve proper notice of the pre-disciplinary hearing upon the Employee either by providing a letter to the Employee or mailing the letter to the Employee. The notice shall set forth the date, time and place of the pre-disciplinary hearing and shall indicate the nature of the alleged infractions and the possible disciplinary action that may be imposed should the charges be sustained.
- d. Representation. Employees shall be entitled to bring a representative to the pre-disciplinary hearing, but given the informal nature of the pre-disciplinary hearing, the representative shall not be an attorney. If the Employee is represented by a union, that union shall have the exclusive right of representation unless the Employee expresses a desire for other representation in writing and the request is approved by the individual conducting the hearing. Union members are entitled to representation by duly elected or appointed union representatives, but may not insist upon representation by a specific union official or steward, System managers, Supervisors and members of the Human Resources/Labor Relations staff may not serve as representatives. The right to limit the number of representatives or participants at a pre-disciplinary hearing is reserved to the individual conducting the pre-disciplinary hearing.
- e. Written Response. At the end of the pre-disciplinary hearing, the Employee may request to submit a written statement which must be submitted within five days after the pre-disciplinary hearing. If the Employee makes such a request, the individual who is conducting the pre-disciplinary hearing shall review the Employee's written response prior to imposing the disciplinary action, with the exception of circumstances in which the Employee is already on emergency suspension. The pre-disciplinary hearing shall not be considered to have concluded until the period allowed for submitting the written response has ended.

- f.** Disciplinary Action Form. Disciplinary action shall be issued in writing on a Disciplinary Action Form. Generally, the Disciplinary Action Form shall be given to the Employee at the end of, or within a reasonable period of time after, a pre-disciplinary hearing or, if the Employee has requested to file a written statement, within five calendar days after the written statement is submitted or is due to be submitted. A letter prepared and given to the Employee that contains all of the information required to be included in the Disciplinary Action Form can be used in lieu of the Disciplinary Action Form.

1. The Disciplinary Action Form shall include the following:
 - (a) A statement of the discipline to be imposed.
 - (b) A statement of the charges and the basis therefore and any relevant previous disciplinary action.
 - (c) Unless the disciplinary action is for discharge, a statement that committing the same, similar, or other infraction will result in further disciplinary action up to and including discharge.
 - (d) The signature of the direct Supervisor and, if the disciplinary action is a suspension or discharge, the Affiliate COO or his/her designee, and the Employee. If the Employee refuses to sign the form, the refusal is noted in the space designated for the Employee's signature.
2. Copies of the Disciplinary Action Form are distributed as follows:
 - (a) The Employee.
 - (b) The Employee's Department Head.
 - (c) The Affiliate HR Office, for inclusion in the Employee's HR file.
 - (d) The Employee's collective bargaining representative, if any.

g. Consideration of Prior Discipline

1. Verbal Reprimand: A verbal reprimand will be disregarded after twelve (12) months if there has been no further disciplinary action.
2. Written Reprimand: A written reprimand will be disregarded after twelve (12) months if there has been no further disciplinary action.
3. Suspension: A suspension will remain on file and may be considered in a subsequent disciplinary matter.

8.6 Time Limits

Departments should convene a pre-disciplinary hearing and impose disciplinary action promptly. Generally, the pre-disciplinary hearing shall be convened within thirty (30) days of the time the alleged infraction occurred or became known to the Department. This time frame shall not be strictly applied and may be extended if the Employee or the Employee's representative is granted a delay of the pre-disciplinary hearing or if the pre-disciplinary hearing or its completion is delayed for reasonable cause. Should an Employee fail to appear at a pre-disciplinary hearing after proper notice without a showing of good cause, that Employee shall forfeit any right to appeal any disciplinary action imposed.

8.7 Appeals from Disciplinary Action

An Employee may appeal disciplinary action by filing a grievance as provided in Rule 9, Grievances.

RULE 9 GRIEVANCE/EMPLOYEE APPEALS BOARD PROCEDURE

9.1 Scope

This Rule 9, Grievance, applies to Career Service Employees and does not apply to any Exempt Employee.

9.2 Definition

A grievance is a difference between an Employee and the System or the County with respect to the interpretation or application of, or compliance with, these Rules, regulations, policies, disciplinary action or the terms in an applicable collective bargaining agreement. "Grievance," as defined herein, shall not include disputes over salary scales or wage rates.

9.3 Policy

- a.** The County is committed to fair employment practices and recognizes its responsibility to review and make a reasonable effort to resolve Employees' grievances. All eligible Employees have a right to file a grievance and shall be assured freedom from coercion, restraint, or reprisal. The term "Employee" as used throughout this procedure shall also be understood to include any collective bargaining representative, unless otherwise stated.
- b.** An Employee is encouraged first to discuss the problem/dispute with the direct Supervisor.

- c. If the Employee feels the problem/dispute has not been satisfactorily resolved as a result of this discussion with the direct Supervisor or if the direct supervisor is the alleged offender, the Employee may advance review in accordance with Section 9.05, Grievance Procedure
- d. Grievances of a general nature or affecting more than one (1) Employee may be presented by collective bargaining representatives to the Department Head or his/her designee.
- e. For grievances not related to the Employee's Affiliate, the grievance should be filed with the responsible affiliate Labor Director for response or forwarding as appropriate.
- f. Employees are entitled to representation at any of the applicable steps of the grievance process, except that managers, Supervisors or Human Resources/Labor Relations staff or attorneys may not serve as representatives.
- g. Grievances appealing from disciplinary action shall follow the procedures set forth in Section 9.05 below.
- h. New Employees in their probationary period shall have no right to file a grievance.
- i. No Employee shall be entitled to file a grievance concerning actions involving medical staff membership or clinical privileges which shall be handled pursuant to the applicable Medical Staff Bylaws.

9.4 Time Limits

- a. Grievances must be filed with the appropriate Affiliate Human Resources Office within thirty (30) days from the occurrence of cause for the grievance or thirty (30) days from the date cause should have been known to the Employee, whichever occurs later, except that: for errors in pay, (the time period shall be six (6) months) and for grievances appealing from a disciplinary action, (the time period shall be five (5) days from the date of receipt by the Employee of the Disciplinary Action Form.
- b. An Employee's failure to file a grievance within the time period specified shall constitute a waiver of any rights to advance the grievance. Failure to appear for a hearing after proper notice at any step of the grievance process shall constitute a waiver of rights to further advance a grievance.

9.5 **Grievance Procedure**

- a. Prior to initiating a grievance, the Employee must obtain a Grievance Form from the Affiliate Human Resources office and must complete the form indicating the nature of the grievance and the resolution sought. The Affiliate Human Resources office shall assign a grievance reference number and retain a copy of the completed Grievance Form and shall keep a log of all grievances filed. Upon receiving a grievance reference number from the Affiliate Human Resources office, the Employee may advance the grievance.

1. **Step One:** The Employee advances the grievance as follows:

- (a) The Employee presents the Grievance Form to the direct Supervisor or the next highest level of management.
- (b) Within five (5) calendar days after receipt, the direct Supervisor shall meet with the Employee to discuss the grievance. This time period for holding a meeting may be extended if, during the five (5) day period, the parties attempt to schedule a meeting date but are unable to do so.
- (c) Within five (5) calendar days of the meeting, the direct Supervisor shall provide a response to the Employee which shall be recorded on the Grievance Form and shall provide a copy of the response to the Affiliate Human Resources Office.
- (d) If the response is satisfactory, the grievance procedure is concluded at Step 1.
- (e) If the Step 1 response is not satisfactory or no written response is received within five (5) calendar days, the Employee may advance the grievance to Step 2.
- (f) Failure to advance the grievance within five (5) days after receipt of the Step 1 response or within five (5) days after the Step 1 response is due, concludes the grievance procedure.

2. **Step Two:** The Employee advances the grievance to Step 2 as follows:

- (a) On the Grievance Form, the Employee checks that the Step 1 response is not satisfactory, writes the date next to “Step 2,” signs the form and files a copy with the Affiliate Human Resources Office. The Human Resources Office then transmits the Step 2 grievance to the Department Head or his/her designee.

- (b) Within ten (10) calendar days after receipt, the Department Head or his/her designee shall meet with the Employee to discuss the grievance. This time period for holding a meeting may be extended if, during the ten (10) calendar day period, the parties attempted to schedule a meeting date but are unable to do so.
- (c) Within ten (10) calendar days after the meeting specified in (2b) the Department Head or his/her designee, writes the response on the Grievance Form and transmits the response to the Employee.
- (d) If the Step 2 response is not satisfactory, no written response is received within ten (10) calendar days or if the suspension is one (1) through ten (10) calendar days or a grievance concerning promotion, the Employee may advance the grievance to Step 3.

3. Step Three: The Employee may advance the grievance to Step 3 as follows:

- (a) If the Step 2 response is not satisfactory or no written response is received within ten (10) calendar days, the Employee mails or delivers a letter to the System Labor Director, stating that the response given at Step 2 is unsatisfactory, including specific reasons as to why this response is unsatisfactory and requesting to move their grievance to Step 3, a review hearing.
- (b) The System Labor Director shall then select a hearing officer to hear the grievance. The hearing officer will set a date for a hearing within thirty (30) days, and submit a written decision to the Employee. The decision of the hearing officer is final.

b. Procedures: Non-Disciplinary Matters

An Employee may grieve non-disciplinary action pursuant to Steps 1 through 3 set forth immediately above.

c. Procedures: Disciplinary Matters

An Employee may grieve disciplinary action as follows:

- 1. Appeals of Verbal or Written Reprimand or Suspension of ten (10) or fewer days

To appeal disciplinary action consisting of a verbal or written reprimand, a grievance must be filed with the Affiliate Human Resources Office within five (5) days of the date the Employee receives the Disciplinary Action Form. These grievances shall be considered by the Department Head or his/her designee at Step 2 and the disposition shall be final. The System Labor Director may establish procedures to be followed in the consideration of these grievances.

2. Appeals of Suspensions of more than ten (10) days or of a Discharge

To appeal suspensions of more than ten (10) days or a discharge, the grievance must be filed with the System Labor Director for assignment to a Hearing Officer at Step 3 as provided below:

- (a) Within five (5) calendar days after receiving a Disciplinary Action form or letter imposing the disciplinary action, the Employee may appeal the decision by filing a grievance at Step 3 with the System Labor Director. The filing of a grievance shall not affect the effective date of discipline.
- (b) The System Labor Director shall assign the grievance to a hearing officer who shall schedule a hearing date not more than thirty (30) days following receipt of the grievance. Either party may request a continuance for good cause shown, but the hearing must be completed within sixty (60) calendar days of the initial hearing date, unless further delay is caused by the Employee.
- (c) The hearing officer may administer oaths and secure by notice both the evidence and witnesses for the production of relevant documents. All proceedings before the Step 3 hearing officer in these disciplinary appeals shall be documented.
- (d) The hearing officer shall render a decision on the grievance not more than thirty (30) calendar days after the close of the hearing unless a delay is caused by the Employee or other unforeseen circumstances.
- (e) The hearing officer shall file a written report with the System Labor Director in all cases of a failure to meet a time limit, and shall describe the causes and circumstances of such failure.
- (f) The findings and decision of the hearing officer shall be presented to the System Labor Director, who may accept or reject the findings and decision. If the System Labor Director rejects the decision, the grievance shall be referred to a Grievance Panel appointed by the System Board for review of the record and decision. The decision of the Grievance Panel shall be final.

- (g) Upon acceptance of the findings and decision of the hearing officer by the System Labor Director, or after a final decision by a Grievance Panel appointed by the System Board, the System Labor Director shall notify the appropriate Affiliate COO, Department Head and Human Resources Office and the Employee of the decision within thirty (30) days.
- (h) An Employee whose discipline is not upheld shall be returned to work in accordance with the terms of the System's Board decision and may include back pay and benefits as required to make the Employee whole (back pay will be offset by any unemployment compensation benefits received while suspended or terminated). If applicable, the Employee shall be reinstated to his/her Position or such lower Position as determined by the System Labor Director. If applicable, the Employee shall be subject to such discipline as may be imposed by the hearing officer, the System Labor Director, or the Grievance Panel.

3. Employee Appeals Board

Employees who were employed to work in a career service position not covered by a collective bargaining agreement within the System as of July 1, 2010 may appeal a discharge, demotion or suspension for a period exceeding ten (10) working days from that position to the Cook County Employee Appeals Board ("EAB") pursuant to the procedures set forth in Rule 9.06 of the Cook County Personnel Rules, as amended from time to time; provided, however, that such Employees may not file an appeal to the EAB if they have accepted another position within the System after July 1, 2010.

9.6 Miscellaneous Provisions

- a.** In any case where the conduct of an Employee is the subject of criminal proceedings pending before the Grand Jury or in court, the Employee may request that a grievance proceeding be delayed until such time as the criminal proceedings are terminated and such request shall be granted provided the Employee executes a waiver of all rights to back pay and benefits applicable to the period of delay occasioned thereby. The Employee may withdraw the request upon written notice to the System Labor Director, which notice shall be deemed granted ten (10) calendar days after receipt, unless the System Labor Director determines that proceeding with the grievance could interfere with pending criminal proceedings involving another Employee.
- b.** At any time prior to the announcement of findings and decision, upon the request of the Employee and the approval of the System Labor Director, the Hearing Officer may accept the Employee's written resignation in lieu of the possible imposition of discipline.

RULE 10
PERSONNEL RECORDS AND CERTIFICATION OF PAYROLLS

10.01 Scope

This Rule 10, Personnel Records and Certification of Payrolls, applies to all Employees under the jurisdiction of the System.

10.02 Maintenance of Personnel Records

The System HR Director shall establish and maintain a system of personnel records and reports covering all System Employees under the jurisdiction of the System. Departments shall participate in the preparation and maintenance of such records and reports. The "official" Employee personnel record shall be maintained by each Affiliate Human Resources Office.

10.03 Statutory Requirements

- a. State and federal laws address the confidentiality and disclosure of personnel-related records. The Illinois Freedom of Information Act ("FOIA") provides for the disclosure of public records, including "the names, salaries, titles and dates of employment of all Employees and offices of public bodies." The FOIA exempts from disclosure the "personnel files and personal information maintained with respect to Employees, appointees or elected officials of any public body or applicants for those positions."
- b. The Personnel Record Review Act ("PRRA") permits former Employees, current Employees and their union representatives to inspect and copy personnel records, with certain exceptions.
- c. The Illinois Public Labor Relations Act ("PLRA") gives labor unions the right to inspect and copy personnel records upon a showing of relevancy.
- d. The Federal Americans With Disabilities Act ("ADA") requires that medical information relating to Employees be kept confidential.

10.04 Policy on Confidentiality of Personnel Records

- a. In performing their duties, Employees may have access to information and records concerning applicants, current Employees and former Employees. Although state and federal laws require the System to disclose certain information about applicants and Employees, the System is also required to protect the privacy rights of these individuals. To ensure that no individual's right to privacy is invaded, personnel information and records shall be treated as confidential

- b.** Specifically, personnel information shall be discussed with others, including co-workers, only as necessary to the performance of System business or authorized by law. No copies of personnel records shall be made or disseminated except when necessary in the performance of System business or authorized by law. Personnel records, including computer records, shall be maintained in accordance with security procedures. For example, records are not to be left on desks or work areas when they are not being used. Access to computer files shall be restricted by the use of passwords.
- c.** The terms "personnel information" and "personnel records" includes, but is not limited to:

 - employment applications
 - performance evaluations
 - disciplinary records
 - grievance forms
 - test documents
 - payroll records
 - medical records
 - drug test results and reports
 - workers' compensation records
 - tax forms
 - insurance records
 - dual employment reports
 - any other document in an Employee's personnel file

10.5 Disclosure of Personnel Records

- a.** Personnel information and records may be disclosed to authorized System officials and Employees when it is necessary to the performance of System business. State laws (FOIA, PLRA and PRRA) also require the disclosure of personnel-related information and documents under certain circumstances.
- b.** The following procedures shall be followed in handling requests for information and records:

 - 1.** Requests by County or System Officials and Employees: These requests shall be put in writing and submitted to the Department Head or System HR Director. This procedure does not apply to Employees in the County or System Human Resources offices or to requests by Affiliate COOs for information and records relating to Employees in their Affiliates.

2. Requests by current Employees: Current Employees may inspect their personnel files at least twice in a year, but requests may be limited to a reasonable number and interval. All requests for inspection and copying shall be put in writing. The request shall be directed to the Affiliate HR Director, who shall authorize the review or provide a copy of the requested information or records.
 3. Requests by former Employees: A former Employee is one whose employment has terminated within the preceding year. All requests for inspection and copying shall be put in writing and directed to the Affiliate Human Resources Director.
 4. Requests by Applicants: No information or documents shall be released to Applicants.
 5. Requests by labor organizations: All requests shall be directed to the Affiliate HR Director in writing and shall reference any pertinent provision in a collective bargaining agreement or statute pursuant to which the request is made. There will be a copying charge of 10 cents per page.
 6. Requests by other third party: Requests shall be directed to the Affiliate HR Director in writing. There will be a copying charge of 10 cents per page.
 7. Requests by law enforcement agencies, other government agencies and parties to a civil or criminal action: A valid Subpoena duces tecum must be served on the custodian of the records before such records may be disclosed. Records shall not be released without the authorization of the System HR Director.
- c. The time for responding to requests for personnel-related information and documents made pursuant to the FOIA is five (5) working days. Additional time may be requested with permission of the System HR Director.

10.6 Information and Documents that May Not Be Disclosed

- a. Personnel Record Review Act. Under the PRRA, the following documents shall not be disclosed to a former or current Employee or a labor organization:
 1. Letters of reference;
 2. Any portion of a test document (including drug test results), except that an Employee (or former Employee) may be informed of a cumulative test score;
 3. Records relating to a pending claim between the County or System and an Employee (or former Employee) except when a valid subpoena duces tecum is served;

4. Investigatory or security records maintained by the County or System to investigate criminal conduct or conduct harmful to County or System operations;
 5. Materials used for management planning, such as recommendations concerning future salary increases, promotions and job assignments.
- b. Freedom of Information Act. Under the FOIA, personnel files and personal information relating to Employees, Applicants and elected officials are exempt from disclosure to third parties.
 - c. Americans with Disabilities Act. Under the ADA, medical information shall not be disclosed except when authorized by the System HR Director. In general, medical information shall not be included in an Employee's personnel file.

10.7 Preservation of Records

Personnel-related records will be retained for five (5) years following an Employee's termination of employment. In the event of litigation, these records will be retained until the conclusion of the litigation or five (5) years, whichever is longer.

10.8 Contact Information

All Employees must maintain a current address and telephone number(s) on file with their Department Head and the System HR Director. Failure to comply with this Section may expose Employees to disciplinary action.

10.9 Discipline

A violation of this Rule will result in disciplinary action.

10.10 Certification of Payrolls

- a. The Payroll Director shall certify that all Employees in System service named on every payroll have been employed in accordance with the current budget. The System HR Director shall also certify that every Employee under the jurisdiction of the System named on every payroll has been appointed in accordance with the provisions of the Cook County Ordinance Establishing the Cook County Health and Hospitals System and these Rules.
- b. The System HR Director shall remove the names of persons from a payroll when such certification cannot be made, and notify the Comptroller and Affiliate COO involved.

- c. The Comptroller or other disbursing or auditing officer shall only process a payroll for payment which has been certified by the Payroll Director or his/her designee.

RULE 11

MEDICAL EXAMINATIONS AND DRUG TESTS

11.1 Scope

Except as set forth below, this Rule 11, Medical Examinations and Drug Tests, applies to all Employees under the jurisdiction of the System.

11.2 Applicant

The System HR Director may require that prior to appointment, an Applicant undergo a Medical Examination which may include a test for illegal drugs. Such requirement shall be set forth in the notice of the Appointment which shall be contingent upon a negative drug test.

11.3 Post-Appointment

An Employee may, for good cause, be required by the System HR Director to submit to a Medical Examination, a drug test or both.

11.4 Return to Work

Any Employee who returns from a period of absence including a layoff, may be required to submit to a Medical Examination that is job related and consistent with business necessity, and/or a drug test.

11.5 Notification

Employees shall provide to their direct Supervisors a copy of any document generated by Employee Health Services excusing them from duty or releasing them to return to duty. Failure to do so may subject the Employee to loss of pay or disciplinary action, up to and including discharge

RULE 12

DUAL EMPLOYMENT

12.1 Scope

This Rule 12, Dual Employment, applies to all Employees under the jurisdiction of the System.

12.2 Dual Employment

Dual Employment is permissible when approved by the Employee's Department Head in advance, and when the expectations related to dual employment activities outlined in this Rule are strictly respected. Dual employment includes any outside gainful employment, including self-employment, grant payments or stipends relating to teaching or residency programs and any other activities for which the Employee receives compensation (hereinafter collectively referred to as "outside activities").

12.3 Report of Dual Employment

The System Report of Dual Employment Form must be completed and signed by all CCHHS Employees annually, whether or not the Employee engages in outside activities, and must be submitted by the Employee to his/her direct supervisor for placement in the Employee's personnel file. Employees must complete, sign and submit the Report of Dual Employment Form prior to engaging in outside activities.

The Report of Dual Employment Form must be completed and signed by the following:

1. Persons initially entering County service and assigned to work in the System;
2. Any person who after entering County service as an Employee becomes engaged in any outside activities;
3. Any Employee engaged in outside activities whose System work schedule or outside activities work schedule changes; and,
4. Any Employee who discontinues his/her outside activities.

12.4 Parameters for Dual Employment

- a. Dual employment for System Employees is permissible only within the following considerations:
 1. The outside activities do not exceed twenty (20) hours per week.
 2. The type of work to be performed in connection with the outside activities is approved in advance by the Employee's Department Head.
 3. The specific hours of the outside activities are not in conflict with the Employee's normal duty hours, including on-call status with the System.
 4. Part-time Employees shall not be subject to the time restrictions set forth in 12.03 (a) (1) above; however, all other provisions of this Rule apply to part-time Employees.

- b.** No Employee shall engage in any outside activities which will:
1. Impair his/her efficiency while on duty or when representing the System;
 2. Interfere with his/her ability to satisfactorily perform his/her duties;
 3. Impair or reflect poorly upon the reputation of the County or System.
 4. Impair his/her independence of judgment and/or constitute a conflict of interest as defined by the Cook County Ethics Ordinance, or create risk for a potential conflict of interest.
 5. Utilize the System property or personnel or be conducted on System premises.
 6. Result in a self-referral or referral to a business, organization, or entity that employs or compensates the Employee of a System, Patient or a System business.
- c.** Employees in certain Positions shall be prohibited from engaging in dual employment. These Positions shall include the Positions in which the Employee reports directly to the Chief Executive Officer (with the exception of administrative assistants), Affiliate Chief Operating Officers, Affiliate Chief Financial Officers, Affiliate Chief Medical Officers, Affiliate Chief Nursing Officers, and Chairs of System or Affiliate medical departments.

The prohibition set forth in this section will not apply to Employees who are in the above listed positions on a part-time basis or for an interim period only.

The prohibition set forth in this section notwithstanding, upon request, the System's Chief Executive Officer may grant an exception in writing to this dual employment prohibition for certain outside activities in advance of the employee's undertaking of such activities. Outside activities subject to exception may include, but are not limited to, honorariums for speaking engagements, publishing, and participation in surveys or on commissions, limited teaching responsibilities, or instances wherein such outside activities are deemed to benefit the System and its mission.

12.05 Falsification or Omission of Information

Failure by an Employee to disclose the above information to his/her Department Head or providing false information on the Report of Dual Employment Form shall be cause for disciplinary action up to and including discharge from employment.

APPENDIX A

Secretary to The Board
Chief Executive Officer Special
Assistant to the CEO System
Director, Internal Audit System
General Counsel
System Chief Compliance Officer
System Director of Community Relations & Public
Affairs System Director of Intergovernmental Affairs &
Policy System Director of Performance Improvement
System Director of Multi-cultural Affairs
System Chief Information Officer
System Chief Financial Officer
System Chief Medical Officer
System Chief Operating Officer
COO - Department of Public Health
System Director of Human Resources
COO - Stroger Hospital
COO - Provident Hospital
COO - Oak Forest Hospital
COO - Ambulatory & Community Health Network
COO - CORE Center
COO - Cermak Health Services
CMO - Provident
CMO - Ambulatory & Community Health Network
CMO - CORE
CMO - CCDPH
CMO - Cermak
CMO - Stroger
CMO - Oak Forest
CNO - Provident
CNO - CORE
CNO - Oak Forest
CNO - Ambulatory & Community Health
CNO - Stroger
CNO - CCDPH
CNO - Cermak
CFO - Stroger
CFO - CCDPH
CFO - Cermak
CFO - CORE
CFO - Oak Forest
CFO - Provident

*** While we are currently working to develop an accurate listing of jobs for Appendix A and B there are currently discrepancies between job titles reflected in HRIS and employee's functional job title. Until these discrepancies are rectified, this list will be driven by functional titles.*

Appendix B

Associate Administrator
Manager Medical Records
Assistant Administrator
Assist. Dir. Of Environmental Services Grounds
Business Manager II
Business Manager III
Pharmacist Manager
Senior Human Resource Coordinator
Supervisor of Communications
Telephone Operator IV
Assistant Director of Physical Therapy
Manager - Anatomic Pathology
Manager - Blood Bank, Phlebotomy, Hematology
Manager - Chemistry, Point of Care, Urinalysis
Manager- Cardio-Pulmonary
Manager Materials Management Provident Hospital
Manager of Communications
Radiology Supervisor - General Xray
Radiology Supervisor - Ultrasound
Supervisor Transportation
Technical Manager - Diagnostic and Nuclear Medicine
Accountant V
Associate Administrator
Asst Program Coord
Program Coordinator
Regional Health Officer
Administrative Analyst III
Assistant Director of Environmental Services
Assistant Director of Occupational Therapy
Mail Section Supervisor
Network Manager
Site Manager, Patient Access II
Administrative Analyst II
Senior Risk Manager
Supervisor Clinical chemistry
Supervisor Cytology
Supervisor Histology
Supervisor Immunology
Supervisor Reference Lab
Supervisor Transfusion services
Compliance Coordinator
System Manager Expenditure Control
System Manager Health Information Management
System Manager Patient Access, Financial Counseling

System Manager Patient Access, Training & Quality Assurance
System Manager Revenue Integrity, Charge Decision Master
System Manager Revenue Integrity, Charge Capture
Technical Lab Manager Hematopathology
Technical Manager (IS)

***While we are currently working to develop an accurate listing of jobs for Appendix A and Appendix B, there are currently discrepancies between job titles reflected in HRIS and employee's functional job title. Until these discrepancies are rectified, this list will be driven by functional title*