

Illinois Employment Law Update

Labor & Employment Law Update

By Kevin Kleine on August 29, 2024

Illinois recently passed a number of laws that will significantly impact Illinois employers and require employer policies and employee handbooks to be updated and revised.

EFFECTIVE AUGUST 2, 2024

- On August 2, 2024, Governor Pritzker signed Senate Bill 2979 (S.B. 2979) into law, which amends Illinois's Biometric Information Privacy Act (BIPA) to limit recoverable damages to a single recovery per person for multiple violations involving the collection or dissemination of the same biometric information from the same person using the same method.

EFFECTIVE JANUARY 1, 2025 – NEW CHILD LABOR LAW

- On July 30, 2024, Governor Pritzker signed Senate Bill 3646 (S.B. 3646) into law, which repeals Illinois' Child Labor Law and replaces it with the Child Labor Law of 2024. Some provisions are effective immediately, while others take effect on January 1, 2025. Among other things, S.B. 3646 specifies workplaces and industries in which minors can't work and details hours and times of day that minors can work, depending on their age. It further requires employers of minors to ensure that the minor has a valid employment certificate and outlines civil and criminal penalties for violations of the provisions of the law.

EFFECTIVE JANUARY 1, 2025

- On July 19, 2024, Governor Pritzker signed House Bill 4719 (H.B. 4719) into law, which revises the Illinois Secure Choice Savings Program Act that requires most employers to offer their own qualified retirement plan or facilitate participation in the state's Secure Choice retirement savings program. H.B. 4719 allows participating employers to designate an open enrollment period, allows them to set up a qualified retirement plan at any time, and removes an automatic-enrollment payroll-deduction IRA from the list of qualified retirement plans.
- On July 31, 2024, Governor Pritzker signed Senate Bill 3649 (S.B. 3649) into law, also known as the Worker Freedom of Speech Act, which prohibits an employer from retaliating or threatening retaliation against employees for

Illinois Employment Law Update

refusing to attend or participate in meetings about the employer's religious or political opinions or for refusing to listen to or receive communications about those opinions. It also prohibits employers from coercing employees into attending those meetings or participating in those communications.

- On August 2, 2024, Governor Pritzker signed House Bill 3763 (H.B. 3763) into law, which amends the Illinois Personnel Record Review Act to expand employee rights to inspect and copy their employment records. It sets forth a new and exact procedure employees and their representatives must follow when requesting employment records, requires employers to grant at least 2 request for records per employee each calendar year, and also limits the fee that an employer can charge for employees' records to the cost actual cost of time spent duplicating the information.
- On August 7, 2024, Governor Pritzker signed House Bill 4867 (H.B. 4867) into law, which amends the Illinois Human Rights Act to prohibit employers from discriminating against employees based on an employee's "reproductive health decisions."
- On August 9, 2024, Governor Pritzker signed House Bill 2161 (H.B. 2161) into law, which amends the Illinois Human Rights Act to prohibit employers from discriminating against employees and applicants on the basis of family responsibilities.
- On August 9, 2024, Governor Pritzker signed Senate Bill 3310 (SB 3310) into law, which amends the Illinois Human Rights Act to extend the statute of limitations for filing discrimination complaints with the Illinois Department of Human Rights (IDHR) from 300 days to **two (2) years** from the date of an alleged civil rights violation.
- On August 9, 2024, Governor Pritzker signed House Bill (H.B. 5561) into law, which amends the Illinois Whistleblower Act. H.B. 5561 adds certain definitions and prohibits employers from taking retaliatory action against an employee who discloses or threatens to disclose information about the employer that the employee has a good faith belief that such activity, policy, or practice violates a law, rule, or regulation or poses a danger to public health or safety. The changes apply to claims arising or complaints filed on or after January 1, 2025.
- On August 9, 2024, Governor Pritzker signed Senate Bill 3208 (S.B. 3208) into law, which requires employers to maintain a copy of employee pay stubs for at least three (3) years, regardless of whether the employee's employment ends during that period. It also requires employers to provide employees and former employees with their paystubs upon request. Employers that violate the new provisions can be subject to a civil penalty of up to \$500 per violation.
- On August 9, 2024, Governor Pritzker signed Senate Bill 0508 (S.B. 508) into law, which adds requirements for Illinois employers and businesses using E-Verify. These additional requirements include: notice of social security number match to the employee, notice of Form I-9 audit, notice of any audit or documentation claiming the employee is not authorized to work in the US.

EFFECTIVE JANUARY 1, 2026

- On August 9, 2024, Governor Pritzker signed House Bill 3773 (H.B. 3773) into law, which amends the Illinois Human Rights Act to prohibit employment discrimination with respect to an employer's use of artificial intelligence (AI) tools in hiring and employment decisions, if such AI tools have a discriminatory effect. H.B. 3773 makes it a civil rights violation for employers to use artificial intelligence (AI) or generative AI in significant employment decisions that effectively discriminate against employees based on protected classes or zip codes as a proxy for protected classes. The legislation also requires employers to notify applicants and employees whenever they use AI with respect to "recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, or the terms, privileges, or conditions of employment."

Illinois Employment Law Update