

Updated Employee Notice and Distribution Requirements for Illinois Employers and Staffing Agencies

Labor & Employment Law Update

By Peter Hansen on August 1, 2023

Illinois employers need to be aware of additional notice and distribution requirements under the recently-signed House Bill 3733 (the “Bill”), which will become effective January 1, 2024 – particularly staffing agencies and employers with remote workers and/or workers who do not regularly report to a specific jobsite.

All Illinois Employers

The most significant change is the new obligation to distribute notices required by a number of laws to “employees who do not regularly report to a physical workplace” – i.e., remote workers and workers who do not regularly report to a standard jobsite – either via email or “conspicuous posting on the employer’s website or intranet site, if such site is regularly used by the employer to communicate work-related information to employees.”

As a best practice, employers that maintain a company intranet should already be uploading employment-related notices to the intranet. So, if you already do this, stay the course. Those that do not, however, must either establish a company intranet, or begin sending all employment-related notices to employees who do not report to a specified jobsite via email.

The Bill also contains a small revision to the Personnel Record Review Act, requiring employers to provide personnel records via email upon request. So, as of January 1, 2024, if an employee requests their personnel records and specifically asks that the records be provided to them via email, the employer must honor that request – which would likely reduce the fee that can be charged to employees for “the actual cost of duplicating the requested record.”

Fortunately, neither of the above should prove too challenging for most employers to stay in compliance. Indeed, many Illinois employers already post notices via the intranet and respond to personnel records requests via email. The

main takeaway is this: if you are not already doing so, you should take steps to collect email addresses for all employees, particularly those who regularly work outside the office.

Illinois Staffing Agencies

The Bill also adds yet more obligations for staffing agencies, though not as demanding as the anticipated changes under House Bill 2862 (which requires staffing agencies to gather substantial information from clients). In addition to the above, staffing agencies must “provide all required notices by email to its day or temporary laborers or on a website, regularly used by the employer to communicate work-related information, that all day or temporary laborers are able to regularly access.” This would include, for example, the Employment Notice and Poster required by the Day and Temporary Labor Services Act.

Again, the new requirements will become effective as of January 1, 2024, so employers must begin preparations to comply with the requirements now – particularly those without a company intranet or company-run email addresses for all employees. As always, questions regarding these issues should be directed to experienced labor and employment counsel.

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