



Village of Arlington Heights
Arlington Economic Alliance
Commissions Room 2nd Floor
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
April 19, 2017
7:30 AM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Minutes 2/15/17

IV. REPORTS

- A. Development Update

V. OLD BUSINESS

- A. Performance Metrics

VI. NEW BUSINESS

- A. Cook County Ordinances

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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Item: Minutes 2/15/17

Department: Planning & Community Development

ATTACHMENTS:

Description

Minutes

Type

Minutes

DRAFT

MINUTES OF THE MEETING OF THE ARLINGTON ECONOMIC ALLIANCE HELD ON FEBRUARY 15, 2017 AT 7:30 A.M. AT THE VILLAGE HALL

MEMBERS PRESENT:

Scott Whisler – Chairman
Frank Appleby
Tom Gaynor
Lisa Henderson
Jamie Janeczko
Mike Kalway
Rex Paisley
Dave Parulo
Jon Ridler
Brian Roginski
Andi Ruhl

MEMBERS ABSENT:

Tony Guido
Jackie Lewis

STAFF PRESENT:

Michael Mertes – Business Development Coordinator

ALSO PRESENT:

Patrick Mogge – Township High School District 214
Matt Ottaviano – Special Events Commission

Call to Order

Chairman Scott Whisler called the meeting to order at 7:35 AM.

Approval of Minutes – January 18, 2017

The meeting minutes of the January 18, 2017 Arlington Economic Alliance meeting were reviewed.

FRANK APPLEBY MOVED AND MIKE KALWAY SECONDED A MOTION TO APPROVE THE DRAFT JANUARY 18, 2017 ARLINGTON ECONOMIC ALLIANCE MEETING MINUTES. ALL ALLIANCE MEMBERS VOTED IN FAVOR OF THE MOTION.

Development Report

There have been a few Downtown closings in the past few weeks, notably Jos. A. Bank as part of a nationwide movement to close their stores, and Salon 117. Vignettes of Arlington and First Arlington Barber Shop are also closing in the next few weeks. Planning & Community Development Staff is working closely with the broker for Arlington Town Square in effort to fill these spaces, as well as the vacant former Panera Bread space. There has also been some interest in the Vignettes space. A few former employees of Salon 117 are opening a new salon, Salon Elan, at 42 S. Arlington Heights Road.

Furniture Source, a furniture retailer, has been approved for a business license at the former Classic Oak Furniture space on Rand Road. Also, several new industrial businesses have moved, or will be moving, into the community. MMI Display Group is reoccupying 20,000 square feet of formerly vacant space at 206 W. Campus Drive. Arrows Up, LLC will be filling in 35,000 square feet of previously vacant space at 3 W. College Drive. Also, Yahee Technologies is utilizing 105,000 square feet of formerly unoccupied space at 435 E. Algonquin Road for warehousing. Scott Whisler added that the industrial/flex market is seeing improvement throughout the Chicago area. However, in this submarket, the office market hasn't quite generated the same amount of interest.

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Discover Arlington Subcommittee Update

After today's Economic Alliance meeting, Michael Mertes will be meeting with Jamie Janeczko and Dave Parulo to provide additional feedback to CivicLive regarding the Alliance's suggested updates to DiscoverArlington.com. CivicLive is the consultant hired to update and maintain the Village's websites.

Micro Marketing Subcommittee Update

Mr. Mertes is currently working with Lisa Henderson, Mike Kalway, Rex Paisley, and Jim Platt of the Chamber of Commerce to put together a spreadsheet of contacts representing various homeowner associations in Arlington Heights in order to begin outreach regarding the Micro Marketing program. The subcommittee held its initial meeting in late January.

Potential Business Seminars/Forums

Per Chairman Whisler's request, Mr. Mertes explained the origin of this agenda item. In the past, the Alliance has hosted annual breakfast programs to help educate Arlington Heights business owners on topics of interest and relevance. Instead of focusing on one large event this year, the Alliance is considering perhaps holding a few smaller events at days and times of availability for the anticipated audience. A bullet point list summarizing potential topics discussed at the previous month's Alliance meeting was provided to the attendees.

According to Ms. Henderson, all the outlined topics are of value and could attract an audience. Speaking in regards to the recently-approved Cook County regulations regarding required paid sick leave for employees and a minimum wage increase, Mr. Kalway stated that the ordinances take effect in July as do some new State laws. Regarding the Cook County required sick leave ordinance, all businesses with at least one employee fall under the law's jurisdiction. Jon Ridler pointed out that Arlington Heights may opt out of both of these regulations via home rule, just as Mount Prospect had done in the past week. However, it may not be a topic worthy of a formal event since it takes effect in the next couple months, and if the Village opts out then the point is moot.

Andi Ruhl explained that even though Arlington Heights might opt out, the Village's businesses would still be in competition with other communities that will offer the sick leave and minimum wage requirements. Business owners in the Village may need to match the County's new requirements in order to retain their employees. Mr. Ridler added that businesses applying for the Cook County Industrial Class 6b program would need to adhere to the aforementioned new County regulations in order to receive the incentive, even if the municipality in which the business exists (or will be moving to) exercises home rule and opts out of these regulations.

Chairman Whisler commented on the importance of business legislation as a potential topic. New laws take effect annually that business owners are unaware of, since they don't receive formal notice from the State. He also felt that discussing human resources for small businesses could be a good opportunity to partner with the Chamber. Ms. Ruhl feels that a program on human resources should operate more like a workshop with a smaller group. Incorporating a representative from SCORE might be beneficial as well. Mr. Appleby concurred with Ms. Ruhl's suggestions, as did Mr. Kalway who suggested discussing hiring and retention of workers.

Several of the topics discussed at the previous Alliance meeting could be incorporated into one seminar, suggested Mr. Parulo, notably the fiscal state of Arlington Heights, the impact of the new Cook County ordinances, and the recent legislation approved by the State. Ms. Henderson saw the possibility of holding multiple sessions to accommodate business owners. Chairman Whisler recommended holding one larger event, to which Mr. Paisley voiced agreement.

Mr. Parulo expressed support of an autumn program, especially since businesses will be planning their 2018 budgets at that point. There will be a multi-Chamber event on April 18th, said Mr. Ridler, with Connie Beard as the featured speaker. She is the Director of the Illinois Department of Revenue. This department has been connecting other State departments through new computer systems, enhancing communication and streamlining processes. These new processes affect businesses in a positive way. Perhaps the Economic Alliance could help support this event as well.

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Ms. Henderson suggested tying separate topics together, especially regarding business concerns, into a business roundtable. Also, three or so laws that will have a big influence on the business community could also be discussed at such an event. With focus on the upcoming April elections, Mr. Ruhl said that a program in the fall would give the Alliance more time to plan an event. However, it can be a busy time for business owners, especially those with children. Mr. Appleby noted that previous Breakfasts focusing on specific Arlington Heights projects or venues (Arlington Downs, Arlington Park, etc.) seem to draw a larger crowd. Chairman Whisler recommended a fall program focusing on business-related topics, especially in regards to recent County and State legislation. Mr. Mertes will work with Ms. Henderson and Ms. Janeczko, as part of an Alliance subcommittee, and report back to the Commission.

Other Business

Meeting as the Committee-of-the-Whole (COW) the previous Monday, February 13th, the Village Board approved all but one of the Alliance's and Staff's recommended modifications to the Small Business Sales Tax Rebate program. Instead of eliminating the requirement of specific store hours, the COW recommended that the incentive recipient operate a minimum of 40 hours per week, and be open at least one weekend evening until 8:00pm. Mr. Appleby added that this would just be during outdoor café season, which Mr. Mertes verified runs from April 1st through October 31st. He feels that the Mayor and Trustees are sensitive to the Commission's opinion but that they are committed to trying at least one weekend evening for the time being. The purpose of having mandated store hours is to create more evening foot traffic in the Downtown, and if the program doesn't explicitly request it, then the Village likely won't get a business that's willing to do that.

The hope, as Mr. Gaynor understands it, is that if a new retailer is open late in the evening then it may create buzz and incentivize other retailers to stay open later too. Ms. Ruhl added that she feels that an 8:00pm closing time, one night a week, is reasonable. Mr. Whisler agreed. If no applications are received under the new modifications to the program, Mr. Appleby said that the proposed mandated hours of operation requirement can be reconsidered.

Chairman Whisler also noted that the suggested requirement of a minimum of 40 hours was not demanding and would be fine. The rest of the Alliance concurred. After discussion among the Commission members as to whether Thursday and/or Sunday should be considered "weekend evenings", he then requested a formal motion:

ANDI RUHL MADE A MOTION TO RECOMMEND TO THE VILLAGE BOARD THAT THE RECIPIENT OF A SMALL BUSINESS SALES TAX REBATE, DURING THE PERIOD OF APRIL 1ST THROUGH OCTOBER 31ST, SHOULD BE OPEN ON ONE WEEKEND EVENING, THURSDAY THROUGH SATURDAY, UNTIL AT LEAST 8:00PM. REX PAISLEY SECONDED THIS MOTION. ALL ALLIANCE MEMBERS VOTED IN FAVOR OF THE MOTION.

Furthermore, the Alliance had no objection to the COW-recommended minimum number of store hours at 40.

Also at the COW meeting, the Class 6b industrial property tax abatement incentive was discussed. The Mayor and Trustees approved the elimination of a requirement that recipients employ at least 10 Arlington Heights residents, and also approved allowing the 10% rebate to the Village over the first five years of each incentive recipient to be used for other Village Board-approved economic development activities. The COW rejected limiting the number of renewals per property.

The Cook County tax on sugary beverages goes into effect on July 1st of this year. It will be a one-cent per ounce tax. According to the County this is expected to raise nearly \$75 million in revenue. This money will go back to the County, and Mr. Mertes does not believe any is expected to be distributed to other taxing bodies. Mr. Parulo requested that the impacts of the Cook County sugary beverage tax be monitored. The Illinois Restaurant Association has voiced strong opposition to the regulation as well.

Matt Ottaviano mentioned that the Hearts of Gold award ceremony will be held on Saturday. Westgate Dental is this year's Business Leadership recipient. Also, the Frontier Days organizing committee won Nonprofit Organization of the Year from the Chamber at their annual Installation Dinner. Frontier Days will be held this year from June 30th through July 4th, with the carnival being open an additional day on June 29th.

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Adjournment

DAVE PARULO MOVED AND MIKE KALWAY SECONDED A MOTION TO ADJOURN. ALL ALLIANCE MEMBERS VOTED IN FAVOR OF THE MOTION.

The meeting adjourned at 8:37 AM.

Scott Whisler, Chairman
Arlington Economic Alliance

Prepared by Department of Planning & Community Development



Item: Performance Metrics

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
Economic Development Statistics Report (April 2017)	Report

Village of Arlington Heights



Summary of Economic Development Statistics



Department of Planning & Community Development
April 2017

BUSINESS GROWTH

Retail Sales

CATEGORY	2016	2015	2014	2013
TOTAL	\$1,242,171,899	\$1,201,101,905	\$1,193,437,412	\$1,117,087,211
General Merchandise	\$67,156,885	\$69,716,729	\$68,516,473	\$69,643,789
Food	\$180,313,474	\$193,818,605	\$200,129,694	\$194,300,650
Eating & Drinking Places	\$148,466,376	\$149,996,391	\$146,726,150	\$141,513,966
Apparel	\$36,641,201	\$36,098,855	\$36,733,442	\$35,976,049
Furniture & H.H. & Radio	\$84,899,804	\$90,155,078	\$87,521,924	\$86,304,607
Lumber, Bldg., Hardware	\$48,729,612	\$49,788,269	\$49,236,050	\$46,360,831
Auto & Filling Stations	\$363,764,225	\$293,619,290	\$280,295,034	\$236,672,946
Drugs & Misc. Retail	\$170,868,494	\$158,083,288	\$162,247,633	\$157,640,595
Agriculture & All Others	\$117,992,950	\$137,985,335	\$136,930,601	\$119,505,829
Manufacturers	\$23,328,850	\$21,922,005	\$25,100,411	\$29,167,949
Municipal Sales Tax Revenue	\$12,421,719	\$12,011,019	\$11,934,374	\$11,170,872

Source: Illinois Department of Revenue / Village of Arlington Heights Department of Finance

Sales Tax Generated (Municipal & Home Rule)

CATEGORY	2016	2015	2014	2013
TOTAL	\$19,417,270	\$19,153,857	\$19,166,387	\$18,071,926
General Merchandise	\$1,262,364	\$1,285,322	\$1,263,104	\$1,284,756
Food	\$2,259,380	\$2,413,551	\$2,463,207	\$2,393,915
Eating & Drinking Places	\$2,832,050	\$2,852,450	\$2,790,187	\$2,686,287
Apparel	\$730,560	\$719,440	\$731,192	\$714,296
Furniture & H.H. & Radio	\$1,697,997	\$1,802,679	\$1,761,426	\$1,725,285
Lumber, Bldg., Hardware	\$973,763	\$995,280	\$984,073	\$926,279
Auto & Filling Stations	\$4,228,756	\$3,555,678	\$3,528,284	\$3,079,034
Drugs & Misc. Retail	\$2,702,765	\$2,455,384	\$2,526,139	\$2,411,769
Agriculture & All Others	\$2,270,067	\$2,644,303	\$2,625,745	\$2,271,949
Manufacturers	\$459,367	\$429,762	\$493,029	\$578,356

Source: Illinois Department of Revenue

New Businesses

Year	Businesses	Employees	Square Feet	Major Employers
2016	104	2,329	648,486	HSBC; E3 Diagnostics; LA Fitness; DevLinks; TruSweets
2015	99	982	563,514	Lexus of Arlington; Transitional Care Center of Arlington Heights; SVM
2014	114	896	461,615	European Imports; Joe Caputo & Sons Fruit Market; Ditka's

Source: Village of Arlington Heights Department of Planning & Community Development

VACANCY RATES

Retail Vacancy Rates

Year	Arlington Heights	Northwest Submarket
Existing SF	5.0 million	29.0 million
April 2017	9.3%	9.2%
2016	7.3%	9.0%
2015	7.6%	8.9%
2014	6.9%	9.9%
2013	9.3%	10.3%

Source: CoStar (Apr. 2017)

Office Vacancy Rates

Year	Arlington Heights	Northwest Submarket
Existing SF	4.9 million	36.5 million
April 2017	16.7%	20.7%
2016	16.3%	21.0%
2015	20.5%	16.8%
2014	15.8%	15.9%
2013	19.5%	18.0%

Source: CoStar (Apr. 2017)

Industrial/Flex Vacancy Rates

Year	Arlington Heights	Northwest Submarket
Existing SF	5.6 million	40.7 million
April 2017	15.1%	10.4%
2016	15.7%	9.7%
2015	22.4%	8.5%
2014	15.5%	8.4%
2013	16.3%	10.4%

Source: CoStar (Apr. 2017)

Note: "Northwest Submarket" includes portions or all of the following communities: Arlington Heights; Buffalo Grove; Elk Grove Village; Hoffman Estates; Mount Prospect; Palatine; Prospect Heights; Rolling Meadows; Schaumburg

VILLAGE STAFF EFFORTS

Attraction and Retention Efforts

Year	Attraction / Recruitment	Retention / Expansion
2016	551	549
2015	659	532
2014	428	453

Source: Village of Arlington Heights Department of Planning & Community Development

EMPLOYMENT FIGURES

Private Sector Businesses and Employees*

Year	Companies	Workers
2016p	3,157	50,079
2015	3,156	49,644
2014	3,257	48,028
2013	3,234	45,651
2012	3,213	45,386
2011	3,227	44,007
2010	3,196	44,641
2009	3,214	45,252
2008	3,225	47,776
2007	3,212	49,077
2006	3,201	47,952
2005	3,163	46,471

Source: IL Department of Employment Security

p = projected (Nov. 2016)

**Note: 2012 U.S. Census estimates list Arlington Heights as having 8,255 total “firms” while the Reference U.S.A. database lists 5,369 total businesses in the Village.*

VILLAGE WEBSITE (VAH.com)

Site Data

Year	Sessions	Pages/ Session	Avg. Session Duration	Bounce Rate
2016	415,704	2.83	2:57	48.66%
2015	377,971	2.98	3:00	47.41%
2014	350,717	3.25	2:58	42.58%
2013	320,507	3.39	2:39	40.89%
2012	346,065	3.36	2:21	42.81%
2011	290,808	3.63	2:15	40.55%

Source: Google Analytics

Sessions: Number of total visits to the site by a user.

Pages/Session: Number of pages viewed per session, on average.

Average Session Duration: Length of time (minutes: seconds) per session, on average.

Bounce Rate: Percentage of sessions where the user left after visiting only the home page.

Most Viewed Pages

Page	2016	2015	2014	2013	2012
/departments	30.0%	30.9%	34.1%	36.2%	31.2%
(Home Page)	18.9%	17.3%	15.6%	13.1%	20.2%
/village_info	17.1%	17.8%	16.5%	14.9%	12.8%
/residents	7.0%	6.3%	6.6%	7.0%	6.2%
/news	6.6%	5.6%	4.2%	3.4%	4.1%
/documents	4.6%	4.7%	5.0%	6.0%	6.1%
TOTAL	84.2%	82.6%	82.0%	80.6%	80.6%

Source: Google Analytics

Traffic Sources

Source	2016	2015	2014	2013	2012
Google – organic	48.9%	49.0%	48.9%	47.2%	55.2%
(Direct)	31.3%	31.7%	30.9%	30.4%	22.2%
Bing – organic	5.3%	5.0%	5.0%	5.4%	5.3%
Yahoo – organic	3.8%	5.5%	6.5%	5.6%	5.9%
Facebook – referral	3.2%	1.9%	<1%	<1%	<1%
TOTAL	92.5%	93.1%	91.3%	88.6%	88.6%

Source: Google Analytics

DISCOVER ARLINGTON - WEBSITE

Site Data

Year	Sessions	Pages/ Session	Avg. Session Duration	Bounce Rate
2016	65,650	2.59	1:28	52.84
2015	67,397	2.93	1:43	47.08%
2014	81,917	3.16	1:56	44.24%
2013	74,099	3.17	1:55	44.90%
2012	62,446	3.65	2:10	40.11%
2011	36,924	3.92	2:18	37.71%

Source: Google Analytics

Sessions: Number of total visits to the site by a user.

Pages/Session: Number of pages viewed per session, on average.

Average Session Duration: Length of time (minutes: seconds) per session, on average.

Bounce Rate: Percentage of sessions where the user left after visiting only the home page.

Most Viewed Pages

Page	2016	2015	2014	2013	2012
/events	11.7%	6.4%	5.1%	6.1%	2.8%
(Mobile Site)	9.2%	7.0%	4.6%	N/A	N/A
(Home Page)	8.7%	9.3%	11.4%	15.8%	15.9%
/shopping/downtown	5.3%	4.9%	4.7%	4.9%	5.0%
/dining	3.3%	4.5%	4.5%	7.8%	6.9%
TOTAL	32.1%	32.1%	30.3%	34.6%	30.6%

Source: Google Analytics

Traffic Sources

Source	2016	2015	2014	2013	2012
Google – organic	63.9%	65.9%	68.0%	52.3%	48.8%
(Direct)	13.0%	12.7%	12.7%	21.5%	14.0%
Yahoo - organic	5.2%	5.8%	4.2%	3.6%	3.2%
VAH.com - referral	4.6%	4.9%	5.1%	8.1%	20.4%
Bing - organic	3.4%	3.6%	3.2%	2.6%	2.9%
Facebook - referral	1.7%	0.6%	1.7%	3.6%	1.1%
TOTAL	91.8%	93.5%	94.9%	91.7%	90.4%

Source: Google Analytics

DISCOVER ARLINGTON - FACEBOOK

Cumulative “Likes”

Year	Total Likes
2016	11,503
2015	10,980
2014	9,365
2013	6,282

Source: Facebook Insights

Most Viewed Posts (2016)

Topic	Views	Month
Woodcrafters DIY Studio – Now Open	18,100	December
Interview with Owner of Javier’s – Link to Article	17,600	March
Via Arenella – Now Open	14,200	December
Jaunt – Now Open	13,000	December
Armand’s Pizzeria – Relocating	12,900	June

Source: Facebook Insights

Most Viewed Posts (2015)

Topic	Views	Month
Aurelio’s Pizza – Now Open	13,600	May
Jimmy Garoppolo – Link to Article	12,800	November
Vail Davis Building – Renovation	11,100	October
Cortland’s Garage – Opening Soon	9,700	August
Outdoor Dining – Coming Soon	8,900	April

Source: Facebook Insights

Most Viewed Posts (2014)

Topic	Views	Month
Ditka’s – Opening Soon	21,300	June
Spring Sweep Electronics Recycling – Coming Soon	16,600	March
Mane Event – Now Happening	15,400	August
Comprehensive Plan – Survey	14,600	October
Metropolis PAC – Survey	13,800	December

Source: Facebook Insights



Item: Cook County Ordinances

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
Cook County Minimum Wage Ordinance	Exhibits
Cook County Earned Sick Leave Ordinance	Exhibits

**16-5768
ORDINANCE**

Sponsored by

**THE HONORABLE LARRY SUFFREDIN, LUIS ARROYO JR, RICHARD R. BOYKIN,
JERRY BUTLER, JOHN P. DALEY, JOHN A. FRITCHEY, BRIDGET GAINER,
JESÚS G. GARCÍA, EDWARD M. MOODY, STANLEY MOORE, DEBORAH SIMS,
ROBERT B. STEELE AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

AN ORDINANCE CREATING A MINIMUM WAGE IN COOK COUNTY

WHEREAS, Cook County, Illinois is a home-rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may regulate for the protection of the public welfare; and

WHEREAS, promoting the welfare of those who work within the County's borders is an endeavor that plainly meets this criterion; and

WHEREAS, enacting a minimum wage for workers in Cook County that exceeds the state minimum wage is entirely consistent with the Illinois General Assembly's finding that it "is against public policy for an employer to pay to his employees an amount less than that fixed by" the Illinois Minimum Wage Law, 820 ILCS 105/2.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 42 Human Relations, Article I In General, Division 2 Cook County Minimum Wage Ordinance, Sections 42-7 through 42-19 of the Cook County Code are hereby enacted as follows:

Sec. 42-7. - Short Title.

This Division shall be known and may be cited as the Cook County Minimum Wage Ordinance.

Sec. 42-8. - Definitions.

For purposes of this Division, the following definitions apply:

Covered Employee means any Employee who is not subject to any of the exclusions set out in Section 42-12 below, and who, in any particular two-week period, performs at least two hours of work for an Employer while physically present within the geographic boundaries of Cook County. For purposes of this definition, time spent traveling in Cook County that is compensated time, including, but not limited to, deliveries, sales calls, and travel related to other business activity taking place within Cook County, shall constitute work while physically present within the geographic boundaries of Cook County; however, time spent traveling in Cook County that is uncompensated commuting time shall not constitute work while physically present within the geographic boundaries of Cook County.

CPI means the Consumer Price Index for All Urban Consumers most recently published by the Bureau of Labor Statistics of the United States Department of Labor.

Director means the Executive Director of the Cook County Commission on Human Rights.

Domestic worker means a person whose primary duties include housekeeping; house cleaning; home management; nanny services, including childcare and child monitoring; caregiving, personal care or home health services for elderly persons or persons with illnesses, injuries, or disabilities who require assistance in caring for themselves; laundering; cooking; companion services; chauffeuring; and other household services to members of households or their guests in or about a private home or residence, or any other location where the domestic work is performed.

Employee, Gratuities, and Occupation have the meanings ascribed to those terms in the Minimum Wage Law, with the exception that all Domestic Workers, including Domestic Workers employed by Employers with fewer than four (4) employees, shall fall under the definition of the term “Employee”.

Employer means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that gainfully employs at least one Covered Employee. To qualify as an Employer, such individual, group, or entity must (1) maintain a business facility within the geographic boundaries of Cook County and/or (2) be subject to one or more of the license requirements in Title 4 of this Code.

Fair Labor Standards Act means the United States Fair Labor Standards Act of 1938, 29 USC § 201 et seq., in force on the effective date of this chapter and as thereafter amended.

Minimum Wage Law means the Illinois Minimum Wage Law, 820 ILCS 105/1 et seq., in force on the effective date of this chapter and as thereafter amended.

Subsidized Temporary Youth Employment Program means any publicly subsidized summer or other temporary youth employment program through which persons aged 24 or younger are employed by, or engaged in employment coordinated by, a nonprofit organization or governmental entity.

Subsidized Transitional Employment Program means any publicly subsidized temporary employment program through which persons with unsuccessful employment histories and/or members of statistically hard-to-employ populations (such as formerly homeless persons, the long-term unemployed, and formerly incarcerated persons) are provided temporary paid employment and case-managed services under a program administered by a nonprofit organization or governmental entity, with the goal of transitioning program participants into unsubsidized employment.

Tipped Employee has the meaning ascribed that term in the Fair Labor Standards Act.

Wage means compensation due an Employee by reason of his employment.

Sec. 42-9. - Minimum Hourly Wage.

Except as provided in Sections 42-10 of this Code, every Employer shall pay no less than the following Wages to each Covered Employee for each hour of work performed for that Employer while physically present within the geographic boundaries of Cook County:

- (a) Beginning on July 1, 2017, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$10.00 per hour.
- (b) Beginning on July 1, 2018, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$11.00 per hour.
- (c) Beginning on July 1, 2019, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$12.00 per hour.
- (d) Beginning on July 1, 2020, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$13.00 per hour.
- (e) Beginning on July 1, 2021, and on every July 1 thereafter, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) Cook County's minimum hourly Wage from the previous year, increased in proportion to the increase, if any, in the CPI, provided, however, that if the CPI increases by more than 2.5 percent in any year, the Cook County minimum Wage increase shall be capped at 2.5 percent, and that there shall be no Cook County minimum Wage increase in any year when the unemployment rate in Cook County for the preceding year, as calculated by the Illinois Department of Employment Security, was equal to or greater than 8.5 percent. Any increase pursuant to subsection 42-9(e) shall be rounded up to the nearest multiple of \$0.05. Any increase pursuant to subsection 42-9(e) shall remain in effect until any subsequent adjustment is made. On or before June 1, 2021, and on or before every June 1 thereafter, the Director shall make available to Employers a bulletin announcing the adjusted minimum hourly Wage for the upcoming year.

Sec. 42-10. - Minimum hourly wage in occupations receiving gratuities.

- (a) Every Employer of a Covered Employee engaged in an Occupation in which Gratuities have customarily and usually constituted part of the remuneration shall pay no less than the following Wage-to each Covered Employee for each hour of work performed for that Employer while physically present within the geographic boundaries of the County:
 - (1) Beginning on July 1, 2017, the greater of: (A) the minimum hourly Wage set by the Fair Labor Standards Act for Tipped Employees; or (B) the minimum hourly Wage set by the Minimum Wage Law for workers who receive Gratuities.

(2) Beginning on July 1, 2018, and on every July 1 thereafter, the greater of (A) the minimum hourly Wage set by the Fair Labor Standards Act for tipped workers; (B) the minimum hourly Wage set by the Minimum Wage Law for workers who receive Gratuities; or (C) Cook County's minimum hourly Wage from the previous year for workers who receive Gratuities, increased in proportion to the increase, if any, in the CPI, provided, however, that if the CPI increases by more than 2.5 percent in any year, the Cook County minimum Wage increase for workers who receive Gratuities shall be capped at 2.5 percent, and that there shall be no Cook County minimum Wage increase for workers who receive Gratuities in any year when the unemployment rate in Cook County for the preceding year, as calculated by the Illinois Department of Employment Security, was equal to or greater than 8.5 percent. Any increase pursuant to subsection 42-10 (a)(3)(C) shall be rounded up to the nearest multiple of \$0.05. Any increase pursuant to subsection 42-10 (a)(3) shall remain in effect until any subsequent adjustment is made. On or before June 1, 2018, and on or before every June 1 thereafter, the Director shall make available to Employers a bulletin announcing Cook County's minimum hourly Wage for the upcoming year for workers who receive Gratuities.

(b) Each Employer that pays a Covered Employee the Wage described in subsection 42-10 (a) shall transmit to the Director, in a manner provided by regulation, substantial evidence establishing: (1) the amount the Covered Employee received as Gratuities during the relevant pay period; and (2) that no part of that amount was returned to the Employer. If an Employer is required by the Minimum Wage Law to provide substantially similar data to the Illinois Department of Labor, the Director may allow the Employer to comply with this subsection 42-10 (b) by filing a copy of the state documentation.

Sec. 42-11. - Overtime compensation.

The Wages set out in Sections 42-9 and 42-10 are subject to the overtime compensation provisions in the Cook County Minimum Wage Law, with the exception that the definitions of "Employer" and "Employee" in this chapter shall apply.

Sec. 42-12. - Exclusions.

This chapter shall not apply to hours worked:

(a) By any person subject to subsection 4(a)(2) of the Minimum Wage Law, with the exception that the categories of Employees described in subsections 4(a)(2)(A) and 4(a)(2)(B) of the Minimum Wage Law shall be entitled to the Wages described in Sections 42-9 and 42-10 , whichever applies, as well as the overtime compensation described in Section 42-11;

(b) By any person subject to subsection 4(a)(3), subsection 4(d), subsection 4(e), Section 5, or Section 6 of the Minimum Wage Law;

(c) For any governmental entity other than the Cook County, a category that, for purposes of this chapter, includes, but is not limited to, any unit of local government, the Illinois state government, and the government of the United States, as well as any other federal, state, or local governmental agency or department;

(d) For any Subsidized Temporary Youth Employment Program; or

(e) For any Subsidized Transitional Employment Program.

Sec. 42-13. - Applications to Collective Bargaining Agreements.

Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this chapter. The requirements of this chapter may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

Sec. 42-14. - Applications to the Cook County Living Wage Ordinance for Procurements.

Nothing in this chapter shall be deemed conflict with Article IV, Division 3 of the Cook County Code. All Contractors must comply with the Wage Requirements set forth in Article IV, Division 3, even if the wages required to be paid are higher than those set forth within this chapter.

Sec. 42-15. - Notice and Posting.

(a) Every Employer shall post in a conspicuous place at each facility where any Covered Employee works that is located within the geographic boundaries of Cook County a notice advising the Covered Employee of the current minimum Wages under this chapter, and of his rights under this chapter. The Director shall prepare and make available a form notice that satisfies the requirements of this subsection 42-14 (a). Employers that do not maintain a business facility within the geographic boundaries of Cook County and households that serve as the worksites for Domestic Workers are exempt from this subsection 42-14(a).

(b) Every Employer shall provide with the first paycheck subject to this chapter issued to a Covered Employee a notice advising the Covered Employee of the current minimum Wages under this chapter, and of the Employee's rights under this chapter. The Director shall prepare and make available a form notice that satisfies the requirements of this subsection 42-14(b).

Sec. 42-16. - Retaliation Prohibited.

It shall be unlawful for any Employer to discriminate in any manner or take any adverse action against any Covered Employee in retaliation for exercising any right under this chapter, including, but not limited to, disclosing, reporting, or testifying about any violation of this chapter or regulations promulgated thereunder. For purposes of this Section, prohibited adverse actions include, but are not limited to, unjustified termination, unjustified denial of promotion, unjustified negative evaluations, punitive schedule changes, punitive decreases in the desirability of work assignments, and other acts of harassment shown to be linked to such exercise of rights.

Sec. 42-17. - Enforcement – Regulations.

The Cook County Commission on Human Rights shall enforce this chapter, and the Director is authorized to adopt regulations for the proper administration and enforcement of its provisions.

Sec. 42-18. - Violation – Penalty.

Any Employer who violates this chapter or any regulation promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

Sec. 42-19. - Private Cause of Action.

If any Covered Employee is paid by his Employer less than the Wage to which he is entitled under this chapter, the Covered Employee may recover in a civil action three times the amount of any such underpayment, together with costs and such reasonable attorney's fees as the court allows. An agreement by the Covered Employee to work for less than the Wage required under this chapter is no defense to such action.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 Finance, Article IV Procurement Code, Division 4 Disqualifications and Penalties, Section 34-179 of the Cook County Code is hereby amended as follows:

Sec. 34-179. - Disqualification due to violation of laws related to the payment of wages and Employer Paid Sick Leave Ordinance.

(a) A Person including a Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) who has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Employee Classification Act, 820 ILCS 185/1 et seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages shall be ineligible to enter into a Contract with the County for a period of five years from the date of conviction, entry of a plea, administrative finding or admission of guilt.

(b) A person including a Substantial Owner who has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of violating the Cook County Minimum Wage Ordinance (Section 42-7 - 42-15 of the Cook County Code) shall be ineligible to enter into a Contract with the County for a period of five years from the date of conviction, entry of a plea, administrative finding or admission of guilt.

(b c) The CPO shall obtain an affidavit or certification from every Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) from whom the County seeks to make a Contract with certifying that the Person seeking to do business with the County including its Substantial Owners (as defined in Part I, Chapter 34, Article V, Section 34- 367 of the Cook County Code) has not violated the statutory provisions identified in Subsection (a) and or (b) of this Section.

(e d) For Contracts entered into following the effective date of this Ordinance, if the County becomes aware that a Person including Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) under contract with the County is in violation of Subsection (a) or (b) of this Section, then, after notice from the County, any such violation(s) shall constitute a default under the Contract.

(d e) If a Person including a Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) is ineligible to contract with the County due to the provisions of Subsection (a) or (b) of this Section, the Person seeking the Contract may submit a request for a reduction or waiver of the ineligibility period to the CPO. The request shall be in writing in a manner and form prescribed by the CPO and shall include one or more of the following actions have been taken:

- (1) There has been a bona fide change in ownership or Control of the ineligible Person or Substantial Owner;
- (2) Disciplinary action has been taken against the individual(s) responsible for the acts giving rise to the violation;
- (3) Remedial action has been taken to prevent a recurrence of the acts giving rise to the disqualification or default; or
- (4) Other factors that the Person or Substantial Owner believe are relevant.

The CPO shall review the documentation submitted, make any inquiries deemed necessary, request additional documentation where warranted and determine whether a reduction or waiver is appropriate. Should the CPO determine that a reduction or waiver of the ineligibility period is appropriate; the CPO shall submit its decision and findings to the County Board.

(e f) A Using Agency may request an exception to such period of ineligibility by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Contract be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved. If an exception is granted, such exception shall apply to that Contract only and the period of ineligibility shall continue for its full term as to any other Contract. Said exceptions granted by the CPO shall be communicated to the County Board.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 74 Taxation, Article II Real Property Taxation, Division 2 Classification System for Assessment, Section 74-74 of the Cook County Code is hereby amended as follows:

Sec. 74-74. - Laws regulating the payment of wages and Employer Paid Sick Leave.

- (a) Except where a Person has requested an exception from the Assessor and the County Board expressly finds that granting the exception is in the best interest of the County, such Person including any Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) shall be ineligible to receive any property tax incentive noted in Division 2 of this Article if, during the five year period prior to the date of the application, such Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages.
- (b) The Assessor shall obtain an affidavit or certification from every Person and Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) who seeks a property tax incentive from the County as noted in Division 2 of this Article certifying that the Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has not violated the statutory provisions identified in Subsection (a) of this Section.

(c) If the County or Assessor becomes aware that a Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages during the five year period prior to the date of the application, but after the County has reclassified the Person's or Substantial Owner's (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) subject property under a property tax incentive classification, then, after notice from the Assessor of such violation, the Person or Substantial Owner shall have 45 days to cure its violation and request an exception or waiver from the Assessor. Failure to cure or obtain an exception or waiver of ineligibility from the Assessor shall serve as grounds for revocation of the classification as provided by the Assessor or by the County Board by Resolution or Ordinance. In case of revocation or cancellation, the Incentive Classification shall be deemed null and void for the tax year in which the incentive was revoked or cancelled as to the subject property. In such an instance, the taxpayer shall be liable for and shall reimburse to the County Collector an amount equal to the difference in the amount of taxes that would have been collected had the subject property not received the property tax incentive.

(d) The Assessor shall obtain an affidavit or certification from every Person and Substantial Owner who seeks a property tax incentive from the County that the applicant pays a Wage as defined in Section 42-8 to its employees in accordance with Sections 42-7 through 42-15 of the Cook County Code.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 54 Licenses, Permits and Miscellaneous Business Regulations, Article X General Business Licenses, Section 54-384 and Section 54-390 of the Cook County Code are hereby amended as follows:

Sec. 54-384. - License application.

All applications for a General Business License shall be made in writing and under oath to the Director of Revenue on a form provided for that purpose.

(a) Every application for a County General Business License shall be submitted and signed by the Person doing business or authorized representative of the Person doing business and shall contain the following:

- (1) Name of the applicant.
- (2) Business address.
- (3) Social security numbers, Tax ID number, and residence addresses of its sole proprietor or the three individuals who own the highest percentage interests in such Person and any other individual who owns five percent or more interest therein.
- (4) Pin number of the property or properties where the business is being operated.
- (5) A brief description of the business operations plan.

(6) Sales tax allocation code. The sales tax allocation code identifies a specific sales tax geographic area and is used by the State of Illinois for sales tax allocation purposes.

(7) Certification that applicant is in compliance with all applicable County Ordinances.

(8) For Business Licenses applied for or renewed following the effective date of this provision, certification that the applicant has not, during the five-year period prior to the date of the application for a Business License, admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages.

(9) Certification that the applicant pays a Wage as defined in Section 42-8 to its employees that conforms with Sections 42-7 - 42-15 of the Cook County Code

(b) The Director of Revenue shall be the custodian of all applications for licenses which [sic] under provisions of this Code. All information received by the Department from applications filed pursuant to this article or from any investigations conducted pursuant to this article, except for official County purposes, or as required by the Freedom of Information Act, shall be confidential.

(c) The General Business License applicant may be subject to an inspection by the following county departments including, but not limited to, Health, Building and Zoning and the Environment, prior to licensing.

(d) It shall be grounds for denial and/or revocation of any license issued under the provisions of this article whenever the license applicant knowingly includes false or incomplete information in the license application or is in violation of a County Ordinance.

Sec. 54-390. - Failure to comply-Code of Ordinances.

(a) Failure to comply with applicable Cook County Code of Ordinances may result in general business license suspension or revocation.

(b) Persons doing business in unincorporated Cook County must comply with this article and, including but not limited to, the following Cook County Code of Ordinances:

(1) Chapter 30, Environment; or

(2) Chapter 38, Article III, Public Health and Private Nuisances; or

(3) Chapter 58: Article III, Offenses involving Public Safety, and Article IV, Offenses Involving Public Morals; or

(4) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code; or

(5) Chapter 74 Taxation; or

(6) The Cook County Zoning Ordinance, as amended; or

(7) Chapter 42 Human Relations.

Effective Date: This Ordinance shall take effect immediately upon passage.

Approved and adopted this 26th of October 2016.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

16-4229
ORDINANCE

Sponsored by

**THE HONORABLE BRIDGET GAINER, JESÚS G. GARCÍA, LUIS ARROYO JR.,
RICHARD R. BOYKIN, JOHN P. DALEY, JOHN A. FRITCHEY, DEBORAH SIMS,
ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

ESTABLISHING EARNED SICK LEAVE FOR EMPLOYEES IN COOK COUNTY

WHEREAS, the County of Cook is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to their home rule powers, the Cook County Commissioners may exercise any power and perform any function relating to their governments and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, employees in every industry occasionally require time away from the workplace to tend to their own health or the health of family members; and

WHEREAS, in Cook County approximately 40 percent, or 840,000, private sector workers receive no paid sick leave; and

WHEREAS, earned sick leave has a positive effect on the health of not only employees and their family members, but also the health of fellow workers and public at large and the most comprehensive national survey of United States restaurant workers found that two-thirds of restaurant wait staff and cooks have come to work sick; and

WHEREAS, earned sick leave reduces healthcare expenditures by promoting access to primary and preventative care and reduces reliance on emergency care; and

WHEREAS, nationally providing all workers with earned sick leave would result in \$1.1 billion in annual savings in hospital emergency department costs; and

WHEREAS, nearly one (1) in four (4) American women report domestic violence by an intimate partner, nearly one (1) in five (5) women have been raped, and nearly one (1) in six (6) women have been stalked. Many workers, men and women, need time off to care for themselves after these incidents, or to find solutions, such as protective orders or new housing, to avoid or prevent further domestic or sexual violence. Without paid time off, employees are in grave danger of losing their jobs, which can be devastating when victims need economic security to ensure their own safety and that of their children; and

WHEREAS, at least 28 local jurisdictions have enacted Earned Sick Leave including Chicago, New York City, Los Angeles, San Francisco, Oakland, Minneapolis, Philadelphia, Jersey City and Seattle; and

WHEREAS, a cost model developed by the Civic Consulting Alliance found that a paid sick leave framework similar to the one reflected in this Ordinance would result in only a small, 0.7 to 1.5 increase in labor costs for most employers.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 42 Human Relations, Article 1 In General, Sections 42-1 through 42-6 of the Cook County Code is hereby enacted as follows:

Sec. 42-1. Short title.

This article shall be known and may be cited as the Cook County Earned Sick Leave Ordinance (“Ordinance”).

Sec. 42-2. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency shall mean the Cook County Commission on Human Rights.

Construction Industry means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site to or from the job site, snow plowing, snow removal, and refuse collection.

Covered Employee means any Employee who, in any particular two-week period, performs at least two hours of work for an Employer while physically present within the geographic boundaries of Cook County. For purposes of this definition, time spent traveling in Cook County that is compensated time, including, but not limited to, deliveries, sales calls, and travel related to other business activity taking place within Cook County, shall constitute work while physically present within the geographic boundaries of Cook County; however, time spent traveling in Cook County that is uncompensated commuting time shall not constitute work while physically present within the geographic boundaries of Cook County. The definition of “Covered Employee” for purposes of this ordinance does not include any “employee” as defined by Section 1(d) of the Railroad Unemployment Insurance Act, 45 U.S.C. § 351(d).

Domestic partner means any person who has a registered domestic partnership, or qualifies as a domestic partner under Sections 2-173 and 174 of this Code or as a party to a civil union under the Illinois Religious Freedom Protection and Civil Union Act, 750 ILCS 75/1 et seq., as currently in force and hereafter amended.

Earned Sick Leave means time that is provided by an Employer to a Covered Employee that is eligible to be used for the purposes described in Section 42-3 of this Chapter, and is compensated at the same rate and with the same benefits, including health care benefits, that the Covered Employee regularly earns during hours worked.

Employee means an individual permitted to work by an employer regardless of the number of persons the Employer employs.

Employer means:

- (1) "Employer" means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that gainfully employs at least one Covered Employee with a place of business within Cook County.
- (2) The term "employer" does not mean:
 - a. The government of the United States or a corporation wholly owned by the government of the United States;
 - b. An Indian tribe or a corporation wholly owned by an Indian tribe;
 - c. The government of the State or any agency or department thereof; or
 - d. Units of local government.

Family and Medical Leave Act means the United States Family and Medical Leave Act of 1993, 29 USC S 2601 et seq. as currently in force and hereafter amended.

Family member means a Covered Employee's child, legal guardian or ward, spouse under the laws of any state, domestic partner, parent, spouse or domestic partner's parent, sibling, grandparent, grandchild, or any other individual related by blood or whose close association with the Covered 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 Covered Employee stands in loco parentis. A parent includes a biological, foster, stepparent or adoptive parent or legal guardian of a Covered Employee, or a person who stood in loco parentis when the Employee was a minor child.

Health Care Provider means any person licensed to provide medical or emergency services, including, but not limited to doctors, nurses, and emergency room personnel.

Sec. 42-3. Earned sick leave.

(a) General Provisions

- (1) Any Covered Employee who works at least 80 hours for an Employer within any 120-day period shall be eligible for Earned Sick Leave as provided under this Section.
- (2) Unless an applicable collective bargaining agreement provides otherwise, upon a Covered Employee's termination, resignation, retirement or other separating from employment, his or her Employer is not required to provide financial or other reimbursement for unused Earned Sick Leave.

(b) Accrual of Earned Sick Leave

- (1) Earned Sick Leave shall begin to accrue either on the 1st calendar day after the commencement of a Covered Employee's employment or on the effective date of this Ordinance, whichever is later.

- (2) For every 40 hours worked after a Covered Employee's Earned Sick Leave begins to accrue, he or she shall accrue one hour of Earned Sick Leave. Earned Sick Leave shall accrue only in hourly increments; there shall be no fractional accruals.
- (3) A Covered Employee who is exempt from overtime requirements shall be assumed to work 40 hours in each workweek for purposes of Earned Sick Leave accrual, unless his or her normal work week is less than 40 hours, in which case Earned Sick Leave shall accrue based upon that normal work week.
- (4) For each Covered Employee, there shall be a cap of 40 hours Earned Sick Leave accrued per 12-month period, unless his or her Employer sets a higher limit. The 12-month period for a Covered Employee shall be calculated from the date he or she began to accrue Earned Sick Leave.
- (5) At the end of a Covered Employee's 12-month accrual period, he or she shall be allowed to carry over to the following 12-month period half of his or her unused accrued Earned Sick Leave, up to a maximum of 20 hours.
- (6) If an Employer is subject to the Family and Medical Leave Act, each of the Employer's Covered Employees shall be allowed, at the end of his or her 12-month Earned Sick Leave accrual period, to carry over up to 40 hours of his or her unused accrued Earned Sick Leave, in addition to the carryover allowed under subsection 42-3(b)(5), to use exclusively for Family and Medical Leave Act eligible purposes.
- (7) If an Employer has a policy that grants Covered Employees paid time off in an amount and a manner that meets the requirements for Earned Sick Leave under this Section, the Employer is not required to provide additional paid leave. If such Employer's policy awards the full complement of paid time off immediately upon date of eligibility, rather than using an accrual model, the Employer must award each Covered Employee 40 hours paid time off within one calendar year of his or her date of eligibility.

(c) Use of Earned Sick Leave

- (1) An Employer shall allow a Covered Employee to begin using Earned Sick Leave no later than on the 180th calendar day following the commencement of his or her employment. A Covered Employee is entitled to use no more than 40 hours of Earned Sick Leave per 12-month period, unless his or her Employer sets a higher limit. The 12-month period for a Covered Employee shall be calculated from the date he or she began to accrue Earned Sick Leave. If a Covered Employee carries over 40 hours of Family and Medical Leave Act leave pursuant to subsection 42-3(b)(6) and uses that leave, he or she is entitled to use no more than an additional 20 hours of accrued Earned Sick Leave in the same 12 month period, unless the Employer sets a higher limit. A Covered Employee shall be allowed to determine how much accrued Earned Sick Leave he or she needs to use, provided that his or her Employer may set a reasonable minimum increment requirement not to exceed four hours per day.

- (2) A Covered Employee may use Earned Sick Leave when:
- a. He or she is ill or injured, or for the purpose of receiving medical care, treatment, diagnosis or preventative medical care;
 - b. A member of his or her family is ill or injured, or to care for a family member receiving medical care, treatment, diagnosis or preventative medical care;
 - c. He or she, or a member of his or her family, is the victim of domestic violence, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, or is the victim of sexual violence or stalking as defined in Article 11, and Sections 12-7.3, 12-7.4, and 12-7.5 of the Illinois Criminal Code of 2012; or
 - d. His or her place of business is closed by order of a public official due to a public health emergency, or he or she needs to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency. For the purposes of this section, "public health emergency" is an event that is defined as such by a Federal, State or Local government, including a school district.
- (3) An Employer shall not require, as a condition of a Covered Employee taking Earned Sick Leave that he or she search for or find a replacement worker to cover the hours during which he or she is on Earned Sick Leave.
- (4) If a Covered Employee's need for Earned Sick Leave is reasonably foreseeable, an Employer may require up to seven days' notice before leave is taken. If the need for Earned Sick Leave is not reasonably foreseeable, an Employer may require a Covered Employee to give notice as soon as is practicable on the day the Covered Employee intends to take Earned Sick Leave by notifying the Employer via phone, e-mail, or text message. The Employer may set notification policy if the Employer has notified Covered Employee in writing of such policy and that policy shall not be unreasonably burdensome. For purposes of this subsection, needs that are "reasonably foreseeable" include, but are not limited to prescheduled appointments with health care providers for the Covered Employee or for a family member, and court dates in domestic violence cases. Any notice requirement imposed by an Employer pursuant to this subsection shall be waived in the event a Covered Employee is unable to give notice because he or she is unconscious, or otherwise medically incapacitated. If the leave is one that is covered under the Family and Medical Leave Act, notice shall be in accordance with the Family and Medical Leave Act.
- (5) Where a Covered Employee is absent for more than three consecutive work days, his or her Employer may require certification that the use of Earned Sick Leave was authorized under subsection 42-3(c)(2). For time used pursuant to subsections (c)(2)(a) or (b), documentation signed by a licensed health care provider shall satisfy this requirement. An Employer shall not require that such documentation specify the nature of the Covered Employee's or the Covered Employee's family member's injury, illness, or condition, except as required by law. For Earned Sick Leave used pursuant to subsection (c)(2)(c) a police report, court document, a

signed statement from an attorney, a member of the clergy, or a victim services advocate, or any other evidence that supports the Covered Employee's claim, including a written statement from him or her, or any other person who has knowledge of the circumstances, shall satisfy this requirement. The Covered Employee may choose which document to submit, and no more than one document shall be required if the Earned Sick Leave is related to the same incident of violence or the same perpetrator. The Employer shall not delay the commencement of Earned Sick Leave taken for one of the purposes in subsection 42-3(c)(2) nor delay payment of wages, on the basis that the Employer has not yet received the required certification.

- (6) Nothing in this Section shall be construed to prohibit an Employer from taking disciplinary action, up to and including termination, against a Covered Employee who uses Earned Sick Leave for purposes other than those described in this Section.
- (7) This Section provides minimum Earned Sick Leave requirements; it shall not be construed to affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater Earned Sick Leave benefits.

Sec. 42-5. Application to collective bargaining agreements.

Nothing in this Ordinance shall be deemed to interfere with, impede, or in any way diminish the right of Covered Employees to bargain collectively with their Employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this Ordinance. The requirements of this Ordinance may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms. Nothing in this Ordinance shall be deemed to affect the validity or change the terms of bona fide collective bargaining agreements in force on the effective date of this Ordinance. After that date, requirements of this Ordinance may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms. In no event shall this Ordinance apply to any Covered Employee working in the Construction Industry who is covered by a bona fide collective bargaining agreement.

Sec. 42-6. Notice and posting.

(a) Every Employer shall post in a conspicuous place at each facility where any Covered Employee works that is located within the geographic boundaries of Cook County a notice advising the Covered Employee of his or her rights to Earned Sick Time under this Ordinance. The Agency shall prepare and make available a form notice that satisfies the requirements of this Ordinance. Employers that do not maintain a business facility within the geographic boundaries of the County are exempt from this subsection.

(b) Every Employer shall provide to a Covered Employee at the commencement of employment written notice advising the Covered Employee of his or her rights to Earned Sick Time under this Ordinance. The Agency shall prepare and make available a form notice that satisfies the requirements of this Ordinance.

Sec. 42-7. Retaliation prohibited.

It shall be unlawful for any Employer to discriminate in any manner or take any adverse action against any Covered Employee in retaliation for exercising, or attempting in good faith to exercise, any right under this Ordinance, including, but not limited to, disclosing, reporting, or testifying about any violation of this Ordinance or regulations promulgated thereunder. For purposes of this Section, prohibited adverse actions include, but are not limited to, unjustified termination, unjustified denial of promotion, unjustified negative evaluations, punitive schedule changes, punitive decreases in the desirability of work assignments, and other acts of harassment shown to be linked to such exercise of rights. An Employer shall not use its absence-control policy to count Earned Sick Leave as an absence that triggers discipline, discharge, demotion, suspension, or any other adverse activity.

Sec. 42-8. Enforcement and penalties.

(a) The Agency shall administer and enforce this Ordinance in accordance with Chapter 42, Article II, Section 42-34 of the Cook County Human Rights Ordinance, except as allowed for in subsection (b) of this Section.

(b) If any Employer violates any of the Earned Sick Leave provisions in this Ordinance, the affected Covered Employee may recover in a civil action damages equal to three times the full amount of any unpaid Sick Leave denied or lost by reason of the violation, and the interest on that amount calculated at the prevailing rate, together with costs and such reasonable attorney's fees as the court allows. Such action may be brought without first filing an administrative complaint. The statute of limitations for a civil action brought pursuant to this Ordinance shall be for a period of three years from the date of the last event constituting the alleged violation for which the action is brought.

Sec. 42-9. Effect of invalidity; severability.

If any section, subdivision, paragraph, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

Sec. 42-10. After passage and publication, this Ordinance shall take effect on July 1, 2017.

Effective Date: This Ordinance shall take effect on July 1, 2017.

Approved and adopted this 5th of October 2016.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk