

**ORDINANCE NO. 4384**

**AN ORDINANCE REGARDING THE ILLINOIS PAID LEAVE FOR ALL WORKERS  
ACT FOR THE CITY OF CANTON, ILLINOIS**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the 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, with such fines or penalties as may be deemed proper; and

WHEREAS, the City of Canton is a non-home rule Illinois municipality; and

WHEREAS, on or about March 12, 2023, Governor JB Pritzker signed into law the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) (the “Act”); and

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

WHEREAS, effective January 1, 2024, the Act requires an employer to provide certain paid leave to their employees, unless the employer is subject to an existing municipal or county ordinance that requires the employer to provide any form of paid leave to their employees; and

WHEREAS, the City recognizes the importance of paid leave and currently provides reasonable paid leave benefits to its employees; and

WHEREAS, the City has determined that applying the Act 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 City believes and hereby declares that it is in the best interests of the City to clearly define the paid leave benefits that City employees shall receive.

NOW, THEREFORE, be it ordained, by the City Council of City of Canton, Illinois as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. Pursuant to Section 15(p) of the Act, the City hereby adopts (i) the Non-Bargaining Unit Probationary Employee and Part-Time Employee Paid Time Off Policy, substantially as attached hereto as Exhibit A, for all non-bargaining unit part-time and

probationary employees; and (ii) the current paid leave policies for all other City employees as otherwise set forth in any applicable personnel policies, collective bargaining agreements, or employment agreements to which the City is a party and all other binding legislative actions governing paid leave adopted by the Mayor and the City Council, as the same may be amended from time to time. However, in no event shall the City, as an employer, provide less than the amount of paid leave day required by applicable law.

Section 3. Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 4. Severability. 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 5. The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED THIS 19th day of December, 2023.

AYES: Alderpersons Chamberlin, Grimm,  
Lovell, Hale, Gossett, Ketcham, Lingenfelter.

NAYS: None


ABSTENTIONS: None

ABSENT: Alderperson: Nelson

APPROVED THIS 19th day of December, 2023.

  
Kent A. McDowell, Mayor

ATTEST:

  
Andrea J. Smith-Walters, City Clerk

**EXHIBIT A**  
**City of Canton**  
**Non-Bargaining Unit Probationary Employee and Part-Time Employee**  
**Paid Time Off Policy**

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**City of Canton**  
**Non-Bargaining Unit Probationary Employee and Part-Time Employee**  
**Paid Time Off Policy**  
*(Effective December 31, 2023)*

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The City of Canton (“City”) allows all non-bargaining unit (non-union) Probationary Employees and Part-Time Employees to accrue paid time off annually at a rate of 1 hour for every 40 hours worked, up to a maximum of 40 hours per year based on the Covered Employee’s anniversary date. Paid time off under this Policy may begin being used ninety (90) days after the employee’s first date of employment or ninety days after January 1, 2024, whichever is later. “Probationary Employee” for purposes of this Policy means any full-time or part-time employee who has not completed one year of continuous employment with the City of Canton and whom is not covered by a collective bargaining agreement. “Part-Time Employees” are those whom are not covered by a collective bargaining and whom are considered a “Part-Time Employee” as defined under the Personnel Policies (Amended August 3, 2011, Ordinance No. 2038) (the “Personnel Policies”). For purposes of this Policy, Probationary Employees and Part-Time Employees may collectively be referred to as “Covered Employees.”

Any paid time off not used by the end of the Covered Employee’s first anniversary of date of hire, and each anniversary thereafter, is forfeited and shall not be carried over to the next year (i.e. “use it or lose it”). Under no circumstances shall any paid time off that accrues under this Policy be paid out to the employee upon separation of employment unless otherwise required by applicable law.

Paid time off may be used by Covered Employees for any reason of the employee’s choosing. Paid time off may be taken in increments of no less than two (2) hours at a time, with a full day of paid time off considered eight (8) hours.

When the need for paid time off is foreseeable, a Covered Employee must give the City at least seven (7) days’ notice to request paid time off. When the need for paid time off is not foreseeable, an employee must notify the City as soon as practicable. The City reserves the right to deny the use of any paid time off based on the operational needs of the City.

Effective December 31, 2023, Section 5.4 of the Personnel Policies is expressly repealed and of no further force and effect. If any part-time employees had vacation time accrued under said Section 5.4, said vacation time shall remain available for use by the part-time employee subject to the same terms and conditions of Section 5.4 of the Personnel Policies existing prior to this Policy and shall be paid out on separation of employment pursuant to applicable law; however, no new vacation time nor any other type of paid leave (sick leave, vacation, personal days, holiday pay or seniority benefits), except as set forth in this Policy shall accrue for part-time employees under the Personnel Policies for paid time. Any paid time off accruing under this Policy shall be accounted for separately and be in addition to any previously accrued vacation time under Section 5.4 of the Personnel Policies.

Except as otherwise set forth above, to the extent the City implemented any prior paid time off policies for Covered Employees, including but not limited to those set forth in the Personnel Policies, this Policy shall supersede and control the accrual and use of any paid time off for said Probationary Employees.

*(Effective December 31, 2023)*