

## ALL PERSONNEL

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**Policy No. 4000**  
5/22/1973  
Revised 6/28/1988  
Reviewed 1/20/2015

## **ALL PERSONNEL**

### **General Personnel Policy Statement**

Through its personnel policies, the Board of Trustees wishes to establish conditions that will attract and retain the best qualified people for all positions throughout Oakton College. The Board expects that they will devote themselves to the education and welfare of Oakton Students.

The Board directs the administration to establish necessary procedures to keep the College's personnel policies--and corresponding administrative regulations--in the highest state of effectiveness to achieve these purposes.

**Policy No. 4001**

10/9/1973

7/23/1974

Revised 6/28/1988

Renumbered 7/1/2001

Revised 10/23/2007

Revised 1/20/2015

**ALL PERSONNEL****Employment of Related Persons or Spouses**

The Board expects the President to ensure the most demonstrably qualified candidate is appointed to fill each open position at the College. In support of its mission as the community's college and in keeping with its stated values and commitment to anti-bias policies and practices, the Board discourages any preferential consideration or favoritism based on existing familial relationships.

Because of the potential for perceived or actual conflicts of interest, the following restrictions apply to the hiring of a relative:

- No person shall be hired, transferred or promoted to a position under the direct supervisory responsibility of an immediate relative; neither shall any individual who enters into a marriage or domestic partner relationship while in the employ of the College remain in a position which involves supervising or being supervised by such a relative.
- No employee shall participate in the appointment, compensation, evaluation, promotion, discipline, or other employment decisions involving a relative.

For the purposes of this policy, "relative" includes, but is not necessarily limited to the following: those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, cousin, nephew, niece, husband, wife, domestic partner, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse, domestic partner, and the individual's fiancé or fiancée.

The President may recommend to the Board of Trustees the hiring of a relative when there are no alternatives to a relative hire or when a relative hire is in the best interest of the College.

**Policy No. 4002**

1025

1/18/2000

Renumbered 7/1/2001

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Reviewed 1/20/2015

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**ALL PERSONNEL****Ethics and Gift Ban**

**WHEREAS**, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

**WHEREAS**, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

**WHEREAS**, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and

**WHEREAS**, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

**WHEREAS**, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OAKTON COLLEGE AS FOLLOWS:**

**SECTION 1:** This Ordinance hereby amends the Ethics and Gift Ban policies of the College with the addition of the following provisions:

**ARTICLE 1****DEFINITIONS**

**Section 1-1.** For purposes of this ordinance, the following terms shall be given these definitions:

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment. "Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the Board of Trustees of Oakton College, whether on a full time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the Board of Trustees of Oakton College.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non- performance of the official duties of the officer or employee.

**ARTICLE 2****PROHIBITED POLITICAL ACTIVITIES****Section 2-1.** Prohibited political activities.

- (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Oakton College in connection with any prohibited political activity.
- (b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- (c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for their participation in any prohibited political activity.
- (d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of their official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.
- (e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because they are a member or an officer of a political committee, of a political party, or of a political organization or club.



**ARTICLE 3****GIFT BAN**

**Section 3-1.** Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

**Section 3-2.** Exceptions. Section 3-1 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse, domestic partner, and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii)

whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

**Section 3-3.** Disposition of gifts. An officer or employee, their spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

**ARTICLE 4****PENALTIES****Section 4-1. Penalties.**

- (a) A person who intentionally violates any provision of Article 2 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (b) A person who intentionally violates any provision of Article 3 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- (c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (d) A violation of Article 2 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the College by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.
- (e) A violation of Article 3 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the College.
- (f) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 2 or Article 3 of this Ordinance is subject to discipline or discharge.

**Policy No. 4003**

12/15/2009

Reviewed 1/20/2015

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**ALL PERSONNEL****Family Medical Leave Act (FMLA)**

Oakton College will grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA) and up to 26 weeks of leave in any 12-month period in compliance with the expansion of FMLA under The Support for Injured Service members Act of 2007, and any amendments to those Acts. The leave is unpaid; however, an employee may use any accumulated paid leave (sick, vacation, floating holiday) or a combination of paid and unpaid leave depending on the circumstances of the leave and as specified in this policy. An employee in an unpaid status on a FMLA leave does not accrue sick or vacation time while on leave.

**Use of Paid Leave**

An employee who is using the Family Medical Leave Act (FMLA) as described above may use all paid leave prior to using unpaid leave. Vacation and/or sick time will accrue when an employee maintains a minimum of half pay status while on FMLA.

**Victims Economic Safety and Security Act (VESSA)**

In accordance with Illinois Public Act 93-590, the college does not discriminate against employees who are victims of domestic or sexual violence or who are "perceived" as victims of domestic or sexual violence.

Illinois Public Act 93-590 requires an employer of 50 or more employees to provide up to 12 weeks of unpaid intermittent leave for employees who are victims of domestic or sexual violence, or have family members that are victims of domestic or sexual violence.

**Uniformed Services Employment and Reemployment Rights Act (USERRA)**

Oakton College provides employees who are members of the uniformed services of the United States of America granted leaves of absence in accordance with the Federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and any amendments to that act.

The primary purpose of USERRA is to assist employees with re-entry into the workforce after up to five years of voluntary or involuntary “service in the uniformed services.” It also grants to eligible employees certain rights in connection with pensions and other employee benefit plans.

Oakton College provides that employees who are spouses/partners or parents of a person called to military service shall be eligible for a protected leave of absence in specific situations, in accordance with Public Act 094-0589 of the State of Illinois (see Family Medical Leave Act). This leave provision shall apply to all Oakton employees, regardless of state of residence.

**ALL PERSONNEL****Employment in Multiple Part-time Positions**

Individuals may not be employed simultaneously in two or more part time positions without prior authorization of the associated Vice President(s) and the Office of Human Resources. Included in the part-time positions category are the 19 hour or less, 20 hour and 25 hour staff positions; Alliance faculty positions; part-time and adjunct faculty positions and any contingent positions.

An individual may be assigned to a second part-time position when the average total hours worked does not equal or exceed thirty (30) hours per week. When the second assignment results in the average hours per week exceeding 30 hours, the position requires authorizations as stipulated above together with evidence that the additional assignment meets a demonstrated institutional need.

**ALL PERSONNEL****Establishment of Employee Affinity Groups<sup>1</sup>**

The purpose of this policy is to establish the formation of Employee Affinity Groups on campus.

Housed under the Office of Access, Equity, and Diversity and the Center for Campus Inclusion and Diversity, the purpose of Employee Affinity Groups (EAG) is to bring together campus employees who are often marginalized and historically minoritized. EAG's facilitate a sense of belonging and through education and awareness help to create, sustain, and advance a campus culture and climate that welcomes diversity and inclusiveness.

Affinity groups can play an important role in fostering an inclusive campus environment, including contributing to efforts to cultivate inclusion and community through a support network of mentors, allies and peers. Affinity groups can play an important role in fostering an inclusive campus environment. They contribute to efforts to cultivate inclusion and community through a support network of mentors, allies and peers. Each affinity group determines its own scope and priorities, and are not part of the formal governance structure (i.e., not a committee), but rather are sites of community engagement and formation. Activities of an approved Employee Affinity Group must be consistent with Oakton's mission, vision and values.

EAGs are able to apply for College funding, use College resources, and is an approved function of Oakton College. EAG groups are open to all Oakton College employees.

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<sup>1</sup> This policy is based on an existing Employee Affinity Group Proposal at Tacoma Community College and was created with their permission.

## **ALL PERSONNEL**

### **Out-of-State Employment**

This policy provides direction regarding the hiring of out-of-state employees at Oakton College.

### **Out-of-State Employment Defined**

Oakton College's primary location of operation is in the state of Illinois. An "out-of-state employee" is defined as an employee of Oakton College whose primary work location is outside of the state of Illinois. State taxes, employment tax, and worker's compensation provisions vary from state to state and require payroll compliance with these various rules.

### **Allowable States for Out-of-State Employment**

All employees must maintain their primary residence in Illinois, Indiana, or a reciprocal state with Illinois. Reciprocal states include Iowa, Kentucky, Michigan, and Wisconsin. Illinois has tax agreements with these reciprocal states. Employees may have their primary residence in Indiana since Indiana is adjacent to Illinois.

### **Exceptions**

Oakton will not hire employees who live and perform work outside of Illinois, the reciprocal states, or Indiana. However, exceptions may be made for employees who:

- Are needed to meet a demonstrated academic department, program, or College need; or
- Are required to complete a College assignment or program that must be conducted outside Illinois, the reciprocal states, and Indiana.

Arrangements to work out-of-state must be preapproved by the appropriate Cabinet member and the President.

### **No Exceptions for Living and Working in the States of California and New York**

Exceptions will not be made for employees living and working in the states of California and New York since these states have arduous payroll tax, employment tax, and worker's compensation laws.

### **Required Advanced Notification of Work Location Changes**

Employees are required to notify the Human Resources department in advance of any work location changes to states outside of Illinois, the reciprocal states, and Indiana.