

CITY OF CHICAGO

RULES



CHICAGO GENERAL EMPLOYMENT REQUIREMENTS RULES
SUPPORTING ARTICLE II OF TITLE 6



Mayor Brandon Johnson

Commissioner Kenneth Meyer

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUSINESS AFFAIRS AND CONSUMER PROTECTION PURSUANT TO CHAPTERS 2-25, 4-276, AND 6-100 OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES REGARDING WAGE THEFT ARE HEREBY ADOPTED.

By Order of the Commissioner:

Signed:



Kenneth J. Meyer
Commissioner

Date: 6-24-2024

Published: June 24, 2024

Effective: July 1, 2024

ARTICLE 1 – GENERAL RULES

SECTION I. DEFINITIONS

As used in these Rules, the following definitions shall apply:

“Chapter” means Municipal Code of Chicago Chapter 6-100, as currently in force and hereafter amended.

“Department” means the Department of Business Affairs and Consumer Protection.

“Employer” means any person, as defined in Section 1-4-090(e) of the Municipal Code of Chicago, who hires a worker.

“Gratuities” means voluntary monetary contributions to an employee from a guest, patron, or customer in connection with services rendered.

“Worker” means either an Employee, as defined in Section 6-105-010 of the Municipal Code of Chicago, or a contractor, determined pursuant to Internal Revenue Service guidelines (often referred to as an “independent contractor”).

ARTICLE 1 – WAGE THEFT RULE

Rule GER 1.01 Wage Theft

- a. Any Employer who fails to pay a Worker in accordance with Article II of Title 6 of the Municipal Code of Chicago, or in accordance with any wage agreement between the Employer and the Worker above the threshold required by Article II of Title 6, shall have committed wage theft.
- b. Wage theft includes the non-payment of any wages required for work performed, and also includes paid time off, whether legislatively or contractually required, and contractually required benefits to the Worker.

Examples include:

1. Failure to pay minimum wage
 2. Failure to pay overtime
 3. Failure to pay for all hours worked
 4. Failure to pay the amount promised
 5. Failure to distribute all gratuities
 6. Failure to provide Paid Leave and Paid Sick Leave
 7. Failure to pay for off-the-clock work
 8. Misclassifying a Worker and failing to pay all compensation due as a result of the misclassification
- c. Immigration status does not affect an individual’s status as a Worker.

ARTICLE 2 – COMPLAINT PROCEDURE AND CITY INVESTIGATION

Rule GER 2.01 Filing a Complaint

- a. A Worker who believes that the Worker's Employer violated a requirement of Article II of Title 6 may file a complaint with the Department.
- b. A complaint may be submitted through any one of the following methods:
 1. Call 311
 2. Use the CHI 311 mobile application
 3. Download and mail a complaint form to the Office of Labor Standards, Department of Business Affairs and Consumer Protection, 2350 W. Ogden Avenue, 1st Floor, Chicago, IL 60608. The complaint form can be found online at: <http://www.chicago.gov/laborstandards>.
 4. Download and email the complaint to the Office of Labor Standards at bacplaborstandards@cityofchicago.org.
- c. The complaint shall state the alleged violations and the underlying factual bases.
- d. All complaints filed with the Department shall be filed within 3 years after the alleged violation. However, if evidence exists that the applicable Employer concealed such violation or in any way misled Workers as to the Employer's or Worker's rights or responsibilities, such investigation shall commence within three years of the date on which the Worker or Department discovered, or reasonably should have discovered, the alleged violation.
- e. The complainant shall provide support for their claim to the Department, and supplemental documents and information upon request. Workers are not required to provide, and the City will not request, information regarding the immigration status of any person filing a complaint.
- f. The Department may attempt to resolve the complaint by conference, voluntary mediation, conciliation, or persuasion. The Department will consider multiple factors in deciding the monetary fines assessed to an Employer for violations of the Chapter. These factors include, but are not limited to, whether the Department finds that the Employer made good faith efforts to cure, correct, or mitigate violations after receiving notice of the complaint, or whether the Department finds that violations were of a technical nature and did not cause material harm to Workers.

Rule GER 2.02 Severability

These rules are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of these rules or the application thereof to any Employer, Worker, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of these rules, or the validity of the application of the rules to other persons or circumstances.