

# Management Alert



## If Pain, Yes Gain—Part 59: More Cook County Municipalities Willingly Catching Sick Leave; Plus Year-End Reminders

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**Seyfarth Synopsis:** Following a Cook County, IL voter referendum where voters overwhelmingly expressed support for paid sick leave, certain Cook County municipalities are reversing course and “opting-in” to the County’s Earned Sick Leave Ordinance. As 2018 draws to a close, Cook County employers should remember to give employees annual notice of sick leave rights, and keep in mind that the “grace period” for dismissing investigations against employers who become Ordinance-compliant has been extended through July 2019.

### New “Opt-Ins” to Cook County Sick Leave Ordinance

The Cook County, IL Earned Sick Leave Ordinance (the “Ordinance”) [first went into effect on July 1, 2017](#).<sup>1</sup> However, more than 100 municipalities within the County chose to “opt out” of complying with the Ordinance, thereby sharply minimizing its effect. But now – following a referendum on the November 2018 ballot in which Cook County voters were asked whether they believed their municipality should grant paid sick leave – several Cook County municipalities are changing their tune. Over 86 percent of voters agreed that their municipality should provide sick leave in accordance with the Ordinance.

In the past month, the Village of Northbrook and the Village of Wilmette voted to “opt-in” to the Ordinance. Northbrook employers must allow employees to earn at least 40 hours of paid sick leave per year (and otherwise comply with the Ordinance) beginning January 1, 2019. Wilmette employers will be required to comply with the Ordinance by March 2019. The Village of Glenview is considering whether to opt-in this month. These municipalities join Western Springs, which voted to opt-in to the Ordinance in May 2018 (effective May 18, 2018). With such overwhelming voter support, more Cook County municipalities may likewise reconsider their initial decisions, and voluntarily catch sick leave fever.

### Year-End Reminders for Cook County Ordinance

As the calendar year draws to a close, it is important to remember that covered Cook County employers are required to provide employees a notice of rights under the Ordinance both upon hire, **and** at least once per calendar year thereafter. Establishing a set time of year to do this – such as year-end or at the beginning of the year, along with any other policy changes or notifications – is a helpful practice to ensure compliance. A [model notice](#) is available on Cook County’s sick leave website.

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<sup>1</sup> As a reminder, the city of Chicago maintains a separate paid sick leave ordinance that [also went into effect on July 1, 2017](#).

Cook County also issued minor amendments to its Rules governing the Ordinance, in July 2018. The amendments extended the time period in which the Cook County Commission on Human Rights (the "Commission") will terminate any sick leave investigation (and will not render an order against an employer) where the employer has come in "full compliance" with the Ordinance.<sup>2</sup> Previously, this provision was set to expire on July 1, 2018, with the Commission agreeing to revisit the practice and ascertain whether it furthered the Commission's goal of encouraging employer compliance. Evidently, Cook County believes it has. Now, at least until July 1, 2019, employers who come into and/or demonstrate full compliance with the Ordinance, even after an investigation has been initiated, can have a sick leave investigation and the corresponding complaint dismissed with prejudice.

To stay up-to-date on Paid Sick Leave developments, [click here](#) to sign up for Seyfarth's Paid Sick Leave mailing list. Companies interested in Seyfarth's paid sick leave laws survey should reach out to [sickleave@seyfarth.com](mailto:sickleave@seyfarth.com).

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<sup>2</sup> According to the Rules, "full compliance" includes "the payment of any lost wages to affected Covered Employees that resulted from noncompliance with the Ordinance."

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