

CRCA Members,

A new Chicago Sick Leave ordinance took effect on July 1, 2017. The ordinance mandates that employees are now eligible to earn paid sick leave. This ordinance is called the Chicago Minimum Wage and Paid Sick Leave Ordinance (MWPSO). Also, effective on 7/1/17 is the Cook County Earned Sick Leave Ordinance (ESLO).

Please see below for some FAQs on this new law and how it may affect you and your customers. Please download and use the Cook County and Chicago Paid Sick Leave Ordinance resources following these FAQs as CRCA is not responsible for the completeness of this summary information.

FREQUENTLY ASKED PAID SICK LEAVE QUESTIONS

1. **Who needs to comply?** 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 must provide paid sick leave to the employees of an employer that is subject to the new ordinance. These employees must work at least 80 hours within any 120-day period. Any individual or business entity that employs one covered employee is covered by the ordinance.
2. **How does this accrue?** Workers begin accruing paid leave on the first calendar day after beginning employment. They can begin to use accrued time 180 days after the commencement of employment for the medical or mental health care of themselves or a family member, or in the wake of domestic violence or a sexual offense.
3. **What is the rate of pay?** Those eligible employees accrue one hour of sick leave for every 40 hours worked.
4. **What events can the worker use the sick pay for?** The sick pay can be used for the time needed to care for the medical or mental health of themselves or a family member, or in the wake of domestic violence or sexual offense.
5. **Can the time be used the following year?** Yes, workers would be able to roll over up to 2.5 of unused sick days to the following year. Chicago capped the annual accrual level to 40 hours, and workers with unused time can carry over up to 20 hours into the next calendar year – unless the employer is subject to the Family Medical Leave Act (**FMLA**). In that case, workers are allowed to carry over up to 40 hours under Chicago's ordinance *plus* any additional time allowed under the FMLA. There are two options for use (accrual or front-loading.)
6. **Who is exempt?** Sick leave benefits that are negotiated as part of collective bargaining agreements are exempt. These collective bargaining agreements must have been in place prior to 7/1/17 and remains in force after this date. See Section 42.5 of the Cook County ordinance for specific language pertaining to CBAs.
7. **How do employers notify their employees?** Employers need to post a notice of the ordinance in a conspicuous location beginning 7/1/17 and provide each worker notice of their rights under the ordinance with their first check after 7/1/17, upon hire and once each calendar year afterwards.

8. **What are the recordkeeping requirements?** In addition to posting the notice, covered employers are also required to keep certain personnel and payroll records for three years.
9. **Has my Cook County Municipality opted out of the ordinance?** Contact your respective village or town to determine this. More than 35% of the 132 municipalities in Cook County have opted out of the ordinance.

HOW TO PREPARE FOR COMPLIANCE WITH CHICAGO OR COOK COUNTY PAID SICK LEAVE ORDINANCES

- A. Determine your coverage under the applicable ordinance and review the respective regulations. Employers in Cook County should take additional steps to confirm coverage at the municipality level
- B. Review your company's current sick leave policy and determine what adjustments are needed.
- C. If creating a new sick leave policy, consider the difference between the accrual or frontloading formats
- D. Comply with the mandated posting of the ordinance's requirements
- E. Create a system to track the appropriate records relating to sick leave, accruals and carryover

ADDITIONAL RESOURCES:

1. [Ordinance Notice Suitable for Posting by Employers](#)
2. [City of Chicago Press Release](#) after initial ordinance passage
3. [Chicago Minimum Wage and Paid Sick Leave Draft Rules](#)
4. Chicago Amendment of Municipal Code, Chap. 1-24 and 2-25
5. [Cook County Rules 16-4229](#)
6. [Additional Cook County FAQs](#)