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Cook County, IL and Chicago, IL Sick Leave Ordinances and New Minimum Wages Take Effect July 1

Beginning July 1, 2017, employers in Chicago must pay a minimum wage of \$11.00 per hour, or \$6.10 for tipped employees.

Beginning July 1, 2017, employers in Cook County (outside of Chicago) must pay employees a minimum wage of \$10.00 per hour, or \$4.95 for tipped employees.

Employers in Cook County and Chicago must also begin providing employees with paid sick leave. Below are some of the key elements of the sick leave ordinances, which are essentially identical. A full summary of the [Cook County Ordinance](#) (download) and [Chicago Draft Rules](#) can be found here.

NOTE:

- Townships that have opted out of Cook County Ordinance (according to SHRM): *Arlington Heights, Barrington, Bartlett, Bedford Park, Berkeley, Buffalo Grove, Burr Ridge, Elk Grove, Elmwood Park, Evergreen Park, Hanover Park, Harwood Heights, Hickory Hill, Hoffman Estates, Lynwood, Mount Prospect, Niles, Norridge, Northbrook, Oak Forest, Oak Lawn, Palatine, Palos Heights, Palos Park, River Forest, Riverside, Rolling Meadows, Rosemont, Schaumburg, South Barrington, Streamwood, Summit, Tinley Park, Western Springs and Wheeling.***
- Employers who do not currently offer a sick leave or multi-use paid time off (PTO) plan should create a policy and prepare to implement it by July 1. **Employers who already have a sick leave or PTO policy should ensure that it is fully compliant with the ordinance, and adjust it as needed.**

Eligibility

- Employees are eligible to earn leave if they work 2 or more hours in a 2-week period.
- Employees are eligible to use leave once they have worked 80 or more hours for the employer in a 120-day period.

- Employers may require up to a 180-day waiting period before leave is used.

Accrual and Use

- Employees must accrue at least 1 hour of paid sick leave for every 40 hours worked.
- Employers may limit both accrual and use of sick leave to 40 hours per year.
- Employees must be allowed to carry over up to 20 hours of unused time into a new benefit year.
- Accrual, use, and carryover limits are higher if employers are subject to the Family Medical Leave Act.
 - If the employee is FMLA Eligible, up to 40 hours can be used for FMLA purposes only, and an additional 20 hours can be used for other purposes – for a total of 60 hours.
- Employers may front load sick leave by granting an employee all the leave they would earn during the benefit year up front. The amount that must be granted will vary depending on FMLA applicability and whether the employer will allow employees to carry over unused time.
- Employee's may use the time for: Employee's own or family member's illness, injury, medical treatment or diagnosis, preventative care; also domestic violence or sexual assault, or public health emergency closure related to child's school or care facility.

Administration

- Employers may not ask for a doctor's note unless an employee is gone for more than three consecutive work days.
- Employers may not require that employees find their own replacement.
- Unused leave does not have to be paid out at termination.
- Paid time off plans that grant equal or better benefits are acceptable.

Employers in both Cook County and Chicago must post a notice of employees' rights in a conspicuous location in the workplace, as well as distribute a written notice about sick leave benefits to each employee. [Here is a sample/model written notice provided by Cook County.](#) (Download)

The City of Chicago's minimum wage increase is based on an ordinance passed several years ago, so there is not a new poster, and the City has not yet made compliant sick leave notices available.

**Townships within Cook County may opt out of the minimum wage and sick leave ordinance. Employers located in townships that have opted out do not need to follow the ordinance. However, if their employees do work in other parts

of the county that have not opted out (e.g. make deliveries or house calls), they will need to pay the higher minimum wage and allow accrual of paid sick leave for those hours. We recommend before assuming the ordinance does not apply to you to contact your township to confirm first.

If you need to create a new policy or wish to have your current one reviewed to ensure compliance we are offering our HR On-Demand product **free** for the first month. More details for the product are included below as well as pricing beyond the initial free month. You may cancel these services as any time without penalty.

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