



City of Chicago
Department of Business Affairs and Consumer Protection



Minimum Wage Enforcement Process Overview

STEP 1: Employee files complaint with BACP

- Employees can call 311 for information and/or to request a complaint affidavit be mailed to them. Employees can also download a complaint affidavit at www.cityofchicago.org/minimumwage.
- Employees must submit a completed and signed complaint affidavit, along with documentation supporting the underpayment claim, if available, to BACP in order to begin the complaint process.

STEP 2: BACP reviews the complaint for merit

- Upon receipt of complaint affidavit, BACP will review for completeness and timeliness and contact the employee if additional information or clarification is needed.
- BACP will review to confirm the complaint is a City of Chicago minimum wage violation. If necessary, BACP will refer to the State of Illinois for prosecution and/or assistance.

STEP 3: BACP notifies employer of employee complaint

- BACP will send a letter with a copy of the complaint alleging a violation of the ordinance to the employer seeking a response and voluntary resolution of the dispute within 14 days.

STEP 4A: Employer resolves underpayment and complaint is closed

- If the employer complies with the ordinance and resolves any underpayment within the 14-day window, BACP will close the complaint. Employers will be required to provide to BACP evidence of the payment of back wages due the covered employee in order to close the complaint.

STEP 4B: Employer does not resolve underpayment and BACP continues investigation

- If the employer does not voluntarily comply with the ordinance, BACP will continue the investigation and request the employee's wage payment records from the employer.
- BACP may issue administrative notices of violations, filed with the Department of Administrative Hearings, seeking payment of back wages to the employee, business license suspension or revocation, and/or fines payable to the City.

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Employee Private Right of Action

An employee has the right to file a private civil action against his or her employer in circuit court if the employee was paid less than the minimum wage required by law. Employees may be able to recover three times the amount of underpayment plus costs and reasonable attorney's fees.