

Practice Update

Chicago's COVID-19 Actions to Suspend License Expirations and Prevent Employer Retaliations

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By Jamel A.R. Greer

On May 20, 2020, the Chicago City Council passed two emergency ordinances related to the ongoing Coronavirus pandemic: (i) Ordinance 2020-2372 (the License Suspension Ordinance); and (ii) Substitution Ordinance 2020-2343 (the Anti-Retaliation Ordinance). These ordinances make up Chicago's latest efforts in setting public policy that supports the health and safety of its citizens as Chicago (and Illinois) prepares to reopen.

The License Suspension Ordinance

First, under the License Suspension Ordinance, Chicago-issued licenses under Titles 4 or 9 of the Municipal Code of Chicago that expired on or after March 15, 2020 will be automatically considered active until 30-days after the License Suspension Ordinance is repealed. While no late fees will be assessed during the 30-day period after the License Suspension Ordinance is repealed, licenses still must be renewed at regular renewal rates without any prorations/discounts or changes to future renewal dates.

Furthermore, the Commissioner of Business Affairs and Consumer Protection is now authorized to defer collection of any fees required by taxicabs or

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transportation network provider (i.e., Uber, Lyft or Via) licensees to Chicago's accessibility fund.

Please note, the License Suspension Ordinance will be automatically repealed on June 30, 2020, unless repealed earlier by the Commissioner of Public Health. As such, Thursday, July 30th could be a busy renewal deadline across the City of Chicago.

The Anti-Retaliation Ordinance

This Ordinance prohibits employers from terminating, demoting or taking any adverse action against select employees for obeying any order issued by the Chicago Department of Public Health, the Mayor of Chicago, or the Governor of Illinois, requiring the employee to:

1. Stay at home to minimize the transmission of COVID-19;
2. Remain at home while experiencing COVID-19 symptoms or sick with COVID-19;
3. Obey a quarantine order issued to the employee;
4. Obey an isolation order issued to the employee; and
5. Obey an order issued by the Commissioner of Public Health regarding the duties of hospitals and other congregate facilities.

Also, the Anti-Retaliation Ordinance prevents employers from taking the same adverse actions if an order of a healthcare provider treating employees meets the conditions of items two through four above, or if the employee stays home to care for an individual subject to a healthcare provider order that meets the conditions of items one through three above.

In addition to administrative hearings or court proceedings instituted by the City of Chicago, any violating employer can be subject to fines of up to \$1,000 per offense per day, and an employee can recover damages equal to three times lost wages,

together with attorney fees. If an employer learns of a violation and cures it within 30-days, then the employer may not be held liable.

On June 3rd, Chicago will enter “Phase 3” of reopening, which will loosen certain restrictions on citizens and businesses across the City. The Chicago City Council will likely pass further legislation aimed at addressing new issues that support a safe reopening that does not result in a second outbreak.

Akerman is always here to assist and we will continue to stay abreast of any updates and additional ordinances. Please contact us for any comments, questions or concerns.

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