

# Municipal Ordinance Passed by the Village of Barrington, Illinois Opting Out of the Cook County Paid Sick Leave Ordinance Creates More Uncertainty for Cook County Employers

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Monday, December 5, 2016

In a November already riddled with surprises and filled with looming uncertainty for employers – from the [preliminary injunction blocking the DOL from enforcing the new federal overtime regulations](#), to the [possible dramatic impact of the new Trump Administration on workplace law](#) – on November 15, 2016, the Village of Barrington, Illinois, passed a Municipal Ordinance (the “Village Ordinance”) opting out of the requirements of the [Cook County Paid Sick Leave Ordinance](#) (the “Cook County Ordinance”), which was passed by the Cook County Board of Commissioners on October 5, 2016. The Cook County Ordinance mandates that all employers in Cook County, Illinois, allow eligible employees to accrue up to 40 hours of paid sick leave in each 12-month period of their employment.

In the Village Ordinance, the Village of Barrington found that the Cook County Ordinance “would place an undue burden on employers within the Village, given the current rights of employees available under Federal and State law.” In citing Article VII, Section 6(c) of the Illinois Constitution, the Village asserts that “if a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction...” Although the Village Ordinance

provides that employers located within the Village “shall comply with all applicable federal and/or State laws and regulations...with regard to...paid sick leave and employee eligibility for paid sick leave,” it goes on to state that “[n]o additional obligation 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 within the Village...” The Village Ordinance applies to any employer with a principal place of business within the Village or which “does business within the Village.”

Although the Village of Barrington, along with Cook County suburban municipalities Palatine and Mount Prospect, threatened to opt out of the provisions of Cook County Ordinance within days after it was passed, Barrington has been the first municipality to follow-through on its threat. As the July 1, 2017 deadline set by the Cook County Ordinance draws closer, it would not be surprising if other suburban municipalities follow suit, nor would it be entirely unexpected for litigation to follow in an effort to clarify which Ordinance controls. Although the Village Ordinance appears to have been passed in an effort to placate strong negative reaction from employers within the Village, the likely effect is to create more ambiguity and uncertainty for Cook County employers, at least in the months leading up to July 1.

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