

Changing Legal Environment for Illinois Employers

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NISHRM

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New for Illinois and beyond

- Leave Laws
- Dept. of Human Rights
- Whistleblower Act
- “Internet Applicant”
- Miscellaneous

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Election Leave

- Paid--2 Hours
- Employer Specified Time, except
 - If work begins less than 2 hrs after poll opening and less than 2 hrs before poll closing, then...
 - 2 hr. absence during working hrs
- Prior Notice Required

Add Policy!

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Blood Donation—eff. 1/1/06

- One Hour—Every 56 Days
- Paid
- 51+ employees
- F/T, 6 Months on Job
- Prior Approval

Add Policy!

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Illinois Family Military Leave Act

- Spouse or Parent entitled to leave
- Duty 30+ days
- Unpaid Leave
 - 15 days—15-50 employees
 - 30 days—51+ employees

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Illinois Family Military Leave Act

- Employee =
 - 12 mos.
 - 1250 hrs prior 12 mos.
- 14 days notice if 5 consecutive days
- Consult w/ Employer—No disruption

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Illinois Family Military Leave Act

- Practicable notice if under 5 days
 - No consultation?
- May demand certification
- Must use all Vacation, Personal, Comp. etc. first, except sick and disability

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Illinois Family Military Leave Act

- Upon return
 - Same or equal position
 - Unless a reason unrelated to leave
 - Accrued benefits
- During . . . maintain benefits at Employee expense—or
- Negotiate other arrangement

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Illinois Family Military Leave Act

- No—
 - Interference with rights
 - Discrimination
 - Retaliation
- Equitable remedies

Add a Policy!

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Service Member Empl. Tenure

- Job Offer—Call to duty, then
- Job preference—1 year
- Apply w/in 90 days of release
- Employer—written offer
- Only F/T work

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Illinois Dept of Human Rights

- No Credibility Determinations
- No Automatic Default
- Cannot rely on Sealed or Expunged Records of Arrest—or any criminal history

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Illinois Whistleblower Act

Protects:

- Disclosure to Govt./Law enforcement
 - Reasonable cause—violation
 - No policies against
 - No retaliation
- Refusal to participate in a violation
 - “would result in violation”

Add Policy!

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Illinois Whistleblower Act

- All private employers
- Remedies
 - Reinstatement, backpay, interest damages, costs, attys. fees, no punitives
 - Misdemeanor

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“Internet Applicant” (govt. contractors, Aff. Action)

- Expresses interest via internet
- Considered for particular position
- “Basic Qualifications”
- No removal by applicant

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“Internet Applicant”

- Expresses interest via internet
 - All, if considered

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“Internet Applicant”

- Considered by employer
 - Substantive info assessed
 - Protocol for refraining
 - No unsolicited
 - Random sampling
 - Numerical limits

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“Internet Applicant”

- “Basic Qualifications”
 - Advertised or
 - Criteria pre-established
 - Non-comparative
 - Objective
 - Relevant

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“Internet Applicant”

- No removal from process
- Self-identify Sex, Race, Ethnicity
- Record Retention
 - Broader than “internet applicant”

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Union Related changes

- Protected conversations
- Prevailing wage protections
- Picketing protection

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Industry Specific

- Emergency workers leave
Applies to pop. under 3,500
- Hotel attendants//break time
- Day & Temp labor services

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Not Yet

- School Visitation--increase from 8 to 24 hrs
- Notice of Reasons for Termination