Insights: Alerts

Chicago Amends Fair Workweek Rules: Effective June 1, 2026

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On May 18, 2026, the Chicago Commissioner of Business Affairs and Consumer Protection published extensive amendments to the rules implementing the Chicago Fair Workweek Ordinance (Chapter 6-110). The new rules become effective June 1, 2026. Employers in covered industries must review and update their policies to ensure compliance.

Change Area	Summary of Amendment
Expanded Definitions	Adds and clarifies terms, including “Leave of Absence,” “On-Call Shift,” “Salary,” and “Week.”
Employer Size Calculations	Employee counts are based on global headcount; fractional numbers are rounded down.
Initial Work Schedule Estimates	On-call shifts must be included; estimates must be provided at hire with supporting data and clear examples.
Advance Notice of Schedule	Schedules must be time-stamped and posted at least 14 days in advance, listing all Covered Employees at the location.
Predictability Pay	Owed for any employer-imposed schedule change over 15 minutes; an exception requires written, time-stamped employee consent.
Voluntary Schedule Changes	Predictability Pay not required for employee-initiated changes (including all forms of leave).
Offer of Additional Hours	Covered Employees must get priority for extra hours; good faith assessment of qualifications is required.
Right to Rest	Covered Employees may consent in writing to shifts with less than 10 hours' rest and must be paid at least 1.25x their regular rate.
Required Postings	Specifies required posting locations, including bulletin boards, breakrooms, monitors, and swipe-in stations.

Record Retention	Employers must retain records of compliance, especially for Right to Rest and schedule changes.
Severability	New rule: Each rule stands alone; invalidation of one does not affect the others.
Complaints	Removes the section on complaints from the rules.

Background

The Chicago Fair Workweek Ordinance was enacted in June 2019 and became effective July 1, 2020. The Ordinance aims to reduce scheduling volatility and provide predictability for employees in seven industries:

1. Building services
2. Hotels
3. Manufacturing
4. Restaurants (30+ locations worldwide, 250+ employees)
5. Retail
6. Healthcare
7. Warehouse services

Coverage Requirements:

- Employer must have at least 100 employees globally (250 for nonprofits and restaurants)
- Employee must earn $32.50/hour or less (subject to annual inflation adjustment).
- Employee must work at least two hours in Chicago over a two-week period.

The Ordinance provides:

- 14 days' advance notice of work schedules for most shifts
- The right to decline previously unscheduled hours
- Predictability Pay for short-notice employer-imposed schedule changes
- The right to rest by declining shifts less than 10 hours after a prior shift

Summary of Key Rule Changes

Rule 1.01 – Definitions

- New definitions clarify “Leave of Absence,” “On-Call Shift,” and “Salary” (as funds paid in a paycheck).
- Defines a “week” as seven consecutive 24-hour periods, beginning on any day and at any hour.

Rule 1.02 – Employer Size Determinations

- Global employee counts are used.
- New employers: average over prior 90 days; existing: average over 12 months.

- Fractional numbers are rounded down (e.g., 53.8 = 53 employees).

Rule 1.03 – Initial Estimate of Work Schedule

- On-call shifts must be included in advance schedules.
- Employers must provide a good faith estimate of the employee's schedule at hire, with supporting data and examples.

Rule 1.04 – Advance Notice of Work Schedule

- Schedules must be time-stamped, include start/end dates, all scheduled hours, and the names (first initial + last name) of all Covered Employees, even if not scheduled that week.
- Must be posted at least 14 days before the first day of the new schedule.

Rule 1.05 – Schedule Changes and Predictability Pay

- Predictability Pay is owed for any employer-imposed change over 15 minutes after posting.
- Covered Employee consent to changes must be written and time-stamped; general or ongoing consent is not sufficient.
- No Predictability Pay required for voluntary, employee-requested changes or use of leave.
- Predictability Pay must be separately noted on wage stubs and does not count toward overtime or leave accrual.

Rule 1.06 – Offer of Additional Work Hours

- Qualified covered employees get priority for additional hours.
- Employers must act in good faith when determining qualifications.

Rule 1.07 – Right to Rest

- Covered Employees may voluntarily consent in writing to work shifts with less than 10 hours' rest and must be paid at least 1.25 times their regular rate.
- The rules clarify calculation methods.

Rule 1.08 – Notice and Posting

- Examples of required posting locations include bulletin boards, breakrooms, monitors/TV screens, and swipe-in locations.

Rule 1.09 – Record Retention

- Employers must retain records to show compliance, especially regarding Right to Rest and schedule changes.

Rule 2.01 – Severability

- The rules are severable; invalidation of one does not affect the others.

Complaint Procedures Removed

- All rules addressing complaint procedures have been removed.

Action Items for Employers

1. **Review and update all policies and procedures** to ensure compliance by June 1, 2026.
2. **Train HR and management** on new requirements for scheduling, Covered Employee consent, Predictability Pay, and recordkeeping.
3. **Audit current scheduling and pay practices** for alignment with the amended rules.

For further guidance or assistance with compliance, please contact Kilpatrick's Labor & Employment Team.

Related People

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