

December 30, 2019

# New Year, New Laws for Illinois Employers

Human Resources & Employment

3... 2... 1... Happy New Year! It's nearly 2020, and you may have read our previous blog posts about what that means for employers in Chicago, Illinois and the U.S. The Gould & Ratner [Human Resources and Employment](#) team is here to help as you transition your policies to be compliant in the new year.

Here's a quick checklist of New Year's resolutions for the discerning employer:

## 1. Understand How the Cannabis Act Affects a Zero-Tolerance Workplace

Cannabis will now be legal in Illinois. However, [as we wrote about in a recent post](#), employers may still maintain a zero-tolerance policy and refuse to hire, or keep, employees who use marijuana. This rule is not without parameters, and employers must understand how the new law impacts the disciplinary and termination processes that happen after a positive drug test.

## 2. Watch The Scope of Non-Disclosure Agreements

[The Illinois Workplace Transparency Act](#) restricts how and whether or not employers can limit an employee's disclosure of the employer's alleged unlawful conduct by contract, including harassment and discrimination.

## 3. Be Proactive in Preventing Sexual Harassment

[The Illinois Workplace Transparency Act](#) and Illinois Human Rights Act contain new laws requiring employers to provide annual sexual harassment prevention training to employees. Additionally, employers must draft [Sexual Harassment Prevention Policies](#). Additional requirements are in place for restaurants and bars, including providing written notice shortly after every hire.

## 4. Always Give Notice When Recording Applicants

[The Artificial Intelligence Video Interview Act](#) requires employers to provide notice to (and obtain consent from) applicants whose recorded video interviews are analyzed using artificial intelligence. Employers who use this technology to measure facial expressions, word choice, body language, vocal tone, or anything else must disclose the use of this technology, and in some cases, are prevented from using it (including when there is no consent).

## 5. Modify or Add Employee Benefits and Perks

The new year may be a good time to motivate and reward employees with a new benefit or perk. Beginning January 15, [the Fair Labor Standards Act](#) will no longer consider a list of benefits as income when determining the rate of pay for the purposes of calculating overtime. This means that benefits like parking, paid time off, paid sick leave, cell phone reimbursement, and discretionary bonuses will not affect the regular rate of pay.

## 6. Make Sure (Where Required) that Workers' Schedules are in Place

While not in effect until July 1, 2020, Chicago's new [Fair Workweek Ordinance](#) requires planning, and scheduling, to remain compliant. Under the ordinance, covered employers will be required to provide 10 days' notice of an employee's schedule (this will increase to 14 days on July 1, 2022).

The law applies to employers operating in one of seven covered industries, with at least 100 employees (250 for nonprofits) and a minimum of 50 covered employees: building services, healthcare, hotels, manufacturing, restaurants (restaurants with fewer than 30 locations or 250 employees are not covered), retail, and warehouse services.

## **7. Don't Forget the Minimum Wage Increases**

The minimum wage in Illinois will increase to \$9.25/hour. Employees under age 18 may be paid \$8.00/hour, but the new law requires that employers pay youth employees who work in excess of 650 hours per year the minimum wage for adults. Also in effect on July 1, 2020: the minimum wage in Chicago increases to \$14/hour.