

ORDINANCE NO. 12-_____
**AN ORDINANCE ADOPTING AN AMENDMENT TO THE FAMILY AND MEDICAL
LEAVE ACT IN THE VILLAGE OF WESTMONT MUNICIPAL CODE**

WHEREAS, the Village of Westmont is a home rule municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, in addition to the Employee Personnel Handbook, the Village has and maintains the Municipal Code which contains all the policies pertinent to all Village employees; and

WHEREAS, within the Municipal Code, the Family and Medical Leave Act (“FMLA”) is identified as a policy of the Village of Westmont; and

WHEREAS, the federal government made changes to the FMLA in 2009 and the Village now desires to update its policy regarding FMLA to reflect those federal changes; and

WHEREAS, the Board of Trustees of the Village of Westmont has determined that it is in the best interests of the Village to update the existing policy to reflect the changes made by the federal government; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, as follows:

Section 1: Section 1. Chapter 62 (Personnel), Article V (Leaves of Absence) of the Westmont Code of Ordinances is hereby amended as follows (additions/changes are indicated by underlining and shading; deletions are indicated by ~~strikeouts~~):

ARTICLE V. LEAVES OF ABSENCE

Sec. 62-136. - Family Medical Leave Act.

Employees who have worked for the village for the past 12 months, and for at least 1,250 hours, may request up to 12 weeks of unpaid leave in accordance with the provisions of the Family Medical Leave Act of 1993 ("FMLA"). Such leave may be requested for the following reasons:

- The birth and care of the newborn child of an employee;
- The placement with the employee of a son or daughter for adoption or foster care;
- To care for an immediate family member (defined by FMLA as a spouse, child or parent) with a serious health condition; ~~or~~
- To take medical leave when the employee is unable to work because of serious health condition-; or

- Because of any “qualifying exigency” (as defined by the Secretary of Labor) arising out of the fact that your spouse, child, or parent is deployed on active duty in a foreign country (or has been notified of an impending call or order to active duty) in the Armed Forces.

The employee requesting FMLA leave shall make a written request, stating the reasons for such request, and the date desired for the start of the leave and probable date of return to work. FMLA leave shall not exceed a maximum combined total of 12 weeks in any 12 month period.

FMLA leave is further explained within the Family Medical Leave Act of 1993 and within the village's policy entitled "Family Medical Leave Act Policy and Procedure."

(Ord. No. 07-156, 10-15-2007)

Section 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 3: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, this 6th day of August, 2012.

Ayes: _____ Nays: _____ Absent: _____

APPROVED:

William H. Rahn, Mayor

ATTEST:

Virginia Szymiski, Village Clerk