

Illinois Employment Laws Quick Reference Guide

NOTE TO EMPLOYER: This reference guide provides a brief summary of important provisions and obligations of a number of employment laws and regulations affecting employers. It is not intended to be nor should it be viewed as an all-inclusive listing of all laws and regulations or the provisions and obligations associated with them. Because provisions and requirements are subject to change, this information will need to be reviewed to be certain it remains current. Always refer to specific laws or regulations for detailed descriptions of provisions and obligations and seek professional advice and counsel when further information or clarification is needed and when notified of any pending agency investigation or potential charges claiming to be a violation of law.

***SPECIAL NOTE:** Under the **Cannabis Regulation and Tax Act** (legalizing recreational marijuana) and **The Compassionate Use Act** (permitting use of medicinal marijuana), employers may continue to enforce workplace policies on drug testing, zero-tolerance, and a drug-free workplace, provided the policy is applied in a non-discriminatory manner. Employers do not have to allow employees to possess marijuana at work or to work while they are impaired.

****Chicago and Cook County employers need to abide by local ordinance requirements, such as **minimum wage, paid sick leave, and scheduling.****

^ As of July 1, 2022, the Chicago Commission of Human Relations (CCHR) amended sexual harassment laws to include additional requirements for policies, postings, training, retaliation protection, and alleged offender notification pertaining to sexual harassment and zero tolerance in the workplace.

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|--|--|-----------------------|
| Artificial Intelligence Video Interview Act | Provides that an employer that asks applicants to record video interviews and uses an artificial intelligence analysis of applicant-submitted videos shall notify each applicant in writing before the interview, provide information on how the artificial intelligence work and obtain written consent. Copies of interviews must be destroyed within 30 days of the applicant's request. Employers that rely solely upon artificial intelligence to determine whether an applicant will qualify for an in-person interview must gather and report data about the race and ethnicity of applicants who are and are not extended an opportunity for an in-person interview and race and ethnicity data for applicants who are hired. | 1 or more employees |
| Ban on English Only Rules | Prohibits employers from requiring employees to speak English when the employee is talking about matters that are not related to his or her job duties. | 15 or more employees |
| Biometric Information Privacy Act (BIPA) | Regulates the collection, consent, use, safeguarding, handling, storage, retention, and destruction of biometric identifiers collected by employers, such as a fingerprint, retina or iris scan, voiceprint, or hand or face geometry. | 1 or more employees |

Information contained in this document should not be regarded as a substitute for legal counsel in specific areas. This document is copyrighted by MRA – The Management Association, Inc. The document may be reprinted for internal use, but may not be republished without the prior permission of MRA.

For further assistance call or visit www.mranet.org, © MRA – The Management Association, Inc.

Wisconsin: 800.488.4845 • Minnesota 888.242.1359 • Northern Illinois: 800.679.7001 • Iowa & Western Illinois: 888.516.6357

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|---|---|---|
| Child Bereavement Leave Act | Employers must provide employees who suffered the loss of a child up to two weeks of unpaid leave. Leave must be used within 60 days after the employee receives notice of the death of his or her child. Employees otherwise eligible to take leave under the federal Family and Medical Leave Act (FMLA) are eligible to take this leave. | 50 or more employees |
| Child Labor | Regulates the employment of workers less than 16 years of age. The law protects children by limiting working hours when school is/is not in session, prohibiting work in hazardous occupations, and requiring employment certificates, which may be obtained remotely as of June 25, 2021. Requires Posting of "Your Rights Under Illinois Employment Laws" poster . | 1 or more employees |
| Civil Air Patrol Leave Act | Provides unpaid leave and employment protections to an employee performing a civil air patrol mission. Employee must have been employed at least 12 months and 1,250 hours of service during the 12-month period immediately preceding the leave. | 15 to 50 employees (15 days) 51 or more employees (30 days) |
| Drug Free Workplace Act | Employers with a state grant or contract of \$5,000 or more must: 1) publish a statement announcing the drug free workplace policy; 2) post and distribute the notice/statement to all employees involved in contract or grant work with the state/federal government; 3) establish a drug free awareness program to inform employees of potential penalties, available counseling, and dangers of drug use in the workplace; 4) notify the contracting or granting agency of any criminal drug convictions of employees; 5) impose penalties or require employees to complete a rehabilitation program in response to any such convictions; 6) assist employees if drug counseling, treatment and rehabilitation are required; and 7) make a good faith effort at maintaining a drug free workplace. | 25 or more employees with contracts or grants of \$5,000 or more with the state of Illinois |
| Employee Blood Donation Leave | Allows full-time employees of either public or private employees, who have worked for six months or more, to take one hour of paid leave to donate blood every 56 days. Employees must receive employer approval before taking the leave. | 51 or more employees |
| Employment Record Disclosure Act | Provides immunity for Illinois employers who provide truthful statements about an employee's performance. | 1 or more employees |

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|--|--|-----------------------|
| Equal Pay Act | <p>Prohibits employers from paying unequal wages to men and women as well as African-American and non African-American employees for doing the same or substantially similar work which requires substantially similar skill, effort and responsibility, with few exceptions. Requires posting “Your Rights Under Illinois Employment Laws” poster.</p> <p>Prohibits employers from asking for or considering salary history when making employment decisions or setting compensation. Employers may provide compensation information related to the position the applicant has applied to and may also discuss an applicant’s expectations for compensation and benefits during the application process.</p> <p>Prohibits an employer from terminating or discriminating against an employee for asking about, disclosing, comparing or otherwise discussing his or her own salary, benefits or other compensation with co-workers.</p> | 4 or more employees |
| Equal Pay Information Reporting | <p>Requires employers 100 or more employees in the state, as of March 23, 2021, to submit a report similar to the EEO-1 to the state of Illinois which includes pay data reporting and certification requirements. Penalties for non-compliance may be issued for up to \$10,000.</p> <p>Initial Equal Pay Registration Certificates (EPRC) must be applied for between March 24, 2022, and March 23, 2024, and be renewed every two years thereafter. Applications must be completed online, with additional guidance provided by the IDOL.</p> | 100 or more employees |
| Firearm Concealed Carry Act | <p>Specifies areas, such as schools or public venues, where concealed carry licensees are prohibited to carry a firearm. Allows employers to create specific policies to prohibit concealed weapons inside the workplace by posting the standardized notification created by Illinois State Police. Restricts employers from prohibiting employees to store firearms in the vehicle while parked in the employer’s parking lot.</p> | 1 or more employees |

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|---|--|---|
| Freedom to Work Act | <p>Amendment bars non-compete agreements with any employee whose earnings do not exceed \$75,000 per year (increasing by \$5,000 per year to \$90,000 per years by 2037).</p> <p>Bars non-solicitation agreements with any employee whose earnings do not exceed \$45,000 per year (increasing by \$2,600 per year to \$52,500 by 2037).</p> <p>Requires employee be informed of their right to seek legal guidance and have at least 14 days to consider the agreement.</p> | 1 of more employees |
| Hands Free Act/ Cell Phone Usage While Driving | Bans the use of handheld devices, including cell phones, personal digital assistants and mobile computers, while driving. The use of hands-free or voice-activated phones or devices, including the use of a headset is permitted. To limit liability, employers should have a policy restricting the use of handheld devices while driving on work-related business. | 1 or more employees |
| Health Care Continuation Coverage (IL-COBRA) | Protects employees and their covered dependents who lose their group health insurance coverage due to termination of employment or reduction in hours below the minimum required by the group plan. The employee must elect continuation coverage within a certain timeline. | 1 or more employees |
| Hotel and Casino Employee Safety Act | Requires hotels and casinos to provide anti-harassment training as required under the Illinois Human Rights Act, along with copies of a written anti-harassment policy provided in English, Spanish, and any other predominant language. Employers are also required to provide employees with a “panic button.” | 1 or more employees (applies to hotel and casino employers) |
| Illinois Human Rights Act (IHRA) | <p>Makes it unlawful for employers to discriminate against employees and applicants because of actual or perceived protected characteristic including: race, color, religion, sex, national origin/ancestry, age (40 and over), order of protection status, marital status, sexual orientation (including gender identity), military status or unfavorable military discharge, disability, arrest or conviction record, citizenship status, language (any language use not related to job duties), pregnancy, and retaliation.</p> <p>Prohibits harassment (including sexual harassment) by the employer against employees and non-employees (including contractors, consultants, vendors, etc.). Employers must provide notice to employees and post “You Have the Right to be Free from Job Discrimination and Sexual Harassment” which provides information concerning the rights of employees. ^</p> | 1 or more employees |

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|---|---|-----------------------|
| Illinois Human Rights Act (IHRA) (continued) | <p>It is a violation for an employer, with respect to pregnancy, childbirth, or a related condition: not to make reasonable accommodations, to deny employment opportunities or benefits to an otherwise qualified job applicant or employee, to require a job applicant or employee to accept an accommodation that the applicant or employee chooses not to accept, or to require an employee to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided. Requires posting of “Pregnancy and Your Rights in the Workplace” poster.</p> <p>An employer may not impose, as a condition of obtaining or retaining employment, any term or condition that requires a person to violate or forgo a sincerely held religious belief or practice, including the wearing of any attire, clothing or facial hair in accordance with religious requirements, unless the employer demonstrates undue hardship. An employer is not prohibited from enacting a dress code or grooming policy to maintain workplace safety or food sanitation.</p> <p>Prohibits inquiry into a job applicant's arrest history. In addition, an employer may not ask applicants about criminal history that has been expunged (arrests), sealed (convictions) or subject to executive clemency or pardon (felony convictions that are not eligible for sealing). However, an employer may question job applicants about criminal convictions (misdemeanor or felony) that have not been sealed or pardoned. Employers are authorized to review a job applicant's conviction history, whether or not it has been sealed, for certain job categories (e.g., teachers, healthcare workers, childcare workers, armed security guards).</p> <p>Employers may not use conviction records as the basis for an employment decision unless (1) there is a “substantial relationship” between one or more of the candidate’s prior convictions and the job at issue; or (2) employment would involve an “unreasonable risk to property or to the safety or welfare of specific individuals or the general public.”</p> <p>Employers are required to annually (by July 1) disclose any adverse judgement or administrative ruling against them, in the past year, to the IDHR. Annual sexual harassment training is also required, with additional training required for restaurants and bars.</p> <p>Extends protections to individuals based on association with a person with a disability.</p> | 1 or more employees |

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|--|--|-----------------------|
| Illinois Jury Act | Employees must be allowed to serve on a jury without retaliation (or termination) and cannot be required to work. Employees must provide reasonable notice. | 1 or more employees |
| Illinois Service Member Employment and Reemployment Rights Act (ISERRA) | Similar to the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), it prohibits discrimination against service member employees and the right to reinstatement upon the completion of military service. Service includes the Armed Forces, National Guard, state active duty, and service for any federally recognized auxiliary of the United States Armed Forces when performing official duties in support of military or civilian authorities as a result of an emergency. Requires posting "Your Rights Under the Illinois Service Member Employment and Reemployment Rights Act (ISERRA)" poster . | 1 or more employees |
| Job Opportunities for Qualified Applicants Act/ Ban the Box | The Act will prohibit employers from inquiring, considering, or requiring disclosure of a job applicant's criminal record or criminal history "until the applicant has been determined qualified for the position and notified that the applicant has been selected for an interview." If the employer does not conduct an interview, then a conditional offer of employment must be made before the employer may inquire into an applicant's criminal background. | 15 or more employees |
| Meal and Rest Breaks | Requires employers to provide nonexempt employees a meal period of 20 minutes for every 7.5-hour shift beginning no later than 5 hours after the start of the shift. Such meal periods need not be paid but are compensable if the time is spent for the benefit of the employer. (However, federal law generally requires a 30-minute break to be treated as unpaid time.) Minors under 16 are entitled to a 30-minute meal period after no more than five hours of continuous work. | 1 or more employees |
| Minimum Wage Law | Guarantees a minimum wage for workers 18 years of age and older; workers under 18 may be paid \$.50 per hour less than the adult minimum wage. Overtime must be paid after 40 hours of work per week at time and one-half the regular rate. Requires posting "Your Rights Under Illinois Employment Laws" poster . | 1 or more employees |
| New Hire Reporting Act | Requires employers to report new hires to the State Directory of New Hires within 20 days after the employee starts work for the purpose of collecting child support payments. | 1 or more employees |

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|---|--|----------------------------|
| Nursing Mothers in the Workplace Act | Amended to offer nursing mothers additional protections. Requires employers to provide reasonable break times to nursing employees for the purpose of expressing milk, but no longer designate such breaks as <i>unpaid</i> time or require the breaks to run concurrently with break time already provided. The law now makes clear that such breaks must be paid time, but also for the first time clarifies that the period for providing such breaks is limited to one year after the child's birth. | 6 or more employees |
| One Day Rest in Seven Act | Requires employers, with some exceptions, to provide employees a minimum of twenty four hours of rest in each consecutive seven-day period and meal breaks based on the number of hours worked. The law allows employers to secure permits from the Department of Labor to work employees the 7th day provided that the employees have voluntarily elected to work. Requires posting "Your Rights Under Illinois Employment Laws" poster or providing the notice by email or on a website regularly used and accessibly by employees to provide work-related information.. | 1 or more employees |
| Organ Donation Leave | Provides public employees of the state with up to 30 days of paid leave in any 12-month period to serve as a bone marrow or organ donor, or up to 2 hours paid leave to donate blood platelets (to a maximum of 24 times in a 12-month period, or approximately every 2 weeks), up to 1.5 hours to donate double red cells and up to one hour to donate blood. These employees may not be required to exhaust accrued vacation or paid time off before becoming eligible for leave. | 1 or more public employees |
| Payment of Terminated Employee Wages | Requires final pay as soon as possible or by next scheduled payday. If an employer's policy provides for paid vacations, the unused portion of accrued vacation must be paid as part of the employee's final compensation at the employee's final rate of pay. | 1 or more employees |
| Personnel Record Review Act | Allows employees and former employees (up to one year after leaving employment) to request personnel records in writing up to twice a year. Employer must provide within 7 working days. Employer may charge actual reproduction costs. Any individual aggrieved by the disclosure of a disciplinary report may file a complaint with the state Director of Labor or file an action in court within three years after the violation. | 5 or more employees |
| Plant Closing and/or Mass Layoff (IL-WARN) | Requires employers to give workers and state and local government officials 60 days advance notice of a plant closing or mass layoff as defined by the law. | 75 or more employees |

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|--|---|----------------------------|
| Right to Privacy in the Workplace Act | This Act contains a number of obligations for employers, including: <ul style="list-style-type: none"> • Prohibits discrimination for the use of lawful products outside of work. • Prohibits employers from requesting social media access of employees or applicants. Excludes accounts maintained by employees for the employer. • Prohibits employers from inquiring about claims filed under Workers Compensation. • Generally prohibits the use of electronic tracking devices on automobiles to determine the location or movement of a person. • Requires employers using the federal E-Verify system (formerly known as the Basic Pilot/Employment Eligibility Verification Program) to comply with certain training, posting and privacy requirements. | 1 or more employees |
| School Visitation Rights Act | Employers must allow employees who have been employed for at least six consecutive months up to eight hours of unpaid time off during any school year 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 and only if the employee has exhausted all accrued time off, except sick or disability leave. Employees may not take more than four hours of school visitation leave in one day. | 50 or more employees |
| Sexual Harassment Training | As part of the Illinois Human Rights Act, every employer in Illinois must provide annual sexual harassment prevention training, at least annually, to all employees, regardless of employment classification. Additional training is required for restaurants and bars with the requirement that the company's sexual harassment policy be provided to employees, in both English and Spanish, no later than the first calendar week of employment. Companies may use the state created IDHR sexual harassment prevention model or provide training that is at least equal to or exceeds training provided in the model. [^] | 1 or more employees |
| Smoke Free Illinois Act | Prohibits smoking in any place of employment within 15 feet from entrances, exits, windows that open and ventilation intakes. No smoking signs required. NOTE: Chicago has a city ordinance prohibiting smoking of electronic cigarettes (or e-cigarettes) in enclosed public places and enclosed places of employment in the city as well as within 15 feet of building entrances. | 1 or more employees |

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|--|---|---|
| Time Off For Voting | Employers must provide employees with up to two hours of paid time off to vote while the polls are open, provided the employee does not have at least two consecutive nonworking hours during the time the polls are open. The employee must request the time off prior to the day of election. The employer may designate the specific time the employee may take off to vote. No deduction or penalty may be made from the employee's regular salary or wage for the time taken off to vote. | 1 or more employees |
| Toxic Substance Disclosure to Employees Act | Requires that employers inform and train workers of potential hazards, safety precautions and emergency procedures concerning exposure to toxic substances in the workplace. Public sector employers have a specific "Job Safety and Health" poster . Private sector employers can post OSHA's Job Safety and Health poster . | 5 or more full-time employees in the State of Illinois or 20 or more employees total |
| Unemployment Insurance Act | Provides for partial protection to workers against the loss of wages when they are out of work due to a lack of opportunities. One week waiting period in a benefit year. Requires posting "Unemployment Insurance Benefits Notice" poster . If an employee is separated from employment for seven or more days, employers must give the employee, in person or by mail, a pamphlet entitled " What Every Worker Should Know About Unemployment Insurance " within five calendar days after the date of separation. The pamphlet is available from the Illinois Department of Employment Security. | 1 or more employees |
| Victims' Economic Security and Safety Act (VESSA) | Provides any employee who is a victim of domestic, sexual or gender violence (or has a family or household member that is a victim), and victims of violent crimes to take unpaid leave during any 12-month period to seek medical help, legal assistance, counseling, safety planning, and other assistance. 12-month time off requirements vary by size of employer Employers may not require employees to substitute other paid and unpaid leave for leave they take under VESSA, and are not allowed to fire, harass or discriminate against employees who take leave under VESSA. Requires posting "Victims' Economic Security and Safety Act" poster . | 1 to 14 employees (4 weeks of leave) 15 to 49 employees (8 weeks of leave) 50 or more employees (12 weeks of leave) |

| Illinois Law | Summary of Basic Provisions and Obligations | Compliance Thresholds |
|--|---|-----------------------|
| Wage Payment and Collection Act | <p>Wage payments must be made at least semi-monthly for non-exempt employees. Exempt employees in the executive, administrative and professional categories may be paid once a month. Commissions may be paid once a month.</p> <p>Requires employers to reimburse employees for expenses incurred within the scope of their employment. Expenses must be directly related to services performed by the employer, with a few exceptions. Requires employee consent and written agreement to deduct loss or damage to employer property. Uniform deduction requires employee authorization. Requires posting “Your Rights Under Illinois Employment Laws” poster.</p> | 1 or more employees |
| Workers’ Compensation Act | <p>Requires employers to provide benefits (i.e., care, treatment and wage continuation) to workers resulting from workplace illnesses or injuries. Requires Workers Compensation notice poster.</p> | 1 or more employees |
| Workplace Transparency Act | <p>Requires employers to provide annual anti-harassment training to all employees. Employers can use the model training provided by the Illinois Department of Human Rights (IDHR) or use their own training program provided it meets the minimum requirements. Employers in the restaurant and bar industry have additional policy and training requirements. Prohibits any agreement that restricts an employee from reporting unlawful conduct to government officials or testifying about unlawful employment practices. Employers must disclose (annually) to the IDHR information on judgments or rulings against the employer related to sexual harassment and unlawful discrimination cases.</p> <p>Limits the use of confidentiality and arbitration provisions within settlement or severance agreements unless several factors are met.</p> | 1 or more employees |