

Legistar #: 230402

**VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION**

 X Resolution or Ordinance (Blue) Waiver of First requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM : Scott R. Niehaus, Village Manager

DATE : November 27, 2023 (B of T) Date: December 7, 2023

TITLE : Ordinance to Adopt Human Resources Policy for Paid Leave Benefits

SUBMITTED BY: Kathleen Dunne, Director of Human Resources

BACKGROUND/POLICY IMPLICATIONS:

The Village of Lombard is approving an ordinance for Paid Leave Benefits that is required for Village employees. This ordinance is being created in order for compliance with state statute.

FISCAL IMPACT/FUNDING SOURCE:

Village Attorney _____ Date _____
Finance Director _____ Date _____
Village Manager _____ Date _____



TO : PRESIDENT AND BOARD OF TRUSTEES

FROM : Scott R. Niehaus, Village Manager

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TITLE : Ordinance to Adopt Human Resources Policy for Paid Leave Benefits

On March 13, 2023, Governor J.B. Pritzker signed into law Public Act 102-1143, titled the Paid Leave for All Workers Act (the “Act”), establishing “a minimum paid leave standard for all workers in Illinois,” with certain exceptions. The General Assembly incorporated language into Section 15(p) of the Act, 820 ILCS 192/15(p), which expressly provides that “[t]he provisions of this Act shall not apply to any employer that is covered by a municipal or county ordinance that is in effect on the effective date of this Act that requires employers to give any form of paid leave to their employees, including paid sick leave or paid leave.” Section 15(n) of the Act, 820 ILCS 192/15(n), further provides that “[n]othing in this Act shall be deemed to affect the validity or change the terms of bona fide collective bargaining agreements in effect on January 1, 2024. After that date, requirements of this Act may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.”

The enclosed ordinance exercises the authority of the Village under the Act to maintain its current paid leave policies set forth in the Human Resources Manual and collective bargaining agreements, despite the requirements of the Act.

ORDINANCE NO. 230402

AN ORDINANCE APROVING PAID LEAVE BENEFITS REQUIRED FOR VILLAGE EMPLOYEES

WHEREAS, the Village of Lombard (“Village”), DuPage County, Illinois, is a non-home rule municipality under the Illinois Constitution; and

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, pursuant to the Illinois Municipal Code, 65 ILCS 5/ 10-4-1, municipalities are granted the authority to “provide by ordinance in regard to the relation between all municipal officers and employees in respect of each other, the municipality, and the people;” and

WHEREAS, on March 13, 2023, Governor J.B. Pritzker signed into law Public Act 102-1143, titled the Paid Leave for All Workers Act (the “Act”), establishing “a minimum paid leave standard for all workers in Illinois,” with certain exceptions; and

WHEREAS, the Act takes effect on January 1, 2024, and applies to State and local government employers within Illinois, except school districts and park districts;

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

WHEREAS, the General Assembly incorporated language into Section 15(p) of the Act, 820 ILCS 192/15(p), which expressly provides that “[t]he provisions of this Act shall not apply to any employer that is covered by a municipal or county ordinance that is in effect on the effective date of this Act that requires employers to give any form of paid leave to their employees, including paid sick leave or paid leave;” and

WHEREAS, Section 15(n) of the Act, 820 ILCS 192/15(n), further provides that “[n]othing in this Act shall be deemed to affect the validity or change the terms of bona fide collective bargaining agreements in effect on January 1, 2024. After that date, requirements of this Act may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms;” and

WHEREAS, the Village recognizes the importance of paid leave for workers and provides its employees with a comprehensive benefits package that includes paid leave benefits that are greater than those required under the Act, as detailed in the Village’s Human Resources Manual and its various collective bargaining agreements; and

WHEREAS, the President and Board of Trustees of the Village find that it is in the best interest of the Village and its residents to adopt and affirm by ordinance, prior to the effective date of the Act, the Village's current policies requiring paid leave for Village employees to maintain the quality of the benefits package currently available to Village employees and to expressly affirm that the provisions of the Act do not apply to the Village employees.

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

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

SECTION 2: Affirmation and Adoption of Paid Leave Policies.

- A. Pursuant to Section 15(p) of the Act, the Village expressly affirms that the provisions of the Act shall not apply to the Village employees. This Ordinance governs and supersedes all provisions of the Act impacting the employment relationship between the Village and its employees.
- B. PAID LEAVE FOR BARGAINING UNIT EMPLOYEES. Pursuant to Section 15(n) and Section 15(p) of the Act, employees covered by a collective bargaining agreement between the Village and a labor organization shall be entitled to the leave benefits and procedures for taking such leave benefits that are set forth in that collective bargaining agreement. The exclusive remedy for an alleged violation of those collectively bargained leave policies and procedures shall be found in the grievance arbitration process contained in the pertinent collective bargaining agreement. To the extent the terms of any collective bargaining agreement conflict with the Village's paid leave policies, the terms of the collective bargaining agreement shall prevail.
- C. PAID LEAVE FOR NON-BARGAINING UNIT EMPLOYEES. Pursuant to Section 15(p) of the Act, non-bargaining unit full-time and regular part-time employees shall be entitled to the Vacation Leave, Personal Leave and Sick Leave described in Chapters 5(H), 5(I), and 5(L), respectively, of the Village's current Human Resources Manual, pursuant to the policies and procedures contained therein.
- D. MINIMUM PAID LEAVE FOR NON-BARGAINING UNIT TEMPORARY PART-TIME EMPLOYEES. Pursuant to Section 15(p) of the Act, non-bargaining unit temporary part-time employees shall be entitled to eight (8) hours of Personal Leave per calendar year, which can be used pursuant to the policies and procedures described in Chapter 5(I) of the Village's current Human Resources Manual.
- E. No additional obligations regarding mandatory paid leave, including without limitation, any obligations adopted under the Act by the State of Illinois, shall apply to the Village in its capacity as an employer, except those required by federal or State of Illinois laws and regulations preempting the Village's authority.

SECTION 3: Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph shall not affect any of the other provisions of this Ordinance.

SECTION 4: Repealer. Any policy, resolution or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 4: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED this ___ day of _____, 2023, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ___ day of _____, 2023, and attested by the Village Clerk on the same day.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk