

Cook County, Illinois, Replaces Earned Sick Leave Ordinance With Paid Leave Ordinance

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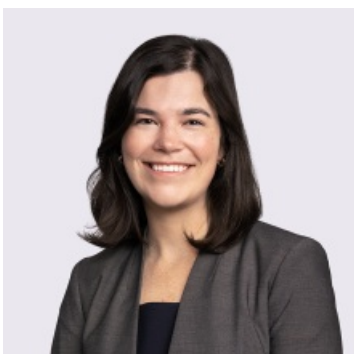


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For Illinois employers, the new year brings a variety of new paid leave laws, the most recent being the Cook County [Paid Leave Ordinance](#) passed by the Cook County Board of Commissioners on Dec. 14, 2023.

The Cook County Paid Leave Ordinance supersedes the preexisting Cook County Earned Sick Leave Ordinance and requires employers to offer paid leave that can be used for any reason to most Cook County employees. Effective Dec. 31, 2023, the new Ordinance entitles covered employees to earn and use up to 40 hours of paid leave annually.

The language of the Cook County Paid Leave Ordinance largely mirrors that of the statewide [Paid Leave for All Workers Act](#) (PLAWA), which is taking effect on Jan. 1, 2024.

The recently delayed [Chicago Paid Leave and Paid Sick and Safe Leave Ordinance](#) which is taking effect on July 1, 2024, rounds out new paid leave laws for Illinois employers.

Employees and Employers Not Covered

The Cook County Paid Leave Ordinance covers all employees in Cook County, except for:

1. Employees as defined in the federal Railroad Unemployment Insurance Act, 45 U.S.C. § 351, *et seq.*;
2. Temporary college or university student-employees;
3. Short-term employees employed by higher education institutions for fewer than two consecutive quarters during a calendar year who do not expect to be rehired by the same employer the following year; and
4. Employees in the construction industry who are covered by a bona fide collective bargaining agreement.

Under the Ordinance, “Employer” does not include:

1. The government of the United States;
2. An Indian tribe or corporation owned by an Indian tribe; or
3. The government of Illinois, including any State agency or department.

Accrual, Carry Over, and Frontloading

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Related Services

Disability, Leave and Health
Management

Employees who work in Cook County are entitled to accrue at least one hour of paid leave for every 40 hours worked, up to 40 hours per 12-month period. If an employer provides paid leave on an accrual basis, the Cook County Paid Leave Ordinance provides that employees may carry over up to 40 hours of unused accrued paid leave annually.

Employers may frontload the minimum number of hours of paid leave to employees on their first day of employment or the first day of the 12-month period chosen by the employer. Employers that frontload at least 40 hours of paid leave are not required to allow carryover of unused paid leave from year to year.

Paid Leave Use

Under the Cook County Paid Leave Ordinance, employers may set a minimum increment for the use of paid leave of no more than two hours per day.

While the Ordinance provides that paid leave must begin to accrue at the commencement of employment or on the Dec. 31, 2023, effective date of the Ordinance (whichever is later), employees are not entitled to begin using paid leave until 90 days after the start of their employment or 90 days after the Ordinance's effective date (meaning March 30, 2024).

Employers may require up to seven days' advance notice of the need for use of paid leave if the need for leave is foreseeable or as soon as practicable if the need is unforeseeable. However, employers may not require documentation for the use of paid leave.

Employers are not required to pay employees for unused paid leave provided pursuant to the Ordinance upon separation from employment. However, if paid leave is credited to an employee's preexisting paid time off or vacation bank, any unused paid leave must be paid to an employee upon the employee's separation.

Preexisting Policies and Collective Bargaining Agreements

Like the PLAWA, the Cook County Paid Leave Ordinance states an employer that provides a paid leave policy that offers an employee the option, at the employee's discretion, to take up to 40 hours of paid leave for any reason annually is not required to modify its preexisting policy.

The Ordinance does not affect the validity or change the terms of a valid collective bargaining agreement in effect on Jan. 1, 2024. After Jan. 1, 2024, a bona fide collective bargaining agreement may waive the requirements of the Ordinance only if the waiver is set forth explicitly in the agreement in clear and unambiguous terms.

Recordkeeping

The Cook County Paid Leave Ordinance requires employers to make and preserve records documenting hours worked, paid leave accrued and taken, and remaining paid leave balances for each employee for at least three years.

Employers that provide paid leave on an accrual basis must provide notice of the amount of paid leave accrued or used by an employee at the employee's request.

Notice

Employers must post a paid leave notice that will be provided by the Cook County Commission on Human Rights in a conspicuous place at each facility in the County. If an employer's workforce has a significant portion of non-English speakers, the employer must post a notice in the appropriate language, which will be provided by the Commission. This notice must also be provided to employees at the commencement of their employment.

Employers are encouraged to monitor [Cook County's website](#) for updates.

For more information about the Cook County Paid Leave Ordinance, the Paid Leave for All Workers Act, the Chicago Paid Leave and Paid Sick and Safe Leave Ordinance, or other paid leave laws, please contact a Jackson Lewis attorney.

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