

Illinois Employment Law Fact Sheet

This employment law fact sheet is intended to provide a brief overview of key provisions of significant Illinois employment laws. It is not an all-inclusive list of every law that could potentially apply to employment relationships in Illinois.

Wage and Hour

- **Wage Theft Notice** – Employers must at the time of hire provide written notification, acknowledged by both parties, of (1) the rate of pay, which should include a description of any compensation the employee may earn, such as commissions and bonuses; and (2) the time and place of payment.
- **Meal and Rest Breaks** – Employees who are scheduled to work 7.5 hours must receive a 30-minute meal period within the first five hours of their scheduled shift. Employees working longer than 7.5 hours must receive an additional 20-minute paid break or 30-minute unpaid break for each additional 4.5-hour period worked.
- **Day of Rest** – Employees must be provided a 24-hour period of rest during any seven-consecutive-day period and cannot be required to work more than six days in a row.
- **Vacation** – All earned, unused vacation time must be cashed out upon separation of employment.

Discrimination and Harassment

- **Equal Employment Opportunity** – Among other protected categories, Illinois law prohibits employment discrimination on the basis of order of protection status, association with a person with a disability, unfavorable military discharge, arrest record (or criminal history record ordered expunged, sealed, or impounded), conviction record (subject to certain exceptions), genetic information, and traits associated with race (including but not limited to hair texture and protective hairstyles, such as braids, locks, and twists).

- **Antiharassment and Nondiscrimination** – Government contractors are required to maintain antiharassment policies that include, among other things, contact information for the Illinois Department of Human Rights and Human Rights Commission. There is ambiguity between the law and state guidance as to whether other employers are required to do so. All employers must provide annual antiharassment training to all employees, and training must meet specific requirements.¹
- **Pregnancy and Lactation Accommodation** – Employers must provide reasonable accommodations to employees who are pregnant, have given birth, or have any medical or common conditions related to pregnancy or childbirth, unless doing so would cause an undue hardship. Employers must provide paid lactation breaks for employees who need to express breast milk for their infant child for up to one year following the child's birth.

Family and Medical Leave / Sick Leave

- **Illinois Paid Leave Law** – Effective Jan. 1, 2024, employers will be required to provide eligible employees with up to 40 hours of paid leave per year, to be used for *any reason*.²
- **Kin Care Leave** – Employees who are eligible for personal sick time must be permitted to use in any calendar year up to half of their annual sick time entitlement to attend to the illness, injury, medical appointments, or personal care of their covered family members.

1. There are additional policy and training requirements in Chicago.

2. There is an exception for employers that are required to comply with the Chicago and/or Cook County local paid sick leave ordinances.

Miscellaneous

- **Day and Temporary Labor Services Act** – Day and temporary labor services agencies must provide to each person they place as a day or temporary laborer,³ at the time of dispatch, information regarding the individual’s work assignment (e.g., nature of the work, required equipment and training, wages, etc.), on a form provided by the Illinois Department of Labor. The act also includes record-keeping and wage payment statement requirements and restrictions on charging day or temporary laborers for meals and transportation.
- **Business Expense Reimbursement** – Employers are required to reimburse employees for costs that are incurred in direct relation to their work for the employer. This includes, but is not limited to, reimbursement for the use of a personal cell phone to conduct company business and the use of a home internet connection. The employee must submit the expense to the employer with supporting documentation within 30 days after incurring the expense and must comply with the employer’s expense reimbursement policy.
- **Biometric Information Privacy Act** – An employer in possession of biometric identifiers or biometric information must develop a written policy establishing a retention schedule and guidelines for permanently destroying biometric identifiers⁴ and biometric information⁵ when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within three years of the individual’s last interaction with the entity, whichever occurs first. Employers cannot collect, capture, purchase, receive through trade, or otherwise obtain a person’s biometric identifier or biometric information, unless they first (1) inform the subject in writing that the biometric identifier or biometric information is being collected or stored; (2) inform the subject in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being stored, collected, and used; and (3) receive a written release from the subject. There are additional restrictions on the sale, lease, disclosure, etc. of biometric identifiers and biometric information. An employer in possession of a biometric identifier or biometric information must use a reasonable standard of care and store, transmit, and protect from disclosure in a manner that is the same as or more protective than the manner in which the employer stores, transmits, and protects other confidential and sensitive information.
- **Use of Lawful Products** – Employers may not take adverse action against employees or applicants because they use lawful products off premises during non-work hours. However, use of lawful products does not include products that impair an employee’s ability to perform their job in the workplace.
- **Miscellaneous Leaves** – Additional protected leaves in Illinois include, but are not limited to, bereavement leave, school visitation leave, domestic and sexual violence victims leave, family military leave, jury duty leave, voting leave, court attendance leave, blood donation leave, civil air patrol leave, emergency responder leave, election officer leave, etc.

3. This law does not apply to professional or clerical placements.

4. “Biometric identifier” means a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry.”

5. “Biometric information” means any information, regardless of how it is captured, converted, stored, or shared, based on an individual’s biometric identifier used to identify an individual.”

For more information about our services, visit seymfarth.com/employment.