

June 16, 2017

Samantha Fields  
 Commissioner  
 Department of Business Affairs and Consumer Protection  
 121 N. LaSalle Street, 8th Floor  
 Chicago, IL 60602

RE: Draft Rules for Chicago Minimum Wage and Paid Sick Leave

Dear Commissioner Fields:

On behalf of the Illinois Health and Hospital Association (IHA), which represents all 41 hospitals within the City of Chicago, we appreciate the opportunity to provide comments on the Department's draft rules for the Chicago minimum wage and paid sick leave. Hospitals, by their nature, are a culture of health and wellness and are particularly sensitive to the health of their staff – for both the good of their staff, but also for the good of their patients and their family.

IHA respectfully requests that the Department incorporate the following suggestions and request for clarification in the final rules governing the City of Chicago's paid sick leave ordinance.

**Rule MW 1.06 Contents of Records of Employers:**

Many employers do not require employees identify the specific use when requesting or using Paid Time Off. IHA is seeking clarification that employers whose Paid Time Off policy meets the requirements of the ordinance do not need to track when Paid Time Off was used for purposes related to Paid Sick Leave. IHA suggests incorporating the following sentence: “Where the Employer has a policy that grants Covered Employees Paid Time Off, the records required in this section are not required to specify the amount of the Paid Time Off that is used for Paid Sick Leave.”

**Rule MW 3.01 General:**

While Rule MW 3.01 states that, “Those employers whose Paid Time Off policies meet or exceed the requirements of the Ordinance in all three categories are not required to provide additional leave,” it does not clarify whether employers need to reserve part of their Paid Time Off for Paid Sick Leave. For example, if an employer provides 60 hours of Paid Time Off annually and an employee uses all 60 hours on vacation and then gets sick, does the employer need to provide additional Paid Sick Leave? IHA seeks clarification by adding the following to the original sentence: “Those Employers whose Paid Time Off policies meet or exceed the requirements of the Ordinance in all categories are not required to provide additional leave, even in those cases where the Employee has used all of their available Paid Time Off for personal reasons and not for Paid Sick Leave.”

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**Rule MW 3.05 Accrual vs. Immediate Grant:**

IHA seeks confirmation that under the immediate grant model, a Covered Employer that is subject to FMLA would only need to immediately grant a Covered Employee 60 hours of Paid Time Off at the beginning of each subsequent work year.

**Rule MW 3.09 Disciplinary Leave:**

IHA suggests the following changes to Rule MW 3.09 to ensure that Covered Employees comply with the requirements of the Ordinance's use of Paid Sick Leave: "Rule MW 3.09 ~~Disciplinary Leave~~ Discipline: An Employer shall not use its absence control policy to count Paid Sick Leave as an absence that triggers discipline, discharge, demotion, suspension, or any other adverse action, provided that the Employee has otherwise complied with the requirements of this chapter in the Employee's use of Paid Sick Leave."

**Rule MW 3.12 Notification Policy:**

IHA suggests the following changes to Rule MW 3.12 to clarify that Covered Employers can have a written policy establishing notice requirements for use of Paid Sick Leave: "Rule MW 3.12 Notification Policy: ~~An Employer may establish reasonable methods of notification for the Covered Employee to notify the Employer of the Covered Employee's need to use Paid Sick Leave.~~ A Covered Employer may establish reasonable notice requirements for Covered Employees using Paid Sick Leave for both foreseeable and unforeseeable absences from work."

I appreciate the opportunity to comment on the draft minimum wage and paid sick leave rules. Please feel free to contact Sarah Calder, Director of Government Relations, should you have any questions or need additional information ([scalder@team-iha.org](mailto:scalder@team-iha.org); 312/906-6141).

Thank you,

Dave Gross  
SVP, Government Relations