

COOK COUNTY (ILLINOIS) EARNED SICK LEAVE ORDINANCE

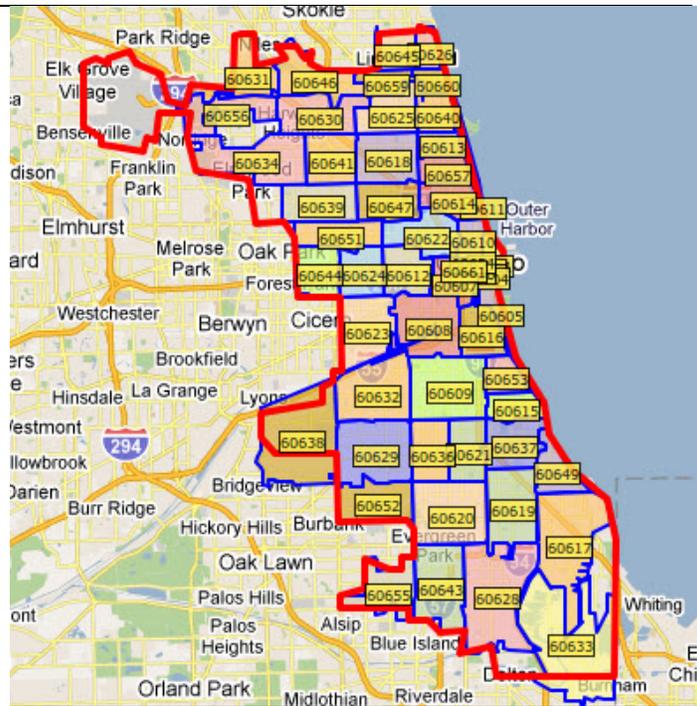
Covered Employee: If they perform at least two hours of work for the employer in any two-week period while physically present within the geographic boundaries of Cook County, Illinois, and are not listed as exempt in the ordinance. Those zip codes highlighted in red have opted out of the earned sick leave ordinance. Employees in the highlighted zip codes will NOT be eligible for this earned sick leave.

Eligibility to Use Earned Sick Leave: An employee who has worked at least 80 hours regardless of location within any 120-day period, and met the waiting period (on the 180th calendar day after employee's start of employment).

Date of Initial Accrual: An employee can accrue in one hour increments **one hour of paid sick time for every 40 hours** worked in the geographic boundaries of Cook County **up to 40 hours in a calendar year**, beginning the later of:

Table 1 – 12-Month Period Determination	
Date of Initial Accrual (Date employee begins to accrue Earned Sick Leave)	For Example
Hired on or Before July 1, 2017 (effective date of ordinance) and who works in Cook County at least two hours	July 1, 2017
Hired After July 1, 2017 and whose first day of work is in Cook County - The first calendar day after start of employment	If an employee starts working in Cook County (at least two hours) on July 20, 2017, he or she will start to accrue leave on July 21, 2017
Date of Coverage Employee was working outside of Cook County and then works at least two hours in Cook County (date the employee works at least two hours in Cook County)	Employee started working outside of Cook County on July 20, 2017 and first performs two hours of work in Cook County on September 5, 2017 (i.e., September 5, 2017 will be both the Employee's Date of Initial Accrual and Date of Coverage)

Employee's unused paid sick leave carries over to the next calendar year, but the amount carried over is limited to **half of the amount of ordinance-restricted ("regular") earned but unused sick leave up to 20 hours**. Employees covered by the federal Family Medical Leave Act (FMLA) may carry over up to an **additional 40 hours** of unused earned sick leave to **use exclusively during a leave of absence covered by the FMLA**.



EFFECTIVE: 7/1/2017

A "covered employer" is an employer that employs at least one "covered employee" and has at least one place of business within Cook County, Illinois.

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited.

NOTE: NON-UNIFORM ACCRUAL PERIODS (EACH COVERED EMPLOYEE HAS A SPECIFICALLY DEFINED ACCRUAL PERIOD)

Eligibility to Use Paid Sick Leave (Waiting Period Applies)

Any covered employee who works at least 80 hours regardless of location for a covered employer within any 120-day period is eligible to use Paid Sick Leave by the 180th calendar day after hire.

Maximum Use of Earned Sick Leave for FMLA-Eligible Covered Employers

<p>Non-FMLA Covered Employee (i.e., employee has NOT worked 1,250 hours looking backward from leave request date + have one year of service with Superior Group/SDI)</p>	<p>FMLA-Eligible Covered Employee (i.e., employee HAS worked 1,250 hours looking backward from leave request date + have one year of service with Superior Group/SDI)</p>
<p>A non-FMLA eligible covered employee must be allowed to use up to 40 hours of ordinance-restricted earned sick leave (regular) during any accrual period, without regard to whether the hours used were earned in the current accrual period or carried over from the prior accrual period, for any purpose allowed by the ordinance.</p>	<p>An FMLA-eligible covered employee must be allowed to use 40 hours of Earned Sick Leave during any accrual period, without regard to whether the hours used were earned in the current accrual period or carried over from the prior accrual period. Further, these 40 hours used may consist of any combination of Ordinance-Restricted Earned Sick Leave (Regular) and FMLA-Restricted Earned Sick Leave that the covered employee elects consist with these rules.</p> <p>There is one circumstance in which an FMLA-eligible employee can use up to 60 hours of Earned Sick Leave in an Accrual Period.</p> <p>If the FMLA-eligible covered employee carries over the maximum allowable 40 hours of FMLA-restricted earned sick leave from the previous accrual period to the current accrual period and then uses all 40 of these hours during the current accrual period, the employer must allow the FMLA-eligible covered employee to use an additional 20 hours of ordinance-restricted earned sick leave during the current accrual period (i.e., for a total of 60 hours of Earned Sick Leave used during the accrual period.</p>

Earned Sick Leave Uses for Ordinance-Restricted Earned Sick Leave (Regular)

If leave would be permissible under either “regular” or FMLA-restricted earned sick leave, the employee may determine whether they want to use “regular” or FMLA-restricted earned sick leave.

A covered employee may use Earned Sick Leave when the covered:

- Employee is physically or mentally ill or injured;
- Employee is receiving medical care, treatment, diagnosis or preventative medical care or recuperating from the same;
- Employee is the victim of domestic violence as defined by the code;
- Employee is a victim of sexual violence or stalking as defined by the code;
- Employee’s place of business is closed by order of a federal, state or local government public official due to what the public official characterizes as a public health emergency;
- Employee’s family member is physically or mentally ill or injured;
- Employee’s family member is receiving medical care, treatment, diagnosis or preventative medical care or recuperating from the same;
- Employee’s family member is the victim of domestic violence as defined by the code;
- Employee’s family member is a victim of sexual violence or stalking as defined by the code;
- Employee’s child’s school or place of care has been closed by order of a federal, state or local government public official due to what the public official characterizes as a public health emergency and the covered employee needs to provide care for the child.

Employees can use the time in **one whole hour increments**. Employee is entitled to use his or her accrued earned sick leave in *any location* where the employee works for the covered employer.

Family Member for the Cook County Earned Sick Leave Ordinance

- Child (biological, adopted, or foster child, stepchild, or child to whom the employee stands in loco parentis);
- Legal guardian or ward;
- Spouse under the laws of any state;
- Domestic partner;
- Parent (biological, foster, or adoptive parent; step-parent or adoptive parent or legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child);
- Sibling,
- Grandparent,
- Grandchild, or
- Any individual related by blood or whose close association with the employee is the equivalent of a family relationship.

No Protection for Impermissible Use

The Cook County Commission on Human Rights will not protect a covered employee who uses, has used or intentionally attempts to use Earned Sick Leave for an impermissible purpose from discipline by his or her covered employer, up to an including termination of employment.

FMLA-Restricted Earned Sick Leave Uses

(Employee must meet FMLA eligibility for this to apply. See detailed FMLA policy.)

FMLA-eligible covered employees can use FMLA-restricted earned sick leave for any reason that such an employee can take job-protected, unpaid leave pursuant to the **federal Family Medical Leave Act (FMLA)**, including, but not limited to:

- (1) A **serious** health condition that makes the covered employee unable to perform the essential functions of his or her job.
- (2) To care for the covered employee's spouse, child, or parent who has a **serious** health condition.
- (3) For the birth of the covered employee's son or daughter or to care for the covered employee's newborn child; or
- (4) For placement with the covered employee of a child for adoption or foster care or to care for the covered employee's newly placed child.

PLEASE NOTE THE FOLLOWING:

Please follow the FMLA policy for requesting any FMLA-restricted earned sick leave. For any FMLA-eligible earned sick leave time taken, a medical certification from your health care provider will be required within 15 days of your receiving the certification for any FMLA-eligible earned sick leave taken. Please contact the benefits department.

Family members under the FMLA regulations may be more restricted and different (e.g., FMLA regulations do not cover siblings) than the family member definition under the Cook County Earned Sick Leave Ordinance.

Under FMLA regulations, an illness or injury must be for a **serious** health condition, for example, having a "cold" may *not* qualify as a serious health condition under the FMLA-restricted earned sick leave but would be covered under the Ordinance-restricted earned sick leave ("regular" earned sick leave).

This FMLA-restricted earned sick leave is used in conjunction with job-protected, unpaid leave pursuant to the FMLA to convert some number of unpaid hours of leave pursuant to the federal Act into paid leave pursuant to the Ordinance. If leave granted pursuant to the federal Act extends beyond the amount of a covered employee's FMLA-restricted earned sick leave, the covered employee will continue with his or her FMLA leave pursuant to the federal Act in an unpaid status.

Employee Notice Requirement for Ordinance-Restricted Earned Sick Leave

- An employee may request paid sick days in writing or verbally. Telephone, email, or text messaging is allowed. The employee may be asked to produce the email or text notification after returning from the absence to facilitate the covered employer's recordkeeping.
- If the need for paid sick leave is foreseeable (e.g., includes any non-emergency, prescheduled appointment with a health care provider or non-emergency, prescheduled court date in a case related to domestic violence, sexual violence or stalking), the employee shall provide reasonable advance notification to the customer **and** Superior Group or SDI branch representative, not to exceed seven days advance notice, about his/her need for paid sick leave.
- If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for paid sick leave to the customer **and** Superior Group or SDI branch representative as soon as practicable.

For an absence of more than three consecutive days, an Employer may require certification that the sick leave was for one of the purposes set forth in the ordinance. For example:

- Documentation signed by a licensed Health Care Provider indicating the need for the amount of Paid Sick Leave taken. The health care provider does not need to state the nature of the illness or medical treatment unless required by law; and/or
- A police report, court document, a signed statement from an attorney, a member of the clergy, or a victim services advocate, or any other evidence that support the covered employee's claim, including a sworn declaration or affidavit from him or her or any other person who has knowledge of the circumstances.

Employer will maintain the confidentiality of the documentation to the extent that it contains sensitive or private medical information about any identifiable person.

Disciplinary Leave

An employer is not required to allow the use of Paid Sick Leave when a covered employee has been suspended or otherwise placed on leave for disciplinary reasons.

Note: Documentation for FMLA-restricted earned sick leave time will be different from the ordinance-restricted earned sick leave notice requirements. Please see the detailed FMLA policy or call the benefits department at 1-800-568-8310 or email benefitsdepartmentusers@superiorgroup.com for more information.

Paid Sick Leave – Accrual

- For every 40 hours worked, an employee shall accrue one hour of earned sick leave.
- An employee who is exempt from overtime requirements shall be assumed to work 40 hours in each workweek, unless his or her normal work week is less than 40 hours, in which case earned sick leave shall accrue based upon that normal work week.
- Overtime-eligible covered employees accrue earned sick leave based on actual hours worked.
- Accrual of Paid Sick Leave will not be allowed during a covered employee's use of any paid or unpaid leave.
- **Accrual Period and Cap:** There shall be a cap of 40 hours of Paid Sick Leave accrued per 12-month period (each covered employee has a specifically defined accrual period—see Table 1 above).
- Note: After the first Accrual Period, employee may have more hours available for use than the Accrual Cap as a result of carrying over unused Earned Sick Leave accrued (see carry-over rules below);
- After the first year, a covered FMLA-eligible employee may use a maximum of 60 hours of accrued Paid Sick Leave (combined ordinance-restricted plus FMLA-restricted earned sick leave) during a 12-month period (see carry-over rules below);

Note: If an employer has a paid leave policy, such as PTO or vacation policy, that makes available to employees leave that may be used for the same purposes specified in the Ordinance (or for any purpose) and that is sufficient to meet the Ordinance's requirements for paid sick leave accrual, then it is not required to provide additional paid sick leave.

Disciplinary Leave

An employer is not required to allow the use of Paid Sick Leave when a covered employee has been suspended or otherwise placed on leave for disciplinary reasons.

Carry-over Rules at End of 12-Month Period (Carry-over at end of year will be in hourly increments).

Rounding Rule: Carry-over hours will be rounded off to the next whole number

ORDINANCE-RESTRICTED (REGULAR) EARNED SICK LEAVE	FMLA-ELIGIBLE EARNED SICK LEAVE (Employee must be eligible for FMLA leave for employee to take advantage of this additional carryover)
Half of employee's unused Earned Sick Leave up to a maximum of 20 hours	If employees is FMLA-eligible , any Additional Unused Accrued Earned Sick Leave not carried over as Ordinance-Restricted Earned Sick (not halved) up to maximum of 40 hours can be carried over to FMLA-Restricted Earned Sick Leave To be used exclusively for FMLA purposes.
Up to 60 Maximum Hours Potentially to be Carried-over	

EXAMPLE (ASSUMING EMPLOYEE IS ELIGIBLE FOR FMLA-RESTRICTED CARRY OVER)

Accrual Period	12-Month Period	Half of Those Hours Up to a Maximum of 20 Hours can be Used for Ordinance-Restricted (Regular) Earned Sick Leave	Rather than Losing the Remaining Hours, She Can Carry Over an Additional Number of Hours of Earned Sick into the next Accrual Period up to a maximum of 40 hours as FMLA-Restricted Earned Sick Leave (Employee must be eligible for FMLA-leave or these hours will NOT carry over)
1	FMLA-eligible employee has 30 hours of unused accrued Earned Sick Leave at the end of her first 12-month accrual period	15 hours (30 divided by 2)	15 hours (Can carry over remaining 15 hours from regular earned sick leave up to a maximum of 40 hours)
2	FMLA-eligible employee has 70 hours of unused accrued Earned Sick Leave at the end of her second 12-month accrual period	20 hours (70 divided by 2 = 35 hours, but not allowed to carry over more than 20 as Ordinance-restricted earned sick leave into the third accrual period)	40 Hours (50 hours of unused earned sick leave was not carried over as Ordinance-Restricted, but not allowed to carry over more than 40 hours as FMLA-Restricted Earned Sick Leave into the next accrual period).

Note: At the end of each Accrual Period, employer will calculate the number of hours available for Ordinance-Restricted Earned Sick Leave carryover before calculating the carryover hours for FMLA-Restricted Earned Sick Leave (if employee is FMLA-eligible). When calculating the two kinds of carryover at the end of the Accrual Period, the employer shall start with the total amount of each employee's unused Earned Sick Leave, without regard to whether during the course of that Accrual Period, such hours were considered Ordinance-Restricted or FMLA-Restricted for purposes of tracking allowable usage.

If the employee is not eligible to take leave under the Family Medical Leave Act at any time during the Accrual Period to which unused accrued Earned Sick Leave is being carried over (e.g., if the covered employee works too few hours or does not have a year of service with Superior Group/SDI, the employee will not be eligible to carry over any FMLA-Restricted Earned Sick Leave from the current Accrual Period to the next Accrual Period.

Paid Sick Leave – Upon Termination

Accrued unused paid sick leave **is not paid out** upon termination, resignation, retirement, or other separation from employment.

Rehires

A covered employee who is rehired by Superior Group or SDI within 120 days since his or her separation from service, will NOT have their previous accrued and unused Earned Sick Leave reinstated. If rehired, within 120 days, the employee does not have to meet the coverage, eligibility, and waiting period again if they previously had met those requirements.

If employee is rehired after more than 120 days, they will be considered to have commenced new employment and will have to re-establish his or her coverage and meet the eligibility and waiting period rules again. No prior unused accrued paid sick leave hours will be reinstated.

Successor Employer

If the covered employer sells, transfers, or assigns its business to another employer who meets the criteria for coverage, then any covered employee who continues to work in Cook County for the new employer will retain coverage, eligibility, accrual and use of Earned Sick Leave with respect to the successor employer.

Cook County, IL – In SAP if the employee is working in Cook County, IL” mark the subarea as “Cook County, IL.”

60004	60074	60164
60005	60076	60165
60006	60077	60168
60007	60078	60169
60008	60082	60171
60009	60090	60172 - TBD
60010*	60091 - TBD	60173
60016	60093	60176
60017	60094	60179
60018	60095	60192
60019	60104	60193
60022	60107	60194
60025	60126*	60195
60026	60130	60196
60029	60131	60201
60038	60133	60202
60043	60141 (not listed)	60203
60053	60153	60204
60055	60154	60208
60056	60155	60209
60062	60159	60301
60065	60160	60302
60067	60161	60303
60068	60162	60304
60070	60163	60305

Those highlighted in red have opted out so the employee is NOT eligible for paid sick leave. Those cities that are not highlight are eligible for the paid sick leave.

TBD – Means the city has not decided yet whether they will opt out or not.

*City spans several counties—Customer must be located in Cook County before the earned paid sick leave ordinance applies.

Cook County, IL – In SAP if the employee is working in Cook County, IL” mark the subarea as “Cook County, IL.”

60402	60546	60654
60406 - TBD	60558	60655
60409	60601	60656
60411	60602	60657
60412	60603	60659
60415	60604	60660
60419	60605	60661
60422	60606	60664
60423*	60607	60666
60425 - TBD	60608	60668
60426	60609	60669
60428 - TBD	60610	60670
60429 - TBD	60611	60673
60430	60612	60674
60438	60613	60675
60439	60614	60677
60443 - TBD	60615	60678
60445	60616	60680
60452	60617	60681
60453	60618	60682
60454	60619	60684
60455	60620	60685
60456	60621	60686
60457	60622	60687
60458	60623	60688
60459	60624	60689
60461 - TBD	60625	60690
60462	60626	60691
60463	60628	60693
60464	60629	60694
60465	60630	60695
60466 - TBD	60631	60696
60467	60632	60697
60469	60633	60699
60471	60634	60701
60472 - TBD	60636	60706
60473	60637	60707
60475	60638	60712
60476	60639	60714
60477	60640	60803
60478 - TBD	60641	60804 – No minimum wage increase
60480	60642	60805
60482	60643	60827
60487	60644	
60499	60645	
60501	60646	
60513	60647	
60523*	60649	
60525 - TBD	60651	
60526	60652	
60534	60653	

COOK COUNTY EARNED SICK LEAVE ORDINANCE

NOTICE TO EMPLOYEES • EFFECTIVE JULY 1, 2017

In most cases, you are covered by the Cook County Earned Sick Leave Ordinance if:

- You have worked for your employer in Cook County for at least 2 hours in any two-week period, and
- Your employer has a place of business in Cook County.

You are entitled to:

- Earn **one hour** of earned sick leave **for every 40 hours worked** for your employer in Cook County;
- You may **use earned sick leave when you or a family member are ill**, receiving medical care, or the victim of domestic violence or stalking, or a public health emergency closes work, school or daycare;
- You **must be paid for earned sick leave** at your usual rate of pay, no later than the next payroll period;
- **Maximum accrual and use** of earned sick leave generally is **40 hours per year**;
- If you do not use all the earned sick leave you earn in a given year, generally you are entitled to **carry over half** of those **unused hours** to use in the following year (up to a maximum carryover of 20 hours);
- And you may be entitled to **additional benefits** under the Ordinance **if your employer is covered by the federal Family Medical Leave Act (FMLA)** and you are eligible for FMLA leave.

Your employer is prohibited from:

- Retaliating against you for exercising Ordinance rights (*e.g.*, using earned sick leave, filing a claim); or
- Requiring you to search for or find a replacement to cover your work hours while you are on leave.

Your employer is allowed to:

- Impose written rules for: the **minimum increments of time** (4 hours or less) in which earned sick leave can be used; the **type and timing of notice required** for reasonably foreseeable absences; the **minimum duration of employment** before initial use of earned sick leave (not to exceed 180 days).
- Adopt **equivalent alternative practices** to meet its Ordinance obligations (*e.g.*, grant estimated earned sick leave for the year up front) (*see* Part 600 of the Commission's Earned Sick Leave Rules).

If you believe your employer may have violated this Ordinance:

- The Commission encourages (but does not require) you to **discuss your concerns with your employer**. Employers may use different terminology to describe employee benefits or may have adopted an approved alternative practice to comply with the Ordinance. The Commission's website and Earned Sick Leave Rules are resources for helping you and your employer understand what the Ordinance requires.
- If you cannot talk to your employer because of fear of retaliation or you remain unsatisfied with your employer's explanation of your benefits, **contact the Commission for assistance**.
- If you wish to **file a complaint with the Commission** because your employer has violated the Ordinance, you must generally do so **within 3 years** of the violation. Complaints can also be filed directly in the Circuit Court of Cook County without filing at the Commission first.
- The Commission is available to assist (or receive complaints), Monday – Friday (excluding County holidays) from 9 a.m. – 4 p.m., or by appointment outside of these hours. You may contact the Commission by email, telephone or in person.

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 W. Washington, 30th Floor, Chicago, IL 60602

email: human.rights@cookcountyil.gov phone: 312-603-1100

COOK COUNTY EARNED MINIMUM WAGE ORDINANCE

NOTICE TO EMPLOYEES • EFFECTIVE JULY 1, 2017

In most cases, you are covered by the Cook County Minimum Wage Ordinance if:

- You have worked for your employer in Cook County for at least 2 hours in any two-week period, and
- Your employer has four or more employees (or you are a domestic worker) and either (i) maintains a business facility within Cook County or (ii) has a license issued by Cook County.

You are entitled to:

- Be paid at least the County's minimum wage for each hour of work performed for your employer in Cook County.
- In the absence of an unexpected multi-dollar increase in the federal or State minimum wage, the Cook County minimum wage will be:

Date	For Non-Tipped Workers	For Tipped Workers
July 1, 2017 – June 30, 2018	\$10.00/hr.	\$4.95/hr. (base wage, excluding gratuities)
July 1, 2018 – June 30, 2019	\$11.00/hr.	Inflation-adjusted minimum wage calculated by the Commission and announced on its website by June 1 of each year
July 1, 2019 – June 30, 2020	\$12.00/hr.	
July 1, 2020 – June 30, 2021	\$13.00/hr.	
July 1, 2021 and beyond	Inflation-adjusted minimum wage calculated by the Commission and announced on its website by June 1 of each year	

- Beginning July 1, 2018 for tipped workers and July 1, 2021 for non-tipped workers, if warranted based on the rate of inflation in the previous year, the Commission will make an upward adjustment to the County's minimum wage (unless the unemployment rate in Cook County is 8.5% or higher). The Commission will post the adjusted minimum wages on its website on or before June 1 of each year.
- Employers are **prohibiting from retaliating** against employees for exercising Ordinance rights.

If you believe your employer has underpaid you, or otherwise violated the Ordinance:

- Please visit the Commission's website and review the Minimum Wage Rules (especially Rules 3.01-3.05 regarding Coverage), and/or email or call the Commission for assistance. Please have on hand a recent pay stub or any other evidence of your rate of pay and hours worked.
- If you wish to **file a complaint with the Commission** because your employer has violated the Ordinance, you generally must do so **within 3 years** of the violation. Complaints can also be filed directly in the Circuit Court of Cook County without filing at the Commission first.
- The Commission is available to assist (or receive complaints), Monday – Friday (excluding County holidays) from 9 a.m. – 4 p.m., or by appointment outside of these hours. You may contact the Commission by email, telephone or in person.

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