

NOTICE TO EMPLOYERS AND EMPLOYEES

CITY OF CHICAGO PAID SICK LEAVE ORDINANCE

MUNICIPAL CODE OF CHICAGO CHAPTER 1-24 • EFFECTIVE DATE: JULY 1, 2017

CITY OF CHICAGO • MAYOR RAHM EMANUEL

The Paid Sick Leave Ordinance Applies to:

- Employers that maintain a business facility within the City of Chicago and/or are required to obtain a business license to operate in the city.
- Employees of an employer that is subject to the Ordinance who work at least 80 hours within any 120-day period qualify. This includes domestic employees, day laborers, tipped workers, and home health care workers.

How Paid Sick Leave is Calculated:

- Paid sick leave begins to accrue either on the 1st calendar day after the start of employment or on July 1, 2017, whichever is later.
- For every 40 hours worked, an employee earns one hour of paid sick leave in full hour increments.
- Salaried employees who are exempt from overtime requirements shall accrue one hour of Paid Sick Leave for each week of employment.
- Paid sick leave hours are capped at 40 hours per 12-month period unless the employer sets a higher limit.
- At the end of a 12-month accrual period, employees must be allowed to carry over up to half of unused paid sick leave (a maximum of 20 hours) unless the employer sets a higher limit.
- If subject to Family and Medical Leave Act (FMLA), each employee must be allowed to carry over up to 40 hours of unused paid sick leave, in addition to half of all unused paid sick time, to use exclusively for FMLA-eligible purposes.

How Businesses Can Comply with the Ordinance:

WHAT EMPLOYERS MUST DO:

- If employers already have a paid sick leave policy that meets the requirements of the Ordinance they are not required to provide additional paid leave.
- If the policy awards all paid sick leave immediately upon date of eligibility instead of an accrual method, employees must be provided 40 hours of paid sick leave within one calendar year of their date of eligibility the first year and 60 hours for each subsequent year.
- Employers must allow employees to begin taking paid sick leave no later than on the 180th calendar day after their start of employment.
- Employers are required to post this Notice of Paid Sick Leave in their business facilities and to provide the notice to each employee on July 1, 2017, or with the employee's first paycheck after hire.
- Employers must maintain records of paid sick leave accrued and make such records available to the Commissioner of the Department of Business Affairs and Consumer Protection (BACP) upon request.
- Employers may not discriminate or take any adverse action against any employee in retaliation for exercising rights under this Ordinance.

- Employers may be fined \$500-\$1,000 per offense for violations of the Ordinance, in addition to facing license suspension or revocation and ordered to pay restitution to employees.

WHAT EMPLOYERS MAY DO:

- Employers may set a reasonable minimum for requested time off not to exceed 4 hours per day.
- If the use of paid sick leave is reasonably foreseeable, employers may require up to seven days' notice before leave is taken. If the need is not reasonably foreseeable, an employer may require notification as soon as practicable on the day the leave is taken unless the employee is unable to give notice because of medical incapacitation.
- If an employee is absent for more than three consecutive work days, employers may require documentation for the use of paid sick leave. Employers cannot require that the documentation specify the nature of injury, illness or condition. Employers cannot deny paid sick leave or delay wages due to not yet receiving documentation.
- Employers may take disciplinary action, up to and including termination, against employees who use paid sick leave for purposes other than described in the Ordinance.

Employee Rights Under the Ordinance:

Employers cannot require employees to find replacement workers to cover their hours off in order to use their paid sick leave.

EMPLOYEES MAY USE PAID SICK LEAVE WHEN:

- They are ill or injured, or to receive medical care, treatment, diagnosis or preventative medical care;
- A family member is ill or injured, or to care for a family member receiving medical care, treatment, diagnosis or preventative medical care;
- They or a family member are victims of domestic violence or sex offense; or
- Their place of business is closed by order of a public official due to public health emergency, or they have a child who needs care because their school or place of care is closed due to a public health emergency.
- Employees who believe they have not received paid sick leave may call 311 to report a violation of the Ordinance to the City of Chicago.
- A complaint affidavit must be fully completed and returned to BACP to initiate an investigation.
- Employees are not required to provide, and the City will not request, information regarding the immigration status of any person filing a complaint.
- BACP does not act as the employee's private attorney. Any employee has the right to file a private civil action against the employer in circuit court if the employer violated the provisions of the Ordinance.

For complaints, call:

311

For additional information:

WWW.CITYOFCHICAGO.ORG/BACP

CITY OF CHICAGO • DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION