Legal Update

Illinois

Chicago Revises Rules for Fair Workweek Ordinance

The Chicago Department of Business Affairs and Consumer Protection Office of Labor Standards (Department) revised the rules for the city's Fair Workweek (FWW) Ordinance. The changes took effect on **June 1, 2026**.

Background

The FWW Ordinance requires certain employers to provide workers with predictable work schedules and compensation for changes. Employees are covered by the ordinance if they work in a covered industry (e.g., building services, healthcare, hotels, manufacturing, restaurants, retail and warehouse services), earn less than or equal to $32.60 per hour (or $62,561.90 per year), and the employer has at least 100 employees globally (for restaurants, 250 employees and 30 locations). Covered employees must be given:

- Advance notice of work schedule;
- The right to decline previously unscheduled hours;
- One hour of predictability pay for any shift change within 14 days; and
- The right to rest by declining work hours less than 10 hours after the end of the previous day's shift.

Rule Revisions

The revisions add to and modify the existing rules. Notable changes are discussed here.

New Definitions

The revised rules add definitions for "leave of absence" and "on-call shift." **Leave of absence** means an absence from work, mutually agreed upon by the covered employee and employer; defined in a collective bargaining agreement; leave which a covered employee is entitled to under local, state or federal law; and leave imposed by an employer for a bona fide disciplinary reason. **On-call shift** means any shift where an employer requires a covered employee to either contact the employer or wait to be contacted by the employer, fewer than 24 hours in advance of the shift's start, to learn whether the covered employee is required to report to work for the shift.

The revised rules also replace "calendar week" with "week." A **week** is defined as seven consecutive 24-hour periods that may begin on any day of the week and any hour of the day.

Highlights

The rules for Chicago's FWW Ordinance have been amended, effective June 1, 2026. Notable changes include:

- New and modified definitions;
- Clarification on employer size determinations, initial estimate of work schedules, advance notice of work schedules, schedule changes, offering additional hours to existing employees and employees' right to rest; and
- Removal of provisions concerning employee complaints and subpoenas of employer records.

Provided by **Employco USA, Inc.**

Employer Size

The revised rules detail how the Department will calculate employer size when determining whether an employer is covered by the FWW Ordinance. To calculate an employer's size, the Department will count the average number of global employees during a 12-month period. For new employers, the Department will count the average number of global employees during the previous 90 days. To calculate the number of covered employees working for an existing employer, the Department will count the average number of covered employees during a 12-month period. To calculate the number of covered employees working for a new employer, the Department will count the average number of covered employees during the previous 90 days. When calculating employer size for restaurants, the Department will aggregate the number of global locations if they are owned or controlled by members of a single unitary business group. When a calculation results in a non-whole number, the Department will round down to the nearest whole number (e.g., 53.8 covered employees will be counted as 53 covered employees).

To calculate whether an employee spends the majority of their time at work for an employer while physically present in Chicago, the Department will analyze the total number of hours worked by the employee in and out of Chicago in the previous 90 days.

Initial Estimate of Work Schedule

The FWW requires employers to provide covered employees with a good-faith estimate of their work schedule at the time of hire. Under the revised rules, the good-faith estimate must include the following information:

- The estimated number of hours the covered employee will work each week;
- The days of the week the covered employee should expect to work;
- The time, times or shifts the covered employee should expect to work;
- The location(s) the covered employee should expect to work; and
- Whether the covered employee should expect to work any on-call shifts.

In addition, the good-faith estimate must indicate the day it was provided to the covered employee. On-call shifts must also be included in an advanced work schedule. The revised rules provide several examples of good-faith estimates, including compliant and noncompliant schedules.

Advance Notice of Work Schedule

The revised rules require employers to time-stamp work schedules with the date and time they are posted. Work schedules must clearly indicate:

- The start and end dates of the week;
- The schedule of hours, days, times and location(s) that covered employees are scheduled to work, including on-call shifts;
- The names of all covered employees who work at a location, regardless of whether they are scheduled to work that week; and
- The first initial and last full name of covered employees on a work schedule (employers may choose to list covered employees' full names).

The changes require employers to provide existing covered employees who are not returning from a leave of absence with a written work schedule at least 14 days before the first day of any new work schedule. For new covered employees at the time of hire or existing covered employees returning from a leave of absence, employers may provide a written work schedule that runs through the last date of the currently posted work schedule. For existing covered employees who are transferred, promoted or assigned to a new job classification, employers may provide a written work schedule that runs through the last date of the currently posted work schedule at the time of transfer, promotion or assignment.

Schedule Changes

The FWW Ordinance requires employers to pay predictability pay to covered employees for each employer-imposed change on a written work schedule that occurs after the ordinance's advance notice requirements. The revised rules clarify that pay predictability is not required when adding or subtracting hours based on voluntary changes requested by employees, including the use of paid leave, paid sick leave, paid time off, vacation or other employer leave policies or a mutually agreed-upon shift trade or coverage agreement between employees. Voluntary change requests must be in writing to qualify for the predictability pay exception.

The revised rules explain that for predictability pay purposes, an employee's regular pay rate does not include overtime, holiday pay or other premium rates. However, if a covered employee's regular rate of pay includes a differential meant to compensate the employee for work performed under differing conditions (e.g., a shift differential for working weekends or at night), such a differential rate is not considered to be a premium. The changes clarify that predictability pay is not considered as another hour of work and does not impact the accumulation of paid leave or paid sick leave.

The revised rules require employers to pay predictability pay no later than the next payday, corresponding to the pay period in which the schedule change occurred. Predictability pay must be separately noted on pay stubs or other forms of written documentation and provided to employees.

The revised rules removed provisions related to predictability pay requirements when an employer cancels or reduces hours on a regular or on-call shift after the deadline for providing notice of work schedules.

Additional Hours to Existing Employees

The FWW Ordinance requires employers to give existing employees priority when additional hours are made available. The revised rules add a new provision allowing employees to offer additional hours to temporary and seasonal employees if no covered employees are available at any of the employers' facilities to work those hours. In addition, the revised rules require employers to provide written notice of the offer of additional shifts to existing covered employees that must include the following for each shift offered:

- The shift's location;
- The shift's start and end time;
- Whether the shift is temporary or recurring. If temporary, the notice must state the specific dates for which coverage is needed;
- The required qualifications for the position and what training, if any, will be provided; and
- The process by which covered employees must notify the employer of their acceptance of the additional shifts, including a deadline containing the date and time by which the offer must be accepted.

Employers are not required to pay predictability pay for any additional shifts accepted by existing employees.

Right to Rest

Under the FWW Ordinance, covered employees may voluntarily consent in writing to work a shift that starts sooner than 10 hours after the end of the previous day's shift. The revised rules clarify that voluntary written consent may be situational or ongoing and that covered employees may revoke consent at any time.

If a covered employee works consecutive shifts separated by fewer than 10 hours, the FWW Ordinance requires employers to pay the employee 1.25 times their rate of pay for the subsequent shift. The revised rules note that employers must pay the shift premium regardless of whether the employee requested or consented to work shifts separated by fewer than 10 hours. Under the revised rules, if a covered employee works a double shift (e.g., works consecutive shifts and the double shift is fewer than 10 hours after the end of the previous day's shift), the employer must pay the employee at a rate of 1.25 times the employee's regular rate of pay for the entire double shift. If a covered employee works a split shift (e.g., a shift where hours are broken up into two or more parts, with unpaid free time in between), employers must pay additional compensation only for the portion or portions of the split shift that start fewer than 10 hours following the end of a shift that spans two calendar days.

The revised rules state that when a covered employee is entitled to rest pay, the employee must be paid no later than the next payday, corresponding to the pay period in which the employee worked the two shifts. Right to rest pay must be separately noted on a pay stub or other written documentation and provided to the employee.

Notice and Postings

The revised rules add examples of posting locations for notices, which include bulletin boards with other federal and state-mandated required postings, breakrooms or lunchrooms, internal communication channels and swipe-in locations.

Complaints and Subpoenas

The revised rules delete the provisions allowing aggrieved employees to file a complaint with the Department for alleged violations of the FWW Ordinance and explaining the complaint procedures. The changes also removed a portion of the rules that authorize the Department to subpoena employers for information regarding the employer's compliance. This section provided rules allowing employers to object to the subpoena. All of these provisions were removed. However, employers are still subject to fines, damages and private lawsuits by employees.

Next Steps for Employers

Covered employers should familiarize themselves with the new and revised rules and make any necessary updates to policies and employee handbooks. In addition, they should ensure that managers, supervisors and HR representatives are trained on the rule changes.