

ILLINOIS

Illinois Employment Laws Effective Jan. 1, 2025

Provided to you by **Employco USA, Inc.**

Illinois has recently adopted new and amended existing labor and employment laws. These laws and amendments will have a significant impact on employers conducting business in the state in the upcoming year and beyond.

This Legal Update provides an overview of the changes to Illinois' labor and employment laws. Specific labor and employment updates include the following topics:

- Rights to inspect paystubs;
- Expanded discrimination protections;
- Increased statute of limitations and penalties for workplace discrimination and harassment;
- Electronic employment verification systems;
- Whistleblower laws;
- Expanded definition of armed forces;
- Changes to personnel record review laws;
- Captive audience bans;
- Child labor laws; and
- Pay transparency requirements.

The new laws presented in this Legal Update take effect on **Jan. 1, 2025**.

Employee Right to Inspect Pay Stubs ([SB 3208](#))

On Aug. 9, 2024, Illinois amended the Illinois Wage Payment and Collection Act (IWPCA) to allow current and former employees to inspect their pay stubs. Employers must provide current and former employees copies of their pay stubs upon request. Employers may require employees to submit their request in writing. Employers must provide current and former employees with a copy of the pay stub within 21 calendar days of the request. Employers are not required to grant a current or former employee's request for a copy of pay stubs more than twice in a 12-month period. Additionally, employers do not need to grant a former employee's request for a copy of pay stubs more than one year after the date of separation.

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Highlights

- Senate Bill (SB) 3208 allows current and former employees to inspect their pay stubs.
- House Bill (HB) 2161 and HB 4867 expand the listed protected classes under Illinois discrimination laws to include reproductive health decisions family responsibilities.
- SB 3649 imposes captive audience bans on employers.
- SB 3646 repeals and replaces Illinois' child labor laws.
- HB 3129 requires employers to include pay scale and benefits information in job postings.

Illinois passed several employment laws that are effective Jan. 1, 2025.

Employers must provide former employees with copies of the pay stubs in either a physical or electronic format, as chosen by the former employee, and include a communication that is transmitted through electronic mail, text message, or computer system or is otherwise sent or stored electronically and is capable of being downloaded or permanently retained by the former employee. If an employer provides electronic pay stubs in a manner that a former employee cannot access for at least a full year after separation, then the employer must, upon an employee's separation from employment, offer to provide the outgoing employee with a record of all their pay stubs from the year preceding the date of separation. The offer must be made to the outgoing employee by the end of the outgoing employee's final pay period. The employer must record in writing the date on which the offer was made to the outgoing employee and if and how the outgoing employee responded.

To request copies of their pay stubs, current or former employees must contact a person responsible for maintaining an employer's payroll, including the HR department, the payroll department, the employee's supervisor or department manager, or an individual designated in the employer's written policy. The amendments to the IWPCA expand the definition of "pay stub" and, in so doing, require employers to provide each employee with a more detailed description of an employee's pay than previously required with each pay stub for each pay period. The amendments define "pay stub" as "an itemized statement or statements reflecting an employee's":

- Hours worked;
- Rate of pay;
- Overtime pay;
- Overtime hours worked;
- Gross wages earned;
- Deductions from an employee's wages;
- Total wages year to date; and
- Total deductions year to date.

Under the amendments to the IWPCA, employers must maintain a copy of an employee's pay stubs for a minimum of three years after the payment date. Employers must maintain a copy of an employee's pay stubs regardless of whether the employee's employment ends during the retention period or whether the pay stubs are provided electronically or in paper form. Employers that fail to provide a current or former employee with a pay stub as required under the amendments will be subject to a civil penalty of up to \$500 per violation payable to the Illinois Department of Labor (IDOL). The department must consider the appropriateness of the penalty to the size of the employer's business and the gravity of the violation.

Human Rights Act Amendments ([HB 4867](#), [HB 2161](#), [SB 3310](#) and [HB 5371](#))

In August 2024, Illinois passed four amendments to its Human Rights Act (HRA). The amendments prohibit employment discrimination on the basis of an individual's reproductive health decisions and family responsibilities, extend the HRA's statute of limitations to two years and increase penalties for violations of the HRA.

Expansion of Protected Class

Under the HRA, employers may not discipline, discharge, refuse to hire, segregate, harass or otherwise discriminate in the terms, privileges or conditions of employment on the basis of an individual's protected class. Effective Jan. 1, 2025, the list of protected classes will include an individual's:

- **Reproductive health decisions**, which include decisions on the use of contraception, fertility or sterilization care; assisted reproductive technologies; miscarriage management care; health care related to the continuation or termination of pregnancy; and prenatal, intranatal or postnatal care; and
- **Family responsibilities**, which are actual or perceived provision of personal care to a family member (i.e., a child, stepchild, spouse, domestic partner, sibling, parent, parent-in-law, grandchild, grandparent or stepparent).

However, employers do not need to modify and may enforce workplace policies based on an individual's family responsibilities (including leave, scheduling, productivity, attendance, absenteeism, timeliness, performance, referrals from a labor union hiring hall and benefits policies) if the policies comply with the HRA.

Extended Statute of Limitations

Individuals will have two years after the date of an alleged violation of the HRA to file a complaint with the Illinois Department of Human Rights. This is an increase from the current statute of limitations of 300 days.

Increased Penalties

The state attorney general currently has the right to seek equitable relief and civil penalties for violations of the HRA. Effective Jan. 1, 2025, the attorney general may also seek restitution to any injured party to the extent not covered by other sources. Additionally, the amount of civil penalties that may be imposed will increase as follows:

- For first-time violations under the HRA, the maximum penalty will increase from \$25,000 to \$50,000;
- For violations that occur within five years of one previous violation under the HRA, the maximum penalty will increase from \$50,000 to \$75,000; and
- For violations that occur within five years of any two or more previous violations, the maximum penalty will increase from \$75,000 to \$100,000.

The amendment also clarifies that civil penalties will be imposed per violation, where each instance in which a provision of the HRA is violated will be considered a separate violation. The amendment further clarifies that an action brought by the state attorney general is independent of any other action brought by an aggrieved individual for the same violation.

Use of Electronic Employment Verification Systems ([SB 508](#))

The Illinois Right to Privacy in the Workplace Act (IRPWA) requires employers that use the federal E-Verify system to comply with certain training, posting and privacy requirements. On Aug. 9, 2024, Illinois amended the law modifying the requirements for using electronic employment verification systems (like E-Verify) for employment verification, including the restrictions under which an employer may use electronic employment verification systems. The new law prohibits employers from imposing work authorization requirements greater than those imposed under federal law and from taking any adverse employment action against an employee based on the receipt of a discrepancy notification. Additionally, the amendments create new training obligations for employers and their authorized agents when enrolling in E-Verify, impose notice requirements for addressing internal verification discrepancies and verification inspections, establish penalties for violations, and preempt state and local governments from requiring employers to use an employment verification system.

While the amendment removes all references to voluntary enrollment in an electronic employment verification system, the IRPWA does not require an employer to enroll in any electronic employment verification system beyond any obligations imposed by federal law. Employers are urged to consult with the IDOL's [website](#) for the most current information before enrolling in E-Verify.

Whistleblower Act Amendments ([HB 5561](#))

The Illinois Whistleblower Act bars employers from taking an adverse employment action against an employee for disclosing information about an employer's activity that may violate the law to a government or law enforcement agency. Under the amended law, the scope of reportable conduct is broadened and expands prohibited retaliatory conduct to include an employee's threatened disclosure of the employer's activity. The amendments define or modify key terms, such as "employee," "adverse employment action" and "retaliatory action." Additionally, employees must now have a "good faith belief" that the employer's activity violates the law rather than "reasonable cause to believe" as previously required. The amended law also provides for additional remedies and authorizes the state attorney general to conduct investigations into alleged violations and initiate or intervene in civil actions. The amendments apply only to claims arising or complaints filed on or after Jan. 1, 2025.

Definition of Armed Forces ([HB 5640](#))

Illinois amended its law that provides employment protections for military service members to expand the definition of "armed forces" and "uniformed forces" to include the U.S. Space Force.

Personnel Record Review Act Amendments ([HB 3763](#))

Illinois Personnel Record Review Act requires employers to allow employees, upon written request, to inspect any personnel documents that were used in determining the employee's qualifications for employment, promotion, transfer, compensation increases, disciplinary action or termination. Illinois has amended this law to expand the categories of documents employees have the right to inspect, including employment-related contracts or agreements, handbooks and policies. Additionally, the amendment clarifies the information that an employee must include in their written requests. For example, an employee's written request must:

- Identify what records are being requested;
- Specify if the employee desires to inspect, copy or receive copies of the records;
- Indicate whether the records should be provided in a hard copy or electronically; and
- State whether the employee's representative will inspect, copy or receive the records.

If the records being requested include medical information and records, the employee must include a signed waiver to release the records and information. If the employer does not maintain the category of records requested, the employer must notify the employee in writing of this fact. While employers may charge a fee for providing a copy of the requested records, under the amendments, the employer may not include the imputed costs of time spent duplicating the information, the purchase or rental of copying machines, computer equipment or software licenses.

If an employer allegedly violates this law and the IDOL fails to resolve the employee's complaint within 180 days, the amended law allows the employee to commence an action in circuit court to enforce the law and compel compliance.

Captive Audience Prohibition ([SB 3649](#))

On July 31, 2024, Illinois enacted the Worker Freedom of Speech Act. This law protects workers from punishment or retaliation for refusing to attend meetings or listen to their employer's speech on religious or political matters, including speech regarding labor unions. Under the new law, employers may not discharge, discipline or otherwise penalize, threaten to discharge, discipline or take any adverse employment action against an employee:

- Because the employee declines to or as a means of requiring an employee to:
 - Attend or participate in employer-sponsored meetings that communicate the employer's views on religious or political matters; or

- Receive or participate in employer communications that communicate the employer’s views on religious or political matters; or
- Because the employee makes a good-faith report of a violation or suspected violation of the law.

Within 30 days of Jan. 1, 2025 (the law’s effective date), employers must post a notice of employee rights under the law in a location where employee notices are customarily posted.

The new law includes certain exceptions, such as the following:

- The employer may offer voluntary meetings or other communications regarding religious or political matters;
- Employers may communicate the information that they are legally required to communicate or that is necessary for the employees to perform their jobs;
- Employers may require employees to attend trainings intended to foster a civil and collaborative workplace or reduce or prevent workplace harassment or discrimination;
- Institutions of higher education may conduct meetings or communicate with employees regarding coursework, symposia, research, publication or an academic program at the institution;
- State and local legislative and regulatory bodies may require employees to attend meetings or participate in communications regarding the employer’s proposals to change legislation, regulations or public policy;
- Political organizations, political party organizations, caucus organizations, candidates’ political organizations and not-for-profit tax-exempt organizations may require employees to attend meetings or participate in communications regarding the employer’s political tenets or purposes; and
- Religious organizations may require employees to attend meetings or participate in communications regarding the employer’s religious beliefs, practices or tenets.

The law provides that employees and interested parties (i.e., organizations that monitor employer compliance with various state employment laws) alleging violations of the law may bring a civil action for penalties. Employers that violate the law may be subject to all appropriate relief, including injunctive relief, reinstatement, back pay, reestablishment of employee benefits, and attorney fees and costs. Employers may also be required to pay a civil penalty of \$1,000 per violation to the IDOL.

Child Labor Law ([SB 3646](#))

On July 30, 2024, Illinois enacted the Child Labor Law of 2024 (the “Act”), which repeals and replaces the state’s existing child labor laws. The Act establishes standards for working conditions for children 15 years old and younger, including limiting work hours, outlining permitted jobs, requiring employment certificates, enhancing enforcement and updating penalties for violations. Illinois employers cannot employ, allow or permit a minor to work unless the minor’s job and working conditions comply with the Act’s requirements. The Act covers all employers that employ at least one minor. A minor is any person under the age of 16.

Permitted Work Hours

The Act establishes the hours minors are permitted to work. Employers are prohibited from allowing minors to work:

- More than 18 hours during a week when school is in session;
- More than 40 hours during a week when school is not in session;
- More than eight hours in any single 24-hour period;
- Between 7 p.m. and 7 a.m. from Labor Day until June 1 (or between 9 p.m. and 7 a.m. from June 1 until Labor Day); and

- More than three hours per day or more than eight hours total of work and school hours when school is in session.

However, the Act allows employers to employ minors for a maximum of eight hours each Saturday and Sunday during the school year if the minor does not work outside of school hours more than six consecutive days in any one week and the number of hours the minor works outside of school hours in any week does not exceed 24 hours. Special rules apply to minors who are employed in live theatrical performances; live or prerecorded broadcast performances and modeling; and recreational or educational activities under a park district, not-for-profit youth club or municipal parks and recreation department. Additionally, employers must provide minors with at least one 30-minute meal break for every five hours of continuous work. Breaks of less than 30 minutes do not count as an interruption of a continuous period.

Work Restrictions

Under the new law, minors are prohibited from working in certain jobs or performing certain hazardous tasks as enumerated under the Act. However, minors are allowed to perform office or administrative support work that does not expose the minor to prohibited work under the Act. The Act also requires that all minors are supervised at all times by an adult of 21 years of age or older.

Employment Certificates

Under the Act, it's unlawful for employers to employ minors without ensuring the minor holds a valid employment certificate issued by a school issuing officer. Employers seeking to employ a minor must provide the minor with a signed notice of intention to employ, setting forth the specific nature of the occupation and the exact hours of the day and number of hours per day and days per week the minor will be employed. The minor must submit this notice to their school's issuing officer along with their employment certificate application.

Recordkeeping

Under the Act, employers must keep records that include the following for every minor employed:

- The minor's name, date of birth and place of residence;
- Notice of intention to employ the minor; and
- The minor's employment certificate.

Employers must keep these records on the premises where the minor works. Additionally, employers must keep a copy of the minor's employment certificate on file for the period of the minor's employment and three years after. Authorized officers and employees of the IDOL, truant officers and other school officials charged with the enforcement of school attendance requirements of the state's School Code must be permitted to inspect an employer's records at any time without notice. Failure to produce employment certificates for each minor an employer employs is a violation of the Act.

Posting Requirements

Employers must post a notice summarizing the Act's requirements in a conspicuous place where minors work. The notice must include a list of prohibited occupations under the Act and the IDOL's toll-free telephone number. Employers with employees who do not regularly report to a physical workplace, such as remote employees or employees who travel for work, must provide the summary and notice to employees by email or post it on their website or intranet site if the site is regularly used by the employer to communicate work-related information to employees and can be regularly accessed by all employees freely and without interference. The IDOL will develop and publish a model notice.

Workplace Injuries and Deaths

The Act requires employers to report a work-related death of a minor to the IDOL and school official who issued the minor's work certificate within 24 hours. In the event of a work-related injury or illness of a minor that requires the employer to file a report with the Illinois Workers' Compensation Commission under Section 6 of the Workers' Compensation Act or Section 6 of the Workers' Occupational Disease Act, the employer must submit a copy of the report to the IDOL and school official who issued the minor's work certificate within 72 hours of the deadline by which the employer must file the report with the Illinois Workers' Compensation Commission. The report must be subject to the confidentiality provisions of the Workers' Compensation Act or the Workers' Occupational Disease Act.

Prohibition on Retaliation

Under the Act, employers may not take an adverse action or in any other manner discriminate against any person who has:

- Exercised a right under the Act;
- Made a complaint to the minor's employer or the IDOL;
- Caused to be instituted or is about to cause to be instituted any proceeding under or related to the Act;
- Participated in or cooperated with an investigation or proceeding under the Act; or
- Testified or is about to testify in an investigation or proceeding under the Act.

It is not a violation of the Act for employers to discharge a minor because the minor's employment was found unlawful or the IDOL suspended or revoked the minor's employment certificate.

Enforcement and Penalties

The Act authorizes the IDOL to investigate alleged violations, conduct hearings, adjudicate complaints, and award penalties and injunctive relief. Employers that violate the Act may be subject to the following civil penalties:

- A penalty not exceeding \$60,000 if a minor dies while working for an employer that is found by the IDOL to have been employing the minor to work in violation of the Act;
- A penalty not exceeding \$30,000 if a minor receives an illness or injury that must be reported to the IDOL while working for an employer that is found by the IDOL to have been employing the minor to work in violation of the Act;
- A penalty not exceeding \$15,000 if an employer permits a minor to work in a restricted occupation;
- A penalty not exceeding \$500 if an employer fails to post or provide the required notice; and
- A penalty not exceeding \$10,000 if an employer commits any other violation of the Act.

All civil penalties are payable to the IDOL. When determining the amount of the penalty, the IDOL will consider the appropriateness of the penalty, the size of the employer's business and the gravity of the violation. Each day during which a violation of the Act continues constitutes a separate and distinct offense. Additionally, the employment of any minor in violation of the Act constitutes a separate and distinct offense.

Employers that violate the Act may be subject to criminal penalties. An employer will be guilty of a Class A misdemeanor and subject to a civil penalty of no less than \$500 and no more than \$2,500 if the employer:

- Employs any minor to work in violation of the Act;
- Obstructs the IDOL or any person authorized to inspect places of employment under the Act; or
- Willfully fails to comply with the Act's provisions.

Pay Transparency Requirements ([HB 3129](#))

On Aug. 11, 2023, Illinois enacted a new law that requires employers to include pay scales and information about benefits in all job advertisements. The new law applies to employers with 15 or more employees. These employers must comply with the new requirements for any position that is either physically performed in Illinois or performed elsewhere but reports to a supervisor, office or other site in Illinois.

Under the new law, postings must include the wage or salary, or range thereof, and a general description of the benefits and other compensation the employer reasonably expects, in good faith, to offer for the job. These amounts may be set by reference to any applicable pay scale, the previously determined range for the position, the actual range of others currently holding equivalent positions or the budgeted amount for the position. The law specifies that employers may comply by including hyperlinks to publicly viewable webpages that include the pay scale and benefits for a position. The law also requires employers to inform current employees about any open positions that may be promotion opportunities. These opportunities must be posted, announced or otherwise made known to employees within 14 days after an employer posts about them externally. Employers that fail to comply with the new requirements may face fines of between \$500 and \$10,000 per violation.

Employer Action Steps

Employers should review these laws and update their employment policies, practices and procedures to remain compliant. Employers should seek the advice of a knowledgeable legal professional for specific situations and counsel on how to implement required changes.

Employers should also continue to monitor the [IDOL's](#) communications for updates on these and additional labor and employment topics.