



Know Your Rights/Frequently Asked Questions

Your rights under Chicago's Paid Sick Leave Ordinance

Eligibility

- If you work at least 80 hours for an Employer in Chicago during a 120 day period you can earn Paid Sick Leave.

Earning 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.

Using 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 close due to a public health emergency, or you must care for a child whose school has been ordered close due to a public health emergency.

Carrying Over Unused Paid Sick Leave from Year to Year

- At the end of the 12-month period, you can carry over half of your unused Paid Sick Leave, up to a maximum of 20 hours, into the next 12-month period
- If you work for an employer that is subject to the Family and Medical Leave Act, you can, at the end of the 12-month period, carry over up to 40 hours of unused Paid Sick Leave, in addition to half of your unused Paid Sick Leave (up to a maximum of 20 hours), for use for Family and Medical Leave Act eligible purposes.

Employers that Provide Paid Time Off Instead of Paid Sick Leave

- If your employer provides you with paid time off in a manner that fulfills your right to paid sick leave, your employer is not required to provide additional paid leave. If you receive all of your paid time off immediately upon becoming eligible, rather than gradually over time, your employer must provide you with 40 hours of paid time off within one calendar year of your becoming eligible.

Retaliation

- Your employer cannot punish you for exercising your right to paid sick leave
- The City will investigate if your employer threatens you, cuts your hours, demotes you, takes disciplinary action, or any other adverse activity after you exercise your right to paid sick leave.

(Continued on second page)



Frequently Asked Questions

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'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. 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: 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 an employer may require a note after three sick days in a row, 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.

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.

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 call 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 some form of leave.



City of Chicago
Department of Business Affairs and Consumer Protection

City Hall, 121 N. LaSalle, Room 805, Chicago, IL 60602