

ORDINANCE 2023-5
AMENDING ARTICLE XIV OF THE LEXINGTON CITY CODE REGARDING EMPLOYEE
LEAVE

Passage Date: **OCTOBER 9, 2023**

Publication Date: **OCTOBER 9, 2023**

Effective Date: **OCTOBER 9, 2023**

ORDINANCE NO. 2023-5

**AN ORDINANCE AMENDING ARTICLE XIV OF THE LEXINGTON CITY CODE
REGARDING EMPLOYEE LEAVE**

WHEREAS, the Paid Leave for All Workers Act (hereinafter, "Act") (820 ILCS 192/1 *et seq.*) mandates that, as of the Act's effective date of January 1, 2024, employers, defined by the Act to include local units of government, provide paid time off for all employees; and

WHEREAS, Section 15(p) of the Act (820 ILCS 192/15(p)) provides that the provisions of the Act shall not apply to any employer that is covered by a municipal 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, the City currently provides paid leave benefits to full time employees of the City; however, the City Council for the City of Lexington, McLean County, Illinois ("City Council"), has determined that it is in the best interest of the City to require the city to provide paid leave to all of its employees per the terms set forth in this ordinance, and that the terms of this ordinance and all other ordinances on the subject being adopted before the effective date of the Act, shall control over any provisions of the Act that conflict with this ordinance;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, MCLEAN COUNTY, ILLINOIS, THAT:

Section 1. A new Section A-135 of the City Code of the City of Lexington pertaining to sick leave for part-time and seasonal employees is hereby added as follows:

§A-135 Part-Time & Seasonal Employees.

- A. Each seasonal and part-time employee of the City shall accrue one (1) hour of paid sick leave for every forty (40) hours worked for the City. Such sick leave may only be used by the employee in accordance with §A-121(G) of the City Code.
- B. Sick leave that accrues during one calendar year may carry over to the next calendar year, provided further, in no instance shall a part-time employee be allowed to accrue more than forty (40) hours of paid leave.
- C. The City shall be under no obligation to pay or otherwise provide compensation to an employee upon the employee's termination, resignation, retirement, or other separation from employment for paid leave accrued that has not been used. Nothing in this ordinance shall be construed as requiring financial or other reimbursements to an employee for unused paid leave at the end of the calendar year or any other time.
- D. Charges against sick leave shall be in increments of 2 hours or more.

Section 2. Section A-121 of the City Code of the City of Lexington pertaining to employee sick leave is hereby amended to read as follows (additions are indicated by underlining; deletions by ~~strikeout~~):

§A-121 Sick Leave.

- A. It is a policy of the City to provide protection for full-time employees against loss of income because of illness. All eligible employees are encouraged to save as much sick

leave as possible to meet serious illness situations. This is a self-insurance program provided by the City and earned by the employee; it is not intended for a one-day vacation nor can it be used to extend vacation periods or holidays.

- B. All full-time employees will earn sick days on a calendar-year basis, 1/2 day for each month worked, with a maximum accumulation of 150 days. All employees must work at least 1/2 of the working days in each month in order to accrue the half-day benefit.
- C. Charges against accrued sick leave shall be in increments of one day. No employee shall be entitled to sick leave benefit use not earned.
- D. Upon termination from City service, accumulated but unused sick leave benefits will not be paid. Conversion of accumulated but unused sick leave may be used as creditable service in determining length of service for Illinois Municipal Retirement Fund.
- E. The City can, if it feels that this sick leave policy is being abused, ask for a doctor's verification stating that he/she or she has treated the employee for the illness or disability which kept him/her from duty and that the employee was unable to perform the duties of his or her employment within the whole period that he/she or she was absent from duty.
- F. All employees on extended sick leave, defined as sick leave continuing for more than seven consecutive days, will be required to present the City with a doctor's release before returning to work.
- G. Sick leave shall only be used for absences due to an illness, injury, or medical appointment of the employee, employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, or for personal care of a covered family member on the same terms upon which the employee is able to use personal sick leave benefits for the employee's own illness or injury.

For purposes of this subsection, the following definitions shall apply:

Covered Family Member means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

Personal Care means activities to ensure that a covered family member's basic medical, hygiene, nutritional, or safety needs are met, or to provide transportation to medical appointments, for a covered family member who is unable to meet those needs himself or herself. Personal care also means being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care.

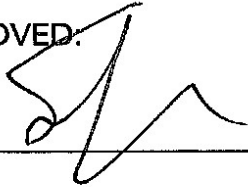
Section 3. All other provisions of Article XIV of the Lexington City Code not in conflict with this Ordinance are hereby ratified as if set forth herein. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith except as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. This Ordinance is hereby ordered to be published in pamphlet form by the Lexington City Clerk who is hereby ordered to keep at least three (3) copies hereof available for public inspection in the manner provided by law.

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.

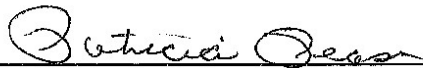
PASSED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, MCLEAN COUNTY,
ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 9th DAY OF October, 2023.

APPROVED:



Mayor

ATTEST:



City Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the City of Lexington and that the foregoing Ordinance was published by me in pamphlet form this 9th day of October, 2023, by making three (3) copies thereof available on that date for public inspection.



City Clerk

AYES: Aldermen Little, Franklin, Stover, Mattingly and Alderwoman Wilson

NAYS: None

ABSENT: Alderman Richard

ABSTAINED: None

CERTIFICATION OF ORDINANCE

STATE OF ILLINOIS)

COUNTY OF MCLEAN)

I, Patricia Pease, City Clerk of the City of Lexington, McLean County, Illinois, do hereby certify that the foregoing Ordinance constitutes a true and correct copy of said ordinance, passed, approved and published on the 9th day of October, 2023.

I do further certify that said Ordinance has been placed in the permanent records of said City and now appears and remains in the Book of Minutes.

In witness whereof, I have hereunto set my hand and seal of the City of Lexington, McLean County, Illinois, this 9th day of October, 2023.



Patricia Pease, City Clerk

City of Lexington

McLean County, Illinois