

CHICAGO, ILLINOIS PAID SICK LEAVE

CHICAGO MINIMUM WAGE AND PAID SICK LEAVE ORDINANCE

An employee is covered if they perform at least two hours of work for the employer in any two-week period while physically inside of the geographic boundaries of Chicago. Day and temporary laborers and occasional and irregular employees (i.e., employees whose employment requires not more than 90 days to complete) may all be “covered employees” from the day they begin work.

A covered employer is any entity or person that employs at least one “covered employee” while maintaining a business facility within the geographic boundaries of the city and being subjected to city license requirements.

An employee can accrue **one hour of paid sick time for every 40 hours worked in the city of Chicago up to 40 hours in a calendar year**, beginning their first calendar day after start of employment or July 1, 2017, whichever is later.

Employees may begin using paid sick leave on the 180th calendar day after hire.

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



ORIGINAL POSSIBLE EFFECTIVE: 7/1/2017 - (Did not have to comply because we had no branch office in Chicago, IL)

Effective: 2/15/2019 – TalentRise branch in Chicago, IL, effective date to comply.

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

Eligibility to Use Paid Sick Leave

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

Paid Sick Leave – Use of

A covered employee may use Paid Sick Leave when:

- He or she is ill or injured, or for the purpose of receiving medical care, treatment, diagnosis, or preventive care;
- A member of his or her family is ill or injured, or to care for a family member receiving medical care, treatment, diagnosis, or preventive medical care;
- He or she, or a member of his or her family, is the victim of domestic violence, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, or a sex offense, as defined in Article 11 and Sections 12-7.3, 12-7.4, and 12-7.5 of the Illinois Criminal Code of 2012; or
- Her or her place of business is closed by order of a public official due to a public health emergency, or he or she needs to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency.

Employees can use the time in **one hour increments**.

Family Member – may include, but is not limited to, a godchild, godparent, or co-parent. The definition is necessarily situation specific and governed by the circumstances of the individuals involved.

Paid Sick Leave – Employee Notice Requirement

- An employee may request paid sick days in writing or verbally.
- If the need for paid sick leave is foreseeable, 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--e.g., 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.

Paid Sick Leave – Accrual – Accrual of Paid Sick Leave shall be in hourly increments

- For every 40 hours worked within the City of Chicago, an employee shall accrue one hour of paid sick leave.
- Accrual of Paid Sick Leave will not be allowed during a covered employee's use of any paid or unpaid leave.
- A covered employee may **use a maximum of 40 hours** of accrued **regular** Paid Sick Leave during a benefit year (Jan to Dec);
- A covered employee who works for an employer subject to FMLA may **use up to 60 hours of accrued Paid Sick Leave during a benefit year if an FMLA-eligible employee has to take leave protected by FMLA.** At least 20 of the 60 hours must be hours that had been carried over for FMLA purposes.
- An employee may use accrued paid sick days beginning on the 180th day of employment or July 1, 2017, whichever is later.
- **Salaried employees:** A covered employee who receives a salary and is exempt from overtime shall accrue one hour of Paid Sick Leave for each week of employment unless the salaried position is for an amount different from 40 hours worked per week, in which case the rate of accrual shall be 1 hour for every 40 hours of salaried work.

Only hours worked within the City of Chicago count toward accrual of Paid Sick Leave.

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 (Carry-over at the end of the year will be in hourly increments)

REGULAR PAID SICK LEAVE		FMLA-ELIGIBLE PAID SICK LEAVE – Employee can only use FMLA-eligible bank if they are FMLA-eligible (worked one year + 1,250 hours worked from first day of FMLA leave date)
Up to maximum of 20 hours +		Up to Maximum of 40 hours
60 Maximum Hours Potentially to be Carried-over		
Rounding Rule: Carry-over hours will be rounded off to the next <u>even</u> number	Rounding Rule: Carry-over hours will be rounded off to the next <u>even</u> number	No Rounding Rule: Carry-over hours will <u>not</u> be rounded off to the next even number
If Employee in 1st Year is Not Employed a Full Benefit Year (i.e., January to December)	Employee Employed a Full Benefit Year (i.e., January to December)	Employer subject to FMLA
All of the unused accrued Paid Sick Leave, up to 20 hours is carried over.	Half of employee’s unused Paid Sick Leave, up to a maximum of 20 hours.	Employee can carry-over from year to year an additional 40 hours of accrued and unused Paid Sick Leave to be used exclusively for FMLA purposes.

EXAMPLE

<p>Bart accrues 40 hours of Paid Sick Leave each year but does not use any Paid Sick Leave for three years. Employer is an FMLA-eligible employer.</p> <p>Bart can still only carry over a maximum of 40 hours of Paid Sick Leave that may be used for FMLA purposes and 20 hours for regular sick leave even though the covered employee accrued a total of 120 hours of Paid Sick Leave over that three-year period.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 15%;">Accrues</th> <th style="width: 15%;">Used</th> <th style="width: 20%;">Regular Carry-over</th> <th style="width: 20%;">FMLA Carry-over</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Year 1</td> <td style="text-align: center;">40</td> <td style="text-align: center;">0</td> <td style="text-align: center;">20 (half of employee’s unused paid sick leave, up to a max of 20 hours)</td> <td style="text-align: center;">20 (40 – 20 = 20 hours left to put in FMLA eligible—employee can only use if they are FMLA-eligible employee)</td> </tr> <tr> <td style="text-align: center;">Year 2</td> <td style="text-align: center;">40</td> <td style="text-align: center;">0</td> <td style="text-align: center;">20 (maximum employee can have in regular bank at end of any year)</td> <td style="text-align: center;">40 (maximum that employee can have in FMLA-eligible bank at the end of any year)</td> </tr> <tr> <td style="text-align: center;">Year 3</td> <td style="text-align: center;">40</td> <td style="text-align: center;">0</td> <td style="text-align: center;">20 (maximum employee can have in regular bank at end of any year)</td> <td style="text-align: center;">40 (maximum that employee can have in FMLA-eligible bank at the end of any year)</td> </tr> </tbody> </table>					Accrues	Used	Regular Carry-over	FMLA Carry-over	Year 1	40	0	20 (half of employee’s unused paid sick leave, up to a max of 20 hours)	20 (40 – 20 = 20 hours left to put in FMLA eligible—employee can only use if they are FMLA-eligible employee)	Year 2	40	0	20 (maximum employee can have in regular bank at end of any year)	40 (maximum that employee can have in FMLA-eligible bank at the end of any year)	Year 3	40	0	20 (maximum employee can have in regular bank at end of any year)	40 (maximum that employee can have in FMLA-eligible bank at the end of any year)
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Paid Sick Leave – Upon Termination

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

Rehires

If rehired by company within 12 months from the previous date of separation, previously accrued and unused paid sick days shall be NOT be reinstated.

Successor Employer

Unused Paid Sick Leave shall be retained by the covered employee if the employer sells, transfers, or assigns the business to another Employer and the covered employee continues to work in the City.

Chicago, IL – In SAP if the employee is working in the city of “Chicago, IL,” mark the subarea as “Chicago, IL.”

60601	60633	60674
60602	60634	60675
60603	60636	60677
60604	60637	60678
60605	60638	60680
60606	60639	60681
60607	60640	60682
60608	60641	60684
60609	60642	60685
60610	60643	60686
60611	60644	60687
60612	60645	60688
60613	60646	60689
60614	60647	60690
60615	60649	60691
60616	60651	60693
60617	60652	60694
60618	60653	60695
60619	60654	60696
60620	60655	60697
60621	60656	60699
60622	60657	60701
60623	60659	60706
60624	60660	60707
60625	60661	60803
60626	60664	60804
60628	60666	60805
60629	60668	60827
60630	60669	
60631	60670	Strikeouts done under Cook County
60632	60673	Green: Go back to 2/15/2019 when we opened TalentRise Chicago office

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