

**VILLAGE OF VERNON HILLS  
ORDINANCE 2023-121**

**AN ORDINANCE APROVING PAID LEAVE BENEFITS REQUIRED FOR  
VILLAGE EMPLOYEES**

**WHEREAS**, the Village of Vernon Hills, Illinois (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, additionally, pursuant to Article VII, Section 6(i) of the Illinois Constitution of 1970, home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive; and

**WHEREAS**, on March 13, 2023, Governor J.B. Pritzker signed into law Public Act 102-1143, titled the Paid Leave for All Workers Act (the "Act"), establishing "a minimum paid leave standard for all workers in Illinois," with certain exceptions; and

**WHEREAS**, the Act takes effect on January 1, 2024, and applies to State and local government employers within Illinois, except school districts and park districts;

**WHEREAS**, the mandatory paid leave standard required by the Act constitutes an unfunded mandate on the Village pursuant to the State Mandates Act, 30 ILCS 805/1, et seq.; and

**WHEREAS**, the Act does not expressly preempt the exercise of home rule powers under Article VII, Section 6 of the Illinois Constitution of 1970, nor does it contain specific language limiting or denying the power or function of a home rule unit pursuant to Section 7 of the Statute on Statutes, 5 ILCS 70/7; and

**WHEREAS**, the General Assembly incorporated language into Section 15(p) of the Act, 820 ILCS 192/15(p), which expressly provides that "[t]he provisions of this Act shall not apply to any employer that is covered by a municipal or county ordinance that is in effect on the effective date of this Act that requires employers to give any form of paid leave to their employees, including paid sick leave or paid leave"; and

**WHEREAS**, Section 15(n) of the Act further provides that "[n]othing in this Act shall be deemed to affect the validity or change the terms of bona fide collective bargaining agreements in effect on January 1, 2024. After that date, requirements of this Act may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms"; and

**WHEREAS**, the Village recognizes the importance of paid leave for workers and provides its employees with a comprehensive benefits package that includes paid leave benefits that are greater than those required under the Act, as detailed in the Village Employee Manual and its various collective bargaining agreements; and

**WHEREAS**, the current Village Personnel Rules were last amended by Resolution 2018-036, and require, as a part of Chapters 11-14:, that Village employees be provided with various types of paid leave, including vacation leave, sick leave, short-term disability leave, holidays, floating holidays, personal (special) leave, bereavement leave, jury leave, and military duty leave, as well as additional unpaid leave (a copy of the pertinent leave provisions from the Personnel Rules are attached hereto as Exhibit 1 and made a part hereof, hereinafter referred to as the “Paid Leave Policies”); and

**WHEREAS**, the President and Board of Trustees of the Village find that it is in the best interest of the Village and its residents to adopt and affirm by ordinance, prior to the effective date of the Act, the Village’s current Paid Leave Policies requiring paid leave for Village employees, to maintain the quality of the benefits package currently available to the Village’s employees and to expressly affirm that the provisions of the Act do not apply to the Village’s employees.

**NOW, THEREFORE, BE IT ORDAINED** by the Village President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois, in the exercise of its home rule powers, as follows:

**SECTION I.**

Recitals. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**SECTION II.**

Affirmation and Adoption of Paid Leave Policies.

- A. Pursuant to its home rule authority and the express provisions of the Act, including Sections 15(p) and 15(n) of the Paid Leave for All Workers Act (the “Act”), the Village hereby affirms and adopts its current Paid Leave Policies, as detailed in Article 6 of the Village’s Employee Manual and attached hereto as Exhibit 1 and incorporated herein (the “Paid Leave Policies”), which may be amended from time to time in compliance with law, as the required paid leave benefits for its employees, except as otherwise provided in a currently-existing collective bargaining agreement to which the Village is a party. However, in no event shall the Village provide less than one (1) day of paid leave per year to any Village employee. Regular part-time employees of the Village shall be provided with an amount of leave equivalent to one (1) day of paid leave (based on their regular work schedule) on January 1<sup>st</sup> of each year, or on their 90<sup>th</sup> day of employment, whichever occurs later, for use during the calendar year. Seasonal and temporary employees of the Village shall be provided with an amount of leave equivalent to one (1) day of paid leave (based on their regular work schedule) on their 90<sup>th</sup> day of employment for use during the calendar year. Unused paid leave provided to part-time, seasonal and temporary employees shall expire at the end of the calendar year and shall not carry over.
- B. Pursuant to Section 15(p) of the Act, the Village expressly affirms that the provisions of the Act shall not apply to the Village’s employees. This Ordinance governs and supersedes all provisions of the Act impacting the employment relationship between the Village of Vernon Hills and its employees.
- C. Pursuant to Section 15(n) of the Act, the Village hereby affirms the paid leave benefits included in the respective and currently existing collective bargaining agreements to which the Village

is a party. Nothing in the Act or in this Ordinance shall be deemed to affect the validity or change the terms of the currently existing collective bargaining agreements. To the extent the terms of any collective bargaining agreement conflict with the Village's Paid Leave Policies, the terms of the collective bargaining agreement shall prevail.

D. No additional obligations with regard to mandatory paid leave, including without limitation, any obligations adopted under the Act by the State of Illinois, shall apply to the Village in its capacity as an employer, except those required by federal or State of Illinois laws and regulations preempting the Village's home rule authority.

**SECTION III.**

Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**SECTION IV.**

Repealer. Any policy, resolution or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

**SECTION V.**

Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

Adopted by roll call vote as follows:

AYES: 7 – Marquardt, Oppenheim, Takaoka, Forster, Schenk, Koch, Byrne

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 – None

  
Roger L. Byrne, Village President

PASSED: 12/12/2023

APPROVED: 12/12/2023

ATTEST: 12/12/2023

  
Kevin Timony, Village Clerk



**EXHIBIT 1**

**VILLAGE PAID LEAVE POLICIES**

## VERNON HILLS PERSONNEL RULES

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### Chapter 11.00 – Holidays

#### Sections:

- 11.01 Holiday Observances
- 11.02 Floating Holidays
- 11.03 Holiday Compensation

#### 11.01 - Holiday Observances

- A. The Village shall observe the following holidays annually:

- New Year's Day
- Memorial Day (on the date designated by Federal Government for observation)
- Fourth of July
- Labor Day
- Thanksgiving
- Day after Thanksgiving
- Christmas Eve (work release at 12:00 PM)\*
- Christmas Day
- New Year's Eve (work release at 12:00 PM)\*
- Discretionary Holiday (to be designated by the Village Manager each year)

*\*Work Release at 11:00 AM for Departments beginning work at 7:30 AM*

- A. When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. When either or both New Year's Eve and New Year's Day or Christmas Eve and Christmas Day fall on a weekend, the Village Manager shall designate the days of observance.
- B. The Village does not observe any holidays other than those listed above in subsection A. Employees wishing to observe a religious holiday falling on a regularly scheduled workday must notify their supervisor at least one week in advance. In such cases the Village will make reasonable accommodations to allow the employee to use a floating holiday, vacation time, compensatory time, a schedule change, or if none of the foregoing is possible - unpaid time off.

#### 11.02 - Floating Holidays

- A. All full-time employees shall receive four (4) floating holidays.

- B. Floating holidays can be taken in a minimum of fifteen (15) minute increments. Fractions of time under fifteen (15) minutes shall be recorded as a full fifteen (15 minutes). Use of floating holidays requires approval of the supervisor and/or Department Head.
- C. Floating holidays shall be awarded on January 1 of each year to employees employed as of that date. If an employee starts after January 1 they shall receive a prorated portion of floating holidays as follows: employees hired in January shall receive thirty-two (32) hours of floating holidays during the remainder of their first year of employment; employees hired between February 1<sup>st</sup> and March 31<sup>st</sup> shall receive twenty-four (24) hours of floating holidays during the remainder of their first year of employment; employees hired between April 1<sup>st</sup> through June 30<sup>th</sup> shall receive sixteen (16) hours of floating holidays during the remainder of their first year of employment; employees hired between July 1<sup>st</sup> through September 30<sup>th</sup> shall receive eight (8) hours of floating holidays during the remainder of their first year of employment; and employees hired on or after October 1<sup>st</sup> shall not receive floating holidays during the remainder of the calendar year of their initial year of employment.
- D. If the **Manager's Discretionary Holiday** is designated a Floating holiday it will be prorated for all employee's hired during that year as follows: employees hired in January shall receive eight (8) hours of floating holiday; employees hired between February 1<sup>st</sup> and March 31<sup>st</sup> shall receive six (6) hours of floating holiday; employees hired between April 1<sup>st</sup> through June 30<sup>th</sup> shall receive four (4) hours of floating holiday; employees hired between July 1<sup>st</sup> through September 30<sup>th</sup> shall receive two (2) hours of floating holiday; and employees hired on or after October 1<sup>st</sup> shall not receive floating holiday for the Manager's Discretionary holiday. In addition, floating holidays may not be used by an employee until the employee has been employed at least thirty (30) days by the Employer. There shall be no accrual or carryover of floating holidays from year to year.
- E. Full-time employees leaving municipal service shall be compensated for Floating Holiday's earned and unused to the date of separation or resignation. All monies paid to the employee at separation for Floating Holidays will be paid out on the employee's final payroll, or deposited into a Retirement Health Savings (RHS) account created for the employee if those amounts of leave eligible for payout meet or exceed \$3,000 as defined in the RHS Plan Document.

### 11.03 - Holiday Compensation

See Section 8.21 for details on holiday compensation.

VERNON HILLS PERSONNEL RULES

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Chapter 12.00 – Vacation Leave

Sections:

- 12.01 Vacation Benefits
- 12.02 Vacation Earning Schedule
- 12.03 Carry Over
- 12.04 Requests for Vacation
- 12.05 Payment on Separation
- 12.06 Holidays Occurring During Vacation Period

12.01 – Vacation Benefits (Effective July 1, 2021)

On July 1, 2021, employees hired on or after May 1, 2003 will be credited with their remaining vacation time for the 2021 calendar year, based on the total amount that corresponds to the schedule in Section 12.02 below.

On January 1, 2022, and every January 1<sup>st</sup> thereafter, employees hired on or after May 1, 2003, will be credited with their vacation time for the calendar year based on the total amount that corresponds to the schedule in Section 12.02 below (this includes any additional vacation that they will earn due to years of service which will be reached on their anniversary date occurring later that calendar year). Employees may request use of their vacation time at any time during the year for which it is credited.

Part-time and temporary employees are not eligible for vacation benefits.

The amount of paid vacation time eligible employees earn, increases with the length of their employment as shown in the following tables. The length of eligible service is calculated on the basis of a calendar year and may be prorated for the first and last years of employment as well as years in which the employee completes their 4<sup>th</sup>, 9<sup>th</sup>, or 19<sup>th</sup> year of service during the year.

12.02 – Vacation Earning Schedule

Each full-time employee shall receive vacation leave credit annually on January 1<sup>st</sup> of each year according to the following schedule:

1 <sup>st</sup> through 4 <sup>th</sup> full year of service	10 days (80 hours)
5 <sup>th</sup> through 9 <sup>th</sup> full year of service	15 days (120 hours)
10 <sup>th</sup> through 19 <sup>th</sup> full year of service	20 days (160 hours)
20 <sup>th</sup> + full year of service	25 days (200 hours)

### 12.03 - Carry Over

Employees may carryover the amount of hours equal to the number of hours they have earned for the current calendar year. For example, an employee with three years of service earned 80 hours of vacation for the current calendar year and may carry over up to a maximum of 80 hours into the next calendar year. An employee with twenty-one years of service earned 200 hours of vacation for the current calendar year and may carryover up to a maximum of 200 hours into the next calendar year. Vacation leave in excess of the accrual limit shall be forfeited.

### 12.04 - Requests for Vacation

To take vacation, employees must request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including Village needs and staffing requirements. Employees with greater seniority may be given preference in the scheduling of vacations. Employees shall not be able to take any accrued vacation time until they have worked a full six (6) months for the Village and must have accrued vacation time before it may be taken. Vacation leave shall be taken in a minimum of fifteen (15) minute increments. Fractions of time under fifteen (15) minutes shall be recorded as a full fifteen (15) minutes. No payments will be made in lieu of taking vacation, except for earned, unused vacation time at termination.

### 12.05 - Payment on Separation

Full-time employees leaving the municipal service shall be compensated for vacation leave earned and unused to the date of separation from employment or retirement:

- A. Employees Hired Before 5/1/2003. For employees hired before May 1, 2003, compensation for vacation leave will be paid in full regardless of when the separation or retirement occurs during the year.
- B. Employees Hired After 5/1/2003. For employees hired on or after May 1, 2003, the amount of vacation earned to the date of separation or retirement will be based on the number of months worked. Employees will be paid on a pro rata basis for any earned and unused vacation time. Vacation time that has been used before earned must be repaid to the Village from the employee's final paycheck.

All monies paid to the employee at separation for vacation leave will be paid out on the employee's final payroll, or deposited into a Retirement Health Savings (RHS) account created for the employee, if those amounts of leave eligible for payout meet or exceed \$3,000, as defined in the RHS Plan Document. In the event of separation due to death of the employee, compensation shall be made to the employee's beneficiary of the Village's life insurance plan.

### 12.06 - Holidays Occurring During Vacation Period

Any holiday observed by the Village as set forth in these rules which may occur during an employee's scheduled vacation period shall not be counted as a day of vacation.

## VERNON HILLS PERSONNEL RULES

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### Chapter 13.00 – Sick Leave

#### Sections:

- 13.01 Amount
- 13.02 Accrual
- 13.03 When Taken
- 13.04 Payment for Accrual
- 13.05 Payment on Separation
- 13.06 Medical Certificate

#### 13.01 - Amount

Each Full-Time employee in the municipal service shall earn twelve (12) days (normally 96 hours) of sick leave with pay annually. Sick leave shall be earned at the rate of one (1) day for each calendar month of employment. Sick leave shall not be accrued while on leave of absence without pay. Employees that work less than an 8-hour day should receive a number of hours of paid sick leave for the year equal to twelve (12) days multiplied by the number of hours in their ordinary working day.

Part-Time, Temporary or Seasonal employees will not earn paid sick time.

#### 13.02 – Accrual

Eligible employees who qualify to earn sick time may accumulate sick leave to a maximum of one hundred and two (102) regular working days. If an employee exhausts all accrued sick leave, the Village Manager may advance additional sick leave not to exceed 10 (ten) days in one calendar year. A wage reduction form will be required to be signed by the employee as additional sick leave authorized under this Section shall represent a monetary debt owed and due the Village by the employee. An employee who has been advanced sick leave pay shall forfeit an equivalent amount of sick leave earned subsequent to that advancement. If an employee who has been advanced sick leave quits or is terminated before they have earned the amount of sick leave necessary to repay the Village, then that employee shall submit the outstanding balance to the Village upon their departure or the debt shall be repaid from the employee's last paycheck as authorized by the wage reduction form filled out by the employee when the additional sick time was granted.

#### 13.03 - When Taken

Sick leave with pay will be granted for absence from duty because of actual personal illness, non-compensable bodily injury or disease, exposure to contagious disease, or to keep a medical appointment. In addition an employee may use sick leave up to the amount accrued by the employee in a six month period for the illness, injury or medical appointment or medical

appointment of a member of the employee's immediate family, including the employee's child, spouse, sibling, parent, parent-in-law, grandchild, grandparent or step-parent for reasonable periods of time as the employee's attendance may be necessary.

Sick leave shall not be granted in cases where regular or disability retirement has been approved, or for absence due to injuries resulting from employment in a position other than that held in the municipal service. Employees injured in the course of other employment shall be eligible for leave of absence without pay. Employees that are ill during a period they were taking vacation leave may request that the vacation leave be converted to sick leave (with their vacation leave being credited to them) within 10 (ten) days of their return to work.

Sick leave shall be taken in one-half (1/2) hour increments. Fractions of a one-half (1/2) hour shall be recorded as a full one-half (1/2) hour.

When an employee finds it necessary to be absent for any of the reasons specified herein, they shall report the facts to their supervisor. All employees are required to give such notification at least two (2) hours in advance of their scheduled starting time whenever possible. In all cases where two (2) hours' notice is not possible, the employee shall make such notification as soon as possible. An employee is responsible for making a daily report thereafter for the duration of the illness or injury. A medical certificate may be required by the department head for any absence from work due to sick leave, as indicated in Section 13.06.

Failure to comply with the provisions of this Section may result in denial of sick leave, and/or subject the employee to disciplinary action up to and including termination.

#### 13.04 - Payment for Accrual

On December 31 of each year, any employee who has accumulated sick leave in excess of 816 hours shall have their sick leave accumulation reduced to 816 hours, and the Village shall compensate the employee for such sick leave hours in excess of 816 hours at a rate of four (4) hours pay for each eight (8) hours of sick leave in excess of 816 hours. In addition, at the employee's option, any employee who has accumulated sick leave in excess of 720 hours may reduce their sick leave in January to any amount between 720 and 816 hours, at the same rate of compensation. Such payment shall be made in the month of January of each year for the sick leave accumulated during the preceding year.

#### 13.05 - Payment on Separation

A. Sworn Full Time Employees. Sworn Full-Time employees who separate employment with the Village after at least twenty (20) years of employment shall be compensated for sick leave earned and unused to the date of separation or resignation. Payment shall be at their normal pay rate for 50% of the balance of the sick leave accumulated. All monies paid to the employee at separation for accrued sick time will be paid out on the employee's final payroll, or deposited into a Retirement Health Savings (RHS) account created for the employee if those amounts of leave eligible for payout meet or exceed \$3,000 as defined in the RHS Plan Document.

- B. Non-Sworn Full Time Employees. Non-sworn Full-Time employees who separate employment with the Village after at least fifteen (15) years of Full-Time employment and who have accumulated at least ninety (90) days (or 720 hours) of sick leave shall be compensated at their normal pay rate for 50% of the sick leave accumulated. All monies paid to the employee at separation for accrued sick time will be paid out on the employee's final payroll, or deposited into a Retirement Health Savings (RHS) account created for the employee if those amounts of leave eligible for payout meet or exceed \$3,000 as defined in the RHS Plan Document. In the event of separation due to death of the employee who has served at least the required fifteen (15) years, compensation shall be made to the employee's beneficiary of the Village's life insurance plan.
- C. Department Heads: Department Heads who separate employment with the Village after at least fifteen (15) years of Full-Time employment and who have accumulated at least ninety (90) days (or 720 hours) of sick leave shall be compensated at their normal pay rate for 50% of the sick leave accumulated. All monies paid to the employee at separation for accrued sick time will be paid out on the employee's final payroll, or deposited into a Retirement Health Savings (RHS) account created for the employee if those amounts of leave eligible for payout meet or exceed \$3,000 as defined in the RHS Plan Document.
- D. In the event of separation due to death of the employee who has served at least the required fifteen (15) years, compensation shall be made to the employee's beneficiary of the Village's life insurance plan.

#### 13.06 - Medical Certificate

An employee's Department Head, or designee, may require an employee on sick leave to provide a medical certificate. A medical certificate shall be provided to Human Resources pursuant to this section shall consist of a written statement by a qualified physician indicating:

- A. The employee has been examined by the physician during the period of absence.
- B. The dates on which the employee is expected to be physically incapacitated from work.

## VERNON HILLS PERSONNEL RULES

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### Chapter 14.00 – Other Leaves

#### Sections:

- 14.01 Approval Authority
- 14.02 Bereavement Leave
- 14.03 Court Leave
- 14.04 Voting Leave
- 14.05 Military Leave
- 14.06 Medical Leave (Non-FMLA)
- 14.07 Family and Medical Leave of Absence (FMLA)
- 14.08 Occupational Injury or Disease Leave
- 14.09 Absence without Leave

#### 14.01 - Approval Authority

Unless otherwise provided in this Chapter, the Village Manager shall approve or deny any requests for special leave as defined herein.

An employee on an approved leave of absence or Workers Compensation may not be engaged in work for another employer; perform work as a contractor or be self-employed; or be engaged in volunteer work; without the express written approval of the Village Manager.

#### 14.02 - Bereavement Leave

Bereavement leave for all full-time and part-time employees may be granted for a maximum of twenty four (24) hours in the event of the death of a member of their immediate family as defined in Section 2.16 or for the death of aunts, uncles, nieces, and nephews of the employee or their spouse. The Village Manager, at his sole discretion, may approve bereavement leave for other persons not included herein. Any leave granted pursuant to this section to a full-time employee will be paid leave and any leave granted to a part-time employee shall be unpaid leave.

Pursuant to the Illinois Child Bereavement Leave Act, all employees are eligible for up to ten (10) working days of unpaid leave in the event of the death of a child. If an employee loses more than one child in any 12-month period, they are entitled to take up to six (6) weeks of unpaid bereavement leave in that 12-month period. For the purposes of this section, "child" is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. Full-time employees shall be paid bereavement leave for the first twenty-four (24) hours of leave. An employee who is entitled to take paid or unpaid leave, may elect to substitute any period of paid leave benefits for an equivalent period of unpaid bereavement leave. The Village will not

take adverse action against an employee for exercising his or her rights under the Illinois Child Bereavement Leave Act.

#### 14.03 - Court Leave

All employees who are subpoenaed as a witness in a civil or criminal case in his/her capacity as an employee of the Village of Vernon Hills, or selected to serve on a Jury shall be granted paid leave during their absence, provided, however, that all payments provided by a court for jury service, or appearance as a witness, shall be turned over to the employee's department head and transmitted to the Finance Director for deposit as miscellaneous revenue.

Paid court leave may also be requested when the employee, their spouse or minor child, is a victim in a criminal case (to allow them to be present for any days on which court proceedings actually occur throughout the trial). These requests shall be submitted by the requesting employee as soon as practicable after their need arises and will be reviewed by the Village Manager and approved in the Village Manager's sole discretion. Requests for paid court leave under this section will be evaluated in light of the employee's available vacation time, compensatory time, sick time, and any other form of paid leave that might be available. Employees shall use vacation, floating holiday and/or compensatory time for all court leaves, such as divorce, child custody, or other personal legal matters. Unpaid leave may be granted for situations where an employee has already exhausted all paid leave.

#### 14.04 - Voting Leave

Any employee entitled to vote at a general or special election or at an election at which propositions are submitted to a popular vote in this State, who make the request in advance, shall be entitled to absent themselves from employment with pay on election day for a period of two (2) hours, at a time specified by their supervisor, between the opening and closing of polls, only if the employee's working hours begin less than two (2) hours after the opening of polls and end less than two (2) hours before the closing of polls.

#### 14.05 - Military Leave

The Village will provide leave for uniformed military in accordance with the requirements of state and federal laws. If you need to take leave for uniformed or military service, you should submit a copy of your orders along with your request for leave to your Department Head as soon as you become aware of the need for leave. Please contact the Human Resources Specialist for further information about your uniformed or military leave rights.

#### 14.06 – Family and Medical Leave of Absence (FMLA)

##### Leave Policy.

Employees who have been employed by the Village for at least 12 months, who have worked at least 1,250 hours during the prior 12 months and who work at a site with 50 or more employees within a 75-mile radius may take up to 12 weeks of unpaid leave per 12-month period in accordance

with the Family and Medical Leave Act of 1993 (FMLA). The Village calculates the 12-month period under the FMLA as a rolling 12-month period measured backward from the date an employee uses FMLA leave. Under this method, each time an employee takes FMLA leave, the remaining leave would be the balance of 12-weeks which had not been used during the immediately preceding 12 months.

Qualifying Reasons for FMLA Leave: Eligible employees are entitled to 12 workweeks of leave in a 12-month period, for the following reasons:

1. The birth of a child and to care for the newborn child within the 12-month period following the birth of the child;
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child in the 12-month period following the placement of the child;
3. To care for the employee's spouse, child, or parent who has a serious health condition;
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job; or
5. Any qualifying exigency arising out of the fact that the employee's spouse, child or parent is a military member on covered active duty or has been notified of an impending call or order to covered active duty.

Employees may not be granted an FMLA leave to gain employment or work elsewhere, including self-employment. If an employee misrepresents facts in order to be granted an FMLA leave, they will be subject to disciplinary action up to and including termination.

If married spouses both work for the Village, their total leave in any 12-month period will be limited to an aggregate of 12 weeks if the leave is taken for the birth or placement of a child, or to care for a sick parent.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. In most cases, serious health conditions do not include short-term conditions, such as the cold, flu, earache, upset stomach, or a migraine.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling

sessions, and attending post-deployment reintegration briefings. Leave for a qualifying exigency may be taken on an intermittent basis.

Military Caregiver Leave: The FMLA also provides that eligible employees who are the spouse, child, parent or next of kin of a covered service member with a serious illness or injury are entitled to up to 26 workweeks of FMLA leave in a single 12-month period to care for that covered service member ("Military Caregiver leave"). The single 12-month period for Military Caregiver leave begins on the first day the employee takes FMLA leave to care for a covered service member and ends 12 months after that date. If an employee does not take all of his or her 26 workweeks to care for a covered service member during this single 12-month period, the remaining leave is forfeited. No more than 26 weeks of leave may be taken in any single 12-month period. If married spouses both work for the Village, their total Military Caregiver leave will be limited to an aggregate of 26 weeks.

Notice of Leave. If an employee's need for family/medical leave is foreseeable, they must give the Village at least 30 days prior written notice. Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, employees are expected to notify the Village as soon as practicable, generally within 1 to 2 business days of learning of their need for leave. The Village has Request for Family/Medical Leave forms available. Employees should use these forms when requesting leave.

Medical Certification. If an employee is requesting leave because of their own or a covered family member's serious health condition, they and the relevant health care provider must supply appropriate medical certification. Employees may obtain Medical Certification Forms from the Village. The medical certification must be given within 15 days after it is requested, or as soon as reasonably possible under the circumstances. Failure to provide requested medical certification in a timely manner might result in denial of leave until it is provided. The Village, at its expense, may require an examination by a second health care provider designated by the Village, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, the Village, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Village may also require medical re-certification periodically during the leave, and employees may be required to present a fitness-for-duty verification upon their return to work following a leave for the employee's own illness.

Reporting While On Leave. If an employee takes leave because of their own serious health condition or to care for a covered family member, employees may be required to contact their supervisor on a regular basis regarding the status of the condition and their intention to return to work. For leaves for other purposes, employees may be periodically required to report on their status and intent to return to work.

Leave is Unpaid. Although family/medical ("FMLA") leave is unpaid leave, during any FMLA leave, employees must use available accrued paid time off, including vacation leave, sick leave, roll call time, if applicable, and compensatory time, subject to the limitations on use of accrued sick leave as described hereinafter. The use of paid time off during an FMLA leave of absence shall not

extend the length of an employee's FMLA leave. If an employee requests leave because of a birth, adoption or foster care placement of a child, the employee shall first use available sick leave, not to exceed one hundred and twenty (120) hours, which paid sick leave shall run concurrently with FMLA leave; thereafter, the employee must substitute accrued paid vacation for unpaid FMLA leave, followed by floating holidays, roll call time, if applicable, and compensatory time, respectively. If an employee requests leave to care for a covered family member with a serious health condition, accrued sick leave up to the amount accrued by the employee in a six month period shall be used, if available; thereafter, any accrued paid vacation must be substituted and used for unpaid FMLA leave, followed by floating holidays, roll call time, if applicable, and compensatory time, respectively. If leave is requested because of the employee's own serious health condition, available sick leave must first be substituted for unpaid FMLA leave; thereafter, the employee must substitute accrued paid vacation for unpaid FMLA leave, followed by personal holidays, roll call time, if applicable, and compensatory time, respectively. The use of such paid time off during an FMLA leave of absence shall not extend the length of an employee's FMLA leave.

FMLA Leave and Workers' Compensation. An employee's FMLA leave due to the employee's serious health condition will run concurrently with the employee's workers' compensation absence due to on-the-job injury or illness. Accrued paid vacation, floating holiday, sick leave and/or compensatory time may be applied, with written consent from the employee, to supplement workers compensation benefits.

Medical and Other Benefits. During an approved family/medical leave, the Village will maintain your health benefits, as if you continued to be actively employed. If paid leave is substituted for unpaid family/medical leave, the Village will deduct their portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, an employee must pay their portion of the premium during the leave. An employee's group health care coverage may cease if their premium payment is more than 30 days late. If you do not return to work at the end of the leave period, you may be required to reimburse the Village for the cost of the premiums paid by the Village for maintaining coverage during their unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

Intermittent and Reduced Schedule Leave. An employee may take leave intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) if leave is taken due to a serious health condition of the employee or the employee's spouse, child or parent, a covered service member's serious illness or injury or when leave is taken due to a qualifying exigency. In addition, while an employee is on an intermittent or reduced schedule leave, the Village may temporarily transfer the employee to an available alternative position that better accommodates their recurring leave and which has equivalent pay and benefits.

Returning From Leave. If an employee wishes to return to work at the expiration of their leave, they are entitled to return to the same position or to an equivalent position with equal pay, benefits and other terms and conditions of employment, subject to any applicable exceptions. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment

than if the employee had been continuously employed by the Village during the FMLA leave period. Therefore, if changes in the Village's business occur during an employee's FMLA leave and the employee would have been terminated, laid off or reassigned had he/she been on active status, the employee is not guaranteed reinstatement.

If an employee takes a leave because of their own serious health condition, the employee is required to provide a fitness for duty certificate that he or she is fit to resume work. The employee may obtain a fitness for duty certificate from the Human Resources Department. Employees failing to provide the fitness for duty certificate will not be permitted to resume work until it is provided.

An employee must return to work immediately after the expiration of his or her approved FMLA leave in order to be reinstated to his or her position or an equivalent position, provided, however, after expiration of approved FMLA leave, an employee requiring additional time off may request an accommodation pursuant to the ADA for additional unpaid leave, which shall be granted if the Village Manager determines that the request can be reasonably accommodated without undue hardship to the Village.

#### 14.07 – Family and Medical Leave (non-FMLA)

The Village reserves the right to grant family and medical leave to its employees in excess of the rights granted in the Federal Family and Medical Leave Act. In the event an employee is unable to work by reason of a serious health condition, the Village may grant an additional unpaid leave of absence beyond what is required by law. Whether any additional leave is granted and the length of said leave is in the Village Manager's complete discretion. Employees requesting a non-FMLA leave must submit a request for leave in writing stating the reason for the leave, at least thirty (30) days in advance to his or her supervisor. In emergencies, written notice must be provided as soon as possible under the circumstances.

The employee must also submit a statement from their doctor stating that the employee is experiencing a serious health condition that will preclude the employee from working, and the estimated length of time that the employee will be out of work because of the serious health condition. This medical certification generally must be provided at the time of the request for leave, but no later than fifteen (15) days after the request for leave is made.

Thereafter, during such leave, the employee may be required to periodically furnish additional current reports from his or her attending doctor. The amount and frequency of these reports will be determined by the Village. Before returning from a leave of absence for injury, illness, or disability, or, at any time during such leave, the employee, may be required to have a physical examination by the Village's doctor to determine the employee's capacity to perform the work duties where job-related and consistent with business necessity. The Village cannot guarantee your job upon your return, but an effort will be made to place you in your former or comparable position.

#### 14.08 - Occupational Injury or Disease Leave

Employees who are injured on the job, or who contract an occupationally related disease in the scope and course of employment, may be eligible for benefits under the Illinois Workers' Compensation Act and the Illinois Occupational Diseases Act. Please refer to Exhibit E – Employee Incident Reporting Policy.

#### 14.09 - Absence without Leave

Any unauthorized absence of an employee from duty shall be deemed to be an absence without leave. Such absence will not be paid and may be grounds for disciplinary action by the Village Manager up to and including termination.

#### 14.10 - Short Term Disability

Employees who qualify for short term disability shall be required to use available FMLA concurrently with short-term disability benefits.

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2023-121

AN ORDINANCE APROVING PAID LEAVE BENEFITS REQUIRED FOR VILLAGE  
EMPLOYEES

Published in pamphlet form by the Authority of the  
President and Board of Trustees of the Village of  
Vernon Hills, Lake County, Illinois, this  
12<sup>th</sup> day of December, 2023



AFFIDAVIT OF SERVICE

STATE OF ILLINOIS        )  
  )  
COUNTY OF LAKE         )

I, KEVIN TIMONY, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE NO. 2023-121 AN ORDINANCE APROVING PAID LEAVE BENEFITS REQUIRED FOR VILLAGE EMPLOYEES TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM DECEMBER 12, 2023 TO DECEMBER 22, 2023.

  
\_\_\_\_\_  
Kevin Timony, Village Clerk

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 12<sup>th</sup> DAY OF DECEMBER 2023

  
\_\_\_\_\_  
Notary Public

