

Looming Deadlines for Illinois and Chicago Employers

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In the coming months, employers in Illinois and Chicago will be subject to specific requirements, all of which are the results of new laws passed at either the state- or city-level.

- Chicago employers must complete the **new two-hour** (for non-managerial employees) or **three-hour** (for managerial employees) requirement for Sexual Harassment and Prevention Training sessions for all Chicago employees (whether remote or in-person in Chicago), consisting of one hour of general training, one hour of bystander training, and, for managerial employees, one hour of management training on or before **July 1, 2023**.
- Illinois employers employing over 100 employees must apply for an Equal Pay Registration certificate, pursuant to the Illinois Equal Pay Act, by **March 23, 2024**.
- Illinois employers will be subject to the Paid Leave for All Workers Act starting on **January 1, 2024**.

Chicago Employers - Sexual Harassment and Prevention Training-New Two Hour and Three Hour Training Requirements

As previously [highlighted by Benesch](#), as of July 1, 2022, employers with at least one employee working within the City's boundaries must (1) update their sexual harassment policies; (2) display new posters regarding sexual harassment in the workplace; and (3) provide new training regarding sexual harassment prevention.

Employers' sexual harassment policies must track the City of Chicago's [model policy](#). Under these requirements, employers' sexual harassment policies must include a statement that sexual harassment is illegal in Chicago and provides a definition and examples of prohibited conduct that constitutes sexual harassment. The Chicago Commission on Human Rights also provides a [model poster](#) for employers to display.

Finally, all employers with at least one employee working within the City of Chicago's boundaries must provide a Sexual Harassment Prevention Training and Bystander Intervention Training. Once per year:

- All employees must complete one hour of Sexual Harassment Prevention Training;
- All employees must complete one hour of Bystander Intervention Training;
- All managerial/supervisory employees must complete one additional hour of Sexual Harassment Prevention Training tailored for managers/supervisors.

Because these annual requirements went into effect on July 1, 2022, all Chicago employers must complete the above-referenced Sexual Harassment Prevention Training sessions by **July 1, 2023**.

Employers that fail to comply with the policy, training, or notice requirements will be subject to fines of up to \$1,000 for *each offense **per day** for each day the violation continues*. Because these fines compound on a *daily* basis, they can grow considerably large in a short period of time. Substantive violations of the law itself-including failing to take reasonable corrective measures after becoming aware of sexual harassment-can result in a fine of up to \$10,000 per violation.

Benesch attorneys are ready to assist with compliance with these requirements.

Illinois Employers - Submission for Equal Pay Registration Certificate Required of All Employers With at Least 100 Employees in Illinois

As previously [highlighted by Benesch](#), under recent amendments to the Illinois Equal Pay Act, employers with at least 100 employees in the State of Illinois must [apply](#) for an Equal Pay Registration Certificate (“EPRC”) by **March 23, 2024**.

After applying for an EPRC, the employer will be contacted by the Illinois Department of Labor with a deadline to submit its required materials. These materials are, at minimum: (1) a Certification Statement; (2) a spreadsheet containing various data about the Illinois employees; and (3) a \$150.00 filing fee. A template Certification Statement can be found [here](#), and a template spreadsheet can be found [here](#).

The spreadsheet must include the following information for each Illinois employee: (1) first and last name; (2) last four digits of SSN; (3) gender; (4) race; (5) ethnicity; (6) wages rounded to the nearest hundred dollars; (7) hours worked; (8) hire date; (9) termination date (if applicable); (10) job classification (according to EEO-1 categories); (11) job title; and (12) the county in which the employee actually works or reports.

Any violation of the Act is subject to a fine of up to \$10,000. This includes failing to apply for an EPRC at all and/or falsifying or misrepresenting information in the application. Employers with at least 100 employees in the State of Illinois are required to obtain an EPRC in order to operate in the State. Failure to obtain an EPRC will result in the Illinois Department of Labor commencing an investigation, and any violations found as a result will result in a fine of up to \$10,000 *per affected employee*.

If the data submitted in an EPRC application shows that the employer is paying unequal wages to male and female employees, or to African American and non-African American employees, the Illinois Department of Labor may initiate its own investigation under the Act.

The Illinois Department of Labor has provided a [FAQ](#) discussing the application process.

Benesch attorneys are ready to assist employers in navigating the application process.

Illinois Employers - Paid Leave for All Workers Act

In March 2023, Governor J.B. Pritzker signed the Paid Leave for All Workers Act. Under this Act, which goes into effect on **January 1, 2024**, Illinois workers can earn up to 40 hours of paid leave per year that can be used for any reason.

Under the Act, Illinois employees may begin using their paid leave 90 days following the commencement of their employment. This would mean that all employees who are employed as of January 1, 2024 would be able to begin using their leave on March 31, 2024. Illinois employees may use the paid leave for any purpose and without fear of retaliation, and do not need to provide a reason or documentation for the leave to employers. Illinois employees may also elect to use this paid leave prior to using any other employer-provided leave or other leave required by law.

Illinois employees may carry over unused leave, but they may not accrue over 40 hours of such leave. Employers are permitted to “front-load” the 40 hours of leave on an employee’s first day of employment or on the first day of a 12-month period. Employers are not required to compensate employees for any unused paid leave upon termination of employment.

Employers must also post a notice in physical or electronic format summarizing the requirements of the Act. A sample notice will be provided by the Illinois Department of Labor at a later date.

Notably, the Act exempts employers subject to local paid sick leave ordinances. Because both [Cook County](#) and the [City of Chicago](#) have paid sick leave ordinances, employers located in either Cook County and/or the City of Chicago are exempted from the Act’s requirements. The Act also exempts employees covered by a collective bargaining agreement in effect as of January 1, 2024, if the parties agree to waive compliance with the Act. The Act does not apply to (1) employees subject to coverage under the federal Railway Labor Act; (2) students enrolled in and regularly attending classes in a college or university that is also the students’ employer on a temporary, part-time basis; or (3) short-term employees, employed by an institution of higher education for less than two calendar quarters and who do not have a reasonable expectation of being rehired in a subsequent year.

Employers that fail to post the required notice will be subject to a \$500 fine for the first violation, and a \$1,000 for any subsequent violation. Employers that otherwise violate the act will be subject to a fine of \$2,500 for each separate violation.

Benesch attorneys are ready to assist employers as they prepare to undertake these requirements in 2024.

Other Requirements

As a reminder, and as previously highlighted by Benesch, as of January 1, 2023, Illinois employers are subject to new requirements under the Family Bereavement Leave Act, the CROWN Act, and the One Day Rest in Seven Act. For more information about these changes, please [follow this link](#) to an Alert previously published by Benesch reviewing these requirements.

Illinois and Chicago employers should seek legal counsel to ensure continuing compliance with employment laws. For more information, please contact Benesch’s [Labor & Employment Law attorneys](#) listed below.

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