

North Suburban Library System

MEMORANDUM

TO: NSLS Board of Directors
FROM: Jan Hayes
DATE: May 19, 2010
RE: Mandatory updates and changes in NSLS Personnel Policies

There is much pending with legislation these days and employment law is no exception.

Based on information and updates we receive from Management Association of Illinois, our employment lawyers, and other HR resources, attached is a list of the updates and changes we are recommending be made in our NSLS Personnel Policies in order to remain compliant.

In 2007, our personnel policies were updated and removed from our "NSLS Policies and Regulations" and made into a separate Personnel Policy Handbook for employees.

These changes were reviewed by the Management Affairs Committee, and they recommend that the NSLS Board approve the attached updates and changes.

With Board approval, the NSLS Personnel Policies will be updated and staff informed of all the changes.

**North Suburban Library System
Personnel Policies Changes/Updates – May 2010**

1) Detailed changes to NSLS Personnel Policies employee handbook

- a) Redo Introduction letter to employees from Sarah Long to reflect that employees can also find the policies on the NSLS website and staff Intranet files.
- b) Add FMLA in Policy Book Index as Appendix A
- c) Add FMLA Employee Acknowledgment of FMLA Policy to Index

2) VESSA (Victim’s Economic Security and Safety Act) Effective Date 8/24/09

Governor Quinn signed Senate Bill 1770 to amend the current VESSA law. This affects employees with a family or household member who is a victim of domestic or sexual violence.

- a. Family or household member has been expanded to include persons “related by blood or by present or prior marriage” and “persons who share a relationship through a son or daughter.” The Act continues to cover a spouse, parent, son, daughter and persons residing in the same household.
- b. The amount of leave has been reduced for employers with 15-49 employees. We need to change the workweeks stated in our policy from 12 to 8 workweeks.
- c. VESSA also now explicitly states that employers may not require employees to substitute available paid or unpaid leave for the leave permitted under VESSA.

We move to make these changes to our VESSA policy on Page 16.

3) FMLA

On October 28, 2009, President Obama signed the Fiscal Year 2010 National Defense Authorization Act (H.R. 2647). While the majority of the law authorizes appropriations for military activities of the Department of Defense, a small section expands the newly enacted military provisions of the Family Medical Leave Act (FMLA).

H.R. 2647 Changes to our FMLA Policy:

- a) Include wording “active duty service members” to be eligible for leave. (We have already complied with this.)
- b) On page 5 of FMLA Policy, include the expanded definition of “covered service member” to include the wording: “a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy.”

Note: there are a number of proposed changes pending in Congress for 2010 through 2011 such as expanding reasons for leave and changes to the FML forms that most employers are using now. NSLS will update policy when these new changes are approved.

4) Use of Phone and Cell Phones, Page 22 – Effective 1/1/10

This update is based on the new Illinois Law to Prohibit Use of Electronic Communications while driving. Notification of these new laws was sent to NSLS staff on December 22, 2009.

a. Amend title

Change this policy heading to read “Use of NSLS Phones and Personal Electronic Communication Devices”

b. Change 2nd and 3rd paragraphs to read:

“Use of personal cell phones and other electronic communication devices have become increasingly common in recent years, but can be very disruptive in the workplace. Accordingly, as with employee’s use of NSLS phones, it is expected that employee’s use of personal communication devices at work be limited to occasional and brief use.

Employees are required to be aware of and comply with all applicable laws when using any electronic communication device while driving.”

5) Illinois Human Rights Act Amendment

Effective 1/1/10, the Illinois Human Rights Act was amended to add a new protected class. The law now makes it a violation for employers to discriminate against an employee or applicant for employment based upon the individual’s “order of protection status.” According to the new law, “order of protection status is defined as a “person’s status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by a court of another state.”

We need to add this “order of protection status” statement to:

- a) our EEOC Statement, Page 5,
- b) to our Anti-Harassment policy, Page 7,
- c) to our Internet Use policy, Page 10.

6) Illinois Equal Pay Act of 2003 - Effective April 2010

This Act has been amended to require employers to retain employee information for a lengthier period of time. Under the amendment to the law, employers must now reserve records documenting the name, address and wages paid to each employee for a period of not less than five (5) years or longer if the employer is the subject of an investigation by the Department of Labor. (prior retention was 3 years) North Suburban Library System

already has a retention period of 7 years for employment wage documents so no change to our retention policy is necessary.

7) ADA – The Americans with Disabilities Act Amendments Act of 2008 – ADAAA – Effective January 1, 2009

On September 25, 2008, President Obama signed the ADAAA. The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis. The Act makes important changes to the definition of the term “disability” by rejecting the holdings in several Supreme Court decisions and portions of EEOC’s ADA regulations. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.

Our personnel policy statement for ADA refers employees to the Assistant Director, Administrative Services, (ADA officer) if they have questions, concerns or complaints, so no actual change in our personnel policy is needed at this time. However, appropriate accommodations will be made by NSLS if and when they are requested according to the expanded definitions.