

**ORDINANCE 17-04 OF
THE VILLAGE OF HILLSIDE, COOK COUNTY, ILLINOIS,**

**AMENDING THE CODE OF ORDINANCES, VILLAGE OF HILLSIDE,
CHAPTER 22, "BUSINESSES," BY ADDING ARTICLE XIII,
"SICK LEAVE," AND ARTICLE XIV, "MINIMUM WAGE."**

WHEREAS, pursuant to a referendum held April 4, 1995, the Village of Hillside, Cook County, Illinois (the "Village"), is a home rule unit pursuant to Section 6 of Article VII of the 1970 Constitution of the State of Illinois, and as such is empowered to perform any function pertaining to its government and affairs including, but not limited to, the power to license, to tax, to incur debt, and to regulate for the protection of the public health, safety, morals and welfare;

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;

WHEREAS, on October 5, 2016, the Cook County Board of Commissioners adopted an ordinance establishing an earned sick leave policy for all private employers in Cook County with at least one (1) employee mandating earned sick leave for employees who work at least eighty (80) hours within any 120 day period ("Sick Leave Ordinance");

WHEREAS, on October 26, 2016, the Cook County Board of Commissioners adopted an ordinance establishing a minimum wage threshold, applicable to non-tipped employees, for all private employers in Cook County with at least one (1) employee ("Minimum Wage Ordinance");

WHEREAS, the Village finds that both the Minimum Wage Ordinance and the Sick Leave Ordinance place an undue burden on the Village's businesses and employers; and

WHEREAS, the Village finds that the state or federal level is the most appropriate to establish employer-related mandates;

WHEREAS, the President and Board of Trustees of the Village (the “Corporate Authorities”) have determined that it is necessary, desirable, and in the public interest to amend the Village Code by adding certain business regulations applicable to private employers located within the Village so that the above referenced Minimum Wage Ordinance establishing a minimum wage threshold and the above referenced Sick Leave Ordinance establishing an earned sick leave would not apply to those private employers located within the Village; and

WHEREAS, pursuant to its home rule powers, the Corporate Authorities find it in the best interest of the Village to amend the Village Code of Ordinances to clearly define the minimum wage and sick leave regulations that apply to employers located in the Village.

NOW THEREFORE, Be It Ordained by the Corporate Authorities and the Village, in the exercise of the Village’s home rule powers, as follows:

(1) The recitals set forth above are hereby adopted as findings of fact as if said recitals were fully set forth in this Paragraph No. 1.

(2) Chapter 22 of the Village Municipal Code of Ordinances shall be and is hereby amended by adding Article XIII, which new Article XIII shall hereinafter be and read as follows:

Article XIII. – SICK LEAVE

Sec. 22-781. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means an individual permitted to work by an employer regardless of the number of persons the employer employs. For purposes of this article, the term “Employee” does not mean an employee of the Village.

Employer means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that gainfully employs at least one (1) employee. To qualify as an Employer, such individual, group or entity must maintain a business facility within the geographical boundaries of the Village and conduct business within the Village. For purposes of this article, the term "Employer" shall not include: (a) the government of the United States or a corporation wholly owned by the government of the United States; (b) an Indian tribe or a corporation wholly owned by an Indian tribe; (c) the government of the State of Illinois or any agency or department thereof; or (d) units of local government, including the Village.

Village means the Village of Hillside, Cook County, Illinois.

Sec. 22-782. - Earned Sick Leave

- (a) Employers located or conducting business within the territorial boundaries of the Village shall not be required to offer or provide earned sick leave to employees who work at least (80) hours within any one hundred twenty (120) day period. No additional obligations with regard to earned sick leave adopted by the Cook County Board of Commissioners shall apply to employers located or conducting business within the Village.
- (b) All employers located or conducting business 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 the payment of paid sick leave.
- (c) Except for incentive agreements directly between employers and the County of Cook, including, but not limited to, 6b Tax Classification status incentives, no additional obligations with regard to paid sick leave, including, without limitation, any additional obligations by ordinance adopted by the County of Cook Board of Commissioners, shall apply to employers located or conducting business within the Village.

(3) Chapter 22 of the Village Municipal Code of Ordinances shall be and is hereby amended by adding Article XIV, which new Article XIV shall hereinafter be and read as follows:

Secs. 22-783 – 22-800 – Reserved.

Article XIII. – MINIMUM WAGE

Sec. 22-801. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee shall have the meaning ascribed to such term in section 3(d) of the Illinois Minimum Wage Law (820 ILCS 5/3(d)). For purposes of this article, "Employee" shall not

include an employee of the Village.

Employer means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that gainfully employs at least one (1) employee. To qualify as an Employer, such individual, group, or entity must maintain a business facility within the geographic boundaries of the Village or conduct business within the Village. For purposes of this Article, the term "Employer" shall not include: (a) the government of the United States or a corporation wholly owned by the government of the United States; (b) an Indian tribe or a corporation wholly owned by an Indian Tribe; (c) the government of the State of Illinois or any agency or department thereof; or (d) units of local government, including the Village.

Village means the Village of Hillside, Cook County, Illinois.

Sec. 22-801. - Minimum Wage

- (a) Employers located in or conducting business within the territorial boundaries of Village shall comply with all applicable federal and state laws and regulations with respect to the payment of minimum hourly wages for non-tipped employees, including but, not limited to, the wages established by the Fair Labor Standards Division of the Illinois Department of Labor. No employer located in or conducting business within the Village shall be required to pay employees a minimum hourly wage in excess of those wages established by federal and/or state laws and regulations, including, but not limited to, the minimum wage rate established by the Fair Labor Standards Division of the Illinois Department of Labor.
- (b) Except for incentive agreements directly between employers and the County of Cook, including, but not limited to, 6b Tax Classification status incentives, no additional obligations with regard to minimum hourly wages, including, without limitation, any additional obligations by ordinance adopted by the County of Cook Board of Commissioners, shall apply to employers located in or conducting business within the Village, except those required by federal and/or state laws and regulations, as such laws and regulations may exist from time to time.

Secs. 22-803 – 22-820 – Reserved.

- (4) This Ordinance shall take effect after its passage, approval and publication in the manner provided by law.

PASSED: This 22nd day of May, 2017.

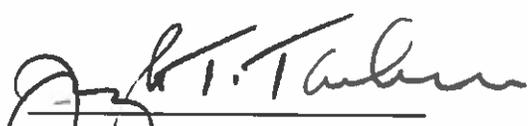
AYES: Trustees Anderson, Gomez,

Kerner, Farris, Watson

NAYS: None

ABSENT: Justice Delgado

APPROVED: This 22nd day of May, 2017.



Joseph T. Tamburino
Village President

Filed in my office this 23rd

Day of May, 2017.

ATTEST:



Linda L. Gould
Village Clerk

