

Overview of Paid Sick Time Laws in the United States

Updated on October 13, 2020

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit A Better Balance (abetterbalance.org)</p>	<p>Cook County and Chicago, IL</p>
<p>Who is covered? Note: City/county paid sick time laws cannot cover state government workers, and city, county, and state paid sick time laws cannot cover federal government workers.</p>	<p>Cook County: Workers in Cook County who work at least 80 hours for an employer within any 120-day period are covered. Workers employed by a unit of local government are exempted. Chicago: Workers in Chicago who work at least 80 hours for an employer within any 120-day period are covered. Government employees other than those who work for the City of Chicago and certain City agencies and certain camp counselors are exempted.</p>
<p>Can sick time be used to care for loved ones?</p>	<p>Yes: children; legal guardians or wards; spouses; domestic partners (including parties to a civil union); parents; parents of a spouse or domestic partner; grandparents; grandchildren; siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship.</p>
<p>How is "child" defined?</p>	<p>Biological, foster, or adopted children, stepchildren, legal guardians or wards, or a child to whom the worker stands in loco parentis.</p>
<p>Can sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?</p>	<p>Yes, when the worker or the worker's family member is the victim.</p>
<p>Can sick time be used under the law to bond with a new child and/or deal with a family member's death? Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.</p>	<p>If a worker is subject to the federal Family and Medical Leave Act (FMLA), they may carry forward up to 40 hours of unused paid sick time to be used for leave covered by the FMLA, which includes bonding with a new child (as well as certain military family needs). Paid sick time can't be used to deal with a family member's death.</p>
<p>Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?</p>	<p>Yes.</p>
<p>Rate at which workers earn paid sick time?</p>	<p>1 hour for every 40 hours worked.</p>
<p>Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?</p>	<p>No.</p>



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Cook County and Chicago, IL

Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)

Up to 40 hours a year.

When do workers begin to earn paid sick time?

On the first calendar day after the worker commences employment, but workers can be required to wait to use accrued paid sick time for up to 180 calendar days after commencement of employment.

Does unused sick time carry forward to the subsequent year?

Workers are entitled to carry forward half of their unused paid sick time, up to a maximum of 20 hours, but employers aren't required to allow use of more than 40 hours of paid sick time a year. However, as described earlier in this chart, workers subject to the FMLA may carry forward up to 40 hours of unused paid sick time for FMLA purposes. But, in Chicago, carry forward is not required if the employer 1) credits the worker with 40 hours of sick time up front within 180 days after the worker began working for the employer and 2) makes an additional 20 hours of paid sick leave available to the worker to be used for leave covered by the FMLA at the beginning of each benefit year.

Private Right of Action to go to Court?

Yes.

Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?

The law does not apply to construction industry workers covered by a CBA. After July 1, 2017, all or any part of the law doesn't apply to workers covered by a CBA to the extent that the CBA explicitly waives the requirements in clear and unambiguous terms.

What Agency or Official Enforces the Law?

Cook County: Cook County Commission on Human Rights Chicago: Chicago Department of Business Affairs and Consumer Protection

For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?

N/A

Statutory Citation(s)

Cook County Code § 42-1 et seq.; Chicago Code § 1-24-010 et seq.



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Additional Notes

The Chicago City Council unanimously adopted a paid sick time law, with the Mayor's support, on June 22, 2016. In addition to the description of covered workers in the chart, note that the Chicago law exempts workers who, in any 2-week period, perform fewer than 2 hours of work while physically present within Chicago are exempted. In addition to the information in the chart, please note as well that the following workers are not covered by the Cook County Law: workers who, in any 2-week period, perform fewer than 2 hours of work while physically present within Cook County; and workers who are employed in municipalities within Cook County that have opted out of the law.