

Paid Sick Leave In Chicago And Cook County: Are You Compliant With Notice And Carry Over Requirements?

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For a year now, the City of Chicago and Cook County paid sick leave ordinances have required employers to provide at least a minimum amount of paid sick leave to eligible employees. As the July 1 anniversary approaches, employers are reminded that certain aspects of the ordinances may require attention as a new year starts.

- **Calculation of carry-over.** If an employer has not opted for an “immediate grant” to employees of their full paid sick leave entitlement at the start of each year, then the start of each new benefit year is the time to ensure that carry over of accrued-but-unused paid sick time is properly calculated and recorded for each eligible employee. For employers covered by the Family and Medical Leave Act, this includes tracking whether an employee is entitled to carry over unused time to be restricted to use for FMLA-eligible purposes.
- **Notices.** Employers are required to post the Notice of Paid Sick Leave in their facilities and to provide the notice to each new employee with their first paycheck after hire (under the Chicago ordinance) or no later than their date of coverage or eligibility (under the Cook County ordinance). Also, under the Cook County ordinance, after providing the first notice employers must provide a subsequent notice to employees with their paychecks or paycheck deposit notifications at least once annually.
- **Collective Bargaining Agreements.** When the Chicago and Cook County ordinances came into effect, the new requirements did not apply to employees who were covered by collective bargaining agreements that were already in effect on July 1, 2017. However, any subsequent contracts should address the subject. The requirements of the paid sick leave ordinances may be waived under subsequent collective bargaining agreements if done so explicitly and in clear and unambiguous terms.

These are just a few of the highlights of the paid sick leave law requirements; it is recommended that employers seek the assistance of their legal advisors for a review of their specific policies and for questions concerning accrual, carry over, and usage requirements. Also note that while a large number of municipalities in Cook County (outside of Chicago) have opted out of application of the Cook County requirements, coverage may be implicated if an employee performs work in an area that has not opted out. The City of Chicago notice is available [here](#) and the Cook County model notice is available [here](#).

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