

ORDINANCE NO. 18-2918

**AN ORDINANCE REPEALING VILLAGE ORDINANCE NUMBER 17-2891 AND
AMENDING TITLE 3 (BUSINESS REGULATIONS), CHAPTER 14 (CONFLICTS WITH
CERTAIN HOME RULE COUNTY ORDINANCES: MINIMUM WAGE LAW AND SICK LEAVE LAW)
OF THE WESTERN SPRINGS MUNICIPAL CODE TO OPT INTO
THE COOK COUNTY MINIMUM WAGE BENEFIT ORDINANCE AND
THE COOK COUNTY SICK LEAVE BENEFITS ORDINANCE**

WHEREAS, the Village of Western Springs (“Village”) is a non-home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

WHEREAS, on October 5, 2016, the County of Cook Board of Commissioners adopted Cook County Ordinance Number 16-4229, entitled “An Ordinance Establishing Earned Sick Leave For Employees In Cook County,” that requires covered employers in Cook County to provide a minimum number of paid sick days to eligible employees; and

WHEREAS, on October 26, 2016, the County of Cook Board of Commissioners adopted Cook County Ordinance Number 16-5768, entitled “An Ordinance Creating A Minimum Wage In Cook County,” requiring a minimum wage to be paid to eligible employees by covered employers in Cook County; and

WHEREAS, on May 8, 2017, the President and Board of Trustees of the Village of Western Springs (“Village Board”) approved Village Ordinance Number 17-2891 (Amending Title 3 (Business Regulations) Of The Western Springs Municipal Code With Regard To Conflicts With Certain Home Rule County Ordinances) (Minimum Wage Law And Sick Leave Law), which had the legal effect of the Village “opting out” of the Cook County Minimum Wage Benefit Ordinance and the Cook County Sick Leave Benefits Ordinance. The Village Board was authorized to adopt Village Ordinance Number 17-2891 pursuant to Article VII, Section 6(c) of the Illinois Constitution that provides that if “a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction”; and

WHEREAS, Village Ordinance Number 17-2891 contained certain findings of fact, including the following two (2) provisions:

“C. From the approval date of this Village Ordinance Number 17-2891 to December 31, 2017, the Village President and the Village Manager, and their designees, are directed to meet with, communicate with and endeavor to work cooperatively with the Village’s local business association and municipal associations (e.g., Illinois Municipal League, West Central Municipal Conference, Mayors and Managers Conference) and the Village’s elected State representatives in an effort to encourage the Illinois General Assembly to adopt a uniform, State-wide minimum wage law and

sick leave law in lieu of a minimum wage law and sick leave law adopted by Cook County Ordinance Numbers 16-4229 and 16-5768;

- D. If the Illinois General Assembly has failed to adopt a uniform, State-wide minimum wage law and sick leave law by December 31, 2017, then the President and Board of Trustees of the Village should revisit whether to repeal all or part of Chapter 14 (Conflicts With Certain Home Rule County Ordinances: Minimum Wage Law And Sick Leave Law) of the Western Springs Municipal Code or allow Chapter 14 to remain in effect.”; and

WHEREAS, the President and Board of Trustees of the Village of Western Springs make the following findings:

- A. Cook County Ordinance Numbers 16-4229 and 16-5768 place an undue and unequal burden on employers within the Village, given the current requirements for employers under Federal and State law;
- B. Cook County Ordinance Numbers 16-4229 and 16-5768 create and contribute to a burdensome patchwork quilt of regulation and establish an uneven playing field for employers and employees regarding the wages and benefits of employees that is properly a matter of State-wide concern and that is outside the power of Cook County to regulate;
- C. From the approval date of Village Ordinance Number 17-2891 (May 8, 2017) to December 31, 2017, the Village President and the Village Manager, and their designees, have actively met with, communicated with and worked cooperatively with the Village residents, the Village’s local business association and municipal associations (e.g., Illinois Municipal League, West Central Municipal Conference, Mayors and Managers Conference), other interested parties and the Village’s elected State representatives in an effort to encourage the Illinois General Assembly to adopt a uniform, State-wide minimum wage law and sick leave law in lieu of a minimum wage law and sick leave law adopted by Cook County Ordinance Numbers 16-4229 and 16-5768;
- D. Despite several pending legislative bills, the Illinois General Assembly has failed to adopt a uniform, State-wide minimum wage law and sick leave law by December 31, 2017;
- E. In 2018, the President and Board of Trustees of the Village conducted multiple public meetings and held multiple other meetings with Village residents, the Village’s local business association and other interested parties to receive data and input as part of the Village Board’s assessment of whether to repeal all or part of Chapter 14 (Conflicts With Certain Home Rule County Ordinances: Minimum Wage Law And Sick Leave Law) of the Western Springs Municipal Code or allow Chapter 14 to remain in effect;
- F. At the April 23, 2018 Village Board Meeting, the President and Board of Trustees of the Village took several consensus votes on whether the Village should maintain the status quo, i.e., remain opted out of the Cook County Minimum Wage Benefits Ordinance and Cook County Sick Leave Benefits Ordinance, or direct the Village Attorney to prepare an Ordinance that repeals Village Ordinance Number 17-2891 so

that the Village can opt into the Cook County Minimum Wage Benefits Ordinance and Cook County Sick Leave Benefits Ordinance. The majority of the Village Board favored opting into both the Cook County Minimum Wage Benefits Ordinance and Cook County Sick Leave Benefits Ordinance;

- G. Based on a repeal of Village Ordinance Number 17-2891, there shall be no retroactive application of the Cook County Sick Leave Benefits Ordinance and the Cook County Minimum Wage Benefits Ordinance established by Cook County Ordinance Numbers 16-4229 and 16-5768 requiring the payment of a minimum wage and unpaid sick leave to eligible employees by covered employers operating within the Village during the time period that the Village had opted out of the Cook County Minimum Wage Benefits Ordinance and the Cook County Sick Leave Benefits Ordinance. The payment of a minimum wage and unpaid sick leave to eligible employees by covered employers operating within the Village under the Cook County Minimum Wage Benefits Ordinance and the Cook County Sick Leave Benefits Ordinance shall commence on the effective date of this Village Ordinance as noted below; and

WHEREAS, pursuant to its authority under Article VII, Section 6(c) of the Illinois Constitution and the applicable provisions of the Illinois Compiled Statutes and the Illinois Municipal Code (65 ILCS 5/1 *et seq.*), the President and Board of Trustees of the Village find it is in the best interests of the Village, Village residents, Village employers, and the public's health, safety and welfare to amend the Western Springs Municipal Code of 1997, as amended, to clearly define the sick leave and minimum wage regulations that apply to employers located in the Village as being those set forth in Cook County, State law and Federal law as contained below in Section 2 of this Ordinance (the "Code Amendments").

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WESTERN SPRINGS, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The recitals above are incorporated by reference into this Section 1 as if fully set forth herein.

SECTION 2: Title 3 (Business Regulations), Chapter 14 (Conflicts With Certain Home Rule County Ordinances: Minimum Wage Law And Sick Leave Law), of the Western Springs Municipal Code of 1997, as amended, is further amended to read in its entirety as follows:

"CHAPTER 14 - MINIMUM WAGE LAW AND PAID SICK LEAVE LAW

3-14-1: PAYMENT OF MINIMUM HOURLY WAGES AND PAID SICK LEAVE

- A. Employers located within the Village shall comply with all applicable Federal, State and/or County laws and regulations, as such laws and regulations may exist from time to time, with regard to both the payment of minimum hourly wages and paid sick leave. Employee eligibility for paid sick leave and minimum hourly wages shall be in

compliance with all applicable Federal, State and/or County laws and regulations, as such laws and regulations may exist from time to time.

- B. By the adoption of Village Ordinance Number 18-2918 on May 7, 2018, the Village opts into the Cook County Minimum Wage Benefits Ordinance established by Cook County Ordinance Number 16-5768 (An Ordinance Creating A Minimum Wage In Cook County) requiring a minimum wage to be paid to eligible employees by covered employers in Cook County in accordance with the provisions of said Ordinance, and further opts into the Cook County Sick Leave Benefits Ordinance established by Cook County Ordinance Number 16-4229 requiring unpaid sick leave to be paid to eligible employees by covered employers in Cook County in accordance with the provisions of said Ordinance. The adoption of Village Ordinance Number 18-2918 repeals those portions of Village Ordinance Number 17-2891 that conflicts with Cook County Ordinance Numbers 16-4229 and 16-5768 with regard to the payment of paid sick leave or minimum hourly wages. Based on the repeal of Village Ordinance Number 17-2891, there shall be no retroactive application of the Cook County Sick Leave Benefits Ordinance and the Cook County Minimum Wage Benefits Ordinance established by Cook County Ordinance Numbers 16-4229 and 16-5768 requiring the payment of a minimum wage and unpaid sick leave to eligible employees by covered employers operating within the Village during the time period that the Village opted out of the Cook County Minimum Wage Benefits Ordinance or the Cook County Sick Leave Benefits Ordinance. Covered employers operating within the Village shall be obligated to commence payment of minimum wages and unpaid sick leave to eligible employees on Friday, May 18, 2018 in accordance with the Cook County Minimum Wage Benefits Ordinance and the Cook County Sick Leave Benefits Ordinance.

- C. For the purposes of this Section, the term “employee” means an individual permitted to work for an employer regardless of the number of persons the employer employs, and the term “employer” means any person employing one (1) or more employees, or seeking to employ one (1) or more employees, if the person has its principal place of business within the Village or does business within the Village.

- D. For the purposes of this Section, the term “employer” does not mean:
 - 1. The government of the United States or a corporation wholly owned by the government of the United States;

2. An Indian tribe or a corporation wholly owned by an Indian tribe;
 3. The government of the State or any agency or department thereof; or
 4. Any unit of government.
- E. In the event that Cook County Ordinance Number 16-4229 and Cook County Ordinance Number 16-5768, or any other related, superseding Cook County Ordinances, are repealed by Cook County or a court of final jurisdiction rules that they are void or they are superseded by the enactment of a State-wide minimum wage law and minimum sick leave law, this Chapter 14 of the Village Code and Village Ordinance Number 17-2891 and Ordinance Number 18-2918 Shall automatically be repealed upon the effective date of the repealing law, the final court ruling or the enactment of the State-wide minimum wage law and minimum sick leave law that supersedes Cook County Ordinance Number 16-4229 and Cook County Ordinance Number 16-5768.”

SECTION 3: To the extent necessary, all tables of contents, indexes, headings and internal references or cross-references to sections that need to be amended or deleted within the Western Springs Municipal Code of 1997, as amended, as a consequence of the above Code Amendments, shall be amended by the Village’s codifier so as to be consistent with the terms of this Ordinance.

SECTION 4: Any Ordinance, or portion thereof, including Village Ordinance Number 17-2891, in conflict herewith is repealed to the extent of such conflict and the repeal date shall be the effective date of this Village Ordinance Number 18-2918, as provided for in Section 6 below. Except as to the amendments heretofore mentioned, all Chapters and Sections of the Western Springs Municipal Code of 1997, as amended, shall remain in full force and effect.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable, and if any section, paragraph, clause or provision of this Ordinance shall be held unconstitutional or invalid for any reason, the unconstitutionality or invalidity of such section, paragraph, clause or provision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: This Ordinance shall be in full force and effect on Friday, May 18, 2018, which is ten (10) calendar days after its passage, approval and date of publication in pamphlet form as provided by Section 1-2-4 of the Illinois Municipal Code (65 ILCS 5/1-2-4).

Record of motion to approve the repeal of Village Ordinance Number 17-2891 in order to opt into the Cook County Minimum Wage Benefits Ordinance. None.

AYES: Trustees Hansen, Rudolph, Siffermann and Tymick.

NAYS: Trustees Allen and Tyrrell.

ABSENT: None.

Record of motion to approve the repeal of Village Ordinance Number 17-2891 in order to opt into the Cook County Sick Leave Benefits Ordinance.

AYES: Trustees Hansen, Rudolph, Tyrrell and Tymick.

NAYS: Trustees Allen and Siffermann.

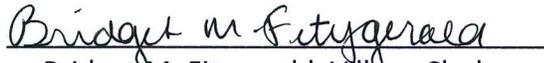
ABSENT: None.

APPROVED by me this 7th day of May, 2018.



Alice F. Gallagher, Village President

ATTEST:



Bridget M. Fitzgerald, Village Clerk