

ORDINANCE NO. 17-2891

VOTE: Passed on a roll call vote.

Voting aye: Trustees Tymick, Allen,

Gallagher, and Horvath.

Voting nay: Trustees Glowiak and

Hansen.

DATE: May 8, 2017

OTHER: Published in pamphlet form.

**AN ORDINANCE AMENDING TITLE 3
(BUSINESS REGULATIONS) OF
THE WESTERN SPRINGS MUNICIPAL
CODE WITH REGARD TO CONFLICTS
WITH CERTAIN HOME RULE COUNTY
ORDINANCES (COOK COUNTY MINIMUM
WAGE AND PAID SICK LEAVE
ORDINANCES)**

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 Ordinance Number 16-5768, entitled “An Ordinance Establishing Earned Sick Leave For Employees In Cook County,” that requires private employers in Cook County to provide a minimum number of paid sick days to employees; and

WHEREAS, on October 26, 2016, the County of Cook Board of Commissioners adopted Ordinance Number 16-4229, entitled “An Ordinance Creating A Minimum Wage In Cook County,” requiring a minimum wage to be paid by private employers in Cook County; and

WHEREAS, Article VII, Section 6(c) of the Illinois Constitution 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, the President and Board of Trustees of the Village of Western Springs make the following findings:

- A. Cook County Ordinance Numbers 16-5768 and 16-4229 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 16-5768 and 16-4229 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 that is outside the power of Cook County to regulate;
- 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 16-5768 and 16-4229;

- 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.
- E. This Ordinance should have an automatic repeal provision that becomes operative upon the effective date of a State-wide minimum wage law and sick leave law that supersedes the employee minimum wage and sick leave benefits provided by Cook County Ordinance Numbers 16-5768 and 16-4229; and

WHEREAS, pursuant to its authority under Article VII, Section 6(c) of the Illinois Constitution, the President and Board of Trustees of the Village finds 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 State 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) of the Western Springs Municipal Code of 1997, as amended, is amended by adding a new Chapter 14, entitled "Conflicts With Certain Home Rule County Ordinances: Minimum Wage Law And Sick Leave Law," which shall read in its entirety as follows:

**"CHAPTER 14 – CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES:
MINIMUM WAGE LAW AND SICK LEAVE LAW**

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

- A. Employers located within the Village shall comply with all applicable Federal and/or State 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 and/or State laws and regulations, as such laws and regulations may exist from time to time.
- B. No additional obligations with regard to paid sick leave or minimum hourly wages imposed by any ordinance adopted by the County of Cook Board of Commissioners shall apply to any employer located within the Village, the Village opts out of any such ordinance(s)

adopted by the County of Cook Board of Commissioners, and this ordinance of the Village conflicts with any such ordinance(s) adopted by the County of Cook Board of Commissioners that imposes additional obligations with regard to paid sick leave or minimum hourly wages.

- C. For the purposes of this Section, the term “employee” means an individual permitted to work by 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 16-5768 and Cook County Ordinance Number 16-4229, 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 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 16-5768 and Cook County Ordinance Number 16-4229.”

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, in conflict herewith is repealed to the extent of such conflict. 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 5: This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

AYES: Trustees Tymick, Allen, Gallagher and Horvath.

NAYS: Trustees Glowiak and Hansen.

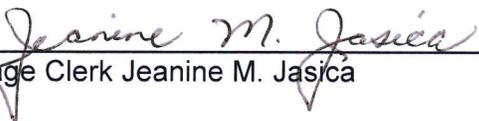
ABSENT: None.

APPROVED by me this 8th day of May, 2017.



Village President William T. Rodeghier

ATTEST:



Village Clerk Jeanine M. Jasica