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Insights

New Era in Illinois Employment Law: Key Changes You Need to Know

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Illinois legislators have enacted critical employment laws that impact many businesses and could catch employers off-guard as 2025 arrives. These changes reflect a broader push for equity, transparency, and accountability for Illinois workers

Pay Transparency

Beginning January 1, 2025, Illinois employers with 15 or more employees must post their pay scale and benefits information on all job postings. This pay transparency amendment to the Equal Pay Act aims to eliminate gender and racial gaps in wages. It applies to any jobs that an employee will physically perform (in whole or in part) in Illinois or will report to a supervisor, officer, or other work site in Illinois. The postings must specify the wage or salary or a "good faith" range of the wage of salary and a general description of the benefits and other compensation. Within 14 calendar days of an external job posting, covered employers must "announce, post, or otherwise make known 'all opportunities for promotion' to all current employees." Employers must also preserve records of the pay scale and benefits information for each posted position for at least five years.

While employees can file complaints for non-compliance with the Illinois Department of Labor (IDOL), there is no private right of action for violations. Instead, the IDOL monitors compliance. Penalties for non-compliant job postings range from $250 to $10,000, depending on the size of the employer's business, the number of prior violations, the gravity of the violation, and whether the posting is active at the time of the IDOL's notice. The IDOL will give first offenders a 14-day cure period to remedy violations in active postings before imposing a $500 fine. Each noncompliant job posting is a separate violation.

Illinois Human Rights Act Amendments

Extended Filing Deadline. As 2025 rolls in, employees now have two years (rather than 300 days) to file charges of employment discrimination, harassment, or retaliation with the Illinois Department of Human Rights Commission (IHRC). The 300-day deadline continues to apply to federal employment discrimination claims filed with the EEOC, but the IHRA offers recourse for employees who miss that EEOC deadline. The extended filing deadline may warrant adjustments to employers' document retention policies and offers another good reason for conducting employee exit interviews.

New Protected Classes. Illinois has also expanded civil rights protections. The amendment prohibits discrimination against employees based on their "family responsibilities," meaning personal care, medical transportation, or emotional support to family members. But, employees do not have a free pass to violate reasonable workplace rules related to leave, scheduling, and attendance; the amendment explicitly allows

employers to continue to adopt and enforce these policies. Employers also cannot discriminate based on "reproductive health decisions," meaning use of contraception, fertility or sterilization care, assisted reproductive technologies, miscarriage management, healthcare related to the continuation or termination of pregnancy, and prenatal, intranatal, or postnatal care.

A Look into Cook County

On July 1, 2024, the city of Chicago and Cook County passed three ordinances that directly impact employers within the city limits.

1. *One Fair Wage Ordinance*. This Ordinance requires gradual increases in wages, to eliminate the subminimum wage for tipped employees by 2028. The phase-out adjusts the percentage of minimum wage that employers must pay tipped employees from July 1, 2024 and each year thereafter until the elimination date of June 30, 2028. Chicago is the first major city to abolish the sub-minimum wage for tipped workers.
2. *Cook County's Minimum Wage Ordinance*. As of January 1, 2025, the minimum wage in Cook County increases to $15.00 per hour for all non-exempt, non-tipped employees and increases to $9.00 per hour for tipped employees.
3. *Chicago Paid Leave and Paid Sick Leave Ordinance*. Under this Ordinance, eligible employees must receive one hour of paid leave for every 35 hours worked up to five days of paid time off during a 12-month period and additionally one hour of paid sick leave for every 35 hours worked up to five days of paid time off during a 12-month period. The Ordinance also provides rules for leave accrual, carry over, and pay-out.

Krieg DeVault recently announced its merger with prominent Chicago law firm Fuchs & Roselli, Ltd. This Cook County expansion will strengthen Krieg DeVault's Illinois presence as the firm continues to provide responsive and high-quality professional services across the region.

If you have questions about how these new laws and ordinances affect your business or need assistance in compliance with these new requirements, please contact Nancy J. Townsend, Elizabeth M. Roberson, Marsha Jean-Baptiste, or another member of Krieg DeVault's Labor and Employment Practice.

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