



# Cook County Commission on Human Rights

## Cook County Minimum Wage Ordinance FREQUENTLY ASKED QUESTIONS

The Frequently Asked Questions (FAQs) provide guidance to employers and employees on the requirements of the Cook County Minimum Wage Ordinance (MWO) and procedural rules, as well as answers to questions commonly submitted to the Cook County Human Rights Commission (Commission). These FAQs should not be interpreted as legal advice. Where these FAQs conflict with the MWO or rules, the ordinance and rules shall be applied.

### General Information

#### Q1: What is the Cook County Minimum Wage Ordinance?

The MWO sets the lowest amount an employer must legally pay their employees. Each year the minimum wage increases according to a formula set by the Ordinance.

#### Q2: Who does the MWO apply to?

The Ordinance applies to hourly, salaried, and tipped employees, over the age of 18, working in Cook County, even those who may be working within the County to make deliveries or driving within the County limits.

There are exceptions to the categories of employees covered by the Ordinance. Click here for a list of employees to which the Ordinance does not apply.

#### Q3: How is the MWO calculated?

Every year on July 1, the Commission may adjust the minimum wage based on the greatest rate among the Federal minimum wage, Illinois State minimum wage, or on the County's calculation using the Consumer Price Index (CPI). Pursuant to the Minimum Wage ordinance (MWO) (Sec. 42-13) and rules (Sec. 2.04), the Cook County minimum wage calculation may not be used when the unemployment rate in Cook County is 8.5% or greater. In the event that the Cook County unemployment rate exceeds 8.5%, the minimum wage is set to the greater of the Federal or Illinois State minimum wage.

	
<b>Minimum wage for tipped workers:</b> <b>\$7.20</b>	<b>Minimum wage for non-tipped workers:</b> <b>\$13.00</b>
	

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## Q4: What is the current Cook County Minimum Wage?

Effective July 1, 2021, the minimum wage for non-tipped workers remained \$13.00. The minimum wage for non-tipped workers did not increase due to the limitation under the ordinance and rules, which bars an increase if the unemployment rate was 8.5% or greater.

The minimum wage for tipped workers increased by State law on January 1, 2022 to \$7.20.

Illinois State Minimum Wage Chart			
Year	Minimum Wage	Tipped	Youths Under 18 <i>(working less than 650 hours per calendar year)</i>
1/1/20	\$9.25	\$5.55	\$8.00
7/1/20	\$10.00	\$6.00	\$8.00
1/1/21	\$11.00	\$6.60	\$8.50
1/1/22	\$12.00	\$7.20	\$9.25
1/1/23	\$13.00	\$7.80	\$10.50
1/1/24	\$14.00	\$8.40	\$12.00
1/1/25	\$15.00	\$9.00	\$13.00

## Q5: Does the MWO apply to teenage workers?

The Ordinance does not apply to employees under the age of 18 years. However, the Illinois Minimum Wage Act requires teenage workers to be paid a minimum wage of \$9.25 per hour, with annual increases. See Table in Q3 above.

## Q6: Does the County MWO apply to the City of Chicago?

No, the City of Chicago has its own MWO. [Click here](#) for a link to the information on the City's ordinance.

## Q7: Does the MWO apply to all suburban cities, townships, or villages within Cook County?

No, if a municipality has passed their own minimum wage (like the City of Chicago) then the municipality's minimum wage applies to employers located within or doing business in the municipality. If the municipality has not enacted their own minimum wage, the County's MWO applies. The list of municipalities that do not follow the MWO changes frequently. Please check with the local city, township, or village to confirm whether your municipality has adopted the MWO.

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## FREQUENTLY ASKED QUESTIONS

### Information for Employers

**Q8: Does the MWO apply to all employers in the County?**

Yes, generally, the Ordinance requires all employers that are located within Cook County and gainfully employ any person(s) within the boundaries of the County for at least 2 hours per week to comply with the County minimum wage.

**Q9: Does the MWO apply to employees that usually receive tips or gratuities, such as wait staff, as part of their compensation (tipped employees)?**

Yes, the Ordinance applies to tipped employees. Under Illinois law, starting January 1, 2022, the minimum wage for tipped employees is \$7.20.

**Q10: Does the Ordinance apply to Independent Contractors?**

The MWO does not apply to independent contractors.

**Q11: Are employees required to pay the minimum wage to new employees during their training periods?**

Employers are not required to pay minimum wage during the first 90 days of employment.

\*Note that this exception does not apply to day laborers, temporary, or seasonal workers. These workers must be paid the County's minimum wage during the entire duration of employment.

### Information for Employees

**Q12: What do I do if my employer is not paying the required minimum wage?**

You should first check to see if the municipality where you work has a different minimum wage. If the municipality has not opted out, you can file a Complaint with the Cook County Human Rights Commission. Complaint forms and additional information can be [found online here](#).

You may contact a Human Rights Investigator if you have any questions about the complaint process. Investigators for the Commission can be reached Monday through Friday from 9am to 4pm by telephone at 312-603-1100 email at [human.rights@cookcountyil.gov](mailto:human.rights@cookcountyil.gov), or by appointment.

Due to the volume of intake interviews, initial consultations are limited to 30 minutes. Please consider reviewing and sending the Commission a Complaint Intake Worksheet to enable investigators to better assist you.

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## **Q13: Will the Human Rights Commission provide me with a lawyer or legal advice?**

The Human Rights Commission does not provide lawyers or legal advice. Our investigators conduct neutral fact-finding investigations, which includes gathering information and conducting interviews to determine if a violation of the MWO has occurred.

Please note that individuals may obtain legal advice and assistance filing complaints with the Commission from nonprofit organizations that handle housing issues in Cook County.

## **Q14: What happens if the Commission determines my employer has violated the MWO?**

The Commission may order employers found to have violated the Cook County Minimum Wage Ordinance to provide complainants a remedy, which may include the following:

- Pay back wages
- Reinstatement of a wrongfully terminated complainant
- Give a required notice or make a required posting of the minimum wage
- Disqualify a respondent from receiving County benefits including licensing and property tax incentives

## **Q15: What are some examples of violations of the MWO?**

- Paying employees less than the applicable minimum wage.
- Confiscating gratuities of tipped employees.
- Charging employees counterfeit fees payable to the employer as a way of reducing their effective hourly rate of pay.
- Failing to notify employees of their rights under the Cook County Minimum Wage Ordinance.
- Firing an employee who is considering or has filed a Minimum Wage complaint or otherwise cooperating with a Commission investigation.