



HR-Alert: Cook County Amends Paid Leave Requirements to Align with Illinois for December 31, 2023

Earlier this year we [shared](#) that the state of Illinois passed Paid Leave for All Workers (PLFAW) which requires employers to provide up to 40 hours of paid leave to Illinois employees which can be used for any reason. Most recently, Cook County and the City of Chicago revised their sick leave ordinances to align with Illinois' PLFAW; Cook County's amendments will take effect December 31, 2023, to ensure the amendments are not preempted by Illinois PLFAW, taking effect January 1, 2024.

Chicago's amendments have been postponed to July 1, 2024; employers in the City of Chicago will continue to be subject to existing paid sick leave ordinances and must follow the more generous requirement. We will continue to monitor Chicago's amendments and share an HR-Alert upon the amendments taking effect.

Cook County Quick Facts

Cook County will align with Illinois' PLFAW in the following ways:

- Employees must be able to use leave for any reason
- Employees must be able to accrue at least one (1) hour for every forty (40) hours worked up to forty (40) hours per year, with the ability to carry over any accrued but unused time
- Employers may choose to front load 40 hours, negating the carryover requirement
- Employers may require a waiting period of 90 days before employees can start using their leave
- Employers may set a minimum usage increment not to exceed two (2) hours
- Employers may require up to seven (7) days' advance notice of a foreseeable need for use of paid leave and notice as soon as practicable for an unforeseeable use of paid leave
- Employers may not require documentation for the use of paid leave
- Leave under this ordinance is not required to be paid upon separation unless an employee chooses to combine leave into their existing PTO or vacation policy; in that case, vacation payout obligations would need to be considered under the Illinois Wage Payment and Collection Act

Cook County will differ from Illinois' PLFAW in the following ways:

- Illinois PLFAW excludes employees who are covered by a bona fide Collective Bargaining Agreement with an employer that provides services nationally and internationally of delivery, pickup, and transportation of parcels, documents and freight; Cook County does not exclude these employees from the ordinance

- Cook County's amendments remain silent on permitting employers to deny leave requests, whereas PLFAW allows employers to deny leave requests based on operational necessity
- Cook County's amendments indicate employees may be able to recover three (3) times the full amount of unpaid leave denied or lost; under PLFAW employees may only be able to recover the actual underpayment of unpaid leave denied or lost
- Cook County will have their own required notice to be posted in a conspicuous place in their workplace

Employer Next Steps

- Cook County employers should review their existing policies to ensure compliance with these amendments before the effective date of December 31, 2023
- Employers should continue to monitor [Cook County's website](#) and post the updated paid leave poster once available and no later than December 31, 2023
- The Cook County Government is in the process of preparing additional guidance as well as other resources and materials to assist employers with compliance

If you have any questions regarding this HR-Alert, please [email us](#).