



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: December 4, 2023

Prepared By: Jim Snider, City Administrator

Agenda Item: Second Reading – Ordinance Regarding the Illinois Paid Leave for All Workers Act

Explanation: In January of 2023, the State of Illinois approved the Paid Leave for All Workers Act (“Act”). In summary, this Act requires employers to provide all employees with one hour of paid time off for every 40 hours worked. Under this Act, the employee is not required to provide a reason or documentation for using up to 40 hours of paid time off, is not required to give more than seven (7) days’ notice of use of the paid time off, and the time off cannot be denied by the employer.

The law is effective January 1, 2024, and applies to full-time, part-time, and seasonal positions.

One of the main concerns of the Act is that employees may use this 40 hours of paid time off without providing a reason and the time off is not subject to employer discretion as to the timing of the usage. (Preliminary rules issued by the Ill. Dept. of Labor allow for an employer to deny requested use only in limited circumstances). Hypothetically, this means that an entire shift of police officers, public work crews, or City Hall office staff could all request to take off the same week, and the City would have to “validate” its denial of time based upon the limited circumstances exception, and subject to challenge. In the interest of community public safety and to maintain continuous City operations, it is recommended that the City exclude itself from coverage under this Act. Since the Act does not preempt the City’s home rule authority, the City may utilize such home rule authority to exclude itself from the Act’s coverage.

City’s Existing Benefits

For full-time employees, the City’s paid time off policies, and collective bargaining agreements provide for an amount of time off that is greater than the legislation requires. In addition to vacation, sick, personal, and compensatory leave, all full-time employees are eligible for paid bereavement, jury duty, and military leave. If the City excludes itself from the Act’s coverage, the City is not required to amend any paid time off policies for employees, except a slight change for part-time employees working less than 1,000 hours per year. Currently a part-time leave policy applies for any employee working more than 1,000 hours and less than full-time. The proposed ordinance as recommended by the Illinois Municipal League in cooperation with legal counsel recommends that language be included to show that in no case will an employee be provided with less than one (1) day of paid leave per year. This will satisfy the requirement of having some paid leave policy in place by December 31, 2023 for all employees and will secure at least one paid day of leave per year for all part-time and seasonal employees.

Fiscal Impact: 40 hours of paid time off for part-time employees would be an additional cost to the City, and an employee’s use of 40 hours of their paid time at a time of their choosing without the City’s discretion to deny the timing of such usage would cost the city possible overtime for shift coverage.

Action Requested: It is best that wages and benefits (including employee leave) be determined by the City Council and staff who are well-suited to determine employee needs, assess impacts of city operations, and determine impacts on taxpayers. City employees are already afforded a robust schedule of paid time off and now all part-time employees will also have some paid leave as required by the Act.

ORDINANCE NO. _____

**AN ORDINANCE REGARDING THE ILLINOIS PAID LEAVE FOR ALL WORKERS
ACT FOR THE CITY OF WASHINGTON, ILLINOIS**

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 of Washington (City) 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’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 recognizes the importance of paid leave and currently provides reasonable paid leave benefits to its employees; and

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

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

NOW, THEREFORE, be it ordained, by the City Council of the City of Washington 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 hereby adopts its current paid leave policy for all City employees as set forth in the City Code of Ordinances, Employee Handbook, Annual Salary Ordinances, any collective bargaining agreements to which the City is a party and all other binding legislative actions governing paid leave adopted by the City Council, as the same may be amended from time to time. However, in no event shall the City as an employer, provide less than one (1) day of paid leave per year to any City employee.

Section 3. Pursuant to the City's home rule authority, the City hereby declares that the City, as an employer, is exempt from the requirements of the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*). The City, 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'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.

PASSED AND APPROVED this ____ day of _____, 2023.

AYES _____

NAYS _____

MAYOR

ATTEST:

CITY CLERK