

## **Action Required: Chicago and Cook County Paid Sick Leave Ordinance Becomes Effective July 1**

Chicago and Cook County, Illinois have enacted separate ordinances for employers to provide paid sick leave to covered employees. The two ordinances mirror each other with the primary difference being the geographical area.

### **Eligibility**

Both laws go into effect on July 1, 2017 and applies to employers with a place of business within the City of Chicago and Cook County that employ at least one covered employee, excluding government entities. These ordinances may be waived by a collective bargaining agreement.

### **Covered Employees**

Those who perform at least two hours of work within the geographic boundaries of Chicago or Cook County in any two-week period. Business travel time within these geographic areas count toward this two-week period.

Employees must work at least 80 hours within any 120-day period.

### **Leave accrual and carryover**

Under the law:

- Paid sick leave shall begin accruing on the first calendar day after the start of employment, or July 1, 2017, whichever is later.
- Employees shall accrue one hour of paid sick time for every forty (40) hours worked.
- Employees can accrue up to forty (40) hours during each 12-month period.
- Employees may carryover over half of their unused paid sick leave, for a maximum of 20 hours to the following 12-month period. However, employers subject to the Federal Family Medical Leave Act (e.g. generally those who employ 50 or more employees within a 75-mile radius), the employee may carry over forty (40) hours of accrued, unused sick time to be used exclusively for FMLA purposes.
- Instead of using an accrual method, employers may frontload the maximum number of hours at the beginning of each new 12-month period. When awarding sick time upfront, employers are not required to permit employees to carry over unused time.
  - In Chicago, the maximum
- Eligible employees must be allowed to use paid sick leave no later than 180 days after hire date.

### **What sick leave can be used for**

Employees will be able to use accrued sick leave for the following reasons:

- To deal with their own mental or physical illness, injury or health condition, or if they need to seek medical diagnosis, treatment, or preventative care;

- To deal with a family member’s mental or physical illness, injury or health condition, or the family member’s need to seek medical diagnosis, treatment, or preventative care;
- Closure of the employee’s workplace due to a public health emergency, or an employee’s need to care for a child whose school or place of care has been closed due to a public health emergency;
- When an employee or their family member’s “presence in the community may jeopardize the health of others” due to exposure or suspected exposure to a communicable disease; or
- Absences due to domestic violence, sexual violence, abuse, or stalking of an employee or employee’s family member, as these terms are defined in the statute, if the leave is to address the psychological, physical, or legal effects on the employee or the employee’s family member.

**Note:** Family member is broadly defined as a spouse or legally registered domestic partner; a grandparent, grandchild, sibling, or person who stood in loco parentis of an employee or his or her spouse or domestic partner; a biological child, adopted child, foster child, stepchild, of the employee or the employee’s spouse or domestic partner; a child to whom the employee or employee’s spouse or domestic partner stands or stood in loco parentis, regardless of age; and any other individual related by blood or affinity whose close relationship is the equivalent of a family relationship.

### Requesting sick leave

An employee may request sick leave verbally, in writing, or electronically. When foreseeable, employees must provide advanced notice and express their expected duration of leave.

Employers may request reasonable documentation from an employee when their request is for three or more consecutive work days. In most cases, reasonable documentation is certification signed by a health care professional.

### Notice and recordkeeping requirements

Employers are required to post a general notice in a conspicuous place notifying employees of their rights. Employers must also notify employees in writing of their rights by July 1, 2017, or date of hire, whichever is later. Written notice to employees shall include:

- Paid sick leave entitlement and accrual rate;
- Terms of use of leave;
- That retaliation against employees for requesting or using paid sick leave is prohibited;
- An employee’s right to file a complaint if the employer unlawfully denies paid sick leave or subjects the employee to retaliation;
- The contact information for the state agency where questions about rights and responsibilities can be directed, and;
- Employer’s business name, address, and phone number.

In addition to posting the notice and providing employees with written notice, employers must either record in or attach to, an employee’s regular paycheck: (1) the amount of paid sick leave available, (2) paid sick leave taken to date in the year, and (3) the amount of pay received.

### Next steps for employers



- You must comply with these changes by July 1, 2017.
- Update your employee handbooks with this new policy:
  - If you have not previously offered sick leave to employees, you will be required to do so and should create a new policy to comply with these provisions.
  - If you already provide sick leave, review your current policies to make sure they comply with the provisions of the new law.
  - If you already provide all employees with sick or paid time off (PTO) benefits that exceed the requirements of the law, you do not need to implement a new policy, but may need to adjust your policy to allow a carryover to comply with the state regulations.
- You must post a notice in your workplace notifying employees of their rights.
- Work with your payroll provider to determine how to comply with the recordkeeping provisions; if HR Knowledge is your payroll provider, please contact your Client Account Manager.
- If you are one of our full-service clients, we will work with you to review your current PTO policies or provide you with sample language to ensure they are compliant with these new regulations. If you have any questions about how this new law interacts with your existing policies or affects your business, please [contact us](#).

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