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## Cook County Paid Leave Ordinance: Guidance for School Districts

On December 31, 2023, the Cook County Paid Leave Ordinance (PLO) went into effect, requiring that all employers with employees in Cook County provide those employees with at least one (1) hour of paid leave for every forty (40) hours worked, which can be used for any reason. On October 24, 2024, the Cook County Board of Commissioners approved amendments to the Cook County Paid Leave Procedural Rules. **School Districts are required to comply with the Cook County Paid Leave Ordinance starting on January 1, 2025.**

This guidance, provided by the Cook County Commission of Human Rights, the enforcement agency for the Cook County Paid Leave Ordinance ("PLO"), shares information regarding coverage, Collective Bargaining Agreements, increments for use, and permissible employer restrictions for use of paid leave.

### I. PLO's Impact on Collective Bargaining Agreements

- a. The PLO does not impact collective bargaining agreements (CBAs) between School Districts and their employees, which were fully executed (**signed by both parties**) before January 1, 2025.
- b. For CBAs executed after January 1, 2025, the PLO would not apply in circumstances where School District employees have expressly waived their rights under the PLO in the CBA in clear and unambiguous terms.

Example: School District B and their employees fully executed a collective bargaining agreement (CBA) on December 31, 2024, which will go into effect for the 2026 school year and ends in 2031. The PLO would not impact this CBA because it was signed before January 1, 2025,

Example: School District C and employees execute a CBA for the 2026-2031 school years on January 2, 2025. The CBA does not include a sentence or paragraph that employees covered by the CBA waive the requirements of the PLO. In this scenario, Employees of School District C are covered under the PLO.

**The Cook County Paid Leave Ordinance provisions apply to School District employees that (1) are not covered by a CBA or (2) are covered by a CBA, but did not waive the requirements of the PLO.**

### II. PLO Overview

- a. PLO applies to workers who perform at least 50% of their compensated work for an employer while physically present within the geographic boundaries of Cook County.
- b. Full-time, part-time, temporary and seasonal workers are covered by the PLO.

- c. If workers are employed through a staffing agency, the staffing agency is considered the employer under PLO, not the workplace assignment.
- d. The PLO establishes the floor or minimum amount of paid time off employees in Cook County are entitled to. It does not require School Districts to provide additional time off or create a new type of leave.
  - i. As a School District employer, if you currently provide vacation, paid time off (“PTO”), or personal days that meet or exceed the time required by the PLO, you do not have to provide additional time. School Districts who are providing fewer than 1 hour of leave for every 40 hours worked, are required to bring the amount of leave up to the rate of accrual outlined in the PLO.

**Example:** School District B has an existing policy where it provides 10 days of sick leave and 2 days of personal days for staff. School District B allows 3 of the 10 sick days to be used for any reason, like vacation or personal days. Employees at School District B work 7-hour days and 200 days a school year. This policy complies with the minimum requirements of the PLO because the employees receive 5 days that they can use for any reason, as required by the PLO. Also, the 5 days meet the minimum time off required.

### III. Increments for Use

- a. School Districts may require employees to take off a full workday when using paid leave. School Districts may deny requests to use paid leave for a portion of the workday.

**Example:** A full-time employee of School District A regularly works 7 hours per day, 35 hours per week. The employee submits a request to use 4 hours of paid leave time on a Tuesday. School District A denies the request because School District A has a policy that employees must use paid time off in full day increments. Here the employee is requesting to take off a portion of their 7-hour workday. School District A's policy does not violate the PLO.

### IV. Permissible Restrictions on Use of Paid Leave

- a. School Districts may deny paid leave requests to meet operational needs, but should consider the following:
  - i. Whether they provide a need or service critical to the County’s health, safety, or welfare,
  - ii. Whether all employees receive the same treatment in the review of their paid leave requests, and/or
  - iii. Whether approving employee’s paid leave requests during the requested period would significantly impact business operations due to size.
    - 1. This includes instances of having appropriate employee coverage for the job function.
- b. The limited circumstances for which a School District may deny employee requests to use paid leave must be included in the School District’s written policy. The

written policy must be provided to all employees at the start of employment. The written paid leave policy should include information like:

- i. Calculation method(s) and which employees it applies to.
  - ii. Rate of accrual or number of hours frontloaded.
  - iii. Terms and conditions on an employee's use of paid leave.
  - iv. Methods for employees to submit requests.
- c. Reasons for denial should be provided to the requesting employee in writing and maintained in the School District's Paid Leave records.
- i. **Example:** School District A has a written policy restricting all employees from using paid leave prior to a holiday and during the first and last week of the school year due to operational/safety needs. This policy is permissible under the PLO.

#### V. School Districts in Multiple Suburbs

- a. School Districts serving multiple municipalities are only required to provide paid leave to District employees who spend at least 50% of their time working in a municipality that follows the PLO.

**Example:** Erica works for a School District which covers two Cook County municipalities. Erica works 4 days per week in Municipality 1, which follows the PLO, and 1 day per week in Municipality 2, which does not follow the PLO. Since Erica spends over 50% of her working hours in Municipality 1, the School District would be required to provide paid leave to Erica.

**Example:** Wendell is a substitute teacher and does not have a fixed schedule. He works when he wants and based on need for substitutes. Throughout the year he works for School District 4 that serves three municipalities that all follow the PLO and School District 5, which is in Lake County. Neither School District is aware that Wendell works for other schools. School District 4 is required to comply with the PLO and is only responsible for tracking the hours Wendell works for School District 4.

Additionally, the Paid Leave Employer Checklist and list of Frequently Asked Questions are available on the Commission's website: [www.cookcountyiil.gov/PaidLeave](http://www.cookcountyiil.gov/PaidLeave).

The Commission on Human Rights is here to answer any questions regarding compliance with the Cook County Paid Leave Ordinance. Feel free to contact us by email at [human.rights@cookcountyiil.gov](mailto:human.rights@cookcountyiil.gov) or by phone at (312) 603-1100.