

The Illinois State Toll Highway

PERSONNEL POLICIES & PROCEDURES

Date: January 1, 2005

**THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY
PERSONNEL POLICIES AND PROCEDURE MANUAL**

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To All Employees:

Date: January 1, 2005

We believe that each employee contributes directly to the Tollway's growth and success. We hope you will take pride in being a member of our team, and that your experience here will be challenging, enjoyable, and rewarding.

These Personnel Policies were developed to describe the expectations we have of our employees, and to outline the policies, programs, and benefits available to employees. These Personnel Policies provide important information for all employees, and should be read as soon as possible.

The Tollway maintains an “at will” employment relationship with all employees except for employees covered by a collective bargaining agreement. Nothing contained in these Personnel Policies is intended or should be construed to create an enforceable employment contract between the Tollway and any employee or applicant.

Sincerely,

John Mitola
Chairman

Jack Hartman
Executive Director

Marilyn F. Johnson
Chief of Staff

Brian J. McPartlin
Chief of Administration

Karen Burke
Chief of Operations

Michael Colsch
Chief of Finance

Jeffrey Dailey
Chief of Engineering

Leanne Redden
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Cmdr. 15th District State Police

CHAPTER I. GENERAL POLICIES AND RESPONSIBILITIES

Section A. FUNDAMENTAL PRINCIPLES

The principles set forth in these Personnel Policies have been established as a guideline for daily personnel administration. These Personnel Policies supersede all previous Tollway personnel policy and procedure manuals and may be amended or rescinded at any time by the Board of Directors with or without notice to employees.

1. **Tollway employees are not civil service employees 20 ILCS 415/4c(13); 605 ILCS 10/8(c). Nothing contained in these Personnel Policies is intended or may be construed to create enforceable contractual rights between the Tollway and any of its employees or applicants for employment. Except for employees covered by a collective bargaining agreement, the Tollway maintains an “at will” employment relationship with all employees. This statement is declarative of existing Tollway policy and not a change from past policy or practices.**
2. Employees of the Tollway owe a fiduciary duty to the Tollway, and shall act in the Tollway’s best interest and not act for their personal benefit or for any other private interest that conflicts with the public’s trust. Integrity is essential, and employees should work towards the public good by adhering to the highest professional and ethical standards.
3. No employee is authorized to enter into any agreement or contract of employment on behalf of the Tollway unless expressly authorized to do so.
4. To the extent any provision of these Personnel Policies conflicts with a provision of a collective bargaining agreement approved by the Tollway, the latter will prevail. Likewise, any applicable law shall prevail if it conflicts with any provision of the Personnel Policies.
5. The Tollway will make employment decisions without regard to race, sex, sexual orientation, age, disability, national origin, religion, or political affiliation.
6. Insofar as is practicable, the Tollway will strive to provide employees with opportunities for training and experience that will enhance their career development.
7. The Tollway is committed to providing a safe and wholesome work environment.
8. Each Tollway employee is given and is required to be familiar with the Tollway’s Code of Ethics (Attachment 1) and must comply with all applicable federal, state and local laws.
9. The Tollway will not tolerate the harassment or intimidation of any employee for reasons that include but are not limited to: race, sex, sexual orientation, national origin, age, disability, religion, or political affiliation.
10. The Tollway will take reasonable steps to protect the privacy of its employees. Employees are prohibited from publishing, disseminating and/or displaying information of a sensitive or disparaging nature for the purpose of offending or embarrassing another employee.

11. The Tollway strives to provide each employee with a fair and constructive evaluation of his or her job performance annually. Supervisors should make themselves regularly available to answer questions and provide guidance on job performance issues.
12. Employees are encouraged to offer constructive suggestions to their supervisors concerning improved work methods and means of increasing efficiency and productivity.
13. Employees are expected to discharge their duties conscientiously, professionally and courteously, and to conduct themselves at all times in a manner that reflects favorably upon the Tollway. Failure to do so may result in discipline up to and including discharge.
14. Even though employees are "at will" pursuant to section 8(c) of the Toll Highway Act, the Tollway may use progressive discipline in an effort to maintain compliance with established rules of conduct and to correct improper behavior. Particularly serious or aggravated infractions may warrant departure from progressive disciplinary steps and, in some cases, immediate discharge.

Section B. ALLOCATION OF PERSONNEL RESPONSIBILITIES

1. The BOARD OF DIRECTORS reviews and approves the Tollway's Personnel Policies.
2. The EXECUTIVE DIRECTOR has the responsibility of interpreting and fairly applying the Personnel Policies to achieve the goals and objectives of the Tollway. In his/her reasonable discretion, the Executive Director may waive or authorize a variance from the Tollway's Personnel Policies in order to further the best interests of the Tollway.
3. DEPARTMENT CHIEFS are responsible for overseeing the operations of one or more of the departments of the Tollway.
4. The ADMINISTRATION DEPARTMENT has primary responsibility for implementing these Personnel Policies and is comprised of the following units: Employee Services, Customer Relations, Labor Relations, Procurement and Construction Services, EEO/AA, Human Resources, Employee Benefits.
5. The EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION OFFICER is responsible for monitoring and implementing the Tollway's EEO/Affirmative Action Programs.

Section C. DEFINITIONS

As used in these Personnel Policies, the following terms have the meanings prescribed below:

1. "ADA" refers to the Americans with Disabilities Act.
2. "ADEA" refers to Age Discrimination in Employment Act.
3. "CDL" refers to a commercial driver's license.
4. "Board of Directors" or "Directors" refers to the Tollway directors appointed pursuant to 605 ILCS 10/3.

5. "Criminal Background Review Committee" refers to the committee to whom employees or applicants may submit a written statement about their criminal history that was reported to the Tollway through the fingerprinting process.
6. "Department Chief" refers to an individual reporting to the Executive Director with responsibility for the management of a department.
7. "EEO/AA Officer" refers to the Equal Employment Opportunity/Affirmative Action Officer.
8. "EEOC" refers to the Equal Employment Opportunity Commission.
9. "Executive Director" refers to the Executive Director of the Tollway.
10. "FLSA" refers to Fair Labor Standards Act.
11. "FMLA" refers to Family Medical Leave Act.
12. "HIPAA" refers to the Health Insurance Portability and Accountability Act.
13. "IDHR" refers to the Illinois Department of Human Rights.
14. "Inspector General" refers to the Tollway's Inspector General, who is empowered to identify and investigate waste, inefficiencies, fraud, corruption, and mismanagement in the operations of the Tollway.
15. "Length of Service" or "Continuous Service" refers to an employee's total length of uninterrupted service beginning with his or her initial date of appointment into a permanent position. This includes the period of any prior State agency service covered under SERS, approved disability, or military leave of absence, but excludes periods of layoff, suspension or other unpaid leaves of absence.
16. "Privacy Officer" is the individual who is responsible for ensuring compliance with HIPAA. The Tollway's privacy officer is the Employee Services Manager.
17. "SERS" refers to the State Employee Retirement System.
18. "Supervisor" refers to an individual who is responsible for the work performance of another employee and includes Department Chiefs, Division Managers, and Managers. Unless the context otherwise indicates, "supervisor" refers to the immediate supervisor of the employee.
19. "Tollway" refers to The Illinois State Toll Highway Authority created by 605 ILCS 10/1 *et seq.*
20. "VESSA" refers to the Victims Economic Security and Safety Act.
21. References to job titles or positions shall include designees and those serving in an "acting" capacity.

CHAPTER II. RECRUITMENT AND RETENTION OF EMPLOYEES

Section A. GENERAL POLICY

The Tollway's goal is to attract and retain competent personnel. The Tollway seeks to place employees in positions that best suit their aptitude, abilities, and skills, and to encourage employees to qualify for advancement through training and strong job performance.

The Tollway prohibits all types of discrimination against any individual with regard to recruitment, examination, appointment, training, promotion, retention, or any other employment action because of religion, race, national origin, sex, sexual orientation, age, handicap, or any other non-merit factor, except where such may be a bona fide job qualification.

Except for certain positions meeting the requirements of Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990), an individual's political party affiliation is not a permissible factor in any employment decision.

Section B. RECRUITMENT OF EMPLOYEES

1. Employee Services Division

The Employee Services Division has the primary responsibility for implementing and coordinating the Tollway's recruitment and placement activities.

After reviewing the information submitted from the hiring department, the Employee Services Manager will "post" the position for notification to any interested employees. These notifications will be posted in the Central Administration Building, Central Warehouse, all Toll Plazas, Central Garage, and Maintenance sites. Employees interested in applying for positions within the Tollway must submit an application and a current resume. Employment inquiries should be directed to the Employee Services Division.

2. Position Qualifications

To be considered for employment at the Tollway, a person must meet the qualifications of the position. Qualifications vary in accordance with each position. An individual will not be considered for employment if he or she has been convicted of crimes involving dishonesty, false statement, or punishable by imprisonment in excess of one (1) year within the past ten (10) years. Convictions of other kinds disclosed on an application will be reviewed and an offer of employment may or may not be extended on the basis of a criminal conviction.

3. Employment Application

- a. Persons applying for a position with the Tollway must complete an application for employment that is available from the Employee Services Division. (Attachment 2)
- b. The employment application becomes a part of the employee's permanent record. All information submitted on the application form is subject to verification.
- c. Information gained by checking references is highly personal and shall be treated confidentially.

- d. The Tollway reserves the right to discharge an employee upon finding falsification of material facts on the employee's application or upon discovery of information which, if known at the time of employment, would have rendered the individual unacceptable for the position. Consequently, omitting a response to any question regarding felony or misdemeanor convictions will be viewed as falsification of significant information that may result in discipline up to and including discharge.
- e. Any person indicating a criminal felony or misdemeanor conviction will be required to provide a written statement about the conviction.

4. Age Requirement

The Tollway will not employ persons less than sixteen (16) years of age. The Tollway may employ persons between sixteen (16) and eighteen (18) years of age, depending on the need for such employees.

5. Citizenship Requirements

United States citizenship or proof of authorization to legally work in the United States is a requirement for employment with the Tollway. The Tollway will not sponsor any job applicant for permanent residency or citizenship.

6. Immigration Reform and Control Act of 1986

In accordance with the Immigration Reform and Control Act of 1986, all applicants are required to complete an Employment Eligibility Verification Form (I-9) (Attachment 3). The appropriate documentation must be submitted by all candidates for employment prior to the date of work commencement.

7. Veterans Preference

Reasonable preferences will be given in the employee selection process to candidates qualifying for a position who are or were members of the U.S. Armed Forces and/or Reserve Units, including but not limited to selecting such candidates over candidates lacking military experience when all other factors in the employment evaluation process are equal.

Section C. EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join the Tollway are well qualified and have a strong potential to be productive and successful employees, it is the policy of the Tollway to verify the employment references of applicants.

As an employer, the Tollway receives requests for employment data about current or past employees from organizations such as lending or educational institutions or prospective employers. Requests for employment data must be in writing. Unless otherwise required by law, employment data will not be released without the written authorization and signed release by the individual who is the subject of the inquiry. Once authorized, any response from the Tollway to such inquiries will be in writing and limited to verifying salary, title/job classification, and length of service with the Tollway. Supervisors who receive requests for employment data

about current or past employees, either orally or in writing, must refer the inquiry to the Employee Services Division.

Section D. SELECTION/ORIENTATION

Employee Services conducts all interviews. The Executive Director has sole final authority for the appointment of personnel. Supervisors have no authority to extend an offer of employment or make a contractual commitment as to terms of employment, and shall refrain from any action which might be interpreted as having such effect.

Prompt and effective orientation of all new employees is vital to creating a sound employment relationship. The Human Resources Section is responsible for ensuring that new employees complete the necessary personnel forms and receive initial personnel orientation packages. Supervisors are responsible for further orientation, training and development of new employees.

Section E. CRIMINAL BACKGROUND CHECK

1. New Employees

After an employment offer has been extended, a criminal background check will be conducted. Commencement of employment is conditioned upon receipt of a satisfactory result from the criminal background check. Any individual who refuses to authorize such a background check will not be considered for employment. In the event an individual is hired prior to the completion of the criminal background check, the Tollway reserves the right to terminate the employment relationship upon the disclosure of a criminal background which would otherwise have precluded an employment offer being extended.

Pursuant to the Illinois Uniform Conviction Information Act the Tollway must provide the individual named in the request with a copy of the response furnished by the Department of State Police. The individual shall have the obligation to notify the Chief of Administration if the information is inaccurate or incomplete within seven (7) working days after receiving a copy of the information furnished by the Department of State Police. If after receiving a response from the individual named in the request it is determined that the individual is no longer suitable for the position to which an offer of employment was extended, and in certain circumstances commenced, the offer of employment will be rescinded.

2. Current Employees

The Tollway receives notification through an ongoing system of fingerprint identification when an arrest and/or conviction of an employee occurs. In addition, employees are obligated to follow the procedures outlined in Chapter VIII regarding arrest, indictment, or conviction.

3. Criminal Background Review Committee

The Criminal Background Review Committee is comprised of three (3) Tollway employees, one (1) from Legal, one (1) from Administration and one (1) from Operations, chosen by the Chiefs of those departments. Employees who have criminal histories disclosed through the fingerprinting process or applicants who self-identify criminal backgrounds are entitled to submit a written statement to the Committee. The Committee, with the input of the employee or applicant, will identify the accuracy of the criminal history disclosed. In addition, the Committee will have an opportunity to question the employee or applicant regarding responses provided on

the employment application regarding a criminal background. The information gathered by the Committee will be provided to the Administrative Review Board for further action.

4. Administrative Review Board

The Administrative Review Board consists of the Executive Director, Chief of Staff and Chief of Administration. The Board will meet with the members of the Criminal Background Review Committee and will determine whether an individual is suitable for employment. The appropriate letter will be sent from the Chief of Administration to the employee or applicant at the conclusion of the criminal background review.

Section F. HARRASSMENT AND DISCRIMINATION

1. General Policy

The Tollway will not tolerate harassment or discrimination against any Tollway employee in the terms, conditions, or privileges of employment. Any employee found to have engaged in unlawful harassment or discrimination will be subject to discipline up to and including discharge.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual 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 written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, including via the computer.

Any employee with questions or concerns about possible discrimination or harassment in the workplace should bring these issues to the attention of his/her supervisor or the EEO/AA Officer.

Given the seriousness of the consequences for the accused, a false or frivolous charge of discrimination or harassment is a severe offense that can result in disciplinary action up to and including discharge. When wrongful conduct is determined, remedial action, up to and including discharge, may be taken against the offending party.

2. Sexual Harassment

The Tollway condemns and will not tolerate sexual harassment of its employees.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may involve members of opposite genders or the same gender. It may occur between a supervisor and a subordinate, co-workers, a Tollway employee and vendor and/or customer. For purposes of this Section, prohibited sexual harassment includes, but is not limited to:

- a. Verbal: Sexual innuendoes, suggestive comments, insults, humor, jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, statements about someone's anatomy, or statements about other employee(s) of a sexual nature, even outside of their presence.
- b. Non-verbal: Leering or obscene gestures, sexually suggestive body gestures.
- c. Visual: Posters, signs, pin-ups, or slogans of a sexual nature.
- d. Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or assault.
- e. Other forms of harassment motivated by the gender of the victim of the harassment.

3. Discrimination

The Tollway will not tolerate discrimination against any employee. Discrimination is the unfair treatment or denial of normal privileges to persons because of their race, age, nationality, sex, sexual orientation, physical condition, religion or any other characteristic protected by law. The Tollway encourages prompt reporting of incidents of suspected discrimination, harassment or retaliation, regardless of the offender's identity or position.

The Tollway has established an Affirmative Action Program to promote opportunities for individuals in certain protected classes throughout the Tollway organization. Each Tollway employee shall be fully committed to the Tollway's Affirmative Action Program and other efforts to achieve equal employment opportunities.

4. Responsibility of Employees

Employees must refrain from any form of discrimination or harassment in the workplace. An employee who sexually harasses an employee or customer may be held personally liable for his or her individual conduct and will be subject to disciplinary action up to and including discharge.

Any employee who believes he/she has been the subject of harassment or discrimination should report the problem immediately to his/her supervisor or the EEO/AA Officer.

5. Responsibility of Supervising Personnel

Each supervisor is responsible for maintaining a workplace free of harassment and discrimination. Supervisors must promote a professional environment and deal promptly with observed or alleged harassment or discrimination, as with all other forms of employee

misconduct. This duty applies even in cases in which an employee tells the supervisor about behavior that may constitute harassment or discrimination but does not want to make a formal complaint. Supervisors must ensure that there is no retaliation against an employee complaining of harassment or discrimination.

6. Procedures

An employee who either observes or believes he/she is the target of harassment or discrimination should deal with the incident(s) promptly.

Proper responses to conduct which is reasonably believed to be harassment or discrimination include the following:

- a. **DIRECT COMMUNICATION.** If the employee suspects harassment or discrimination, the employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop.
- b. **INFORM SUPERVISOR.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the employee should promptly report the problem to his/her supervisor. If the supervisor is involved, the employee should report the problem to the next level of supervision.
- c. **INFORM EEO/AA OFFICER.** An employee should report suspected harassment or discrimination to the EEO/AA Officer. The EEO/AA Officer will counsel the reporting employee and investigate the complaint.
- d. **APPEAL PROCESS.** If an employee believes that an investigation of alleged harassment or discrimination by the EEO/AA Office reached an incorrect result, the employee should inform the EEO/AA Officer that a review is requested and submit to the EEO/AA Officer a written statement setting forth the basis for the employee's belief. If an individual involved in a complaint does not agree with the outcome of the review, that party may appeal to the IDHR or EEOC. Due to the serious implications of harassment and discrimination charges and the difficulties associated with the investigation and questions of credibility involved, the employee's willing cooperation in an investigation of harassment and discrimination allegations is vital to an effective inquiry and appropriate outcome. Whenever possible, employees should document in writing alleged incidents of harassment or discrimination, although employees should not delay reporting alleged incidents in order to prepare such documentation. Employees who fail to promptly report incidents of harassment or discrimination may lose legal rights as a result.

7. Protection From Retaliation

Retaliation against an employee who reports or is a witness to suspected harassment or discrimination is forbidden. Any employee found to have retaliated against a complainant or witness will be subject to discipline, up to and including discharge.

Section G. DISABILITY ACCOMMODATIONS

1. General Provisions

The Tollway strives to comply with the Americans with Disabilities Act ("ADA") and applicable state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities. It is the Tollway's policy to, without limitation:

- a. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a non-discriminatory manner in all terms, conditions, and privileges of employment.
- b. Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files in accordance with HIPAA.
- c. Provide applicants and employees with disabilities with reasonable accommodation, unless such an accommodation would create an undue hardship on the Tollway.

2. Procedure for Requesting Accommodation

Employees with disabilities may make requests for reasonable accommodation to the Tollway's EEO/AA Officer. Employees who seek an accommodation must complete an ADA request form and supply other documentation required by the EEO/AA Officer. ADA request forms are available from the EEO/AA Officer. Upon receipt of the accommodation request and supporting documents, the EEO/AA Officer will assess the limitations resulting from the disability and the potential accommodation the Tollway might make to help overcome those limitations. The EEO/AA Officer, in conjunction with the appropriate management representative(s), will determine the feasibility of the requested accommodation.

The EEO Officer will inform the individual of the Tollway's decision regarding the accommodation request and/or how the accommodation will be implemented. If the accommodation request is approved, the accommodation must be recertified every six (6) months. If at any time it is determined that the accommodation does not effectively allow the employee to perform the essential functions of the job, or the individual's job performance does not meet the Tollway's standards, the Tollway reserves the right to review the accommodation and withdraw its approval.

CHAPTER III. EMPLOYMENT AND PERSONNEL ACTION

Section A. EMPLOYEE STATUS

1. Probationary Status

New employees will serve a probationary period of six (6) months. A new employee's probationary period may be extended up to an additional three (3) months with the approval of the Department Chief. During their probationary period, new employees will be ineligible for salary increases, change of employee status, use of vacation, or paid leave.

Probationary periods for transfers, promotions, voluntary, and involuntary grade reductions within the Tollway are three (3) months, and may be extended up to an additional three (3) months if deemed necessary by the Department Chief.

An employee's approved absence of more than fifteen (15) working days during the probationary period will automatically extend the period by an equivalent number of days. Probationary employees may be terminated at any time during the original or extended probationary period with the approval of the Executive Director.

2. Types of Employment

- a. **Permanent Employee:** An individual who is not assigned in a temporary or probationary position, is regularly scheduled to work at least twenty (20) hours per week, and is eligible for Tollway sponsored benefits.
- b. **Part-Time Employee:** An individual who is hired when the nature of the Tollway's work requires an augmentation of the regular work force. The work hours of part-time employees shall be arranged to best serve the needs of the Tollway. The part-time employee is normally scheduled for no more than twenty (20) hours a week.
- c. **Seasonal Temporary Employee:** An individual who is hired for certain periods of time in response to increased work loads during a certain time of the year.
- d. **Seventy-Five Day Employee:** An individual who is a retiree collecting a pension from SERS and who may not work more than seventy-five days in any calendar year without adversely affecting his/her pension.
- e. **Co-Op Employee:** An individual who is a student participating in his or her school's Co-Op program, whereby the Tollway offers the student practical work experience.

3. Positions Requiring Registration or Licensure

- a. Various positions within the Tollway require professional registration or professional licensure, with some requiring multiple licensure. Where applicable, these requirements are indicated on all job postings and job descriptions. The Tollway will reimburse employees for fees paid for renewals of professional licensure/registration that are required of the position, upon proof of payment.

- b. Registration or licensure must be active in Illinois at time of application for positions requiring registration or licensure by the State of Illinois, or the license/registration must be acceptable by the State of Illinois and must be transferable to the State of Illinois.
- c. Employees in positions requiring licensure or registration must display the appropriate certificate in a conspicuous place in his/her office.

Section B. CHANGE IN EMPLOYMENT STATUS

For each of the following employment actions, a Tollway employee is expected to serve a probationary period of three (3) months. Benefits, seniority, accrual of paid sick and vacation time and other such benefits will follow an employee into his/her new position and are not suspended during this probationary period.

1. Promotions

A promotion occurs when an employee's position is increased in salary grade and the promoted employee assumes new or additional responsibilities. Promotional opportunities ordinarily will be posted on the Tollway's web site and internal bulletin boards for five (5) working days, enabling interested employees to inquire about and apply for the open positions.

A promoted employee who fails to demonstrate within the probationary period an ability to competently perform the duties of the new position will be returned to a position for which the employee is qualified, based on availability of such a position, and at the compensation level (salary or hourly) earned before the promotion.

2. Involuntary Reduction in Grade

An involuntary reduction in grade involves the re-assignment of an employee to a vacant position in a classification having a lower maximum permissible salary or rate than the classification from which the involuntary reduction is made. An involuntary reduction may be based upon the employee's inadequate or unsatisfactory job performance documented in the employee's personnel records. It may also occur as a result of a reorganization of departments or the removal of an individual from an exempt position as defined in Chapter IV below, but does not include returning a previously promoted employee to his/her former class based on a failure to demonstrate necessary competencies to fulfill the duties of the new position within the probationary period. An involuntary reduction in grade must be approved by the Department Chief and Executive Director. Upon an involuntary reduction in grade, if an employee's salary exceeds the maximum of the lower classification salary rate, the employee's salary will remain the same, and the employee will receive no increases until the employee's salary falls within the grade classification for the position currently held by the individual.

3. Voluntary Reduction

An employee may voluntarily request a reduction to a vacant position in a lower classification, the duties of which the individual is qualified to perform. Such a request should be made in writing to the Employee Services Division and their Department Chief. The Tollway prefers to fill vacancies by promotion rather than reduction in classification.

4. Lateral Transfer

A lateral transfer involves the assignment of an employee to a vacant position whose classification has the same salary range. An employee may seek a transfer to a vacant position by submitting a written request to the Employee Services Division and their Department Chief. The request for transfer may be approved if, in the judgement of the Department Chief of the new position, the employee is the most highly qualified for the position sought and has a good work record. The Tollway may transfer employees for fiscal or operational reasons at the discretion of the Executive Director.

Section C. PHYSICAL EXAMINATIONS

Each potential employee of the Tollway must pass a drug test to secure employment with the Tollway, as set forth in Chapter IX. In addition, each potential employee for any of the following positions is required to take a physical and back x-ray, to ensure the physical ability to perform the essential functions of the position:

- Auto Attendant
- Coin Counters
- Custodians
- Equipment Operator/Laborers
- Lane Walkers
- Mechanics
- Money Truck Drivers
- Roadway Electricians
- Toll Collectors
- Warehouse Workers

The Tollway reserves the right to require physicals and/or back x-rays for additional Tollway positions.

There are certain types of work for which applicants must satisfy even higher physical fitness standards. These positions require arduous physical labor, continuous lifting and the operation of mobile equipment. Employees who will be operating Tollway vehicles, even occasionally, will be required to meet the Tollway's vision requirements.

Prospective employees will be instructed that their employment is contingent upon passing the physical exam, back x-ray, vision test, and/or drug test, as required by the position. Appointments will be made with a doctor selected by the Tollway. A Tollway-ordered physical examination shall be given at Tollway expense with no loss of pay. Tollway employees who refuse to take a physical examination will be considered insubordinate and subject to disciplinary action up to and including discharge.

Information on an employee's medical condition or history will be kept separate from other employee information and kept confidential. This information shall be disseminated only for a legally authorized reason.

Section D. WORKERS' COMPENSATION

1. General Provisions

The Illinois Workers' Compensation and Occupational Disease Act provides benefits to an employee who has sustained a job-related injury or occupational disease.

Any employee who sustains a work-related injury or illness, no matter how minor, must inform his/her supervisor immediately. The employee should complete all necessary forms and return them to the Workers' Compensation Section. The Workers' Compensation Section will handle all communications with an employee regarding a claim. Employees are allowed to accumulate vacation benefit time while on temporary total disability for a maximum period of twelve (12) months from the date of a work-related injury. If the injury is due to the employee's negligence, the employee will accumulate no vacation benefit time.

Fraudulent claims will not be tolerated. Any employee presenting a fraudulent claim is subject to discipline, up to and including discharge.

An employee must use earned sick time for the initial three (3) days. If an employee has no available sick time for any of these three (3) days, this time will be unpaid. After a three (3) day waiting period, Total Temporary Disability benefits, when applicable, are extended to the injured employee until such a time as that individual is released to return to gainful employment. All employees who are off at least fourteen (14) days receiving Workers' Compensation benefits, and who have utilized any sick time in the first three (3) days, are required to reimburse the Tollway from the Total Temporary Disability compensation paid to the employee when sick time was utilized. The employee will then be credited those sick days as if they had never been used. Any employee off in accordance with Workers Compensation will have FMLA time debited concurrently. The medical information generated from the Worker Compensation Case is sufficient documentation to debit FMLA time.

2. Transitional Duty Program

The Tollway has established a Transitional Duty Program for employees who have incurred a work-related injury and are temporarily medically unable to return to full duty status. The primary goals of the Program are to protect the employability of the worker, to prevent and reduce the number of lost days, to increase overall productivity of both the employee and the Tollway, and to assist in returning the employee to full employment status at the most appropriate time as determined by competent medical professionals.

The transitional work activities will be at the employee's normal work facility, if possible. Assignment to an alternate facility or to Central Administration will be at the Tollway's discretion. Depending on the employee's medical restrictions, transitional work tasks may entail modification of current job demands, assignment of new tasks, or a different work schedule.

If the employee remains on Transitional Duty at the end of a ninety (90) day period, a representative from the Workers' Compensation Section will meet with the employee to review all medical documentation and discuss the degree of recovery from injury. The employee may be placed in an alternative transitional duty position based on his/her degree of recovery for additional periods of up to ninety (90) days.

Completion of the Transitional Duty Program will be accomplished when the employee is able to resume his or her prior work duties. If the employee is medically certified as permanently unable to return to full duty, the EEO/AA Officer pursuant to Chapter II will determine if the job assignment can be accommodated as a result of the employee's permanent disability.

Section E. LAYOFF

Employees may be laid off if, in the judgment of the Executive Director, economic, or operational requirements demand a reduction in work force.

Section F. TERMINATION

Below are examples of some of the most common circumstances under which the Tollway terminates the employment of its employees:

1. RESIGNATION - voluntary employment termination initiated by an employee. An employee is expected to give the Tollway at least two (2) weeks notice prior to the effective date of his/her resignation.
2. DISCHARGE - involuntary employment termination initiated by the Tollway.
3. RETIREMENT - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the Tollway.
4. SEPARATION - when the Tollway discontinues the employment relationship with an employee due to various circumstances, including but not limited to, an employee exhausting all Tollway benefit time and leave time, an employee no longer being capable of performing required job duties with or without reasonable accommodation, or eliminating the employee's job position in conjunction with a layoff or reorganization.

An individual's employment with the Tollway is terminated upon the employee's withdrawal from service for any reason except an approved leave of absence. A leave of absence for any reason (except military leave or other situations as required by law) that exceeds two (2) years in duration results in automatic termination of employment.

Upon termination of employment, an employee shall immediately return all property and identification belonging to the Tollway. An employee whose employment is terminated by the Tollway for cause, or who upon a voluntary resignation, fails to return all Tollway property and identification, shall not be eligible for rehire by the Tollway. Employees will receive their final pay in accordance with applicable state law and Tollway policies. To the extent allowed by law, any monies the employee owes to the Tollway (e.g., tuition reimbursement, tolls) will be deducted from the employee's final paycheck.

An employee who fails to report for work or call to report his or her absence for two (2) consecutive days will be deemed to have abandoned his/her job and is subject to disciplinary action up to and including discharge.

Section G. EXIT INTERVIEW

The EEO Office will conduct a confidential exit interview (Attachment 4) with terminated employees. Comments and information submitted by employees during their exit interviews will be evaluated to monitor the effectiveness of supervisors and the Tollway itself. A summary of comments and ratings received from terminated employees is completed and forwarded to the Executive Director, Chief of Staff, and Chief of Administration quarterly.

Section H. JOB DESCRIPTION/JOB EVALUATION

Each position shall have a written job description based upon a careful analysis of the duties of the position and the qualifications demanded. Each job description should cover:

1. Job functions;
2. Nature, scope of responsibility, and accountability of the position;
3. Reporting requirements;
4. Physical requirements;
5. Required education, skill, experience, and licensure; and
6. Classification.

Proposed new or revised job descriptions should be forwarded to the Administration Manager.

If a Department Chief believes the duties, responsibilities or skills required of a position have changed so as to warrant a change in the classification, the Department Chief will so advise Employee Services of the reasons in writing. An employee who believes that his or her job is improperly classified may seek a classification review by making a written request to his/her Department Chief no more than once every two years. If the Department Chief concurs, the request will be referred to Employee Services.

Employee Services reviews and revises job descriptions as appropriate when there are significant revisions in job duties or the position becomes open. Current job descriptions are reviewed annually at the time of performance evaluations. Supervisors are responsible for reviewing and updating existing jobs and job descriptions:

1. to ensure that the positions as written remain needed;
2. to ensure accuracy when the job is advertised for hiring and during annual evaluations; and
3. to ensure that the description accurately portrays the key functions, accountabilities and duties expected.

Master files of all job descriptions are kept by the Administration Manager and are available for review by all employees with approval of the Chief of Administration.

Section I. PERFORMANCE EVALUATIONS

1. General Provisions

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial probationary period (six (6) months) and at the end of the probationary period

associated with a change in employment status (see Section A and B of this Chapter) (Attachment 5).

Each permanent employee will receive a written performance evaluation by his/her supervisor annually. Performance evaluations may be conducted more frequently in individual cases in order to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

2. Content of Evaluation

Written performance evaluations should be in the standard form as provided by Employee Services and cover at least the following areas:

- a. Work performance;
- b. Accomplishment of goals and objectives;
- c. Establishment of mutually acceptable new objectives;
- d. Areas where improvement has been shown;
- e. Areas where improvement is needed;
- f. Attendance/timeliness;
- g. Acceptance of instruction and direction; and
- h. Disciplinary problems.

3. Evaluation Procedure

Supervisors will discuss each written evaluation with the employee and submit it to the Department Chief for review and approval before it is submitted to Administration. The employee signs the evaluation to reflect that the employee has reviewed it, and may add comments pertaining to the evaluation. The evaluation process will not be unduly delayed for an employee's comments. If an employee refuses to sign, the Supervisor should note the refusal on the evaluation, as well as the date and time when the evaluation and the opportunity for discussion was provided to the employee. The Supervisor will then sign the evaluation and submit it to the Department Chief for final approval. After timely review and approval by the Department Chief, the evaluation will be forwarded to Administration and retained in the employee's personnel records.

Section J. GENERAL MERIT/SALARY ADJUSTMENTS

The Tollway generally implements merit/salary adjustments for all non-bargaining unit personnel on January 1 of each year, but is not obligated to make such adjustments. Salary increases within pay ranges vary according to the employee's performance level and current position in the salary range.

CHAPTER IV. EMPLOYEE RELATIONS

Section A. EMPLOYMENT OF RELATIVES

The Tollway considers it a conflict of interest for a supervisor to directly supervise anyone whose relationship is that of spouse, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, step-relative, domestic partner, or any other person whose association with the employee is similar to any of these relationships. An applicant will not receive a preference for employment merely because he/she is the relative or domestic partner of a Tollway employee. In order to avoid such conflicts of interest, the relative, step-relative, or domestic partner of an incumbent employee will not be assigned to serve under the direct supervision of his or her relative, step-relative, or domestic partner. Employee Services should be consulted in all work-related issues involving relatives.

Section B. EMPLOYMENT CATEGORIES

It is the intent of the Tollway to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either "NON-EXEMPT" or "EXEMPT" from federal and state wage and hour laws.

1. NON-EXEMPT employees are entitled to overtime pay or compensation time under the provisions of federal and state laws. These individuals will receive overtime pay or compensation time as indicated in the Fair Labor Standards Act. (See also Chapter VI Section G.)
2. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. This means that the salary and work of the employee is such that no additional compensation for "overtime" hours must be paid.

An employee's "EXEMPT" or "NON-EXEMPT" classification may be changed only with the approval of the Executive Director in accordance with applicable law. An employee may contact Human Resources to find out if he/she is an exempt or nonexempt employee.

Section C. EMPLOYEE PERSONNEL RECORDS

The Administration Department maintains the official personnel file on each employee. The personnel file may include such information as the employee's job application, resume, and records of training, performance evaluations, record of salary increases, and other employment records. Personnel files are the property of the Tollway, and access to the information is restricted and will be kept confidential.

Employees may review their personnel records by contacting Employee Services. All reviews shall occur at CA and in the presence of an individual assigned by Employee Services. An employee may designate in writing an authorized agent to review that employee's personnel records.

A copy of correspondence, forms and reports having a direct bearing on an employee's employment at the Tollway will be furnished to the employee upon request to Employee Services. This data may include, but is not limited to: hours of work, salary history, leaves, benefits, insurance, disciplinary action, and grievances.

Personnel records are not available for public inspection, except as provided by law. Management personnel of the Tollway may review information in an employee's file only as authorized by the Chief of Administration. Counsel for the Tollway may review personnel files.

Outside written requests for information must be in compliance with the Freedom of Information Act. Any telephone request regarding an employee shall be limited to acknowledging whether the Tollway employs the person.

Section D. EMPLOYEE PERSONAL DATA CHANGES

It is the responsibility of each employee to promptly notify Human Resources of any changes in employee personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such information in the employee's personnel records should be accurate and current at all times. The Tollway shall not be liable for any action, inaction or misdirected action regarding an employee or his/her dependents due to incorrect employee personal data.

CHAPTER V. BENEFITS/APPROVED LEAVES

Section A. EMPLOYEE BENEFITS

Eligible employees at the Tollway are provided a wide range of benefits, including those prescribed by law (e.g., Social Security, workers' compensation, state disability, and unemployment insurance). Some benefit programs require contributions from the employee.

Eligibility for benefits is dependent upon a variety of factors, including employee classification. Employee Services will identify the programs for which an employee is eligible.

1. Retirement

An employee must work for the Tollway eight (8) years to be eligible to be vested in SERS. Contributions to SERS are not made during an employee's six-month probationary period. An employee may 'buy' this time at a later date, but if he/she chooses not to, an employee must work eight and one half (8½) years before being eligible to be vested in SERS. Any information regarding SERS can be obtained by contacting Employee Benefits.

2. Medical Benefits/Insurance

The Tollway provides medical, dental, and vision insurance programs in which employees may participate. However, no employees may have dual coverage. (Example: husband and wife work at the Tollway. Husband opts for family coverage and wife opts for individual coverage. This is not allowed. Husband and wife may each have individual coverage or one spouse may have family coverage in which case the other spouse 'opts out' of insurance coverage.) Please contact Employee Benefits for further information.

3. Vacation Benefits

An employee who is regularly scheduled to work more than eighty (80) hours per month but less than one hundred forty (140) hours per month shall earn prorated vacation credit. An employee will not earn vacation benefits while on suspension of thirty (30) days or more, while on a leave of absence without pay exceeding fifteen (15) days, or as otherwise set forth in the Personnel Policies. Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work in accordance with the Tollway's vacation accrual schedule, as modified by the Governor's Administrative Order 3 (2003). Cash payment will not be made in lieu of vacation except upon an employee's death, resignation, separation, or termination. An employee or his/her estate will receive compensation for only the number of accrued vacation days to the date of termination, and any vacation days carried over from the previous year. The payment provided by this Section shall not be allowed if the purpose of the separation from employment is to obtain any such payment and re-employment with the Tollway is anticipated or obtained within ninety (90) days of separation.

The amount of paid vacation time an employee receives each year depends on the length of their employment, and will be accrued on a monthly basis according to the following schedule.

Years of Creditable Service	Days of Vacation	Hours Earned by Month											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0 - 5	10	6.66	6.66	6.66	6.66	6.66	6.66	6.66	6.66	6.66	6.66	6.66	6.66
6 - 9	15	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
10 - 14	17	11.33	11.33	11.33	11.33	11.33	11.33	11.33	11.33	11.33	11.33	11.33	11.33
15 - 19	20	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33	13.33
20 - 25	22	14.66	14.66	14.66	14.66	14.66	14.66	14.66	14.66	14.66	14.66	14.66	14.66
26 -	25	16.66	16.66	16.66	16.66	16.66	16.66	16.66	16.66	16.66	16.66	16.66	16.66

The length of eligible service is calculated on the basis of a "benefit year". This is the twelve (12) month period that begins when the employee begins employment. An employee can receive an advance of five (5) days of their ten (10) days earned within their first year after he/she passes the initial probationary period of six (6) months and receives the approval of their supervisor.

Paid vacation time must be used in increments of one-half day or full day increments. To take vacation time, employees should request advance approval from their supervisors. Requests will be reviewed and approved or denied based on a number of factors, including operational needs, staffing requirements, and length of service. Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as shift differentials.

In the event that available vacation is not used by the employee, the employee may not carry more than five (5) unused vacation days forward to the next benefit year. All vacation days that are carried over to the subsequent calendar year shall be forfeited by December 31st of that year if unused.

B. HOLIDAYS

The Tollway grants time off to all employees for observed holidays as approved annually by the Board of Directors. Employee Services circulates the listing of approved holidays. All employees will be entitled to paid holiday time off immediately upon employment with the Tollway. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

When a holiday falls on a day on which some employees are normally scheduled to work, Department Chiefs will determine which positions (if any) must be covered for reasons of operational necessity. All other regularly scheduled employees will receive the day off with pay, provided the employee fulfills the provision of working the workday before and the workday after a holiday, as monitored by the supervisor, or utilizes previously approved available benefit time the working day before and after a holiday.

If overtime eligible employees work on a recognized holiday, they will receive holiday pay at the rate of one and one-half times their straight-time rate for the hours worked on the holiday regardless of whether they work in excess of forty (40) hours in that work week.

Paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is required.

C. EMPLOYEE LEAVES

1. Authorized Leave Without Pay

The Tollway provides employees authorized leave without pay ("ALWOP"), based on an excused absence from work for personal reasons when an employee does not have any other benefit time to utilize for the absence. ALWOP may be granted only under the following conditions:

- a. The requested leave is due to extenuating circumstances;
- b. Work requirements permit the employee's absence without unreasonable disruption of work;
- c. The employee intends to return at the completion of the ALWOP; and
- d. All vacation benefit time and personal leave benefit time have been used.

The following rules pertain to ALWOP:

- a. ALWOP covered by this section requires the approval of the employee's supervisor for single day requests. The Department Chief must approve requests exceeding one (1) day. An extension of up to three (3) months during a twelve (12) month period is permissible with the prior approval of the Chief of Administration.
- b. If an employee is on ALWOP for more than thirty (30) days in any twelve (12) month period, the time on leave will be deducted from creditable service, continuous service seniority (if applicable) and vacation earning dates, unless the leave is for military or education purposes to serve in the Peace or Job Corps, or due to occupational and non-occupational disability.
- c. An employee may be discharged for failing to return from leave within two (2) working days after the expiration of the ALWOP.
- d. An employee has no sick leave available but returns to work with a doctor's note justifying the absence on the next scheduled workday.

2. Sick Leave

The Tollway provides paid sick leave benefits to all permanent employees for periods of temporary absence due to illnesses or injuries.

Eligible employees will accrue sick leave benefits at the rate of twelve (12) days per year (one (1) day for every full month of service) of which six (6) days total may be used for personal time, as explained in Section 5. Sick leave benefits are calculated on the basis of a calendar year. Sick leave will be pro-rated during the first year of employment. Unused sick leave benefits will be credited on a monthly basis and will be accrued indefinitely.

Employees can request use of paid sick leave after completing the probationary period of six (6) months from the date they begin employment. To earn sick leave within any calendar month, a full-time employee must be credited a minimum of eighty (80) hours of pay in that month. Paid sick leave may be taken in one-hour increments. The Tollway may, in its discretion, require a physician's statement for sick leave absences.

An employee's use of sick leave for a medical, optical, or dental examination, or a known illness or injury, is subject to approval by the employee's supervisor. Under such circumstances, an employee must notify the supervisor in advance and give the probable length of absence regarding the illness or examination. Employees should make a reasonable effort to schedule medical/dental appointments to minimize the impact on normal working hours.

Employees unable to report to work due to unexpected illness or injury should notify their supervisor at the scheduled start of their workday or as soon as medically possible. The supervisor must also be contacted at or before the start of each scheduled workday on each additional day of absence due to unexpected illness or injury.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury. Unused sick leave benefits will not be paid to employees while they are employed. Upon termination of employment for any reason, or upon layoff, an employee or the employee's estate will be paid at half rate for unused sick leave that was accrued on or after January 1, 1984, and through December 31, 1997, provided the employee is not employed in another position in State service. Except for sick leave accrued between January 1, 1984, and December 31, 1997, an employee will not receive compensation upon separation of employment. The employee's straight time rate of pay at the time of separation will be used to compute the value of the lump sum payment that is due for unused sick days. The payment provided by this section shall not be allowed if the purpose of separation from employment and any subsequent re-employment with the Tollway is for the purpose of obtaining such payment.

Upon retirement, an employee may increase the credited service used to determine an employee's retirement benefit by any period of unused and unpaid sick leave accumulated on that employee's retirement date. This additional credited service does not affect that employee's final average compensation or the effective date of the employee's benefit, but it may be used to establish eligibility for benefits.

If an employee is absent for three (3) or more consecutive days due to unexpected illness or injury, a physician's statement must be provided upon returning to work verifying the illness or injury and its beginning and ending dates. Such verification may be requested for other sick leave absences, and may be required as a condition to receiving sick leave benefits. In its discretion, the Tollway may require a physician's statement for shorter illnesses or when the employee's fitness for work is in question.

3. Extended Sick Leave

Regular sick leave becomes “extended sick leave” when an employee is absent due to illness and/or injury for over ten (10) working days. When such a situation occurs, a doctor’s statement substantiating the sick leave must be provided for the duration of the leave upon the employee’s return to work or in accordance with FMLA procedures. Employees on extended sick leave must keep their supervisor informed of their status by calling in at least once every seven (7) calendar days.

Before returning to work from a sick leave absence of thirty (30) calendar days or more, an employee must provide a physician’s verification that he/she may safely return to work. Absences charged to sick leave must be documented on time cards, and if directed by a supervisor, must be supported by a physician’s statement. Unpaid sick leave can be extended up to six (6) months during a twelve (12) month period with the approval of the Executive Director or Chief of Staff.

Sick leave benefits will be calculated based on the employee’s base pay rate at the time of absence. Paid sick leave benefit time will be debited from an employee’s accrued balances by first liquidating sick leave accumulated before January 1, 1984, followed by sick leave time accumulated on or after January 1, 1998, lastly, sick leave time accumulated on or after January 1, 1984, and through December 31, 1997.

No employee will earn sick leave for any time considered unearned, such as unauthorized leave of absence without pay or while on a suspension of thirty (30) days or more.

4. Sick Leave Bank Program

The Tollway provides a Sick Leave Bank Program. This program allows employees to contribute to the Sick Leave Bank in order to allow an employee to utilize banked time when that employee has exhausted their accrued vacation time and sick leave/personal time.

Employees who seek to participate in this program must donate a minimum of one (1) day up to all accrued sick leave time to the Sick Leave Bank. Such donated sick days will be allocated to other participating employees and/or themselves. The sick leave in the Sick Leave Bank used by participating employees shall be utilized only for the catastrophic illness or injury to the employee or member(s) of the employee’s immediate family. An employee’s immediate family consists of a husband, wife, children or step-children, domestic partner, or any person living in the employee’s household for whom the employee has custodial responsibilities or where such person is financially and emotionally dependent on the employee and where the presence of the employee is needed.

Participation in the sick leave bank is voluntary and limited to permanent employees. Employees must exhaust all accrued vacation and sick leave before requesting any Sick Leave Bank time. Employees may voluntarily enroll at any time, but must wait sixty (60) calendar days after enrolling before using the Sick Leave Bank. An employee may use up to twenty-five (25) work days from the Sick Leave Bank per calendar year. The Chief of Administration must approve sick leave bank usage over ten (10) workdays per year, on a case by case basis.

a. Sick Leave Bank Review Committee

Employees must submit a written request to the Chief of Administration explaining why the employee seeks to utilize the Sick Leave Bank. The Sick Leave Bank Review Committee, comprised of a representative of each

department, or a subcommittee thereof, reviews employee requests submitted for utilization of fewer than ten (10) workdays of Sick Leave Bank time. Employees will be credited sick leave time awarded from the Sick Leave Bank at their current earning rate. This committee will ensure that the rules included in this section are equitably and fairly applied to all participants in the Sick Leave Bank Program. Any abuse of the program may result in disciplinary action.

b. Sick Leave Bank Enrollment Procedures

Employees must have a minimum of seven (7) days of accumulated sick time on the books to enroll in the Sick Leave Bank and must donate at least one (1) day of sick leave to become a member. An employee may donate additional days as desired at the time of enrollment or at any time thereafter. An employee shall not be eligible to withdraw sick leave time he or she has contributed to the Bank, unless the employee is utilizing the Sick Leave Bank as per the terms of this policy. If an employee is awarded twenty-five (25) work days from the Sick Leave Bank within a calendar year, the employee must reapply and donate at least one (1) day of sick leave to continue membership in the Sick Leave Bank Program.

c. Sick Leave Bank Program Rules

- 1) Employees participating in the Sick Leave Bank Program who separate and return to permanent status within five (5) years of the date of separation shall, upon verification, have their Sick Leave Bank membership reinstated.
- 2) Upon termination, retirement, or death, neither a participating employee nor the participating employee's estate shall be entitled to payment for unused sick leave donated to and/or acquired from the Sick Leave Bank
- 3) If an employee is awarded time from the Sick Leave Bank and the employee consequently resigns due to illness; separation will be effective at the expiration of the awarded Sick Leave Bank time.
- 4) Injuries and illness that are compensated under the Workers' Compensation Act or Workers' Occupational Disease Act shall not be eligible for Sick Leave Bank use.

Employees interested in participating in the Sick Leave Bank may obtain the necessary form from Human Resources. This form must be completed and returned to Human Resources, where the necessary transactions will be made in order for the employee to become a member of the Sick Leave Bank Program.

5. Personal Leave

After completing six (6) months of initial service, permanent full-time and permanent part-time employees may, in any calendar year, use up to but not more than six (6) days of earned but unused sick leave for personal business reasons. Personal business is defined as errands, duties or responsibilities beyond an employee's control, that can only be accomplished during business hours. Personal Leave may be taken in increments of one hour. Except in

emergencies, requests for Personal Leave are subject to advance approval by the employee's supervisor.

6. School Visitation Leave

The Tollway will provide up to twenty four (24) hours of unpaid leave during any school year, with no more than four (4) hours to be taken in any given day, to attend school conferences, classroom activities, school functions, field trips, and other school activities of their child or children enrolled in school.

For purposes of this section, a child means a biological, adopted, foster, step-child, child of a domestic partner, or legal ward of the employee. A school is a primary or secondary public or private school in this state as defined by 820 ILCS 147/10(d).

Any employee wishing to utilize School Visitation Leave shall provide his or her supervisor with a written request for leave at least seven (7) days in advance of the time the employee is required to utilize the school leave. In emergency situations, no more than twenty four (24) hours notice shall be required. The supervisor shall make reasonable efforts to accommodate the request of the employee, and may deny the request only if the employee's absence will unduly disrupt the business operations.

In order to utilize School Visitation Leave, an employee is not required to exhaust all accrued vacation leave, personal leave, compensatory leave, or any other applicable leave. An employee who exercises School Visitation Leave may choose to make up the time taken on a different day or shift as directed by his or her supervisor, and will then be compensated at the same rate as paid for normal working time.

Employees taking School Visitation Leave may be required to obtain documentation to substantiate participation in the school activity from a school administrator as defined in 820 ILCS 147/30. Failure to submit such verification within two (2) working days of the school visitation may result in disciplinary action for unexcused absences from work up to and including discharge.

7. Jury Duty Leave

The Tollway encourages employees to fulfill their civic responsibilities by serving on juries when required. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. Employees are expected to report for work whenever the court schedule permits. For any pay period in which he/she performs work for the Tollway, an employee on jury duty will earn his or her regular rate of pay, less the amount of his or her juror's compensation, for the period of jury service. In the alternative, employees may submit the check received for jury duty service to the payroll department.

8. Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. The Tollway defines "immediate family" as the employee's spouse, fiancé, child, brother, sister, parent, grandchild, grandparent, domestic partner, legal guardian, step-parent, step-child, and parent or legal guardian as well as the siblings of the employee's spouse or domestic partner. Special consideration will also be given to any other

person whose association with the employee was similar to any of the above relationships, subject to the approval of the Chief of Administration.

Up to three (3) days of paid bereavement leave will be provided to permanent employees. Bereavement pay is calculated based on the base pay rate at the time of absence. Employees may, with their supervisor's approval, use any available paid leave for additional time off as necessary.

9. Family Medical Leave Act ("FMLA")

In compliance with the FMLA, the Tollway provides up to twelve (12) weeks of medical/family leave to eligible employees. The Tollway requires any Tollway employee to utilize all available sick time when utilizing FMLA leave. Any remaining time utilized in accordance with FMLA will be unpaid. An employee may, at his/her discretion, utilize accrued vacation time, after available sick time is exhausted. If an employee has no available sick or vacation time to utilize, the full twelve (12) week leave will be unpaid.

For purposes of this policy, the FMLA covers birth, adoption of a child, or placement for foster care; the care of a child, spouse, parent, or self with a serious health condition. A serious health condition includes, but is not limited to, inpatient care in a hospital, hospice, or residential medical care facility; and continuing treatment by a health care provider.

Only permanent employees of the Tollway are eligible to request FMLA leave after (i) completing twelve (12) months of service with the Tollway and (ii) working at least 1,250 hours in the twelve (12) months prior to when the leave commences, excluding sick, vacation, or any other authorized absences. The Tollway automatically puts an employee on FMLA leave when the employee is on an extended sick leave over ten (10) working days. When FMLA leave is granted, the Tollway will maintain health insurance coverage for the duration of the leave. If the employee fails to return to the Tollway after FMLA leave has expired, the Tollway may recover premiums paid to maintain health insurance coverage during the FMLA leave to the extent allowed by law.

Eligible employees should inform their supervisors at least thirty (30) days in advance of a foreseeable FMLA leave and as soon as possible for an unforeseeable leave. When an employee is requesting leave under the FMLA, the Certification of Health Care Provider Form (Attachment 6) must be completed by his/her physician in order to qualify for the benefits given through the FMLA. This form is available through Human Resources. Proper approval of this leave is required and appropriate paperwork must be submitted to Human Resources. The Tollway is not responsible for contacting the doctors, hospitals, and other medical providers to obtain required documentation when an employee is requesting an FMLA leave. However, Human Resources may contact the health care provider to obtain a clarification of information contained in the Certification of Health Care Provider Form.

The Tollway will attempt to decide if an employee is authorized to take FMLA leave within fifteen (15) days of the initial absence.

An employee on FMLA leave should provide the Tollway with at least two (2) weeks advance notice of the date he/she intends to return to work, so his/her return can be properly scheduled. When FMLA leave ends, the employee will be reinstated in the same position, if available, or to a position equivalent in pay, benefits, and other terms and conditions of employment for which the employee is qualified. Employees returning from medical leave due to their own serious

health condition must submit a health care provider's verification of their fitness to return to full duty on or before the first day they return to work.

The Certification of Health Care Provider Form verifies the expected dates of leave, among other information. Changes in the information the employee supplied in the Certification of Health Care Provider should be promptly reported to Human Resources.

10. Victims' Economic Security and Safety Act ("VESSA")

In compliance with VESSA, the Tollway provides for up to twelve (12) weeks of unpaid leave and reasonable accommodations to victims of domestic or sexual violence. VESSA entitles victims to seek medical help, legal assistance, counseling, safety planning and other assistance without penalty from the Tollway.

Full and part-time employees are eligible to request VESSA leave of up to twelve (12) weeks during any twelve (12) month period. The leave may be either intermittent or on a reduced work schedule basis. The right to take VESSA leave may not exceed the unpaid leave time permitted by the FMLA.

VESSA entitles an employee who is a victim of domestic or sexual violence or who has a family or household member who is a victim of domestic or sexual violence to obtain a leave to:

1. seek medical attention for or recovery from physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
2. obtain services from a victim services organization for the employee or the employee's family or household member;
3. obtain psychological or other counseling for the employee or the employee's family or household member;
4. participate in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
5. seek legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member.

When a VESSA leave is granted, the Tollway will maintain health insurance coverage for the duration of the leave. If the employee fails to return after VESSA leave has expired, VESSA allows the Tollway to recover premiums paid to maintain coverage for the employee and the employee's family during the period of the leave. If the employee's failure to return to work is due to the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to VESSA leave or other circumstances beyond the control of the employee the Tollway may require an employee to provide certification of such reason for being unable to return to work. Under such circumstances, the Tollway may waive repayment of any premiums paid on behalf of the employee or employee's family.

Employees must complete a VESSA certification form (Attachment 7) forty-eight (48) hours before beginning the leave, when possible, or within a reasonable period after the absence

begins in emergency circumstances. Said certification shall include a sworn statement of the employee, as well as corroborating evidence, such as a police or court record or documentation from a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in accordance with VESSA. All information provided to the Tollway, including the fact that the individual has requested or obtained VESSA leave, shall be strictly confidential. Employees on VESSA leave are required to report to his/her supervisor on a weekly basis regarding their plans to return to work.

Under VESSA, an employee who but for being a victim of domestic or sexual violence or having a family or household member who is a victim of domestic or sexual violence can perform the essential functions of their job may request a reasonable job accommodation. Such requests will be handled in accordance with Chapter II, Section G. Any employee who exercises his/her rights under VESSA is protected from discrimination or retaliation.

11. Military Leave

- a. A military leave of up to four (4) years is granted to all permanent employees who leave their positions to enter active military duty. A permanent employee may be restored to the same or a similar position by making application to the Tollway within ninety (90) days after discharge or up to one (1) year from release from hospitalization continuing after discharge.
- b. Military Reserve Training and Emergency Call-up
 - 1) A full-time employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave from the Tollway for basic training and/or special or advanced training.
 - 2) To be eligible for military reserve leave or emergency call-up pay, the employee must provide the Tollway with a statement from his/her commanding officer that the leave taken was for such purpose.
 - 3) During basic training and up to sixty (60) days of special or advanced training, if employee's compensation for military activities is less than his/her compensation as a Tollway employee, the employee shall receive their regular compensation as an Tollway employee less the amount of their base pay for military service. During training, the employee's seniority and other benefits shall accrue.
 - 4) In an emergency call-up (or order to State active duty by the Governor), leave shall be granted for the duration of the emergency with pay and without loss of seniority or other accrued benefits. Military earnings for an emergency call-up must be submitted and assigned to the Tollway. The Tollway shall submit the earnings to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earnings for the period, the Tollway shall return the difference to the employee.

- 5) If employees serve on a regular day off, they may keep the portion of military pay received. Affected employees may elect to take vacation time during the call out and receive both their Tollway salary and military pay.
- 6) An eligible employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be allowed annual leave for one (1) full pay period and such additions or extensions reasonably necessary to fulfill their annual military reserve obligation. During leave for annual training, if an employee's compensation for military activities is less than his/her compensation as an Tollway employee, the employee shall receive his/her regular compensation as an Tollway employee less the amount of their base pay for military service upon appropriate verification of military compensation. Leaves will be granted without loss of seniority or other accrued benefits. The employee must submit a copy of the military orders that authorize such training.

12. Blood Donation Leave

Employees responding to emergency calls for blood donations may be excused from work without loss of pay, with proper documentation and authorization from their supervisor for the required period of time. The employee must be able to present documentation to the supervisor upon request for Blood Donation Leave. In addition, the Tollway has an annual blood drive and all Tollway employees are encouraged to give blood if physically possible.

D. EMPLOYEE ASSISTANCE PROGRAM: "TollAssist"

The Tollway offers a comprehensive Employee Assistance Program called TollAssist as a benefit to employees and their family members. The Tollway recognizes that a healthy company requires healthy employees, and that personal problems sometimes affect people in unhealthy ways. TollAssist is designed to help employees and their families address problems in a confidential, professional manner. TollAssist is a free referral service for employees and their family. TollAssist counselors provide an assessment of the situation, short-term counseling, and, if needed, a referral to a qualified professional for long-term assistance. Many outside referrals are covered by the employee's benefit plan.

TollAssist counselors can provide help in resolving personal issues such as stress, emotional illness, marital and family problems, alcoholism, drug abuse, legal or financial concerns, and dealing with child/elder care.

All services provided through TollAssist are free, voluntary and confidential. No information is released voluntarily by the Tollway without the employee's written permission. For additional information regarding TollAssist, please contact Employee Services.

E. DISABILITY

If an employee is disabled while employed with the Tollway, he/she may be eligible for disability benefits through SERS.

Occupational Disability requires a Workers' Compensation claim, at least six (6) months of service credit, a work-related illness or injury, and an application for benefits to SERS within either twelve (12) months following the removal from payroll or within twelve (12) months after the Industrial Commission rules on an employee's application for occupational disability benefits, whichever is later. Employees will receive the difference between what Workers' Compensation pays and seventy-five (75) percent of their salary from SERS.

Non-occupational disability requires employees to have at least two (2) years of service to be eligible for benefits, exhaust all sick time, be granted a leave of absence by the Tollway and submit an application with Employee Benefits. Employees will receive half of their salary for a maximum of one-half of his/her service time, assuming all other SERS' requirements are satisfied. SERS is responsible for mailing and receiving appropriate documents and all decisions related to disability benefits.

F. HEALTH INSURANCE BENEFITS CONTINUATION ("COBRA")

COBRA gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Tollway's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, reduction in an employee's hours, divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Tollway's group rates plus an administration fee. The Tollway provides each eligible employee with a written notice describing rights granted under COBRA at the time of hire. The notice contains important information about the employee's rights and obligations under COBRA. Address questions regarding COBRA, to the Employee Benefits Section.

G. EDUCATIONAL ASSISTANCE/TUITION REIMBURSEMENT

1. Tollway-Provided Training

It is the policy of the Tollway to assist employees who wish to increase their knowledge and skills. Employees are encouraged to improve their knowledge and skills by pursuing and successfully completing appropriate courses of study provided by the Tollway. Employees may attend training sessions for the mutual benefit of the employee and the Tollway. Employees will not be paid overtime or receive compensatory time off for voluntary attendance at evening or weekend classes or classes held on State holidays.

Travel time to attend any voluntary training sessions or workshops unrelated to the employee's current responsibilities and conducted outside of working hours will not be considered work time and thus will not be eligible for payment. Travel time outside regular working hours to attend required training sessions or workshops may require compensation in accordance with the FLSA.

Employees may be directed to attend educational or training programs that, in the judgement of management, may aid them in understanding or performing job-related functions. Such programs may also require attendance during evenings or on dates when employees are not otherwise scheduled to work. Any related travel expenses will be reimbursed according to the Travel Control Board's Guidelines. All requests to attend these programs must be pre-approved by their Department Chief.

2. Tuition Reimbursement Program

The Tollway recognizes that the skills and knowledge of its employees are crucial to the success of the organization. The tuition reimbursement program encourages personal development through formal education so that employees can maintain and improve job-related skills, or enhance their ability to compete for reasonably attainable jobs within the Tollway. The Tollway will provide, as its budget permits, tuition reimbursement to all permanent employees who have completed six (6) months of service.

Employees must submit a Tuition Reimbursement Request Form (Attachment 8) to the Chief of Administration at least one (1) month before the start of class. If the form is submitted later, it will be considered; however, there are no assurances that the applicant will be notified prior to beginning classes that the tuition reimbursement request has been approved. The Chief of Administration has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position, and is thus eligible for the Tuition Reimbursement Program. In the absence of the Chief of Administration, the Chief of Staff shall review and approve all requests for Tuition Reimbursement.

In order to be eligible for educational assistance, employees must take courses that are:

- a. Part of a grammar school, high school, GED program;
- b. Related to the employee's current job duties or a foreseeable future position within the Tollway that are part of a technical school, junior college, or undergraduate university degree, licensing or certification program, offered by an accredited institution; or
- c. Courses related to the employee's current job duties or a foreseeable future position within the Tollway that are part of a graduate degree, licensing, or certification program, offered by an accredited institution.

Upon satisfactory completion of an approved course, as evidenced by the report card, ninety percent (90%) of the amount of tuition and lab fees will be reimbursed up to \$2,000 per employee per year. Satisfactory completion of a course consists of a minimum letter grade of "C" or "Pass" in a "Pass/Fail" course. In applying for tuition reimbursement, an employee will indicate on the Tuition Reimbursement Request Form whether he/she is receiving aid from other sources (e.g., G.I. Bill, federal grants, scholarships). Tuition reimbursement by the Tollway will only be made on the balance the employee was required to cover.

While educational assistance is expected to enhance employees' performance and professional abilities, the Tollway cannot guarantee that participation in formal education will result in the employee's advancement.

To maintain eligibility, employees must remain on the active payroll and perform their job satisfactorily through the completion of each course. Any Tollway employee who receives tuition reimbursement is expected to remain employed with the Tollway for two (2) years after the date of completion of course(s) for which an employee received reimbursement. If the employee leaves before fulfilling this requirement, the employee must reimburse the Tollway for any tuition reimbursement funds received within the two years prior to the date of the employee's termination.

Section H. FLEXIBLE SPENDING ACCOUNT

A Flexible Spending Account ("FSA") is a reimbursement plan that allows employees to use a portion of their salary to pay for medical and dependent care on a "tax-free" basis. The Internal Revenue Service does not consider the money allocated to a FSA taxable income to the employee.

Employees may select a Medical and/or Dependent Care Account. Employees must decide, before enrolling, the amount of their FSA salary deduction. Once employees have made their election, they will be locked into that amount for the full plan year.

Examples of reimbursable expenses under Medical Flexible Spending Accounts include:

- Hospital expenses
- Physician or registered nurse services
- Dental services
- Prescription drugs (co-pays); some OTC medications, i.e., antacids, cold remedies and allergy medications
- Eyeglasses, LASIK, contact lenses and prescription sunglasses
- Travel expenses to receive medical treatment
- Miscellaneous expenses such as hearing aids, prosthetics and guide dogs.

Examples of reimbursable expenses under Dependent Flexible Spending Accounts:

- Child care center
- Family day care provider
- Pre-school program
- Adult day care
- Babysitter
- Nursery school
- Home aide

The employee will forfeit any unused balance at the end of the plan year. Once enrolled in the FSA, employees qualify for reimbursement of covered expenses incurred during the plan year. Employee FSA participants on Authorized Leave Without Pay must make an election prior to beginning their leave as to whether they will Revoke, Pre-Pay, or Pay-As-You-Go their contributions while on leave. Contact Employee Benefits for more FSA information and applications.

CHAPTER VI. HOURS OF WORK

Section A. CENTRAL ADMINISTRATION BUILDING SECURITY

All employees share responsibility for the security of the Central Administration building ("CA").

The hours of operation of CA are 7:00 a.m. to 5:00 p.m. In order to insure that CA is properly secured, the security system will be alarmed at all entrances/exits from 7:00 p.m. to 6:30 a.m. and twenty four (24) hours a day on weekends and holidays. Unauthorized use of the doors after the building is secured is prohibited. In the event of an emergency, the closest appropriate exit should be utilized.

1. Employee Access to CA

Employees must access CA during normal business hours at the north or south entrances. These entrances require the use of the employee's identification badge, which will enable the system to record the employee's entry into the building. Upon entry or exit from the CA building employees must swipe their badge on the badge reader before entering or exiting the security doors. It is not necessary for the door to be closed before the next employee swipes their badge and enters or exits. **TAILGATING THROUGH SECURITY DOORS WITHOUT SWIPING ONE'S BADGE IS PROHIBITED.**

If an employee arrives at work without an employee identification badge, the employee should enter the building at the main entrance or the south entrance. The employee must show proper identification and sign in on the log sheet before entering the building.

Employees entering or leaving CA during secured status must use the south entrance. Employees must sign in at the District 15 desk, display their employee identification badge, and swipe it on the badge reader to gain building admittance. Employees must sign out at the District 15 desk, and swipe their badges before exiting the building.

2. Public and Visitor Admittance to CA Building

CA is open to the public through the main entrance, located on the east side of CA, from 7:00 a.m. to 5:00 p.m., Monday through Friday.

All visitors entering CA during normal business hours must use the main entrance or the south entrance. Visitors will be required to identify themselves and sign in. Visitors will be issued a visitor's pass, which must be worn on the exterior of their clothing at all times. Visitor arrivals will be announced to the requisite Tollway staff, who will be responsible for escorting the visitor(s). Upon leaving CA, the visitor(s) must sign out on the log sheet and return the visitor's pass.

Visitors entering CA after regular business hours must use the south entrance and have pre-arranged written approval from a Department Chief to enter the building. The notification and approval of the Department Chief must be on file at the District 15 desk in advance of the visit. The written notification must include the specific date, time, employee contact, and building areas to which the visitor is authorized access. Open-ended authorization is not permitted. A visitor's pass will be issued to visitors at the District 15 desk and must be worn at all times while in CA. Visitors must return the visitors pass to the District 15 desk upon conclusion of their visit.

3. Removal of Business Equipment or Materials

The Tollway requires written authorization from a Department Chief for the removal of any business equipment or material from Tollway premises. Upon request, this authorization must be presented.

Department Chiefs will be notified of any employee's violation of these procedures. Failure to comply with the foregoing provisions may result in discipline up to and including discharge.

Section B. EMPLOYEE RESPONSIBILITY/SUPERVISOR'S ACCOUNTABILITY

Each supervisor is expected to ensure that employees are present at their workstations during prescribed hours and that every absence is properly accounted for on the employee's time and attendance records. Supervisors should ensure that employees' meal and break periods are respected. It is the supervisor's responsibility to ensure that attendance sheets are submitted to the Payroll Section within three (3) working days for CA employees, and five (5) working days for field employees, following the end of the pay period.

Section C. I-PASS CUSTOMER CARE CENTER

The I-PASS Customer Care Center utilizes rotating shifts to meet the needs of I-PASS customers. The shifts are 7:00 a.m.-3:00 p.m. and 9:15 a.m.-5:15 p.m., Monday through Friday. Employees are expected to follow the security procedures outlined in Section A.1 above.

Section D. BREAK PERIODS

Employees working an eight (8) hour shift are provided with two (2) work break periods of fifteen (15) minutes in length that cannot be split into smaller increments. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted break period time, which includes cigarette breaks.

All full-time employees are provided with one meal period of thirty (30) minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active work responsibilities and restrictions during meal periods.

Section E. TIMEKEEPING

Accurately recording time worked is the responsibility of every employee. Time worked is the time actually spent on the job performing assigned duties. Employees should also record the start and ending time of any split shift or departure from work for personal reasons. Overtime work must be approved before it is performed.

It is the employees' responsibility to sign their time records and to certify the accuracy of all time recorded. Their supervisor will review and then sign the time record before submitting it for payroll processing. If corrections or modifications are made to a time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record. Altering, falsifying, tampering with time records, or recording time on another employee's time record, may result in disciplinary action up to and including discharge.

Section F. TARDINESS AND ABSENTEEISM

Any employee arriving at his/her work or reporting station after the official start of his/her shift or workday is tardy. An employee who is unavoidably detained or unable to report on time must so advise his/her supervisor as early as possible. Repeated tardiness and/or failure to report delays are grounds for disciplinary action up to and including discharge.

Any employee who is unable to report to work on a scheduled workday must advise his/her supervisor as soon as possible, and barring an emergency, before the scheduled start of his/her shift. An employee who is absent without leave and without properly reporting his/her absence for two (2) consecutive scheduled workdays will be subject to disciplinary action up to and including discharge.

Repeated absences or absences combined with tardiness, are grounds for disciplinary action up to and including discharge.

Section G. OVERTIME

The following overtime provisions relate to non-bargaining unit employees. Overtime compensation for bargaining unit employees is set forth in their collective bargaining agreements.

Compensation for overtime work may be in the form of cash or compensatory time off at the Tollway's discretion, in accordance with FLSA. If compensatory time off is utilized, it shall be scheduled at the convenience of the Tollway with due consideration of the employee's preference. All cash overtime shall be paid to the employee within two (2) pay periods from which it was earned. All compensatory time earned within a given calendar year shall be used by June 30th of the following year. Employees may only earn up to twenty (20) days per calendar year of compensatory time.

Properly completed, signed and initialed time cards will be required for all overtime worked. All overtime will be paid at the rate of one and one half times an employee's hourly rate. Each department shall designate an individual responsible for the official recording of all compensatory time approved and owed to department employees, and who will coordinate with the Payroll Section.

Section H. PAY SCHEDULE

Salaried employees are paid semi-monthly on the 15th and the last day of the month, provided these days fall on a scheduled workday. If the 15th and/or the last day of the month is not a Tollway scheduled workday, the payday will be the last Tollway scheduled workday before the 15th or the last day of the month. Hourly employees are paid bi-weekly, every other Friday of the month.

Each salary paycheck will include earnings for all work performed through the end of the current payroll period. Hourly employees will receive pay for the two (2) weeks prior to their currently worked pay period.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his/her return from vacation, or can be mailed at the employee's request.

Section I. DIRECT DEPOSIT PROGRAM

Permanent employees only are eligible to participate in the Tollway's Direct Deposit program. Employees who participate may have pay directly deposited into their bank accounts if they provide advance written authorization to the Payroll Section (Attachment 9). Employees will receive a schedule stating when the State Comptroller makes the direct deposits.

CHAPTER VII. USE OF TOLLWAY PROPERTY/EMPLOYEE RESPONSIBILITY

Section A. RETURN OF PROPERTY

Employees are responsible for all property issued to them by the Tollway. These items can include, but are not limited to, the following:

- Cell phones
- Access cards (e.g., toll equipment, gas, building access)
- Employee I-PASS Transponder
- Employee Identification Badge
- Equipment
- Keys
- Pagers
- Protective equipment - hard hat, gloves, goggles, safety vests, etc.
- Tools
- Uniforms
- Vehicles

Employees on or before their last day of work must return all Tollway property. To the extent allowed by law, the Tollway will withhold from the employee's final paycheck the cost of any items that are not returned or may bill the employee for such cost. The Tollway may also take other lawful action deemed appropriate to recover or protect its property.

Section B. PERSONAL APPEARANCE

Professional dress, grooming, and personal cleanliness standards contribute to the morale of all employees, and are an important part of the business image that the Tollway presents to its customers and the general public.

Employees must wear appropriate professional/business attire and display their employee identification badge at all times while on Tollway property. Employees who do not adhere to the dress code policy outlined below will be sent home and directed to return in proper work attire. Under such circumstances, employees will not be compensated for the time away from work. The Executive Director may adopt a "business casual" dress code and implement other reasonable rules governing employee dress.

During business hours, employees are expected to present a clean and neat appearance, and to dress appropriately for a professional work environment. The following dress code guidelines should be observed:

Business Attire for men

Dress pants, shirt and tie

Business Casual for men

Khaki slacks, sport shirts, polo shirts (w/collar)

Business Attire for women

Dresses, skirts, dress slacks, blouses or tops

Business Casual for women

Khaki slacks, blouse/polo shirts

Items inappropriate for all workdays include, but are not limited to:

- jeans or jean material (shirt, skirt, or pants)
- tank tops/halter tops
- shorts/cut-offs
- leggings
- gym wear/windsuits
- tee shirts
- mini skirts
- crop tops
- gym shoes
- any clothing with advertisements or provocative sayings or phrases
- any clothing in disrepair

Employees issued Tollway uniforms shall maintain them in a clean and presentable condition and wear the uniforms as instructed by their supervisors/managers. No employee shall modify the uniform in any fashion or adorn it with any sign or symbol associated with any organization, cause, or point of view, unless authorized by their Department Chief or the Executive Director.

Section C. BUSINESS TRAVEL EXPENSES

The Tollway will reimburse employees for reasonable business travel expenses incurred while on assignments away from their normal work location. The Tollway will follow the Travel Control Board's Guidelines when evaluating reimbursement for business travel expenses. Copies of the Guidelines are available on-line or from the Finance Department.

Section D. SAFETY

To assist in providing a safe and healthful work environment for employees and visitors, the Tollway has established a workplace safety program. The Safety Training Section has responsibility for implementing, administering, monitoring, and evaluating the workplace safety program. The program's success depends on each employee's personal commitment to safety.

The Tollway provides information to employees about workplace safety and health issues through regular internal communications, such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to an appropriate supervisor. Employees who violate safety rules or fail to report dangerous conditions may be subject to disciplinary action up to and including discharge.

In the case of accidents that result in injury, employees should immediately notify the Safety & Training Section and their supervisor, regardless of how insignificant the injury may appear. These reports are necessary to comply with laws and to initiate insurance and workers' compensation benefit procedures.

Section E. VEHICLE OPERATION

1. General Provisions

Any employee who operates a Tollway vehicle, a private vehicle at Tollway's expense, a private vehicle on Tollway business, and/or mobile equipment must have a valid driver's license or special permit in the correct classification for the type of equipment operated. Employees shall immediately notify their supervisor if his/her license becomes invalid, suspended, revoked, or lost. Failure to report the above information can result in disciplinary action up to and including discharge. In addition, Tollway employees who operate Tollway vehicles or who operate a vehicle during normal business hours for Tollway business are required to follow the Policies and Procedures outlined in the Tollway's "Vehicle Procedure and Operators Manual."

A Tollway employee operating a Tollway vehicle, or a private vehicle at Tollway expense, may be disciplined up to and including discharge if he/she:

- a. Possesses, consumes, or transports alcohol or drugs in the vehicle.
- b. Is convicted of operating the vehicle under the influence of alcohol or drugs.
- c. Is found to have a blood alcohol concentration (BAC) of .08 or greater for non-CDL holders or .02 or greater for CDL holders, or records a positive test for illegal substances after being stopped in or while operating the vehicle.
- d. Refuses to submit to a BAC test and therefore loses his or her privileges to operate the vehicle.

2. Vision Requirements

Each employee who is authorized to operate Tollway vehicles or mobile equipment will be vision screened upon employment and annually thereafter. If the vision screening indicates that an employee's vision does not meet the Tollway's minimum standard, he/she shall not drive vehicles or operate mobile equipment in the course of employment until the employee is examined by a licensed optometrist or ophthalmologist and successfully passes a re-test within sixty (60) days. If the exam results indicate that the employee's eyesight does not meet minimum standards, the employee will not be permitted to operate vehicles and/or mobile equipment until such time as the employee has obtained and wears corrective lenses.

Section F. DEBT COMPLAINTS

Employees are expected to meet all of their personal financial obligations and have sole responsibility for resolving debt complaints. According to the Fair Debt Collection Practices Act, a debt collector may not contact the employer regarding the debt of an employee. No record of any debt-related inquiry will be placed in the employee's personnel file.

The Legal Department will promptly process wage deduction summons and affidavits. The employee served with the summons and affidavits shall advise the Payroll Section and shall indicate on the original affidavits the date and time they were served and sign directly below the date. All copies of the summons and affidavits, as well as any other accompanying papers, should be sent immediately to the Payroll Section for appropriate processing in accordance with the court order.

Section G. EMPLOYEE I-PASS

The Tollway issues an I-PASS to all employees at no cost for travel to and from work and on official Tollway business. Misuse of the employee I-PASS Transponder will result in the revocation of the benefit and/or disciplinary action up to and including discharge.

I-PASSES are the property of the Tollway. All usage will be tracked and monitored on a monthly basis. Any accidental personal usage must be promptly paid to the Finance Department. Intentional personal usage may result in the I-PASS being revoked.

If the I-PASS is lost or stolen, the employee should immediately report it to the Employee Services Division and their supervisor. If the I-PASS is lost or stolen, the employee will be required to pay a \$10.00 replacement fee.

CHAPTER VIII. EMPLOYEE DEMEANOR

Section A. EMPLOYEE CONDUCT

To ensure orderly operations and provide the best possible work environment, the Tollway expects employees to follow rules of conduct that will protect the interests and safety of both the employees and the organization. Infractions of the rules of conduct include, but are not limited to, the following and may result in disciplinary action, up to and including discharge:

- Excessive absenteeism or absence without notice
- Failure to follow Tollway policies or procedures
- Incompetency or inefficiency in the performance of a duty
- Inattention or failure to perform a duty
- Conviction of a felony while employed, even if the charge was unrelated to job responsibilities
- Conviction of a misdemeanor involving any type of theft, burglary, robbery, embezzlement, money laundering, hijacking or crime of aggression whether or not on Tollway property
- Falsification of timekeeping records
- Fighting or threatening violence in the workplace
- Insubordination or other disrespectful conduct to a superior, co-worker, or customer
- Negligence or improper conduct leading to damage of Tollway or customer property
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating Tollway vehicles or equipment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Harassment of any person employed by the Tollway or conducting business with the Tollway
- Misuse of I-PASSES or access cards
- Violations of the Dress Code
- Neglect of duties
- Unauthorized use of telephones, mail system, or other Tollway equipment
- Violation of the Tollway Code of Ethics
- Violation of safety or health rules

- Soliciting or accepting any gratuity, gift, present, reward or other thing of value in return for the performance of the employee's official duties, or as a condition for not performing such duties.
- Use of the employee's official position for personal gain.
- Other conduct unbecoming a Tollway employee

Section B. VIOLENCE IN THE WORKPLACE

Violent behavior poses a significant threat to the health and safety of Tollway employees and the public.

The Tollway prohibits acts or threats of violence by any Tollway employee against Tollway employees, customers, visitors or members of the public. The Tollway will take disciplinary action up to and including discharge against any Tollway employee who commits an act of violence or engages in threatening behavior. The Tollway prohibits unauthorized guns or other weapons on Tollway premises.

The Tollway requires all employees to report to their supervisor any violent, threatening, or suspicious activities and will not condone any retaliation against any employee for making such a report. If the supervisor or Department Chief is not available, the employee should contact Employee Services for further assistance.

The Tollway may refer employees who engage in violent or threatening behavior to TollAssist, the Tollway's employee assistance program, in addition to any disciplinary action that may be taken against the employee.

Section C. CODE OF ETHICS/CONFLICTS OF INTEREST

The Tollway requires public trust and confidence in its employees. Integrity is essential. Employees must act according to the highest ethical principles and standards, in accordance with the Tollway's Code of Ethics and all applicable local, state and federal laws imposing standards of ethical behavior. Employees must avoid all situations that could give the appearance of conflict of interest or impropriety. Violations will be grounds for discipline up to and including discharge.

Section E. CONFIDENTIAL INFORMATION

The protection of confidential business information and trade secrets is vital to the success of the Tollway. Employees shall not disclose confidential information unless authorized to do so. Disclosure of confidential information may result in discipline up to and including discharge. Confidential information includes:

- Compensation data
- Customer lists
- EEO investigations
- Financial information
- Labor relations strategies
- New materials research

- Pending projects and proposals
- Personnel information
- Proprietary production processes
- Scientific data and/or prototypes
- Technological data and/or prototypes

Section D. INSPECTOR GENERAL

The Inspector General will ensure integrity and accountability in the day-to-day operations of the Tollway by conducting fair and thorough investigations into reports and allegations of waste, inefficiencies, fraud, corruption, mismanagement, and misconduct by timely investigating complaints, allegations, or actions evidencing violations of laws, rules or regulations, abuse of authority, gross or aggravated misconduct, or misconduct that may be criminal in nature, by Board members, executive management, senior staff, and all other employees, contractors and/or vendors of the Tollway.

Individuals should contact the Inspector General with information or questions regarding possible waste, inefficiencies, fraud, corruption, mismanagement, and misconduct. The identity of individuals contacting the Inspector General will be kept in confidence. Due to the confidentiality of the matters under investigation, complainants are not normally apprised of the progress of investigations and may not be informed about the disposition of an investigation or review.

It is the general policy of the Inspector General to neither confirm nor deny the existence of an investigation or review prior to disposition of the matter by the Inspector General.

The Inspector General shall have access to all Tollway information and personnel necessary to conduct its investigations. All employees have an obligation to cooperate with any investigation conducted by the Inspector General

Section F. OUTSIDE EMPLOYMENT

An employee may hold another job as long as he/she satisfactorily performs his or her job responsibilities with the Tollway. Any employee who seeks to engage in secondary employment must notify and receive the approval of their Department Chief before accepting such employment. Outside employment must not adversely affect an employee's job performance at the Tollway. All employees will be judged by the same performance standards and will be subject to the Tollway's scheduling demands, regardless of any outside work commitments.

When involved in outside employment employees shall not:

- Use Tollway personnel or property in their outside work
- Advertise or solicit for outside work where the advertisement or solicitation makes any reference to the Tollway
- Advertise or endorse (whether or not any compensation is received) any product or service where the advertisement or endorsement includes a reference to the Tollway

- Use information obtained by reason of their Tollway employment for personal gain or advantage
- Accept any economic opportunity under circumstances where the employee knows or reasonably should know that there is a substantial possibility that the opportunity is being afforded them to influence their conduct in the performance of their official duties
- Make official decisions that are not in accordance with established statutes and Tollway policies and procedures
- Engage in secondary employment that conflicts with the provisions of the Code of Ethics.

If an employee's outside work interferes with his/her ability to meet the Tollway's job performance requirements, the employee will be asked to terminate or modify the outside employment if he or she wishes to remain employed by the Tollway.

Violation of these standards may be cause for disciplinary action up to and including discharge.

Section G. ARREST OR CRIMINAL INDICTMENT

1. Any employee arrested or indicted of any crime other than petty traffic offenses or municipal code violations must notify his/her supervisor within three (3) business days of the arrest or indictment. The employee or supervisor must also inform the Chief of Administration. Failure to report such arrest or indictment shall result in disciplinary action up to and including discharge.
2. The arrest or criminal indictment of an employee may be grounds for disciplinary action up to and including discharge before the conclusion of the criminal case if one or more of the following situations exists:
 - a. The arrest or criminal indictment results from an employee's conduct in the course of employment duties, including a failure to perform employment duties;
 - b. The incident occurred on or proximate to Tollway property;
 - c. The employee has brought discredit upon the Tollway and his/her continued employment would erode the public's confidence in the Tollway; or
 - d. The nature of the charge under the facts known to the Tollway raises reasonable doubt concerning the employee's suitability for continued employment
3. When the Tollway has reasonable grounds to believe an employee has committed a crime for which a sentence of imprisonment may be imposed, the Tollway may suspend the employee indefinitely, without pay and benefits, pending conclusion of the criminal proceedings. "Reasonable grounds" exist when the employee has been indicted or a court has found that there is probable cause to believe that the employee committed a crime. An arrest, by itself, does not constitute reasonable grounds.

If an employee is not subject to suspension or discharge, the Executive Director may, at the request of the employee, place such employee on indefinite leave status without pay.

Section H. DISCIPLINE FOR CRIMINAL CONVICTION

Conviction of a crime may itself constitute cause for discipline even if the crime did not occur on Tollway premises or involve Tollway property. In making the determination of whether to impose discipline, the Tollway will consider the following:

1. Whether continued employment of the employee could reasonably be perceived to endanger the safety of other employees or members of the public.
2. Whether the employee is in a position of trust and his/her integrity may reasonably be questioned.
3. Whether the employee has responsibility for public funds and his/her honesty may be questioned.
4. Whether continued employment of the employee could reasonably impair the Tollway's ability to maintain discipline and order in the workplace.
5. Whether the employee has brought discredit upon the Tollway and his/her continued employment could reasonably erode the public's confidence in the Tollway.
6. Whether the employee will be available to perform the job duties. If the Tollway's work needs do not permit the employee's position to remain unfilled until the employee is released from incarceration, the employee should be discharged so that the position may be filled.

Discipline may include the re-assignment of an employee to a different position within the Tollway. If the Tollway does not commence disciplinary proceedings based on the criminal conviction, and the employee was suspended pending the outcome of the criminal proceedings, the Tollway may return the employee to his/her position, or another position of the same classification and restore any lost pay and benefits.

Section I. THEFT AND MISAPPROPRIATION

Any employee who commits theft or misappropriation of Tollway property, participates in the theft or misappropriation of property belonging to others while on duty or present on Tollway premises, or has knowledge of such a theft or misappropriation and fails to promptly report it, will be subject to discipline up to and including discharge.

Employees who are authorized to travel or otherwise incur expenses in connection with official Tollway business must accurately report their expenses in accordance with the Travel Control Board's Guidelines and reimbursement procedures. Any abuse or knowing noncompliance with such procedures may be considered theft or misappropriation and may be grounds for discipline, including discharge.

In making the determination to discipline a Tollway employee for theft or misappropriation, the following factors shall be considered:

1. Whether continued employment of the employee could reasonably be perceived to endanger the safety of other employees or members of the public.
2. Whether the employee is in a position of trust and his/her integrity may reasonably be questioned.
3. Whether the employee has responsibility for public funds and his/her honesty may reasonably be questioned.
4. Whether continued employment of the employee would impair the Tollway's ability to maintain discipline and order in the workplace.
5. Whether the employee has brought discredit upon the Tollway and his/her continued employment would erode the public's confidence in the Tollway.
6. Whether the employee has had unexplained cash shortages as evidenced by audit reports.

Section J. SOLICITATION AND DISTRIBUTION

In an effort to assure a productive and harmonious work environment, persons not employed by the Tollway may not solicit or distribute literature in the workplace at any time for any purpose unless authorized by a supervisor or by law to do so.

The Tollway recognizes that employees may have interests in events and organizations outside the workplace; however, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which any employees are not on duty.) Such activity is prohibited in working areas.

All bulletin board posting must be approved by Employee Services. These bulletin boards display important information, and employees should consult them frequently for:

- Affirmative Action Statements
- Employee Announcements/Information
- Internal Memoranda
- Job Postings
- Organization Announcements
- Workers' Compensation Insurance Information
- State Disability Insurance/Unemployment Insurance Information

No employee or prospective employee is required to belong, contribute, pay dues or attend any event sponsored by any political, religious, civic, or other type of organization for the purpose of being employed or as a condition of continued employment. Solicitations for political or other organizational functions are forbidden on Tollway property. Non-compliance with the above will cause employees to be subject to disciplinary action up to and including discharge.

CHAPTER IX. DRUG AND ALCOHOL POLICY

Section A. GENERAL PROVISIONS

The Tollway is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of illegal drugs or alcohol on the job may pose significant health and safety risks to the employee and the public.

Employees on Tollway premises or conducting Tollway related business shall not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The use of legally prescribed drugs is permitted on the job if it does not impair an employee's ability to perform the essential functions of their job effectively and in a safe manner. Employees using prescribed medication that may impair the performance of job duties must immediately inform their supervisor of such prescription drug use.

All persons offered Tollway employment must submit to a pre-employment drug and alcohol test. Any employee involved in a vehicular accident in the course of their duties must submit to post accident/incident drug and/or alcohol testing. Positive test results may result in discipline in accordance with this chapter or any other provisions in these Policies. Employees who must possess a CDL to perform their jobs are also subject to all applicable U.S. Department of Transportation regulations and Tollway policies regarding use of drugs and alcohol by CDL holders. An employee who refuses to submit to drug and/or alcohol testing is subject to disciplinary action up to and including discharge.

Any employee may be tested when there is reasonable suspicion that the employee is under the influence of alcohol or an unauthorized controlled substance.

This Alcohol and Drug Policy does not limit management's discretion to discipline employees in connection with any other disciplinary infractions associated with the drug and/or alcohol use by the employee. Employees with questions about the Tollway's Alcohol and Drug Policy or issues related to drug or alcohol use in the workplace should contact their supervisor or Employee Services.

The Tollway will pay for the initial testing under any section of this policy. Expenses for tests required to be re-instated to active duty status, including random follow-up tests, are the employee's responsibility.

Section B. PRE-EMPLOYMENT TESTING

1. All employment applicants who have successfully completed the employment interview process are required to provide a urine specimen as part of his/her pre-employment testing and background investigation.
2. All applicants subject to testing shall be advised of the Tollway's alcohol/drug testing requirements.
3. An applicant subject to testing will not be employed if:
 - a. Test results are confirmed positive for banned substance usage;
 - b. He/she refuses to provide a urine specimen; or

- c. He/she attempts to tamper with or adulterate the specimen.
4. Any applicant subject to testing under this paragraph who does not pass the drug/alcohol test is excluded from consideration of employment under this paragraph.
5. All applicants subject to testing shall sign a release and consent authorization form for the alcohol/drug test. This will release all information to the Tollway and attest that the urine is his/her own. Refusal to sign this form will cause the applicant to be advised he/she is no longer under consideration for employment.
6. The applicant subject to testing shall be required to produce acceptable verification of his/her identity immediately prior to testing.
7. Chain-of-custody documentation for the specimen shall be maintained by the doctor, collection facility, and/or laboratory from the collection stage to the destruction stage. Human Resources shall receive and retain the original chain of custody documentation. Strict confidentiality will be maintained.
8. The specimen will be tested by a qualified laboratory that has technical expertise and proficiency in blood alcohol and/or urine drug testing. A positive test reading will automatically result in a follow-up confirmation test using Gas Chromatography/Mass Spectrometry (GC/MS) techniques. Cut off levels for pre-employment physical examination will be as follows:

	INITIAL DRUG SCREEN	CONFIRMATION TEST GC/MS
AMPHETAMINES	1000 NG/ML	500 NG/ML
COCAINE	300 NG/ML	150 NG/ML
MARIJUANA	50 NG/ML	15 NG/ML
OPIATES	300 NG/ML	300 NG/ML
PHENCYCLIDINE ("PCP")	25 NG/ML	25 NG/ML

9. All applicants subject to testing shall be asked immediately prior to testing regarding prescription drugs and over-the-counter drugs currently being used or used in the past thirty (30) days. Privacy of examination will be maintained, as will confidentiality. Applicants may be asked to supply proof of prescription medication.
10. If the test is confirmed positive, the applicant will be notified and will be given the opportunity to review and contest the results. The applicant must give written notice of an intent to review or contest the findings to Human Resources within ten (10) days of such notification.
11. Upon receipt of written notice of intent to review or contest results, the applicant will be provided an opportunity to review and copy the laboratory report and all supporting documentation. The applicant will be permitted to have an expert of his/her choice review such documents within thirty (30) days of the notice of the test results. The applicant must submit any response to the test results in writing to Human Resources. The response will be considered by the Tollway; however, the Tollway's decision shall

be final. Any costs associated with the appeal process will be the responsibility of the applicant.

12. Records concerning positive test results will be maintained confidentially by Human Resources in accordance with Tollway procedures governing background investigations.

Section C. RESPONSIBILITIES

1. Supervisors are responsible for implementing the Drug and Alcohol Policy.
2. Human Resources is responsible for the administration, audit, and review of the Policy.
3. Human Resources is responsible for the approval of the laboratory testing facility and testing procedures. Laboratories will be certified by the United States Department of Health and Human Services.

Section D. EMPLOYEE TESTING

1. Reasonable Suspicion
 - a. All Tollway employees are subject to drug and alcohol testing when there is reasonable suspicion that an employee is under the influence of alcohol or is using an unauthorized controlled substance. Reasonable suspicion exists if specific objective facts and circumstances warrant a reasonable inference that a person may be under the influence of alcohol or a controlled substance. Examples include:
 - 1) A pattern of abnormal conduct or erratic behavior
 - 2) A dramatic decline in work performance
 - 3) Excessive sick leave usage
 - 4) Information that an employee may be under the influence of alcohol or a controlled substance provided by reliable and credible sources that is independently corroborated by a supervisor, District 15 sworn officers, or TollAssist staff
 - 5) Difficulty walking, slurred speech, needle marks, glazed stare or other characteristics consistent with being under the influence of alcohol or a controlled substance
 - 6) Direct observation of an employee's use of alcohol or a controlled substance and/or observation of indicia of mental and/or physical impairment
 - 7) Possession of alcohol or a controlled substance
 - 8) Credible information that an employee has been referred to or has self referred to a substance abuse rehabilitation center

- b. An employee who believes there is reasonable suspicion that another employee is under the influence of alcohol or a controlled substance should report his/her suspicion to his/her supervisor. When a third party informs the Tollway that an employee appears to be under the influence of alcohol or a controlled substance during working hours, an investigation will be conducted.
- c. If a supervisor believes that there is reasonable suspicion that an employee is under the influence of alcohol or a controlled substance, he/she must submit a recommendation for testing the suspected employee to their immediate supervisor. If the immediate supervisor concurs with the recommendation for testing, the employee will be notified as soon as possible that a urine specimen or other appropriate test will be required as provided for below. The evidence supporting the recommendation for testing will be released to the employee or his designated representative upon the employee's written request. Collective bargaining agreements may establish additional rules applicable to unionized Tollway employees. The employee will be escorted to the collection facility in accordance with the following guidelines:
 - 1) The employee will be escorted by the supervisor to a designated collection facility where a urine specimen and/or a breath alcohol test will be administered by a qualified medical professional.
 - 2) The employee will sign a release and consent authorization form for the alcohol/drug testing information to be released to the Tollway. A copy of this form will be provided to the employee's bargaining unit if the employee so designates in writing.
 - 3) The collection facility personnel, after securing the employee's specimen, will seal the container(s) and transport it/them by overnight express to the Tollway's designated laboratory. Chain of custody documentation will be kept by the collection facility. Test results will be submitted to Human Resources, where they shall be maintained as confidential.
 - 4) The employee shall advise the medical staff or doctor taking the specimen of any prescription and/or over the counter drugs currently being used or used in the last thirty (30) days. Written proof of prescription medication may be required. Such information shall be collected and submitted to Human Resources and maintained as confidential.
 - 5) The employee's refusal to sign a release and consent form and/or refusal to take the alcohol/drug test shall be treated the same as a positive test result. An employee who leaves the premises after being advised by his/her supervisor of the need for drug and/or alcohol testing is insubordinate.
 - 6) Chain-of-custody documentation for the specimen shall be maintained by the doctor, collection facility, and/or laboratory from the collection stage to the destruction stage.

- 7) Upon completion of the test, the employee shall be transported to his/her residence. Under no circumstances shall an employee suspected of being under the influence of alcohol or drugs be allowed to leave the work site or the test site driving his/her personal or a Tollway vehicle. If the testing procedure causes the employee to exceed the hours of his/her normal work day, those additional hours shall be eligible for overtime compensation in accordance with this the FLSA or the appropriate collective bargaining agreement.
- 8) The specimen will be tested by a qualified laboratory that has technical expertise and proficiency in blood alcohol and/or urine drug testing. A positive test reading will automatically call for a follow-up confirmation test using Gas Chromatography/Mass Spectrometry ("GC/MS") techniques.

The following cut off levels will be utilized for controlled substances:

	INITIAL DRUG SCREEN	CONFIRMATION TEST GC/MS
AMPHETAMINES	1000 NG/ML	500 NG/ML
COCAINE	300 NG/ML	150 NG/ML
MARIJUANA	50 NG/ML	15 NG/ML
OPIATES	300 NG/ML	300 NG/ML
PHENCYCLIDINE (PCP)		
EMIT	25 NG/ML	25 NG/ML
RIA	25 NG/ML	25 NG/ML

- 9) Blood alcohol levels less than those listed below will be considered a negative result. They shall be reported to the employee as such, and shall not be retained in the employee's file.

Safety Sensitive Employees .02% Blood (i.e., grams per deciliter)

Other Employees .08% Blood (i.e., grams per deciliter)

- d. Employees shall remain on paid status until the results are received by the Tollway. If the test is confirmed positive, the employee will be notified and will be given the opportunity to present evidence and/or information that the positive test resulted from prescribed or over-the-counter drugs, or that special circumstances may have affected the test results. If further testing is positive and/or special circumstances are not found to have affected the test results, the employee will be disciplined in accordance with the provisions of Section H of this chapter and any other applicable disciplinary rules of this policy Personnel Policies.
- e. The Tollway reserves the right to require employees at a work site to submit to drug and/or alcohol testing in the event drugs and/or alcohol are discovered at the work site.

Section E. SAFETY SENSITIVE ACTIVITIES AND POSITIONS

In accordance with the Omnibus Transportation Employees Act of 1991 ("Act") employees in safety sensitive positions are required to undergo Urinalysis/Toxicology tests prior to the commencement of employment. The Act defines safety sensitive positions as those jobs associated with driving a commercial motor vehicle, loading or unloading a commercial motor vehicle, performing a commercial vehicle inspection and any time spent in a state of readiness to operate the commercial vehicle. Tollway employees performing such activities include, but are not limited to, those in the following job classifications:

	Position	Department
1.	Equipment Operator/Laborer	Roadway Maintenance
2.	Welder	Roadway Maintenance
3.	Mechanic	Fleet Maintenance
4.	Mechanic (Lead)	Fleet Maintenance
5.	Mechanical/Electrical	Building Maintenance
6.	Sewer and Water Technician	Building Maintenance
7.	Road Electric	Building Maintenance
8.	Sign Maker/Hanger	Sign Shop
9.	Money Truck Driver	Cash Handling
10.	Telecommunicators	Dispatch
11.	Call Takers	Dispatch

Other testing of employees in safety sensitive positions will occur under the following conditions and as otherwise prescribed by law:

1. When there is reasonable suspicion that an employee is under the influence of alcohol or is using an unauthorized controlled substance
2. Annual random testing for alcohol use of not less than ten percent (10%) of the work force performing safety sensitive activities
3. Annual random testing of not less than fifty percent (50%) of the same employee group for use of controlled substances

F. POST-ACCIDENT TESTING

The Tollway requires any employee involved in an accident while driving a Tollway vehicle or personal vehicle for Tollway purposes to submit to post-accident/incident drug and/or alcohol testing. The testing shall be administered as set forth in Section B above. Failure to report the accident and/or submit to the above drug and/or alcohol testing within one (1) hour of leaving the scene will result in disciplinary action.

G. TEST RESULTS

All test results and related documentation will be treated confidentially and shall not be utilized by the Tollway for any purpose other than employment-related matters. No test results shall be released without the written consent of the employee or as otherwise required by law. Test results will be kept confidential within the Employee Services Division and in accordance with HIPAA. In the case of employees who perform "safety sensitive" activities, test results will be kept on file for time periods required by applicable law.

H. DISCIPLINE FOR POSITIVE TEST RESULTS

The disciplinary actions described below for positive drug/alcohol test results do not preclude the Tollway from imposing or accelerating discipline up to and including discharge as a result of conduct of the employee that may be associated with subjecting the employee to a drug/alcohol test. In a situation where multiple infractions of Tollway policy occur, one of which was a violation of this drug and alcohol policy, the Tollway shall not be restricted to discipline only for the drug and alcohol infraction. If the severity of the incident giving rise to the positive test results warrants, the Tollway reserves the right to use appropriate disciplinary measures, up to and including discharge.

DISCIPLINARY ACTIONS:

1. Violations of the drug and alcohol policy may be grounds for discharge.
2. All employees, including employees in safety sensitive positions who have less than eighteen (18) months seniority and record a positive test for alcohol or a controlled substance as described herein while on duty, may be given the opportunity to resign or will be terminated if they do not take such opportunity.
3. Employees who have more than eighteen (18) months seniority, perform "safety sensitive" jobs and record a positive test for alcohol with a BAC of between .02 and .039 while on duty, shall not be allowed to work for a minimum twenty-four (24) hour period. They will be placed on Unauthorized Leave Without Pay status and may return to work only with proof of a negative test result. In order to remain an active employee, the employee must comply with any and all prescribed aftercare. Failure to do so will result in disciplinary action, up to and including discharge. The employee will be required to sign a return work agreement acknowledging the aforementioned aftercare and random testing requirements
4. Employees who have more than eighteen (18) months seniority who perform "safety sensitive" activities and record a positive test for alcohol with BAC of .04 or more, or record a positive test for drugs while on duty, shall be placed on suspension, without pay, for a minimum of a thirty (30) day period. During that time period the employee must be evaluated by a licensed Drug and Alcohol Counselor and enroll in a treatment program prescribed by said counselor. In order to be considered for reinstatement to work, the employee must produce proof of compliance with the prescribed program from a licensed Drug and Alcohol Counselor, as well as test results indicating a negative test result from a licensed testing facility. In order to remain an active employee, the employee must comply with any and all prescribed aftercare. Failure to do so will result in disciplinary action, up to and including discharge. The employee will be required to sign a return to work agreement acknowledging the aforementioned aftercare requirements. The employee will be subjected to a minimum of six (6) random tests for alcohol during the next twelve (12) months.
5. All employees who are not in positions classified as "Safety Sensitive" and have more than eighteen (18) months seniority who record a positive test for alcohol with a BAC of .08 or more, or who record a positive test for drugs while on duty, shall be placed on suspension, without pay, for a minimum thirty (30) day period. During that period of time, the employee must be evaluated by a licensed Drug and Alcohol Counselor and enroll in any treatment program prescribed by said counselor. In order to be eligible for

reinstatement to work, the employee must produce proof of a negative test result and proof of compliance with the prescribed program from a licensed Drug and Alcohol Counselor. The employee will be required to sign a return to work agreement acknowledging the aforementioned aftercare requirements. In order to remain an active employee, the employee must comply with any and all prescribed aftercare. Failure to do so will result in disciplinary action, up to and including discharge. The employee will be subject to a minimum of six (6) random tests for drugs during the next twelve (12) months.

6. An employee with more than eighteen (18) months seniority who records a second positive test either for alcohol with a BAC of .08 or more, or .04 or more for "safety sensitive" positions, or for drugs will result in automatic termination of employment, although the Tollway may accept the employee's resignation.

I. EMPLOYEE ASSISTANCE

The Tollway fully supports TollAssist and encourages employees who have a substance abuse problem to seek its confidential services. TollAssist will make referrals to appropriate treatment and rehabilitative facilities. All discussions with a TollAssist counselor will be held in strict confidence. However, knowledge of admission to a treatment program constitutes reasonable suspicion for purposes of drug and alcohol testing and may result in such testing under the provisions of this chapter. Admittance to TollAssist does not excuse employees from discipline for work rule violations.

CHAPTER X. INFORMATION TECHNOLOGY POLICIES

The following provisions relate to information technology at the Tollway. The following policies have been created to safeguard Tollway information technology, equipment, intellectual property, and the employees of the Tollway.

Section A. INFORMATION TECHNOLOGY RESOURCES

1. Overview

The Information Technology ("IT") Department provides various resources to the Tollway and its employees to further the Tollway's business goals. The policies in this Chapter are designed to ensure that the Tollway's physical and intellectual IT resources are as widely available as necessary while maintaining the integrity, confidentiality, security and legal compliance of the IT systems. IT equipment, software and work product generated thereon belong to the Tollway. Employees have no expectation of privacy in IT equipment and software made available to them. The Tollway will monitor usage of the IT resources by its employees in order to meet these objectives.

2. Resources

The Tollway's IT resources are intended for authorized Tollway business. These resources include desktop computers, portable computers, printers, scanners, text messaging devices, e-mail services, Internet access, and software.

The Tollway's IT resources are intended for Tollway business use. Users must use caution in the transmission and storage of Tollway information, particularly in messages sent outside of the organization. Since the transmission of information over networks such as the Internet may become accessible to unintended recipients, it is highly recommended that restricted information not be sent without the use of data encryption methods approved by the Tollway.

Use of Tollway IT resources must comply with all Tollway policies. Tollway IT resources may not be used for any purpose that violates the law, or to transmit, receive or store any communication or other information where the information or its transmission or distribution could be considered sexually explicit, profane, threatening, or otherwise offensive.

Only designated Tollway spokespersons are authorized to speak publicly on behalf of the Tollway. When posting messages on public forums other employees should avoid leaving the impression that they are authorized to represent the Tollway, or that the Tollway shares their views. In all communications, users should keep in mind the need to protect confidential and proprietary information of the Tollway.

All public and private network connections to the Tollway's computer resources must be reviewed and approved for security compliance by the IT Department. Users may not provide access to the Tollway's resources through unsecured access channels (e.g., ports, modems).

3. Security Policy

Tollway electronic mail systems are to be installed and operated in accordance with Tollway computer security standards. Tools are available on all Tollway supported electronic mail systems to ensure that appropriate levels of security are used. Each employee must be

assigned a unique user-ID and password for use in performing their Tollway jobs. Users should not share their user-ID and password combination with anyone. Users are responsible for all activity on the e-mail system conducted using their user-ID and password, including inappropriate messages, transmission of viruses, or unauthorized disclosure of confidential information.

4. Electronic Messages

Electronic mail messages are not personal and private. Because of liability and security issues, the Tollway monitors and/or logs all electronic mail communications without notice. Therefore, users have no expectation of privacy in the use of these resources.

Information generated by or for the Tollway for Tollway business use only is therefore considered Tollway property. This information may include Tollway proprietary material and should be handled accordingly. Electronically stored documents, images, and messages generated by Tollway employees are not “private.” They may become State records and be discoverable in litigation or subject to public disclosure under the Freedom of Information Act. Discretion, therefore, is an important consideration when using e-mail to send, record, and/or retain communications as well as storing documents, images and other items on Tollway computers.

5. Retention of Electronic Records

Electronic documents, particularly e-mail communications, if allowed to accumulate on a server, can quickly consume server disk space and may cause system problems. The IT Department recommends that all users review e-mail messages older than thirty (30) days to determine if they should be kept or deleted. Non-essential e-mail messages should be immediately deleted from the server once read.

Once messages are deleted they will not be accessible from back-up tapes. Use of personal folders (“PST” files) to electronically store e-mail messages on the local workstation or an alternate server location is not permitted. PST files are not secure, and may expose information to unintended users. Therefore, important electronic documents should be reduced to paper copies to be appropriately filed based on the employee’s department guidelines for record retention.

Those documents or e-mails that are not made or received pursuant to State law or in connection with the transaction of public business can and should be deleted immediately. Additionally duplicate copies, such as “cc” or “bcc” e-mails can and should be deleted upon completion of business. Those records that relate to the transaction of public business are public records if they relate to the operational, financial or legal aspects of the Tollway. Such public records should be deleted only pursuant to the applicable department’s record retention policy. Electronic documents, images and e-mails that are public records can and should be stored either in a hard copy or duplicated on a more permanent storage media. Contact the IT Department for permanent storage media. Once they are duplicated, the e-mails can be deleted.

6. Internet Access

Tollway Internet connections are intended for Tollway business activities. However, usage is allowed for

- a. research, education, and individual professional development.
- b. public service, unless such activities are prohibited

Tollway Internet connections may not be used for any purpose that violates any applicable laws or regulations, or to transmit any communications where the message, or its transmission or distribution, would likely be offensive to the recipient(s).

Employees shall not use the Internet to interfere with or disrupt other Tollway network users, services, or equipment. Such interference or disruption includes:

- a. Distribution of unsolicited advertising;
- b. Transmission of any type or quantity that may cause disruption of services to others
- c. Propagation of computer worms, viruses or other potentially malicious code
- d. Use of the network to make unauthorized entry to other computational, information or communication devices or resources

It is forbidden to place Tollway-restricted information in any anonymous FTP account that may be accessed via the Internet unless it meets the encryption criteria established by the IT Department. It is forbidden to use the Tollway's Internet connections for any use that conflicts with applicable laws and ethics codes. It is forbidden to access web sites where the information or its transmission or distribution could reasonably be considered sexually explicit, profane, threatening, or otherwise offensive.

Although the Tollway's Internet firewalls are designed to block unauthorized access to Tollway internal systems, all Internet connections to the Tollway must be reviewed and approved for firewall compliance by the IT Department. Each individual who has access to the Tollway's Internet connections must strictly adhere to information security policies and practices established by the IT Department when the Internet is being used as a medium for the collection of or dissemination of Tollway information.

The Tollway reserves the right to monitor its Internet connections to determine access levels and appropriate use of the connections as well as limit access to sites.

7. Access to Individual's Computer Resources

Unless there is a stated business need by authorized Tollway personnel for access to another employee's mail or documents, the contents of those documents will be considered confidential correspondence between the sender and the recipient(s).

Authorized personnel include management in the direct line of supervision of the user in question. Authorized personnel may, if the circumstances warrant, request access to the user's documents or correspondence. Where appropriate, they will make a reasonable effort to inform the user that the Tollway is accessing these files. Additionally, if necessary, management may choose to restrict a user's access to the electronic mail system or other network or system resources.

Authorized Tollway personnel may get access to another employee's electronic files or a legitimate Tollway business purpose, by obtaining approval from at least one of the following:

- a. The user's Department Chief
- b. The Executive Director
- c. Chief of Staff
- d. General Counsel
- e. Inspector General

This approval must be written (e-mail is sufficient) and is for a limited scope and duration.

Occasionally, Tollway personnel assigned to manage and operate the Tollway's network and electronic mail systems may need to access a user's files. Access is limited to IT System Administration and Security. This access should only be done when necessary, and administrators should read only the minimum needed to determine proper handling. Systems personnel will not be held liable for viewing the contents of messages while maintaining the system, but shall be obliged to maintain the confidentiality of those messages. However, System personnel shall not view other user's documents or correspondence without a valid System Administration or Security purpose.

Section B. SOFTWARE ON TOLLWAY EQUIPMENT

Tollway employees must use software in strict accordance with the terms and conditions of the applicable license agreement and Tollway policy. Because of security and licensing concerns The Tollway allows the installation of software on Tollway computers only if the installation is in compliance with the applicable licensing agreement. Violation of licensing agreements is strictly forbidden.

1. Supervisor Responsibilities

Supervisors shall have the following responsibilities:

- a. Ensure that all software used by employees under their supervision is properly licensed and has been installed by the IT Department.
- b. Detect and correct improper copying and use of software by employees under their supervision.

Supervisors may contact the General Counsel for legal advice in implementing this policy. The IT Department will also monitor Tollway IT resources to ensure compliance.

2. Copying and Using Software

A software user may request that IT Staff install or "load" computer software onto the hard drive of one computer and retain the original disk or CD-ROM as a back-up copy of the software, if the Tollway owns a license for that software, and if the software is approved for installation by the user's Department Chief. Users shall not request the installation of the software onto any other computers (including computers they use at home), or make any other copies of the software, unless it is specifically authorized by the applicable license agreement or authorized by the software publisher in writing (such as a letter from the software publisher granting the right to make additional copies).

A software user shall also use the software in accordance with the terms and conditions of the license agreement. A software user should not risk relying upon his/her own interpretations of the license agreement to determine whether a particular use or copying of any software is permitted. Instead, users should contact the General Counsel for assistance. Under no circumstances should users contact a software publisher directly without first contacting the General Counsel.

3. Auditing Compliance

To monitor compliance with this policy, the Tollway will conduct periodic internal audits. These audits may be conducted randomly, or at the request of the Tollway's management, Inspector General or the General Counsel.

Each Tollway employee shall comply with the audit findings. Failure to comply with directives, such as failing to delete software for which proof of rightful possession is lacking, or reloading software onto a computer after the audit has been completed, will be treated as serious violations of the Tollway's Policy and may result in discipline up to and including discharge.

4. Proof of Rightful Possession

When computer software is acquired, the IT Department or the software user should retain the original disk or CD-ROM in a secure location for the entire time the software is used by the employee. Whenever possible and practical, the IT Department shall also record the purchase order number on the original disk and a copy of the license agreement. When an audit occurs, the IT Department or the software user must produce these items to the auditor.

5. Software Upgrades

Software publishers commonly offer new releases of software to registered users at a reduced priced. The license agreement may require that the Tollway return old software, destroy the old software, or prohibit the use or transfer of old software to a different computer. Employees shall comply with IT directives in this regard.

6. Local Area Networks

Computer software used on a local area network ("LAN") also requires proof of rightful possession as described above and a license agreement that specifically authorizes use of the software on a LAN. If the license agreement does not specifically authorize use of the software on a LAN, then additional copies of the software must be acquired to cover each user who may access the software.

7. Shareware and Freeware

Users of shareware and freeware must be able to produce evidence of rightful possession during an audit. For example, users should retain a copy of the statement permitting use that was attached to or accompanied the software, documentation showing the software as shareware, copies of cancelled checks or other forms of payment, or a letter from the copyright owner of the software specifically granting the Tollway permission to use and copy the software.

Use of shareware and freeware is prohibited without prior written approval of the IT Department. As with all software, installation of shareware or freeware must be done by a member of the IT Department.

8. Employee Acquired Software

The use of employee-acquired software on Tollway computers is prohibited without prior written approval from the IT Department. During an audit, employee acquired software installed requires proof of rightful possession, such as a sales receipt. Personally acquired software without such proof will be removed.

Section C. VIOLATIONS OF POLICIES

Violation of these policies can create serious liability for the Tollway as well as compromise the security and integrity of the Tollway's networks. Therefore, employees who knowingly misuse or use in a prohibited manner the Tollway's IT resources are subject to disciplinary action up to and including discharge.

CHAPTER XI. DISCIPLINE & GENERAL PROVISIONS

Section A. REPORTING WASTEFUL, DANGEROUS OR IMPROPER ACTS

Tollway employees should report information that they reasonably believe evidences, on the part of another Tollway employee or agent; (i) false or fraudulent behavior; (ii) the violation of any law; or (iii) dangerous, wasteful, negligent or abusive behavior. The Tollway will not disclose the identity of an employee who reports such information in confidence except with the consent of the employee or as required by law to support the prosecution or discipline of the wrongdoer(s).

Employees who report or disclose information in good faith, consistent with this chapter and applicable law, will not be threatened, harassed, disciplined, demoted, or discharged in reprisal for having done so.

Any employee who makes a false claim is subject to discipline up to and including discharge. In September 2003, the Tollway created an Office of Inspector General for the purpose of detection, deterrence, and prevention of fraud, corruption, and mismanagement. Any employee suspecting fraud, corruption, or mismanagement should contact the Inspector General.

Section B. USE OF PHONE AND MAIL SYSTEM

Employees may make personal phone calls using Tollway phones, but must keep such calls to a responsible minimum and ensure that they do not interfere with work. To ensure effective telephone communications, employees should always speak in a courteous and professional manner. The mail system (traditional and electronic mail) is for business purposes.

Section C. USE OF CELL PHONES

Employees may not use cell phones while operating Tollway vehicles unless they are 'hands free' or the employee is stopped at a location safe for cell phone conversations. The use of cell phones in tollbooths is prohibited. Picture cell phones are strictly prohibited on Tollway property. Anyone found with a picture cell phone will be asked to secure it in their vehicle during working hours. Violations of this section may result in discipline up to and including discharge.

Section D. SMOKING

In keeping with the Tollway's intent to provide a safe and healthful work environment, smoking is prohibited on Tollway property except in designated areas. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

Section E. ADMINISTRATION OF DISCIPLINE

The levels of disciplinary action generally used by the Tollway are:

1. Oral reprimands are used for relatively minor infractions or performance problems, and must be documented by supervisors, with a copy to the employee.

2. Written reprimands are used under circumstances when an oral reprimand is insufficient or a prior oral reprimand has not resulted in corrective action by the employee. Written reprimands must be shown to and signed by the employee and a copy is given to the employee. An employee's refusal to sign disciplinary documentation does not preclude a supervisor from documenting that the employee had been given the written reprimand and an opportunity to review and sign the documentation.
3. Suspension from duty without pay is appropriate after a reprimand has been utilized without success or when the gravity of the offense indicates more stringent initial action is required. The employee must be shown the documentation and sign it. A copy of the documentation and suspension must be sent to Human Resources to be included in the employee's personnel file. A copy must be given to the employee.
4. Discharge is appropriate when other corrective measures have failed or when the gravity of the offense requires a more stringent initial action.

Particularly serious or aggravated infractions may warrant departures from these steps and, in some cases, immediate discharge. The mention of discipline and listing of infractions anywhere in these policies does not limit the Tollway's right to discipline employees for any reason, whether set forth in these policies or not. All suspensions shall be without pay.

Section F. DISCIPLINARY AUTHORITY

Supervisors have the authority to give oral and written reprimands. Supervisors may recommend suspensions of up to thirty (30) days, but each suspension must be approved by a Department Chief. Any suspension in excess of thirty (30) days requires approval by the Department Chief and the Chief of Administration. The discharge of an employee requires the approval of the Department Chief, Chief of Administration and the Executive Director.

Section G. APPEAL OF DISCIPLINARY ACTION

Employees who are not covered by a collective bargaining agreement may seek review of any disciplinary action other than an oral or written reprimand within seven (7) business days of the notification of the discipline. It is the responsibility of the employee and the Tollway management personnel involved in the disciplinary action to submit copies of all disciplinary documents to Employee Services to be placed in the employee's personnel file.

To appeal disciplinary action:

1. The employee must notify in writing his/her supervisor of his/her disagreement with the discipline imposed and provide the basis for the disagreement.
2. An employee's job status, security, working conditions, or relationship with management will not be jeopardized because the employee has appealed a disciplinary action.
3. Employees will be allowed reasonable time during working hours to present their appeal to the supervisor above the level of the supervisor who imposed the discipline, with no reduction of pay.

If the appeal is not resolved to the employee's satisfaction, the employee may present a memo setting forth the basis for the appeal to the next higher level of management within three (3) business days. The request should set forth a thorough description of alleged infraction, the supervisor's response, discipline imposed, and the outcome of the initial appeal. If the appeal again is not resolved to the employee's satisfaction, the employee may submit the appeal in writing to the Department Chief. The Department Chief will then give a written response to the employee.

Section H. ILLUSTRATIVE LIST OF INFRACTIONS

Infractions resulting in discipline include, but are not limited to:

- Arrest or conviction of a felony or misdemeanor;
- Breaching bid security;
- Breaching Tollway security;
- Bribery or attempted bribery;
- Burglary;
- Carrying weapons;
- Conducting trade during work hours;
- Embezzlement;
- Excessive absenteeism/tardiness;
- Failure to call in when scheduled to work;
- Failure to follow safety rules
- Failure to obtain & notify supervisor of current telephone number;
- Failure to report after leave;
- Falsification of sick leave;
- Falsification of insurance claims or workers compensation claims;
- Falsification of application;
- Hijacking;
- Improper/non-use of safety equipment;
- Improper use of Tollway issued Employee Transponder;
- Improper use of sick time;
- Improper use of vehicle such as speeding, driving under the influence;
- Improper dress;
- Improper time validation;
- Improper use of non-revenue charge card;
- Improper use of transponder;
- Insubordination;
- Money laundering;
- Neglect of duties;
- Obstruction of or failure to cooperate with any investigation of Tollway-related fraud, waste or misconduct by any authorized public official, including the Inspector General;
- Personal use of Tollway property;
- Physical violence/threats or physical violence
- Property damage;
- Release or disclosure of confidential information;
- Robbery;
- Sexual harassment;
- Supervisor's failure to report infractions;
- Theft of any kind;
- Unauthorized personnel on job site;

- Unauthorized leave;
- Unreported DUI's;
- Unreported loss of license required for position;
- Unsafe use of equipment;
- Unsafe use of vehicles or rolling stock;
- Verbal abuse or inconsiderate treatment to customers or other employees;
- Violation of Tollway's substance abuse policy; or
- Violation of Tollway's CA regulations.