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Saga Continues: Recent Opt-Outs and Other Developments Relating to Cook County Earned Sick Leave Act, Illinois Employee Sick Leave Act

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The Village of Rosemont and the City of Oak Forest have become the latest suburban Cook County municipalities to join the [Village of Barrington](#) in opting out of the [Cook County Earned Sick Leave Ordinance](#). (They both passed ordinances either superseding or opting out of the Cook County Minimum Wage Ordinance.) In rejecting the Cook County Ordinances, local officials claimed that the requirements put an increased burden on local businesses and negatively impacted their ability to compete with businesses outside of Cook County. Stay tuned for further updates regarding whether additional suburban municipalities will follow suit (we expect [Palatine may be the next](#) municipality to opt-out) or if the County will pursue legal action regarding the enforceability of the municipal ordinances.

Meanwhile, on January 3, 2017, the Cook County Commission on Human Rights posted a [notice of proposed rulemaking](#) soliciting public comments regarding the Cook County Earned Sick Leave Ordinance. Specifically, the Commission is seeking comments regarding the implementation of regulations clarifying various provisions of the act (including the carryover provisions and whether there should be a safe harbor provision for employers who front-load available sick leave benefits), model postings, and model notices that will satisfy employers' obligations under the Ordinance. The Commission is also seeking comments regarding potential additional topics for rulemaking and has promised guidance regarding how complaints alleging violations of the Ordinance are filed, investigated, adjudicated, and remedied. Interested parties can provide written submissions on or before February 1, 2017. The Commission has indicated that it will provide draft regulations, postings, and notices by April 1, 2017, and intends to publish final regulations, postings, and notices by June 1, 2017, a month prior to the effective date of the Ordinance.

Finally, on January 10, 2017, the Illinois General Assembly [passed a trailer bill to the Illinois Employee Sick Leave Act](#) clarifying that the provisions of the Act apply to personal sick leave benefits which are either paid or unpaid. However, the Act now explicitly exempts long- or short-term disability plans, an insurance policy, or other comparable benefit plan or policy from the definition of "personal sick leave benefits." Furthermore, the legislature has now expanded the list of eligible relatives for whom employees may use their personal sick leave benefits to include stepchildren and domestic partners. Additionally, the Act was amended to allow employers to request verification from a health care professional of the employee's need for leave if such verification is required by the employer's policy. The proposed amendment to the Act has been sent to Governor Rauner for signature.

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