



# CHICAGO OFFICE OF LABOR STANDARDS

DEDICATED TO PROMOTING AND ENFORCING CHICAGO'S LABOR LAWS

## Fair Workweek Rules – Summary of Changes

*The Summary of Changes document corresponds with published changes to Rules that support the Chicago Fair Workweek Ordinance. Changes were published on May 18, 2026, and are effective June 1, 2026.*

*The summary of changes below only includes substantive changes and does not include minor or clerical corrections. Text in **red font** represents deletions.*

### Article 1 – General Rules

#### **Section I. Definitions:**

- Replaced “Calendar Week” definition with “Week”
  - o “**Week**” means seven consecutive 24-hour periods. It may begin on any day of the week and any hour of the day.
- Added or reorganized source definitions from the Municipal Code of Chicago
  - o The terms “**Covered Employee,**” “**Covered Industry,**” “**Employer,**” “**Predictability Pay,**” “**Shift,**” “**Work Schedule,**” and “**Written**” have the definitions assigned in Section 6-110-010 of the Municipal Code of Chicago.
  - o The terms “**Commissioner**” and “**Wage**” have the definitions assigned in Section 6-100-010 of the Municipal Code of Chicago.
  - o The terms “**Paid Leave**” and “**Paid Sick Leave**” have the definitions assigned in Section 6-130-010 of the Municipal Code of Chicago.
  - o “**Chapter**” means Chapter 6-110 of the Municipal Code of Chicago.
  - o Citations to sections, such as “Section 6-110-XXX” or “Section 4-6-XXX” are citations to the Municipal Code of Chicago.
  - o “**Department**” means the Department of Business Affairs and Consumer Protection.
- Added the following definitions:
  - o “**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.



# CHICAGO OFFICE OF LABOR STANDARDS

DEDICATED TO PROMOTING AND ENFORCING CHICAGO'S LABOR LAWS

- **“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, less than 24 hours in advance of the start of the Shift, to learn whether the Covered Employee is required to report to work for the Shift.
- Expanded upon the following definition:
  - **“Salary”** means those funds paid to a worker in a paycheck, regardless of the funds that may be redistributed before actually getting paid to the worker, and not total compensation, which could include bonuses, incentive pay, and tips or gratuities.

## Section II. Fair Workweek Rules:

- **Rule FWW 1.02: Added Employer Size Determination**
  - (a) To calculate an employer’s size, the Department will count the average number of global employees during a 12-month period.
  - (b) To calculate a new employer’s size, the Department will count the average number of global employees during the previous 90-days.
  - (c) 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.
  - (d) 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.
  - (e) When a calculation results in a number that is not a whole number, the number will be rounded down to the nearest whole number.
  - *Example: 53.8 Covered Employees shall be considered 53 Covered Employees.*
  - (f) To calculate whether an employee spends the majority of their time at work for an Employer while physically present within the City of Chicago, the Department will analyze the total number of hours worked by an employee in and out of the City in the previous 90 days.
  - (g) In the Restaurant Covered Industry, the number of global locations will be aggregated if they are owned or controlled by members of a single unitary business group.
- **Rule FWW 1.03: Initial Estimate of Work Schedule**
  - Added On-Call Shifts to be included in advanced Work Schedule
    - For purposes of Rule FWW 1.03, On-Call Shifts must be included in an advanced Work Schedule.
  - Expanded on good faith estimate:
    - (a) ... The good faith estimate shall indicate the date it was provided to the Covered Employee.



# CHICAGO OFFICE OF LABOR STANDARDS

DEDICATED TO PROMOTING AND ENFORCING CHICAGO'S LABOR LAWS

- (b) The good faith estimate of the Covered Employee's Work Schedule at the time of hire shall contain the following information:
  - (1) The estimated number of hours the Covered Employee will work each week;
  - (2) The days of the week the Covered Employee should expect to work;
  - (3) The time, times or shifts the Covered Employee should expect to work;
  - (4) The location(s) the Covered Employee should expect to work; and
  - (5) Whether the Covered Employee should expect to work any On-Call Shifts
- *Added 3 illustrative examples of good faith estimates (2 compliant, 1 non-compliant)*
- **Rule FWW 1.04: Advance Notice of Work Schedule**
  - Added the following:
    - For purposes of Rule FWW 1.04, On-Call Shifts are part of a Work Schedule.
    - (a) A Work Schedule shall be time-stamped with its date and time of posting. It must clearly indicate:
      - (1) the start and end dates of the Week
      - (2) the schedule of hours, days, times, and location(s) that Covered Employees are scheduled to work, including On-Call Shifts.
      - (3) the names of all Covered Employees who work at a location, regardless of whether they are scheduled to work that Week.
      - (4) the names of Covered Employees on a Work Schedule shall include a minimum of first initial and full last name; Employers may go beyond the minimum requirement and list full names of the Covered Employees.
    - (c) For existing Covered Employees who are not returning from a Leave Of Absence, the Employer shall provide Covered Employees with a Written Work Schedule at least 14 days before the first day of any new Work Schedule
    - (d) For new Covered Employees at time of hire, or existing Covered Employees returning to work from a Leave Of Absence, the Employer may provide a Written Work Schedule that runs through the last date of the currently posted Work Schedule. Employers thereafter must follow Rule FWW 1.04(a).



# CHICAGO OFFICE OF LABOR STANDARDS

DEDICATED TO PROMOTING AND ENFORCING CHICAGO'S LABOR LAWS

- (e) For existing Covered Employees who are transferred, promoted, or assigned to a new job classification, the Employer may provide a Written Work Schedule that runs through the last date of the currently posted Work Schedule at time of transfer, promotion, or assignment to a new job classification. Employers must thereafter follow Rule FWW 1.04(a) at the time of the transfer, promotion, or assignment to a new job classification
- **Rule FWW 1.05: Schedule Changes**
- Additions:
    - (d) Employers are not required to pay Predictability Pay when adding or subtracting hours, based on voluntary changes requested by a Covered Employee. This exception includes voluntary additions or subtractions of hours initiated by the Covered Employee; the use of Paid Leave, Paid Sick Leave, paid time off, vacation, or other leave policies offered by the Employer; or a mutually agreed-upon shift trade or coverage agreement between Covered Employees. Voluntary change requests under Rule FWW 1.05(d) shall be in Writing to qualify for the exception from Predictability Pay.
    - (g) For Predictability Pay purposes, regular 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 Covered Employee for work performed under differing conditions (for example, a shift differential for working weekends or at night), such a differential rate is not considered to be a premium.
    - (h) Predictability Pay shall not be deemed as another hour of work. It shall not impact the accumulation of Paid Leave or Paid Sick Leave.
    - (i) Predictability Pay must be paid no later than the next payday, corresponding to the pay period in which the schedule change occurred.
    - (j) Predictability Pay shall be separately noted on a wage stub or other form of Written documentation and provided to the Covered Employee.



# CHICAGO OFFICE OF LABOR STANDARDS

DEDICATED TO PROMOTING AND ENFORCING CHICAGO'S LABOR LAWS

- Deletions:
  - (f) When an Employer cancels or subtracts hours from a regular or on-call shift after the deadline articulated in subsection (d) of this Rule and with:
    - 1. More than 24 hours' notice from the start of the impacted shift, the Employer must pay one hour of Predictability Pay for each shift.
    - 2. Less than 24 hours' notice from the start of the impacted shift, the Employer must pay no less than 50% of the Covered Employee's regular rate of pay for any scheduled hours that they do not work on that shift as a result of the change.
  - (g) The 24 hours' notice articulated in subsection (f) of this Rule is determined in relation to the start time of the scheduled shift.
- **Rule FWW 1.06: Offer of Additional Work Hours to Existing Employees**
  - Additions:
    - (a) ... If no Covered Employees are available at any of the facilities, then Temporary or Seasonal Employees who have worked on behalf of the Employer for two or more weeks in the previous 12 months must be given the opportunity for the additional hours prior to any outside hiring. If the additional work hours offered are not accepted by Covered Employees, or Temporary and Seasonal Employees who have worked on behalf of the Employer for two or more weeks in the previous 12 months, the Employer may offer the additional hours to any other employee
    - (b) Employers shall exercise reasonable judgement and good faith in determining if any current Covered Employees are qualified to perform the work being offered. Covered Employees and Temporary or Seasonal Employees should not be required to have expertise or training above that expected of a new hire.
      - *Example: A newly hired cashier would typically receive training to perform the additional work; the same training should be made available to a non-cashier existing Covered Employee.*
    - (c) An Employer must provide a Written notice of the offer of additional Shifts to existing Covered Employees. The Written notice must contain the following information for each Shift offered:
      - (1) location;
      - (2) start and end time;



# CHICAGO OFFICE OF LABOR STANDARDS

DEDICATED TO PROMOTING AND ENFORCING CHICAGO'S LABOR LAWS

- (3) whether the Shift is temporary or recurring. If temporary, the notice must state the specific dates for which coverage is needed;
  - (4) required qualifications for the position and what training, if any, will be provided; and
  - (5) 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 in which the offer must be accepted.
  - (d) An Employer may split additional Shifts between several Covered Employees to avoid paying overtime or any other additional premiums or benefits.
  - (e) Predictability Pay is not required for any Shifts accepted through the process laid out in this Rule FWW 1.06.
  - (f) This Rule FWW 1.06 shall not apply to the hiring of new Covered Employees at a new location within the City.
- **Rule FWW 1.07: Right to Rest**
- Additions
    - (a) ...This Written voluntary consent may be situational or on an ongoing basis. A Covered Employee may revoke consent at any time.
    - (d) An Employer shall still pay the Covered Employee's rate at 1.25 times the Covered Employee's regular rate of pay regardless of whether the Covered Employee requested or consented to work Shifts separated by less than 10 hours.
    - (e) If a Covered Employee works a double-Shift, that is, works consecutive Shifts, and the double-Shift is less than ten hours after the end of the previous day's Shift; or less than ten hours following the end of a Shift that spanned two calendar days the Employer shall pay the Covered Employee at a rate of 1.25 times the Covered Employee's regular rate of pay for the entire double-Shift.  
The requirement to pay additional compensation to a Covered Employee who works a split-Shift, that is, a shift where hours are broken up into two or more parts, with unpaid free time in between, shall only apply to the portion or portions of the split-Shift that commenced less than ten hours following the end of a Shift that spanned two calendar days.



# CHICAGO OFFICE OF LABOR STANDARDS

DEDICATED TO PROMOTING AND ENFORCING CHICAGO'S LABOR LAWS

- (f) When a Covered Employee is entitled to right to rest pay, the right to rest pay must be paid no later than the next payday, corresponding to the pay period in which the Covered Employee worked the two Shifts.
- (g) Right to rest pay shall be separately noted on a wage stub or other form of Written documentation and provided to the Covered Employee
- *Added 3 illustrative examples (1 for double-Shift, 2 for split-Shift)*
  
- **Rule FWW 1.08: Notice and Posting**
  - Additions
    - (a) ... *Examples of posting locations*
      - *Bulletin board with other federal and state mandated required postings*
      - *Breakroom or lunchroom*
      - *Internal communication channels include the routine or scheduled display on a monitor or TV screen*
      - *Swipe in locations*
  
- **Rule FWW 1.09: Retention of Records**
  - Additions
    - (a) 3. ... and whether the Covered Employee receives tips or performs the duties of both tipped and non-tipped positions.
  - Deletions
    - **If the Commissioner reasonably determines that an Employer is operating in violation of the Ordinance or any other applicable provision of the Municipal Code of Chicago, the Commissioner may issue an order, in the form of a subpoena, directing the Employer to provide the information, including, but not limited to, the name of the business, the address of the business, the details of the information being sought pursuant to the Ordinance, and any information necessary to demonstrate compliance with the Ordinance within the control or possession of the Employer. The Employer shall, within 30 calendar days of the date on which such order is issued, either provide the information or file a legal objection to such order in writing with the Commissioner. If the Employer files a legal objection, the Commissioner shall provide a hearing on the objection within 10 business days, as provided by**



# CHICAGO OFFICE OF LABOR STANDARDS

DEDICATED TO PROMOTING AND ENFORCING CHICAGO'S LABOR LAWS

rule. The Commissioner's determination shall be final and may be appealed in the manner provided by law. Nothing in this Rule shall be considered a limitation or restriction on the Commissioner's powers and duties under Chapter 2-25 of the Municipal Code of Chicago

## **Article 2 – Severability (Formerly Complaints and Investigations)**

- **Rule FWW 2.01: Severability**
  - o Additions
    - 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, employee, 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.
  - o Deletions
    - **Complaints**
      - A complainant who alleges a violation of the Ordinance's provisions on the following subjects, may file a Complaint with the Department:
        - o (a) Initial Estimate of Work Schedule,
        - o (b) Advance Notice of Work Schedule,
        - o (c) Schedule Changes,
        - o (d) Offer of Additional Work Hours to Existing Employees,
        - o (e) Right to Rest,
        - o (f) Right to Request a Flexible Working Arrangement,
        - o (g) Notice and Posting of the Ordinance, or
        - o (h) Retaliation.



# CHICAGO OFFICE OF LABOR STANDARDS

DEDICATED TO PROMOTING AND ENFORCING CHICAGO'S LABOR LAWS

## - Rule FWW 2.02 Filing a Complaint

### o Deletions

- a) A Covered Employee who has been denied requirements under the Ordinance may file a complaint with the Department.
  - 1. A complaint may be submitted through any one of the following methods:
    - o a) Call 311
    - o b) Use the CHI 311 mobile application
    - o c) Download and mail a complaint form to the Office of Labor Standards, Department of Business Affairs and Consumer Protection, 121 North LaSalle Street, City Hall, Room 805, Chicago, IL 60602. The complaint form can be found online at:  
<http://www.chicago.gov/laborstandards>.
    - o d) Download and email the complaint to the Office of Labor Standards at  
[bacplaborstandards@cityofchicago.org](mailto:bacplaborstandards@cityofchicago.org).
  - 2. Information on the complaint form should adequately state the basis of the complaint.
- b) The complainant shall provide documents supporting their claim to the Department, and supplemental documents and information upon request. Employees are not required to provide, and the City will not request, information regarding the immigration status of any person filing a complaint.
- c) The Department shall conduct investigation and enforcement actions in full compliance of due process.