

**AGENDA**  
**PERSONNEL COMMITTEE MEETING**  
**Tuesday, December 13, 2022 at 6:30 p.m.**  
**Jackson Municipal Complex**  
**Village Board Room**  
**N168W19851 Main Street**  
**Jackson, WI 53037**

1. Call to Order and Roll Call
2. Approval of Minutes for the Personnel Committee Meeting of September 13, 2022
3. Consideration of Health Insurance Opt-Out Stipend Policy
4. Review of Employee Handbook – Chapter 4 Leave Policies
5. Closed session pursuant to Wis. Stats. § 19.85(1)(c) “considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” The closed session is for the following purposes:
  - Review of Employee Handbook Chapter 4 Leave Policies and application of same with regard to specific employees
6. Reconvene into Open Session
7. Possible action related to the Closed Session
8. Adjourn

Persons with disabilities requiring special accommodations for attendance at the meeting should contact the Administration Department at the Jackson Municipal Complex at least one (1) business day prior to the meeting.

It is possible that members of the Village Board may attend the above meeting. No action will be taken by any governmental body at this meeting other than the governmental body specifically referred to in this meeting notice. This notice is given so that members of the Village Board may attend the meeting without violating the open meeting law.

## **DRAFT MINUTES**

### **Personnel Committee Meeting**

**Tuesday, September 13, 2022 at 6:30 p.m.**

**Jackson Municipal Complex**

**N168W19851 Main Street**

**Jackson, WI 53037**

#### **1. Call to Order and Roll Call**

Pres. Schwab called the meeting to order at 6:30 p.m.

Members Present: Trustee Kruepke

Staff Present: Administrator Jen Keller

Excused Member: Trustee Emmrich

#### **2. Approval of Minutes for the Personnel Committee Meeting of August 9, 2022**

Motion by President Schwab, second by Trustee Kruepke to approve the Personnel Committee minutes of August 9, 2022.

Vote: 2 ayes, 0 nays. Motion carried.

#### **3. Closed session pursuant to Wis. Stats. § 19.85(1)(c) "considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." The closed session is for the following purposes:**

- **2022 Village Administrator Performance Review**

Motion by President Schwab, second by Tr. Kruepke to convene into closed session at 6:32 p.m. to include the Personnel Committee.

Roll Call Vote: 2 ayes, 0 nays. Motion carried.

#### **4. Reconvene into Open Session**

Motion by President Schwab, second by Tr. Kruepke to reconvene into Open Session at 6:46 p.m.

Vote: 3 ayes, 0 nays. Motion carried.

#### **5. Possible action related to the closed session, 2022 Village Administrator Performance Review**

No action was taken.

#### **6. Adjourn**

Motion by President Schwab, second by Tr. Kruepke to adjourn at 6:46 p.m.

Vote: 2 ayes, 0 nays. Motion carried.

Respectfully submitted:

Jen Keller

Village Administrator



*Taking the lead in Washington County.*

## MEMO

TO: Mike Schwab, Village President; Personnel Committee

FROM: Jen Keller, Village Administrator

RE: Discussion of Health Insurance Opt-Out Stipend for Employees

DATE: December 8, 2022

### **Background**

During the 2023 budgeting process, Staff and the Board reviewed costs for health plan premiums and voiced interest in more information related to a health benefit opt-out stipend. Staff have reviewed the matter more and determined over 90% of eligible employees currently participate in the WI Employee Trust Funds (ETF) health plan offered by the Village. Furthermore, the majority of participating employees are enrolled in the family health benefit. The Village contributes 88% of the local network annual premium and the employee contributes 12% to the local network annual premium.

The 2023 annual premiums for single and family plans are:

Employer's Share of 2023 Local Single Plan Premium - \$9,093.64

Employer's Share of 2023 Local Family Plan Premium - \$22,386.14

A Village policy establishing a stipend for eligible employees not participating in the health benefit can include a fixed stipend amount, or it can accommodate a percentage that adjusts a stipend amount annually based upon the network premium which tends to change annually. Examples of language to consider are below.

### **Fixed Stipend Example:**

The opt-out incentive of \$2,000 for single plan and \$4,500 for family plan is subject to change each year when the Board approves the annual budget.

### **Premium Percentage Stipend Example:**

Employees may apply to receive an amount equal to 20% of the Village's total premium minus the employee's contribution including the Village's Health Savings Account contribution amount.

### **Recommendation**

Should the Personnel Committee conclude a revision to the Employee Handbook to include a policy related to a health insurance opt-out stipend is warranted, it's recommended additional Staff time and legal reviews would commence prior to public review to ensure provisions that account for needed administrative information such as when the stipend is paid, when the benefit becomes available, and limitation of eligibility provisions are prepared.

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*Taking the lead in Washington County.*

## MEMO

TO: Mike Schwab, Village President; Personnel Committee

FROM: Jen Keller, Village Administrator

RE: Employee Handbook Policy Review – Leave Policies and Vacation Benefit

DATE: December 8, 2022

### **Background**

The Village Board and Staff have mutually agreed there is a need to revisit the Village of Jackson Employee Handbook which was last adopted in April of 2013. Staff will review and recommend changes at a later date which address legal or operational changes. The Chapter 4 Leave Policies related to Holiday and Vacation Benefit language warrants an isolated review by the Personnel Committee as those provisions are important aspects to employee recruitment and retention for management Staff. Furthermore, there have been a handful of requests for review of leave policies from Staff to the Administrator that have not come forward for discussion until now.

Many surrounding communities and/or public institutions such as school districts, municipal governments, or county governments have modified or augmented holiday and vacation benefits in the last decade. Some changes included the observation of additional holidays such as MLK Day or Juneteenth. Additionally, there have been communities expediting vacation accrual schedules or changing to a PTO model to enhance competitive marketability of positions to new employees while also ensuring current employee benefit packages are still positioned competitively in today's employment market.

### **Recommendation**

Should the Personnel Committee conclude a revision to the Employee Handbook Chapter 4 Leave Policies related to Holiday and Vacation Benefit be warranted, it's recommended additional Staff time and legal reviews would commence prior to public review of any draft amendments.

### **Attachments:**

Chapter 4 – Leave Policies, Village of Jackson Employee Handbook 4.13.2013

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## **SECTION 4: LEAVE POLICIES**

### **4.01 Bereavement Leave**

Each full-time employee of the Village shall have the right upon a death in the family to be granted leave of absence as follows:

1. In case of a death of an immediate family member (father, father-in-law, mother, mother-in-law, spouse, child or step child, brother, sister, brother-in-law, sister-in-law, grandparent or grandchild); not to exceed three (3) days;

Exceptions to the length of leave shall depend upon the circumstances and shall be subject to the approval of the Department Head. In no event will an employee be required to work on the day of the funeral of a family member, as defined herein. If additional time is needed beyond the allowable leave, the employee may use accrued sick leave, vacation, or personal days, to a maximum of two (2) additional days; or request leave without pay to grieve or make funeral arrangements.

### **4.02 Family and Medical Leave (FMLA) Policy**

This family and medical leave policy ("FMLA Policy") applies to any employee who requests or takes family and/or medical leave. The Village administers this FMLA policy on a calendar year basis. Both Wisconsin and Federal family and medical leave will run concurrently with each other and concurrently with any other leave which is available to the employee under the Village's policies or collective bargaining agreements, as well as under Federal and Wisconsin law. All or a portion of the period of family and medical leave may be paid in certain instances. Leave taken under this FMLA Policy will not be used against an employee in any employment decision, including in the determination of wage increases, promotions, or disciplinary action.

#### ***I. Eligibility for Leave.***

It is the Village's policy to provide employees with Wisconsin family or medical leave if they have worked for at least fifty-two (52) consecutive weeks and have worked at least 1,000 hours in employment in the twelve (12) month period prior to the time leave begins. Employees will be eligible for Federal family and medical leave if they have worked for at least twelve (12) months and have worked 1,250 hours in employment in the twelve (12) month period immediately prior to the time leave begins. Employees will only be eligible for the period of leave taken under this Policy which will count toward the leave to which an employee may be entitled under Federal and/or Wisconsin law.

**II. *Amount of Leave Available.***

Employees are generally entitled to unpaid leave for any one or combination of the following reasons:

**III. *Birth or Placement for Adoption or Foster Care of a Child.***

Unpaid leave of up to twelve (12) weeks under Federal law and six (6) weeks of unpaid leave under Wisconsin law, as applicable, may be taken by an eligible employee, upon the birth or placement for adoption or foster care (Federal only) of a child with the employee. Leave may be taken in a block of time or intermittently as permitted by law. In no event, however, may leave be taken on an intermittent basis after sixteen (16) weeks from the birth or adoption. A statement of the anticipated date of birth or date of placement for adoption or foster care must be provided to the Village within fifteen (15) calendar days of requesting leave. Any accrued paid time that the employee may have at the time his/her leave begins may be substituted, or may be required to be substituted, for all or a portion of the otherwise unpaid leave. The paid time used will not be available later. Extensions of FMLA leave will not be permitted, except as provided by the Village's policies or as required by law.

**IV. *Serious Health Condition of Employee.***

Unpaid leave up to twelve (12) weeks under Federal law and two (2) weeks under Wisconsin law may be taken by an employee in the event he or she experiences a "serious health condition." These periods of leave will run concurrently. A serious health condition will generally occur when the employee receives inpatient care at a hospital, hospice or nursing home or receives outpatient care which requires a schedule of continuing treatment by a health care provider and renders the employee incapable of performing the functions of his/her position. Medical leave may be taken all at once or in smaller increments as is medically necessary. If leave is taken in smaller increments, the employee may be temporarily transferred to another job in the Village.

The employee must provide the Village, within fifteen (15) calendar days of requesting leave, with a Health Care Provider Certification which is completed by the employee's treating health care provider.

Compensatory time which the employee has accrued at the time his/her medical leave begins may be substituted, or may be required to be substituted, for all or a portion of the otherwise unpaid FMLA leave period. If the leave arises due to a work-related injury, worker's compensation leave will run concurrently with the leave an employee is entitled to under the FMLA, to the extent permitted by law. Any paid leave used will not be available later. Extensions of FMLA leave will not be allowed except as provided by the Village's policies or as required by law.

**V. *Serious Health Condition of a Child, Parent, or Spouse, Domestic Partner, or Parent of Domestic Partner.***

Unpaid leave of up to twelve (12) weeks under Federal law may be taken by an employee to care for a child, spouse, or parent with a "serious health condition" and two (2) weeks of under Wisconsin law may be taken by an employee to care for a child, spouse, parent, domestic partner, or parent of a domestic partner with a "serious health condition" (see preceding paragraphs for definition of "serious health condition"). These periods of leave will run concurrently.

A domestic partner is (1) a partner who is registered with the County Register of Deeds (registration is limited to same gender partners); (2) partners (not necessarily of the same gender) who meet the following criteria: (a) Each individual is at least eighteen (18) years old and otherwise competent to enter into a contract; (b) Neither individual is married to or in a domestic partnership with another individual; (c) The two individuals share a common residence; (d) The two individuals are not related by blood in any way that would prohibit marriage under the Wisconsin Code; (e) The two individuals consider themselves to be members of each other's immediate family; (f) The two individuals agree to be responsible for each other's basic living expenses.

The employee must provide the Village, within fifteen (15) calendar days of the request for leave, with a Health Care Provider Certification prepared by the treating health care provider of the individual which sets forth the facts surrounding the health condition of the individual and that the employee is needed to care for the person.

Compensatory time which the employee has accrued at the time his/her leave begins may be substituted, or may be required to be substituted, for all or a portion of the otherwise unpaid time. Any paid leave used will not be available later. Extensions of FMLA leave will not be allowed except as provided by the Village's policies or as required by law.

The employee must provide the Village, within fifteen (15) calendar days of the request for leave, with a Health Care Provider Certification prepared by the treating health care provider of the individual which sets forth the facts surrounding the health condition of the individual and that the employee is needed to care for the person.

**VI. *Service Member Family Leave.***

An eligible employee who is the spouse, son, daughter, parent, or next of kin (closest blood relation) of a covered service member shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12)-month period to care for the service member. The leave described in this paragraph shall only be available during a single twelve (12)-month period.

During the single twelve (12)-month period, an eligible employee shall be entitled to a combined total of twenty-six (26) workweeks of leave for all purposes identified under the federal FMLA.

The employee must provide the Village, within fifteen (15) calendar days of the request for leave, with a Health Care Provider Certification prepared by the treating health care provider of the individual which sets forth the facts surrounding the health condition of the individual and that the employee is needed to care for the person.

Compensatory time or vacation which the employee has accrued at the time his/her leave begins may be substituted, or may be required to be substituted, for all or a portion of the otherwise unpaid time. Any paid leave used will not be available later. Extensions of FMLA leave will not be allowed except as provided by the Village's policies or as required by law.

## **VII. *Military Exigency Leave***

Employees may take FMLA leave for a qualifying exigency related to the employee's spouse, son, daughter, or parent (the "covered military member") being on active duty or call to active duty status in support of a contingency operation. A member of the Regular Armed Forces is not eligible to take leave because of a qualifying exigency. "Qualifying exigencies" include:

Up to seven days of leave to deal with issues arising from a covered military member's short notice deployment, (which is a deployment with seven or fewer days of notice);

Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;

Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member; making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust;

Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;

Rest and recuperation leave of up to five days to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment;

Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration

briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member; and

Any other additional activities that the employer and employee agree is a qualifying exigency which arose out of the covered military member's active duty or call to active duty status.

**VIII. *Notifying the Village of Your Need for Family or Medical Leave.***

In the event an employee will need time off from work under this FMLA policy for a foreseeable event, the Village must be notified, in writing, at least thirty (30) calendar days before the date on which leave is to begin. In the event of an emergency, notice must be provided as soon as practicable but no later than two (2) business days after the FMLA leave begins. The Village has a Request for Leave Form which must be completed to request family or medical leave.

Employees must comply with policies regarding notification of absences. The failure to timely notify the Village of the need for leave may result in the delaying or denial of leave until proper notice is received.

**IX. *Health Insurance and other Insurance Benefits.***

The employee may continue to receive health insurance and other insurance benefits while on a family or medical leave. An employee must continue to pay his/her share of all insurance premiums through payroll deduction or by direct payment on the first of the month. Failure to make timely payment may result in loss of insurance. Other employment benefits may also be continued during the family and/or medical leave. An employee must notify the Village of his/her intent to continue insurance coverage while on leave. If an employee fails to return to work or fails to remain at work for a period provided under the law, the Village may recover its portion of the premiums paid for coverage during the leave.

**X. *Intermittent Leave.***

Intermittent leave is leave which is taken in multiple blocks of time due to a single illness or injury, rather than in one continuous period of time (i.e., leave taken an hour at a time for a doctor's appointment or leave taken several days at a time over a period of months for chemotherapy treatments).

FMLA leave may be taken intermittently or on a reduced leave schedule under the following circumstances: (a) FMLA leave based on the birth or placement of a child for adoption may generally only be taken intermittently or on a reduced leave schedule within the sixteen (16) weeks before or sixteen (16) weeks after the birth or adoption, unless consent is otherwise obtained from the Village; and/or (b) FMLA leave based on the serious health condition of an employee or an employee's child, spouse or parent, or a service member medical leave, may be taken intermittently or on a reduced leave schedule when medically necessary.

If leave is taken intermittently, the employee may be temporarily transferred to another position in the Village.

***XI. Additional Medical Certifications.***

The Village may request that a patient submit to an independent examination by a health care provider chosen and paid for by the Village. Review by a third health care provider may be required by the Village and paid for by the Village, in the event of differing conclusions from the original and second health care provider certifications. The Village may also request that an employee recertify as to the continuation of the serious health condition at various points in time.

***XII. Return to Employment at End of Leave.***

At the end of an employee's family or medical leave, the employee will be returned to the position held at the commencement of leave or, if the position is no longer available, to equivalent employment with the Village. The return to work entitlement will be no greater than if the employee had continued in employment without the taking of leave. If an employee wants to return to work before leave is scheduled to end, and work is available, the employee must notify the Village at least two (2) working days prior to the desired return date. If the reason for leave was due to the serious health condition of the employee, a Fitness for Duty statement signed by the employee's treating physician must be provided to the Village before the employee returns to work. If a Fitness for Duty statement is not received, the employee's return to work will be delayed until it is received.

***XIII. Failure to Meet Policy Requirements.***

If an individual fails to meet the requirements of this FMLA Policy, his/her request for family or medical leave may be denied or delayed until the requirements are met and the employee may be subject to disciplinary action.

Forms required under this FMLA policy are available at the Village Hall.

**4.03 Healthcare Appointments**

Employees should make every effort to avoid scheduling personal appointments, including medical and dental appointments, during working hours. If it is absolutely necessary to do so, prior approval for leave time must be obtained from the employee's Department Head (or, in the case of a Department Head, the Village Administrator).

#### **4.04 Holidays**

No work will be regularly scheduled on the following holidays. Full-time employees with more than one (1) month of employment will receive payment for such holidays on the basis of their regular rate of pay and hours worked:

- |                             |                                   |
|-----------------------------|-----------------------------------|
| 1. New Years Day            | 6. Thanksgiving Day               |
| 2. The Friday before Easter | 7. The Day after Thanksgiving Day |
| 3. Memorial Day             | 8. The Day before Christmas       |
| 4. Independence Day         | 9. Christmas Day                  |
| 5. Labor Day                | 10. The Day before New Year's Day |

Holidays falling on a Saturday will be observed on the preceding work day. Holidays falling on a Sunday will be observed on the following workday.

In addition to the holidays indicated above, full-time Village employees with more than one (1) month of service will receive two (2) personal days of his/her own choosing subject to the express approval of the employee's Department Head (or, in the case of a Department Head, the Village Administrator). Generally, no more than one employee will be permitted to take a personal holiday on the same day.

The Village reserves the right to schedule work on any holiday. However, the Village will endeavor to do so only when necessary to protect or promote the interests of the Village and the public.

#### **4.05 Jury Duty**

If a full-time employee receives notification to serve on a jury, the employee must notify his/her Department Head (or, in the case of a Department Head, the Village Administrator), as soon as possible. The Village will grant jury leave, as required by law. On any day when jury duty dismisses prior to the end of the employee's shift, the employee must return to work. An employee who serves on jury duty may be required to provide the Village Administrator proof of the days and times of service.

A full-time employee, who has completed his/her orientation period is eligible for jury duty pay at his/her regular rate of pay for a period not to exceed ten (10) workdays, provided that the employee remits to the Village any and all jury service per diem paid to the employee. Any employee who is eligible for jury duty pay may be required to provide proof of the amount of per diem paid.

#### **4.06 Military Leave**

The Village will abide by all the provisions of the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and all other applicable federal and state laws and will grant military leave to all eligible full-time and part-time employees. Military leave may be

granted to full-time and part-time employees for a period of four years plus a one-year voluntary extension of active duty (five years total) if this is at the request and for the convenience of the United States government.

As with any leave of absence, employees must provide advance notice to their supervisor of their intent to take a military leave and must provide appropriate documentation unless giving such notice is impossible, unreasonable, or precluded by military necessity.

An employee's salary will not continue during a military leave unless required by law. However, employees may request to use any vacation accrued during military leave. Benefit coverage will continue for thirty-one (31) days as long as employees pay their normal portion of the cost of benefits. For leaves lasting longer than thirty-one (31) days, employees will be eligible to continue health benefits under COBRA and will be required to pay the total cost of their health benefits if they wish to continue benefits.

Upon return from military leave, employees will be reinstated with the same seniority, pay, status, and benefit rights that they would have had if they had worked continuously. Employees must apply for employment within ninety (90) days of discharge from the military. Employees who fail to report for work within the prescribed time after completion of military service will be considered to have voluntarily terminated their employment. If employees are reservists in any branch of the Armed Forces or members of the National Guard, they will be granted time off for military training. Such time off will not be considered vacation time. However, employees may elect to have their reserve duty period be considered as vacation time to the extent they have such time available.

#### **4.07 Sick Leave**

Full-time employees are eligible for a total of eight (8) hours of sick leave from work without loss of pay for each full month of employment. Such employees will be credited with sick leave at this rate even if they are absent from work during any given month, but only if the absence (or absences): (1) is an absence (or are absences) for which sick leave is payable and paid; or (2) is (or are) due to an injury or illness which occurred in the course of employment; or (3) for leave covered under the Village's FMLA Policy.

To receive sick pay, the day of absence must be a regularly scheduled workday. To the extent an employee is eligible for sick leave, sick leave is payable for any absence from work due to (1) a non-work-related illness or injury to the employee (work-related illness and injuries generally being subject to the Village's worker's compensation policy) or (2) medical appointments of the employee which cannot be scheduled during non-working hours or (3) sick leave may be taken for an absence covered under the Village's FMLA policy. In other words, sick leave is not intended to be used as an adjunct to vacation, compensatory time, or for "personal days," except as otherwise required by law.

***I. Evidence and Notice of Sickness.***

Sick leave may not be paid unless the employee who is eligible for such pay has given his/her Department Head prior notice of absence as required under the Village's attendance and punctuality policy. In addition, sick pay will not be paid unless the employee satisfactorily complies with any request by the Village for medical certification of the sickness by a physician and/or other evidence of actual sickness. Regarding any absence exceeding two (2) consecutive days, such proof of sickness will be required before any payment of sick leave is made to the employee; however, in the event abuse of the sick leave policy is suspected, proof of sickness may be required regarding any absence exceeding one (1) day before any payment of sick leave is made to the employee. A pattern of taking sick leave, indicating that sick leave is being used for an impermissible purpose, may result in disciplinary action, up to and including termination. Other provisions of this paragraph aside, sick leave will be paid whenever required by law.

***II. Maximum Sick Leave Eligibility and Sick Pay upon Retirement.***

Full-time employees may accumulate unused sick leave up to a maximum of 960 hours. Upon retirement from Village employment, in accordance with any provisions of the Wisconsin State Retirement Fund, fifty (50) percent of the value of the accrued sick leave hours, to a maximum of 480 hours based on the last hourly base rate, shall be placed into an account to be used by the retiree or his spouse for medical insurance premiums.

**4.08 Vacation Time Policy**

Full-time employees will be granted vacation time with pay. The amount of paid vacation time employees receive each anniversary year increases with the length of their employment, according to the following schedule:

|                           |                                   |
|---------------------------|-----------------------------------|
| 1 - 4 years of service:   | Ten (10) days of vacation         |
| 5 - 9 years of service:   | Fifteen (15) days of vacation     |
| 10 - 19 years of service: | Twenty (20) days of vacation      |
| 20 + years of service:    | Twenty-five (25) days of vacation |

An employee will begin to earn vacation time immediately upon employment. The vacation time will be earned during the anniversary year – the date of hire to the anniversary of the date of hire. The days/hours of earned time will be available for use during the course of the subsequent anniversary year.

There may be unusual or extenuating circumstances that will not permit an employee to exhaust all of his/her vacation time by the end of his/her anniversary year. In those circumstances, a request to carry over a maximum of five (5) days of earned but unused vacation must have written authorization by the Department Head (or, in the case of a Department Head, the Village Administrator). The vacation time carried over to the succeeding anniversary year must be used within the first ninety (90) days of that anniversary year.

The Village will not permit the "borrowing" of future vacation time. The time allotted for use in any given anniversary year is based on time worked and vacation time earned in the preceding anniversary year. Vacation will not be allowed in increments of less than four (4) hours.

A vacation period for which an employee is eligible must be requested in writing as soon as possible in advance of the requested vacation period. The written request should be submitted to the Department Head (or, in the case of a Department Head, the Village Administrator), who will approve or deny the specific period requested based on the Village's anticipated operational and staffing needs for that period. After a vacation period is approved, approval may be withdrawn under extraordinary circumstances.

An employee who is eligible for more than two weeks of vacation may not take more than two weeks of vacation consecutively, except with the express approval of the Department Head (or, in the case of a Department head, the Village Administrator.)

The employee may be required to substitute earned vacation time for unpaid leave covered under the Village's FMLA policy. For circumstances not covered under the FMLA policy, eligible vacation time may, with the approval of the Village Administrator, be utilized as sick leave with pay, following the point at which the employee became eligible for the vacation time, or as otherwise provided by law.

#### **4.09 Compensatory Time for Nonexempt Employees**

Nonexempt employees shall be allowed to utilize accrued compensatory time off, subject to approval of the Department Head, provided the employee gives advance notice of two (2) working days. The choice of compensatory time credit or pay must be made by the employee when the overtime is worked. Compensatory time off will be allowed to accumulate until the employee has accrued a total of forty (40) hours in a regenerated account. Accumulated compensatory time off must be used in the calendar year in which it is earned, except that compensatory time off earned in November and December in a given year may be used on or before March 1<sup>st</sup> of the following year. In the event that accumulated compensatory time off is not used by the dates set forth above, employees will be paid on the first pay period in January of the next year for the unused time unless extenuating medical or operational reasons exist. Exempt employees are not eligible for compensatory time off.

#### **4.10 Leave without Pay**

The Village provides leave without pay (LWOP) to eligible employees who wish to take time off from work duties to fulfill personal obligations. Regular full-time employees are eligible to request LWOP as described in this policy.

As soon as eligible employees become aware of the need for a LWOP absence, they should request a leave from the Village Administrator. Up to sixty (60) days of personal leave may be granted at the sole discretion of the Village Administrator. Any personal leave

requested beyond sixty (60) days must be approved by the Village Board. Requests for LWOP will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the Village will continue to provide health insurance benefits for the full period of the approved personal leave up to sixty (60) days. Employees granted personal leave beyond sixty (60) days by the Village Board will be responsible for their own health insurance. Vacation, sick leave, and holiday benefits, will continue to accrue during the approved personal leave period.

When a LWOP ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the Village cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of an approved LWOP, the Village will assume the employee has resigned.