

ORDINANCE NO. 913

**AN ORDINANCE REGARDING THE ILLINOIS PAID LEAVE FOR ALL WORKERS
ACT FOR THE CITY/VILLAGE/TOWN OF Kincaid**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the **City/Village/Town** of Kincaid (**City/Village/Town**) is a home rule unit of government pursuant to Article VII, Section 6(a) of the Illinois Constitution and, pursuant to the provisions of said Section 6 of Article VII, may exercise any power or perform any function pertaining to its government and affairs; and

WHEREAS, on or about March 12, 2023, Governor JB Pritzker signed into law the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) (the “Act”); and

WHEREAS, the State of Illinois did not make the necessary appropriations or include statutory language exempting the Act from the Illinois State Mandates Act (30 ILCS 805/1 *et seq.*); and

WHEREAS, the Act does not include any express limitation on the **City/Village/Town’s** home rule authority as required by Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, effective January 1, 2024, the Act requires an employer to provide certain paid leave to their employees, unless the employer is subject to an existing municipal or county ordinance that requires the employer to provide any form of paid leave to their employees; and

WHEREAS, the **City/Village/Town** recognizes the importance of paid leave and currently provides reasonable paid leave benefits to its employees; and

WHEREAS, the **City/Village/Town** has determined that applying the Act to its own employees will negatively impact the **City/Village/Town** and place an undue financial and operational burden on the **City/Village/Town’s** ability to provide uninterrupted services to its residents; and

WHEREAS, the **City/Village/Town** believes and hereby declares that it is in the best interests of the **City/Village/Town** to clearly define the paid leave benefits that **City/Village/Town** employees shall receive and to opt out of the Act.

IML Model Ordinance: Regarding the Illinois Paid Leave for All Workers Act (Home Rule)

NOW, THEREFORE, be it ordained, by the **City Council/President and Board of Trustees of the Village/President and Board of Trustees of the Town** of Kincaid as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. The **City/Village/Town** hereby adopts its current paid leave policy for all **City/Village/Town** employees as set forth in the **City/Village/Town's** Code of Ordinances, Employee Handbook, Annual Salary Ordinances, any collective bargaining agreements to which the **City/Village/Town** is a party and all other binding legislative actions governing paid leave adopted by the **City Council/President and Board of Trustees of the Village/President and Board of Trustees of the Town**, as the same may be amended from time to time. However, in no event shall the **City/Village/Town**, as an employer, provide less than one (1) day of paid leave per year to any **City/Village/Town** employee.

Section 3. Pursuant to the **City/Village/Town's** home rule authority, the **City/Village/Town** hereby declares that the **City/Village/Town**, as an employer, is exempt from the requirements of the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*). The **City/Village/Town**, as an employer, shall have no additional obligations with regard to mandatory paid leave, including, without limitation, any obligations provided under the Act, except those obligations required by federal and/or state law which validly preempt the **City/Village/Town's** home rule authority.

Section 4. Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 5. Severability. If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.


Section 6. The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

IML Model Ordinance: Regarding the Illinois Paid Leave for All Workers Act (Home Rule)

PASSED THIS 8th day of January, 20 24.

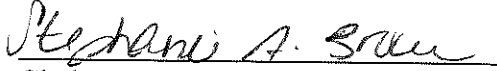
AYES: 5
NAYS: 0
ABSTENTIONS: 0
ABSENT: 1

APPROVED THIS 8th day of January, 20 24.



Mayor/Village President/Town President

ATTEST:



Clerk

BEFORE ADOPTING ANY ORDINANCE, MUNICIPAL OFFICIALS SHOULD CONSULT WITH THEIR RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.