

Cook County Employers Must Provide Paid Leave to All Employees Effective December 31, 2023

By Elizabeth N. Hall and Alex Weinstein

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On December 14, 2023, the Cook County Board of Commissioners passed the Cook County Paid Leave Ordinance, throwing employers in Illinois another curveball in their efforts to comply with the ever-changing mandatory leave landscape before the end of the calendar year.

The Ordinance, which goes into effect on December 31, 2023, will replace the Cook County Paid Sick Leave Law. Under the Ordinance, employees working in Cook County—including in the City of Chicago (given the city's delay of its own leave ordinance until [July 1, 2024](#))—will be entitled at a minimum, and with limited exception, to accrue and use forty (40) hours of paid leave per twelve (12) month period, which they may take for any reason. The provisions of the Ordinance largely track those in the Illinois Paid Leave for All Workers Act, which will mandate paid leave for most employees outside of Cook County as of [January 1, 2024](#).

Key provisions of the Ordinance are as follows:

- Most employees will be entitled to accrue one hour of paid leave for every forty (40) hours worked, up to forty (40) hours in a twelve (12) month period. Alternatively, an employer may front-load forty (40) hours of paid leave time at the beginning of the twelve (12) month period. Accrued and unused paid leave time will carry over into the next twelve (12) month period, while front-loaded time does not need to carry over.
- Employers must allow at least forty (40) hours of paid leave time to be used per twelve (12) month period, and generally may require that the time be used in increments of at least two (2) hours.
- Employees can start using paid leave ninety (90) days after the Ordinance's effective date, or ninety (90) days after the first day of employment, whichever is later.
- Documentation verifying the reason or need for leave cannot be required.
- Employers may require seven (7) days advance notice for foreseeable leave. Otherwise, notice must be provided as soon as practicable in the manner mandated by the employer's written paid leave policy.
- Paid leave provided pursuant to the Ordinance will not need to be paid out at termination *unless* the employer includes the leave in an employee's paid time off bank or vacation account, in which case payout will be governed by Illinois law.¹

Of note, if an employer has a paid leave policy which provides for the minimum amount of paid leave to be used for any reason specified by the Ordinance, the employer will not need to implement a separate policy to comply with the Ordinance.

Employers with employees in Cook County—particularly those with employees in the City of Chicago and subject to the city's paid sick leave law for the foreseeable future – should promptly review their policies and practices to ensure compliance with the myriad of soon to be effective leave laws.

If you have any questions about this article, please contact **Elizabeth N. Hall** at ehall@vedderprice.com, **Alex Weinstein** at aweinstein@vedderprice.com or any other Vedder Price attorney with whom you have worked.

¹ Employers are advised to consult with legal counsel given the requirement under Illinois law to pay out unused paid time off and vacation time at termination.