



## Legislation Text

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**File #:** 2023-0989, **Version:** 0

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### Title

An Ordinance Amending Title 7, Section 7-20-2 of The Village of Orland Park Municipal Code (Payment of Paid Sick Leave)

### History

On March 13, 2023, Governor J.B. Pritzker signed into law Public Act 102-1143, titled the Paid Leave for All Workers Act, establishing “a minimum paid leave standard for all workers in Illinois. The Act takes effect on January 1, 2024, and applies to State and local government employers within Illinois, except school districts and park districts. The Act also applies to private sector employers who are not covered by a municipal or county ordinance that requires some form of paid leave. 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.

The Village of Orland Park is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs. The Act does not expressly preempt the exercise of home rule powers under Article VII, Section 6 of the Illinois Constitution of 1970, nor does it contain specific language limiting or denying the power or function of a home rule unit pursuant to Section 7 of the Statute on Statutes, 5 ILCS 70/7.

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 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.

On November 20, 2023, the Board of Trustees adopted an ordinance approving paid leave provisions for Village employees. That ordinance governs and supersedes all provisions of the Act that impact the employment relationship between the Village of Orland Park and its employees.

For the benefit of all Orland Park employers other than the Village itself, an ordinance has been prepared to amend Section 7-20-2 of the Village Code to provide a uniform paid leave requirement for employers within the Village. By requiring employers to provide some form of paid leave to their employees, this ordinance is intended to satisfy the necessary requirement for rendering the Act inapplicable to employers within the Village.

The proposed ordinance requires employers within the Village to provide a minimum of five (5) days of paid leave to their Full Time Employees during a 12-month period as specified by the employer. A Full Time Employee is defined as an employee who has worked for a minimum period of one year and who is regularly

scheduled to work a minimum of 1,600 hours per year. The proposed ordinance does not hinder any employer from providing a greater amount of paid leave, or from complying with the Act if they elect to do so. Also, it does not apply to any unit of government within the corporate boundaries of Orland Park.

**Financial Impact**

There is no financial impact on the Village.

**Recommended Action/Motion**

I move to recommend adopting an Ordinance entitled: AN ORDINANCE AMENDING TITLE 7, SECTION 7-20-2 OF THE VILLAGE OF ORLAND PARK MUNICIPAL CODE (PAYMENT OF PAID SICK LEAVE).