

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 2 ("ADMINISTRATION"), ARTICLE 6 ("FINANCE DEPARTMENT") OF THE OAK PARK VILLAGE CODE BY ADDING A NEW SECTION 2-6-20 ("LIVING WAGE")

WHEREAS, the Village of Oak Park ("Village") is a home-rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, promotion of the welfare of those who work within the Village's border is in the government's interest; and

WHEREAS, enacting a living wage for certain employees of contractors and subcontractors who perform work exclusively for the Village and for certain Village employees that exceeds the local minimum wage is within the Village's home-rule authority; and

WHEREAS, enacting a living wage will increase the quality and reliability of services procured for the Village, therefore promoting higher productivity and retention of employees; and

WHEREAS, pursuant to the above findings, the Village Board has determined to adopt this Ordinance to establish a living wage.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 2 ("Administration"), Article 6 ("Finance Department") of the Oak Park Village Code is hereby amended by adding a new Section 2-6-20 ("Living Wage") to read as follows:

2-6-20: LIVING WAGE:

A. The following words and phrases as set forth in this section shall have the meanings, and are hereby defined, as follows:

CONTRACT: A written agreement between the Village of Oak Park and an entity registered to do business in the State of Illinois that exceeds twenty five thousand (\$25,000.00) annually and affirmatively includes a living wage requirement within the agreement pursuant to this section.

CONTRACTOR: A person or entity that has a contract with the Village primarily for the furnishing of services where the total amount of the contract or contracts with the Village exceeds twenty five thousand (\$25,000.00) annually. This excludes contracts/services governed by the Prevailing Wage Act, 820 Illinois Compiled Statutes 130/0.01 *et seq.*, the Davis Bacon Act, 40 U.S.C. § 3141 *et seq.*, professional services, contracts for the purchase/lease of goods and property, for-profit entities with less than five (5) employees, not-for-profit entities with less than ten (10) employees, contractors pursuant to the Special Service Area Tax Law, 35 Illinois Compiled Statutes 200/27-5 *et seq.*, and any other person or entity the Village elects to exclude.

LIVING WAGE: A wage equal to the amount established in subsection 2 below.

NON-VILLAGE EMPLOYEE: A person that is hired by a contractor and/or subcontractor to perform services for wages.

SUBCONTRACTOR: A person or entity hired by a contractor. The exclusions included under the definition for contractor applies to subcontractors.

VILLAGE EMPLOYEE: A person that is hired by the Village to perform duties subject to the control and direction of the Village. This excludes student interns, part-time employees who work less than 20 hours per week, and employees whose wages are governed by a collective bargaining agreement.

B. Living Wage; Determination: For the purposes of this section, the living wage shall be twelve dollars (\$12.00) per hour.

C. A living wage shall be paid if:

1. The individual is an employee of the Village as defined herein.
2. The individual is a non-Village employee and provides services exclusively to the Village of Oak Park pursuant to a contract authorized by the Village Board as defined herein.
3. Any contract requiring the use of full-time non-Village employees to provide exclusive services or labor under contract shall include a provision requiring that the contractor shall pay not less than the living wage to such employees, unless such employee's wages are governed by federal or state law. The Village, as an employer, shall not pay less than the living wage to a Village employee, unless such employee's wages are governed by federal or state law.

D. The Village Board shall determine contracts to which the living wage provision established herein are applicable to non-Village employees of contractors who have employees that exclusively provide services or labor to the Village. The Village Board shall require

applicable contractors to affirm eligible employees will be paid a living wage pursuant to this section. The Village Board shall make said determination based upon an evaluation of the exclusive nature of the services provided to the Village and shall affirmatively require the Village Manager to include said requirement in an applicable contract that is subject to Board approval.

E. Enforcement: The provisions of this section shall be enforced as follows:

1. If a contractor or any of its subcontractors is found to be in violation of this section, such contractor shall be required to pay back each affected employee and may also be fined by the Village up to one hundred (\$100.00) dollars for each affected employee for each day paid at less than the living wage.
2. If a contractor or any of its subcontractors is found to have retaliated against an affected employee, unless such contractor or the subcontractor appropriately reinstates or compensates such employee, the contractor may be held to be in breach of the contract by the Village and the contract is subject to termination.
3. A contractor may be disqualified from eligibility to bid on future Village contracts for a period of time up to five (5) years for a violation of this section.

F. Notification: Every contractor or subcontractor required to pay the living wage required by this section shall notify its employees of the living wage requirement and shall notify all of its employees annually of any adjustment to the living wage. In addition, a contractor or subcontractor shall notify its employees if an employee of the contractor or subcontractor contends that the contractor or subcontractor is not paying a living wage or has otherwise violated this section, and the employee may file a complaint with the Village Manager. If at the conclusion of the Village Manager's investigation pursuant to an applicable complaint the Village Manager finds that the contractor or subcontractor violated this section, the Village Manager shall exercise such remedies as are in the best interest of the Village, including termination of the applicable contract. The provisions of this subsection also shall be applicable to the Village.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law on January 1, 2017.

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ADOPTED this 6th day of September, 2016, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Button Ott				
Trustee Lueck				
Trustee Salzman				
Trustee Tucker				

APPROVED this 6th day of September, 2016.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 6th day of September, 2016.

Teresa Powell, Village Clerk