

ORDINANCE NO. 2023-12-045

**AN ORDINANCE REGARDING THE ILLINOIS
PAID LEAVE FOR ALL WORKERS ACT**

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 Urbana (“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 one hour of paid leave for every 40 hours worked 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 generous paid leave benefits to its employees well in excess of the amount contemplated in the Act; and

WHEREAS, the City has determined that applying the Act to its own employees, establishing a new classification of paid leave, and requiring the City to provide for any additional hours of paid leave as

contemplated under the Act will negatively impact the City and place an undue operational and financial 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 Urbana, Illinois, 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 policies for all City employees as set forth in any Ordinance, collective bargaining agreement, or City policies 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. Further, prior to December 31, 2023, the City will begin providing to its less than 50% time employees a minimum of one hour paid leave for every 40 hours worked. However, in no event shall the City, as an employer, provide to its employees less than currently contemplated under the Act.

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 that 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 City 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 BY THE CITY COUNCIL this 11th day of December, 2023.

AYES: Wu, Evans, Hursey, Kolisetty, Wilken, Quisenberry

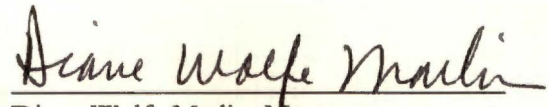
NAYS: None

ABSTENTIONS: None



Darcy E. Sandefur, City Clerk

APPROVED BY THE MAYOR this this 13th day of December, 2023.



Diane Wolfe Marlin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



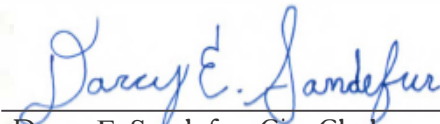
I, Darcy E. Sandefur, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 11th day of December 2023 the City Council of the City of Urbana passed and approved Ordinance No. 2023-12-045 entitled:

AN ORDINANCE REGARDING THE ILLINOIS PAID LEAVE FOR ALL WORKERS ACT

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

The pamphlet form of Ordinance No. 2023-12-045 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 13th day of December, 2023, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 13th day of December, 2023.



Darcy E. Sandefur, City Clerk

