

CITY OF WEST CHICAGO

ORDINANCE NO. 23-O-0045

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE CITY OF WEST CHICAGO, APPENDIX C, ARTICLE V, SECTION F
AMENDING THE PERSONNEL RULES REGARDING PAID LEAVE TO OPT OUT OF
THE PAID LEAVE FOR ALL WORKERS ACT**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF WEST CHICAGO
December 4, 2023**

Published in pamphlet form by the authority of the City Council of the City of West Chicago,
DuPage County, Illinois, on the 5th day of December, 2023.

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WHEREAS, the City of West Chicago (hereinafter referred to as the “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, Article VII, Section 6, of the Constitution of the State of Illinois of 1970, provides that municipalities of more than twenty five thousand (25,000) in population are home rule units and, subject to the specific limitation of Illinois law, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is an Illinois home rule municipality; and

WHEREAS, the City possesses the authority, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, to adopt ordinances and pass resolutions pertaining to the public health, safety, welfare and government functions; and

WHEREAS, the City Council of the City (hereinafter referred to as the “City Council”) is the corporate authority for the City and is authorized by law to exercise all powers provided for thereby and to control the affairs of the City; and

WHEREAS, the City Council possesses full power and authority to approve and pass all necessary ordinances, resolutions, rules and regulations necessary for carrying into effect the objects for which the City was formed, in accordance with the Illinois Municipal Code; and

WHEREAS, the City Council has adopted a Personnel Manual regarding the Employees of the City, as set forth in Appendix C, Article V, Section F of the City’s Municipal Code; and

WHEREAS, on March 13, 2023 the *Paid Leave for All Workers Act*, (hereinafter the “Act”), was signed by the Governor and takes effect January 1, 2024; and

WHEREAS, the Act provides employees to receive one (1) additional hour of Paid Leave for every forty (40) hours worked, up to forty (40) hours of Paid Leave per year; and

WHEREAS, the City has reviewed the current Paid Leave provided to its full- and part-time Employees and has determined that said Paid Leave is in excess of the minimum Paid Leave which is required by law and recognizes the financial impact on the City, along with the impact of the City services to the residents if additional Paid Leave is provided for in the *Paid Leave for All Workers Act* recently passed *Paid Leave for All*, is provided to full- and part-time City Employees without any adjustment to existing Paid Leave; and

WHEREAS, City Staff has reviewed the Personnel Policy relative to Paid Leave set forth in Appendix C, Article V, Section F, and has elected to opt out of the *Paid Leave for All Workers*, so as not to adversely impact City services; and

WHEREAS, the City Council finds it in the best interest of the City to amend the Personnel Policy to opt out of and declare the City exempt from the *Paid Leave for All Workers* Act, so as not to adversely impact City operations; and

WHEREAS, upon passage of this Ordinance, as provided for by law, Appendix C, Article V, Section F of the Code of Ordinances shall be amended as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, County of DuPage, Illinois, as follows:

Section 1. That the foregoing recitals are hereby incorporated herein as if set forth.

Section 2. That Appendix C, Article V, Section F, the Personnel Policy of the City of West Chicago is hereby amended as follows:

Sec. F. – Paid Leave for All Workers Opt Out.

(1) The City of West Chicago has opted out of and declared the City exempt from the *Paid Leave for All Workers* Act, in recognition of the paid leave currently provided to its employees, so as to avoid adversely impacting City services and operations.

(2) Paid Leave for full- and part-time Employees shall include only that Leave which is specifically provided for herein, but shall not include any additional Paid Leave, specifically including the leave provided for in the *Paid Leave for All Workers* Act.

...

Section 3. This Ordinance and each of its terms shall be the effective legislative act of the home rule municipality, without regard to whether such Ordinance contains terms contrary to the provisions of the current or subsequent non-preemptive state law. It is the intent of the corporate authorities of the City that, to the extent that the terms of this Ordinance are inconsistent with any non-preemptive state law in that regard within its jurisdiction, that any parts of this ordinance not in conflict therewith remain valid and enforceable.

Section 4. All Ordinances, or any provisions of Ordinances in conflict with the provisions of this Ordinance, are hereby repealed insofar as they conflict herewith.

Section 5. Any provision of the Ordinance deemed invalid shall not invalidate the remaining provisions hereof and shall remain in full force and effect.

Section 6. This Ordinance shall be in full force on December 29, 2023.

PASSED THIS 4th day of December, 2023.

Alderman D. Beebe	<u>Aye</u>
Alderman J. Sheahan	<u>Aye</u>
Alderman A. Hallett	<u>Aye</u>
Alderman M. Birch-Ferguson	<u>Aye</u>
Alderman C. Swiatek	<u>Aye</u>
Alderman J. Short	<u>Aye</u>
Alderman J. Morano	<u>Absent</u>

Alderman L. Chassee	<u>Absent</u>
Alderman H. Brown	<u>Abstain</u>
Alderman C. Dettmann	<u>Aye</u>
Alderman S. Dimas	<u>Aye</u>
Alderman J. Smith	<u>Aye</u>
Alderman R. Stout	<u>Aye</u>
Ward 7 Alderman	Vacant

APPROVED as to form:


Patrick K. Bond, City Attorney

APPROVED this 4th day of December, 2023.


Ruben Pineda, Mayor

ATTEST:


Valeria Perez, Executive Office Manager

PUBLISHED: 12-05-2023



STATE OF ILLINOIS)
COUNTY OF DU PAGE)

CERTIFICATE

I, Valeria Perez, Certify that I am the Executive Office Manager of the City of West Chicago, DuPage County, Illinois.

I further certify that on December 4, 2023 the Corporate Authorities of such municipality passed and approved Ordinance No. 23-O-0045 entitled:

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Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 23-O-0045 including the ordinance and a cover sheet hereof was prepared, and a copy of such ordinance posted in the municipal building, commencing on December 5, 2023 continuing for at least ten days thereafter. Copies of such ordinance were also available for public inspection upon request in the Office of the City Administrator.

Dated at West Chicago, Illinois, this 4th of December, 2023.

SEAL



Valeria Perez

Valeria Perez, Executive Office Manager