

Edward C. Abramson

Associate | Chicago
(312) 456-0384 | EAbramson@rsplaw.com

Chicago Fair Workweek Ordinance Takes Effect July 1, 2020

Several major cities have recently passed “Fair Workweek” ordinances aimed at making employee schedules more predictable by requiring advance scheduling for covered employees and penalizing employers for last minute changes.

The Chicago City Council adopted the Chicago Fair Workweek Ordinance on July 24, 2019 to take effect July 1, 2020.

The Ordinance covers employers primarily engaged in only certain industries, including building services, hotels, healthcare, and retail. An employer in a covered industry must also employ 100 or more employees globally (250 for non-profit corporations), 50 of whom need to be “covered employees”.

An employee is covered by the ordinance where they earn up to \$26 per hour, or \$50,000 or less salaried, and the employee must mostly work in the City of Chicago and in the covered industry.

Starting July 1, 2020, covered employers will have several new obligations, including but not limited to the following:

- Employers will need to provide a pre-employment written estimate of the average expected number of hours per week the employee will be scheduled, whether they will be on call, and the days and hours per week they are anticipated to work. The prospective employee is entitled to submit a request for modification of that proposed schedule that the employer must respond to within three days. The estimate is not binding and must be made in good faith.
- Schedules must be posted at least 10 days prior to the first day of scheduled work starting July 1, 2020 through June 30, 2022; Starting July 1, 2022 notice must be posted 14 days in advance. Schedules may be communicated in same way the employer customarily communicates with its workers. Employees may request their schedules not be posted publicly.
- Employers must notify employees in writing within 24 hours of any schedule change and an employee may be entitled to compensation if this change occurs within the 10 or 14 day Advance Notice period and no exception from this rule applies. Violating the notice requirements can result in a range of penalties from payment of one hour of “predictability pay” for more minor shift changes to at least 50% of regular pay for scheduled hours not worked.
- Several exceptions to the rules will allow employers to make modifications to an employee’s work schedule, including but not limited to employee shift-trading, disciplinary action, or certain events outside of an employer’s control.

The Ordinance also requires employers attempt to provide additional hours to qualified existing employees prior to hiring new full time or temporary workers.

Employees are entitled to decline certain work schedules that provide inadequate rest time between shifts, or accept and earn a premium rate of pay for those hours.

Employees are also permitted to request a flexible working arrangement, including changing their start and end times, though an employer is not obligated to grant the request.

Finally, employees may sue for violations under the ordinance after making a complaint to the City. Employers can expect to be fined \$300 to \$500 per violation under the ordinance.