

AN ORDINANCE ADOPTING THE VILLAGE OF ARLINGTON HEIGHTS'
CURRENT PAID LEAVE AND BENEFITS POLICY AND OPTING OUT OF THE
ILLINOIS PAID LEAVE FOR ALL WORKERS ACT (820 ILCS 192/1 *et seq.*)
FOR ALL VILLAGE OF ARLINGTON HEIGHTS EMPLOYEES

WHEREAS, the Village of Arlington Heights is an Illinois home rule municipality pursuant to Article VII, Section 6 of the Illinois Constitution, 1970, and may, pursuant to its home rule authority, undertake any action and adopt any ordinance relating to its government and affairs; and

WHEREAS, on March 13, 2023, Governor Pritzker signed into law Public Act 102-1143, known as the Illinois Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) ("*Act*"); and

WHEREAS, the Act establishes a mandatory paid leave standard for all employees in Illinois, with limited exceptions; and

WHEREAS, effective January 1, 2024, the Act will apply to all Illinois employers, including municipalities, 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 or unless a specific exemption applies; and

WHEREAS, the Village recognizes the importance of paid leave and provides all municipal employees of the Village with benefits, including paid leave, that are more generous than those required under the Act; and

WHEREAS, the mandatory paid leave standard required by the Act constitutes an unfunded mandate on the Village under the State Mandates Act, 30 ILCS 805/1 *et seq.*; and

WHEREAS, Article VII, Section 6(i) of the Illinois Constitution of 1970 provides that home rule units of local government may exercise and perform concurrently with the State any power or function to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive; and

WHEREAS, the Act does not preempt the Village's home rule authority; and

WHEREAS, the Village President and Board of Trustees have determined that supplementing the Village's generous existing benefits and leave policy for its employees with the Act's mandatory paid leave standard would place undue financial and operational burdens on the Village, its vital operations, and, ultimately, its residents; and

WHEREAS, pursuant to Section 15(p) of the Act, the provisions of the Act do not apply to any employer that is covered by a municipal or county ordinance that: (i) requires employers to provide any form of paid leave to their employees, including paid sick leave; and (ii) is in effect as of the effective date of the Act; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village and its residents to affirm the Village's commitment to providing leave benefits to all of its employees in the manner set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. AFFIRMATION AND ADOPTION OF PAID LEAVE POLICY.

- A. Pursuant to its home rule authority, the Village hereby affirms and adopts its current leave policy and benefits package for all Village employees as set forth in the Municipal Code of Arlington Heights, Illinois, 1995, as amended, the Village's Personnel Policy Manual, any collective bargaining agreements to which the Village is a party, and other binding legislative actions governing paid leave adopted by the Village Board of Trustees, as the same may be amended from time to time.
- B. This Ordinance governs over and supersedes all provisions of the Act impacting the employment relationship between the Village of Arlington Heights and its employees.
- C. This Ordinance applies to all employees of the Village; provided, however, that nothing in this Ordinance is to be deemed to affect the validity or change the terms of currently-existing collective bargaining agreements to which the Village is or becomes a party on or before December 31, 2023.
- D. No additional obligations with regard to mandatory paid leave, including, without limitation, any obligations adopted under the Act by the State of Illinois, will apply to the Village in its capacity as an employer, except those required by federal or State laws and regulations preempting the Village's home rule authority.

SECTION 3. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED THIS ____ day of _____, 2023.

Village President

ATTEST:

Village Clerk