
ORDINANCE NO. 2111

**AN ORDINANCE AMENDING CHAPTER 22 OF THE REVISED CODE
OF ORDINANCES OF NOKOMIS, ILLINOIS AND APPROVING A
POLICY FOR PAID LEAVE**

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF NOKOMIS, ILLINOIS

THIS 11TH DAY OF DECEMBER, 2023

Published in pamphlet form by the authority of the City Council of the City of
Nokomis, Montgomery County, Illinois, this 11th day of December, 2023.

CITY OF NOKOMIS, ILLINOIS

Ordinance No. 2111

**AN ORDINANCE AMENDING CHAPTER 22 OF THE REVISED CODE
OF ORDINANCES OF NOKOMIS, ILLINOIS AND APPROVING A
POLICY FOR PAID LEAVE**

WHEREAS, the City of Nokomis, Illinois (the “City”) an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*); and

WHEREAS, “[t]he 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” (65 ILCS 5/1-2-1); and

WHEREAS, the Illinois Paid Leave for All Workers Act (“PLAWA”) (820 ILCS 192/1, *et seq.*), effective January 1, 2024, requires employers to provide certain paid leave to their employees; and

WHEREAS, the State of Illinois did not make the necessary appropriations or include statutory language exempting the PLAWA from the Illinois State Mandates Act (30 ILCS 805/1, *et seq.*); and

WHEREAS, Section 15, paragraph “(p)” of the PLAWA provides that the PLAWA “shall not apply to any employer that is covered by a municipal or county 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 City recognizes the importance of paid leave and currently provides reasonable paid leave benefits to its employees; and

WHEREAS, the corporate authorities have determined that applying the PLAWA to its own employees will negatively impact the City and place an undue financial and operational burden on the City’s ability to provide uninterrupted services to its residents; and

WHEREAS, the corporate authorities believe and hereby declare that it is in the best interests of the City to clearly define the paid leave benefits that City employees shall receive; and

WHEREAS, pursuant to Section 15, paragraph “(p)” of the PLAWA, the corporate authorities of the City have determined that it is advisable, necessary, and in the best interest of the City to amend Chapter 22 of the Revised Code of Ordinances of Nokomis, Illinois by adding Article XII, as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The above recitals are incorporated herein and made a part hereof.

SECTION 2: Pursuant to Section 15(p) of the PLAWA, Chapter 22 of the Code is hereby amended by creating “Article XII” to read as set forth in “**Exhibit A**” hereto.

SECTION 3: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance, which are hereby declared to be separable.

SECTION 4: All ordinances, resolutions, motions, policies, or parts thereof in conflict with this Ordinance are hereby superseded on the effective date of this Ordinance.

SECTION 5: This Ordinance is effective as of December 31, 2023, following its passage, approval, and publication as required by law.

SECTION 6: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 7: The City Clerk shall publish this Ordinance in pamphlet form and shall see to its inclusion in the next published update of the Code.

* THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK *

PASSED this 11th day of December, 2023, by roll call votes as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Present</u>
Commissioner Arkebauer	yes			
Commissioner Morris	yes			
Commissioner Glenn	yes			
Commissioner Stauder			X	
Mayor Goldsmith	yes			

APPROVED by the Mayor of the City of Nokomis, Illinois this 11 day of December, 2023.

ATTEST:


MAYOR


CITY CLERK

" EXHIBIT A "

ARTICLE XII – PAID LEAVE

22-12-1 **APPLICABILITY.** The provisions of this Article, except as otherwise provided, shall apply to all employees of the City.

22-12-2 **DEFINITIONS.**

(A) “**Employer**” shall mean the City of Nokomis, Illinois.

(B) “**Employee**” shall mean all full-time, part-time, seasonal, and temporary employees of the Employer.

(C) “**Full-Time Employee**” shall mean an Employee who regularly works at least 37.5 hours per workweek and maintains a continuous regular employment status, who is scheduled to work on a regular basis.

(D) “**Part-Time Employee**” shall mean an employee who regularly works less than 37.5 hours per workweek. The term shall also include temporary or seasonal employees, whose service is intended to be of a limited duration.

22-12-3 **PURPOSE.** This Article is designed to comply with Employer’s obligations under the Paid Leave for All Workers Act (hereinafter “PLAWA”) (820 ILCS 192/1, *et seq.*). In the event of any conflict between this policy and PLAWA, the provisions of the law will govern.

22-12-4 **PAID LEAVE BENEFITS.**

(A) Full-time Employees are awarded forty (40) hours of PLAWA Leave (hereinafter “PL”) at the start of the 12-month period. The 12-month period for purposes of calculating PL shall be the calendar year. At the end of a 12-month period, any accrued, unused PL is forfeited.

(B) Part-Time Employees will earn one (1) hour of PL for every forty (40) hours worked in a 12-month period, up to a maximum of forty (40) hours of PL in a 12-month period. The 12-month period for purposes of calculating PL shall be the calendar year. Part-Time Employees shall be permitted to use PL beginning on March 30, 2024, or ninety (90) days after commencement of their employment, whichever is later. At the end of a 12-month period, a Part-Time Employee may carry over accrued, unused PL into the next 12-month period. Part-Time Employees may not carry over more than 40 hours of unused PL. No Part-Time Employee may use more than 40 hours of accrued PL in a 12-month period.

22-12-5 **NOTICE.** Employer requires Employees to provide seven (7) calendar days’ notice that the Employee will take PL. If, however, an Employee’s need to take PL is not foreseeable, the Employee must provide notice as soon as is practicable after the Employee is aware of the necessity of taking PL.

22-12-6 **DENIAL.** Employer may deny an Employee’s request to use PL if granting leave would significantly impact business operations due to Employer’s size. The following is an illustrative (not exhaustive) list of reasons why requests to use PL may be denied:

(A) Staffing would fall below minimum levels necessary to provide effective

service;

- (B) Emergency circumstances exist requiring employee attendance;
- (C) Employee absence would hamper Employer's ability to meet critical workflow obligations or deadlines.

22-12-7 USE OF PAID LEAVE.

(A) Employees may take PL in increments as small as two (2) hours unless the Employee's scheduled workday is less than two (2) hours, in which case, the Employee's scheduled workday shall be used to determine the amount of PL taken. Use of PL shall be restricted to an Employee's regular workweek and shall not exceed the hours an Employee is scheduled to work.

(B) An Employee may take PL for any reason of the Employee's choosing. An Employee is not required to provide Employer with a reason for taking PL. Employer will not require the Employee to provide documentation or certification of the reason that PL was taken. An Employee may choose whether to use PL under this policy prior to using any other leave provided by Employer or applicable law.

(C) Employees are not required to search for or find a replacement worker to cover the hours during which an Employee will take PL.

(D) Employees shall be paid their regular hourly rate of pay for PL.

(E) Employer shall maintain coverage for the employee and the employee's covered family members under any group health plan for the duration of PL at no less than the level and conditions of coverage that would have been provided if the employee had not taken PL.

22-12-8 SEPARATION; TERMINATION. Employer does not credit PL under this policy to any other employee vacation bank or paid time off (PTO) bank. As a result, in accordance with PLAWA, Employer does NOT compensate employees for accrued, unused PL upon termination or separation from employment. If an employee is separated from employment with Employer and is rehired within twelve (12) months of separation from Employer, the Employee's previously accrued PL that had not been used by the Employee shall be reinstated, and the Employee shall be entitled to use it at the commencement of reemployment.

22-12-9 RETALIATION. Employer will not retaliate against any employee because the Employee (1) exercises rights or attempts to exercise rights under this Article or the PLAWA, (2) opposes practices which the Employee believes to be in violation of the PLAWA, or (3) supports the exercise of rights of another person under the PLAWA. Employer will not consider the use of PL by an Employee as a negative factor in any employment action that involves evaluating, promoting, disciplining, or counting paid leave under a no-fault attendance policy.

22-12-10 EXCEPTIONS.

(A) Nothing in this Article shall be deemed to interfere with, impede, or in any way diminish the right of Employees to bargain collectively with the City through

representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards established under this Article.

(B) Nothing in this Article shall be deemed to affect the validity or change the terms of any bona fide collective bargaining agreement in effect on the effective date hereof. For Employees whose paid leave benefits are set forth in an existing collective bargaining agreement in effect prior to January 1, 2024, the leave provisions of the collective bargaining agreement shall control over conflicting provisions of this Article.

(C) For any collective bargaining agreement entered into on or after January 1, 2024, if the collective bargaining agreement explicitly waives the requirements of the PLAWA in clear and unambiguous terms, the provisions of this Article shall not apply to Employees subject to such collective bargaining agreement.

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) SS.
CITY OF NOKOMIS)

CERTIFICATE

I certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2111 of said City; that said Ordinance, which is

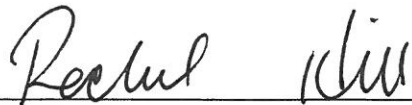
AN ORDINANCE AMENDING CHAPTER 22 OF THE REVISED
CODE OF ORDINANCES OF NOKOMIS, ILLINOIS AND
APPROVING A POLICY FOR PAID LEAVE

was passed by the City Council of the City of Nokomis, Montgomery County, Illinois, by ye and nay vote on the 11th day of December, 2023; that said Ordinance was approved by the Mayor on the 11th day of December, 2023; and that said Ordinance was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 11th day of December, 2023, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 11th day of December, 2023.

(SEAL)



City Clerk