

ORDINANCE NO. 23 - \_\_\_\_\_

**AN ORDINANCE  
ADOPTING THE CURRENT CITY EMPLOYEE PAID LEAVE  
POLICY AND EXERCISING MUNICIPAL HOME RULE AUTHORITY  
TO OPT OUT OF THE STATE PAID LEAVE FOR ALL WORKERS ACT**

**Recitals**

- A. **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, with such fines or penalties as may be deemed proper; and
- B. **WHEREAS** the City of Naperville is a home rule unit of government pursuant to Article VII, Section 6(a) of the Illinois Constitution and, pursuant to the provisions of said Section 6 of Article VII, may exercise any power or perform any function pertaining to its government and affairs; and
- C. **WHEREAS** on or about March 12, 2023, Governor JB Pritzker signed into law the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) (the "Act"); and
- D. **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
- E. **WHEREAS** the Act does not include any express limitation on the City of Naperville's home rule authority as required by Article VII, Section 6 of the Illinois Constitution; and
- F. **WHEREAS** effective January 1, 2024, the Act requires an employer to provide certain paid leave to their employees, 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
- G. **WHEREAS** the City of Naperville recognizes the importance of paid leave and currently provides reasonable paid leave benefits to its employees; and

- H. **WHEREAS** the City of Naperville has determined that applying the Act to its own employees will negatively impact the City of Naperville and place an undue financial and operational burden on the City of Naperville's ability to provide uninterrupted services to its residents; and
- I. **WHEREAS** the City of Naperville believes and hereby declares that it is in the best interests of the City of Naperville to clearly define the paid leave benefits that City of Naperville employees shall receive and to opt out of the Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority that:**

**Section 1:** The foregoing Recitals are substantive and shall be and are hereby incorporated as findings of fact as if said Recitals were fully set forth herein.

**Section 2:** The City of Naperville hereby adopts its current paid leave policy for all City of Naperville employees as set forth in the City of Naperville's Code of Ordinances, Employee Handbook, Annual Salary Ordinances, any collective bargaining agreements to which the City of Naperville is a party and all other binding legislative actions governing paid leave adopted by the City Council of the City of Naperville, as the same may be amended from time to time. However, in no event shall the City of Naperville, as an employer, provide less than one (1) day of paid leave per year to any City of Naperville employee who would otherwise qualify for paid time off under the Act.

**Section 3:** Pursuant to the City of Naperville's home rule authority, the City of Naperville hereby declares that the City of Naperville, as an employer, is exempt from the requirements of the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*). The City of Naperville, as an employer, shall have no additional obligations with regard to mandatory paid leave, including, without limitation, any obligations

provided under the Act, except those obligations required by federal and/or state law which validly preempt the City of Naperville's home rule authority.

**Section 4:** Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

**Section 5:** Severability. If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable. .

**Section 6:** The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk