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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 2119

**AN ORDINANCE ADOPTING CHAPTER 2.148 OF THE VILLAGE
OF MELROSE PARK CODE REGARDING SICK LEAVE, FOR
THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE
OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 8TH DAY OF MAY 2017

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO, Village Clerk**

Board Of Trustees

**ANTHONY J. PRIGNANO
ARTURO J. MOTA
MARY RAMIREZ TACONI
JAIME ANGUIANO
ANTHONY N. ABRUZZO
LOUIS "SONNY" NICOTERA**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 9TH day of MAY 2017**

ORDINANCE NO. 2119

AN ORDINANCE ADOPTING CHAPTER 2.148 OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE REGARDING SICK LEAVE FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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WHEREAS, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio, having taken office on May 8, 2017 and the Board of Trustees of the Village (the “Village Board”), the Honorable Anthony J. Prignano, Arturo J. Mota, Mary Ramirez Taconi, Jaime Anguiano, Anthony N. Abruzzo, and Louis “Sonny” Nicotera, having taken office on May 8, 2017, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, on October 5, 2016, the County of Cook Board of Commissioners adopted an ordinance that requires employers in Cook County to provide earned sick leave time to employees as set forth in the ordinance (the “Cook County Ordinance”); and

WHEREAS, the President and the Village Board (collectively, the “Corporate Authorities”) of the Village find that the Cook County Ordinance would place an undue burden on employers within the Village; 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, in light of the foregoing, the Corporate Authorities hereby declare that the Village is exempt from the Cook County Ordinance and find it in the best interests of the Village to amend the Village Code to clearly define the sick leave requirements that apply to employers located in the Village;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Village Board does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to adopt Chapter 2.148, Section 2.148.010 of the Village Code regarding sick leave.

Section 03. Invocation of Authority.

This Ordinance is adopted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois

Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05 - 09. Reserved.

**ARTICLE II.
ADOPTION OF CHAPTER 2.148 OF THE VILLAGE OF MELROSE PARK
MUNICIPAL CODE**

Section 10.00 Adoption of Chapter 2.148, Sick Leave Requirements for Village Employers.

That Chapter 2.148 of the Village Code is hereby adopted, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adding Chapter 2.148, which shall have the following title:

Chapter 2.148- SICK LEAVE REQUIREMENTS FOR VILLAGE EMPLOYERS

Section 11.00 Adoption of Chapter 2.148, Section 2.148.010, Sick Leave Requirements for Village Employers.

That Chapter 2.148, Section 2.148.010 of the Village Code is hereby adopted, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by inserting the following language:

2.148.010–Sick Leave Requirements for Village Employers

(A) Definitions. The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section:

“Employer” means any person, firm, or corporation employing one or more employees, if the employer has its principal place of business within the Village or does business within the Village. For purposes of this chapter, the term “employer,” does not include the government of the United States or corporation wholly owned by the government of the United States, an Indian tribe or a corporation wholly owned by an Indian tribe, or the government of the state or any agency or department thereof.

“Employee” means any individual person permitted and/or hired to work by an employer regardless of the number of persons the employer employs.

“Earned sick leave” means time that is provided by an employer to an employee to be used as sick leave, and is compensated at the same rate and with the same benefits, including health care benefits, that the employee regularly earns during hours worked.

- (B) 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 earned sick leave and employee eligibility for earned sick leave.
- (C) No additional obligations with regard to earned sick leave, including, without limitation, any additional obligations by ordinance adopted by the County of Cook Board of Commissioners, shall apply to employers located 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.

Section 12.00 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without limitation, the execution and delivery of any and all documents required to be delivered in connection with this Ordinance. All acts previously taken to effectuate the terms of this Ordinance are hereby ratified.

Sections 13.00 – 15.00. Reserved.

**ARTICLE III
HEADINGS, SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of this Ordinance.

Section 17.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section or part shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section or part thereof been included.

Section 18.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 19.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section 20.0 Effective Date.

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board of Trustees:

AYE VOTES: Trustee Prignano, Trustee Mota, Trustee Taconi,
Trustee Anguiano, Trustee Abruzzo, Trustee Nicotera

NAY VOTES:

ABSTAIN:

ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS EIGHTH DAY OF MAY, 2017 A.D.

APPROVED:



RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio
Village Clerk

(SEAL)

Recorded in the Municipal Records: May 8, 2017
Published in Pamphlet Form: May 9, 2017