

ORDINANCE NO. 2023-08

**AN ORDINANCE OF THE VILLAGE OF WILLIAMSFIELD,
KNOX COUNTY, ILLINOIS MANDATING PAID TIME OFF FOR VILLAGE EMPLOYEES**

WHEREAS, the Paid Leave for All Workers Act (hereinafter, "Act") (820 ILCS 192/1 *et seq.*) mandates that, as of the Act's effective date of January 1, 2024, employers, defined by the Act to include local units of government, provide paid time off for all employees; and

WHEREAS, Section 15(p) of the Act (820 ILCS 192/15(p)) provides that the provisions of the Act shall not apply to any employer that is covered by a municipal 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, the Board of Trustees of the Village of Williamsfield, Knox County, Illinois ("Board of Trustees"), has determined that it is in the best interest of the Village to require the Village to provide paid leave to its employees per the terms set forth in this ordinance, and that terms of this ordinance, being adopted before the effective date of the Act, shall control over any provisions of the Act that conflict with this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSFIELD, KNOX COUNTY, ILLINOIS, THAT:

Section 1: The recitals hereinabove set forth are adopted and found to be true.

Section 2: As used in this ordinance:

Village means the Village of Williamsfield, Knox County, Illinois, and the Village Board of the Village of Williamsfield in its capacity as employer of the Village's employees.

Employee means any individual permitted to work by the Village in an occupation, but shall not include elected officials of the Village, nor any individual:

- (1) who has been and will continue to be free from control and direction over the performance of his or her work, both under his or her contract of service with the Village and in fact; and
- (2) who performs work which is either outside the Village's usual course of business or is performed outside all of the places of business of the Village; and
- (3) who is in an independently established trade, occupation, profession or business.

Seasonal Employee means an employee who performs work for the Village for no more than 12 calendar weeks in any calendar year.

Part-time Employee means an employee who performs, or is reasonably expected to perform, no more than 1560 hours of work for the Village in any calendar year.

Full-time Employee means an employee who performs, or is reasonably expected to perform, in excess of 1560 hours of work for the Village in any calendar year.

Covered Family Member means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

Personal Care means activities to ensure that a covered family member's basic medical, hygiene, nutritional, or safety needs are met, or to provide transportation to medical appointments, for a covered family member who is unable to meet those needs himself or herself. Personal care also means being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care.

Section 3: Each seasonal employee of the Village shall accrue one (1) hour of paid sick leave for every forty (40) hours worked for Village. Such sick leave may be only used by the employee in accordance with Section 6 of this ordinance.

Section 4: Each part-time employee of the Village shall accrue one (1) hour of paid sick leave for every forty (40) hours worked for Village. Such sick leave may be only used by the employee in accordance with Section 6 of this ordinance. In addition, each Part-time Employee shall accrue one (1) hour of paid personal time off for every eighty (80) hours worked for the Village. Such personal time off may be used for any purpose, but the Part-Time Employee shall provide the Village with seven (7) calendar days' notice of his or her election to use his or her accrued personal time off.

Section 5: Each full-time employee of the Village shall accrue paid time off per the terms of the Act (820 ILCS 192/1 *et seq.*).

Section 6: Sick leave shall only be used for absences due to an illness, injury, or medical appointment of the employee or the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, or for personal care of a covered family member on the same terms upon which the employee is able to use personal sick leave benefits for the employee's own illness or injury. The Village may require written verification of the employee's absence from a health care professional.

Section 7: Paid leave (including, but not limited to sick leave and personal time off) that accrues during one calendar year may carry over to the next calendar year, provided further, in no instance shall an employee be allowed to accrue more than forty (40) hours of paid leave. The Village shall be under no obligation to pay or otherwise provide compensation to an employee upon the employee's termination, resignation, retirement, or other separation from employment for paid leave accrued that has not been used. Nothing in this ordinance shall be construed as requiring financial or other reimbursements to an employee for unused paid leave under this Act at the end of the calendar year or any other time.

Section 8: It is hereby declared to be the intention of the Village Board that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

Section 9: This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and, in the event of such conflict, the provisions hereof shall govern.

Section 10: This Ordinance is hereby ordered to be published in pamphlet form by the Williamsfield Village Clerk and the Village Clerk is hereby ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.


Section 11: This Ordinance shall be in full force and effect upon its adoption, approval and publication as provided by law.

PASSED by the Board of Trustees of the Village of Williamsfield, Knox County, Illinois, in regular and public session this 5 th day of September, 2023.



President

ATTEST:



Village Clerk

Ayes: 5 Noes: 0 Absent: 1