ORDINANCE 2750

AN ORDINANCE
AMENDING ARTICLE I OF CHAPTER 24 "PERSONNEL"
OF THE RANTOUL CODE IN CONNECTION WITH EMPLOYMENT POLICIES

VILLAGE OF RANTOUL

CHAMPAIGN COUNTY, ILLINOIS

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 12th day of December, 2023, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

Janet E. Gray
Village Clerk

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AN ORDINANCE
AMENDING ARTICLE I OF CHAPTER 24 "PERSONNEL"
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WHERAS, the Village of Rantoul ("Village"), as a Home Rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power, and perform any function pertaining to its government and affairs; and,

WHEREAS, Article VII, Section 6(i) of the Illinois Constitution of 1970 provides that Home Rule units may exercise and perform concurrently with the State any power or function of a Home Rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive; and,

WHEREAS, Article VII, Section 6(m) of the Illinois Constitution of 1970 provides that the powers and functions of Home Rule units shall be construed liberally; and,

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; and,

WHEREAS, on March 13, 2023, the Governor of Illinois signed into law the Paid Leave for All Workers Act ("Act"), 820 ILCS 192/1 et seq., which becomes effective on January 1, 2024 mandating that nearly all Illinois employers provide certain paid leave benefits to employees; and,

WHEREAS, the Act does not include any express limitation on the Village's Home Rule authority as required by Article VII, Section 6 of the Illinois Constitution; 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 requires an employer to provide certain paid leave to their employees without any limitations on the capacity in which those employees work, 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 paid leave benefits provided by the Act include that such leave may be taken by an employee for any reason or no reason, and must be provided upon the employee's request, which such notice could be provided to the employer without advance notice; and,

WHEREAS, the Act excludes certain governmental employers from the mandates, including school districts and park districts, but failed to exclude municipalities from the mandates; and,

WHEREAS, the Village recognizes the importance of paid leave and currently provides reasonable paid leave benefits to full-time and certain part-time employees either through Chapter 24 of the Village Code or collective bargaining agreements; and,

WHEREAS, the Village provides essential and continuing governmental services the operations of which could be severely disrupted by the application of the mandates of the Act; and,

WHEREAS, the Village finds the Act places an undue financial and operational burden on the Village as an employer, given the current paid leave benefits provided to full-time and certain part-time employees, and that the impromptu leave benefits of the Act would negatively impact the continuous provision of governmental services; and,

WHEREAS, the Rantoul Village Board believes and hereby declares that it is in the best interests of the Village to amend Chapter 24, to opt out of the Act, to exempt the Village and its employees from coverage under the Act, in order to ensure continuous government operations in protection of the health, safety, and welfare of the residents of the Village.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. **Preambles incorporated**. The facts and statements contained in the preambles to this Ordinance are found to be true and correct, and are hereby adopted as part of this Ordinance.

Section 2. **Amendment**. That Section 24-3 of Article I, entitled "Applicability of Chapter," of Chapter 24, entitled "Personnel," be and the same is hereby amended to read as follows:

Sec. 24-3. - Applicability of Chapter.

A. Except as otherwise expressly provided in any article or any section of this chapter, the provisions of this chapter shall not apply to any of the following:

(1) Elected Officials;

(2) Appointed Members of Boards and Commissions;

(3) Independent Contractors, including the Village Attorney;

(4) Part-time Employee positions working less than 20 hours in any seven-day period;

(5) Temporary and Seasonal Employee positions working less than six months during any 12-month period; and

(6) Volunteers who receive no regular compensation from the Village.

B. Conflicts with Paid Leave for All Workers Act

Pursuant to the Village's Home Rule authority, the Village hereby declares the Village, as an employer, is exempt from the requirements of the Paid Leave for All Workers Act (820 ILCS 192/1 et seq). No additional obligations with regard to paid leave, including, without limitation, any additional obligations adopted by the State of Illinois under the Paid Leave for All Workers Act, 820 ILCS 192/1 et seq., as well as any subsequent amendments, shall apply to employees of the Village of Rantoul, and the Village opts out of such regulations or requirements.

Section 3. **Adoption of Leave Benefits**. The Village hereby adopts its current paid leave policy for all Village employees, as set forth in the Village's Code of Ordinances, employee handbook, annual salary ordinances, any collective bargaining agreements to which the Village is a party, and all other legislative actions governing paid leave adopted by the President and Board of Trustees of the Village, as the same may be amended from time to time.

Section 4. **Effective Date**. The provisions of this Ordinance shall become effective following its passage, approval, and publication as required by law.

Section 5. **Conflict**. All Ordinances, or parts of Ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded. Any non-preemptive State Statute in conflict hereof with this Ordinance is hereby superseded to the full extent of such conflict pursuant to the exercise of the Home Rule powers of the Village.

Section 6. **Publication**. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This Ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office on the date set forth below.

PASSED this 12th day of December, 2023.

Janet E. Gray
Village Clerk

APPROVED this 12th day of December, 2023.

Charles Smith
Village President