

Ordinance No. 092-2023

**An Ordinance Amending Article IV, Division 10 of the Municipal Code of the
City of Effingham, Illinois**
(Personnel Policies and Procedures)

WHEREAS, the City of Effingham, Illinois, pursuant to Ordinance No. 091-2023 has established An Ordinance Regarding the Illinois Paid Leave for All Workers Act for the City of Effingham, Illinois; and

WHEREAS, the City of Effingham, Illinois has established a Vacation policy, with said policy being codified as Section 2-416 in the Personnel Policies and Procedures of the Municipal Code of the City of Effingham, Illinois; and

WHEREAS, the passage and implementation of Ordinance No. 091-2023 necessitates revisions to the Vacation policy (Section 2-416); and

WHEREAS, the City Council for the City of Effingham, Illinois, after careful consideration, has determined that it is necessary to amend its Personnel Policies and Procedures regarding the uniform alignment of policies pertaining to vacation and paid leave, as provided for herein and effective January 1st, 2024.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EFFINGHAM, COUNTY OF EFFINGHAM, ILLINOIS, THAT:**

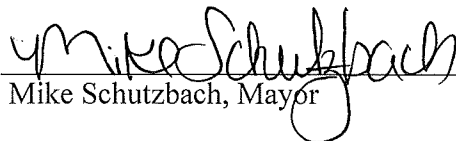
Section I: The findings made in the prefatory portion of this Ordinance are hereby adopted.

Section II: Section 2-416 – Vacation is hereby repealed and replaced as described in EXHIBIT A, effective January 1st, 2024.

Presented, passed, and approved this 19th day of December, 2023.

Mayor Schutzbach:	<u>Yea</u>
Commissioner Micenheimer	<u>Yea</u>
Commissioner Gillenwater	<u>Yea</u>
Commissioner Moeller:	<u>Yea</u>
Commissioner Stephens:	<u>Yea</u>

YEAS: 5
NAYS: 0


Mike Schutzbach, Mayor

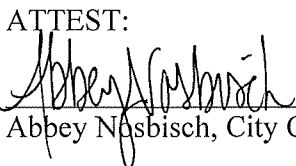
ATTEST:

Abbey Nosbisch, City Clerk

EXHIBIT A

Sec. 2-416. Vacation and Paid Leave.

Full-Time Employees

The following vacation policy applies to all full-time non-seasonal employees and full-time appointed officials.

Vacation leave for new employees shall be accrued on a monthly basis, according to the following schedule:

After 1 year of continuous service	80 Hours
10—19 years of continuous service	120 Hours
20 or more years of continuous service	160 Hours

- A. *Elected officials:* Elected officials are not eligible for vacation leave.
- B. New Employees may utilize vacation leave after they have completed ninety (90) days of employment.
- C. *Record keeping:* Each department head and the City Treasurer's Office shall keep records of vacation leave allowance and use.
- D. *When vacation leave may be taken and carry-over:* An employee may carry-over up to eighty (80) hours of vacation time into the following calendar year. Unused vacation time in excess of the respective employee's carryover limits, at the end of the calendar year, must be put in the employee's post-employment healthcare plan account. Otherwise, the vacation time will be lost.
- E. *Vacation scheduling:* With the exception as stated in Subsection E, vacation requests are granted on a "first come, first served" basis. The decision to grant or deny a vacation request shall be made by the department head and shall be based upon operational concerns and considerations. The department head shall coordinate vacation schedules with employees. If a scheduling conflict exists, the employee with the longest length of continuous service shall have preference.
- F. All employees are entitled to utilize at least forty (40) hours of vacation in compliance with the Paid Leave for All Workers Act (Paid Leave for All or "PLA"), for whatever reason they choose. The City requests that PLA time off be requested at least seven (7) days in advance of the day leave shall begin whenever the need for leave is reasonably foreseeable. If the need for leave is not reasonably foreseeable, the employee shall provide the City such notice as soon as it is practicable after the employee is aware of the necessity of the leave.
- G. *Vacation leave use increment:* Vacation leave may be used by the employee in hourly or daily increments. The minimum vacation leave use increment shall be one-half (1/2) hour.
- H. *Vacation pay, if separated:* When an employee's service with the city is terminated, he or she shall receive compensation for all vacation leave earned but not taken. This will include any remaining eligible vacation days or hours within the current calendar year that were earned in the previous year and carried forward.
- I. *Vacation during worker's compensation, prohibited/restricted:* No employee shall use or be paid for accrued vacation time while on worker's compensation leave. No employee shall earn vacation time while off on worker's compensation or any other leave which exceeds three (3) months.
- J. *Unauthorized absence charged as vacation leave and FMLA:* Absence due to sickness, injury, or disability in excess of leave benefits entitled hereinafter for such purposes may, at the request of the

employee and within the discretion of the department head be charged against the employee's accrued vacation leave. If the employee is out on leave under the Family and Medical Leave Act he or she shall be required to utilize all available paid leave at the beginning of the FMLA leave before continuing the FMLA leave on an unpaid basis.

- K. *Vacation time buy back:* An employee who is eligible for eighty (80) hours of annual vacation leave may receive pay in lieu of vacation leave for up to forty (40) hours of vacation by providing the City Treasurer's Office with two (2) weeks advance written notice (form). An employee who is eligible for more than eighty (80) hours of annual vacation leave may receive pay in lieu of vacation leave for up to eighty (80) hours by providing the City Treasurer's Office with two (2) weeks advance written notice (form). The payment will be included with the next employee paycheck.

Part-Time and Seasonal Employees:

- A. All Part-Time and Seasonal Employees shall accrue one (1) hour per 40 hours worked up to a maximum of forty (40) hours of paid leave beginning on their initial date of hire in compliance with the Paid Leave for All Workers Act (Paid Leave for All or "PLA"). Employees may not accrue more than forty (40) hours paid leave
- B. Part-Time and Seasonal Employees are eligible to utilize paid leave after ninety (90) days of active employment. Any part-time or seasonal employee who separates from employment with the City prior to completing ninety (90) days of employment shall not be eligible for any payment of their accrued and unused paid leave. Any seasonal employee who does not work ninety (90) days, but is re-employed by the City within one (1) year, will receive a credit of all accrued, unused paid leave from their prior employment with the City. However, the rehired employee must still achieve ninety (90) days of active, continuous employment with no break in service before they are eligible to utilize their paid leave.
- C. Part-time or eligible seasonal employees who wish to utilize their paid leave should provide at least seven (7) days advance notice to their supervisor regarding the need for leave when the need for leave is foreseeable. When the leave is not foreseeable the employee must provide as much advance notice as is reasonably possible. Part-time and seasonal employees may be taken in minimum units of one-half (1/2) hour.