

COOK COUNTY LIVING WAGE ORDINANCE FREQUENTLY ASKED QUESTIONS (FAQs)

1. What is the Cook County Living Wage Ordinance?

This ordinance requires that all employers who (1) contract or subcontract with Cook County government to provide full-time labor, or (2) who operate on property in Cook County that receives a Class 6B, Class 8 or Class 9 property tax incentive, pay their employees not less than the living wage as determined annually by Cook County's Chief Financial Officer.

2. Who is a covered employee under the Cook County Living Wage Ordinance?

“Employee” means any individual working on a full-time basis, who provides services for an employer under a contract or subcontract with the County. If you (1) work for an employer under a contract or subcontract with the County, and (2) you work within the geographic boundaries of Cook County for at least to two hours each week in a particular two-week period of time, you are eligible for the Cook County Living Wage.

Time spent traveling to Cook County (e.g., making deliveries or sales calls, or traveling to other business activities taking place within Cook County) counts toward the two-hour requirement. Simply commuting to work by driving through Cook County does not count toward the two-hour limit.

Please note that “employees” do not include workers whose wages are governed by Federal law or State law, such as those required to be paid the prevailing wage pursuant to Section 34-161.

3. What employers are subject to the Cook County Living Wage Ordinance?

An employer that (1) is under a contract or subcontract with Cook County, (2) maintains a business facility within the geographic boundaries of Cook County, and/or is subject to one or more of the license requirements in Title 4 of the Cook County Code of Ordinances, and (3) employs at least one covered employee is subject to the Cook County Living Wage Ordinance.

4. Are there exceptions to the Cook County Living Wage Ordinance?

Yes, the Cook County Living Wage Ordinance does not apply in the following circumstances:

- (1) Where expressly waived by the Board;
- (2) Employees whose wages are governed by State or Federal law;
- (3) Contracts with not-for-profit organizations; and
- (4) Contracts funded by federal grants or loans.

In addition, this Ordinance is designed not to interfere with the rights of employees to collectively bargain with their employers to establish wages and other conditions of work in excess of the applicable standards of this ordinance.

5. If a company's labor comes via a staffing company, does the staffing company have to pay the Cook County Living Wage?

Yes. In this instance, the staffing company would be deemed a subcontractor to Cook County and subject to the Living Wage Ordinance.

6. What reporting requirements are there and how does the County follow up on the representations in the affidavit after the award?

The Cook County Assessor's Office and the Chief Procurement Officer both require employers to submit an affidavit certifying their compliance with the Cook County Living Wage Ordinance. Employers who provide false information on an affidavit may be subject to a charge of perjury.

7. If employers pay their workers less than the established living wage, but pay their workers sales, performance, and holiday bonuses, would they be deemed to be in compliance if the additional compensation yields an hourly wage that is at least equal to the living wage?

No. The Living Wage Ordinance provides that the living wage is to be paid on an hourly basis.

8. If a company's headquarters is located outside of Cook County, but it is seeking renewal of its 6b property incentive for one or more of its offices/branches located within Cook County, is that larger company required to pay its entire payroll the Cook County Living Wage?

No. The Living Wage Ordinance would apply only to employees who work in Cook County.

9. If a company offers an employee the required living wage for 2023 of \$14.42 per hour with health insurance, but the employee decides not to sign up for the company's health insurance plan, would the company be in violation of the Living Wage Ordinance if the employee is still paid \$14.42 per hour and not the required living wage of \$18.03 per hour without health insurance?

No. However, the company should be prepared to demonstrate, through documentation, that the employee was offered and declined health insurance that meets the requirements of the Living Wage Ordinance.

10. How is the Cook County Living Wage calculated?

The Cook County Chief Financial Officer determines the living wage annually. The living wage is 100 percent of the federal poverty line for a family of four *with* health benefits and 125 percent of the federal poverty line for a family of four *without* health benefits. Cook County refers to the most recent federal poverty guidelines issued by the U.S. Department of Health and Human Services.

11. Where can I find the current Cook County Living Wage?

The Cook County Chief Financial Officer calculates the living wage at the beginning of the calendar year once the federal poverty guidelines are issued by the U.S. Department of Health and Human Services. The Cook County Chief Financial Officer is required to post the current living wage on its website and is also required to notify the Cook County Chief Procurement Officer and the Cook County Assessor of the living wage. Once notified, the Cook County Chief Procurement Officer, the Cook County Assessor, and the Cook County Commission on Human Rights will post the living wage on their respective websites as well.

12. What are the notice requirements related to the Cook County Living Wage?

Every contractor and subcontractor required to pay the living wage is required to notify its employees of the Cook County Living Wage requirement. They are also required to notify all of their employees annually about any changes to the living wage.

13. What do I do if I believe that my employer is not complying with the living wage requirement?

Employees who believe that an employer is not complying with the requirements of the Cook County Living Wage Ordinance may submit a complaint to the Cook County Commission on Human Rights. The Living Wage Complaint form can be found [here](#).

The Commission will then investigate to determine whether there is evidence of a violation, and if so, will submit its findings to the Chief Procurement Officer (or the County Assessor's Office if the employer is receiving a tax incentive). The County's Chief Procurement Officer or County Assessor's Office will review the Commission's findings and determine the appropriate corrective action.

14. What are penalties for non-compliance with the Living Wage Ordinance?

If an employer is found to be in violation of the Living Wage Ordinance, they may be required to pay the affected employee(s) back pay, and may face a fine of up to \$100 per each affected employee for each day the employee is paid less than the living wage. Penalties are imposed on an employer after a hearing, pursuant to Chapter 2, Article IX, Administrative Hearings. Employers also may not retaliate against an employee for filing a complaint with the Commission.