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Women Employed

Introductions and Agenda

- At today's session we will:
 - Review how Sick Time law works in Cook County and Chicago
 - Discuss contexts of the expanded definition of family
 - Review frequently asked questions and concerns about sick time
 - Have time for questions and recap

What is the law?

- As of **July 1, 2017**, paid sick time is the law if you work in Chicago or Cook County – although many suburbs have opted out.*
- Workers are eligible to use paid sick time if they have been on the job:
 - for 6 months or more, and
 - who work at least 80 hours within a 120-day period
- It doesn't matter the size of the company or if you work full-time or part-time—you are able to earn some paid sick time.

*Suburbs that haven't opted out are Barrington Hills, Berwyn, Cicero, Countryside, Deerfield, Dolton, Evanston, Glencoe, Kenilworth, McCook, Northfield, Oak Park, Oakbrook, Olympia Fields, Phoenix, Skokie, University Park, and Winnetka

How is sick time earned?

- For every 40 hours you work, you earn 1 hour of sick time, e.g., a person working 40/hr/wk would earn 8 hours after 8 weeks, and 40 hours after 40 weeks.
- Workers can earn up to 40 hours/5 paid sick days a year.
- The law states that an employer may set a reasonable minimum of paid sick time off, but this minimum can't be more than 4 hours per day.

For example, if you wake up sick and use paid sick time in the morning and want to come in for the rest of your shift in the afternoon once you start feeling better, your employer cannot make you take a full eight-hour sick day.

When Can Paid Sick Time Be Used?

- Paid sick time may be used:
 - when you or a family member is sick or for doctor's visits,
 - when you or a family member is a victim of domestic or sexual violence,
 - when schools or workplaces are closed by order of a public official due to a public health emergency, which could include a weather emergency.
- Employers can't fire or threaten you if you request paid sick time. And they can't make you find a replacement.

Discussion/Activity

- Discuss the following with a partner:
 - How do you define family? Who is a member of your family? Does your family extend beyond your blood relatives?
- Reporting back to group
 - What were your impressions? How do you define family? Any commonalities? Any differences?

How Family Member is defined

- Child, legal guardian or ward, spouse under the laws of any state, domestic partner, parent, spouse or domestic partner's parent, godchild, godparent, co-parent, sibling, grandparent, grandchild, or **any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.**
- A child includes not only a biological relationship, but also a relationship resulting from an adoption, step-relationship, and/or foster care relationship, or a child to whom the employee stands in loco parentis (in the place of a parent.)
- A parent includes a biological, foster, stepparent or adoptive parent or legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

How Family Member is defined (continued)

- Chicago Rules state: The definition is necessarily situation specific and governed by the circumstances of the individuals involved.
- Cook County Rules state: The Commission will not disregard a Close Association on the basis of terminology, if the terms used to describe a particular relationship vary from those used in the ordinance's definition of "Family Member" due to identifiable cultural and/or linguistic differences.

Chosen Family

- Chosen family is essential in communities where necessity drives the creation of family connections beyond your biological relatives.
- Chosen family is a crucial aspect of the LGBT community

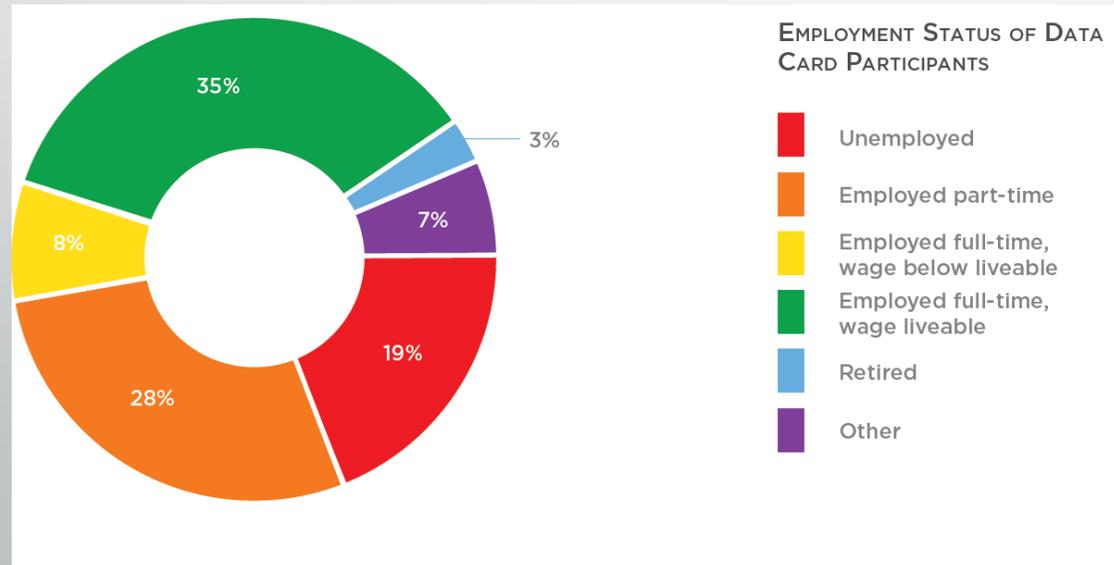
[Chosen Family in the LGBT Community](#)

Expanded Definition of Family

- The law definition: “any other individual ... whose close association with the employee is the equivalent of a family relationship”
- The expansion includes your chosen family
- Discussion
 - In what other communities do you see this model?
 - What terms do you use to describe your chosen family members?
 - Sister from another mister/ brother from another mother
 - “Prim@s”, “Ti@s”, Madrinas/Padrinos, ahijad@s, comadres, compadres
 - Godchildren, Godparents
 - Father-like figure, mother-like figure
 - It takes a village

So, does this all apply to me?

- Short answer: Yes.
- Long answer: Yes, and there's obviously more factors to consider.
- Statistics on Employment in LGBT Community



Source: LGBT Community Needs Assessment, Morton Group <http://cct.org/wp-content/uploads/2015/05/LGBTCommunityNeedsAssessment.pdf>

Notifying your Employer

- If you know in advance that you are going to use paid sick time (such as for a doctor's appointment), your employer can require up to 7 days notice before using the paid sick day. If you need to take a paid sick day suddenly, your employer may require notice as soon as possible before the start of your shift.
- If you use sick time for more than 3 consecutive workdays, your boss can require a document signed by a licensed health care provider.

No Retaliation

- Employers cannot use the employee's use of leave or attempt to use leave against an employee by punishing such as through schedule change, denial of promotion, termination.
- Employer cannot use its absence-control policy to count paid sick time used under the ordinance to trigger a demerit, discipline, or any adverse activity.

Do I qualify if I'm a union employee?

- Paid sick time applies to union employees covered by a collective bargaining agreement (CBA) that was entered into after July 1, 2017 unless the union waives it. However, this law does not apply to employees in the construction industry covered by a CBA.

What workers are excluded?

- For the Chicago law, employees of any governmental entity other than the City of Chicago are excluded. This includes:
 - Chicago Public Schools
 - Chicago Park District
 - Chicago Transit Authority
 - City Colleges of Chicago
 - Chicago Housing Authority
 - The Public Building Commission
 - The U.S. government
 - The State of Illinois
 - Units of local government

What if I'm a tipped employee or work on commission?

- People working in jobs that receive tips or are paid on a commission basis must be paid at least the full minimum wage when using paid sick time.

Do I have to use all my sick time in a year?

- At the end of a 12-month period, you can carry over to the next year up to half of the earned sick time that you haven't used. There is a limit of 20 hours of sick time that can be rolled over into the next year.
- If you are eligible for Family and Medical Leave Act (FMLA), you are allowed to carry over up to 40 hours of unused sick time to use for an FMLA reason, in addition to carrying over up to 20 hours of the unused sick time.

Employer can frontload instead of accrue

- An employer can grant employees their paid sick time at the beginning of a year, frontload, instead of accrual and carryover.
- An employer can max-out the usage of leave for paid sick time to 40 hours per year.
- In subsequent years an employer subject to FMLA can satisfy the law by providing 60 hours of paid sick time upfront. The employee can decide how much to use for what purpose, but no more than 40 hours can be used for sick time.

What if my employer has a PTO policy?

- If your employer has a Paid Time Off Policy that you can use for sick time and it meets the requirements of the law, then your employer does not have to provide additional leave for sick time.
 - Your employer's Paid Time Off Policy may not punish you for using sick time. For example, you can't be disciplined if you are unable to give notice when you need the leave.
 - Some employers with PTO policies are changing them to separate sick time from vacation time. While this is not necessary, it is legal.

Filing a Complaint with City of Chicago

- Call [311](tel:311) or Business Affairs and Consumer Protection (BACP) directly at 312-743-5185 to report a violation of the paid sick time law in the City of Chicago.
- To see the Complaint Form, Notice required to be posted, and Rules, go to cityofchicago.org and enter "sick" in the Search box.
- The City will not ask the immigration status of any person filing a complaint.
- You can file a complaint with an enforcement agency or a private civil action within 3 years of a violation.

Filing a Complaint with Cook County Commission on Human Rights

- Call [312-603-1100](tel:312-603-1100) or e-mail human.rights@cookcountyil.gov to report a violation of the paid sick time law in Cook County.
- To see the Complaint Form, Notice required to be posted, and Rules, go to [Cook County IL.gov](http://CookCountyIL.gov) and enter "sick" in the Search box.
- The County will not ask the immigration status of any person filing a complaint.
- You can file a complaint with an enforcement agency or a private civil action within 3 years of a violation.
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Additional Resources

- Looking for more information? Search “Sick Time Chicago” in Facebook and Twitter and by visiting sicktime.org
- Follow Pride Action Tank on Facebook and Twitter (@PrideActionTank), and by visiting prideactiontank.org
- Follow Women Employed on Facebook, Instagram, Twitter and LinkedIn (@WomenEmployed) and visit womenemployed.org

Thank you!
Questions?

