Engage PEO Client Alert:

Chicago - Vaccine Anti-Retaliation Ordinance

On April 21, 2021, the **Chicago City Council passed an ordinance, effective immediately, prohibiting adverse action against all Chicago employees and independent contractors who take time off from work to receive a COVID-19 vaccine.** The City Ordinance also prohibits employers from requiring an employee to use their off hours to receive a COVID-19 vaccine.

Employers that do not have a mandatory vaccination policy must provide unpaid time off for the employee to receive the COVID-19 vaccination. Employees are also permitted to (but not required to) use accrued but unused PTO or other available sick time (such as available sick time under the Chicago Paid Sick Leave Ordinance) in order for the worker to take time off to receive the vaccine.

For employers that mandate COVID-19 vaccination, the worker must be provided up to four **(4) hours of paid time off per injection at the employee's regular rate of pay** if the vaccination appointment occurs during a scheduled work shift. In addition, those employers that mandate the COVID-19 vaccination, employees cannot be required to use their accrued but unused PTO or sick leave to cover their absence.

There are no or posting requirements since the Office of Labor Standards has already published a notice summarizing the Ordinance, found here.

The Ordinance will remain in effect until the city commissioner of public health determines that the public health threat posed by COVID-19 has diminished to the point that the ordinance can be repealed.

Employers in violation of the Ordinance will be subject to fines ranging from $1,000 to $5,000. Workers also have a private right of action to pursue remedies including reinstatement, treble damages, other actual monetary damages, and reasonable attorney's fees and costs.

Please contact your Engage HR Consultant if you have any questions.