

# MEMORANDUM

April 2, 2021

TO: Mayor John P. Kahl and Members of City Council

FROM: Scott A. Brunton, City Attorney's Office

SUBJECT: Ordinance Revising Personnel Policy Manual – Sick Leave Provisions

---

## DISCUSSION:

The City seeks to clarify the “Sick Leave” policy in the City’s Personnel Policy with regard to the listing of Department Heads and other supervisory employees who are provided sick leave benefits in a manner other than as set forth in the Sick Leave policy. Currently, the City’s Annual Salary Resolution specifies that certain Department Heads and other high-ranking supervisory employees are entitled to accrue sick leave at a higher monthly rate than the rate specified in the Sick Leave policy. This Ordinance clarifies those City positions that are considered to be “Department Head” positions, while also clarifying that certain supervisory positions may be granted the elevated sick leave benefit when so specified by the City Council, which is specified in the Annual Salary Resolution. Further, this revision to the Sick Leave policy will provide for consistency across City Departments regarding the sick leave benefits received by the high-ranking supervisory employees in all City Departments.

## RECOMMENDATION:

Approval of this Ordinance.

c: Teresa Durm

**ORDINANCE NO. 4566**

**AN ORDINANCE AMENDING THE SICK LEAVE PROVISIONS  
OF THE CITY OF EAST PEORIA PERSONNEL POLICY MANUAL**

**WHEREAS**, the City of East Peoria established its Personnel Policy Manual by Ordinance No. 2474 in November 1990, which has been subsequently amended and updated by various ordinances including a significant revision and re-issuance in July 2014 by Ordinance No. 4173; and

**WHEREAS**, the City Council finds that additional revisions and clarifications to the sick leave provisions of the Personnel Policy Manual as set forth herein are necessary and are in the best interests of the City and its employees; and

**WHEREAS**, by making these revisions and clarifications to the Personnel Policy Manual, the City Council is not taking any action intended to create any contractual rights for any City employee or to change employee rights that are governed by a bargaining agreement for any employee group;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** Section 3.3 ("Sick Leave") of the City's Personnel Policy Manual is hereby amended as follows (additions are indicated by underline; deletions by ~~strikeout~~):

**Section 3.3 – Sick Leave.** To provide for a continuation of income in circumstances where an employee is legitimately absent from work due to an off-the-job illness or injury, the City Council has adopted a policy to provide paid sick leave.

**(a) Eligibility.** An employee eligible for sick leave with pay under this policy shall be granted such leave where the employee is required to be absent when scheduled to work due to (1) personal illness or physical incapacity resulting from causes beyond the employee's control and unrelated to employment, which includes incapacity due to gender transition or other elective medical, vision, or dental procedure; (2) grave illness of a member of the employee's immediate family who requires the employee's personal care and attention; or (3) enforced quarantine of the employee pursuant to community health regulation or City directive. Immediate family members shall be limited to the employee's lawful spouse, civil union partner, children, parent or parent-in-law, step-parent, grandparent, grandchild, or brother or sister. Immediate family members shall also include other relatives by blood, marriage, or civil union who reside with the employee. Where both an employee and his or her spouse or civil union partner could attend to another family member, sick leave benefits will be

paid only where the employee is able to demonstrate to the satisfaction of the Department Head that circumstances preclude the employee's spouse or civil union partner from remaining at home while the employee is scheduled for work.

**(b) Notice to City.** Any employee off work and requesting to utilize sick leave benefits must inform his or her immediate supervisor of the absence and the reason for it as soon as possible. Failure to provide prompt and proper notice may cause a denial of the request to utilize sick leave benefits for the period of absence. A certificate from a physician stating the employee was incapacitated and unable to perform his or her duties, and the reasons for such medical conclusion, shall be required where sick leave with pay is requested for any absence of three (3) duty days or more (or two (2) duty days for employees working a twenty-four (24) hour day), or in any other circumstance where the employee's supervisor requires such certificate to confirm the employee's need to be absent. Employees who engage in any employment or inconsistent activity while claiming sick leave with pay under this policy, and employees found to have abused the sick leave benefits, will be subject to discipline. Employees shall be subject to any other administrative policy concerning sick leave which may be adopted by the City Council or promulgated by Department Heads.

Although an employee receives paid sick leave benefits under this policy, the employee is nonetheless absent from work when scheduled. The receipt of paid sick leave benefits shall not excuse the absence or preclude its consideration in assessing whether the employee is maintaining an acceptable level of attendance.

**(ac) Sick Leave Benefits.** Each full-time employee (except management level employees) shall be eligible for paid sick leave of ten (10) duty days per year, earned at the rate of 6-2/3 hours per month. Those employees with less than one year of service will receive a pro-rated sick leave of 6-2/3 hours per month of service. No sick leave shall be earned during any month in which the employee is absent more than fifty percent (50%) of the workdays scheduled, excluding any vacation or personal days used.

Unused sick leave shall accumulate from calendar year to calendar year according to the following schedule:

<u>YEARS OF SERVICE</u>	<u>MAXIMUM ACCUMULATIONS</u>
1 year but less than 5 years	25 duty days
5 years but less than 7 years	35 duty days
7 years but less than 10 years	40 duty days
10 years or more	100 duty days

Benefits for Department Heads and other designated supervisory positions will be as specified by the City Council. Department Heads shall

include only the following positions: Police Chief; Fire Chief; City Administrator; full-time Mayor; City Clerk; City Treasurer; Human Resources Director; Director of Public Works; Director of Planning and Community Development; and Director of Tourism, Special Events, and Facilities.

**(d) Unused Sick Leave – Payment at Retirement.** For any employee hired on or after May 1, 2008, upon retirement, the employee may, at his option, use his accumulated sick leave time up to a maximum of four hundred eighty (480) hours (60 duty days) to retire early or work until retirement date and receive payment upon retirement for any unused accumulated sick leave up to a maximum of four hundred eighty (480) hours. At the City’s discretion, such payment for accumulated sick leave may be made in one payment at retirement or over three annual payments with the first payment being made at retirement. For an employee hired on or before April 30, 2008, and who had accumulated more than four hundred eighty (480) hours of unused sick leave as of April 30, 2008, the employee shall also receive payment upon retirement for such accumulated sick leave time in excess of four hundred eighty (480) hours at retirement not to exceed the total number of unused accumulated sick leave hours the employee had as of April 30, 2008, or a total of nine hundred sixty (960) hours, whichever is less.

Alternatively, the following employees – who hold non-union supervisory positions over union employees – shall receive payment upon retirement for unused accumulated sick leave hours in accordance with the collective bargaining agreement in effect upon the employee’s retirement date for the employee union over which the employee supervises:

- Assistant Fire Chiefs, Deputy Fire Chiefs, and the Fire Chief (the Fire Chief shall be limited to a maximum of nine hundred sixty (960) hours under this provision);
- Police Chief, Deputy Police Chiefs, and Sergeants; and
- Public Works Department Head and Public Works Superintendents.

An employee may be eligible to receive service credit toward retirement under IMRF for any unused sick leave for which the employee does not receive any compensation or payment from the City. The employee should contact IMRF to determine whether the employee may be eligible to receive service credit for unused sick leave for which the employee will not receive any compensation or payment from the City.

The term “retirement” as used in this section shall have the definition as set forth in Section 3.2 of this Manual. The term “retirement” as used in this section does not include an employee who receives a disability pension

under IMRF or other approved pension plan applicable to a particular employee's position with the City. Otherwise, except as expressly provided in this Subsection 3.3(~~da~~), any days accumulated in excess of 60 duty days are to be used for extended illness only and cannot be reimbursed. Where any employee fails to provide proper advance notice of his or her intent to retire in accordance with these policies, the employee's available benefit shall be reduced pro-rata to take into account the lack of notice. Upon an employee's voluntary or involuntary termination of employment with the City, other than retirement as set forth above in this paragraph, the employee shall not receive any additional compensation for unused days of sick leave.

**(be) On-The-Job Injury Leave.** In addition to the above sick leave schedule, any regular full-time employee injured on the job in the performance of his duty and incapacitated shall be entitled to full pay for a period of sixty (60) duty days absence on account of said injuries (unless covered by any statute authorizing the job injury leave with pay); provided, however, if during such absence such employee is entitled to receive compensation under the provisions of the Illinois Worker's Compensation Act, or under the provisions of the Illinois Municipal Retirement Fund, the Police Pension Fund, or the Fire Pension Fund, or any other disability program funded in any part by the City, only that portion of such employee's regular salary shall be paid which will be, together with any other compensation, equal to the employee's regular wages. Benefits under this policy shall only be available for injuries suffered unintentionally, and where the employee is found by the City not to have acted recklessly, or without proper regard for safety in the accident-causing injury.

**Section 2.** Section 3.16 ("Donation of Leave Policy") of the City's Personnel Policy Manual is hereby amended as follows: the reference in Section 3.16(e) to "Section 3.3(a)" is deleted and replaced with "Section 3.3(d)".

**Section 3.** This Ordinance is hereby ordered to be published in pamphlet form by the City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 4.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith except as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage, approval, and ten (10) day period of publication in the manner provided by law.

**Section 6.** The City Human Resources Director is directed to furnish a copy of these changes to the Personnel Policy Manual to all City employees when future updates are provided to City employees.

**PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**EXAMINED AND APPROVED:**

\_\_\_\_\_  
Corporation Counsel