



City of Chicago



SO2021-1219

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	3/24/2021
Sponsor(s):	Lightfoot (Mayor) La Spata (1)
Type:	Ordinance
Title:	Establishment of COVID-19 vaccination rights for workers and prohibition of retaliation by employers
Committee(s) Assignment:	Committee on Workforce Development

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Duty to allow workers to vaccinate.

(a) As used in this ordinance, the following terms shall have the following meanings:

(1) "Employer" means a person, as defined in Section 1-4-090(e) of the Municipal Code of Chicago, who engages the services of at least one individual for payment..

(2) "Regular rate" shall have the definition applied to that term in 29 U.S.C. § 207(e).

(3) "Shift" means the consecutive hours an Employer schedules a Worker to work, including Employer-approved meal periods and rest periods.

(4) "Vaccine" and "vaccinate", in their various forms, mean a vaccine against COVID-19 or inoculation with a vaccine against COVID-19.

(5) "Worker" means an individual that performs work for an Employer, including as an employee or as an independent contractor.

(b) Whether vaccination is voluntarily sought or Employer-required, an Employer may not require that a Worker get vaccinated only during non-shift hours. An Employer shall not take adverse action against any Worker for taking time during a shift to get a vaccine.

(c) If a Worker has paid sick leave or paid time off accrued or otherwise available and requests to use that time to get a vaccine, the Employer shall allow the Worker to use that time for that purpose.

(d) An Employer that requires that a Worker be vaccinated shall compensate the Worker for the time, up to four hours per dose, that the Worker takes to get vaccinated at the Worker's regular rate of pay if the Worker's vaccination appointment time is during a shift. An Employer that requires that a Worker be vaccinated shall not require the Worker to use paid time off or paid sick leave to fund the hours of shift missed to get vaccinated.

(e) If an Employer takes adverse action against a Worker for taking time during a shift to get a vaccine in violation of subsection (b), (c), or (d), that shall be considered retaliation under Chapter 1-24 of the Municipal Code of Chicago. The Commissioner of Business Affairs and Consumer Protection or the Director of Labor Standards may take action against the Employer by instituting an action in administrative hearings or requesting the Corporation Counsel to take action in a court of law against the Employer.

(f) An Employer that violates this ordinance shall be liable for a fine of between \$1,000.00 and \$5,000.00.

(g) A Worker who has been subjected to a violation of this ordinance may recover in a civil action reinstatement to either the same position held before the retaliatory action or to an equivalent position, damages equal to three times the full amount of wages that would have

been owed had the retaliatory action not taken place, as well as any other actual damages directly caused by the retaliatory action, together with costs and such reasonable attorney's fees as a court allows.

SECTION 2. The Commissioner of Public Health shall have the authority to promulgate rules necessary to implement this ordinance.

SECTION 3. In light of the urgent need to ensure the safety of Workers and all people in the City of Chicago, pursuant to 65 ILCS 5/1-2-4 this ordinance shall take effect immediately upon its passage and approval, if such passage is by a vote of at least two-thirds of the members of this Council. In the event this ordinance passes by a majority vote of less than two-thirds of the members of this Council, it shall take effect ten days after passage and publication.

SECTION 4. Unless otherwise provided by ordinance, this ordinance shall be repealed of its own accord, without further action of the City Council, when the Commissioner of Public Health makes a written determination that the threat to public health posed by COVID-19 has diminished to the point that this ordinance can safely be repealed.