

**LABOR LAWS**  
**AFFECTING ILLINOIS EMPLOYERS<sup>©</sup>**

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## TABLE OF CONTENTS

1.	AFFIRMATIVE ACTION (ILLINOIS) .....	1
2.	AGE DISCRIMINATION IN EMPLOYMENT ACT .....	1
3.	AIDS CONFIDENTIALITY ACT (ILLINOIS).....	1
4.	AMERICANS WITH DISABILITIES ACT .....	2
5.	AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008.....	2
6.	BACKGROUND CHECKS (ILLINOIS) .....	2
7.	BENEFITS FOR SAME-SEX PARTNERS (ILLINOIS) .....	2
8.	BILL OF RIGHTS FOR THE HOMELESS ACT.....	2
9.	CHICAGO HUMAN RIGHTS ORDINANCE .....	3
10.	CIVIL RIGHTS ACT OF 1964 .....	3
11.	CIVIL RIGHTS ACT OF 1866 .....	4
12.	CIVIL RIGHTS ACT OF 1991 .....	4
13.	COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM ACT.....	4
14.	COBRA (CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT).....	4
15.	COOK COUNTY HUMAN RIGHTS ORDINANCE (ILLINOIS).....	5
16.	COOK COUNTY WAGE THEFT ORDINANCE (ILLINOIS).....	5
17.	CRIMINAL IDENTIFICATION ACT AMENDMENT (ILLINOIS) .....	5
18.	DAY AND TEMPORARY LABOR SERVICES ACT (ILLINOIS).....	6
19.	DEFEND TRADE SECRETS ACT OF 2016 .....	6
20.	DIRECT DEPOSIT OF PAYCHECKS (ILLINOIS) .....	7
21.	DRUG-FREE WORKPLACE ACT OF 1988 .....	7
22.	DRUG-FREE WORKPLACE ACT (ILLINOIS).....	7
23.	EAVESDROPPING LAW (ILLINOIS) .....	7
24.	EDUCATIONAL LABOR RELATIONS ACT (ILLINOIS).....	7
25.	EEO-1 REPORTS .....	7
26.	EMPLOYEE BLOOD DONATION LEAVE ACT (ILLINOIS).....	7
27.	EMPLOYEE CLASSIFICATION ACT (ILLINOIS) .....	8
28.	EMPLOYEE CREDIT PRIVACY ACT (ILLINOIS).....	9
29.	EMPLOYEE PATENT ACT (ILLINOIS) .....	9
30.	EMPLOYEE POLYGRAPH PROTECTION ACT .....	9
31.	EMPLOYMENT OF ILLINOIS WORKERS ON PUBLIC WORKS ACT (ILLINOIS) .....	9
32.	EMPLOYMENT RECORD DISCLOSURE ACT (ILLINOIS) .....	10
33.	EQUAL PAY ACT OF 1963 .....	10
34.	EQUAL PAY ACT OF 2003 (ILLINOIS) .....	10
35.	EXECUTIVE ORDER 11246 (GOVERNMENT CONTRACTORS AND SUBCONTRACTORS) .....	11
36.	FAIR CREDIT REPORTING ACT (“FCRA”) .....	11
37.	FAIR LABOR STANDARDS ACT .....	11
38.	FAMILY & MEDICAL LEAVE ACT.....	11
39.	FAMILY MILITARY LEAVE ACT (ILLINOIS) .....	12

40.	FIREARM CONCEALED CARRY ACT (ILLINOIS) .....	13
41.	FOOD HANDLING REGULATION ENFORCEMENT ACT (ILLINOIS).....	13
42.	GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2008 .....	13
43.	GENETIC INFORMATION PRIVACY ACT (ILLINOIS) .....	14
44.	HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT ("HIPAA") .....	14
45.	HUMAN RIGHTS ACT (ILLINOIS) .....	15
46.	HUMAN RIGHTS ACT AMENDMENT (ENGLISH ONLY WORK RULES) (ILLINOIS) .....	16
47.	IMMIGRATION REFORM & CONTROL ACT (IRCA) .....	16
48.	IMMIGRATION (ILLINOIS) .....	17
49.	INTERNAL REVENUE SERVICE RULE .....	17
50.	JOB OPPORTUNITIES FOR QUALIFIED APPLICANTS (ILLINOIS).....	17
51.	JURY ACT (ILLINOIS) .....	17
52.	LILLY LEDBETTER FAIR PAY RESTORATION ACT OF 2009 .....	18
53.	MANDATORY RETIREMENT SAVINGS LAW (ILLINOIS) .....	18
54.	MEAL BREAKS (ILLINOIS) .....	19
55.	THE MILITARY LEAVE OF ABSENCE ACT (ILLINOIS) .....	19
56.	MINIMUM WAGE ACT (ILLINOIS) .....	20
57.	MINORS (14 AND 15 YEARS OLD - ILLINOIS); (16 AND 17 YEARS OLD – FEDERAL) .....	20
58.	NATIONAL LABOR RELATIONS ACT .....	20
59.	NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS PROGRAM.....	21
60.	NURSING MOTHERS IN THE WORKPLACE ACT (ILLINOIS) .....	22
61.	ONE DAY REST IN SEVEN ACT (ILLINOIS) .....	22
62.	ORGAN DONOR LEAVE ACT (ILLINOIS).....	22
63.	PATIENT PROTECTION AND AFFORDABLE CARE ACT ("PPACA") .....	22
64.	PERSONNEL RECORD REVIEW ACT (ILLINOIS) .....	23
65.	POSTERS .....	23
66.	PREGNANCY DISCRIMINATION ACT .....	24
67.	THE PREVAILING WAGE ACT AMENDMENTS (ILLINOIS) .....	24
68.	PUBLIC LABOR RELATIONS ACT (ILLINOIS) .....	24
69.	RECORD RETENTION (ILLINOIS) .....	26
70.	RECORD RETENTION .....	26
71.	REHABILITATION ACT OF 1973 (GOVERNMENT CONTRACTORS AND SUBCONTRACTORS) .....	27
72.	RELIGIOUS FREEDOM AND MARRIAGE FAIRNESS ACT.....	28
73.	RELIGIOUS FREEDOM PROTECTION AND CIVIL UNION ACT (ILLINOIS).....	28
74.	RIGHT TO PRIVACY IN THE WORKPLACE ACT (ILLINOIS) .....	28
75.	SCHOOL VISITATION RIGHTS ACT (ILLINOIS) .....	29
76.	SMOKE FREE ILLINOIS ACT (ILLINOIS) .....	29
77.	SOCIAL SECURITY NUMBER CONFIDENTIALITY LAW (ILLINOIS).....	30
78.	STATE CONTRACTORS (ILLINOIS) .....	30

79.	UNEMPLOYMENT INSURANCE ACT (ILLINOIS).....	30
80.	UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT.....	31
81.	VETERANS PREFERENCE IN PRIVATE EMPLOYMENT ACT (ILLINOIS) .....	31
82.	VETS 4212 REPORT (GOVERNMENT CONTRACTORS & SUBCONTRACTORS) .....	31
83.	VICTIMS’ ECONOMIC SECURITY AND SAFETY ACT (VESSA) (ILLINOIS) .....	31
84.	VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT (GOVERNMENT CONTRACTORS & SUBCONTRACTORS) .....	32
85.	VOTING TIME OFF (ILLINOIS).....	32
86.	WAGE PAYMENT & COLLECTION ACT (ILLINOIS).....	32
87.	WHISTLEBLOWER PROVISIONS AS CONTAINED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.....	34
88.	WHISTLEBLOWER ACT (ILLINOIS).....	35
89.	WITNESS SERVICE (ILLINOIS) .....	35
90.	WORKER ADJUSTMENT & RETRAINING NOTIFICATION ACT (WARN).....	35
91.	WORKER ADJUSTMENT & RETRAINING NOTIFICATION ACT (IWARN) (ILLINOIS).....	36
92.	WORKERS’ COMPENSATION ACT (ILLINOIS).....	36
93.	WORKPLACE VIOLENCE PREVENTION ACT (ILLINOIS) .....	36

**FEDERAL AND ILLINOIS EMPLOYMENT LAWS**

<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
1. AFFIRMATIVE ACTION (Illinois)  NO MINIMUM	The Illinois Municipal Code provides that preference be given to veterans for civil service positions and positions at fire and police departments. The State Universities Civil Service Act expresses a preference for veterans in hiring for state universities. For public works projects, the Veterans Preference Act states a preference for veterans in filling construction positions, including contractors.
2. AGE DISCRIMINATION IN EMPLOYMENT ACT  20 Employees	Prohibits age discrimination in employment for persons 40 years of age or older. Potential remedies for violating this statute include back pay, front pay, attorneys' fees and costs, reinstatement, etc., and double damages.
3. AIDS CONFIDENTIALITY ACT (Illinois)  NO MINIMUM	Prohibits the disclosure of the identity of anyone who has had an AIDS test or the results of such tests in a manner that reveals identification of the subject of the test, except to the subject, a legally authorized representative, any person designated in a legally effective release, health care facilities or providers in certain circumstances, law enforcement personnel who may have come in contact with blood or bodily fluids in the line of duty, temporary caretakers of children taken into temporary protective custody by the DCFS, and in a case of a minor under 18 years of age whose test result is positive and has been confirmed pursuant to Department rules, the health care provider who ordered the test shall make a reasonable effort to notify the minor's parent if it is the health care provider's professional judgment that notification would be in the best interest of the child and the health care provider has first sought unsuccessfully to persuade the minor to notify the parent or legal guardian or a reasonable time after the minor has agreed to notify the parent or legal guardian, the health care provider has reason to believe the minor has not made the notification.

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LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
4. AMERICANS WITH DISABILITIES ACT  15 Employees	Prohibits discrimination against qualified individuals with physical or mental disability (or a perception of same or being associated with someone with a disability) and requires employers to provide reasonable accommodations for such individuals. Potential remedies for violating this statute include back pay, front pay, attorneys' fees and costs, equitable relief, compensatory damages and punitive damages.
5. AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008  15 Employees	Rejects the concept that whether an impairment substantially limits a major life activity is to be determined with reference to the improved effects of mitigating measures and also rejects the concept that the terms "substantially" and "major" in the definition of disability under the ADA need to be interpreted strictly to create a demanding standard for qualifying as "disabled," and that to be substantially limited in performing a major life activity under the ADA, "an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives." Retains the ADA's basic definition of "disability" as an impairment that limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment but changes the way that these statutory terms should be interpreted in several ways. The Act's final regulations fundamentally change the manner in which an employer must treat and manage employees with medical conditions. The regulations clarify that the focus has shifted from whether an individual meets the definition of "disability" to whether employers have complied with their obligations and whether discrimination occurred.
6. BACKGROUND CHECKS (Illinois)  NO MINIMUM	Background checks are required for certain employees who work for park districts, child care providers, school districts, mental health facilities and secure residential youth care facilities. (See also Fair Credit Reporting Act ("FCRA") obligations.)
7. BENEFITS FOR SAME-SEX PARTNERS (Illinois)  NO MINIMUM	An administrative order extends health benefits to same-sex domestic partners of all state employees in the agencies directly within the Governor's jurisdiction. The benefits include health insurance, dental and vision coverage.
8. BILL OF RIGHTS FOR THE HOMELESS ACT	An employee experiencing homelessness has the right not to face discrimination while maintaining employment due to the employee's lack of permanent mailing address or the employee's mailing address being that of a shelter or social service provider.

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
NO MINIMUM	
9. CHICAGO HUMAN RIGHTS ORDINANCE  NO MINIMUM	<p>Prohibits discrimination against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history or criminal history. Also prohibits retaliation against any individual because that individual in good faith has made a charge, testified, assisted or participated in an investigation, proceeding or hearing under this chapter. Any person who violates any provision of this ordinance as determined by the Commission will be fined not less than \$100 and not more than \$1,000 for each offense. Potential for actual damages, hiring, reinstatement or upgrading with or without back pay or providing the fringe benefits that may have been denied, attorneys' fees and costs.</p> <p>Punitive damages may be awarded where the individual or entity is found to have acted maliciously or in reckless disregard of a person's rights.</p> <p>The Chicago Commission on Human Rights is allowed to issue fines for the filing of frivolous discrimination complaints. The fines for filing frivolous complaints will range from \$250-\$1,000 per occurrence.</p>
10. CIVIL RIGHTS ACT OF 1964 (Title VII)  15 Employees	<p>Prohibits discrimination in employment on the basis of race, color, religion, sex, pregnancy and national origin. Potential for back pay, front pay, attorneys' fees and costs, reinstatement, etc., compensatory and punitive damages.</p> <p>Although the Civil Rights Act of 1964 does not protect individuals with criminal records as a class, the EEOC has cautioned that an employer's reliance on arrest and conviction records in deciding whether to hire applicants or retain employees may result in illegal discrimination based on race and national origin. In its 2012 Guidance on Criminal Background Checks, the EEOC provides recommendations for employers to follow when using criminal background information to make employment decisions.</p>



<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
11. CIVIL RIGHTS ACT OF 1866  NO MINIMUM	Prohibits discrimination on the basis of race in making contracts, including entering into and termination of employment. Potential for back pay, front pay, attorneys' fees and costs, reinstatement, etc. and liquidated damages.
12. CIVIL RIGHTS ACT OF 1991  15 Employees	Broadens protections against private race discrimination under §1981. Allows compensatory and punitive damages for Title VII and ADA claims of discrimination and expert witness fees to successful plaintiffs. Provides a plaintiff the right to a jury trial when compensatory and punitive damages are sought.
13. COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM ACT (Illinois)  NO MINIMUM	Employers are prohibited from "penalizing" an employee solely for his or her status as a "registered qualifying patient" under the Act. Employers are not required to reimburse a person for costs associated with the medical use of cannabis. Employers retain substantial rights under the Act including the right to enforce a drug-free workplace policy and the right to drug test employees in a non-discriminatory manner. An employer may discipline registered qualifying patients who demonstrate "specific articulable symptoms" of impairment from marijuana use while at work, as long as the employees are afforded a reasonable opportunity to contest the determination. An employer may also discipline registered qualifying patients based on a good faith belief that they used or possessed marijuana while on the employer's premises or during work hours. Finally, an employer may discipline or terminate or take other adverse employment based on an employee's or applicant's status as a registered qualifying patient if failing to take such action would put the employer in violation of federal law or would cause it to lose a monetary or licensing-related benefit under federal law or regulations.
14. COBRA (CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT)  20 Employees (federal); state continuation coverage – NO MINIMUM (Illinois)	COBRA provides certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates. Coverage is only available when coverage is lost due to certain specific "qualifying events." Coverage generally lasts for 18 months but can last up to 36 months depending on the nature and timing of the qualifying event.  Continuation coverage under Illinois state law must be utilized by employers with less than 20 employees, generally lasts up to 12 months, and also requires employers to meet certain notification requirements if a covered individual elects such coverage. Special state continuation



LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	coverage rules also apply to a covered employee’s spouse or dependent who lose coverage as well as Illinois municipal employees who are eligible to receive either an Illinois Municipal Retirement Fund (“IMRF”) pension or an IMRF disability benefit.
<p>15. COOK COUNTY HUMAN RIGHTS ORDINANCE (Illinois)</p> <p>NO MINIMUM (must be conducting business in Cook County)</p>	<p>Protects all people who live and work in Cook County from discrimination and sexual harassment in employment, public accommodations, housing, credit transactions, County services and County contracting, when based on a person’s race, color, age, sex, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, credit history or housing status. Protections also extend to independent contractors.</p>
<p>16. COOK COUNTY WAGE THEFT ORDINANCE (Illinois)</p> <p>NO MINIMUM</p>	<p>The Ordinance provides that a “person or substantial owner” who has admitted liability or been found liable by a court or administrative agency for violating state and federal wage laws, including but not limited to the Fair Labor Standards Act, the Illinois Minimum Wage Law, the Illinois Wage Payment and Collection Act, the Illinois Worker Adjustment and Retraining Act, and the Illinois Employee Classification Act, will be: 1) barred from entering into a contract with Cook County (and allowing the County to nullify an existing contract); 2) ineligible to receive a business license; 3) ineligible to receive a property tax incentive; and 4) disqualified from receiving or renewing a County business license (including employers in unincorporated parts of Cook County). Any violations in the preceding five years carry the same consequences. And, future violations may result in an employer being barred from doing business with Cook County for five years and the revocation of an existing business license or property tax incentive. Significantly, when persons or employers submit bids for Cook County contracts or forms for licenses or tax incentives, the persons or employers must submit an affidavit or certification declaring that the person or employer has not violated any state or federal wage laws. The certification includes any wage violations nationwide.</p>
<p>17. CRIMINAL IDENTIFICATION ACT AMENDMENT (Illinois)</p> <p>NO MINIMUM</p>	<p>Restricts the way in which employers (other than law enforcement agencies) may inquire into a job applicant’s criminal history. Prohibits pre-employment inquiries based on “expunged or sealed records of conviction.” (Illinois job applications must state this.)</p> <p>An Illinois tax law amendment increased the income tax credit for</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>employers that hire qualified persons with criminal records to \$1,500 (was \$600). The amendment also allows an employer to claim the tax credit provided it hired the employee within three years after the ex-offender's release from prison (prior rule allowed tax credit be allowed only if the ex-offender was hired within one year of release from prison). Employers can take the tax credits for up to five years. The law also expands the types of nonviolent felonies that may be sealed, including: theft, retail theft, forgery, possession of burglary tools and possession with intent to manufacture or deliver a controlled substance. The ex-offender must, among other things, wait four years after the completion of his/her last sentence before seeking to have any of these offenses sealed. If sealed, these felonies will not appear on background check reports and, under existing Illinois law, employers are not allowed to ask job applicants about sealed or expunged criminal records or arrest records.</p>
<p>18. DAY AND TEMPORARY LABOR SERVICES ACT (Illinois)</p> <p>Covered employers: day and temporary labor service agencies and third-party clients</p>	<p>Employers that contract for the services of day and temporary labor must verify that the agency is registered with the Illinois Department of Labor ("IDOL") before contracting with the agency and must also recertify the agency is registered with the IDOL on 3/1 and 9/1 of each year. Employers must also provide single-day workers with documentation at the end of the workday. There is a fine of \$500 for each day an employer contracts with an unregistered agency. Employers that contract with a day and temporary service agency for services share all legal responsibility and liability for the payment of wages under the Illinois Wage Payment and Collection Act and the Illinois Minimum Wage Law.</p>
<p>19. DEFEND TRADE SECRETS ACT OF 2016</p> <p>NO MINIMUM</p>	<p>The Defend Trade Secrets Act of 2016 ("DTSA"), signed by the Senate on April 11, 2016 and the House on April 27, 2016, is expected to be signed by President Obama and will be effective immediately once it is signed into law. The DTSA provides a federal right of action for trade secret misappropriation claims based on products or services used in or intended for use in interstate or foreign commerce. Remedies include injunctive relief, actual damages, unjust enrichment, reasonable royalty, exemplary damages for willful and malicious misappropriation, attorneys' fees as well as the court's ex parte civil seizure of property necessary to prevent the propagation or dissemination of trade secrets. The DTSA provides a 3-year statute of limitations and does not exempt existing state laws.</p>

<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
20. DIRECT DEPOSIT OF PAYCHECKS (Illinois)  NO MINIMUM	Employers must pay all wages in a form readily convertible to cash. Direct deposit is permitted, but employers may not require it.
21. DRUG-FREE WORKPLACE ACT of 1988  NO MINIMUM	Requires some federal contractors and all federal grantees to agree that they will provide drug-free workplaces as a condition of receiving a contract or grant from a federal agency. The specific components necessary to meet the requirements vary based on whether the contractor or grantee is an individual or an organization.
22. DRUG-FREE WORKPLACE ACT (Illinois)  25 Employees	Provides that employers awarded a state contract or grant of \$5,000 or more must adopt an anti-drug policy and program, and provide a copy of its policy. The statute does not specifically address drug testing requirements.
23. EAVESDROPPING LAW (Illinois)	It is unlawful during a private conversation for a party to the conversation to surreptitiously record any conversation when one or more of the parties have a “reasonable expectation” of privacy. “Reasonable expectation” is defined as any expectation defined by law.
24. EDUCATIONAL LABOR RELATIONS ACT (Illinois)  NO MINIMUM	Established the right of educational employees to organize and bargain collectively. The Act: 1) grants educational employees the right to organize and freely choose their representative; 2) requires educational employers to negotiate and bargain with employees’ representatives and to enter into a written agreement with these representatives; and 3) establishes procedures which protect the rights of educational employees, their employers and the public.
25. EEO-1 Reports  Employers with federal government contracts of \$50,000 or more and 50 or more employees; and employers who do not have a federal government contract but have 100 or more employees	Covered employers are required to provide a count of their employees by job category and then by ethnicity, race and gender. The EEO-1 report is submitted to the EEOC and the Department of Labor, Office of Federal Contract Compliance Programs (OFCCP).
26. EMPLOYEE BLOOD DONATION LEAVE ACT	Full-time employees with at least 6 months of service are allowed to take an hour of paid leave, or more if authorized by the employer or a

<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
(Illinois)  Any unit of local government, boards of election commissioners, and private employers with 51 or more employees	collective bargaining agreement, every 56 days, to donate blood.
27. EMPLOYEE CLASSIFICATION ACT (Illinois)  NO MINIMUM	<p>Applies to all construction work performed within the State of Illinois, including, but not limited to, public and private construction; residential and commercial buildings; road, bridge, sewer, railroad, excavation and water works; maintenance, renovation and repair work; landscaping, painting and decorating work; and moving construction-related materials to or from the job site. Establishes specific criteria to determine if an individual performing services for a construction contractor is an employee or an independent contractor. A contractor that violates the Act will be subject to civil penalties up to \$1,000 for each violation found in the first audit by the IDOL and up to \$2,000 for each repeat violation found by the Department within a five-year period. In addition to an individual who is an employer, any officer of a corporation who knowingly permits such employer to violate the provisions of the Act may be held individually liable for all violations and penalties assessed under the Act.</p> <p>The Act requires contractors to report electronically, annually on or before April 30 following the taxable year in which the payment was made, all payments to non-employees for construction services to the Illinois Department of Labor. Violators will be subject to a penalty.</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
28. EMPLOYEE CREDIT PRIVACY ACT (Illinois)  NO MINIMUM	Prohibits covered employers from inquiring about an applicant's or employee's credit history and from ordering or otherwise obtaining an applicant's or employee's credit history or credit report from a consumer reporting agency, unless a satisfactory credit history is an "established bona fide occupational requirement" for the relevant job/position, as defined by the Act. Prohibits the use of an applicant's or employee's credit history or report to refuse to recruit, hire, promote, discharge or otherwise discriminate against such an individual with respect to employment, compensation or a term or condition of employment. Also prohibits retaliation against applicants and employees. A person injured by a violation of the Act may bring a civil action in Circuit Court to obtain injunctive relief or damages, or both. A person who prevails as a plaintiff shall be awarded costs and reasonable attorneys' fees.
29. EMPLOYEE PATENT ACT (Illinois)  NO MINIMUM	A provision in an employment agreement that provides that an employee will assign or offer to assign any of the employee's rights in an invention to the employer does not apply to an invention where none of the employer's equipment, supplies, facilities or trade secret information was used and which was developed entirely on the employee's own time, unless the invention: (i) relates to the business of the employer, (ii) relates to the employer's actual or demonstrably anticipated research or development or (iii) results from any work performed by the employee for the employer.
30. EMPLOYEE POLYGRAPH PROTECTION ACT  NO MINIMUM	Polygraph examinations may be given by private employers only under extremely limited conditions. Exempted from coverage are public employers and employers in the pharmaceutical and security industries.
31. EMPLOYMENT OF ILLINOIS WORKERS ON PUBLIC WORKS ACT (Illinois)  NO MINIMUM	Requires contractors on state public works projects to employ a workforce comprised of at least ninety percent (90%) Illinois residents during periods of "excessive unemployment." Violators are subject to a civil penalty in an amount not to exceed \$1,000 for each violation found in the first investigation by the Illinois Department of Labor, not to exceed \$5,000 for each violation found in the second investigation by the Department, and not to exceed \$15,000 for a third or subsequent violation found in any subsequent investigation by the Department. Any interested party or person aggrieved by a violation of the Act may file suit in Circuit Court 30 days or more after a complaint has been filed with the Department, or any time after the filing of a complaint if

<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
	the Department notifies the interested party or person aggrieved by a violation of the Act that the Department will not proceed with the complaint.
32. EMPLOYMENT RECORD DISCLOSURE ACT (Illinois)  NO MINIMUM	Employers, authorized employees or agents acting on behalf of employers who provide truthful written or verbal information or information they believe in good faith is truthful about a current or former employee's job performance are immune from civil liability for the disclosure and the consequence of the disclosure. Employers are not required to give references.
33. EQUAL PAY ACT OF 1963  1 Employee	Requires equal pay for men and women who perform equal work, unless the difference is based on seniority, merit or a factor other than sex. Potential for back pay, attorneys' fees, costs and liquidated damages.
34. EQUAL PAY ACT of 2003 (Illinois)  NO MINIMUM	Requires equal pay for men and women who perform equal work unless the difference is based on seniority, merit or a factor other than sex. Potential for back pay, attorneys' fees, costs and liquidated damages. Employers with fewer than 4 employees who violate the Act are subject to civil penalties as follows: 1) first offense, a fine not to exceed \$500; 2) second offense, a fine not to exceed \$2,500; 3) third or subsequent offense, a fine not to exceed \$5,000. Employers with 4 or more employees who violate the Act are subject to civil penalties as follows: 1) first offense, a fine not to exceed \$2,500; 2) second offense, a fine not to exceed \$3,000; 3) third or subsequent offense, a fine not to exceed \$5,000. Any employer or person who either interferes with, restrains, denies the exercise of or the attempt to exercise any right or discharges or in any other manner discriminates against any individual who has: 1) filed a charge; 2) given or is about to give any information in connection with any inquiry or proceeding; or 3) testified or is about to testify in any inquiry or proceeding, is subject to a civil penalty not to exceed \$5,000 for each violation for each employee affected. Any officers of a corporation or agents of an employer who willfully and knowingly permit the employer to evade a final judgment or final award provided under the Act will be deemed to be the employers of the employees, i.e., potential liability for the officer or agent.



<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
35. EXECUTIVE ORDER 11246 (Government Contractors and Subcontractors)  Coverage: NO MINIMUM  50 Employees: Written Plan	Protects employees of covered federal contractors and subcontractors from employment discrimination because of race, color, religion, sex and national origin. Also requires that certain employers take affirmative action to ensure that all qualified applicants and employees receive equal employment opportunity.
36. FAIR CREDIT REPORTING ACT ("FCRA")  NO MINIMUM	The FCRA requires express notification to an individual before a credit reporting agency may communicate any oral or written information about the individual to an employer if the information will be used to evaluate a person for hire, promotion, reassignment, or retention. Potential for actual damages, costs, and attorneys' fees caused by negligent violation of the law.
37. FAIR LABOR STANDARDS ACT  NO MINIMUM	Requires the payment of minimum hourly wages and overtime for non-exempt employees.
38. FAMILY & MEDICAL LEAVE ACT  50 Employees within a 75 mile radius.	Provides covered employees with the right to a job protected and unpaid leave of absence for up to 12 weeks within a 12-month period, in order to address family and medical responsibilities. Eligible employees are those who have worked for the employer: a minimum of one year and a minimum of 1,250 hours (an average of 25 hours per week) during the 12 months prior to the start of the FMLA leave, and are employed at a location where at least 50 employees are working within a 75-mile radius. A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave in a 12-month period for one or more of the following reasons: the birth and care of a newborn child; the placement with the employee of a child for adoption or foster care and to care for the newly placed child; care for an immediate family member (spouse, child or parent, but not a parent "in-law") with a serious health condition; and when the employee is unable to work because of the employee's own serious health condition. FMLA regulations define "spouse" as "a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides." In light of the U.S. Supreme Court ruling that the federal Defense of Marriage Act is unconstitutional, marriage-based FMLA rights will be extended to "spouses" of the same-sex but only if the employees currently live in states which recognize same-sex



LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>marriages. An employee in a same-sex marriage, domestic partnership or civil union may take FMLA leave to care for a child with whom the employee stands “in loco parentis” regardless of where he or she may live.</p> <p>The National Defense Authorization Act (“NDAA”) for Fiscal Year 2008 provides up to 12 workweeks during any 12-month period for employees who need time off to handle “exigencies” related to an immediate family member’s military service or call-up for service, and to care for a family member who is injured during military service. An employee whose spouse, child, parent or “next of kin” is injured while on active military duty can take up to 26 workweeks of leave during a single 12-month period to care for him or her. Intermittent leave may be taken for both types of leave.</p> <p>The NDAA for Fiscal Year 2010 permits an eligible employee to take FMLA leave for a qualifying exigency related to the deployment of a son, daughter or parent who is a member of a regular component of the Armed Forces. Covered active duty now relates to when a member of the regular or reserve components of the Armed Forces is deployed to any foreign country. “Military caregiver” leave covers eligible employees who are needed to care for a “veteran” with a service connected serious injury or illness. The veteran must have been discharged for “other than dishonorable reasons” and the leave must be taken within 5 years of the date the veteran’s active duty ends.</p> <p>Where an employer has questions about whether an employee’s relationship to a child is covered under FMLA, the employer may require the employee to provide reasonable documentation or statement of the family relationship.</p>
<p>39. FAMILY MILITARY LEAVE ACT (Illinois)</p> <p>15 Employees</p>	<p>Employees working for employers with 15-50 employees may take up to 15 days of unpaid leave to visit with a spouse, child, parent or grandchild who has been called into military service for a period lasting longer than 30 days, while employees working for employers with more than 50 employees may take up to 30 days of unpaid family military leave. Employers may require employees to exhaust all forms of paid leave (other than sick and disability leave) before taking family military leave. The employee is entitled to reinstatement to the employee’s position or a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment upon</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>expiration of the leave.</p> <p>If an employee also uses “qualifying exigency” leave under the FMLA, the amount of leave available under the Act will be reduced by the number of days the employee takes under the FMLA.</p>
<p>40. FIREARM CONCEALED CARRY ACT (Illinois)</p> <p>NO MINIMUM</p>	<p>The Act allows a properly licensed individual to carry a firearm. The FCCA lists certain, limited locations at which concealed carry is prohibited in all circumstances (i.e., governmental body, school, hospital, mental health facility, nursing home, establishment at which 50% of gross receipts are from the sale of alcohol, etc.) and also allows property owners who do not fall within the limited exceptions to prohibit concealed carry on property under their control. To do so, the owner must post a sign indicating that firearms are prohibited on the property unless the property is a private residence. Even if the building, facility or property is of the type exempted or has otherwise been designated by the property owner as prohibiting concealed carry, the licensee is permitted to carry a concealed firearm on or about his or her person within a vehicle into the parking area and may store a firearm or ammunition concealed in a case (includes glove compartment or console) within a locked vehicle or locked container out of plain view within the vehicle. The FCCA does not generally authorize an employer to prohibit concealed carry and leaves many questions with respect to employers’ rights and responsibilities unanswered (i.e., whether an employer may ask its employees whether they possess a concealed carry license; whether an employer faces potential liability if the employer permits concealed carry and a shooting occurs on its premises).</p>
<p>41. FOOD HANDLING REGULATION ENFORCEMENT ACT (Illinois)</p> <p>NO MINIMUM</p>	<p>All newly hired food handlers employed by restaurants (businesses primarily engaged in the sale of Ready to Eat food for immediate consumption) are required to receive or obtain American National Standards Institute (ANSI) accredited training in basic safe food handling principles within 30 days of employment and every 3 years thereafter. ANSI training is transferable between employers. Internal training programs are not transferable between employers.</p>
<p>42. GENETIC INFORMATION NON-DISCRIMINATION ACT of 2008</p>	<p>Covered employers are prohibited from discriminating against employees or applicants because of genetic information. Prohibits the use of genetic information in making employment decisions except in certain limited situations, such as in connection with the Family and Medical Leave Act’s (FMLA) certification process when such</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
15 Employees	<p>information is necessary to determine whether an employee qualifies for FMLA; restricts the acquisition of genetic information by covered employers and strictly limits the disclosure of genetic information. Prohibits the harassment of an individual because of his or her genetic information and prohibits a covered employer from disclosing genetic information about applicants or employees. Employers must keep genetic information confidential and in a separate medical file.</p>
<p>43. GENETIC INFORMATION PRIVACY ACT (Illinois)</p> <p>NO MINIMUM</p>	<p>Employers must treat genetic testing information consistent with the requirements of federal law, including the Genetic Information Nondiscrimination Act of 2008, the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, the Family and Medical Leave Act of 1993 and the Occupational Safety and Health Act of 1970. An employer may release genetic testing information only to: the subject (employee) of the test or the subject’s legally authorized representative; any person designated in a written release executed by the subject’s authorized representative; or an authorized agent or employee of a health care facility or provider if it is authorized to obtain the test results, provides patient care, and has a need to know the information in order to conduct the test or provide care or treatment.</p> <p>A person aggrieved by a violation of the Act can file a cause of action in a State Circuit Court or as a supplemental claim in a federal district court against the offending party. A prevailing party may recover for each violation: 1) against any party who negligently violates a provision of the Act, liquidated damages of \$2,500 or actual damages, whichever is greater; 2) against any party who intentionally or recklessly violates a provision of the Act, liquidated damages of \$15,000 or actual damages, whichever is greater; 3) reasonable attorneys’ fees and costs, including expert witness fees and other litigation expenses; and 4) such other relief, including an injunction, as the State or federal court may deem appropriate. Nothing in the Act limits the right of the subject of a test to recover damages or other relief under any other applicable law.</p>
<p>44. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (“HIPAA”)</p> <p>HIPAA’s privacy rules do not apply to employers that do not sponsor group</p>	<p>Covered entities cannot use or disclose Protected Health Information (“PHI”), except as permitted or required by the Privacy Rules or as authorized by the individual. With only limited exceptions, any use or disclosure of PHI must be limited to the minimum necessary amount of information to accomplish the purpose of the use or disclosure. Technically, employers are not covered entities and therefore are not subject to the privacy rules. In practice, however, they must comply if</p>

<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
<p>health plans; the rules only apply to covered entities (i.e., group health plans, health care providers and health care clearinghouses) and business associates. In the event that an employer sponsors a group health plan, such employer will be subject to HIPAA to some extent. However, there is an exception from many of HIPAA's privacy requirements for health plans that are self-administered (i.e., administered internally by the company/sponsor) AND have less than 50 participants.</p>	<p>they sponsor a group health plan. If a third party administers an employer-sponsored health plan or receives PHI from the plan, it will be necessary to enter into a business associate agreement with such third party in order to ensure that participant PHI is adequately protected. Under HIPAA's security rules, group health plans must implement policies and safeguards that are reasonably appropriate to protect and maintain electronic PHI.</p> <p>In addition to HIPAA's privacy and security rules, HIPAA also ensures that wellness plans are not administered in a discriminatory fashion and protects the health coverage of individuals who change jobs by providing special enrollment periods during a change of status, and prohibiting eligibility restrictions based on health status.</p>
<p>45. HUMAN RIGHTS ACT (Illinois)</p> <p>Handicap: 1 Employee</p> <p>Sexual Harassment: 1 Employee</p> <p>Retaliation: 1 Employee</p> <p>All Other Types of Employment Discrimination: 15 or more Employees within Illinois during 20 or more calendar weeks within the calendar year or preceding the alleged violation</p>	<p>Prohibits discrimination in employment on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, disability, military discharge status, arrest record status, citizenship status, reserve status, sexual orientation or order of protection status. Prohibits employers from considering pregnancy, childbirth or related medical conditions with respect to recruitment, hiring, promotion, discharge, discipline or other terms and conditions of employment.</p> <p>At the conclusion of the administrative investigation, Complainants may file a civil action in State Circuit Court rather than filing a complaint with the Illinois Human Rights Commission. Charges filed with the EEOC within 180 days after the date of the alleged civil rights violation are deemed filed with the IDHR on the date filed with the EEOC. If the EEOC is the governmental agency designated to investigate the charge first, the IDHR will take no action until the EEOC makes a determination on the charge and after the complainant notifies the IDHR of the EEOC's determination.</p> <p>When reviewing cases (other than those involving real estate transactions), a fact-finding conference must occur unless: 1) the Director rules within one year of the charge being filed that there is no substantial evidence of a civil rights violation; 2) the charge is dismissed for lack of jurisdiction; or 3) the parties voluntarily and in writing, agree to waive the fact-finding conference.</p> <p>"Disability" includes "any mental, psychological, or developmental</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>disability, including autism spectrum disorders.”</p> <p>Employers are prohibited from failing to provide a reasonable accommodation to a job applicant or employee (full-time, part-time and probationary) based on conditions related to pregnancy or childbirth unless the employer can demonstrate that the accommodation would impose an undue hardship on the ordinary operation of the business of the employer. Employers are not required to create additional employment that the employer otherwise would not have created, unless the employer does so or would do so for other classes of employees who need accommodation. In addition, employers are not required to discharge any employee, transfer any employee with more seniority or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need it. Employers are required to post a notice advising employees of the new pregnancy protections under the Act.</p> <p>The definition of “employee” includes unpaid interns for purposes of sexual harassment. An “unpaid intern” is defined as a person who performs work for an employer and who: 1) the employer is not committed to hiring at the conclusion of the intern’s tenure; and 2) agrees with the employer that he or she is not entitled to wages for the work performed.</p>
<p>46. HUMAN RIGHTS ACT AMENDMENT (English Only Work Rules) (Illinois)</p> <p>15 Employees</p>	<p>Prohibits employers from imposing “English only” work rules, unless an employer has a “viable” business necessity to impose such restrictions. It is a violation for an employer to require an employee to speak any particular “language” (i.e., an employee’s native tongue), unless the communications relate to the employee’s duties. An employer found in violation may be liable for a broad range of damages, including compensatory and punitive damages, civil penalties up to \$75,000 for repeated offenses, and attorneys’ fees.</p>
<p>47. IMMIGRATION REFORM &amp; CONTROL ACT (IRCA)</p> <p>NO MINIMUM</p>	<p>Employers may hire only persons who are legally eligible for employment in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9), within 3 business days of the date employment began. I-9 forms must be retained for all current employees hired and continuously employed since November 6, 1986, for as long as they remain employed. After an employee terminates employment, I-9 forms need only be retained for</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>the longer of three years from date of hire or one year from date of termination. Employers may not request (for purposes of satisfying the requirements of IRCA) more or different documents than are required under the IRCA, or to refuse to honor documents tendered that, on their face, reasonably appear to be genuine.</p>
<p>48. IMMIGRATION (Illinois)</p>	<p>Under the Illinois Right to Privacy in the Workplace Act, employers registered for E-verify are required to make certain attestations on a required form. Currently, use of E-Verify is not required by law for Illinois employers, unless they are federal contractors under FAR.</p>
<p>49. INTERNAL REVENUE SERVICE RULE  NO MINIMUM</p>	<p>For employers in the hospitality industry, a new rule by the Internal Revenue Service requires that mandatory service charges on a customer's bill be treated as wages for tax purposes and not as gratuities or tips.</p>
<p>50. JOB OPPORTUNITIES FOR QUALIFIED APPLICANTS (Illinois)  15 Employees</p>	<p>Employers may not inquire into, consider, or require disclosure of an applicant's criminal record or history until after the applicant has been 1) determined qualified for the position and 2) notified that he has been selected for an interview. If the employer does not conduct an interview, it must wait until after making a conditional offer of employment. The law has the following exceptions: 1) where federal or state law requires the employer to exclude applicants with certain convictions; 2) for convictions that would disqualify an applicant from obtaining a required standard fidelity (or equivalent) bond; or 3) where the employer employs individuals licensed under the Emergency Medical Services (EMS) Systems Act. The Illinois Department of Labor will investigate compliance with the Act and may assess the following penalties for noncompliance: 1) written warning giving the employer 30 days to remedy (first violation); 2) civil penalty of no more than \$500 (second violation or failure to remedy first violation); 3) additional civil penalty of up to \$1,500 (third violation or failure to remedy the first violation within 60 days' notice); and additional penalty of \$1,500 for every 30 days thereafter the employer fails to comply with the law (subsequent violations or of the first violation is not remedied within 90 days' notice.</p>
<p>51. JURY ACT (Illinois)  NO MINIMUM</p>	<p>Any person not legally disqualified to serve on juries who has been summoned for jury duty for either trial or grand jury service is to be given time off from employment to serve upon the jury for which the employee is summoned, regardless of the employment shift such</p>



LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>employee is assigned to at the time of service of such summons. An employee shall give his employer reasonable notice of required jury service. The employer does not have to pay the employee for the time off. Employers are prohibited from discharging, threatening to discharge, intimidating or coercing any employee because of the employee's jury service or the employee's attendance or scheduled attendance in connection with such service, in any court of this State. Employers that violate the Act may be charged with contempt of court and shall be liable for damages for any loss of wages or other benefits suffered by the employee by reason of the violation and may be enjoined from further violations and ordered to reinstate any employee discharged by reason of jury service.</p>
<p>52. LILLY LEDBETTER FAIR PAY RESTORATION ACT of 2009</p> <p>NO MINIMUM (REHABILITATION ACT)</p> <p>15 (AMERICANS WITH DISABILITIES ACT)</p> <p>20 (AGE DISCRIMINATION IN EMPLOYMENT ACT)</p>	<p>Employees have 180 days (or 300 days, if the Charge is also covered by a state or local antidiscrimination statute such as Illinois) to bring a pay discrimination claim each time he or she receives a discriminatory pay check, regardless of when the discriminatory pay decision initially was made. The Act amends Title VII, Age Discrimination in Employment Act, Americans with Disabilities Act and Rehabilitation Act.</p>
<p>53. MANDATORY RETIREMENT SAVINGS LAW (Illinois) 25 Employees</p>	<p>Effective June 1, 2015, covered employers (who have been in business for more than 2 years) are to provide a retirement savings program for its employees (401(k) for example) or auto-enroll employees through payroll deduction in the to-be-created Illinois Secure Choice Savings Program. The required initial (default) contribution by an employee is three percent (3%) of the employee's earnings. Once an employee is enrolled, he or she may opt out completely or change the contribution amount. An employer that does not provide a retirement savings plan or participate in the Program is subject to an annual fine of \$250 per employee. Due to the fact that the Program needs to be created (including appointing a Board of Trustees and selecting investment providers) the Program will be implemented and employees will be enrolled in the Program within 24-months of the Act's effective date. The employer mandate will begin when the Board opens the Program for enrollment.</p>



LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
54. MEAL BREAKS (Illinois)  NO MINIMUM  Meal Breaks for Hotel Room Attendants (Illinois)	<p>Under the One Day Rest in Seven Act, employees who work 7-1/2 continuous hours or longer are allowed at least 20 minutes for an uninterrupted, unpaid meal period beginning no later than 5 hours after the start of the work period. Exempted are employees for whom meal periods are established through a collective bargaining agreement and employees who monitor individuals with developmental disabilities or mental illness, or both, and who, in the course of those duties, are required to be on call during an entire 8-hour work period. However, those employees shall be allowed to eat a meal during the 8-hour work period while continuing to monitor those individuals.</p> <p>Hotel room attendants in Cook County are entitled to a minimum of two 15-minute paid rest breaks and one 30-minute meal period in each workday the hotel room attendant works at least 7 hours. Employers must make available at all times a room on the employer's premises with adequate seating, tables, and free drinking water to enable the workers to enjoy such break periods. An employer who violates the requirement shall pay to the hotel room attendant three times the hotel room attendant's regular hourly rate of pay for each workday during which the required breaks were not provided.</p> <p>In addition to the penalty of not less than \$25 nor more than \$100 for each offense for any employer who violates any provision of the One Day Rest in Seven Act, an employee claiming violation of this Section shall be entitled to all remedies available under law or equity, including but not limited to damages, back pay, reinstatement, or injunctive relief. Any employee terminated in violation of this Section shall recover treble his or her lost normal daily compensation and fringe benefits, together with interest and any consequential damages suffered by the employee. The court will award reasonable attorneys' fees and costs to a prevailing plaintiff.</p>
55. THE MILITARY LEAVE OF ABSENCE ACT (Illinois)  NO MINIMUM	<p>State of Illinois, local government and school district employees (other than an independent contractor) must be granted leave from employment for any period actively spent in military service, including: basic training; special or advanced training, whether voluntary or involuntary, and whether the training takes place in Illinois or elsewhere; annual training; and any other training or duty required by the United States Armed Forces. Such employees will receive their regular compensation when called to annual training and, employees who leave for basic training and employees who leave for up to 60 days</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>of special or advanced training, and for any other training or duty required by the United States Armed Forces, will receive their regular compensation if the employee's compensation for military service is less than the employee's compensation as a public employee, minus the amount of the base pay the employee receives for military service. Violation of the MLOAA is a civil rights violation under the Human Rights Act.</p>
<p>56. MINIMUM WAGE ACT (Illinois)</p> <p>4 Employees</p>	<p>The minimum wage in Illinois is \$8.25 per hour. Certain employees are exempted under the Act. Covered employers must post a notice advising employees of the minimum wage and, failure to post the required notice may result in a \$500 fine.</p> <p>Effective January 1, 2016, the Act's overtime compensation provisions exempt any employee who is a member of a bargaining unit recognized by the Illinois Labor Relations Board and whose union has contractually agreed to an alternate shift schedule as allowed by Sec. 7(b) of the Fair Labor Standards Act.</p>
<p>57. MINORS (14 and 15 years old - Illinois); (16 and 17 years old - federal)</p> <p>NO MINIMUM</p>	<p>Work permits or employment certificates must be obtained from the minor's school for all minors 14 and 15 years of age before beginning work. A 14 or 15 year old minor may NOT work: 1) before 7 a.m.; 2) after 7 p.m. between Labor Day and June 1; 3) after 9 p.m. June 1 through Labor Day; 4) more than 8 hours on non-school days; 5) more than 3 hours on school days; 6) more than 24 hours during school weeks; 7) more than 48 hours during non-school weeks; or 8) more than 6 days per week. Minors may not work in any of 26 occupations which are considered "hazardous". Although there are no restrictions on the working hours of employees aged 16 and older, these employees may not work in any of approximately seventeen "hazardous" occupations.</p>
<p>58. NATIONAL LABOR RELATIONS ACT</p> <p>NO MINIMUM</p>	<p>The Act does not cover federal, state or local government workers, with the exception of employees of the U.S. Postal Service. Agricultural workers and domestic workers as well as managerial employees, supervisors and independent contractors are exempted from the Act.</p> <p>Protects the rights of employees to: 1) form or join a union; 2) bargain collectively for a contract that sets wages, benefits, hours and other working conditions; 3) discuss wages, working conditions or union organizing with co-workers or a union; 4) act with co-workers to improve working conditions by raising complaints with an employer or</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>a government agency; 5) strike and picket their employer, depending on the purpose or means of the action; 6) choose not to join a union or engage in union activities; and 7) organize co-workers to decertify a union. Non-union employees have some of the same protections as union employees. If employees choose a union as their bargaining representative, the union and employer must bargain in good faith in a genuine effort to reach a binding agreement setting out the terms and conditions of employment. The union is required to fairly represent employees in bargaining and enforcing the agreement.</p> <p>Employers may not: 1) prohibit employees from discussing a union during non-work time, or from distributing union literature during non-work time in non-work areas, such as parking lots or break rooms; 2) question employees about their union support or activities in a matter that discourages them from engaging in that activity; 3) fire, demote, transfer, reduce hours or take other adverse action against employees who join or support a union or act with co-workers for mutual aid and protection, or who refuse to engage in such activity; 4) threaten to close their workplace if employees form or join a union; 5) promise or grant promotions, pay raises, or other benefits to discourage or encourage union support; 6) prohibit employees from wearing union hats, buttons, t-shirts and pins in the workplace except under special circumstances; or 7) spy on or videotape peaceful union activities and gatherings.</p> <p>Unions may not: 1) threaten employees with job loss if they don't support the union; 2) refuse to process grievances of employees who criticize union officials or do not join the union; 3) act in a discriminatory way when making job referrals from a hiring hall; 4) cause or attempt to cause an employer to discriminate against employees because of their union-related activity; or 5) take other adverse action against employees who do not support the union.</p>
<p>59. NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS PROGRAM</p> <p>Applies to Holders of CDL Licenses</p>	<p>Effective May 21, 2014, the Illinois Secretary of State's office is prohibited from accepting a U.S. Department of Transportation medical card from a CDL holder that has not been signed by a Federal Motor Carrier Safety Administration (FMCSA) approved medical examiner. The new FMCSA program requires all medical examiners who wish to perform physical examinations for interstate commercial motor vehicle drivers to be trained and certified in FMCSA physical qualification standards. Medical examiners that have completed the training and successfully passed the test are included in an online director on the</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	National Registry website.
60. NURSING MOTHERS IN THE WORKPLACE ACT (Illinois)  6 Employees	Owners or managers of a public or private location may not prohibit nursing mothers from breastfeeding if they are in a location they are otherwise authorized to be. Covered employers must provide nursing mothers with reasonable unpaid breaks each day to express breast milk, unless the break would unduly disrupt the employer's operations. Employers must also make reasonable efforts to provide a room or other location, in close proximity to the employee's work area, other than a toilet stall, for nursing women.
61. ONE DAY REST IN SEVEN ACT (Illinois)  NO MINIMUM	With several exempted categories of employees, every employer is required to allow every employee at least twenty-four consecutive hours of rest in every calendar week in addition to the regular period of rest allowed at the close of each working day.
62. ORGAN DONOR LEAVE ACT (Illinois)  Employees who work for any branch, department, board, committee, or commission of State government.	Permanent full-time or part-time employees with at least 6 months service are entitled, every 12 months, to 30 days of paid organ donation leave to serve as a bone marrow donor or organ donor or to donate blood, up to 1 hour or more to donate blood every 56 days, up to 1.5 hours to donate double red cells and up to 2 hours to donate blood platelets. The frequency of the blood donation times shall be set by rule in accordance with appropriate medical standards established by the American Red Cross, America's Blood Centers, the American Association of Blood Banks or other nationally-recognized standards. Employees may use organ donation leave or other authorized leave only after obtaining approval from the Employer. Employees are not required to use accumulated sick time or vacation leave before taking organ donor leave under this law.
63. PATIENT PROTECTION AND AFFORDABLE CARE ACT ("PPACA")  NO MINIMUM	Since 2010, PPACA has imposed a number of different mandates on group health plans and employers. Many of these mandates have already been implemented; however, additional mandates shall take effect in 2014 and later. For example, for plan years beginning in 2014, group health plans may not impose preexisting limitations or waiting periods greater than 90 calendar days. Of significant consequence to employers is the employer shared responsibility mandate (a.k.a., Pay or Play) which takes effect January 1, 2015, and subjects employers with 50 or more full-time and full-time equivalent employees (i.e., "applicable large employers") to penalties if the employer fails to offer health coverage to "full-time" employees (i.e., employees who average

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>30 hours per week or more) that is either unaffordable or does not provide minimum value. Additionally, applicable large employers must also submit tax forms to their full-time employees and the Internal Revenue Service that describes the health coverage offered to such employees.</p> <p>Employers that are members in a controlled group of commonly owned businesses are considered a single applicable large employer for purposes of Pay or Play. In order to determine whether an employer will be subject to a Pay or Play penalty, the employer will need to: (1) determine whether it is an applicable large employer, (2) identify its full-time employees, and (3) review its health care coverage offered to its full-time employees.</p> <p>PPACA also requires employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has the need to express the milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. (Employers with fewer than 50 employees are exempt if complying with the requirements would impose undue hardship by causing significant difficulty or expense.)</p>
<p>64. PERSONNEL RECORD REVIEW ACT (Illinois)</p> <p>5 Employees</p>	<p>Upon employee request, an employer must permit the employee (current employee or employee whose employment terminated in the past 12 months) to inspect any personnel records that are, have been or are intended to be, used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action, subject to stated exceptions, including information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy. The employer shall grant at least 2 inspection requests by an employee in a calendar year and the employer shall provide the employee with the opportunity to inspect the personnel records within 7 working days after the request is made or, if the employer can reasonably show that the deadline cannot be met, the employer shall have an additional 7 days to comply.</p>
<p>65. POSTERS</p>	<p>Illinois Required Posters: 1) Your Rights Under Illinois Employment Laws; 2) Employee Classification Act of 2008; 3) Occupational Safety</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>&amp; Health Act; 4) Day and Temporary Labor Services Act; 5) Pregnancy Rights Notice; 6) Unemployment Insurance Benefits Notice; 7) Emergency Care for Choking; 8) Smoke Free Illinois Act; and Workers' Compensation.</p> <p>Federal Required Posters: 1) Equal Employment Opportunity; 2) Minimum Wage – Overtime – Child Labor; 3) Employee Polygraph Protection Act; 4) Family Medical Leave Act; 5) Federal Government Contracts; 6) Federally Financed Construction; 6) Occupational Safety &amp; Health Act; and 7) Veterans' Employment and Training Service.</p>
<p>66. PREGNANCY DISCRIMINATION ACT</p> <p>15 Employees</p>	<p>Discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with non-pregnancy related temporary disabilities or limitations.</p>
<p>67. THE PREVAILING WAGE ACT AMENDMENTS (Illinois)</p> <p>NO MINIMUM</p>	<p>Requires contractors awarded a contract for public works and contractors with projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions to post, at a location on the project site, the prevailing wage rates for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. There are expanded recordkeeping requirements on these contractors.</p> <p>By July 15 of each year, public bodies must file with the Secretary of State and the Department of Labor, a certified copy of their determination of the prevailing wage rate.</p> <p>A contractor or subcontractor convicted or found guilty of not maintaining records, filing payroll as required or willfully failing to comply with any provisions of the Act will be subject to an automatic and immediate debarment and will be prohibited from participating in any public works project for 4 years, with no right to a hearing.</p>
<p>68. PUBLIC LABOR RELATIONS ACT (Illinois)</p> <p>NO MINIMUM</p>	<p>Public employees and employers are granted the right to bargain collectively. Public employees have the right to: 1) form, join or assist labor organizations without fear of discrimination, penalty or retaliation; 2) bargain collectively with their employer through representatives of their own choosing; 3) right to engage in other lawful, concerted activities for the purpose of collective bargaining; and 4)</p>

<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
	<p>refrain from participating in any and all of these activities. Non-union employees in some cases have the same protections as union employees. Non-union employees in some cases have the same protections as union employees. Supervisory, managerial and confidential employees are excluded from the definition of “public employee.” A recent amendment to the Act provides special rights to newly-certified non-peace officer/firefighter/security bargaining units with fewer than 35 employees.</p>



<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
<p>69. RECORD RETENTION (Illinois)</p> <p>NO MINIMUM</p>	<p>Employers must keep records of the following for each employee for at least 3 years: name, address, gender, social security number, occupation, rate of pay and type of payment; amount paid each pay period; hours worked each day in each workweek; additions and deductions from employees' wages for each pay period and explanation for each; records of paid time off earned for each year and the dates taken.</p> <p>Employers must maintain records of an applicant's medical history and physical examination reports for at least one year after the application date.</p> <p>Employers must keep for one year from the date of application: applications for employment, resumes and other supporting material submitted on behalf of applicants, interview forms, qualifying examinations, background reports, medical history or physical exam reports.</p> <p>Employers should keep for at least three years: personnel files; job and performance evaluations; employee qualifications for promotion, transfer, or discharge; skill testing certifications; attendance/tardiness records; reprimands and disciplinary records; records of suspension, lay-off, termination or resignation.</p> <p>Employers should keep job descriptions, production standards and other documents relating to job duties, qualifications and performance criteria for one year following the date the same cease to be effective.</p> <p>Once a state Human Rights charge has been served on an employer, all records and evidence pertaining to the charge must be retained until final adjudication.</p> <p>A record of all dates or hours taken by an employee under VESSA and records pertaining to any dispute regarding time taken off under the Act must be maintained for three years.</p>
<p>70. RECORD RETENTION</p> <p>NO MINIMUM</p>	<p>Many federal laws have record retention requirements. For example, any personnel or employment record made or kept by an employer shall be preserved by the employer for a period of one year from the date of the making of the record or the personnel action involved (2 years for federal contractors), whichever occurs later.</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>Where an employee is involuntarily terminated, an employer shall keep the employee's personnel records for a period of one year from the date of termination.</p> <p>Where a charge of discrimination has been filed, or an action brought by the EEOC or the Attorney General against the employer under Title VII or the ADA, employers must preserve all personnel records relevant to the charge or action until final disposition of the charge or action.</p> <p>The term "personnel records relevant to the charge," includes personnel or employment records relating to the aggrieved person and to all other employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the aggrieved person applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the EEOC, or by the Attorney General, the date on which such litigation is terminated.</p> <p>Federal contractors are required to retain all outreach activities for three (3) years.</p>
<p>71. REHABILITATION ACT of 1973 (Government Contractors and Subcontractors)</p> <p>NO MINIMUM</p> <p>50 Employees: Written Plan</p>	<p>Prohibits discrimination in employment on the basis of a disability. Applies to covered contractors and subcontractors that enter into contracts with the federal government that exceed \$15,000. Potential for compensatory damages, back pay, attorneys' fees and costs and equitable relief.</p> <p>Effective October 1, 2015, each non-construction contractor or subcontractor with 50 or more employees is required to prepare a written affirmative action plan if it: 1) has a federal contract or subcontract of \$50,000 or more; 2) has government bills of lading which in any 12-month period total, or can reasonably be expected to total, \$50,000 or more; 3) serves as a depository of federal funds in any amount; or 4) is a financial institution that is an issuing and paying agent for U.S. savings bonds and savings notes in any amount.</p>

<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
	Federal contractors are required to adopt specific hiring goals for individuals with disabilities. The new regulations establish a seven percent (7%) goal for employing disabled individuals in each job group of their workforce (or, if the employer has less than 100 employees total, the goal applies to the entire workforce).
72. RELIGIOUS FREEDOM AND MARRIAGE FAIRNESS ACT  NO MINIMUM	Provides same-sex and different-sex couples and their children equal access to the status, benefits, protections, rights and responsibilities of civil marriage.
73. RELIGIOUS FREEDOM PROTECTION AND CIVIL UNION ACT (Illinois)  NO MINIMUM	Provides the same rights to parties to a civil union (e.g., same and opposite-sex couples) as those provided to spouses. These unions are not considered a legal “marriage.” Previously unrecognized marriages, civil unions and similar relationships, other than common law marriages that were entered into in another jurisdiction, will be recognized in Illinois as a civil union. A party to a civil union is entitled to the same legal obligations, responsibilities, protections and benefits as are afforded or recognized by the law of Illinois to spouses, whether they derive from statute, administrative rule, policy, common law or any other source of civil or criminal law. Parties to a civil union may apply for and receive a marriage license and have the marriage solemnized and registered under the Illinois Marriage and Dissolution of Marriage Act, provided the parties are otherwise eligible to marry and the parties to the marriage are the same as the parties to the civil union.
74. RIGHT TO PRIVACY IN THE WORKPLACE ACT (Illinois)  NO MINIMUM	An employer cannot refuse to hire or to discharge an individual, or otherwise disadvantage any individual with respect to compensation, terms, conditions or privileges of employment because the individual uses lawful products (including tobacco) off the premises of the employer during nonworking hours. An employer may not inquire of any prospective employee or the prospective employee’s previous employers, whether the prospective employee has ever filed a claim for workers’ compensation or workers’ occupational diseases benefits. Potential for actual damages plus costs; for a willful and knowing violation: \$200 plus costs, reasonable attorneys’ fees and actual damages.  An employer cannot request or require any employee or prospective employee to provide any password or other related account information

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>in order to gain access to the employee’s or prospective employee’s account or profile on a social networking website or demand access in any manner to an employee’s or prospective employee’s account or profile on a social networking website.</p> <p>Nothing limits an employer’s right to: 1) promulgate and maintain lawful workplace policies governing the use of the employer’s electronic equipment, including policies regarding Internet use, social networking site use and electronic mail use; and 2) monitor usage of the employer’s electronic equipment and the employer’s electronic mail without requesting or requiring any employee or prospective employee to provide any password or other related account information in order to gain access to the employee’s or prospective employee’s account or profile on a social networking website. In addition, employers are not prohibited from obtaining about a prospective employee or an employee’s information that is in the public domain, provided that the password, account information, or access sought by the employer relates to a professional account, and not a personal account. Employers are not prohibited from complying with a duty to screen employees or applicants prior to hiring or to monitor or retain employee communications as required under Illinois insurance laws or federal law or the rules of a self-regulatory organization. Professional accounts are those “created, maintained, used, or accessed by a current or prospective employee for business purposes of the employer.”</p>
<p>75. SCHOOL VISITATION RIGHTS ACT (Illinois)</p> <p>50 Employees</p>	<p>Employees who have worked for an employer for at least 6 consecutive months immediately preceding a request for school visitation leave may take up to a total of 8 hours during any school year, no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee’s child if the conference or classroom activities cannot be scheduled during non-work hours. Employees must provide seven days’ notice or 24 hours’ notice in emergencies. Employee must first exhaust all accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to the employee, except sick leave and disability leave. The leave may be unpaid. Potential for fine of not more than \$100 for each offense.</p>
<p>76. SMOKE FREE ILLINOIS ACT (Illinois)</p>	<p>The Act prohibits smoking in public places, places of employment, and government vehicles, with fines for individuals and establishments found in violation of the Act. Smoking is prohibited within a minimum</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
NO MINIMUM	distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under the Act so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means. Employers and operators of public places are required to take certain steps to ensure proper notification that smoking is prohibited. A person who smokes in an area prohibited under the Act will be fined \$100 for a first offense and \$250 for each subsequent offense. A person who owns, operates, or otherwise controls a place of employment that violates the Act will be fined \$250 for the first violation, \$500 for the second violation within one year after the first violation and \$2,500 for each additional violation within one year after the first violation.
77. SOCIAL SECURITY NUMBER CONFIDENTIALITY LAW (Illinois)  All non-governmental employers	All non-governmental employers in Illinois are prohibited from: 1) printing an employee's SSN on any materials mailed to the employee (unless state or federal law requires otherwise); 2) publicly posting or displaying an employee's SSN; 3) requiring an employee to transmit his SSN over the Internet unless the connection is secure or the SSN is encrypted; 4) requiring an employee to use his SSN to access an Internet site, unless an authentication device, such as a password, is also required; or 5) requiring an employee to use his SSN to access services or products provided by the employer. If the employer started using an employee's SSN before July 1, 2005 in a manner that would violate the law, it may continue to do so if 1) the use of the SSN is continuous; and 2) the employee is provided an annual disclosure that informs the employee that he has the right to stop the use of the SSN in a manner that is prohibited.
78. STATE CONTRACTORS (Illinois)  NO MINIMUM	Any individual or party that is party to a contract with an executive branch State agency, except those individuals or entities that are party to a contract with a bona fide labor organization and perform construction or construction-related services (as defined in the IL Procurement Code) must either: 1) post-employment on IllinoisJobLink.com; or 2) provide an online link to its employment vacancies so that the link is accessible through the web page of the IllinoisJobLink.com.
79. UNEMPLOYMENT INSURANCE ACT (Illinois)  NO MINIMUM	Provides payments from a special fund for workers who lose their jobs. Contributions from employers are required to maintain the fund used to pay benefits to unemployed workers who meet the eligibility requirements of the law, and the level of an individual employer's contribution is determined by a variety of factors including the

<b>LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*</b>	<b>SUMMARY OF LAW</b>
	employer's size and the number of its employees who apply for and receive benefits, i.e., its "experience rating."
80. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT  NO MINIMUM	Provides broad re-employment rights to employees who are members, or who apply to be members, of any of the covered services. Does not preempt state laws that provide more expansive rights and protections. Employees may file a civil action for lost wages or benefits and obtain injunctive relief, liquidated damages equal to lost wages, and attorneys' fees and costs.
81. VETERANS PREFERENCE IN PRIVATE EMPLOYMENT ACT (Illinois)  NO MINIMUM	Effective January 1, 2016, private employers are allowed to adopt and apply a voluntary veterans' preference employment policy if: 1) the veterans' preference policy is in writing; 2) the veterans' preference employment policy is publicly posted by the private employer at the place of employment or on any website maintained by the private employer; 3) the private employer's job application informs all applicants of the veterans' preference employment policy and where the policy may be obtained; and 4) the private employer applies the veterans' preference employment policy uniformly for all employment decisions regarding the hiring or promotion of veterans or the retention of veterans during a reduction-in-force.
82. VETS 4212 REPORT (Government Contractors & Subcontractors)  NO MINIMUM	Any federal contractor or subcontractor that entered into a contract in the amount of \$25,000 or more prior to December 1, 2003 or entered into a contract in the amount of \$100,000 or more on or after December 1, 2003 must file a VETS-100 Report on an annual basis. Covered contractors or subcontractors that file a VETS-100 Report also have affirmative action obligations.
83. VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA) (Illinois)  15 Employees	Eligible employees and their family and household members may take up to 12 weeks (up to 8 workweeks if employer has 15-49 employees) during a 12-week period to: 1) seek medical attention for or recover from physical or psychological injuries caused by domestic or sexual violence; 2) obtain services from a victim services organization; 3) obtain psychological or other counseling; 4) participate in safety planning, temporary or permanent relocation, or take other actions to increase their physical safety from future domestic or sexual violence or to ensure economic security; or 5) seek legal assistance or remedies to ensure their health or safety, including their preparation for, or participation in any civil or criminal legal proceeding related to or derived from domestic or sexual violence. VESSA leave may be taken



LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>intermittently or on a reduced work schedule. Covered employers must post a notice that summarizes the Act's requirements.</p> <p>Employers that violate the Act may be required to: 1) pay damages equal to the amount of wages, salary, employment benefits, public assistance, or other compensation denied or lost with interest; 2) provide equitable relief, including but not limited to, reinstatement, promotion and reasonable accommodations; and 3) pay reasonable attorneys' fees, expert witness fees and other costs of the action. An employer that fails to pay damages within 30 days after the order is entered is liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying the damages to the employee.</p>
<p>84. VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT (Government Contractors &amp; Subcontractors)</p> <p>COVERAGE: NO MINIMUM</p> <p>PLAN: 50 Employees</p>	<p>Effective October 1, 2015, employers with a single federal contract or subcontract valued at \$150,000 or more annually are required to prepare a protected veterans' affirmative action plan and list its job openings with the local employment service delivery system except for executive and top management jobs, jobs which the contractor expects to fill from within, and jobs lasting 3 days or less. A veteran is a "protected veteran" under VEVRAA if he or she falls into one or more of the following categories: disabled veteran; recently separated veteran; active duty wartime or campaign badge veteran; or Armed Forces service medal veteran.</p> <p>Federal contractors are required to adopt specific hiring goals for military veterans. The new regulations establish an annual hiring goal for military veterans. The rate as of April 21, 2015 is seven percent (7%) or the federal contractor's "own benchmark based on the best available data."</p>
<p>85. VOTING TIME OFF (Illinois)</p> <p>NO MINIMUM</p>	<p>Employers must permit a 2-hour paid absence during working hours to vote if the employee's working hours begin fewer than 2 hours after the opening of the polls and end fewer than 2 hours before the closing of the polls. The employee must request the leave no later than the day prior to the election. No employer shall subject an employee to any penalty, including a decrease in compensation, for exercising this right.</p>
<p>86. WAGE PAYMENT &amp; COLLECTION ACT (Illinois)</p>	<p>Establishes when, where and how often wages must be paid and prohibits unilateral deductions from wages or final compensation without the employee's consent. The Illinois Department of Labor</p>



LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
NO MINIMUM	<p>provides assistance to workers in the collection of wages and final compensation including unused vacation pay, commissions, bonuses or other fringe benefits. State and federal government employees are exempt.</p> <p>Employers may pay employees using payroll cards. An employer: 1) may not require that an employee receive wages through a payroll card as a condition of employment; 2) must secure an employee’s written or electronic consent to receiving wages with a payroll card after providing a written disclosure regarding the terms of the payroll card and applicable fees; and 3) must comply with an employee’s request to receive payment by a different method within two pay periods.</p> <p>Recent amendments to the Act include: 1) employers are required to give employees written notice of their rate of pay at the beginning of their employment and any time the rate of pay changes; 2) the Act has been expanded to enforce “promises” contained in employee handbooks, despite contract disclaimers to the contrary; 3) employers who pay employees in cash must obtain a signed receipt from the employee including the date and amount received; 4) employers are required to reimburse employees for business expenses incurred by employees; 5) commissions may now need to be paid to terminated employees, although employers may deduct advanced commissions from compensation if the sale is canceled and employers may be required to pay severance if the employer has a “practice” of paying severance; and 6) the IDOL’s enforcement authority has been significantly expanded. The IDOL now has jurisdiction over non-resident corporate officers of a company and over any employee who performed work within Illinois, even if the employer does not have a physical office in Illinois. And, the IDOL can now “assist” a “class” of employees alleging IWPCA violations and investigate retaliation complaints.</p> <p>An employer or agent of an employer that fails to pay wages, final compensation or wage supplements (including vacation pay) in the amount of \$5,000 or less is guilty of a Class B misdemeanor (up to 6 months in jail and/or fine of up to \$1,500). Failure to pay wages, final compensation or wage supplements in the amount of more than \$5,000 is a Class A misdemeanor (up to 1 year in jail and/or fine up to \$2,500). Any employer or agent of an employer that violates this section of the Act a subsequent time within 2 years of a prior criminal conviction is</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
	<p>guilty, upon conviction, of a Class 4 felony (between 1-3 years in state penitentiary and/or fine of up to \$25,000). Employers that fail to pay amount ordered may also be liable to pay a penalty to the Illinois Department of Labor of 20% of the amount found owing and a penalty to the employee of 1% per calendar day of the amount found owing for each day of delay in paying such wages to the employee.</p> <p>A municipality may, within 6 months after making an overpayment of wages directly to an employee, deduct the overpayment from the employee's regularly scheduled wage payment without the written consent of the employee, provided the municipality makes required certifications prior to deducting the overpayment.</p>
<p>87. WHISTLEBLOWER PROVISIONS AS CONTAINED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009</p> <p>NO MINIMUM</p>	<p>Prohibits private employers and state or local government that receive funds pursuant to the Act from retaliating against an employee who discloses, internally or externally, information that the employee reasonably believes constitutes evidence of one or more of a number of specified improper uses of stimulus funds. An employee who reasonably believes that an employer that has received covered funds has committed certain acts may not be discharged, demoted or otherwise retaliated against for reporting such conduct.</p> <p>An employee can report the alleged wrongdoing to any of several external entities. An employee is protected if he discloses the information to "a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct)," including reports made in the ordinary course of performing the employee's duties. Remedies available for violation of the provision include reinstatement, back pay, compensatory damages and attorneys' fees.</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
88. WHISTLEBLOWER ACT (Illinois)  1 Employee	<p>An employer may not make, adopt or enforce any rule, regulation or policy preventing an employee from disclosing information to a government or law enforcement agency if the employee has a reasonable cause to believe that the information discloses a violation of State or federal law, rule or regulation. Employers are also prohibited from retaliating against an employee who discloses information to a government or law enforcement agency or who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule or regulation. Nor may an employer retaliate against an employee for refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation. An employee may bring a civil action against the employer for all relief necessary to make the employee whole including reinstatement with the same seniority status the employee would have had, but for the violation; back pay, with interest; and compensation for any damages sustained as a result of the violation, including litigation costs, expert witness fees, and reasonable attorneys' fees.</p>
89. WITNESS SERVICE (Illinois)  NO MINIMUM	<p>Employers may not discharge, threaten, or otherwise punish or penalize employees who are absent from work as a result of a subpoenaed appearance at a criminal proceeding. Employers are not required to pay employees for the time lost. Employers cannot discriminate or harass employees who attend, participate in, or prepare for criminal or civil court proceedings relating to domestic or sexual violence in which the employee or family or household member was a victim or who requested for such a purpose. Employers who knowingly or intentionally violate the requirement shall be proceeded against and punished for contempt of court.</p>
90. WORKER ADJUSTMENT & RETRAINING NOTIFICATION ACT (WARN)  100 Employees	<p>Requires 60 days' notice of a plant closing or mass layoff affecting at least 50 employees at a single site of employment in any rolling 90-day period. An employer cannot circumvent the notice requirement by spreading the layoff or plant closing over multiple months. Employees who do not receive the required notice may recover back pay and benefits. Also provides for civil penalties, including up to \$500 for each day the employer is in violation of the Act.</p>

LAW/MINIMUM EMPLOYEE REQUIREMENT FOR COVERAGE*	SUMMARY OF LAW
91. WORKER ADJUSTMENT & RETRAINING NOTIFICATION ACT (IWARN) (Illinois)  75 Employees	Requires 60 days' notice of a plant closing or mass layoff affecting at least 25 employees at a single site of employment in any rolling 90-day period. An employer cannot circumvent the notice requirement by spreading the layoff or plant closing over multiple months. Employees who do not receive the required notice may recover back pay and benefits. An employer that fails to give the required notice before ordering a mass layoff, relocation or employment loss is liable to each employee entitled to notice who lost employment for back pay or the employee's final rate of compensation, whichever is higher; and the value of the cost of benefits the employee would have been entitled to had employment not been lost. Civil penalties, including up to \$500 for each day the employer fails to provide proper notice may be imposed.
92. WORKERS' COMPENSATION ACT (Illinois)  NO MINIMUM	Employers must obtain workers' compensation insurance; post a notice in each workplace that lists the insurance carrier and explains workers' rights; keep records of work-related injuries and report to the Illinois Workers' Compensation Commission those accidents involving more than three lost workdays; not harass, discharge, refuse to rehire, or in any way discriminate against an employee for exercising his or her rights under the law; and not charge the employee in any way for workers' compensation insurance premiums or benefits that the employer is required to pay.
93. WORKPLACE VIOLENCE PREVENTION ACT (Illinois)  15 Employees	An employer may seek an order of protection to prohibit further violence or threats of violence by a person if: 1) the employee has suffered unlawful violence or a credible threat of violence from the person; and 2) the unlawful violence has been carried out at the employee's place of work or the credible threat of violence can reasonably be construed to be carried out at the employee's place of work by the person.

\* All laws are federal unless otherwise designated.