

Effective July 1, 2017, All Chicago Employers Must Provide Paid Sick Leave to Their Employees!

The Chicago City Council, on June 22, 2016, passed the Paid Sick Leave Legislation which amends the Chicago Minimum Wage Ordinance, effective July 1, 2017. The cited public welfare reason for mandating paid sick leave is the promotion of health for employees and their families. The City Council found that paid sick leave significantly reduces health care costs, and would only result in a 0.7% to 1.5% increase in labor costs for most employers. Therefore, it was imperative to enact legislation that would provide paid sick leave for the 43% of private sector workers who had been deprived of this valuable and necessary benefit.

Under the amendment, any employee that works 80 hours within a 120-day period is eligible for paid sick leave. The employee must work at a business facility located within the city of Chicago geographic area. Employees who meet the eligibility requirements must be awarded a minimum 40 hours of paid sick leave within a 12-month period. If the employer elects to use the accrual method, then for every 40 hours worked the employee must be given one hour of paid sick leave. If the employer elects to use the "upon date of eligibility" method, then the employee must be awarded the full 40 hours of paid sick leave within one calendar day of his or her date of eligibility. The amendment has no effect on Collective Bargaining agreements already in effect on July 1, 2017.

Employers are required to carry-over up to 20 hours of unused paid sick leave at the end of the 12-month period. If the Employer is subject to the Family and Medical Leave Act, then employees must be allowed to carry-over up to an additional 40 hours of their unused sick leave for a total of 60 hours to use exclusively for FMLA purposes.

Covered Employees can use their paid sick leave to tend to medical care for themselves or for their family members, as well as matters resulting from domestic violence or sexual assault. An employee is required to notify his or her employer in advance if the need to take paid sick leave is reasonably foreseeable, such as scheduled medical appointments. Otherwise, the employee is required to notify the employer as soon as is practicable via phone, e-mail, or text message. An employer may not require an employee to search for or find a replacement worker to cover the paid sick leave hours.

The amendment strictly prohibits any employer from retaliating against an employee who asserts or attempts to exercise his or her rights under the amendment. Any Employer that violates any of the paid sick leave provisions, will be liable for treble damages, plus interest on the owed amount, and attorney's fees and legal costs.

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