

ORDINANCE NO. 2023-26

**AN ORDINANCE OF THE VILLAGE OF CHERRY VALLEY, ILLINOIS REGARDING
THE ILLINOIS PAID LEAVE FOR ALL WORKERS ACT**

WHEREAS, the Village of Cherry Valley, Illinois (“Village”) has adopted a Code of Ordinances (“Code”) for the Village; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the Village is a non-home rule municipality; and

WHEREAS, the Illinois General Assembly passed and the Governor of Illinois signed into law the Paid Leave for All Workers Act, 820 ILCS 192/1 *et seq.* (the “Act”); and

WHEREAS, effective January 1, 2024, the Act will apply to all Illinois employers, including municipalities, unless the employer is subject to an existing municipal or county ordinance that requires the municipality, as an employer, to provide any form of paid leave to their employees or unless a specific exemption applies; and

WHEREAS, the Act, 820 ILCS 192/15(p), provides that the provisions shall not apply to any employer that is covered by a municipal ordinance that is in effect on the effective date of this Act; and

WHEREAS, the State of Illinois did not make the necessary appropriations or include statutory language exempting the Act from the Illinois State Mandates Act (30 ILCS 805/1 *et seq.*); and

WHEREAS, the Village finds it is in the public interest to clearly define the minimum requirements regarding paid leave which apply to the Village; and

WHEREAS, the Village desires to continue to adhere to their existing paid leave policies for its employees as outlined by a collective bargaining agreements or outlined in the Village's Personnel Policies Manual or otherwise; and

WHEREAS, the Village Board finds that adopting the existing paid leave policies by ordinance is in the best interest of the Village and its citizens to adopt the policies.

NOW THEREFORE, be it ordained by the President and Board of Trustees for the Village of Cherry Valley, Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein and made a part hereof.

SECTION 2: Pursuant to Section 15(p) of the Act, the Village of Cherry Valley adopts its current paid leave policy for all Village employees as set forth in the Village's Code of Ordinances, Personnel Policies Manual, and any collective bargaining agreements to which the Village is a party and all other binding legislative actions governing paid leave adopted by the Village Board of the Village of Cherry Valley as the same may be amended from time to time. However, in no event shall the Village as an employer provide less than one (1) hour of paid time off for every forty (40) hours actually worked to any Village employee.

SECTION 3: The Village hereby adopts the following amendments to Section 10 Leaves of Absence, Section 10-1 Vacation Leave of the Village of Cherry Valley Personnel Policies Manual:

10-1. Vacation Leave

Vacation time is granted to allow full time Village employees to rest, relax and pursue special interests. Vacation time may also be used during an employee's own illness, to care for an ill child or for medical, legal or other personal business appointments which can only be scheduled during normal Village operating hours. Those covered by a collective bargaining agreement should refer to the terms of the agreement where it relates to vacation accrual and vacation time.

A. Accruing Vacation Hours

Full Time Employees

Except as otherwise provided herein, all regular, full-time employees shall accrue the following vacation hours during each pay period in which they receive a pay check for hours worked: vacation time shall accrue on an annual basis based on the schedule below.

Vacation time for newly hired employees with the Village shall be calculated by the number of months remaining in the fiscal year, which are actually worked by the employee. Those employees working a forty (40) hour week will receive 3-1/3 hours of vacation time for each month remaining in the fiscal year for which the employee is employed by the Village. Those employees working a forty-two (42) hour week will receive 3-1/2 hours of vacation time for each remaining month in the fiscal year for which the employee is employed by the Village.

New employees shall be prohibited from using vacation time during their first **ninety (90) days of employment** ~~six (6) months of employment~~, unless authorized in writing by the appropriate Department Head. Should an employee make use of their vacation time, prior to having earned the same, and said employee ceases to be employed by the Village for any reason, said employee shall reimburse the Village for the unearned portion of the vacation time paid to the employee.

Vacation periods shall be determined by employee's anniversary date.

SECTION 4: The Village hereby adopts the following amendments to Section 10, Leaves of Absence, adding a new Section 10-14 Paid Leave for Part-Time, Seasonal and Temporary Employees of the Village of Cherry Valley Personnel Policies Manual:

10-14. Paid Leave for Part-Time, Seasonal and Temporary Employees

- 1. All part-time, seasonal and temporary employees shall accrue paid leave at a rate of one (1) hour per every forty (40) hours actually worked. Employees shall be allowed to carry over up to 40 hours of paid leave annually, for a total of 80 hours of paid leave, but usage is limited to 40 hours per year. The annual period shall run from the employee's date of hire to the next anniversary date. New employees shall be prohibited from using paid leave during their first ninety (90) days of employment, unless authorized in writing by the appropriate Department Head. Paid leave requests should be made to your supervisor with as much advance notice as possible. Paid leave will generally be approved on a first-come first-served basis. Once an employee's paid leave has been approved, such dates will not be altered due to a subsequent request for the same dates by another or more senior employee. However, if two or more employees have requested overlapping dates which have not been approved, and if approval of both requests would cause a hardship on the Village, the Department Head will consider an employee's length of continuous service as a factor in determining which employee's request will be granted.**

- 2. All requests for paid leave must be approved by the employee's supervisor prior to the commencement of the requested paid leave. The supervisor will consider the employee's request and the requirements of the department and the Village as a whole. Department Heads may deny requests for leave based on operational need. Paid leave must be taken at a minimum of two (2) hour increments. Upon termination of employment, unused remaining hours of paid leave will not be paid out.**

SECTION 5: Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

SECTION 6: Severability. If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 7: The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED UPON MOTION BY: TRUSTEE BELT

SECONDED BY: SALLY HOLLEMBEAK

BY ROLL CALL VOTE THIS 5TH DAY OF DECEMBER, 2023

AS FOLLOWS:

VOTING "AYE": NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK,
MIKE NEVILLE, BRANDI PEARSE, CARL WEDIG

VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER NONE

APPROVED: DECEMBER 5, 2023

ATTEST: 

KATHY TRIMBLE, VILLAGE CLERK



DAVID SCHROEDER, VILLAGE PRESIDENT