

COOK COUNTY (ILLINOIS) EARNED SICK LEAVE ORDINANCE (REVISED 7-7-2017)

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 working 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). The waiting period is waived for employees hired prior to 1/2/2017.

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:



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)

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**.

Eligibility to Use Paid Sick Leave

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. For employees hired after 1/2/2017, a waiting period also applies (see below).

Waiting Period to Use Accrued Paid Sick Leave

Employee hired prior to 1/2/2017 (Existing Employee)	No waiting period. Employee can use any time accrued after 7/1/2017 immediately (if eligibility listed above has been met)	
Employee hired after 7/1/2017 (New Employee)	Waiting period of 180 days from the start of employee's employment (eligibility requirements above must also have been met)	

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

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 the company)	FMLA-Eligible Covered Employee (i.e., employee HAS worked 1,250 hours looking backward from leave request date + have one year of service with the company)
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.	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. There is one circumstance in which an FMLA-eligible employee can use up to 60 hours of Earned Sick Leave in an Accrual Period.

Maximum Use of Earned Sick Leave for FMLA-Eligible Covered Employers (Cont.)

If the FMLA-eligible covered employee **carriers 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.**

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;

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.

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

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.

- 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.

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** your 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** your 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
- For time used in connection with domestic or sexual violence, an employee may provide 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; and
- For time used in connection with the federal Family Medical Leave Act (FMLA), an employer may require a covered employee to provide the type of documentation that is required for leave under the FMLA (see note below).

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.

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

The Commission will not protect an employee from discipline, including termination, for failure to provide requested documentation where the employer has given the employee a reasonable period of time to produce any requested documentation.

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.
While the Ordinance does not have an explicit cap on the size of an employee’s earned sick leave “bank,” the most an employee can ever have available in each bank is listed below:	
The most a Non-FMLA-Eligible employee can ever have available is up to 60 maximum hours potentially to be carried-over (i.e. maximum carryover of 20 hours, plus 40 hours accrued in any given year)	The most an Non-FMLA-Eligible employee can ever have available is up to 100 maximum hours potentially to be carried-over (i.e. maximum carryover of 60 hours, plus 40 hours accrued in any given year)
Accrued earned sick leave that is unused and carried over from accrual period to accrual period will eventually bump up against these mathematical caps and be forfeited as a result of the operation of the Ordinance’s exact procedure for carryover.	

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 the company), 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.

Using Earned Sick Leave Accrued in Cook County, Outside of Cook County

Once an employee has accrued sick leave under the Ordinance, she can use that sick leave while working for the same employer anywhere, including outside of Cook County or within the borders of a municipality that has lawfully preempted the Ordinance.

If such an employee does not use his/her earned sick leave, the employer should allow unused earned sick leave to continue to rollover pursuant to the Ordinance's carryover rules (i.e., halve the unused bank of sick leave year) even though the employee no longer accrues new sick leave on the basis of work outside of Cook County.

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 the company 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” (Not Chicago) mark the subarea as “Cook County, IL.”

***Note: Coverage in “Opt Out” Suburban Municipalities** – Not every community that has purported to opt out of the Ordinance has lawfully preempted the Ordinance. For example, non-home rule municipalities may lack the authority to pass a sick leave ordinance that would preempt the County’s Ordinance. Thus, the counties that have opted out may change. If there are any changes, we will notify the employee’s and rectify any discrepancies.

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

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

*Municipality 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.”

60004 – Arlington Heights	60107 - Streamwood	60304 – Oak Park
60005 - Arlington Heights	60126* - Elmhurst	60305 – River Forest
60006 - Arlington Heights	60130 – Forest Park	60402 – Forest View; Berwyn
60007 – Elk Grove Village	60131 – Franklin Park	60406 – Blue Island
60008 – Rolling Meadows	60133 – Hanover Park	60406 - Dixmoor
60009 – Elk Grove Village	60153 - Maywood	60409 – Calumet City
60010* – Barrington Hills	60154 - Westchester	60411 – Ford Heights
60016 – Des Plaines	60155 - Broadview	60411 – Sauk Village
60017 – Des Plaines	60159 - Schaumburg	60412
60018 – Des Plaines	60160 – Melrose Park	60415
60019 – Des Plaines	60161 – Melrose Park	60418 – Crestview (check)
60022 - Glencoe	60162 - Hillside	60419- Dolton
60025 - Glenview	60163 - Berkeley	60422- Flossmoor
60026 - Glenview	60164 – Melrose Park	60423* - Frankfort
60029 - Golf	60165 – Stone Park	60425 – Glenwood
60038 - Palatine	60168 - Schaumburg	60426 – Harvey
60043 - Kenilworth	60169 – Hoffman Estates	60426 - Phoenix
60053 – Morton Grove	60171 – River Grove	60428 – Markham
60055 - Palatine	60172 – Roselle (check non-home rule?)	60429 – East Hazel Crest
60056 – Mt Prospect	60173 - Schaumburg	60430
60062 – Northbrook	60176 – Schiller Park	60438
60065 - Northbrook	60179 – Hoffman Estates	60439 - Lemont
60067 - Palatine	60192 – Hoffman Estates	60443 - Matteson
60068 – Park Ridge	60193 - Schaumburg	60445
60070 – Prospect Heights	60194 - Schaumburg	60452
60074 - Palatine	60195 - Schaumburg	60453
60076 - Skokie	60196 - Schaumburg	60454
60077 - Skokie	60201 – Evanston	60455 - Bedford
60078 - Palatine	60202 - Evanston	60456 - Hometown
60082 – Northbrook (Techny)	60203 - Evanston	60457
60089 – Buffalo Grove (could be part of Lake or Cook Counties)		60458 - Bedford
60090 - Wheeling	60204 - Evanston	60459 - Bedford
60091 - Wilmette	60208 - Evanston	60461 - Olympia Fields
60093 – Winnetka; Northfield	60209 - Evanston	60462
60094 - Schaumburg	60301 – Oak Park	60463 – Palos Heights, Crestview
60095 - Schaumburg	60302 – Oak Park	60464
60104 - Bellwood	60303 – Oak Park	60465
60471 – Richton park	60634	60466 – Park Forest; University Park

60472 – Robbins	60636	60467 – Homer Glen (checking)
60473 – South Holland	60637	60469
60475	60638	
60476	60639	60704
60477	60640	60706 – Harwood Heights
60478 – County Club Hills	60641	60707 – Elmwood Park
60480	60642	60712 - Lincolnwood
60482	60643	60714 - Niles
60487	60644	60803 – Merrionette Park
60499 - Bedford	60645	60803 - Alsip
60501 - Bedford	60646	60804 – No minimum wage increase - Cicero
60513	60647	60805 - Evergreen
60523* - Oak Brook	60649	60827 – Calumet Park, Riverdale
60525* - Countryside; McCook	60651	
60525 – La Grange	60652	
60526 – La Grange Park	60653	
60534	60654	Strikeouts done under Chicago, IL Paid Sick Leave
60546	60655	
60558 – Western Spring	60656	
60601 – Chicago	60657	
60602	60659	
60603	60660	
60604	60661	
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60633		

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
