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9 New Laws Illinois Employers Must Comply With In 2019

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Illinois has rung in the new year with 253 new laws – many of which directly impact Illinois employers. Employers should prepare their management and human resources personnel for potential changes to the workplace as a result of these new laws. Here are the most significant new labor and employment or related laws, all of which are effective now.

1. Reimbursement for employees' work expenses

An amendment to the [Illinois Wage Payment and Collection Act](#) requires employers to reimburse employees for their necessary costs incurred within the employee's scope of employment and directly related to services performed by the employee.

"Necessary expenditures" includes all reasonable expenditures or losses incurred in the course of the employee's duties, for the primary benefit of the employer. Such necessary expenditures are expected to cover employees that incur expenses to, for instance, use a personal device such as a phone or computer for work or travel between worksites using their own vehicle.

Employers that anticipate employee claims for expense reimbursements should draft or revise reimbursement policies to ensure they can enforce their rules on reimbursement claims. An expense reimbursement policy must provide more than minimal (de minimis) reimbursements to be enforceable. Likewise, employers must ensure actual compliance with such policy in order to use it as a shield against excessive or unauthorized reimbursement requests.

For more detail, see our recent [article on the reimbursement amendment](#).

2. Protecting employees from stalkers

Illinois updated its [Stalking No Contact Order Act](#) to allow authorized agents of a workplace, place of worship and school to seek restraining orders against stalkers. Under the act, “stalking” means “engaging in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to fear for his or her safety, the safety of a workplace, school, or place of worship, or the safety of a third person or suffer emotional distress.”

Employers navigating difficult workplace stalking issues (e.g., former employee making threats to managers; current employee being stalked at work by former spouse) may wish to avail themselves of this new law to ensure a safer workplace.

3. Protecting stalking victims’ employment rights

Illinois expanded the [Illinois Human Rights Act](#) to provide victims of workplace stalking with further protection, including providing reasonable, unpaid leave for court dates.

4. Paid breaks for nursing mothers

Under the [Illinois Nursing Mothers in the Workplace Act](#), employers must now provide paid breaks for a mother to express milk at work. Note these break times can run concurrently with a break time already provided to the employee, but an employer cannot reduce an employee’s compensation for time spent expressing milk. The employer must provide “reasonable” break time for the mother to express milk for one year after the birth of the child (unless doing so would be an “undue hardship”).

5. Equalizing pay for African-American employees

The [Illinois Equal Pay Act](#) was amended to prohibit employers from paying African-American employees less than non-African-American employees who are providing the “same or substantially similar work.” The amendment only allows disparities in pay where wages are paid on the basis of seniority, merit, quantity, or quality of production, or any factor other than race or another discriminatory factor.

6. Increased protection for veterans

The [Illinois Service Member Employment Rights & Reemployment Act](#) provides increased rights for employees who perform active or reserve military service. These additional protections include: (1) [a posting of the veteran’s rights](#); and (2) providing a service member who is absent on military leave with his or her average prior performance evaluation scores when evaluating the employee.

In addition, the [Veterans Preference Act](#) was amended to allow all National Guard members of any state the protections afforded to all other branches of the military.

7. #MeToo protections for conducting business with the State

Illinois has revised the [Illinois Procurement Code](#) to expand #MeToo requirements to employers that bid or offer for a state contract. These employers must now have policies on how they address sexual harassment complaints and protect workers. In addition, the law requires companies that claim EDGE tax credits to include such policy in their annual report to the state.

8. New agency to enforce Chicago employment Ordinances

Chicago now has a new agency, the Office of Labor Standards, which will respond to employee complaints under Chicago's minimum wage, paid sick time, and anti-wage theft laws. When an employee makes a complaint, this agency will investigate the complaint, conduct hearings, mediate disputes, and issue employers notices of violations. These complaints were previously handled by the Department of Business Affairs and Consumer Protection.

The creation of this new agency is anticipated to likely increase enforcement of the employment ordinances. For more information about the Office of Labor Standards see the [text of the Chicago municipal code](#).

9. New amendments to the Illinois Human Rights Act

An individual who files an Illinois Human Rights Act charge with the Illinois Department of Human Rights may now opt out of the charge-filing process and proceed directly to state court. See our previous [article on the new procedures for charges of discrimination](#) for additional detail.

Knowledge is power and, for Illinois employers, knowledge of these new laws may empower them to avoid or limit potential liability and risks. Employers must review and potentially revamp their handbooks and policies to assure they are (or become) compliant with new laws. It is also essential that employers train their supervisory and management personnel about the implementation of any changes made as a result of new laws.

Little guidance has been provided to date in connection with these new Illinois laws, so employers may wish to seek legal counsel to address unique or complicated situations that might confront their workplaces as a result.