

# BUSINESS OWNER'S GUIDE TO ILLINOIS EMPLOYMENT LAW

**CRAMER LAW GROUP**

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**Cramer Law Group: Your Trusted Partner in Illinois Employment Law**

As the Illinois employment law firm of choice for small to mid-sized Illinois-based companies, Cramer Law Group is pleased to present this complimentary "Business Owner's Guide to Illinois Employment Law." This comprehensive resource reflects our commitment to providing expert guidance and fractional HR services to help your business navigate the complex landscape of employment regulations. Our dedicated team combines legal expertise with practical business knowledge, offering customized solutions that protect your interests while fostering positive employee relations. We developed this guide as a starting point for understanding Illinois employment law, but remember that with Cramer Law Group as your partner, you can focus on growing your business while we ensure your employment practices remain compliant with Illinois' evolving legal requirements.

Illinois employment law is designed to protect both employers and employees by setting clear guidelines for hiring, managing, and terminating employees. As of 2025, several new laws and amendments have been introduced to enhance employee protections and ensure compliance with evolving employment standards. This guide will walk you through the employment life cycle, highlighting key legal requirements and providing compliance tips for each stage.

# PRE-SCREENING CANDIDATES

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## JOB POSTINGS AND PAY TRANSPARENCY

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**New Requirement:** As of January 1, 2025, employers with 15 or more employees must include salary ranges and benefits in job postings.

**Compliance Tip:** Ensure all job postings include a "good faith" salary range and a description of benefits. You can comply by providing a link to your website with this information. **Action:** Review and update job posting templates to comply with pay transparency requirements.

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## DISCRIMINATION PROTECTIONS

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**Illinois Human Rights Act (IHRA):** Prohibits discrimination based on various factors, including reproductive health decisions and family responsibilities. Specifically as noted below:

**Reproductive Health Protections (HB 4867)**

1. Adds protection for reproductive health decisions
2. Covers contraception, fertility care, sterilization, assisted reproduction, pregnancy management, and natal care

**Family Responsibilities Protections (HB 2161)**

1. Creates protections for actual or perceived care of family members
2. Covers direct family members only

3. Includes medical appointments, basic care, and emotional support
4. Employers not required to modify policies for accommodation
5. Reasonable workplace policies still enforceable

**Extended Filing Deadline (SB 3310) -**

Effective January 1, 2025

1. Extends deadline for filing charges from 300 days to 2 years
2. Creates potential gap between state and federal filing deadlines (EEOC remains at 300 days)

**Compliance Tip:** Avoid any language or practices that could be seen as discriminatory in job postings or during the hiring process.

**Action:** Train hiring staff on IHRA amendments, including protections for reproductive health decisions and family responsibilities

# PRE-SCREENING CANDIDATES

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## BACKGROUND CHECKS

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**Illinois Law:** Follow state-specific guidelines for conducting background checks, ensuring compliance with privacy laws.

**Compliance Tip:** Obtain consent from candidates before conducting background checks. **Action:** Reach out to Cramer Law Group for an up-to-date decision tree regarding background checks.

# HIRING

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## INTERVIEWS AND INQUIRIES

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**Pay Transparency:** While not required to discuss salary during interviews, be prepared to disclose pay scales if asked.

**Compliance Tip:** Ensure interview questions comply with IHRA and avoid inquiries that could be seen as discriminatory. **Action:** Develop a set of standardized interview questions that focus on job qualifications and skills.

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## EMPLOYMENT CERTIFICATES FOR MINORS

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**Child Labor Law:** If hiring minors, obtain employment certificates and maintain records on premises.

**Compliance Tip:** Ensure compliance with child labor laws regarding work hours and conditions for minors. **Action:** Establish a process for obtaining and verifying employment certificates for minors.

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## ONBOARDING PROCESS

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**Compliance Tip:** Ensure all new hires receive comprehensive onboarding, including information about company policies, benefits, and employee rights

**Action:** Develop a thorough onboarding checklist to ensure compliance with all legal requirements.

# MANAGING EMPLOYEES

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## PAYSTUB REQUIREMENTS

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**New Law:** Employers must maintain pay stub records for at least three years and provide copies upon request.

**Compliance Tip:** Ensure accurate and detailed pay stubs are provided regularly and kept on file. **Action:** Review payroll systems to ensure compliance with enhanced pay stub requirements.

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## PERSONNEL RECORDS ACCESS

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**Illinois Personnel Records Review Act (IPRRA):** Employees have broader access to their personnel records, with up to four requests annually.

**Compliance Tip:** Establish a clear process for handling personnel record requests. **Action:** Update policies to reflect employee rights under IPRRA amendments.

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## PROMOTION OPPORTUNITIES

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**Notification Requirement:** Inform all current employees of promotion opportunities within 14 business days of external posting.

**Compliance Tip:** Develop a fair and transparent promotion process. **Action:** Create a promotion policy that includes notification procedures and ensures equal opportunities for all employees.

# MANAGING EMPLOYEES

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## MINIMUM WAGE AND OVERTIME

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**Minimum Wage Increase:** As of January 1, 2025, the minimum wage is \$15 per hour.

**Compliance Tip:** Adjust payroll to reflect the new minimum wage and ensure compliance with overtime regulations.

**Action:** Review and update payroll systems to ensure compliance with minimum wage and overtime laws.

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## RESTRICTIVE COVENANTS

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**Limitations in Mental Health Industry:** Be aware of restrictions on non-compete agreements in the mental health sector.

**Compliance Tip:** Review and update employment contracts to comply with these restrictions. **Action:** Consult with legal counsel to ensure compliance with restrictions on non-compete agreements.

# TERMINATION

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## TERMINATION PROCEDURES

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**Illinois is an "At-Will" State:** Employers can terminate employment at any time but must comply with all applicable laws.

**Compliance Tip:** Document reasons for termination and ensure compliance with anti-discrimination laws. **Action:** Review and update termination procedures to reflect new legal requirements.

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## FINAL PAYCHECKS

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**Timely Payment:** Ensure final paychecks are issued promptly, including accrued wages and benefits.

**Compliance Tip:** Comply with state laws regarding timely payment of final wages. **Action:** Review payroll processes to ensure compliance with state laws regarding final paychecks.

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## COBRA AND BENEFITS

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**COBRA Notification:** Provide COBRA notices to terminated employees if applicable.

**Compliance Tip:** Ensure compliance with federal COBRA requirements for group health plans. **Action:** Develop a process for providing COBRA notices to eligible employees.

# GENERAL COMPLIANCE

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## EMPLOYEE HANDBOOKS

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**Tip:** Update employee handbooks to include required notices and reflect new laws.

**Action:** Review and revise handbooks to comply with Illinois law, including statements on pregnant employees' rights and sexual harassment policies.

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## REQUIRED POSTERS

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**Tip:** Ensure all required posters are displayed in the workplace.

**Action:** Check with the Illinois Department of Labor for the [latest required posters](#) and display them prominently.

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## TRAINING AND AUDITS

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**Tip:** Conduct regular training and audits to ensure compliance with all employment laws.

**Action:** Schedule annual training sessions for HR and management staff and conduct compliance audits to identify and address any gaps in policies or practices.

Compliance with Illinois employment law is crucial for maintaining a fair and legal work environment. By understanding and implementing these guidelines, businesses can avoid legal issues and foster positive employee relations. Regularly review and update policies to ensure compliance with evolving laws and regulations

# ADDITIONAL CONSIDERATIONS

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## RECORD KEEPING

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Ensure that all employment records, including personnel files and pay stubs, are maintained accurately and securely.

This includes electronic communications related to employee qualifications.

## LEAVE POLICIES

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Familiarize yourself with Illinois leave laws, such as the One Day Rest in Seven Act, which provides employees with a day of rest each week, and the Victims' Eco-

nomie Security and Safety Act (VESSA), which offers leave for victims of domestic violence.

## WORKPLACE SAFETY

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Implement safety measures to prevent workplace injuries and ensure compliance

with OSHA standards.

# FREQUENTLY ASKED QUESTIONS

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**Q: What is the new minimum wage in Illinois as of 2025?**

**A:** The minimum wage in Illinois is \$15 per hour as of January 1, 2025.

**Q: How long do employers have to keep pay stub records?**

**A:** Employers must keep pay stub records for at least three years.

**Q: What are the new protections under the Illinois Human Rights Act?**

**A:** The IHRA now includes protections for reproductive health decisions and family responsibilities