



Comparison of the Key Provisions of the City of Chicago 2017 Paid Sick Leave Ordinance and the 2024 Paid Leave And Paid Sick And Safe Leave Ordinance
(current as of November 15, 2023)¹

Subject	2017 Ordinance	2024 Ordinance
Covered employer	Employer must employ at least 1 covered employee who works in the City of Chicago (note that this could arguably include work from the employee’s home if the employee is <i>permitted</i> to telecommute) (See Ordinance, 6-105-010, “employee”; Rules, Article 1, Section 1, “covered employee”).	Same as ← See Ordinance, 6-130-010.
Covered employee	An employee who works for a minimum of 2 hours in any two-week period in Chicago (note that work from home in Chicago may count if such work is <i>permitted</i> by the employer). See Ordinance, 6-105-010; Rules, Article 1, Section 1 Exempt employees (among others): Certain employees subject to various subsections of the Illinois Minimum Wage Law, employees of any subsidized temporary youth program, employees of any governmental entity other than the City of Chicago, certain employees covered by a collective bargaining agreement. See Ordinance, 6-105-010; Rule MW 1.05.	Same as ← The definition of “covered employee” also includes domestic workers. See Ordinance, 6-130-010. A “domestic worker” is a person whose primary duties include housekeeping; house cleaning; home management; nanny services, including childcare and child monitoring; caregiving, personal care or home health services for elderly persons or persons with illnesses, injuries, or disabilities who require assistance in caring for themselves; laundering; cooking; companion services; chauffeuring; and other household services to members of households or their guests in or about a private home or residence, or any other location where the domestic work is performed. See Ordinance, 6-100-010.
Eligibility to use paid sick leave	Employee must work 80 hours within any 120-day period. However, the employer may	Paid Sick Leave: Employees must be permitted to use accrued Paid Sick Leave no

¹ This chart is intended to highlight the key provisions of the City of Chicago Minimum Wage and Paid Sick Leave Ordinance, effective July 1, 2017 (the “[2017 Ordinance](#)”), and the Chicago Paid Leave and Paid Sick and Safe Leave Ordinance, effective January 1, 2024 (the “[2024 Ordinance](#)”) (collectively the “Ordinances”), and the rules interpreting the ordinances, if applicable. The chart is not intended to include all provisions and terms of the Ordinances or their corresponding rules. Users should review the full text of the Ordinances and corresponding rules to confirm the scope and applicability of the Ordinances. This document shall in no way constitute legal advice or form any attorney-client relationship.

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	<p>establish a use waiting period prohibiting the employee from using paid sick leave until as late as 180 days after the start of employment. <i>See Ordinance, 6-105-045(a)(1), (c)(1); Rules MW 3.03, 3.08.</i></p>	<p>later than on the 30th calendar day following commencement of employment.</p> <p>Paid Leave: Employees must be permitted to use accrued Paid Leave no later than on the 90th calendar day following commencement of employment.</p> <p><i>See Ordinance, 6-130-030(d).</i></p>
<p>Applicable pay rate for paid time off</p>	<p>Where a covered employee is engaged in an occupation in which gratuities are earned, the employer shall pay at least the full Chicago minimum wage for paid sick leave. <i>See Ordinance, 6-105-045(a)(2).</i></p>	<p>The rate of pay for paid time off shall be the employee’s regular rate of pay, excluding overtime, premium pay, gratuities and commissions. However, the minimum hourly pay shall not be less than the base hourly wage, the federal minimum wage, the Illinois minimum wage, or the Chicago minimum wage, whichever is higher. For employees who customarily receive gratuities, the employer must pay the highest of the federal minimum wage, the Illinois minimum wage, or the <u>full</u> Chicago minimum wage. <i>See Ordinance, 6-130-020(a)(2).</i></p>
<p>Rate of accrual of paid sick leave</p>	<p>(a) 1 hour of paid sick leave per 40 hours worked in Chicago.</p> <p>(b) Overtime exempt employees are assumed to work 40 hours per week, unless their normal workweek is less than 40 hours, in which case paid sick leave shall accrue based upon that normal work week.</p> <p>(c) Employers need not award paid sick leave in fractional increments.</p> <p>(d) Employers may front load paid sick leave to avoid having to track accrual.</p> <p><i>See Ordinance, 6-105-045(b)(2)-(3); Rule MW 3.04(b), (c), (e); Rule MW 3.05.</i></p>	<p>(a) 1 hour of Paid Sick Leave and 1 hour of Paid Leave for every 35 hours worked.</p> <p>(b) Same as ←</p> <p>(c) In the alternative to (a), if an employer offers more hours of leave than the minimum, the employer may credit the applicable Paid Leave and Paid Sick Leave time on a monthly basis, instead of accruing.</p> <p>(d) Paid leave shall accrue only in hourly increments.</p> <p><i>See Ordinance, 6-130-030(b)(1).</i></p>
<p>Date of initial accrual</p>	<p>The later of July 1, 2017 or the first calendar day after the start of employment in Chicago (so if an employee worked for a covered employer prior to July 1, 2017, but worked for the employer in another city, the date of</p>	<p>January 1, 2024 or the first calendar day of a covered employee’s employment. <i>See Ordinance, 6-130-030(b)(1).</i></p>

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	initial accrual would not begin until the employee worked for the employer in Chicago for 2 hours in a two-week period). See Ordinance, 6-105-045(b)(1); Rule MW 3.04(a)	
Maximum accrual per year	40 hours per 12-month period (with some exceptions). See Ordinance, 6-105-045(b)(4); Rule MW 3.08(c), (d).	<p>40 hours of Paid Leave and 40 hours of Paid Sick Leave (total 80 hours), unless the employer sets a higher limit. See Ordinance, 6-130-030(b)(2).</p> <p>The Ordinance also expressly allows unlimited paid time off, instead of following an accrual model. If unlimited paid time off is granted, no carryover is required. See Ordinance, 6-130-030(g).</p>
Frontloading	Allowed	Allowed. Employers may immediately grant employees 40 hours of Paid Leave or 40 hours of Paid Sick Leave or both on the first day of employment or the first day of the 12-month accrual period. See Ordinance, 6-130-030(f).
Carryover of unused and accrued paid leave	<p>Depends on whether covered employer is FMLA eligible:</p> <p>(a) for non-FMLA eligible: Half of unused hours may be carried over into the following year, up to 20 hours.</p> <p>(b) for FMLA eligible: the employee may carry over up to 40 hours of accrued and unused paid sick leave to be used exclusively for FMLA purposes. This is in addition to the carryover of a maximum of 20 hours of regular paid sick leave.</p> <p>(c) the carryover must be in hourly increments, and may not be fractional. Therefore, if the employee has an odd number of accrued and unused sick leave hours, that amount should be rounded up before calculating the carryover.</p> <p>(d) employers may front load carryover to avoid individualized calculations of the</p>	<ol style="list-style-type: none"> 16 hours of Paid Leave and 80 hours of Paid Sick Leave (except as noted below). The employer does not need to pay an employee for leave lost as a result of not being able to carry it over; however, if an employer denies an employee the ability to meaningfully use paid leave, the employer must increase the employee's permissible carry over to include carryover of any such denied leave. See Ordinance, 6-130-030(c). <p>If an employer frontloads 40 hours of Paid Leave, then the employer is <u>not</u> required to carryover an employee's unused Paid Leave hours. The same does <u>not</u> apply to frontloaded Paid Sick Leave. See Ordinance, 6-130-030(f).</p> <p>If an employee has accrued Paid Sick Leave</p>

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	<p>amount of unused earned sick leave to be carried over from one accrual period to the next.</p> <p>See Ordinance, 6-105-045(b)(5)-(6); Rule MW 3.06(a), (d)</p> <p>If the employer frontloads 40 hours of paid sick leave for non-FMLA eligible and 60 hours for FMLA eligible (40 hours for FMLA leave and 20 hours for ordinance paid sick leave, or 40 hours for ordinance paid sick leave and 20 hours for FMLA leave) at the beginning of the covered employee’s 12-month benefit period, the employer is not required to carryover hours from one year to the next. See Rule MW 3.05</p> <p>If the benefit year begins after an employee start date, up to 20 hours of any accrued paid sick leave shall be carried over. Unlike normal carryover, where the figure gets halved, all of the unused accrued paid sick leave, up to 20 hours, is carried over. Rule MW 3.06(b)</p>	<p>prior to 1/1/24, and the employer’s existing paid time off policy does not comply with the requirements of the new ordinance, any paid sick leave that the employee is entitled to roll over from one 12-month period to the next shall be transferred to paid sick leave. See Ordinance, 6-130-020(b).</p>
<p>Permissible uses for accrued paid leave</p>	<p>Paid Sick Leave: When the employee or a family member is ill, injured, seeking medical care, treatment, or diagnosis, the victim of domestic violence or stalking, or when the employee’s child’s school or daycare or the employee’s place of business is closed by order of federal, state or local government for a public health emergency. See Ordinance, 6-105-045(c)(2)</p> <p>Paid Leave: not provided</p>	<p>Paid Sick Leave: A covered employee may use Paid Sick Leave when: (a) the employee is ill or injured, or for the purpose of receiving professional care, including preventative care, diagnosis, or treatment, for medical, mental or behavioral issues, including substance use disorders; (b) a family member is ill, injured or ordered to quarantine, or to care for a family member receiving professional care, including preventative care, diagnosis, or treatment, for medical, mental or behavioral issues, including substance use disorders; (c) the employee or a family member is the victim of domestic violence or a sex offense; (d) the employee’s place of business is closed by order of a public official due to a public health emergency, or the employee needs to care</p>

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		<p>for a family member whose school, class or place of care has been closed; (e) the employee obeys an order issued by the Mayor, the Governor, the Chicago Department of Public Health, or a treating healthcare provider requiring the employee to stay home or quarantine. <i>See Ordinance, 6-130-030(i)(1).</i></p> <p>Paid Leave: A covered employee may use Paid Leave for <u>any</u> reason of the employee’s choosing. An employer may not require an employee to provide a reason for such leave and may not require them to provide documentation to support the leave. <i>See Ordinance, 6-130-030(h).</i></p> <p>The employee can choose whether to use Paid Sick Leave or Paid Leave prior to using any other leave provided by the employer, the city, state or federal law. <i>See Ordinance 6-130-030(d).</i></p>
<p>Maximum use of accrued paid sick leave per accrual period</p>	<p>Maximum of 40 hours, unless the employer allows for more. Also, if the employer/employee are FMLA eligible, the maximum use could be as high as 60 hours. <i>See Ordinance, 6-105-045(c)(1); Rule MW 3.08(c), (d).</i></p> <p>Note that the employee’s sick leave bank could be greater than what they are actually entitled to use.</p>	<p>Maximum of 40 hours of Sick Leave and 40 hours of Paid Leave (80 hours total), unless an employer allows for more.</p> <p><i>See Ordinance 6-130-030(b)(2).</i></p>
<p>Increments of use</p>	<p>Minimum of 1 hour. Leave can be taken in hourly increments unless the employer establishes a written minimum use policy. <i>See Rule MW 3.08(b)</i></p>	<p>Employers may set a reasonable minimum increment requirement, not to exceed 4 hours for Paid Leave or 2 hours for Paid Sick Leave per day. However, if an employee’s regularly scheduled workday is less than these minimum increments, the minimum increment must not exceed the employee’s regularly scheduled workday. <i>See Ordinance, 6-130-030(e).</i></p>

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<p>Remuneration for unused paid time off</p>	<p>Employer is <u>not</u> required to compensate employee for unused sick leave upon separation from employment, unless a collective bargaining agreement provides otherwise. See Ordinance, 6-105-045(a)(3); Rule MW 3.11(c)</p>	<p>Unless otherwise provided in a collective bargaining agreement (and except as noted below), upon an employee’s separation or whenever the employee ceases to meet the definition of a covered employee as a result of a transfer outside of Chicago:</p> <ul style="list-style-type: none"> (a) the employer must pay the monetary equivalent of all unused, accrued Paid Leave (not Paid Sick Leave) as part of the employee’s final compensation; (b) for employers with <u>unlimited</u> paid time off policies, the employer must pay the monetary equivalent of 40 hours of paid time off, minus the hours of paid time off used by the employee in the 12-month period before the date of separation. If the employee used more than 40 hours of paid time off, then no payment is due; and (c) whenever an employee has not been offered a work assignment for 60 days, the employer must notify the employee in writing that they may request payout of their accrued, unused Paid Leave time. <p>However:</p> <ul style="list-style-type: none"> • a small employer (50 or fewer employees), is <u>not</u> required to pay out accrued Paid Leave at separation. For medium employers (51-100 employees), payout is limited to a maximum of 16 hours until 12/31/24, unless the employer sets a higher limit. After 1/1/25, medium employers must pay out all accrued and unused paid leave. • an employer is not required to pay an employee for accrued but unused Paid Sick Leave. <p>Other than a collective bargaining agreement, no other employment contract or policy may provide for forfeiture of earned paid leave upon separation.</p>

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		See Ordinance, 6-130-020(a)(4); 6-130-030(g); 6-130-040(b); 6-130-050(d).
<p>Notice and documentation from covered employee relating to use of paid leave</p>	<p>If the need for paid time off is reasonably foreseeable, the employer may require up to seven (7) days’ notice before paid time off is taken. If the need for paid time off is not reasonably foreseeable, an employer may require notice as soon as is practicable on the day the employee intends to take paid time off by notifying the employer, which may include by telephone, e-mail, or text message. Needs that are “reasonably foreseeable” including, without limitation, prescheduled appointments with health care providers and court dates. 6-105-045(c)(4); Rule MW 3.12</p> <p>Employer may require certain documentation when employee is absent for more than 3 consecutive work days. A special rule exists for employees of a common carrier regulated by the railway Labor Act. See Ordinance, 6-105-045(c)(5); Rule MW 3.14</p>	<p>Same as ←</p> <p>An employer may not require an employee to obtain preapproval before using Paid Sick Leave, but they may require preapproval for use of Paid Leave.</p> <p>There is a rebuttable presumption that an employer has violated the Ordinance if the employer requires documentation before receiving notice that the employee will be absent for a third consecutive day and using Paid Sick Leave. The employer may not delay payment of wages on the basis that the employer has not received the required certification.</p> <p>An employee may be disciplined for using Paid Sick Leave for reasons other than those outlined in the Ordinance.</p> <p>See Ordinance, 6-130-030(g), (h), (i)(2)-(4).</p>
<p>Application to collective bargaining agreements</p>	<p>Nothing in the Ordinance shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work different from the applicable minimum standards of the Ordinance.</p> <p>The Ordinance does not affect the validity or change the terms of a bona fide collective bargaining agreement in force on 7/1/17. After that date, requirements of the Ordinance may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.</p>	<p>Same as ← (but the relevant collective bargaining agreement date is January 1, 2024)</p> <p>See Ordinance, 6-130-040(a).</p>

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	<p>The Ordinance does <u>not</u> apply to any employee working in the construction industry who is covered by a bona fide collective bargaining agreement.</p> <p>See Ordinance, 6-105-060.</p>	
Notice/Posting	<p>Employer is required to post a notice of employee’s rights under the Ordinance as well as provide each covered employee with a notice of rights in their first paycheck. See Ordinance, 6-105-070; Rule MW, 1.04.</p>	<p>Same as ←. Employers that do not maintain a business facility within Chicago and worksite for domestic workers are exempt from the physical posting requirement.</p> <p>In addition to notice on the first paycheck, employers must provide annual notice of employee rights under the Ordinance with a paycheck issued within 30 days of July 1.</p> <p>Employers must also provide employees with written notification each time wages are paid stating the updated amount of Paid Leave and Paid Sick Leave available, including use and accrual rates. However, employers who credit employees with leave on a monthly basis may make such notice available on a monthly basis. Employers may develop an online system where employees can access their paid time off information.</p> <p>Employers must provide employees with written notice of the employer’s paid time off policy, including any notification requirements, at the commencement of employment and within 5 calendar days before any change to the paid time off policy requirements. 14-days’ written notice is required for changes to the paid time off policy that affects an employee’s right to final compensation for such leave.</p> <p>Employers must provide employees who have not been offered a work assignment for 60 days, with a written notice that the employee may request a payout of their accrued, unused Paid Leave time.</p>

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		See Ordinance, 6-130-050.
Required recordkeeping of covered employer	Employer must maintain, at a minimum, 12 different types of records relating to a covered employee for a period of not less than 5 years. See Ordinance, 6-105-120; Rule MW 1.06	Same as ←, except records may be required to be retained for longer for the duration of any claim, civil action or investigation pending. Employers must provide employees with a copy of the records upon the employee’s request. See Ordinance, 6-130-110.
Prohibited acts under the Ordinance (these lists should not be read as exhaustive)	<ul style="list-style-type: none"> • requiring a covered employee to find coverage as a condition of using earned sick leave. • retaliating against a covered employee for exercising his rights under the Ordinance. • paying a covered employee not to take earned sick leave. <p>See Ordinance, 6-105-045(c)(3), 6-105-080; Rule MW 3.11(b)</p>	<ul style="list-style-type: none"> • requiring an employee to search for or find a replacement worker to cover the hours during which an employee is on leave. • retaliating against a covered employee for exercising rights under the Ordinance. • interfering with, denying, or changing an employee’s work days/hours to avoid time off. <p>See Ordinance, 6-130-020(a)(6), (c).</p>
Successor employer	Unused paid sick leave shall be retained by the covered employee if the employer sells, transfers, or otherwise assigns the business to another employer and the covered employee continues to work in the City of Chicago. See Ordinance, 6-105-045(b)(8); Rule MW 3.13	Same as ← See Ordinance, 6-130-020(d).
Ordinance enforced by:	City of Chicago’s Department of Business Affairs and Consumer Protection	Same as ←
Administrative remedies	Fines of not less than \$500 nor more than \$1,000 for each offense, license suspension or revocation, restitution to the covered employees and former covered employees. See Ordinance, 6-105-100; Rules MW 4.02(d)	Fines between \$1,000 and \$3,000 for each offense, except for violations of 6-130-050(a) or (b), which shall be \$500 for the first violation and \$1,000 for any subsequent violation. Each day that a violation continues is a separate offense. See Ordinance, 6-130-080.

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Damages in civil action	Damages up to 3 times the full amount of any unpaid sick leave denied or lost, plus interest, attorney’s fees and costs. See Ordinance 6-105-110.	Same as ←. A private right of action relating to Sick Leave is available as of 12/31/23. A private right of action for violation of the Paid Leave provisions shall not be available until January 1, 2025. See Ordinance, 6-130-090; 6-130-100.

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