



## News

### Chicago Dental Society Features Brette Bensinger in Article Discussing Chicago's New Paid Time Off Ordinance

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The Chicago Dental Society quoted Brette Bensinger at length in their November/December edition of *CDS Review*, discussing the City of Chicago's new employee paid time off ordinance. Bensinger explained how the ordinance will impact most Chicago businesses, including dental practices, because the legislation considers an employer to be anyone who "gainfully" employs at least one employee.

"It's safe to say that if you have a dental practice in Chicago, then you will have to comply. It is extremely complicated. This is the most generous paid leave law in the country, and it may be the most complicated."

She noted that Chicago was expected to change its Sick Leave ordinance to allow employees to take time off for any reason, which would align the City ordinance with the state's new "Paid Leave for All Workers" law. Instead, they kept the 40-hour Sick Leave rule and added 40 hours of Paid Leave for any reason. Employers may limit employees to 40 hours per type of leave, totaling 80 hours over 12 months.

The ordinance also changed its definition of "Covered Employees," which Bensinger explained now covers anyone "who has worked at least two hours for an employer in a two-week period, while physically present in the city."

Bensinger elaborated that small businesses with less than 50 employees must still comply with the ordinance. However, they are excused from the "payout" provision, which requires an employer to compensate an employee for earned but unused paid leave upon separation. Employers are not required to compensate for unused sick leave upon separation, although if the employee returns to work at any time, the unused sick leave must be reinstated.

She stated that employers can establish certain limitations and expectations for taking Paid Leave, although the ordinance also contains constraints. For instance, employers may adopt a policy requiring Paid Leave requests to be submitted in advance, but not more than seven days. Plus, they may refuse the request, but only under certain circumstances related to the disruption of business operations.

For Sick Leave, Bensinger added that employers may not mandate a health care provider's note or any substantiating documentation unless the employee is absent for three consecutive days.

#### Attorneys

V. Brette Bensinger

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"Chicago Ordinance Grants Employees Paid Time Off" was published by the *Chicago Dental Society* on November 15, 2023.

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