

**ORDINANCE NO. 2024-12**

**AN ORDINANCE OF THE VILLAGE OF CHERRY VALLEY, ILLINOIS AMENDING THAT SECTION OF THE PERSONNEL POLICY MANUAL RELATING TO COMPENSATORY TIME**

**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 Village has adopted a personnel policy manual governing non-bargained employees; and

**WHEREAS**, the Village’s personnel policy manual has a provision regarding a use of compensatory time; and

**WHEREAS**, the Village Board finds that amending the compensatory time use policy 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:** The Village hereby adopts the following amendments to Section 7 Compensation, Section 7-3 Compensatory Time/Overtime of the Village of Cherry Valley Personnel Policies Manual:

**7-3. Compensatory Time/Overtime**

Only Fair Labor Standards Act (FLSA) non-exempt employees shall be entitled to overtime. For those covered by a collective bargaining agreement, please refer to the appropriate document regarding overtime and compensatory time details. Eligible employees shall be compensated for overtime at a rate of one and one-half times their regular hourly rate for all hours worked over forty (40) in a work week.

For all FLSA non-exempt employees, prior authorization from the employee’s supervisor is required before an employee may work more than their scheduled daily or weekly hours. Failure to obtain prior approval for overtime may result in disciplinary action up to and including

dismissal. To the extent possible, an attempt will be made to fairly distribute overtime work among employees competent to perform the required service.

Unless covered by a collective bargaining agreement, an employee will be allowed to accumulate no more than forty (40) hours of compensatory (comp-) time. Comp-time hours may be used following the same criteria as vacation time and are subject to the supervisor's approval. **All requests for the use of comp-time must be approved by the employee's supervisor in advance prior to the commencement of the requested comp-time. The supervisor will consider the employee's request and the requirements of departmental operations. The supervisor may require certain hours to be taken consecutively. There is no guarantee that any employee will receive approval of the use of the comp-time as requested. Approval of comp-time requests is left entirely to the discretion of the supervisor. Comp-time may not be used in lieu of sick time.** If an employee leaves the employment of the Village, the employee will receive payment for all unused hours of comp time at the employee's current rate of pay.

In the case of executive, administrative and professional personnel as defined by the Fair Labor Standards Act (FLSA), it is implicit in the nature of their position that time beyond the normal work schedule may be spent on the job. While some recognition of this work may be made by the Department Head, it is recognized that these classifications are overtime exempt.

The Village will compensate all non-exempt employees for overtime hours through overtime pay at the rate of 1 ½ times the regular hourly rate for all hours worked in excess of forty hours in a single work week. For purposes of calculating overtime, all compensable hours shall count as hours worked, except for sick time.

**SECTION 3:** 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 4:** 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 5:** 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: NANCY BELT

SECONDED BY: MIKE NEVILLE

BY ROLL CALL VOTE THIS 21<sup>ST</sup> DAY OF MAY, 2024

AS FOLLOWS:

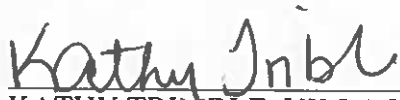
VOTING "AYE": NANCY BELT, JEFF FUSTIN, SALLYHOLLEMBEAK,  
MIKE NEVILLE, BRANDI PEARSE, CARL WEDIG

VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER: NONE

APPROVED: MAY 21, 2024

ATTEST:



KATHY TRIMBLE, VILLAGE CLERK



DAVID SCHROEDER, VILLAGE PRESIDENT