

Illinois Coronavirus Guidance

In response to the Coronavirus (COVID-19) global pandemic, state governments have issued guidance to help employers comply with labor and employment laws during the outbreak. Employer resources on the actions Illinois has taken during this time are provided below.

Because states are continually monitoring and responding to developments related to COVID-19, e[Chicago public health order](#)

Health Orders and Mandates

- [Cook County mask mandate](#) (effective Jan. 3, 2022): requires individuals who are at least two years of age to wear a mask indoors in public places, regardless of vaccination status if they are able to medically tolerate it.
- [Chicago public health order](#) (effective Jan. 3, 2022): requires restaurants, bars, gyms, fitness centers, and entertainment/recreation venues where food or beverages are served to require proof of vaccination from all patrons.

Employee Leave

In March 2021, the Illinois Department of Labor issued [guidance](#) about employee leave for COVID-19 vaccination. According to the guidance:

- If an employer **requires** employees to be vaccinated, time taken for vaccination is likely compensable under the Illinois Minimum Wage Law and the federal Fair Labor Standards Act. This is true even if time spent for vaccination is not work time. Employers should combine mandatory vaccination with paid leave or other compensation.
- Employers that do not require employees to be vaccinated should allow them to use sick leave, vacation time or other paid time off for that purpose. Employers that do not provide paid time off should consider offering flex time so employees may be vaccinated without having to take unpaid time, or offer the flexibility of taking unpaid time off for vaccination.
- An appointment to receive a COVID-19 vaccine would qualify as a permissible medical appointment under the Illinois Employee Sick Leave Act (ESLA) if the employer allows the use of sick leave benefits for vaccinations. The ESLA requires that sick leave be allowed for certain family medical purposes on the same terms it is allowed for the employee's own illness or injury.

Local Laws

- **Chicago**—the city passed an [ordinance](#) banning retaliation against employees for staying home from work for certain COVID-19-related reasons, including caring for others with COVID-19. The law provides employees with a private right of action for violations, allowing damages of three times the wages the employee would have earned and attorneys' fees, in addition to other enforcement actions. The city has issued [FAQs](#) on the ordinance, which took effect on May 20, 2020.
- Another city [ordinance](#), effective April 21, 2021, requires Chicago employers to give employees **leave to receive the COVID-19 vaccine during work hours**. Leave must be paid (up to four hours per dose) if vaccination is required by the employer. Otherwise, employees must be allowed to use any accrued paid leave for this purpose. Retaliation is prohibited, and violations are subject to penalty.