



January 19, 2024

**TO: RAILS Board**

**FROM: Monica Harris, Executive Director**

**SUBJECT: RAILS Policy updates**

The RAILS Board Policy Committee met on November 20 and December 15, 2023 and reviewed two new policies: Paid Leave for All Workers (Formerly Personal Leave) and Security Camera Policy. Both RAILS staff and attorneys at Ancel Glink have reviewed, modified, and agreed to the suggested changes. The Committee approved the draft policies as presented and voted unanimously at their December 15 meeting to approve them for recommendation to the RAILS Board.

The policy updates are as follows:

### **8.1 Security Camera Policy**

This is a new policy intended to establish guidelines for the placement and use of video security cameras, as well as the access and retrieval of recorded video images from a RAILS location. It also establishes the retention, disposal, and destruction of recordings. This policy is needed in order to consistently respond to occasional requests for access to footage from the security cameras in RAILS facilities.

### **8.2 Paid Leave for All Workers**

This policy is needed in order for RAILS to be in compliance with the [Paid Leave for All Workers Act](#) (820 ILCS 192), which was effective January 1, 2024. RAILS adapted the existing Personal Leave policy to meet the requirements of the law. Changes include the need to increase the hours available for full time workers to 40 hours (from 37.5) and establish these benefits for part time workers working fewer than 20 hours per week. Additional changes include the language change around notification to supervisors from 'must' to 'should', the notice that approval of a leave request is based on the operational needs of the employer, stipulations about pay outs upon separation, and retention requirements. The requirement that hours per week were based on the employee's offer letter or change letter were removed.

## **DRAFT Security Camera Policy**

RAILS employs several in-building/on-site security cameras in various locations needed to provide peace of mind to members and staff by discouraging violations of the standards of Conduct, assisting staff in investigating the occurrence of any violation, and, when necessary, providing law enforcement assistance in prosecuting criminal activity. The purpose of this policy is to establish guidelines for the placement and use of video security cameras, as well as the access and retrieval of recorded video images from a RAILS location.

### ***Purpose, Use, and Areas of Security***

Several cameras are installed at various indoor and outdoor RAILS locations as needed. Cameras are positioned to provide security footage at optimum locations where potential property loss or security issues might occur. Each camera operates independently and starts recording on motion detect (without sound), so maximum DVR recording length may vary from position to position. Also, color footage varies as to light intensity. Camera activity will not be randomly checked unless there are substantiated questions of illegal/objectionable activity by a member or staff or in the case of camera maintenance/repair. Access to the archived footage in pursuit of documented incidents of criminal activity or violation of the standards of Conduct is restricted to designated staff: Executive and Associate Executive Director, Delivery and Facilities Director or their designate, Board President and/or System Attorney. Access is also allowed by police pursuant to a subpoena, court order, or when otherwise required by law. The designated staff, as described above, may have access to real-time monitors. Images will be viewed on desktop monitors by designated staff only, as well as on designated staff's portable devices, when applicable.

### ***Retention, Disposal and Destruction of Recordings***

Camera footage is stored digitally on secure DVRs. Typically, all security cameras start recording on motion-sense. The standard recording retention period is 30 days. Still, individual camera recording time varies greatly depending upon motion/activity in the camera viewable area (see Additional Guidelines). Copies of recordings for specific incidents may be made at the request of law enforcement or others (with the permission of authorized staff)) and placed on thumb drives or on recordable DVDs to be supplied to the requesting party. In no instance will a video security file be emailed to any other party unless required by law or court action.

### ***Notice of Security***

Clearly visible signs denoting "security cameras on premise" will be posted at each entrance, informing the public that digital security cameras (not surveillance cameras) are in use. RAILS will maintain an accurate diagram of camera locations.

### ***Access to Security Footage***

Any/All requests to view or cut/edit footage will be referred to the Facilities and Delivery Director. As a normal course of events, upon evidence of a crime and at the request of law enforcement, video footage/stills will be provided. The Delivery and Facilities Director will review all other requests in consultation with the Executive Director. The general public will not be allowed to view live security camera footage but may request copies of footage pursuant to FOIA.

### ***Additional Guidelines***

- Because security cameras are not constantly monitored, staff and the public should take appropriate precautions for their safety and the security of personal property. RAILS is not responsible for loss of property or personal injury.
- Cameras may be installed in public spaces where individuals lack a reasonable expectation of privacy. Examples include common areas such as entrances, hallways, stairways, delivery areas, and parking lots.
- Cameras are purposely installed to only focus on system property - internal building and external property. Some portions of public roadways and sidewalks may be in partial view.
- Cameras will not be installed in areas where individuals have a reasonable expectation of privacy, such as in restrooms.
- Cameras have not and will not be used to monitor staff performance.
- Images will typically be stored for an average period of 30 days. As new images are recorded, the oldest images will be automatically deleted. The length of time varies depending on the camera's memory, recording length, and site activity.
- Staff and member safety is the priority in any threatening situation. The protection of System property is of secondary importance.

### ***FOIA Requests Regarding Camera Footage/Stills/Enhanced Photos***

Security camera footage, like most other administrative documents in RAILS, can be considered public materials and are therefore accessible through a specific incident FOIA request. However, the RAILS FOIA Officer can deny a specific request if it can be proven that the request violates a federal or Illinois state law or regulation such as under 7(1)a - unwarranted invasion of personal privacy 5 ILCS 140/7(1){a} or the Family Educational Rights & Privacy Act {FERPA}.

## DRAFT PERSONAL PAID LEAVE FOR ALL WORKERS

### Eligibility

Personal leave is provided to all ~~employees-regular full time employees and regular part time employees who work at least 20 hours per week on a consistent basis.~~

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For record-keeping purposes, RAILS will issue ~~full time employees' and part time employees working 20 hours or more per week~~ personal leave up front on January 1 of every calendar year as detailed below.

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~~Part time employees working less fewer than 20 hours per week will receive personal leave on an accrual basis as detailed below.~~ Personal leave allotment begins upon hire or transfer into an eligible position, as noted above. Personal leave is prorated for new hires based on start date.

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**Allotment Rate** January 1 Distribution of ~~Total~~ Annual Personal Leave

### Status

~~Full-time, Part-time 20 hours or more~~ Full-time employees and part-time employees shall be provided in writing what their anticipated paid leave would be if they accrued at a rate of 1 hour of leave for every 40 hours worked up to a maximum of 40 hours of leave. This leave shall be available for immediate use on January 1 of each year. Should an employee work more hours than anticipated, the employee shall accrue additional hours of leave at the same rate up to a maximum of 40 hours total. RAILS will not diminish or recoup any time in the event that an employee works fewer hours than anticipated. ~~40-37.50 hours /5-3300 days~~ RAILS will award paid leave annually at the beginning of each calendar year (January 1).

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~~Part-time (less than 20 hours)~~ Part-time employees who are scheduled to work at least 20 hours per week personal time hours are eligible for prorated to accrue personal leave. For example, an employee who works 22.5 hours per week is eligible for 22.5 hours of personal leave  $(22.5/37.5 * 37.5)$ . RAILS will award paid leave time as employees earn it using the calendar year for the 12-month period. On January 1, employees start accruing one hour of paid leave time for every 40 hours worked. Once the individual employee reaches 40 hours of paid leave time, the employee will stop accruing during that calendar year.

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Full-time employee's and part-time employee's working 20 hours or more per week Paid personal days must be taken by the end of the calendar year in which they are received or they will be lost. ~~Part-time employees working less fewer than 20 hours per week paid personal~~

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leave shall roll over from year to year up to a maximum of 80 hours. Part-time employees shall only be allowed to use a maximum of 40 hours of paid leave in any 1 calendar year.

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The paid personal day benefit is subject to the following additional rules:

1. To receive payment for personal leave, an employee ~~should~~must notify the supervisor prior to the day of absence, if possible, or satisfy the notification set forth in the Attendance Policy.

2. ~~Although paid personal days may be scheduled for use the day before or after a paid holiday or to extend vacations or weekends, this type of scheduling is dependent upon the advance approval of the supervisor. Consideration will be given to whether or not the hours can be covered by other staff members.~~Approval of a leave request shall be based on the operational needs of the Employer. The Employer may decline the leave if leave granted during a particular time period would significantly impact the operations of the Employer. Denials of a leave request will be made in writing.

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3. Personal leave will not be paid out upon ~~termination~~separation from employment. ~~Should an employee be rehired within 12 months of separation, they will be credited with the leave they accrued but did not use. Notwithstanding any other section of this policy, this leave will be available for immediate use.~~

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4. ~~The Employer shall maintain records of each at least 3 years of each employee's hours worked for each day in each workweek, the total paid leave that was earned based on the hours worked in the case of part-time employees, the paid leave used in each workweek, requests made for paid leave, written denials, and the remaining paid leave balance for each employee upon separation from employment.~~

5. ~~At no time will the Employer attempt to recoup any excess used paid leave time from any employee upon separation from employment.~~

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~~Hours per week are based on the employee's offer letter or employee change letter.~~

## DRAFT PAID LEAVE FOR ALL WORKERS

### Eligibility

Personal leave is provided to all employees. For record-keeping purposes, RAILS will issue full time employees' and part time employees working 20 hours or more per week personal leave up front on January 1 of every calendar year as detailed below.

Part time employees working less than 20 hours per week will receive personal leave on an accrual basis as detailed below. Personal leave allotment begins upon hire as noted above. Personal leave is prorated for new hires based on start date.

<b>Allotment Rate</b>	January 1 Distribution of Annual Personal Leave
<b>Status</b>	
Full-time, Part-time 20 hours or more	Full-time employees and part-time employees shall be provided in writing what their anticipated paid leave would be if they accrued at a rate of 1 hour of leave for every 40 hours worked up to a maximum of 40 hours of leave. This leave shall be available for immediate use on January 1 of each year. Should an employee work more hours than anticipated, the employee shall accrue additional hours of leave at the same rate up to a maximum of 40 hours total. RAILS will not diminish or recoup any time in the event that an employee works fewer hours than anticipated.
Part-time (fewer than 20 hours)	Part-time employees are eligible to accrue personal leave. RAILS will award paid leave time as employees earn it using the calendar year for the 12-month period. On January 1, employees start accruing one hour of paid leave time for every 40 hours worked. Once the individual employee reaches 40 hours of paid leave time, the employee will stop accruing during that calendar year.

Full-time employees and part-time employees working 20 hours or more per week paid personal days must be taken by the end of the calendar year in which they are received, or they will be lost. Part-time employees working fewer than 20 hours per week paid personal leave shall roll over from year to year up to a maximum of 80 hours. Part-time employees shall only be allowed to use a maximum of 40 hours of paid leave in any 1 calendar year.

The paid personal day benefit is subject to the following additional rules:

1. To receive payment for personal leave, an employee should notify the supervisor prior to the day of absence, if possible, or satisfy the notification set forth in the Attendance Policy.
2. Approval of a leave request shall be based on the operational needs of the Employer. The Employer may decline the leave if leave granted during a particular time period would

significantly impact the operations of the Employer. Denials of a leave request will be made in writing.

3. Personal leave will not be paid out upon separation from employment. Should an employee be rehired within 12 months of separation, they will be credited with the leave they accrued but did not use. Notwithstanding any other section of this policy, this leave will be available for immediate use.

4. The Employer shall maintain records of at least 3 years of each employee's hours worked for each day in each workweek, the total paid leave that was earned based on the hours worked in the case of part-time employees, the paid leave used in each workweek, requests made for paid leave, written denials, and the remaining paid leave balance for each employee upon separation from employment.

5. At no time will the Employer attempt to recoup any excess used paid leave time from any employee upon separation from employment.