

City of Chicago Is Teeing Up For Mandated Paid Sick Leave

Labor & Employment Law Update

By Heather Bailey on June 21, 2016

On June 17, 2016, the City of Chicago took one step closer into joining the ranks of requiring employers to give paid sick leave to their employees when the City Council's Committee on Workforce Development and Audit unanimously voted on the Ordinance to do just that. If passed, Chicago will join 26 other cities (such as New York City, NY, Newark, NJ, and Philadelphia, PA), along with Washington, DC and five states (California, Connecticut, Massachusetts, Oregon and Vermont), who have also passed similar mandated paid sick leave for workers.

The Ordinance as currently proposed will be applicable to an employer of any size – this means all companies with employees in Chicago will be required to comply. Any employee who works at least 80 hours in a four month time span will qualify. Thus, this new Ordinance applies to part-time employees as well. Employees will accrue 1 hour of sick leave for every 40 hours they work – with a cap of 5 days paid leave per 12 month period.

The proposed Ordinance offers the following struggles for business owners:

- Up to 20 hours (half of the allotted time can be carried over to the next year, with 40 hours of carry over to be used towards FMLA leave).
- Employers could not require that employees must find their replacement to cover their shift while they use the paid sick leave.
- Employees could use the time off for more than just being sick (i.e., closure of a school or business due to a public health emergency, domestic violence).
- Companies without Human Resources Departments will have a harder time administering the leave and curbing use-abuse by employees.

Some of the Pros for business owners:

- Any earned but unused sick leave would not need to be paid to employees leaving the company for any reason.
- Employers could require a seven day notice for any foreseen absences such as a pre-planned doctor's appointment.
- Temporary and seasonal workers will be excluded since they won't be able to meet the 6-month waiting period to use the time once it starts accruing.
- Employers would get one year to implement due to the effective date of July 1, 2017, if passed.

- Current collective bargaining agreements do not need to be modified to include paid sick leave or amend existing provisions, as well as, negotiations for future contracts could waive the paid sick leave requirement.
- If an employee is absent 3 consecutive days, the employer could require a doctor's note or other legitimate proof for the time off.

Stay tuned as the full City Council votes on the mandatory paid sick leave Ordinance tomorrow, Wednesday, June 22nd.

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