



Memorandum

To: Administration Committee
From: Erin Willrett, City Administrator
CC: Bart Olson, City Administrator
Date: February 27, 2024
Subject: UPDATE Revised Section 4.1 Vacation Leave, City of Yorkville Employee Manual

Summary

Revising Section 4.1 Vacation Leave of the City of Yorkville Employee Manual.

Background

Section 4.1 outlines the vacation leave policy for full-time city employees. The Paid Leave for all Workers Act (P.A. 102-1143) became effective on January 1, 2024. This requires employers, including municipalities, to provide 40 hours of paid leave to all employees on an annual basis. Employers must provide one hour of paid leave per 40 hours worked. This time can be taken for any reason or no reason at all.

The attached is the current language with the proposed addition to the language red-lined within. The revised language allows or Full-Time and Part-Time employees this new benefit. However, for full-time employees the annual vacation allotment table has been adjusted to allow for the additional 40 hours from the paid leave for all.

Part-time employees will begin to earn one-hour of paid time leave per 40 hours worked as of January 1, 2024. There is a 90-day waiting period before a newly hired employee is eligible to use their earned paid time off. Part-time employees may carry over or receive pay at the end of the calendar year for any remaining earned but unused hours of paid leave.

Full-time employees will receive 40 hours of paid leave retroactively to January 1, 2024. After this initial year, paid leave will be frontloaded for full-time employees on their anniversary date. The employee may carry over or receive pay on their anniversary date for any remaining time of paid leave and vacation time as outlined in the vacation leave section of the manual. In other words, on the employee's anniversary date, a maximum of 40 hours of unused vacation time or paid leave time may be carried over into the next year or paid out.

New full-time hires between January 1st through June 30th will receive 40 hours of paid leave on their hire date. New full-time hires between July 1st through December 31st will receive 20 hours of paid leave on their hire date. A calculation will be run at the end of the calendar year to establish that the employee, were given 1 hour of paid leave for every 40 hours worked (at maximum).

Full-time employees vacation allotment will be adjusted by 40 hours to allow for the 40 hours of paid leave. So, the full-time employees will be receiving 40 hours of paid leave that can be used

for any reason, and based on the years completed, the vacation time credited will be reduced by the 40 hours of paid leave given at the beginning of the calendar year.

For example, a non-exempt employee that has been hired on June 1, 2022, will receive 40 hours of paid time leave, as of January 1, 2024. They will receive 40 hours of vacation time on June 1, 2024. If they have 40 hours of unused vacation or paid leave on May 30, 2024, they can either roll over 40 hours into June 1, 2024 vacation time or get paid out for 40 hours. On June 1, 2025 the employee will receive 40 hours of vacation and 40 hours of paid time leave. If they have 40 hours of unused vacation or paid leave on May 30, 2025, they can either roll over 40 hours into June 1, 2025 vacation time or get paid out for 40 hours.

Recommendation

Staff recommends amending Section 4.1 Vacation Leave of the City of Yorkville Employee Manual.

A RESOLUTION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING AN AMENDMENT TO THE UNITED CITY OF YORKVILLE EMPLOYEE MANUAL

WHEREAS, the United City of Yorkville, Kendall County, Illinois (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of this State; and,

WHEREAS, the City desires to amend the portion of its Employee Manual which addresses the Paid Leave for all Workers Act that establishes 40 hours of paid leave to all employees on an annual basis; and,

WHEREAS, the City desires to amend the portion of its Employee Manual which addresses the Vacation Leave Policy in order to maintain a consistent policy; and,

WHEREAS, it has been determined to be in the best interests of the City to amend Section 4.3.5 of the Employee Manual, in the form attached hereto in Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois that Section 4.1 and 4.2 of the United City of Yorkville Employee Manual in the form set forth on Exhibit “A” attached hereto and incorporated herein are hereby adopted.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, 2024.

City Clerk

DANIEL TRANSIER _____

KEN KOCH _____

RUSTY CORNEILS _____

ARDEN JOE PLOCHER _____

CHRIS FUNKHOUSER _____

MATT MAREK _____

SEAVER TARULIS _____

CRAIG SOLING _____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this
____ day of _____, 2024.

MAYOR

Attest:

City Clerk

SECTION 4

EMPLOYMENT BENEFITS

Section 4.1 Paid Leave for Any Reason Policy

This Policy is effective January 1, 2024, for all employees whose terms and conditions of employment are not covered by a collective bargaining agreement (“CBA”). Employees covered by a CBA should consult the CBA for details about their paid time off benefits. This policy will supersede and replace the prior Vacation Leave Policy that was in effect as of December 31, 2023, as applied to full time employees.

NOTE: The implementation of this NEW Paid Leave for Any Reason Policy will not result in a loss or reduction of the number of annualized paid days off. However, terms of usage of those days off are changed as set forth below in this NEW Section 4.1.

1. This Paid Leave for Any Reason policy is applicable to all employees, including, but not limited to, all full-time, part-time, and seasonal employees.
2. Full Time Employees: Effective January 1, 2024:
 - a. Full time employees who are employed on January 1, 2024 or hired during the period from January 1 through June 30, 2024, will be given forty (40) hours of paid leave to be used for “any purpose” as determined by the employee, subject to the terms below.
 - b. Full time employees who are hired during the period from July 1 through December 31, 2024, will have twenty (20) hours of paid time off frontloaded for use by the end of calendar year. The Company will apply this Subsection 2(b) to ensure that these employees receive at least one hour of paid time off for each 40 hours worked (up to a maximum of 40 hours).
 - c. Employees may use their paid time off for any reason available under this Section 4.1 for any reason. The employee may carry over or receive pay on their anniversary date for any remaining earned but unused hours of paid leave or vacation time, up to 40 hours, as outlined in Section 4.2 Vacation Leave.
 - d. In all subsequent years, this Paid Leave for Any reason will be “frontloaded” and available for use by full time employees beginning on their anniversary date (up to a maximum of 40 hours per year under this Section 4.1).
3. Part Time/Seasonal/Partial Year Employees: Effective January 1, 2024, paid time off under this Section 4.1 will be computed and earned based on an “accrual method” and not frontloaded. The paid time off accrual rate is computed at the pace of one hour of paid time off for every forty (40) hours of time actually worked, up to a maximum of 40 hours per calendar year. Full time employees will also

earn and accrue paid time off under this Section 4.1 pursuant to the “accrual method” (one hour earned for each 40 hours worked up to 40 hours maximum in a calendar year). Employees who earn time on this “accrual method” may carry over (or receive pay at the end of the calendar year) for any remaining earned but unused hours of paid leave under this Policy.

4. New Hire Waiting Period: There is a 90-day waiting period before a newly hired employee is eligible to use their earned paid time off pursuant to this Section 4.1.
5. Notice by Employee: When the reason for an employee seeks to use paid time under this Policy for a reason that is foreseeable, the employee must notify the employee’s supervisor at least seven (7) calendar days before the date the leave is to begin. If leave taken under this Section 4.1 is not foreseeable, the employee shall notify the employee’s supervisor as soon as is practicable after the employee is aware of the necessity of the leave (and at least one hour before the employee’s scheduled starting time).
6. Approval of Time Off: The City reserves the right to deny a request to use time off under this Section 4.1 for operational reasons. If the request for time off is denied, we will provide you a written explanation of the operational reasons for the denial.
7. Impact on Other Policies: Paid leave under this Policy does not count as hours worked for overtime purposes. Employees will be required to use the available paid leave under this Policy concurrently with any protected unpaid leave, such as leave under the Family and Medical Leave Act (“FMLA”) when applicable. If an employee’s employment is terminated for any reason, the employee will not be paid for any earned but unused paid leave under this Policy.
8. No employee will be subject to retaliation of any kind is prohibited because the employee (a) exercises rights or attempts to exercise rights under this Policy or the Paid Leave for All Workers Act, (b) opposes practices which the employee believes to be in violation of the Act, or (c) supports the exercise of rights of another under the Act. Employees may raise any concerns about retaliation by following the complaint reporting procedure set forth in the City’s “Employee Policy and Procedures Manual” that is then in effect.

For additional information about this Policy and your rights under the new Illinois law, consult the poster available on the Illinois Department of Labor website at: DOL.PaidLeave@illinois.gov.

Section 4.2 Vacation Leave: This policy is revised effective January 1, 2024:

1. Employment anniversary dates shall govern the number of vacation days allowed.
2. Full-time employees are entitled to the following vacation time based on continuous and completed years of service, depending on status pursuant to the charts below.
3. There is no vacation pay earned and accrued pursuant to this Policy in the initial year of employment. Put another way: the employee must work the full year (12 months since anniversary date) to truly earn the vacation time credited amount referenced below.

Non-exempt employees

Years of Service Completed	Vacation Time Credited
After completion of 1– 4 years	40 hours
After completion of 5, 6, 7, 8, 9	80 hours per year
After completion of 10, 11, 12, 13, 14	120 hours per year
After completion of 15 or more years	160 hours per year

Exempt employees

Years of Service Completed	Vacation Time Credited
1 year	40 hours
2, 3, 4	80 hours per year
5, 6, 7, 8, 9	120 hours per year
10+	160 hours per year

4. Employees who have accumulated eighty (80) or more hours of vacation hours or paid time leave that were accrued under this Section 4.2 or Section 4.1 may use up to forty (40) hours of vacation or paid leave time as pay in lieu of time off per anniversary year, if approved by the Department Head in advance.
5. Vacation time off earned pursuant to this Section 4.2 are normally requested in forty (40) hour increments. Smaller increments of vacation leave may be taken with the approval of the Department Head. All requests must be submitted at least fourteen (14) days in advance and approved by the Department Head. Any vacation request submitted for the calendar year by February 28th will be approved based on seniority and scheduling to provide essential services. When the vacation leave request is approved the employee has reserved his right to his leave; however, all

leaves are subject to review and/or cancellation for major emergencies or extreme circumstances, which may cause a personnel shortage.

6. Upon the employee's anniversary date, a maximum of forty (40) hours of unused vacation time or paid leave time available pursuant to Section 4.2 and Section 4.1 may be carried over into the next year by eligible full-time employees.
7. Upon termination of employment, the employee shall receive prorated accumulated vacation and paid leave pay for the number of months worked in the final year (computed based on number of months from anniversary date to termination date year). This final vacation pays, and paid leave will be computed on the basis of 1/12 for each full month worked past the employee's final year of employment which is payable in the employee's final paycheck.
8. Like all personnel policies, this Policy is subject to change, or elimination as deemed appropriate by City Council for business reasons or to comply with changes in the law. Therefore, there is nothing in the policy that should be construed as a guarantee of employment for any specific term or a promise of a payment/benefit for a specific period of time.

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 - c. Employees may use their paid time off for Any Reason available under this Section 4.1 for any reason and it must be used prior to the end of the calendar year or they will receive pay for any unused amounts.
 - d. In all subsequent years, this Paid Leave for Any reason will be “frontloaded” and available for use by full time employees beginning on their anniversary date (up to a maximum of 40 hours per year under this Section 4.1).
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calendar year). Employees who earn time on this “accrual method” may carry over (or receive pay at the end of the calendar year) for any remaining earned but unused hours of paid leave under this Policy.

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