

**MUNDELEIN PARK & RECREATION DISTRICT
PUBLIC BUDGET HEARING
Monday, January 8, 2018 6:30 P.M.**

AGENDA

Call To Order:

Roll Call: Dolan, Frasier, Knudson, McGrath, Ortega

New Business:

1. Proposed 2018 Budget

Visitors:

Adjournment:

**MEETING REMINDER
MONDAY, JANUARY 8, 2018**

**6:30 pm Budget Hearing
7:00 pm Committee Meeting
7:30 pm Regular Board Meeting**

Action Items

Old Business

New Business

1. Award Contract for Goodwin Property Demo
2. Approval of Alcohol and Drug Abuse Policy
3. Approval of Resolution 18-01-01 Anti-Harassment Policy
4. Approve 2018 Training Expenses
5. Approve Marquee Sign Usage Policy

Updates

1. Budget Hearing
2. Logo Refresh
3. Tree Lighting Ceremony
4. Police Report

New Business

We held a bid opening December 27 for the demolition of the 102 Goodwin property. Seven companies submitted bids. The Park District has worked with the low bidder, DK Contractors and was satisfied with their work.

Company	Bid
Alpine Demolition Services, St. Charles, IL	\$36,000.00
American Demolition Corporation, Elgin, IL	\$30,700.00
Campanella & Sons, Inc, Wadsworth, IL	\$26,982.80
DK Contractors Inc., Pleasant Prairie, WI	\$23,553.00
Ironfire Contruction, Chicago, IL	\$34,419.00
Lake County Grading Company, Libertyville, IL	\$27,200.00
Mark Meade Excavators, Inc., Grayslake, IL	\$24,445.00

Staff recommends awarding a contract to DK Contractors, Inc. in the amount of \$23,553.00 for the demolition work at 102 Goodwin Place.

Due to changes enacted by the Department of Transportation, we need to update our policy on Alcohol and Drug Abuse. The enclosed policy has been reviewed by our attorney.

Staff recommends approval the updated Alcohol and Drug Abuse Policy.

The Illinois State Legislator adopted a new law requiring every public agency to adopt by Resolution or Ordinance a Anti-Harassment Policy that meets specific criteria. Our policy was review by our attorney and the necessary changes made.

Staff recommends approving Resolution 18-01-01 adopting an updated Anti-Harassment Policy.

The new expense reimbursement law from 2017 requires the Board to approve all travel expense by roll call vote. Enclosed is a list of all budgeted expenses related to travel for educational purposes. These expenses will also be approved when the Board approves the warrant list.

Staff recommends approving the 2018 training travel expenses.

Our attorney suggested we update our Marquee Sign Usage Policy to be more clear on what messages we will post for other entities.

Staff recommends approving the updated Marquee Sign Usage Policy.

Updates

A Budget Hearing will be held at 6:30 prior to the Committee Meeting

As reported last month, we conducted a survey at the two Jewel stores in town to determine if residents identified with our current logo. Of the 63 residents asked, only 9% recognized the logo. Staff would like to confirm that the Board is open to a logo refresh. If so, Christa Lawrence will develop options for the Board to choose.

At the last Board meeting, a resident asked for the addition of a menorah at the annual tree lighting ceremony. In the past, the Board has indicated the event should remain non-religious. Does the Board wish to take formal action on this topic?

The November 2017 Police Report is enclosed.

MUNDELEIN PARK & RECREATION DISTRICT
REGULAR BOARD MEETING
Monday, December 11, 2017
AGENDA

Call To Order:

Pledge of Allegiance:

Roll Call: Dolan, Frasier, Knudson, McGrath, Ortega

Approval of Minutes: Committee Meeting December 11, 2017
Regular Meeting December 11, 2017

Approval of Disbursements: Warrant 121417, 121517, 121817, 121917,
122017, 122817, 122917, 010218,
010818 = \$1,126,808.87

Financials: December

Police Report: November

Correspondence:

Old Business:

New Business:

1. Award Contract for Goodwin Property Demolition
2. Approval of Alcohol and Drug Abuse Policy
3. Approval of Resolution 18-01-01 Anti-Harassment Policy
4. Approve 2018 Training Expenses
5. Approve Marquee Sign Usage Policy

Board Business:

Executive Session: Personnel 5 ILCS 120/2 (c)(1);
Purchase or Lease of Real Estate 5 ILCS 120/2 (c)(5);
Imminent or Pending Litigation 5 ILCS 120/2 (c)(11)
Collective Bargaining or Salary Schedules 5 ILCS
120/2(c)(2)

Action on Items Discussed in Executive Session, if Necessary

Visitors:

Adjournment:

**MUNDELEIN PARK AND RECREATION DISTRICT BOARD OF
PARK COMMISSIONERS, MUNDELEIN, LAKE COUNTY, ILLINOIS
HELD MONDAY, DECEMBER 11, 2017 AT 7:15 P.M. AT THE
MUNDELEIN COMMUNITY CENTER ADMINISTRATION OFFICES,
1401 NORTH MIDLOTHIAN ROAD, MUNDELEIN, ILLINOIS**

The Public Truth in Taxation Hearing of the Board of Park Commissioners of the Mundelein Park and Recreation District, Mundelein, Lake County, Illinois, was called to order at 7:15 p.m. by President DOLAN.

He then directed the acting Secretary to call the roll. Commissioners DOLAN, FRASIER, KNUDSON, McGRATH and ORTEGA were present. Staff present included Executive Director RESNICK. There five public present.

Commissioner KNUDSON moved to open the Public Truth in Taxation Hearing, second by Commissioner ORTEGA. A roll call vote was taken with Commissioners DOLAN, FRASIER, McGRATH, ORTEGA, and KNUDSON voting yes. President DOLAN explained the purpose of the Truth in Taxation Hearing and asked for public comment, none was given. President DOLAN asked for Board comments, none was given.

Commissioner FRASIER moved to close the Public Truth in Taxation Hearing, second by Commissioner McGRATH. A voice vote was taken with all voting yes.

Commissioner ORTEGA moved to adjourn at 7:18 p.m., second by Commission McGRATH. The motion was unanimously approved.

Secretary

Mundelein Park & Recreation District
Committee of the Whole
December 11, 2017

The Committee of the Whole meeting of the Board of Park Commissioners of the Mundelein Park and Recreation District was called to order at 7:00 pm by President DOLAN

Present were Commissioners DOLAN, FRAISER, KNUDSON, McGRATH and ORTEGA. Staff present included Executive Director RESNICK.

Executive Director RESNICK stated the 2017 Tax Levy needed to be approved by the Board this evening. A Truth in Taxation Hearing notice appeared in the Daily Herald and the Hearing will be held at 7:15 pm. The Hearing was not legally required, but the District wants to be as transparent as possible with taxes.

Because the fund balance in the Museum Fun is more than twice the annual operating expenses, the Board needs to pass a Resolution stating the fund will be used for improvements to the Museum.

A three year license agreement is necessary for new wi-fi equipment at the Community Center. The Board must approve the agreement since it is longer than one year.

The 2018 Budget was presented to the Board. It must be available for public review for 30 days prior to final approval. A Budget Hearing will be held January 8, 2018 and the Budget will be presented for approval at the January 22, 2018 meeting.

Several suggestions were made for the name of the new building. Commissioners ORTEGA and FRASIER said they prefer Dunbar Recreation Center. The other Board members didn't have a strong preference for any of the names submitted.

The Board reviewed three designs for the new building dedication plaque. The consensus was to have a brass plaque instead of a glass plaque and to have the current and former Superintendent of Recreation listed on the plaque.

The Board was informed the Holcomb property demolition bid was due December 28 and a recommendation would be made to the Board at the January 8 meeting.

The Committee meeting adjourned at 7:15 p.m.

Secretary

**MUNDELEIN PARK AND RECREATION DISTRICT BOARD OF
PARK COMMISSIONERS, MUNDELEIN, LAKE COUNTY, ILLINOIS
HELD MONDAY, DECEMBER 11, 2017 AT 7:30 P.M. AT THE
MUNDELEIN COMMUNITY CENTER ADMINISTRATIVE OFFICES,
1401 NORTH MIDLOTHIAN ROAD, MUNDELEIN, ILLINOIS**

The regular scheduled meeting of the Board of Park Commissioners of the Mundelein Park and Recreation District, Mundelein, Lake County, Illinois, was called to order at 7:30 p.m. by President DOLAN and he asked the assemblage to rise and recite the Pledge of Allegiance.

He then directed the secretary to call the roll. Commissioners DOLAN, FRASIER, KNUDSON, McGRATH and ORTEGA were present. Staff present included Executive Director RESNICK.

President DOLAN acknowledged the visitors at the meeting and asked if they would prefer to speak at the beginning since they had a sick child with them. Jason & Tara Lenhoff said they would and thanked the Board for moving visitor's comments to the beginning. Mrs. Lenhoff said they would like to see a menorah added to the tree lighting ceremony. She said as Chanukah was starting the next day, it was too late for this year but a banner could be put up to acknowledge Chanukah. President DOLAN stated that the tree lighting ceremony was intended to be non-religious so that all would feel welcome. It is a "holiday tree and celebration" to include everyone. Mrs. Lenhoff pointed out that there was a Star of Bethlehem on the tree and that Christmas Carols were sung, making it a Christian event. The Board was not aware of the Star of Bethlehem and noted that the carols were not religious. The Board explained that if one religious symbol was included in the display, this would open the door for all religious symbols, whether they are mainstream religions or not. President DOLAN explained that the Board was not able to take action on their request this evening because the topic was not on the agenda and State law prohibits the Board from taking final action on anything not on the agenda. The Lenhoffs thanked the Board for their time.

Commissioner ORTEGA moved to approve the minutes of the Committee Meeting and Regular Meeting minutes from November 27, 2017, second by Commissioner McGRATH. President DOLAN repeated the motion and asked if there were any corrections or additions and none were made. A voice vote was taken with all voting yes.

Commissioner FRASIER moved to approve Warrants 120117, 120417, 120517, and 121117 and in the amount of \$276,845.26 second by Commissioner ORTEGA. President DOLAN repeated the motion and asked if there were any questions and none were raised. A roll call vote was taken with Commissioners FRASIER, ORTEGA, KNUDSON and DOLAN voting yes.

Commissioner ORTEGA moved to approve the 2017 Tax Levy Ordinance 17-12-01, second by Commissioner FRASIER. President DOLAN repeated the motion and asked if there were any questions and none were raised. A roll call vote was taken with Commissioners ORTEGA, FRASIER, KNUDSON, McGRATH and DOLAN voting yes.

Commissioner KNUDSON moved to approve Resolution 17-12-01 Museum Fund Balance, second by Commissioner McGRATH. President DOLAN repeated the motion and asked if there were any questions and none were raised. A roll call vote was taken with Commissioners KNUDSON, McGRATH, FRASIER, ORTEGA and DOLAN voting yes.

Commissioner ORTEGA moved to approve a three year license for Wi-Fi equipment at the Community Center, second by Commissioner McGRATH. President DOLAN repeated the motion and asked if there were any questions and none were raised. A roll call vote was taken with Commissioners ORTEGA, McGRATH, FRASIER, KNUDSON and DOLAN voting yes.

Commissioner FRASIER moved to make the 2018 Budget draft available for public review, second by Commissioner KNUDSON. President DOLAN repeated the motion and asked if there were any corrections or additions and none were made. A voice vote was taken with all voting yes.

There being no further business, Commissioner ORTEGA moved to adjourn at 7:47 p.m. second by Commissioner McGRATH. The motion was unanimously approved.

Secretary

Section 1: Employment Policies and Procedures

1.18 Alcohol and Drug Abuse

Introduction	1
Alcohol and Drug Abuse Policy	
Alcohol and Drug Procedures for CDL Employees.....	

Introduction

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

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

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

This policy does not replace any of the provisions or requirements of the Mundelein Park District's Controlled Substance and Alcohol Testing Policy for positions that require a Commercial Drivers License (CDL). Park District employees who operate Park District commercial motor vehicles and possess a commercial driver's license have special responsibilities necessitated by the fact that they operate vehicles that require additional skill and attentiveness over that of non-commercial motor vehicles. As part of its continuing commitment to safety and to comply with federal law, the Park District has established a controlled substance and alcohol testing policy for Park District positions that require a commercial drivers license (see Alcohol and Drug Procedures For CDL Employees which follows at end of Section 1.18).

Both the Park District and the federal government recognize that it is important to establish programs to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles (CMVs). The Alcohol and Drug Procedures for CDL Employees are in addition to and complement rather than supersede all other Park District policies, rules, procedures, and practices, including without limitation this Alcohol and Drug Abuse Policy. However, for persons to whom the Alcohol and Drug Procedures For CDL Employees applies, in the event of any conflict between any of the provisions of the Alcohol and Drug Procedures For CDL Employees and the provisions of any other Park District policy, rule, procedure, or practice, the provisions of the Alcohol and Drug Procedures For CDL Employees will control.

Note

Please review the comprehensive Alcohol and Drug Abuse Policy and the Alcohol and Drug Procedures for CDL Employees which follow.

ACTS PROHIBITED

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis and alcohol, is prohibited on Park District Property or while acting on behalf of the Mundelein Park District.

DEFINITIONS

For purposes of this Policy, the following definitions apply:

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

7. "Drugs" mean Legal Drugs and controlled substances, including cannabis.

8. "Legal Drugs" mean prescription drugs and over-the-counter drugs which have been obtained legally and are being used in the manner and for the purpose for which they were prescribed or manufactured.

9. "Medical Facility" means any physician, laboratory, clinic, hospital, or other similar entity.

10. "Policy" means this Alcohol and Drug Abuse Policy of the Mundelein Park District.

11. "Possess" means to have either in or on an employee's person, personal effects, desk, files, or other similar area.

12. "Public Safety Responsibility" means a position in which the nature of an employee's duties is such that impaired perception, reaction time, or judgment may place a member or members of the public or other employees at risk of serious bodily harm, or is responsible for the administration or enforcement of alcohol/drug policies.

13. "Under the Influence" means that the employee is affected by alcohol or drugs in any determinable manner. A determination of being under the influence can be established by a professional opinion, a scientifically valid test, a layperson's opinion, or the statement of a witness.

VOLUNTARY TREATMENT

It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to disciplinary action. The Mundelein Park District will not discipline an employee who voluntarily seeks treatment for a substance abuse problem if the employee is not in violation of the Park District's drug and alcohol policy or other rules of conduct at the time the treatment is sought. Seeking such assistance will not be a defense for violating the Park District's drug and alcohol policy, nor will it excuse or limit the employee's obligation to meet the Park District's policies, rules of conduct, and standards including, but not limited to, those regarding attendance, job performance, and safe and sober behavior on the job. Employees who suffer from alcohol or drug abuse are encouraged to consult voluntarily with Park District management and undergo appropriate medical treatment. Participation in such treatment will be at the employee's expense, although some of these expenses may be covered under the employee's group health plan. Please see the Assistant to the Director for details. Park District management will attempt to keep such voluntary discussions and medical treatment confidential in accordance with this Policy.

SCREENING AND TESTING

The Mundelein Park District may require employees whose job functions require them to operate or maintain vehicles or machinery, handle hazardous or toxic materials or substances of any kind, or have Public Safety Responsibility to be screened or tested on a random basis, or may require any employee to be screened or tested following a work place accident involving a possible violation of safety rules if the employer has reason to believe that alcohol or drug use may have been a contributing factor to the accident's occurrence, during and after an employee's participation in an alcohol or drug counseling or rehabilitation program, or upon reasonable suspicion that the employee is under the influence of alcohol or drugs. The screening or testing will be conducted by a medical facility selected by the Park District at the Park District's expense. The screening or testing may require an analysis of the employee's breath and urine or such similar substance as the medical facility may recommend. The mandatory disclosing of what legal drugs one is taking at the time of the urine test violates HIPAA and DOT regulations. If an initial test is positive, a second test will be conducted from the same sample. A confirmed positive drug and/or alcohol test may result in disciplinary action, up to and including discharge.

Each Mundelein Park District employee is required to sign a consent form, a copy of which is included with this Policy, at the time this Policy is distributed to the employee. Prospective employees applying for positions that require a commercial driver's license will be required to sign a consent form prior to taking the pre-employment drug screening. Prospective employees for positions that require a pre-employment physical will be required to sign a consent form prior to taking the pre-employment physical.

Each employee and prospective employee may also be required to sign a separate consent form requested by the Supervisor conducting the screening or testing. Refusal to sign any requested consent form will result in non-hire or disciplinary action up to and including dismissal, as deemed appropriate by the Park District, in its sole discretion, under the circumstances.

TREATMENT

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

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

USE OF LEGAL DRUGS

Any employee who operates or maintains a vehicle or machinery, handles hazardous materials or substances of any kind, or has public safety responsibility and who has taken a legal drug must report the use of such legal drug to their immediate supervisor if the legal drug may cause drowsiness or if it may alter judgment, perception or reaction time. The burden is on the employee to ascertain from the employee's doctor or pharmacist whether or not the legal drug may have such a potential side effect. The information will be retained by the Mundelein Park District in a confidential manner and will be disclosed only to persons who need to know. The employee's immediate supervisor, after conferring with the department head or Executive Director, will decide whether or not the employee may safely continue to perform the job while using the legal drug. Failure to declare the use of such legal drugs may be cause for discipline up to and including dismissal.

NOTICE OF CONVICTIONS

Any employee who is convicted of violating any federal or state criminal drug statute must notify the Executive Director within five (5) days of such conviction. Determination of continued employment, or the scope of such employment, in light of any such conviction will be made on a case by case basis consistent with business necessity and after consideration of job related factors. For purposes of this notice requirement, a conviction includes a finding of guilt, a no contest plea, and/or an imposition of sentence by any judicial body for any violation of a criminal statute involving the unlawful manufacture, distribution, sale, dispensation, possession or use of any controlled substance or cannabis. Failure to notify the Director may subject the employee to disciplinary action, up to and including dismissal.

DISCIPLINE/PENALTIES FOR VIOLATION

1. An employee who reports to work or is found during working hours to be or to have been under the influence of alcohol, controlled substances, or cannabis or who manufactures, possesses, uses, sells or dispenses alcohol, controlled substances, or cannabis while on District property or while acting on behalf of the Park District, is convicted of a drug related crime, causes financial or physical damage to the Park District property, its employees or patrons as the result of alcohol or drug abuse, or fails to report the use of legal drugs in accordance with this Policy, will be disciplined in accordance with the Disciplinary Action Section of the Park District's Personnel Policy Manual. In addition to or in the alternative, depending on the circumstances as determined by the Park District in its sole discretion, the Park District may require the employee to successfully complete an alcohol and/or drug abuse assistance or rehabilitation program approved for such purposes by the Park District and by a federal, state or local health law enforcement or other appropriate agency. An employee who participates in a treatment program will be expected to meet job performance standards and comply with all rules established by the Park District. Participation in a treatment program will not, in itself, protect the employee from disciplinary actions should job performance remain unsatisfactory.

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

PRE-EMPLOYMENT SCREENING

As a final prerequisite in the Mundelein Park District's employment selection procedure, persons otherwise offered a full-time, labor intensive position with the Park District will be required to undertake a physical examination and a pre-employment drug and alcohol screening test (to include a DOT drug and alcohol screening test) .

For CDL holders, an employee who is away from the work site for more than 30 calendar days must submit to a pre-employment drug test prior to returning to duty and inclusion in the random DOT CDL test pool per regulations.

INSPECTIONS

In order to assure that employees comply with the prohibition on manufacturing, distributing, dispensing, possessing, or using alcohol, controlled substances, or cannabis, employees may be subject to inspection as follows:

1. Lockers, desks, files, vehicles, equipment and other containers and property owned or leased by the Mundelein Park District and which an employee is permitted to use during employment with the Park District, are and remain the property of the Park District. Employees are not permitted to keep controlled substances, cannabis or alcohol in or on such property. Any such property reasonably suspected of having or holding such substances is subject to search by the Park District.
2. Any refusal to submit to such an inspection will be treated as an act of insubordination and may result in disciplinary action, up to and including dismissal.

RECORDS

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

**CONSENT TO DRUG AND/OR ALCOHOL SCREENING OR
TESTING (for non-CDL, DOT testing)**

I hereby voluntarily consent to submit to drug and/or alcohol screening or testing by a physician, clinic, laboratory or medical facility chosen by the Mundelein Park District ("Park District") at the Park District's expense. I hereby consent to the physician, clinic, laboratory or medical facility taking and analyzing a sample or specimen of my breath, urine, saliva, blood and other similar substance. I also authorize the physician, clinic, laboratory or medical facility to disclose his, her or its findings, conclusions, and opinions regarding the drug and/or alcohol screening or testing to a Park District official or a designated representative.

I hereby further consent to Mundelein Park District's contacting my physician or pharmacist to verify my reported use of legal drugs in accordance with the Park District's Alcohol and Drug Abuse Policy and authorize my physician or pharmacist to provide all information requested by the Park District regarding my use of such drugs, including without limitation the possible effects of such use on my performance of my job functions.

I also acknowledge receiving, reading and understanding the Mundelein Park District's Alcohol and Drug Abuse Policy. I understand that, in accordance with this policy, failure to execute this document and submit to drug and/or alcohol screening or testing, or failure to report to the Park District the use of legal drugs as required by the policy, may result in non-hire or disciplinary action, up to and including termination.

Employee Name: _____

(Print)

Employee Signature: _____

Date: _____

Witness Signature: _____

Alcohol and Drug Procedures for CDL Employees

D.O.T. DRUG AND ALCOHOL PROCEDURE

Introduction

In an effort to promote public safety and to help prevent accidents and injuries the U.S. Department of Transportation (D.O.T.) instituted regulations that establish a zero tolerance level for the presence of alcohol or controlled substances in the system of any individual who operates or maintains a commercial class vehicle. The regulations establish testing requirements to help ensure compliance with the alcohol and controlled substance prohibitions. The controlled substances prohibited by the D.O.T. regulations are: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP). The following procedures have been developed to implement the D.O.T. regulations which can be found in 49 CFR Parts 40 and 382. The numbers inside the parentheses appearing in many of the sections refer to 49 CFR Part 40 or 382 sections relevant to the particular procedure. Employees who violate this policy are subject to disciplinary action, up to and including discharge.

All employees who operate a commercial motor vehicle which requires a driver holding a commercial driver's license, are subject to the drug and alcohol testing requirements in 49 CFR Parts 40 and 382. This includes, but is not limited to: full time, regularly-employed drivers; casual, intermittent or occasional drivers and volunteers; leased drivers and independent owner-operator contractors.

A commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

According to DOT Rule 49 CFR Part 40 Sections 40.27, MPRD does not need written authorization from employees to conduct DOT tests. In particular, as an employer, MPRD does not need an employee to sign a consent, release, waiver of liability, or indemnification agreement with respect to any part of the drug or alcohol testing process prior to testing.

In accordance with Rule 49 CFR Part 382.601 MPRD must provide educational materials that explain the requirements of this part and the policies and procedures with respect to these requirements. A copy must be distributed to each driver prior to the start of alcohol and controlled substances testing and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle. MPRD shall ensure a statement certifying receipt of these materials is obtained by each driver and that the original signed statement is maintained; a copy may be provided to the driver. Specifically, MPRD distributes the District Personnel Policy to each full-time employee which contains the provisions of the District Alcohol and Drug Abuse Policy and the Alcohol and Drug Procedures for CDL Employees. Employees return a signed receipt of the document which is maintained in the personnel file of employees. Other drivers will be given these materials and required to sign a statement certifying receipt.

Adverse Effects of Alcohol and Drug Use

Unlawful use of drugs and alcohol poses a number of risks. Alcohol and drug abuse can lead to a number of health problems, such as lung cancer, obstructive pulmonary disease, chronic respiratory infections, liver disease, high blood pressure, cardiac disease, and seizures. Drug abusers are at an increased risk for AIDS and hepatitis.

The impairments drugs cause mean users (and their nearby co-workers) suffer more accidental injuries and motor vehicle accidents. Drugs can also rob the user of his or her ability to place for and reach long-term goals, to deal constructively with stress and anxiety, or to have successful and satisfying friendships and family relationships. Because drug use is unlawful, lives can be ruined when users are arrested, jailed or injured by drug-related violence.

The District has gathered a variety of pamphlets and other materials about alcohol and drugs. These materials are available from the Business Manager. In addition, full-time employees may access the confidential Employee Assistance Program (E.A.P.) for information and assistance with alcohol or drug use. Full-time employees may obtain information about the District's E.A.P. through the employees' immediate supervisor or the Business Manager.

Affected Employees

1. The following employees are subject to these alcohol and drug procedures, restrictions, and requirements: All employees who are required to have a valid CDL driver's license as a condition of employment and operate a commercial vehicle for the Mundelein Parks & Recreation District. This includes full-time and part-time employees and volunteers.

2. The above employees are subject to these procedures and regulations at all times while on duty including any periods in which he or she is actually performing a safety sensitive function, ready to perform a safety sensitive function, or immediately available to perform any safety sensitive function including but not limited to, all overtime and call back time. An exception may be made by the Executive Director to exempt an employee from alcohol use restrictions if the employee is attending off site training and is not expected to return to duty for the remainder of the day.

Employee Requirements (382.201 to .215):

To meet the D.O.T. regulations, the following requirements are placed upon affected employees. Exceptions to these requirements may be made by the Director in making temporary work assignments for employees.

1. Affected employees will not consume any product containing alcohol or controlled substances while on duty.
2. Affected employees will not report for duty while there is any alcohol or controlled substance in their system (unless the use is pursuant to the instruction of a physician who has been informed of the affected employee's job duties, and has advised the affected employee that the substance does not adversely affect his/her ability to safely perform his/her job).
3. Affected employees will not possess any product containing alcohol or controlled substances while on duty.
4. Affected employees cannot report for duty within four hours of having consumed alcohol and may not perform safety-sensitive functions (this includes but is not limited to operating motor vehicles or equipment) within four hours after using alcohol.
5. Affected employees must immediately report for testing when so ordered, and must cooperate with testing personnel and procedures.
6. Affected employees must agree to release testing results to the substance abuse professional (SAP), and to release the substance abuse professional's reports to MPRD.
7. Affected employees cannot consume alcohol for eight hours following an accident involving a death or an accident for which the employee received a moving violation for their operation of a commercial class vehicle which contributed to the accident or until the employee undergoes a post-accident or controlled substance test, whichever occurs first. The employee must remain available for testing for a period of eight hours for an alcohol test or 32 hours for a controlled substance test.

Tests Performed:

Detailed descriptions of the testing procedures are contained in 49 CFR Part 40 and Part 382. A brief description of the testing procedure follows.

1. Alcohol Test

- a. Employee immediately reports to the designated testing facility, shows a photo identification card, and signs testing form.
- b. Employee blows into alcohol testing device. If employee cannot exhale sufficient quality of air through the machine for a complete test a medical exam will be performed.
- c. If test results are negative the employee returns to work. Results will be reported to the Director.
- d. If test results are above 0.20, another test will be performed after a 15-minute wait but before 30 minutes. The employee may not eat or drink anything nor belch during the waiting period for the retest.
- e. If retest results are negative, test is reported to the Executive Director/DER as negative.
- f. If retest results are positive, the test results are immediately reported to the Director/DER.

2. Controlled Substances Test: Testing will only be performed for the five controlled substances prohibited by the D.O.T. regs - Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine.

- a. Employee immediately reports to the designated testing facility, shows a photo identification card.
- b. Employee provides a urine sample. If unable to provide sufficient quantity for testing, the employee will be asked to drink water (up to 40oz. in three hours) and attempted again.
- c. A trained and certified collector will perform required testing to verify that the specimen sample has not been tampered with. The employee returns to work.
- d. The trained and certified collector splits the sample at the collection site. A screening test is performed on a portion of one of the sample splits. If negative results are obtained the testing is reported as negative to the medical review officer (M.R.O.) who in turn reports negative results to the Executive Director/DER.
- e. If screening tests are non-positive, sophisticated confirmation testing is performed on the rest of the split sample. Results are reported to the M.R.O. If negative the M.R.O. reports a negative result to the Executive Director/DER.

- f. If the results are positive, confirming the presence of one of the five controlled substances, the M.R.O. will contact the employee to talk over the results of the test to determine if there is a legitimate clinical reason for

the presence of the drug, and will decide if test results are negative or positive. If the employee cannot be reached by the M.R.O., the Executive Director/DER will be contacted to tell the employee to contact the M.R.O. If contact is not made in 72 hours the M.R.O. will determine the test results as positive. The M.R.O. reports to the Executive Director/DER test results as positive or negative.

- g. If test results are positive, the employee will be removed from duties of operating or maintaining a commercial class vehicle. The employee has 72 hours in which to request a retest of the second split sample, and can request that the split sample be tested at a second lab. A negative retest of the split sample will cancel the first positive results.

Six circumstances under which testing will be performed:

1. Pre-employment Testing (382.301,. 413)

- a. Before a new employee is hired or before an existing employee may be transferred to a position in which operating or maintaining a commercial class vehicle is required, both alcohol and controlled substance testing is required.
- b. If an employee has not been in a random testing pool for one month, then alcohol and controlled substance testing must be performed before the employee may operate or maintain a commercial class vehicle.
- c. Alcohol test results must be below 0.04 and controlled substances negative or the employee cannot be hired to the position without a substance abuse professional evaluation. Before hiring an employee who violated 49 CFR Part 382 the District must obtain a copy of the SAP reports outlining treatment completed or undergoing as well as the follow-up testing schedule. If hired, the District must complete the follow-up testing as scheduled by the SAP.
- d. In addition to submitting to testing, the prospective employee must supply MPRD with the names of all firms for which they have been employed in the previous two years operating or maintaining commercial class vehicles. The prospective employee must cooperate fully with MPRD in obtaining from each of the previous employer's results of any positive test, SAP'S reports, and any refusals to test.

2. Random Testing (382.305)

- a. All affected employees will be placed in pool from which random selections for testing will be made. Random testing will be for both alcohol and controlled substances.

The annual rate of testing for the entire pool will be as directed by the U.S. Secretary of

- b. Every employee in the selection pool has an equal chance of being selected each time a drawing is made.
- c. Selection for testing will be performed on a random basis by the Consortium. Employees will not know when testing is complete for the year nor when to anticipate the next selection.
- d. Alternates not allowed under FMXCSA, but they are allowed in the Federal Railroad Administration.

3. Reasonable Suspicion Testing (382.307)

- a. When a supervisor has reason to believe that an employee has alcohol or controlled substances in their system they contact another supervisor or management official trained in the signs and symptoms of drug and/or alcohol misuse who will also observe the employee. If both supervisors are in agreement, the employee will be driven the designated testing facility for alcohol or controlled substances testing as appropriate.
- b. The supervisor's determination must be based upon specific, describable, current observations of the employee's appearance, behavior, speech or body odor. Possession alone is not sufficient cause to require the employee to submit to testing.
- c. When a reasonable suspicion determination has been made, the employee must immediately stop operation or maintenance of a commercial class vehicle. (For 24 hours or until a negative test result whichever comes first).
- d. The employee will be informed of his or her right to consent or refuse testing, and the consequences of refusing testing or failing an alcohol or drug test.
- e. The supervisor calls the designated testing facility to advise that the employee will be reporting for the testing. The employee under suspicion must be accompanied to the testing facility by a supervisor.
- f. If an employee refuses to submit to a test, he will be required to call someone to drive him home. If unable to find someone, a cab will be called. MPRD will pay for the cab with reimbursement by the employee when he returns to work. If the employee insists on driving himself, the local Police Department will be called and notified.

- g. Testing for alcohol reasonable suspicion should be performed within two hours, but cannot be conducted if eight hours have passed since the determination was made. A written report must be submitted to the Executive Director/DER for the file explaining why testing was not performed within two hours. Controlled substances testing should be performed as soon as possible but not after 32 hours since the determination was made.
- h. The supervisor(s) making the determination must submit a signed written description citing the specific observations which led to the reasonable suspicion testing. The written description should be submitted before the test results have been received.

4. Post Accident Testing (382.303)

- a. A surviving driver of a commercial class vehicle who was performing a safety sensitive function with respect to the vehicle will be tested for alcohol if the accident involved the loss of human life or if the driver received a ticket for the operation of their commercial vehicle having contributed to the accident within 8 hours of the occurrence of the accident under state or local law if the accident involved bodily injury to any person who as a result of the injury immediately received medical treatment away from the scene of the accident or if one or more motor vehicles incurred disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A surviving driver of a commercial class vehicle who was performing a safety sensitive function with respect to the vehicle will be tested for controlled substances if the accident involved the loss of human life or if the driver received a ticket for the operation of their commercial vehicle having contributed to the accident within 32 hours of the occurrence of the accident under state or local law, if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident or if one or more motor vehicles incurred disabling damage as a result of the accident requiring the vehicle to be transported away from the scene by a tow truck or other motor vehicle. The driver will remain readily available for urine testing after an accident until 32 hours have passed or earlier if a supervisor advises that testing will not be necessary.

- b. Alcohol testing must be completed within 2 hours. A driver cannot consume any alcohol within eight hours following an accident unless a supervisor advises that no testing will be required or testing has already been performed.

- d. Testing will be performed within two hours for alcohol but no testing after eight hours, and controlled substance testing within 32 hours. A written record must be submitted to file explaining why alcohol testing could not be performed within two hours if such is the case and a record if either testing could not be performed.
5. Return to Duty Testing (382.309): Alcohol and controlled substances testing will be performed with negative test results (less than 0.02 alcohol) on all affected employees who:
 - a. Have been removed from duty of operating or maintaining a commercial class vehicle for refusing to test or testing positive for controlled substances or alcohol greater than 0.04. Employee will be responsible for all costs associated with this classification of return to duty testing or
 - b. All follow-up testing will be conducted under direct observation by a person of the same gender as the employee being tested. Observation shall include both observation of the employee urinating into the collection container and a check to insure that the employee is not using a prosthetic or other device designed to interfere with the test result.
6. Follow-up Testing (382.311,605)
 - a. Any affected employee who has refused to test or who has tested positive for controlled substances or greater than 0.04 alcohol content and has been determined by a substance abuse professional to require help in dealing with their substance abuse problem will be subject to follow up testing.
 - b. The Executive Director/DER will order the affected employee to immediately report for surprise alcohol or controlled substance (or both) testing at the frequency prescribed by the substance abuse professional. The Director will advise the S.A.P. of the test results. The duration of surprise testing will continue as long as required by the S.A.P. to a **maximum of five years**.
 - c. At a minimum, six unannounced tests will be required within the first 12 months of return to duty. **This minimum must be conducted regardless of whether the SAP deems no more testing is required.**
 - d. Employee is responsible for all costs associated with follow-up testing.
 - e. All follow-up testing will be conducted under direct observation by a person of the same gender as the employee being tested. Observation shall include both observation of the employee urinating into the collection container and a check to insure that the employee is not using a prosthetic or other device designed to interfere with the test result

Consequences of failed or refused tests (382.605)

1. An employee will be immediately removed from duty upon the employee's refusal to cooperate with testing procedures or upon receipt of positive test results. An employee refuses to take an alcohol test by failing to appear when directed to do so by the DER, failing to remain at the testing site until the test is complete, failure to provide an adequate sample for testing absent a sufficient medical explanation to the inability to provide an adequate sample, failure to undergo a medical examination as directed the DER as part of an insufficient breath sample, failure to sign the certification at Step 2 of the ATF or failure to cooperate with any part of the testing process. An employee refuses to take a drug test by failing to appear at the testing facility when directed by the DER to do so, failing to remain at the testing facility until the testing procedure is complete, failure to provide a urine specimen for testing, failure to permit required observation or monitoring of the provision of a specimen, failure to provide a sufficient urine specimen when there is no medical explanation for not doing so, failing or declining to give an additional drug test that the employer has directed the employee to take, failing to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER under Sec 40.193(d), failure to cooperate with any part of the testing process for an observed collection, failure to follow the observer's instructions to raise the employee's clothing above the waist, lower clothing and underpants and turn around to permit the observer to determine if a prosthetic or other device is being used to interfere with the testing procedures; possession or wearing of a prosthetic device that could be used to interfere with the testing procedures, admission to the collector or the MRO that the employee adulterated or substituted the specimen. Employees who are found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform a safety sensitive function, including driving a commercial motor vehicle until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following the administration of the test. No other action shall be taken against an employee based solely on test results showing an alcohol concentration less than 0.04 pursuant to this policy. Employees who refuse to submit to testing or fail an alcohol or drug test are subject to disciplinary action, up to and including discharge.
2. The employee selects a credentialed substance abuse professional (SAP). The employee is responsible for payment to the substance abuse professional and subsequent counseling and rehabilitation. The employee's medical insurance may be used to help pay for these services. A list of SAP's will be provided the employee, however, the employee is free to choose any certified SAP.
3. The employee signs a release allowing the MPRD to release the test results to the S.A.P. and signs a release for the SAP. to report back to the Executive Director/DER.

4. The SAP will report back to the Executive Director/DER that the employee:
 - a. Does not require any help in dealing with a substance abuse problem - in which case the employee may be returned to full duty.
 - b. That the employee requires and is cooperating with continued counseling and rehabilitation and may return to full duty, or may not return to full duty yet.
 - c. That the employee requires but is not cooperating with counseling and rehabilitation and may not return to duty.
5. The employee is responsible for obtaining any counseling or rehabilitation prescribed the S.A.P. and must provide appropriate releases for counseling and rehabilitation professionals to report back to the SAP. Employees are advised that the U.S. D.O.T. regulations require that the additional counseling and rehabilitation not be performed by any business entity in which the SAP has a financial interest.
6. When the SAP reports to the Executive Director that the employee may return to full duty of operating and maintaining commercial class vehicles the employee must:
 - a. Test negative in return to duty alcohol or controlled substances testing (or both tests if so indicated by the SAP.).
 - b. Continue with any rehabilitation therapy if so prescribed by the SAP.
 - c. Test negative in unannounced follow up testing as prescribed by the S.A.P. or at a minimum, six tests in the first 12 months of returning to duty as ordered by the DER.

Required Training

1. All affected employees and volunteers will be informed of the new D.O.T. regulations and these policies and procedures to implement the regulations. These policies and procedures are outlined in this document, MPRD Personnel Policy Manual, and all affected employees receive and sign for a copy of the manual. The original of the receipt is retained in the employees' personnel files and a copy may be provided to employees. Volunteers will be given copies of the policies and procedures and will be required to sign for proof of receipt.
2. All supervisory personnel will receive training in recognizing physical signs of alcohol misuse and controlled substance use prior to any employee being ordered to submit to reasonable suspicion testing by that supervisor. Sixty minutes of training for alcohol misuse recognition and 60 minutes of training for controlled substance use recognition are required.

3. All new employees, newly transferred employees and volunteers to affected positions will receive training prior to operating or maintaining a commercial class vehicle. A copy of the Alcohol and Drug Abuse Policy and the Alcohol and Drug Procedures for CDL Employees will be given to and signed for by such employees or volunteers, and the original receipt will be maintained in the employees' personnel files; a copy may be given to employees and volunteers. All newly hired supervisory personnel will receive 60 minutes of alcohol misuse recognition training and 60 minutes of controlled substances use training prior to their requiring any employee to submit to reasonable suspicion testing.

Questions Regarding this Policy

Employees covered by this policy may direct any questions regarding the application of the policy to the Human Resource Manager.

A RESOLUTION ADOPTING AN ANTI-HARASSMENT POLICY

RESOLUTION 18-01-01

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0554, which became effective November 16, 2017; and

WHEREAS, pursuant to the Act, each governmental unit must adopt an ordinance or resolution establishing a policy to prohibit sexual harassment;

NOW, THEREFORE, be it resolved that the corporate authorities of Mundelein Park & Recreation District adopt the attached updated harassment policy as required by Public Act 100-0554.

PASSED THIS 8th day of January, 2018.

AYES:

NAYS:

ABSENT:

ATTEST:

Section 1: Employment Policies and Procedures

1.2 Non-Discrimination and Anti-Harassment Policy

Introduction	1	Responsibility of Supervisors and Witnesses	6
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Introduction

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

It is the responsibility of each and every employee, officer, official, park commissioner, agent, volunteer, and vendor of the Mundelein Park District as well as anyone using the Mundelein Park District's facilities, to refrain from sexual and other harassment. The Mundelein Park District will not tolerate sexual or any other type of harassment of or by any of its employees and elected officials. Actions, words, jokes, or comments based on an individual's sex, race, national origin, age, religion, sexual orientation, or any other legally protected characteristic will not be tolerated.

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, sexual orientation, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and policies of the Mundelein Park District prohibit disparate treatment on the basis of sex, sexual orientation, or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibition against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

Definitions of Harassment

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

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

2. **Harassment on the basis of any other protected characteristic** is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, age, national origin, disability or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

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

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings and business-related social events.

Note | Any employee engaging in practices or conduct constituting sexual harassment, discrimination or harassment of any kind shall be subject to disciplinary action, up to and including discharge.

Retaliation Is Prohibited

No Mundelein Park District official or employee shall take any retaliatory action against any Mundelein Park District employee due to a Mundelein Park District employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any Mundelein Park District employee that is taken in retaliation for a Mundelein Park District employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

Reporting Procedure

The Mundelein Park District strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or discrimination. Therefore, while no fixed reporting period has been established, the Park District strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing or discriminatory conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

If you experience or witness harassment or discrimination of any kind, you should deal with the incident(s) as directly and firmly as possible by clearly communicating your position to the offending person, and reporting it to your immediate supervisor, your department head, and/or the Executive Director. You should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident). Written records such as letters, notes, memos, electronic communications, and telephone messages can strengthen documentation. It is not necessary that the harassment be directed at you to make a complaint.

- **Direct Communication with Offender:** If there is harassing or discriminatory behavior in the workplace, you should directly and clearly express your objection to the offending person(s) regardless of whether the behavior is directed at you. If you are the harassed employee, you should clearly state that the conduct is unwelcome and the offending behavior must stop. However, you are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed below. The initial message may be oral or written, but documentation of the notice should be made. If subsequent messages are needed, they should be put in writing.
- **Report to Supervisory and Administrative Personnel:** At the same time direct communication is undertaken, or in the event you feel threatened or intimidated by the offending person, you should promptly report the offending behavior to your immediate supervisor, department head or the Executive Director. If you feel uncomfortable doing so, or if your immediate supervisor and/or department head is the source of the problem, condones the improper behavior or ignores the improper behavior, report directly to the Executive Director. If the Executive Director is the source of the improper behavior, condones the improper behavior, or ignores the improper behavior, you should contact the President of the Board of Park Commissioners.
- **Report to Executive Director/President of the Board of Park Commissioners:** An employee may also report incidents of harassment or discrimination directly to the Executive Director. The Executive Director or his designee will promptly investigate and document the facts, and take corrective action when an allegation is determined to be valid. If your complaint alleges harassment by the Executive Director, or if the Executive Director condones the problem or ignores the problem, you should immediately report the incident or incidents in writing directly to the President of the Board of Park Commissioners. An investigation will be conducted and appropriate action will be taken when an allegation is determined to be valid. At no time will personnel involved in the alleged harassment conduct the investigation.
- **Resolution Outside Park District:** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Park District. However, all Park District employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Harassment Allegations Against Non-Employees/Third Parties

If you make a complaint alleging harassment or discrimination against an agent, vendor, supplier, contractor, volunteer or person using Park District programs or facilities, the Executive Director will investigate the incident(s) and determine the appropriate action, if any. The Mundelein Park District will make reasonable effort to protect you from further contact with such persons. Please recognize, however, that the Park District has limited control over the actions of non-employees.

Important Notice To All Employees

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this reporting procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.

Responsibility of Supervisors and Witnesses

Any supervisor who becomes aware of any possible sexual or other harassment or discrimination of or by any employee should immediately advise the Executive Director who will investigate the conduct and resolve the matter as soon as possible.

All employees are encouraged to report incidents of harassment, regardless of who the offender may be or whether or not you are the intended victim.

The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The Mundelein Park District will make every reasonable effort to conduct an investigation in a responsible and confidential manner. *However, it is impossible to guarantee absolute confidentiality.* The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The Mundelein Park District reserves the right and hereby provides notice that third parties may be used to investigate claims of harassment. You must cooperate in any investigation of workplace wrongdoing or risk disciplinary action, up to an including termination.

Responsive Action

In addition to any and all other discipline that may be applicable pursuant to Park District policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the Park District and any applicable fines and penalties established

pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Park District shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

False and Frivolous Complaints

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable Park District policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

**Mundelein Park & Recreation District
Memorandum**

TO: Board of Commissioners

FR: Margaret Resnick, Executive Director

RE: 2018 Travel Expenses

DT: January 8, 2017

As required in the new law regarding reimbursement of travel expenses, below is a list of expected travel expenses for 2017.

Purpose	Attendee	Est.Cost	Timeframe
IAPD/IPRA Conference	Bob Knudson	\$750	January
IAPD/IPRA Conference	Kevin Dolan	\$500	January
IAPD/IPRA Conference	Jesse Ortega	\$750	January
IAPD/IPRA Conference	Pat McGrath	\$750	January
IAPD/IPRA Conference	Wally Frasier	\$750	January
IAPD/IPRA Conference	Margaret Resnick	\$750	January
IAPD/IPRA Conference	Linda Miller	\$750	January
IAPD/IPRA Conference	Anthony Nitti	\$750	January
IAPD/IPRA Conference	Christa Lawrence	\$750	January
IAPD/IPRA Conference	Deb Engdahl	\$750	January
IAPD/IPRA Conference	Derek Solberg	\$750	January
IAPD/IPRA Conference	Joe Albert	\$200	January
IAPD/IPRA Conference	Brian Jeske	\$750	January
IAPD/IPRA Conference	Matt LaPorte	\$750	January
IAPD/IPRA Conference	April Lohr	\$750	January
IAPD/IPRA Conference	April Lee	\$400	January
IAPD/IPRA Conference	Rose Nudo-Semsak	\$750	January
IAPD/IPRA Conference	Tracie Ouimet	\$750	January
IAPD/IPRA Conference	Cheri Rehor	\$750	January
PGA Conference	Bill Brolley	\$1,100	January
PGA Conference	Jon Karl	\$1,100	January
CGSAA Conference	Ron Doruff	\$1,500	January
Supervisor's School	Scott Schleiden	\$800	March
IAPD Legislative Conference	Bob Knudson	\$400	April
IAPD Legislative Conference	Kevin Dolan	\$500	April
IAPD Legislative Conference	Jesse Ortega	\$400	April
IAPD Legislative Conference	Wally Frasier	\$400	April
IAPD Legislative Conference	Margaret Resnick	\$450	April
IAPD Legislative Conference	Matt LaPorte	\$450	April
GFOA Conference	Linda Miller	\$750	September
NRPA Congress	Bob Knudson	\$1,500	October
NRPA Congress	Kevin Dolan	\$1,500	October
NRPA Congress	Jesse Ortega	\$1,500	October
NRPA Congress	Pat McGrath	\$1,500	October
NRPA Congress	Wally Frasier	\$1,500	October
NRPA Congress	Margaret Resnick	\$1,500	October
NRPA Congress	Derek Solberg	\$1,500	October
NRPA Congress	Matt LaPorte	\$1,500	October
NRPA Congress	Scott Schleiden	\$1,500	October

**MUNDELEIN PARK & RECREATION DISTRICT
MARQUEE SIGN USAGE POLICY
FOR PUBLIC SERVICE ANNOUNCEMENTS**

Policy Statement

This policy is intended to address the criteria for posting public service announcements on the District's marquee sign, to enable inherently District-based organizations to communicate public service notices regarding events such organizations are holding. The District believes there are reasonable and desirable needs for public service notices for organizations serving residents of the District but which are outside the span of control of the district. The District further believes that such needs must be tempered in light of the limited resources available for use of the marquee sign. The District wishes to provide limited space for information for organizations that conduct activities relevant to the mission of the District to promote residents' health, welfare and safety. The Mundelein Park & Recreation District shall provide the limited opportunity to place specific types of information for such organizations which meet the criteria set forth below. Notwithstanding anything herein to the contrary, no organization may place any editorial content on the District's marquee sign. The opportunities provided hereby shall be limited to placing a schedule or announcement of events, including the time, place and duration, and a person to contact for additional information. Foremost, any public service announcements issued by the District shall have absolute priority over any announcements submitted by any other organization or entity.

Criteria for Use

Following are the criteria that organizations must meet in order to use the Marquee Sign for public service announcements:

1. The organization must be not-for-profit and must have a significant relationship to the Mundelein community. A significant relationship with the District can be demonstrated by meeting one of the following:
 - A. Having a membership of which 55% or more reside within the corporate limits of the District.
 - B. Having a charter or other official recognition by a parent state or national organization that designates it a Mundelein chapter.
 - C. The Corporate Authorities hereby find that the following organizations satisfy the foregoing criteria in subparagraphs (A) and/or (B):
 - Lake County Stallions
 - Mundelein AYSO
 - Mundelein Baseball Softball Association

2. Being one of the following taxing bodies serving District residents:
 - Village of Mundelein
 - Fremont Township
 - Fremont Public Library District
 - Consolidated High School District No. 120
 - Elementary School District 75
 - Elementary School District 76

Elementary School District 79

3. Being one of the following entities serving the District:

Federal and State Representatives for purposes of announcing the place and time of Town Meetings

Being an organization of Mundelein businesses whose purpose is to support and encourage business within the District.

4. Being an organization which provides a recreational service within Mundelein.
5. Being an organization which provides recreation services for people with special needs:

Special Recreation Association of Central Lake County (SRACLC)

6. The sole exception to the not-for-profit requirement is that a Mundelein business may publish notice of a charitable event, all of the proceeds from which will benefit a generally recognized charitable organization.
7. Any other requests for use of the marquee sign for public service announcements must be brought to the District Board for its approval. Such requests may only be for an organization that has a substantially similar purpose as those described herein above. Approval or disapproval may not be based on the political or religious affiliation of the organization.

Content

The announcement shall be limited to placing a schedule or announcement of meetings or events, including the time, place and duration, and a person to contact for additional information and may not contain language tending to promote a commercial or noncommercial purpose or political or religious position.

Scheduling



Requests for use of the Marquee Sign will be honored on a first-come, first-serve basis if the Park District and another eligible organization does not desire space on the Marquee Sign at the same time. Announcements will be posted for a maximum of seven (7) days.

Approved this _____ day of _____, 2018

President, Board of Park Commissioners

MEMORANDUM

To: Chief Eric Guenther

Cc: Deputy Chief Monahan 
Deputy Chief Hansen 

From: Sergeant Paul Dempsey *PD #254*

Date: Wednesday, December 13, 2017

Re: Park District Report – November 2017

There were four (4) calls for service in the area parks during the reporting period, which is slightly lower with park district activity during this time of year (9 calls for service in November 2016). The majority of the calls were minor in nature and included suspicious persons/circumstances/vehicles, and a burglary alarm.

There were a total of 35 park checks initiated by the patrol officers during this month. There were no patterns or crime trends discovered during this month. The numbers of calls and checks were consistent with the weather getting colder and a decreased use of the parks.

The following gives more detail about several of the calls during the reporting period:

- On 11/05/17, Officer McCourt located a vehicle at Scott Brown Park after hours. Officer McCourt spoke with the driver who was later issued an AHO citation for possession of drug paraphernalia.
- On 11/11/17, Officer Bond was dispatched to Community Park for a burglary alarm. Officer Bond located an unsecured main entrance door on the south side of the building. The interior of the building was checked and appeared secured. The key holder arrive and confirmed that no criminal activity had occurred.
- On 11/12/17, Officer Simonelli located a vehicle at the Diamond Lake Boat Launch. Officer Simonelli spoke with the occupants who advised they were just talking. They were advised of the park hours and they left the area.
- On 11/26/17, Officer McCourt located a vehicle at Maurice Noll Park after hours. Officer McCourt spoke with the four occupants and they were all issued trespass citations. One was also issued an AHO citation for possession of drug paraphernalia.

Officers will continue to perform walk-throughs at Park View to deter unwanted subjects from attending, especially during open gym hours. In addition, they will continue to perform park checks at the various parks.

I have attached a copy of the November 2017 Park District reports for your review.

Please contact me if you have any questions.

Courage. Pride. Commitment.