

April 8, 2020

FREQUENTLY ASKED QUESTIONS - OVERVIEW

Question: What is Chicago's Paid Sick Leave Law?

Answer: **First, qualify for and earn paid sick leave:**

If you work at least 80 hours in any 120-day period in Chicago, you qualify for paid sick leave. For every 40 hours worked, you earn one hour of paid sick leave. You can earn up to 40 hours of paid sick leave in any 12-month period, unless the employer sets a higher limit. The 12-month period starts when you first start to earn paid sick leave. For details on how to use paid sick leave, see below.

Second, use paid sick leave:

You can use the paid sick leave you have earned when you or a family member is sick, injured, receiving medical care, or is a victim of domestic violence or a sex offense. You can also use paid sick leave when your place of work has been ordered to close due to a public health emergency, or you must care for a child whose school has been ordered to close due to a public health emergency.

Finally, how to submit complaints:

Call 3-1-1. Violations are handled by the Office of Labor Standards in most instances.

Question: How does the Stay at Home Order protect workers?

Answer:

Under Governor Pritzker's Stay at Home Order, non-essential businesses are required to remain closed until the end of April. Workers at non-essential businesses should not be going to work. Additionally, essential businesses are required to put in place steps to ensure social distancing. This includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Required measures. Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:

- i. **Designate six-foot distances.** Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;

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- ii. **Provide hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers;
- iii. **Designate separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers; and
- iv. **Provide online information and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

Question: **What is the federal Families First Coronavirus Relief Act (FFCRA) and can it help me during the pandemic?**

Answer: The Families First Coronavirus Relief Act was passed by Congress and signed into law by the president. It has an effective date of April 1, 2020. There are provisions related to Unemployment Insurance, Emergency Paid Sick Leave and the Emergency Family Medical Leave Act.

The Emergency Paid Sick Leave sections of the FFCRA generally applies if you work for an employer that has less than 500 employees. You will be eligible for Emergency Paid Sick Leave in the following circumstances exist:

All current full- and part-time employees currently scheduled but unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the child care provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

Up to two weeks of paid sick leave is available to qualifying employees.

For specifics on the FFCRA see the Department of Labor's website (<https://www.dol.gov/>).

Question: What are the resources for those that are laid off, furloughed, or let go?

Answer: Employees can file for unemployment insurance with the Illinois Dept. of Employment Security. See IDES website at:
<https://www2.illinois.gov/ides/Pages/default.aspx>

In order to process the extremely high volume of unemployment benefit claims due to COVID-19, IDES has implemented a schedule for those filing claims online and over the phone.

Given that claims are evaluated on a case by case basis, please visit the DES website to determine if you qualify for benefits. Some independent contractors and those without paperwork may not be eligible for benefits.

FREQUENTLY ASKED QUESTIONS - SCENARIOS

Question: I'm sick and my employer refuses to let me go home. What should I do?

Answer: Under [Chicago's March 18 Public Health Order](#), residents exhibiting symptoms of COVID-19 are required to stay at home, even if they work at an essential business. Furthermore, the Families First Coronavirus Response Act (FFCRA) guarantees certain employees two weeks of sick time for COVID-19 related absences. Employers that require sick employees to work, or discipline them for taking sick leave under the Order, could be in violation of [Chicago's Paid Sick Leave law](#). Employees can call 3-1-1 to submit a complaint.

Question: What should I do if I see businesses that are operating in violation of the Stay at Home order?

Answer: Under [Governor Pritzker's March 20 Stay at Home Executive Order](#), businesses not engaged in essential activities must cease all activities except for minimum basic operations and essential businesses that remain open must take proactive measures to ensure compliance with social distancing requirements. Residents and employees can call 3-1-1 to report businesses that are operating in violation of the order.

Question: Can employees that work at an essential business who have exhausted their sick time be disciplined for staying home?

Answer: All essential businesses must comply with the Social Distancing Requirements in the Stay at Home Order, and we encourage employers to be flexible if employees choose to stay home over fears about exposure to COVID-19. However, essential businesses that remain open do have the right to discipline employees for non-attendance unless they are using sick or other time as

approved by Chicago's Paid Sick Leave law or the Families First Coronavirus Response Act.

Question: **My employer approved my request to take sick leave because I am sick, but they aren't paying me. Does the Paid Sick Leave Ordinance apply?**

Answer: If you are not being paid while using your paid sick leave, file a complaint by calling 311, or using the CHI 311 app.

Question: **I've used three paid sick days in a row, and now my employer is asking that I provide certification that I am using paid sick leave for an allowable purpose. Is this allowed?**

Answer: While employers may require certification of an illness for sick leave absences of more than three days, we are encouraging all employers to be flexible with their sick leave policies during the COVID-19 outbreak. We are therefore asking that employers be flexible until such a time as employees may more readily provide health-related documentation.

For employees looking to take expanded medical leave under the Families First Coronavirus Response Act, an employer may require employees to follow reasonable notice procedures as soon as practical. That can be after the first workday or portion of a workday for which an employee receives paid sick leave in order to continue to receive such leave.

Question: **The school that my sister's son goes to has been closed due to COVID-19, and I need to stay home to take care of him. Can I use paid sick leave?**

Answer: Yes, you can use paid sick leave to care for a child whose school has been closed by order of a public official due to a public health emergency.

Question: **My employer is requiring that I continue to come to work. How do I know if I am working at an essential business?**

Answer: The full list of essential businesses can be found in the [Frequently Asked Questions](#) about the Stay at Home Order section on the www.chicago.gov/coronavirus website.

Question: **My employer is a non-essential business, as defined under the Stay at Home Order issued by the Governor, but my boss told me I have to show up to work or else be fired. What can I do?**

Answer: If it is a non-essential business, it has been ordered closed by the Governor's COVID-19 Order, and you are entitled to take paid sick leave. Retaliation for

taking paid sick leave is strictly prohibited. If you believe your business is non-essential but you are required to come to work anyway, you can file a complaint by calling 311 or using the Chi 311 app.

Question: **One of my co-workers at an essential business is sick and I am worried that they have COVID-19. Can I stay at home and get paid sick leave?**

Answer: if you work at an essential business as defined in the Shelter at Home Order issued by the Governor, you may leave your home to go to work. If you wish to stay at home, but are not displaying any symptoms, consult your employer's work policies to determine if you can apply for sick, vacation, personal or another form of leave.

There are steps that all essential businesses should follow if an employee, client or contractor is suspected or confirmed to have COVID-19. These include:

- Conducting a phone interview with the individual to determine timeline
- Informing fellow employees of possible exposure
- Ensuring that family members and direct close contacts stay home for 14 days
- Performing enhanced cleaning and disinfection.

Please read the CDPH Guidance for Businesses and Employers for full details of these critical steps.

Question: **What documents required when an employee applies for leave?**

Answer: Under Chicago's Paid Sick Leave law, an employer may require a note after three sick days in a row. However, employers are expected to accept a self-certification as documentation for use of sick time when acquiring a doctor's note proves difficult due to a public health emergency. We are encouraging all employers to be flexible with their sick leave policies during the COVID-19 outbreak.

For employees looking to take expanded medical leave under the Families First Coronavirus Response Act, an employer may require employees to follow reasonable notice procedures as soon as practical. That can be after the first workday or portion of a workday for which an employee receives paid sick leave in order to continue to receive such leave.

The Department of Labor (DOL) has said the employee must provide a signed statement containing:

- The employee's name.
- The date(s) for which leave is requested.
- The coronavirus-qualifying reason for leave.

- A statement that the employee can't work or telework because of this reason.

In addition, an employee must provide the name of the government entity that issued the quarantine or isolation order to which the employee is subject, if that is the reason for paid sick leave, according to the DOL.

An employee seeking leave because he or she is self-quarantined must provide the name of the health care provider making the quarantine recommendation. Someone caring for a person who is quarantined must provide either the government entity that issued the quarantine or isolation order or the name of the health care provider who advised the individual to self-quarantine.

The DOL said an individual requesting expanded family and medical leave to care for a child must provide:

- The name of the child being cared for.
- The name of the school, place of care or child-care provider that closed or became unavailable due to coronavirus reasons.
- A statement representing that no other suitable person is available to care for the child during the period of requested leave.

Sick leave regulations are evolving, so please visit the Department of Labor's website at www.dol.gov for more information.

Question: **My business is not considered an "Essential Business," does this order require the business to shut down my facility?**

Answer: You and your employees are allowed to perform "Minimum Basic Operations" at your work place, so long as employees maintain a distance of six feet from one another to the greatest extent feasible. Minimum Basic Operations include maintaining the value of inventory, payroll, ensuring security, and ensuring that employees can work remotely. Other than to maintain "Minimum Basic Operations," employees can only work remotely from their residences.