

Ordinance No. 17-35

AN ORDINANCE AMENDING TITLE 11 OF THE CODE OF THE VILLAGE OF EAST DUNDEE WITH REGARD TO CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES (COOK COUNTY MINIMUM WAGE AND PAID SICK LEAVE ORDINANCES)

WHEREAS, the Village East Dundee (the “Village”) is a home rule municipality pursuant to Article VII, Section 6(a) of the Constitution for the State of Illinois of 1970 with the power and authority to perform any function pertaining to its government and affairs; and,

WHEREAS, on October 5, 2016, the Cook County Board of Commissioners adopted Ordinance 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 Cook County Board of Commissioner adopted Ordinance 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 Village finds that Cook County Ordinances 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, and Cook County Ordinances 16-5768 and 16-4229 create and contribute to a burdensome patchwork quilt of regulation regarding the wages and benefits of employees that is properly a matter of Statewide concern that is outside the power of Cook County to regulate; and,

WHEREAS, pursuant to its authority under Article VII, Section 6(c) of the Illinois Constitution, the Village finds it in the best interest of the Village, its residents, Village employers, and the public’s health, safety and welfare to amend the Code of the Village of East Dundee 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; and,

WHEREAS, because of the effective date of the County ordinances there is hereby declared that there is an urgency in the adoption of this ordinance which shall require approval by a two-thirds vote of the corporate authorities.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Kane and Cook Counties, Illinois, as follows:

Section 1: That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

Section 2: That Chapter 110 of Title XI, BUSINESS REGULATIONS, of the Code of the Village of East Dundee is hereby amended by adding a new Section 110.18 to read as follows:

“110.18 CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES REGARDING 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 Cook County Board of Commissioners shall apply to any employer located within the Cook County portion of the Village; the Village opts out of any such ordinance(s) adopted by the Cook County Board of Commissioners, and this section of the Code of the Village of East Dundee conflicts with any such ordinance(s) adopted by the Cook County 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 Cook County portion of the Village or does business within the Cook County portion of the Village.

D. For the purposes of this Section, the term “employer” does not mean:

1. The government of the United States or 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.”

Section 3: That all ordinances, or parts of ordinances in conflict with this Ordinance, are hereby expressly repealed.

Section 4: 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 immediately upon approval by a two-thirds vote of the corporate authorities.

Passed this 17th day of July, 2017

AYES: Trustees Lynam, Selep, Wood, Hall, Mahony
and Andresen

NAYS: Ø

ABSENT: Ø

Approved this 17th day of July, 2017

L. M. ...

Village President

Attest:

Latherine Holt

Village Clerk