



ORDINANCE NO. 804

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW
MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE
VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS
RELATING TO COMPENSATORY TIME

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President and Board of Trustees of the Village of
Mackinaw

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AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE, SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO COMPENSATORY TIME

WHEREAS, the Village of Mackinaw provides certain benefits to its employees; and

WHEREAS, the Village wishes to compensate its employees for overtime work by granting time off in lieu of overtime payment; and

WHEREAS, the Fair Labor Standards Act allows the Village to compensate its employees for overtime hours worked by awarding compensatory time; and

WHEREAS, the Village of Mackinaw desires to implement a system to reduce accumulated compensatory time hours; and

WHEREAS, the Village of Mackinaw desires to adopt a formal written policy to govern its administration of compensation time benefits.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW, ILLINOIS, as follows:

SECTION 1: § 33.15 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing § 33.15 and inserting in its place a new Section 33.15 which shall read as follows:

§ 33.15 WORKING HOURS AND OVERTIME.

- (A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXCESS HOURS. Compensatory time hours accumulated and held by an employee in excess of the maximum number of hours that the employee is permitted to accumulate pursuant to §33.15(D) of the Village Code of the Village of Mackinaw.

OVERTIME. Time actually worked beyond an employee's standard working hours.

SCHEDULING SUPERVISOR. The individual responsible for establishing, creating, and/or approving the work schedule of a certain employee or employees.

- (B) The standard working hours for full time employees other than police officers shall be 40 hours per 7 day work period. For police officers, the standard working hours shall be 171 hours per each 28-day work period. Actual individual starting and finishing times each day may vary according to operating demands. An employee's work period shall begin as designated by the employee's scheduling supervisor on a Monday morning at 12:01 a.m.
- (C) Any required overtime normally will be compensated by equal time off within the pay period in which the overtime is worked. If this is not possible, or if the Village Board authorizes otherwise, then overtime shall be paid as compensatory time at the legally required rate. Compensatory time shall be earned at a rate of 1½ hours for each hour of overtime. The Village of Mackinaw reserves the right at its sole and exclusive discretion to pay overtime at a rate of 1 ½ times the employee's regular hourly rate of pay in lieu of awarding compensatory time.
- (D) Employees of the Village of Mackinaw shall not accumulate more than 100 hours of compensatory time. This 100 hour maximum shall apply to police officers and other employees alike. If at any point an employee has excess hours, the affected employee shall take affirmative steps to use compensatory time so as to eliminate his or her excess hours. Upon discovery of excess hours, the Village of Mackinaw shall give written notice to the employee that he or she has accumulated compensatory time hours in excess of the 100 hour maximum. From the date of that notice, the employee shall be given 30 days within which to freely and voluntarily use excess hours. Additional hours of compensatory time earned during the 30 day period shall be used as soon as possible after accrual provided such usage does not disrupt the operations of the Village of Mackinaw. If at the expiration of that 30 day window the employee has not eliminated his or her excess hours, the employee's scheduling supervisor with the advice and consent of the Village President shall reduce the number of scheduled working hours for that employee so as to compel the employee to use his or her excess hours.
- (E) During the duration of employment, accumulated compensatory time may not be cashed out except in unique circumstances and with the approval of the Village Board of the Village of Mackinaw. Accumulated compensatory time must, however, be cashed out at termination of employment.
- (F) An employee may not earn compensatory time while on paid leave (vacation leave, sick leave, compensatory time, etc.).
- (G) Compensatory time may never be taken before it is earned.

- (H) The Village of Mackinaw shall be responsible for maintaining an official record of all compensatory time earned, used, and accumulated. Employees are responsible for knowing their own accumulation and usage thereof, and for maintaining an accumulated "bank" of compensatory time at or below the 100 hour maximum.
- (I) For recordkeeping purposes, compensatory time unless otherwise specified in this policy shall be accrued and taken in quarter-hour intervals. Less than 7 minutes into the quarter is not counted, but 7 minutes or more is rounded up to the next quarter hour.
- (J) So long as all other applicable laws, rules, and regulations are not violated, the Village of Mackinaw may from time to time and in its sole and exclusive discretion make more restrictive compensatory time policies in order to meet its operational needs.
- (K) Compensatory time off shall be paid at the employee's then regular rate of pay regardless of when the compensatory time hours were earned.
- (L) Employees wishing to use their compensatory time shall be allowed to do so within a reasonable period after making the request so long as the employee's use of compensatory time does not unduly disrupt the operations of the Village of Mackinaw.
- (M) Those employee's employed by the Village of Mackinaw at the time this ordinance becomes effective shall have a 6 month grace period from the effective date of this ordinance within which to become compliant with this policy. During the grace period all full time employees shall take affirmative steps to become compliant with this policy. Employees are required to use excess hours as soon as possible during the grace period and at his or her own discretion, provided such usage does not disrupt the operations of the Village. If at the expiration of that 6 month grace period the employee has not eliminated his or her excess hours, the employee's scheduling supervisor with the advice and consent of the Village President shall reduce the number of scheduled working hours for that employee so as to compel the employee to use his or her excess hours.
- (N) Despite any other provisions contained in this section, the Village of Mackinaw hereby reserves the right to require employees to utilize their compensatory time at any time.
- (O) Employees may use compensatory time in lieu of sick time or vacation time. Any policy or practice, whether formal or informal, of requiring an employee to use vacation and/or sick time before using accumulated compensatory time is hereby eliminated. An employee taking paid time off work shall have discretion, subject to the rules and limitations contained in

the Village Code of the Village of Mackinaw, to use whatever type of paid time off he or she chooses for a particular absence.

SECTION 2: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 4: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 12th day of April, 2010.

APPROVED:



President of the Board of Trustees of
The Village of Mackinaw

ATTEST:



Village Clerk

AYES: 6
NAYS: 0
ABSENT: 0

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS
VILLAGE OF MACKINAW)

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the “**Issuer**”), and as such official I am the keeper of the records and files of its President and Board of Trustees (the “**Corporate Authorities**”).

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the 12th day of April, 2010, insofar as same relates to the adoption of Ordinance No. 804, entitled:

“An Ordinance amending the Village of Mackinaw municipal code, said municipal code being Ordinance No. 513 of the Village of Mackinaw to provide amendments relating to compensatory time”

a true, correct and complete copy of which ordinance (the “**Preliminary Ordinance**” or “**ordinance**”) as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of Ordinance No.804, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on March 22, 2010 and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by six members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this 4th day of May, 2010.



[Redacted Signature]

Village Clerk