

Popovits & Robinson

ATTORNEYS AT LAW

CLIENT ADVISORY

Labor and Employment Adopted Legislation *October 2009*

*Frankfort: 20635 Abbey Woods Court Frankfort, IL 60423 (708) 479-3230
Bloomington: 1003 Martin Luther King Drive, Bloomington, IL 61701 (309) 827-6026*

Criminal History Record Checks

This amendment creates a task force consisting of the Illinois Department of Public Health, in collaboration with the Illinois Department of State Police. The task force will examine the process used by State and local governmental agencies to conduct criminal history record checks as a condition of employment or for approval in order to render provider services to a state or local government agency. The task force shall provide a plan to the General Assembly to create a more centralized and coordinated process for conducting criminal history record checks.

Effective August 24, 2009. *See Public Act 96-0632.*

E-Verify

The Illinois Right to Privacy in the Workplace Act is amended to urge employers to consult the Illinois Department of Labor's website for current information on the accuracy of E-verify and to understand their legal responsibilities.

This Act is further amended to require employers to attest that the employer has received E-Verify training materials and all required employees have completed the E-Verify Computer Based Tutorial and that the employer has posted the notice that it is enrolled in the E-Verify program in a prominent place visible to both current and prospective employees. This amendment also sets forth actions that are considered violations of the Act.

Effective January 1, 2010. *See Public Act 96-0623.*

Retaliation By An Employer

The Illinois Whistleblower Act is amended to include any other act or omission not already set forth in this

Act, whether within or without the workplace, which would constitute retaliation by an employer under this Act if the act or omission would be materially adverse to a reasonable employee and is because of the employee disclosing or attempting to disclose public corruption or wrongdoing.

The Act is further amended to state that an employer may not threaten any employee with any act or omission if that act or omission would constitute retaliation against the employee under this Act.

Effective January 1, 2010. *See Public Act 096-0555.*

VESSA

This public act amends the Victims' Economic Security and Safety Act (VESSA). This amendment revises various definitions along with allowing an employee with a family or household member who is a victim of domestic or sexual violence to take unpaid leave. This amendment also prohibits an employer from discriminating against any employee or an employee who has a family or household member who is a victim of domestic or sexual violence. This amendment further details the required amount of time an employee is entitled for leave.

Effective August 24, 2009. *See Public Act 96-0635.*

Employer Report Form

This public act amends the Illinois Human Rights Act to now require a person to pay a \$75 registration fee when the person files an "Employer Report Form" to establish eligibility to be awarded a contract by a State agency. The person must also file a \$75 registration fee when the person files for renewal of eligibility.

Effective January 1, 2010. *See Public Act 96-0786.*

Credit for Wages Paid to Veterans

The Illinois Income Tax Act is amended to allow that for each taxable year beginning on or after January 1, 2010, each taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of this Act in an amount equal to 10%, but in no event to exceed \$1,200, of the gross wages paid by the taxpayer to a qualified veteran in the course of that veteran's sustained employment during the taxable year.

Effective January 1, 2010. *See Public Act 096-0101.*

Equal Pay Act

The Equal Pay Act of 2003 is amended to permit an employee or former employee to file a complaint with the Department of Labor alleging a violation of this Act by submitting a signed, completed complaint form. All complaints shall be filed with the Department within one year from the date of the underpayment. In addition, the Act requires that an employer subject to the Act shall preserve its records for a period of not less than 5 years, unless the records relate to an ongoing investigation or enforcement action under this Act, in which case the records must be maintained until their destruction is authorized by the Department or by court order.

Effective August 14, 2009. *See Public Act 096-0467.*

Human Rights Act

The Illinois Human Rights Act is amended to include "order of protection status" as a protected class free from discrimination in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

Effective January 1, 2010. *See Public Act 096-0447.*