

Chicagoland Chamber of Commerce - Paid Leave Laws By Level of Government

	Chicago Paid Leave and Paid Sick and Safe Leave Ordinance		State of Illinois Paid Leave for All Workers Act	Cook County Paid Leave Ordinance
	Sick Time	Paid Time Off	Paid Time Off	Paid Time Off
Effective Date	July 1, 2024	July 1, 2024	January 1, 2024	December 31, 2023
Employers	<u>All private employers and City of Chicago and sister agencies are covered</u>	<u>All private employers and City of Chicago and sister agencies are covered</u>	<u>All private employers and the State and most units of local government/agencies</u>	<u>All private and most public employers (including State and local governments/agencies, but not school districts or Park Districts)</u>
Covered Employees	<u>All (part-time and full-time) employees of covered employers and domestic workers</u> , except 1. Elected Officials, 2. Railroad Workers, 3. Construction Industry Workers	<u>All (part-time and full-time) employees of covered employers and domestic workers</u> , except 1. Elected Officials, 2. Railroad Workers, 3. Construction Industry Workers	<u>All (part-time and full-time) employees of covered employers and domestic workers are covered</u> , except 1. Railroad and Airline Workers, 2. Student Workers working for a College/University, 3. Short-term College Employees	<u>All (part-time and full-time) employees of covered employers and domestic workers</u> , except 1. Railroad Workers, 2. Student Workers working for a College/University, 3. Short-term College Employees
Exempt Employees	City-employed seasonal workers, OEMC traffic workers, interns for any employer, railroad workers, construction workers, elected officials, and public sector workers employed by the County, State, or federal government	City-employed seasonal workers, OEMC traffic workers, interns for any employer, railroad workers, construction workers, elected officials, and public sector workers employed by the County, State, or federal government	School Districts and Park District Employees and Construction Workers are exempt	School Districts and Park District Employees and Construction Workers are exempt
Number of Days	10 Days		5 Days	5 Days
Accrual Rate	5 days 1 hour of leave earned per 35 hours worked, capped at 40 hours	5 days 1 hour of leave earned per 35 hours worked, capped at 40 hours	1 hour of leave earned per 40 hours worked, capped at 40 hours	1 hour of leave earned per 40 hours worked, capped at 40 hours
Usage Date	30 days	90 days	90 days	90 days
Minimum Increments	Employees are able to claim their PSL in as little as 2-hour increments per day	Employees are able to claim their PTO in as little as 4-hour increments per day	Employees are able to claim their PTO in as little as 2-hour increments per day	Employees are able to claim their PTO in as little as 2-hour increments per day
Notice and Documentation	Notice provided 7 days out if foreseeable; documentation may be requested after 3 rd consecutive day	Employer may establish pre-approval policy to ensure continuity of business operations; Cannot require documentation	Notice may be required to be provided to an employer 7 days out if the leave is foreseeable, and an employer is allowed to establish requirements around unforeseeable leave	Notice may be required to be provided to an employer 7 days out if the leave is foreseeable, and an employer is allowed to establish requirements around unforeseeable leave
Yearly Rollover	10 days* (or 80 hours) every year	If PTO is front-loaded, NO rollover is required If PTO is not front-loaded, 2 DAYS must be allowed to rollover	If PTO is front-loaded, NO rollover is required If PTO is not front-loaded, any unused and accrued days may be rolled-over (subject to 40 hour leave cap)	If PTO is front-loaded, NO rollover is required If PTO is not front-loaded, any unused and accrued days may be rolled-over (subject to 40 hour leave cap)
Payout	Not required	Businesses with 50 or less employees will not be required to payout unused paid time off. Businesses with 51-100 employees must pay 2 days of unused time from 1/1/24 through 7/1/25 and, beginning 7/1/25, up to 7 days of unused paid time off Businesses with 101 or more employees must payout all unused, accrued Paid Leave (at most, 7 days or 56 hours)	None Required	None Required
Union Contracts	CBAs may choose to waive paid leave rights under the Ordinance	CBAs may choose to waive paid leave rights under the Ordinance	CBAs may choose to waive paid leave rights under the Act; the Act, further, does not impair any existing CBA covering State agency employees in effect on July 1, 2024	CBAs may choose to waive paid leave rights under the Act; the Act, further, does not impair any existing CBA.
Enforcement Agency	Enforced by the City's Office of Labor Standards (under BACP)	Enforced by the City's Office of Labor Standards (under BACP)	Enforced by the Illinois Department of Labor	Enforced by the Cook County Commission on Human Rights
Fines	The Department may impose penalties of \$1,000-\$3,000 for each separate offense. The Department may also impose penalties of \$500-\$1,000 on employers that do not properly meet the posting and notice requirements provided in the Ordinance.	The Department may impose penalties of \$1,000-\$3,000 for each separate offense. The Department may also impose penalties of \$500-\$1,000 on employers that do not properly meet the posting and notice requirements provided in the Ordinance.	The Department may impose fines of \$2,500 for each separate offense. The Department may also impose penalties of \$500-\$1,000 on employers that do not properly meet the posting and notice requirements provided in the Act.	The Commission may impose penalties of \$2,500 for each separate offense. The Commission may also impose penalties of \$500-\$1,000 on employers that do not properly meet the posting and notice requirements provided in the Ordinance.
State Law Applicability	Exempt	Exempt	Does not apply to any employer that, as of January 1, 2024, is already required by a City or County to provide paid or sick leave. However, applies to any employer that is otherwise not covered by local Ordinance. Requires any City or County that enacts a local paid or sick leave Ordinance AFTER 1/1/24 to meet or exceed the benefits, rights, and remedies provided by the Act.	Exempt

Private Right of Action	Private right of action under existing Paid Sick Leave ordinance is retained for violation prior to July 1, 2024	Delay of private right of action enforcement through July 1, 2025; OLS enforcement available upon effective date; <i>until July 1, 2026, a PRA may not be commenced until an alleged violation has occurred and up to 16 days after a violation occurred</i>	None	Private right of action under existing Paid Sick Leave ordinance is retained, however, extends the statute of limitations for employees to file complaints with the Commission to 3 years and also provides that damages for a PRA will be equal to underpayment, compensatory damages, and a penalty of not less than \$500-\$1,000; <i>remedies for violations of the paid leave provisions may not occur until after January 31, 2024.</i>
* Day calculations are based on employees working 8 hour days / 40 hour weeks				