

Ordinance No. 17-08

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, APPROVING AN EMPLOYEE PERSONNEL MANUAL

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the "Village") is a duly organized and validly existing home-rule municipality and pursuant to Section 6(a) of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and,

WHEREAS, the Village desires to maintain policies and procedures by which employees of the Village are employed to ensure that all employees are treated in a manner consistent with all applicable employment laws and regulations and that those policies and procedures are provided to employees in a clear and consistent manner; and,

WHEREAS, the President and Board of Trustees of the Village believe it is in the best interests of the Village to adopt a formal policy manual in order to further the Village's goal as stated herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Kane and Cook Counties, Illinois, as follows:

Section 1. The Employee Personnel Manual, attached hereto and made a part hereof, is hereby approved and the President, Village Clerk and Administrator are hereby authorized and directed to undertake any and all actions as may be required to implement the terms of the Employee Personnel Manual.

Section 2. In the event there is a conflict between the Employee Personnel Manual and any collective bargaining agreement, personnel services contract or Federal or State law, the

terms and conditions of that contract or law shall prevail. In all other cases, the Employee Personnel Manual shall prevail.

Section 3. All prior ordinances or resolutions related to the employment policies of the Village or inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

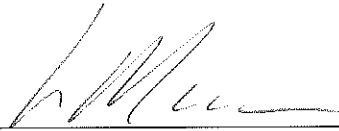
PASSED this 6th day of Feb, 2017, pursuant to a roll call vote as follows:

AYES: Trustee Gorman, Lynam, Selep, Wood and Hall

NAYS: 0

ABSENT: 0

APPROVED this 6th day of Feb, 2017.



Lael Miller, Village President

Attest: 

Katherine Holt, Village Clerk



Section 5

HOLIDAY, VACATION, SICK LEAVE, LEAVES OF ABSENCE

5.1 Holidays

All employees who have full time employment status shall receive time off and be paid for the following holidays:

| | |
|-----------------------------|------------------------|
| New Years Day | Veteran's Day |
| Martin Luther King, Jr. Day | Thanksgiving Day |
| Good Friday | Day after Thanksgiving |
| Memorial Day | Christmas Day |
| Independence Day | Labor Day |
| | 3 Personal Day |

(Revised November 1st, 2009)

- A. When a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday.
- B. Holidays shall not be paid unless the employee shall have worked the full scheduled workday immediately before and after the authorized holiday.
- C. When a holiday falls within an employee's vacation period, the employee's vacation may be extended one day.
- D. Police Department sworn employees who must of necessity, work on a holiday, will be paid at their straight-time hourly rate in addition to regular pay.
- E. Employees who are off work who are suspended, who are on pension, unpaid leave of absence, or any other inactive payroll status shall not be eligible for holiday pay.
- F. **Personal Days, floating holidays, and birthdays must be approved by the Village Administrator for new employees. For new employees to qualify, he or she must have worked six months. After one year of employment, the employee will automatically qualify.**

5.2 Vacation Policy

Vacations are provided for the recreation and relaxation of employees. Vacation credit is earned by employees on a regular basis with the schedule of vacation determined at the discretion of the employees' respective department head. In determining the vacation schedule, the department head shall consider as factors: the desires of the individual employee in relation to all other requests for vacation or other leave of department employees, and the needs and demand of Village operations, and the work load of the department.

- A. Only full time employment status employees shall be eligible for paid vacation.
- B. Employees shall request approval of vacation as far in advance of the dates requested as practical. All requests for vacation shall be approved by the department head and notice given to the Village Administrator.
- C. No paid vacation shall be available until completion of the first six months of employment.
- D. After one year of employment, any unused, but earned vacation time shall be paid to an employee at the time of separation from the Village service in good standing. If an employee leaves prior to completing 6 months of employment, no vacation will be paid out. If an employee completes 6 months but less than one year of employment, 5 of the 10-day accrual (4 of the 8 day accrual for a 10 hour shift) earned upon completion of one year's service will be paid, less any time used, provided the employee is in good standing. In the event of an employee's death, compensation for all unused vacation time shall be paid to their beneficiary.
- E. Vacation shall not be advanced. The department head, through the Village Administrator, may approve vacation hours carried over into the subsequent year, not to exceed 40 hours earned time.
- F. Each full time employee while on active payroll status shall accrue annual vacation leave in accordance with the following schedule:

| | |
|--|-------------------------------------|
| 0 years service but less than 5 year service (5 of the 10 days to be accrued the first year may be utilized after the first 6 months of service, but will be charged against the 10 days earned upon completion of the first year of service and only upon authorization by the Department Head and Village Administrator) | 10 days (8 days for 10 hr shift) |
|--|-------------------------------------|

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| | |
|--|--|
| 5 years but less than 11 years of service | Employee accrues 15 days a year (12 days for 10hr shift) |
| 11 years but less than 15 years of service | Employee accrues 20 days a year (16 days for 10 hr shift) |
| After 15 years of Service | 1 additional day per year up to the max of 5 days or 5 weeks a year total. (8 hours per year for 10hr shift) Revised March 2, 2016 |

5.3 Sick Leave

The Village will provide full time employees a sick leave benefit to enable the employee to have a period of compensated time off in the event of illness or injury. Sick leave is a privilege, and not a right. Sick leave may not be used to obtain additional vacation time, and abuse of sick leave privileges is deemed just cause for termination.

A. Sick Leave benefits may be used for the following purposes:

1. Personal illness or injury to the employee.
2. Illness, injury, or medical appointment of the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or step parent for reasonable periods when it can be shown that the employee's presence is necessary.

B. Provisions of the Sick Leave Plan are as follows:

1. Each employee may accrue up to 60 earned days sick leave. (48 days for 10 hr shift)
(Revised July 1st, 1990)
2. Each employee may accrue up to 800 hours of sick time
(Revised March 2, 2016)
3. During an employee's first year of service the employee shall earn sick leave at the rate of one (1) sick day for each full month of service.
(Revised July 1st, 1990)

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4. Employees on leave of absence without pay shall not accrue sick leave benefits during the period of their absence.

(Revised August 15th, 1994)

5. Employees terminating employment with the Village shall be compensated for unused earned and accrued sick leave as follows:

(Revised March 2, 2016)

- a. By Dismissal: No Compensation
- b. Resignation before 20 years service: No Compensation
- c) Retirement after 20 years service: ½ accrued amount.
- d) Layoff/Reduction in Force: Same as Retirement
- e) Death of Employee: Same as Retirement

(Revised August 15th, 1994)

6. Sick leave necessary beyond the earned and accrued amount will require the employee to use vacation time.

(Revised August 15th, 1994)

7. Earned and accrued sick leave will be charged against an employee injured on-the-job and accepted into workers compensation coverage, or an employee injured off-the-job or sick, and eligible for disability insurance payments. In each case, the Village will pay the difference between the compensation or insurance allowance and their salary less normal deductions.

8. Reference – officers

(Revised August 15th, 1994)

C. Requirements for Eligibility for Sick Leave Compensation

1. In cases where an employee cannot report for duty due to illness or injury, the supervisor or department head shall be notified no later than:
 - a. One (1) hour before the employee’s scheduled starting time for sworn police personnel.
 - b. Thirty (30) minutes before the employee’s schedule starting time for all other village employees.

Failure to make proper notification will deems the employee ineligible for sick leave compensation.

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2. The employee is responsible for making a daily report thereafter for the duration of the illness or injury.
3. A physician's medical certificate may be required by a department head for employees who are absent, but shall be required for sick leave absence after three consecutive work days.
4. If an employee was exposed to a contagious disease, a written statement from a physician shall be required before an employee may again report for work.

D. Sick Leave Donations

In the event of a serious illness of any employee who has exhausted their sick leave, and other periods of time-off with pay, employees may donate specific amounts of their sick leave, compensatory time, personal time or vacation time, not to exceed, in an aggregate, forty (40) hours per employee annually to a particular employee, for the purpose of allowing an employee to have access to paid sick leave, even though the recipient employee had depleted their own sick leave.

1. An employee must complete the Family Medical Leave Request form, including the Certification of Health Care Provider, prior to receiving any donation of time.
2. An employee receiving a donation must first have used all of their accrued sick, vacation time, personal time, and compensatory time (collectively known as earned time off). However, all donated time can be used only as sick time for the employee in need.
3. Both the donating employee and the recipient employee must be full-time employees, and have completed their probationary period.
4. Time donated will be counted on an hour for hour basis. For example, an employee receiving an hour of sick time from a supervisor will receive one hour of sick time regardless of hourly rate differential.
5. An employee donating time must retain not less than 40 hours of their own sick time following the donation of the hours.
6. Once the donation has been made, all donated time is the property of the receiving employee. Unused time may not be transferred

5.4 Leaves of Absence

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A. Bereavement Leave

Full-time employees may be granted emergency leave of absence with pay in case of the death of a member of the employee's immediate family. Immediate family for this section is defined as: spouse, children, parents, brother or sister, father/mother-in-law, and grandparents. Such emergency leave shall be granted for up to three (3) working days.

One (1) working day shall be granted for brother/sister-in-law, daughter/son-in-law, grandparent-in-law, or grandchildren.

B. Military and Jury Duty Leave

Employees in full time employment status shall be granted a leave of absence with pay in order that they may service required jury duty or required military reserve duty. Compensation paid shall be the difference between any compensation received for jury duty or military reserve duty, and the employee's regular salary at that time. Leave shall be granted if it is requested in advance to the department head and approved by the Village Administrator.

C. General Leaves of Absence

Employees in full time employment status may be granted a general leave of absence without pay to cover periods of disability, recuperation from illness, or for personal matters, including pregnancy. Leave of absence due to illness or recuperation must be accompanied by a physician's statement. All requests for general leaves of absence shall be submitted through department heads for approval by the Village Administrator.

General leaves of absence may be granted for up to ninety (90) calendar days, and extensions granted for additional periods not to exceed a total of one (1) year. An employee may, during the leave, return to full employment status upon at least two (2) weeks notice in writing to their department head and upon approval by the Village Administrator.

During general leaves of absence in excess of 30 consecutive days the employee may, at the employee's option, remain a member of any group hospital or medical plan provided by the Village, provided the employee pays the full monthly premium/deduction for each coverage, to the Village. Failure to make regularly scheduled payments will result in cancellation of the benefits.

Employees considering a general leave of absence must be aware that any position may be eliminated or substantially changed. Therefore absolute assurance or reinstatement cannot be given. An effort will be made to place

the employee in a suitable position at the first opportunity. Failure to report for duty within two (2) working days of the end of the leave granted shall result in termination of the employee.

D. FMLA

FAMILY AND MEDICAL LEAVE ACT
POLICY AND PROCEDURES

A. Provisions

In accordance with the Family and Medical Leave Act (FMLA), and subject to the conditions stated below, the Village will grant to eligible employees up to twelve (12) weeks of job-protected unpaid family and medical leave, per twelve (12) month period, for any one or more of the following reasons:

1. The birth of an employee's child, to care for such child or the placement of a child with the employee for adoption or foster care. (Leave for this reason must be taken within the twelve-month period following the child's birth or placement with the employee. If both spouses work for the Village, each are permitted to take only a

combined total of twelve (12) weeks leave during any twelve (12) month period).

2. To care for the employee's immediate family member, if the immediate family member has a serious health condition; or
3. The employee's own serious health condition that makes the employee unable to perform the essential functions of his or her position.

B. Definitions

“Twelve month period” means a rolling twelve (12) month period measured backward from the date leave is taken and continuous with each additional leave day taken.

“Spouse” means married domestic partner.

“Child” means a child under 18 years of age, or 18 years of age and older, who is incapable of self-care because of a mental or physical disability or physical

“Parent” means the biological parent or an individual who stands or stood in loco parentis (in the place of a parent) to the employee when the employee was a child. It excludes “parents-in-law.”

“Immediate Family” means the employee's spouse, child, or parent.

“Serious Health Condition” means an illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care; or
2. Any period of incapacity requiring absence from work for more than three calendar days, that also involves continuing treatment by (or being under the supervision of) a health care provider; or
3. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
4. Prenatal care from a health care provider.

“Incapable of self-care” means that the individual requires active assistance or supervision to provide daily self-care in several of the activities of daily living, such as caring appropriately for one's grooming or hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining as residence, using telephones, and the like.

“Health Care Provider” – means a doctor of medicine or osteopathy, or any other person determined by the Federal Government to be capable of providing health care services including podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse-practitioners, nurse-midwives authorized to practice by state law, and Christian Science practitioners.

“Medical necessity” means there must be a medical need for the leave, as distinguished from voluntary treatments or procedures.

C. Eligible Employee

1. All Employees

To be eligible for FMLA, an employee must:

- a. Have worked for the Village for at least 12 months (meaning the employee was maintained on the payroll); and
- b. Have worked at least 1250 hours during the year preceding the start of the leave. Hours worked are determined by applying the principles of the Fair Standards Act (FLSA).

2. Exempt Employees

FLSA exempt employees who have worked for the Village at least 12 months are presumed to have met the minimum service required for eligibility.

D. Request for Leave

1. No Need to Assert FMLA Rights

Employees need not expressly assert their rights under the FMLA, or even mention the FMLA when applying for leave. It is enough to state that leave is needed for one or more of the covered reasons, listed under the heading “Family and Medical Leave Provisions” above.

2. Leave for Medical Condition

The Village may have to inquire further to determine whether the leave requested is for a serious health condition which must be supported by a Medical Certification for a health care provider.

3. Planning Treatment

Upon getting notice for a leave, the Village may, for business reasons, require the employee to try to reschedule to treatment, so long as the treating health care provider approves the modification of the treatment schedule.

E. Notice Requirement

1. Foreseeable Leave

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- a. Unpaid leave: An employee must give 30 days' notice if the leave is foreseeable and unpaid. The request for leave must be accompanied by the "Employee Leave Request Form" furnished by the Village Administrator or his designee. If the employee fails to give 30 days' notice without having a reasonable excuse for the delay, the leave will be denied until 30 days after the employee provides the notice.
- b. Paid leave: The notice period for a foreseeable paid leave is the same which the employee is required to give to use vacation, sick leave or whatever applicable paid benefit time the employees requests, and is determined either by the Village Personnel Policies and Procedures, or a departmental or Village-wide procedure. The substitution of paid leave for the otherwise unpaid leave provided by the FMLA is described below.

2. Unforeseeable Leave

- a. Unpaid leave: In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable under the circumstances. It is expected that the employee would give notice within one or two business days of learning of the need for the leave, except in extraordinary circumstances. The notice shall be followed by the completed "Employee Leave Request Form."

In case of a medical emergency involving either the employee's own or the immediate family member's serious health condition, the Village's otherwise required advance notice is unenforceable when FMLA leave is involved.

- b. Paid Leave: The provisions described under 1-12-7(E)(1)(b) above apply.

F. Medical Certification

1. Timeframe to Submit Form

For leaves (unpaid) taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Medical Certification" form available from the Village Administrator or his designee within 15 days after the Village requests completion of the form, or as soon as reasonably possible.

2. Subsequent Medical Opinion/Reports

The Village may require a second or third opinion, at the Village's expense, and periodic reports on the employee's status and intent to return to work. The employee must furnish a fitness for duty report to return from a leave taken because of the employee's own serious health condition.

G. Intermittent of Reduced Leave

1. Serious Health Condition

If it is medically necessary, leave may be taken intermittently (a few days/hours at a time), or on a reduced leave schedule to care for an immediate family member with a serious health condition, or because of the employee's own serious health condition.

- a. Medical Necessity: The treatment regimen and other information given on the "Medical Certification" form is enough to certify the medical necessity of intermittent or reduced leave. However, the employee must schedule such leave so as not to disrupt the Village's operations. Upon request, the employee shall provide the Village with the reasons why the intermittent/reduced leave scheduled is necessary, and furnish a schedule of the treatment. The Village and the employee will work out a mutually agreeable schedule, subject to the approval of the health care provider.
- b. Temporary Transfer: The employee may be required to transfer temporarily to a position equivalent pay and benefits that better accommodates recurring periods of leave, when the leave is planned for scheduled medical treatment.

2. Department's Consent

A leave taken intermittently or on a reduced leave schedule for the birth of the employee's child, or the child's placement with the employee for adoption or foster care, requires the department's consent.

3. Part-time/Variable Hours Employee

For part-time employees and those working variable hours, the FMLA leave entitlement is calculated on a pro-rata basis whereby the 12 weeks worked immediately prior to the start of the leave are used to calculate the employee's normal work week.

4. Exempt Employees

Exempt employees' salaries will be reduced by the hours taken as intermittent or reduced leave during the work week, without affecting their exempt status.

H. Substitution of Paid Leave

1. Required Substitution

Employees are required to substitute accrued paid benefit time for any part of an FMLA leave taken for any reason as follows:

2. Combination of Paid/Unpaid Leave

When an employee has used accrued paid benefit time for a portion of FMLA leave, the employee may request an additional period or unpaid leave for a total combined leave of 12 weeks.

3. Right of Substitution

An employee has the right to substitute all of his/her accrued paid benefit time, so long as the Village Personnel Policies and Procedures permit the use of paid benefit time for the type of FMLA leave requested.

I. Effect on Benefits

1. Group Insurance

The employee's group health insurance and life insurance plan continues under the same conditions as coverage would have been provided if the employee had continuously been employed during the leave period.

2. Insurance Contributions

Employees' contributions to premiums continue at the same level as if they were actively employed. If there is a change in the employee's share of premium costs, they are notified of the change and expected to pay the premium they would have paid had they not been on leave.

- a. Paid Leave: Employees who are on paid leave will have their premium payments withheld through payroll deduction.
- b. Unpaid Leave: Employees who are on unpaid leave will be advised in writing at the beginning of the leave period of the amount, method and due date of their premium payments.

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- c. Late Payment: If an employee's premium payment is more than thirty (30) days late, the Village may terminate the health coverage. However, the coverage will be restored immediately upon the employee's return from leave.
- d. Reimbursement: If the Village pays the employee's share of the premium which the employee missed during the leave, the Village may require reimbursement from the employee upon return from leave. The employee will be required to sign a written statement at the beginning of the leave authorizing payroll deductions for delinquent payments.
- e. Employee does not return from leave: If the employee fails to return from leave for reasons other than the continuation of the employee's serious health condition, or the serious health condition of a covered family member, or circumstances beyond the employee's control, or the employee returns to work for less than 30 days, the Village may seek reimbursement for the employer's share of the premiums paid on behalf of the employee during the period of the leave.

3. Other Benefits

An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, unless otherwise stated in the Village Personnel Policies and Procedures of law. However, the employee will not lost any benefit accrued prior to the leave.

J. Job Protection

1. Same of Equivalent Position

If employees return from leave by the end of twelve (12) weeks, or before, they are reinstated to the former position of an equivalent one, with equivalent pay, benefits, status, authority, and other conditions of employment as they held before going on leave.

2. Restoration Rights

The restoration rights of any employee returning from FMLA leave are the same as they would have been had the employee continued to work. Therefore, had the employee's position been eliminated, or the employee been terminated while actively at work, there is not right to be reinstated upon return from leave.

3. Late Return

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If the employee fails to return by the end of twelve (12) weeks, reinstatement to the same or similar position occurs only if it is available. Otherwise, the employee's employment may be terminated.

4. An exception to reinstatement may also be made in the case of a "key employee," even if the "key employee" returns timely from leave. A "key employee" is an exempt employee and is among the 10% highest paid of all Village employees. "Key employees" will be notified of their status in writing when they request FMLA leave and informed as to whether there is a possibility that reinstatement will be denied after leave. Restoration may be denied if it causes substantial and grievous economic injury as defined by FMLA regulations.