

VILLAGE OF HOMEWOOD



BOARD AGENDA MEMORANDUM

DATE OF MEETING: November 28, 2023

To: Village President and Board of Trustees

From: Napoleon Haney, Village Manager

Topic: Paid Leave for All Workers Act (PLAWA) - Ordinance

PURPOSE

The Paid Leave for All Workers Act, Public Act (P.A.) 102-1143, will require employers, including municipalities, to provide 40 hours of paid leave to employees on an annual basis. The Paid Leave for All Workers Act (Public Act 102-1143) (the “PLAWA”) becomes effective January 1, 2024.

HISTORY

Establishing a Minimum Paid Leave Standard

Beginning January 1, 2024, employers in Illinois must provide employees one (1) hour of paid leave per every 40 hours worked and allow employees to carry over up to 40 hours of unused paid leave annually. Employers may set a minimum increment of no more than two hours per day for the use of paid leave. Paid leave accrued may be taken for any reason without documentation, but employers may set leave policies that require employees to provide notice of seven days for foreseeable leave and as soon as possible for unforeseeable leave.

PROCESS

Municipal Paid Leave Ordinances

The Act does not *require* municipalities to pass paid leave ordinances; however, the Act does not apply to municipalities covered by a current ordinance that provides paid leave to their employees.

Non-home rule municipalities have authority to adopt leave ordinances for their own municipal employees, but such ordinances obviously do not apply to other employers within the community. Those other employers will still be required to provide 40 hours of paid leave annually, as outlined in the Act. If a non-home rule municipality adopts a leave ordinance for their own employees after the Act’s effective date, the ordinance must comply with the minimum paid leave standard outlined in the Act.

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OUTCOME

Recommendation from the IML

The Illinois Municipal League (IML) has evaluated this Act in its entirety and makes the following suggestion to both non-home rule and home rule municipalities:

Given the severe consequences of not acting before the PLAWA effective date of January 1, 2024, municipalities, home rule and non-home rule alike, should enact an ordinance providing that paid leave shall only be provided in accordance with current ordinances, personnel policies or other local policies, and in accordance with collective bargaining agreements, if any. This is consistent with the approaches suggested in all the legal opinions obtained by IML.

In IML's legal opinion from Burke Burns and Pinelli, Ltd. of Chicago, it was recommended that language be added to any ordinance providing that "in no event shall the municipality, as an employer, provide less than (1) day of paid leave." IML agrees with this approach as a means to ensure compliance with the letter of law per the PLAWA.

FINANCIAL IMPACT

- **Funding Source:** N/A
- **Budgeted Amount:** N/A

LEGAL REVIEW

Completed

RECOMMENDED BOARD ACTION(S)

Pass an ordinance regarding the Illinois Paid Leave for All Workers Act for the Village of Homewood.

ATTACHMENT(S)

- IML Fact Sheet
- Ordinance