

For Employers of Creative Workers: Know the Labor Laws | July 9, 2024

Unanswered Questions from Webinar	New Answers
Is it mandatory to pay time and a half on a designated Holiday? i.e. Thanksgiving, Christmas	No. Holiday pay rates may be negotiated as part of a CBA or may be part of an employer's policy, but this is not otherwise mandated.
Is worker's compensation insurance required by law for freelancers	No. Workers compensation insurance is not required for freelancers.
So if I hire my Grand kids for weekend how many hours and how much should be paid. And what age	Please check out the State's Minimum Wage and Child Labor Law websites for information on the labor laws related to youth under 16. For further questions, email the Department of Labor at DOL.Questions@Illinois.gov https://labor.illinois.gov/laws-rules/fls/minimum-wage-law.html and https://labor.illinois.gov/laws-rules/fls/child-labor-law.html
When employees teach classes that are less than 60 min (might be 40, 45 or 50 min) and receive pay at different rates per class, does employer calculate shorter classes into 60 min/h equivalents?	Please reach out to the OLS to schedule a consultation: 312-744-2211 or bacplaborstandards@cityofchicago.org
Webinar Questions (answered in the Q&A box or live)	Answer
Who was on the advisory committee? Where can we find that information?	Thanks for your question. The advisory committee isn't currently listed on the site. The committee included individuals with connections to 3Arts, Arts Alliance Illinois, Chicago Cultural Alliance, Mezcla Media Collective, Lawyers for the Creative Arts, Visión Latino Theatre Company, Chicago Arts Census, among others.
Can a Dance Instructor who teaches children be an exempt employee? How should dance instructors be classified as non-exempt or exempt employees?	Hello. Can you please clarify what you mean by exempt? Which law are you referring to?
My understanding on the definition is this excludes "gig workers" who are 1099 but not the IRS definition of Independent Contractor? Gig workers wear company uniform, work specified schedule and duty but the work is seasonal, by assignment, temp. It seems this category might still be in the gap?	Hello. Most Chicago labor laws do not cover independent contractors, with the exception of wage theft. An upcoming slide will address proper classification of employees.
Hello, Will this presentation be provided for resources for later use if need to go back for reference?	Yes! This will be on BACP's YouTube as well as posted to Chicago.gov/CreativeWork
To double-check my understanding: folks who receive a 1099 are considered employees or contractors?	Hello. They would be considered independent contractors.
According to the "which laws apply" slide, did I see that freelance workers do not legally have to be paid minimum wage?	Independent contractors are not covered by the City's minimum wage ordinance. Please note that misclassifying employees is a violation of the wage theft ordinance.
Do youth either wages have to be subsidized in order to use that minimum wage for youth employees age 16-24? Youth is up to 24?	live answered

Is minimum wage for full time employees or all employees? And do seasonal employees count as 1 of the 4 employees	Minimum wage applies to covered employees who perform at least two hours of work within any particular two-week period. Seasonal employees would count.
Will the slides be shared?	Yes. The PDF/slides will be shared by email with all attendees. They will also be available on Chicago.gov/CreativeWork .
So does a 1099 employee get sick leave pay?	A 1099 worker is considered an independent contractor and not an employee. The Sick Leave Policy would not apply to 1099 workers, only employees.
Thank you - so, "1099 Employee" is not a thing, correct? Employees are only those on W2, yes?	There are situations where an employee could receive both a 1099 and W2, but the City ordinance follows the IRS classification of workers: W-2 to employees and 1099 to independent contractors.
If we offer our own PTO policy of a minimum of 3 weeks PTO when an employee begins. Do we need to revise our policy and separate Sick leave and paid leave?	You would not need to revise your policy to separate the leave types so long as your policy meets the minimum requirements of the ordinance. This includes allowing an employee to take unscheduled sick leave from the PTO bucket that meets the ordinance requirements.
Will you cover any information for organization that have volunteers doing work that is equivalent to a full time job?	live answered
Are there certain holidays that an employer must compensate the employee? Paying for holidays, is that considered a benefit? If an employee takes off on a holiday, i.e. Thanksgiving, are they entitled to some type of compensation? Or is that considered one of their (5) Paid Leave days off?	Paying for holidays is considered a benefit.
What if I think my employer is misclassifying the people I'm told to contract?	You can file a complaint by calling 311, using the CHI 311 app, or file a complaint form at chicago.gov/LaborStandards
Bump to question already submitted about youth employees	live answered
PTO & Sick Leave are based on accrual, correct?	The ordinance is a floor which requires accrual of both paid leave and paid sick leave. Employers can provide their own policies which allow time to be frontloaded.
RE: PTO & Accrual, I'm thinking about performers, who may not accrue enough hours for qualifying PTO/Sick Leave during their contract.	Independent contractors are not covered by the Paid Leave and Paid Sick and Safe Leave Ordinance. If the performers are employees, they must work at least 80 hours within any 120-day period in the City of Chicago to qualify for paid leave and paid sick leave.
What about youth employment not subsidized?	live answered
What about youth employment not subsidized?	This is determined by the State - you can reach out for clarity to DOL.Questions@Illinois.gov
How specific does the due date need to be in a contract for a creative freelance worker? E.g. if we are waiting on a net 90 payment to our organization to be able to pay our own contractors, how can we build that into a contract?	live answered
is there an hour limit per day for freelancers? Because they don't receive OT, can they work 12 hours per day for example	live answered
is there an hour limit per day for freelancers? Because they don't receive OT, can they work 12 hours per day for example	Per regulations of freelance work, the hours are dictated by Freelancers/Independent workers, and

<p>I'm assuming, maybe you can confirm some of these laws won't protect small business with employees less than 4 correct?</p>	<p>The City's minimum wage ordinance does not apply to businesses with fewer than 4 employees. Those businesses would default to the State of IL minimum wage law.</p>
<p>OK thanks. what's the age</p>	<p>Child labor law applies to children under 16 https://labor.illinois.gov/laws-rules/fls/child-labor-law.html</p>
<p>Please share further information for non profit businesses!</p>	<p>live answered</p>
<p>Please share further information for non profit businesses!</p>	<p>Thank you for this request. DCASE is interested in continuing to support nonprofit arts organizations understand and apply these labor laws. We encourage you to stay connected to DCASE to learn more as resources continue to develop.</p>