

**ORDINANCE NO. O-24-31**

**AN ORDINANCE AMENDING THE CITY CODE OF PROSPECT HEIGHTS WITH REGARD TO CONFLICTS WITH ORDINANCES ADOPTED BY THE COUNTY OF COOK REGULATING MINIMUM WAGE, EARNED SICK LEAVE AND PAID LEAVE**

**WHEREAS**, the City of Prospect Heights, Cook County, Illinois (the “City”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the Mayor and City Council of the City of Prospect Heights have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, on October 5, 2016, the Board of Commissioners of the County of Cook 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 Board of Commissioners of the County of Cook adopted Ordinance 16-4229, entitled "An Ordinance Creating a Minimum Wage in Cook County," establishing a minimum hourly wage to be paid by private employers in Cook County; and

**WHEREAS**, on June 12, 2017, the City adopted Ordinance O-17-14, Regulating Minimum Hourly Wages and Paid Sick Leave that served to opt out of Cook County Ordinance 16-5768 and Cook County Ordinance 16-4229; and

**WHEREAS**, on December 14, 2023, the Board of Commissioners of the County of Cook adopted Ordinance Amendment 24-0583, entitled “Cook County Paid Leave Ordinance” that requires employers in Cook County to provide a minimum amount of paid leave to employees; and

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

**WHEREAS**, the City finds that Cook County Ordinance 16-5768, Cook County Ordinance 16-4229, and Cook County Ordinance 24-0583 (collectively the “Cook County Ordinances”) unnecessarily place different requirements on employers within the City given current uniform regulations and requirements under Federal and State law; 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**, pursuant to the City’s authority under Article VII, Section 6(c) of the Illinois Constitution, the Corporate Authorities find it in the best interest in the health, safety, and welfare of its residents to amend the City Code of the City of Prospect Heights to clearly define the minimum wage, sick leave, and paid leave regulations and requirements that apply to employers and employees in the City; and

**WHEREAS**, the Mayor and City Council have determined that the Cook County Ordinances place an undue burden on employers in the City because employers in adjacent and nearby communities have or intend on opting out of the Cook County Ordinances; and

**WHEREAS**, the Mayor and City Council find that employers in the City will also be placed in a competitive disadvantage because of the City’s proximity to the Countis of Lake and DuPage, wherein which no employer is subject to the additional regulations and requirements contained in the Cook County Ordinances; and

**WHEREAS**, because employment requirements are evenly applied throughout the State under PLAWA, regulations based solely on the geographical location of a business causes employers in the City to adhere to additional requirements while an employer operating a business short distances away in different communities and/or counties are not subject to such requirements; and

**WHEREAS**, due to the existing disparities between employers whose business is located in the City and employers whose business is located in nearby and adjacent communities/counties, the Mayor and City Council believe that it is in the best interests of the City to opt out of the Cook County Ordinances so that the same Federal and State employment regulations and requirements under PLAWA apply to employers in the City and throughout the State of Illinois.

**NOW, THEREFORE**, be it ordained, by the Mayor and City Council of the City of Prospect Heights as follows:

**SECTION 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**SECTION 2.** The Mayor and City Council find and determine that the adoption of this Ordinance is in the best interests of the City as well as in the public interest.

**SECTION 3.** Section 2-13-2 of the City Code of the City of Prospect Heights shall be amended by deleting the following stricken language and adding the following bold and underlined language to read, as follows:

2-13-1: MINIMUM HOURLY WAGES; PAID SICK LEAVE, **PAID LEAVE:**

A. Employers located within the City 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, **paid leave** and employee eligibility for paid sick leave, **paid leave** and minimum hourly wages shall also 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, **paid leave**, or minimum hourly wages, including, without limitation, any additional obligations by ordinance adopted by the County of Cook Board of Commissioners **including but not limited to Cook County Ordinances 16-5768, 16-4229, and 24-0583, as from time to time amended**, shall apply to employers located within the City, except those required by Federal and/or State laws and regulations as such laws and regulations may exist from time to time. (Ord. 0-17-14, 6-12-2017)

**SECTION 4.** The amendment set forth in Section 3 of this Ordinance amending the City Code of the City of Prospect Heights shall be in full force and effect, retroactive to December 31, 2023.

**SECTION 5.** All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby modified or repealed to the extent of such conflict. If any item or portion of this Ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portion of such item or the remainder of this Ordinance.

**SECTION 6.** 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 7:** If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

**SECTION 8:** The City Clerk of the City of Prospect Heights is directed hereby to publish this Ordinance in pamphlet form.

**SECTION 9:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

PASSED THIS 9th day of December 2024.



*[Handwritten signature]*

Patrick Ludvigsen, City Mayor

ATTEST:

*[Handwritten signature]*

~~City~~ Clerk  
Deputy

AYES: Cameron, Anderson, Morgan-Adams, Dash, Delick

NAYS: None

ABSENT: None



**To:** Mayor Ludvigsen and Members of the City Council

**From:** Joe Wade, City Administrator

**Subject:** Ordinance Exempting all School and Park District Employers Within Prospect Heights from the Cook County Paid Leave Act

**Date:** December 6, 2024

### **Background**

Attached is a request from Prospect Heights school and park district officials requesting City adoption of an ordinance exempting their organizations from the Cook County Paid Leave Act. Similar exemption ordinances have been, or are in the process of adoption, including area communities Buffalo Grove, Mount Prospect, Glenview, Palatine et al. As the officials' memo notes: the exemption ordinance complies with State law and eliminates discrepancies between State and Cook County regulations; recognizes challenging staffing practices and demands of school and park districts; and addresses the financial impact of the Cook County ordinance on school and park district budgets and operations.

For context, the new Cook County regulations are projected to annually cost Prospect Heights School District 23 and Prospect Heights Park District an additional \$100,000 and \$50,000 respectively.

### **Analysis**

The requested ordinance aligns the issue with State of Illinois labor regulation and will protect school and park district from expensive Cook County mandates. Although school and park district are not competitive, the additional Cook County cost can be viewed as a comparative disadvantage to school and park districts in other counties within the State. The proposed ordinance provides exemption from those costs.

Similarly, should the City not adopt the ordinance, our school and park districts will have a comparative cost disadvantage to neighboring and other Cook County communities which have adopted the exemption ordinance.

### **Recommendation**

Adoption of the ordinance is recommended.

Date: December 6, 2024

To:

Joe Wade, Prospect Heights City Administrator

Patrick Ludvigsen, Mayor of Prospect Heights

From:

Dr. Scott Rowe, Superintendent of Schools, High School District 214

Dr. Angelaccio, Superintendent of Schools, Prospect Heights School District 23

Ms. Christina Ferraro, Executive Director, Prospect Heights Park District

Mr. Bret Fahnstrom, Executive Director, River Trails Park District

Subject: Request to Exempt All School and Park District Employers from the Cook County Paid Leave Act

REQUEST: We respectfully request that the City of Prospect Heights Board consider an ordinance declaring school and park district employers within City boundaries exempt from the Cook County Paid Leave Ordinance. This action, pursuant to the authority under the Illinois Constitution, would address discrepancies between the County Ordinance and the State of Illinois Statute.

BACKGROUND AND DISCUSSION: In March 2023, Governor Pritzker signed the Paid Leave for All Workers Act ("The Act") into law, requiring certain employers to provide paid leave. Subsequently, the Cook County Board of Commissioners adopted its own paid leave ordinance in December 2023. While the County Ordinance mirrors much of the Act, several key discrepancies exist that could cause confusion and economic strain. One notable discrepancy is that The Act expressly excludes park and school districts from its provisions, while the County Ordinance does not. This omission means that under the County Ordinance, park and school districts are required to provide paid leave. To address this inconsistency temporarily, the County granted an exemption for park and school districts, set to expire on January 1, 2025. Without further County action, compliance with the County Ordinance will become mandatory at that time.

We believe a City-level ordinance exempting all School and Park District employers within the City from the County Ordinance is essential to:

1. The exemption would eliminate discrepancies between the County Ordinance and State Statute, creating a uniform set of regulations for all such employers in Prospect Heights.
2. School district employees already receive robust benefits packages, including sick leave and personal days, as mandated by the Illinois School Code and retirement systems. Additional paid leave requirements would lead to redundancy, increased costs, and greater reliance on substitutes, potentially disrupting instructional hours and student learning.
3. This Act applies to seasonal employees and substitute teachers, who are temporary employees hired to fill short-term needs. Substitute teachers are temporary employees hired to meet short-term needs, often working sporadically based on availability, district requirements,

and personal choice. Their inconsistent work patterns make it challenging to implement paid leave policies equitably. Additionally, as temporary workers, substitutes do not hold long-term commitments to the organization, making paid leave more suitable for permanent roles. Providing paid leave to substitutes would also increase operational costs, requiring districts to pay for substitutes on leave while hiring additional staff to cover their absences, creating financial and logistical strain.

4. Together, both Prospect Heights and River Trails Park Districts employ over 200 employees each year who work in several capacities seasonally or part time. Similar to the school districts, not only would this also increase operational costs, it would also require the park districts to pay for substitutes on leave while hiring additional staff to cover their absences. In addition to the replacement employee costs it increases safety concerns related to aquatic and childcare, camp, and other recreational operations where staffing ratios are paramount to safety. It will also limit and impact other public safety and park rules enforcement staff along with staff that keep our parks clean, perform snow and ice control and removal, etc.

5. The park districts' limited available funding is already going towards the increased cost of inflationary goods, increased minimum wage and other cost of operations. There is simply no other funding to cover this mandate. The only options the park districts have is to eliminate programming, reduce hours, limit services or pass on the expense to users. Passing on increased charges while offering less will only hurt residents, making it less desirable and more costly to live in this community. Should the park districts reduce the number of services and programs, it will also reduce the number of available jobs for youth, a few of whom need these roles to supplement their families' financial needs, learn new skills, build up their college applications or provide a positive outlet during down time.

Neighboring municipalities are adopting similar ordinances to exempt their school and park districts from the County Ordinance.

There is no budget impact to the City associated with this recommended action.

We respectfully request that the Prospect Heights City Council:

1. Approve an Ordinance declaring all School and Park District employers within the City exempt from the Cook County Paid Leave Ordinance.
2. Waive Administrative Rules and adopt the ordinance on first reading. This expedited approval is necessary as the next scheduled Board Meeting will occur after January 1, 2025, when compliance with the County Ordinance is set to begin.

We appreciate your consideration and can address any questions or provide further information.

Cc:

High School District 214 Board of Education  
Prospect Heights SD23 Board of Education  
Prospect Heights Park District Board of Commissioners  
River Trails Park District Board of Commissioners