



# City of Chicago



O2021-1219

## Office of the City Clerk Document Tracking Sheet

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

WRX 11-1



OFFICE OF THE MAYOR  
CITY OF CHICAGO

LORI E. LIGHTFOOT  
MAYOR

March 24, 2021

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Business Affairs and Consumer Protection and the Director of the Office of Labor Standards, I transmit herewith an ordinance prohibiting vaccination-related retaliation.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lori E. Lightfoot".

Mayor

## 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" shall have the definition applied to that term in Section 1-24-010 of the Municipal Code of Chicago.

(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) "Time off" means time away from a worker's shift.

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

(b) An Employer shall not take adverse action against any Worker for taking time off to get a vaccine against COVID-19.

(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 against COVID-19, 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 two hours per dose, that the Worker takes to get vaccinated at the Worker's regular rate of pay if the Worker's vaccination slot is during a shift.

(e) If an Employer takes adverse action against a Worker for taking time off to get a vaccine against COVID-19 in violation of subsection (b), (c), or (d), that shall be considered retaliation under Chapter 1-24 of the Municipal Code of Chicago and the Commissioner of Business Affairs and Consumer Protection or the Director of Labor Standards may take action against the Employer may institute an action in administrative hearings or request 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) The Worker may recover in a civil action reinstatement of the Worker 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 the requirements of 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.