

CITY OF COLUMBIA, ILLINOIS  
ORDINANCE NO. 3652

**AN ORDINANCE AMENDING SECTION 2.68 OF THE COLUMBIA MUNICIPAL CODE TO REVISE VACATION LEAVE POLICIES FOR EMPLOYEES OF THE CITY OF COLUMBIA**

**WHEREAS**, the City of Columbia (“City”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

**WHEREAS**, Section 1-2-1 of the Illinois Municipal Code provides the Corporate Authorities of the City power to 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 (65 ILCS 5/1-2-1); and

**WHEREAS**, on or about March 12, 2023, the Governor of the State of Illinois signed into law the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) (the “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**, effective January 1, 2024, the Act requires an employer to provide certain paid leave to their employees, unless the employer is subject to an existing municipal or county ordinance requiring the employer to provide any form of paid leave to their employees; and

**WHEREAS**, the City recognizes the importance of paid leave and currently provides reasonable paid leave benefits to its employees; and

**WHEREAS**, the City has determined that applying the Act to its own employees will negatively impact the City and place an undue financial and operational burden on the City’s ability to provide uninterrupted services to its residents; and

**WHEREAS**, the City believes and hereby declares it is in the best interests of the City to clearly define the paid leave benefits City employees shall receive.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Columbia, Illinois as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this

Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** Pursuant to Section 15(p) of the Act, the City hereby adopts the paid leave policy for all City employees as set forth below to be codified in the Columbia Municipal Code, any collective bargaining agreements to which the City is a party, and all other binding legislative actions governing paid leave adopted by the City Council, as the same may be amended from time to time. However, in no event shall the City, as an employer, provide less than one (1) day of paid leave per year to any City employee.

**Section 3.** Chapter 2.68.330 and Chapter 2.68.340 of the Columbia Municipal Code are hereby repealed in their entirety, and shall be replaced verbatim with the content of Exhibit "A", attached hereto and incorporated by reference herein.

**Section 4.** 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 5.** 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 6.** The City 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** by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 20<sup>th</sup> day of November, 2023, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Niemietz, Huch, Holtkamp, Riddle, Garmer, Khoury, Lawlor, and Nobbe.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:



BOB HILL, Mayor

ATTEST:



ANDREW HITZEMANN, City Clerk

(SEAL)

## EXHIBIT “A”

### **Chapter 2.68.330      Vacation Benefits**

Vacation time off with pay is available to eligible active employees to provide opportunities for rest, relaxation, personal pursuits, or any other reason. All full-time and part-time employees are eligible to accrue vacation time commensurate with their hours worked. The City of Columbia has enacted this policy prior to January 1, 2024, thereby exempting the City from the Illinois Paid Leave for All Workers Act. The accrual and use of vacation time is intended to comply with all applicable laws, and this policy shall be interpreted to conform with said applicable law.

The City uses an accrual method for purposes of vacation time at a rate of at least one hour for every forty hours worked for eligible employees. Vacation will not be earned while on inactive employment status (including worker's compensation). For each full year of continuous employment, all full-time employees shall earn vacation leave on a weekly basis as follows (unless otherwise stipulated by collective bargaining agreement, or other agreement duly approved by the City Council):

For Employees Hired Prior to November 26, 2023:

<i>Accumulation Table (40-hour work week)</i>		
Years of Eligible Service	Weekly Hours Accrued	Maximum Accrual
New Hire - 4 years	1.54	80 hours
5 - 9 years	2.31	120 hours
10 - 14 years	3.08	160 hours
15 - 24 years	3.85	200 hours
25 and over	4.62	240 hours

Part-Time vacation eligibility will be based on the foregoing schedule, and shall be determined by the following formula:  $[(\text{Actual Hours Worked} / 40) \times \text{Weekly Hours Accrued Rate}]$

For Employees Hired After November 26, 2023:

<i>Accumulation Table (40-hour work week)</i>		
Years of Eligible Service	Weekly Hours Accrued	Maximum Accrual
New Hire - 7 years	1.54	80 hours
8 - 14 years	2.31	120 hours
15 - 21 years	3.08	160 hours
22 and over	3.85	200 hours

Part-Time vacation eligibility will be based on the foregoing schedule, and vacation hours shall be accrued at a rate of 1 hour for every 40 hours worked, up to a maximum accumulation of 40 hours.

### **Chapter 2.68.340      Rules Pertaining to Use and Accumulation of Vacation**

New hires will typically be ineligible to use vacation time until after 90 days of continuous employment. However, at the request of a Department Director, the City Administrator or his

designee may approve a new hire to use vacation time prior to this 90-day period for exceptional circumstances.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation.

Paid vacation time may be used in minimum increments of one-quarter hour. To take vacation, employees should request approval at least 7 calendar days in advance of the desired date(s) of leave from their supervisors. If the need for vacation time is not foreseeable, employees must request approval as soon as it is practical after the employee is aware of the necessity of the leave. In some instances in which the use of vacation leave is not foreseeable, at the discretion of the Department Director, employees may be required to utilize sick time in accordance with the City of Columbia's sick time policy. Requests will be reviewed and may be denied based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, bonuses, or shift differentials.

Employees are expected to use vacation time regularly and once the maximum amount of accrual is reached (typically two years of accumulation), an employee will not continue to earn hours. Lost hours will not be replaced.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

Individuals subject to a collective bargaining agreement may have varying vacation provisions. In these instances, the terms of the collective bargaining agreement shall prevail.