

HR & Employment Issues

HB 209 UNEMPLOYMENT CONTRIBUTE QUARTRLY

House Sponsor Rep. La Shawn K. Ford and Jehan Gordon-Booth

Amends the Unemployment Insurance Act. Provides that upon payment of an annual administrative fee not exceeding \$100, during the first 3 calendar quarters an employer may pay its quarterly contributions due for wages in equal installments. Establishes a schedule for payment of the contributions. Provides for the accrual of interest. Authorizes the issuance of necessary rules. Provides that payment on a quarterly basis is not available for calendar years when there are outstanding bonds under the Illinois Unemployment Insurance Trust Fund Financing Act.

HB 262 MIN WAGE-\$15 PER HOUR

House Sponsor Rep. Mary E. Flowers

Amends the Minimum Wage Law. Increases the minimum wage to \$15 per hour on October 1, 2017. Effective immediately.

HB 366 EMPLOYEE CLASSIFICATION-PENALTY

House Sponsor Rep. Margo McDermed

Amends the Employee Classification Act. Provides that an employer that violates any provision of the Act or rule adopted under the Act is subject to a civil penalty not to exceed: (i) \$1,500 (rather than \$1,000) for each violation found in the first audit by the Department of Labor and (ii) \$2,500 (rather than \$2,000) for each repeat violation found by the Department within a 5-year period. Provides that a person who willfully violates any provision of the Act or rule adopted under the Act or obstructs the Director of Labor or any other person authorized to inspect places of employment under the Act is liable for penalties up to triple (rather than double) the statutory amount. Provides that an employer that is found to have willfully violated any provision of the Act shall be debarred from being awarded a State contract. Effective immediately.

HB 369 BEDBUG DISCLOSURE TO EMPLOYEES

House Sponsor Rep. Jaime M. Andrade, Jr.

Creates the Bedbugs Disclosure to Employees Act. Requires an employer to notify employees if a person certified under the Structural Pest Control Act has determined the presence of bedbugs at the place of employment. Provides that such notification shall be made electronically via email or, if notice by email is not possible, the employer shall issue a written notification to each employee or post a written notification in a conspicuous place or places used or reserved for employee notices.

HB 478 MIN WAGE-SUSPENSION W/O PAY

House Sponsor Rep. Grant Wehri

Amends the Minimum Wage Law. Provides that an employer may impose a disciplinary suspension without pay upon certain bona fide executive, administrative, and professional employees and certain employees of governmental bodies. Provides that a deduction from the pay of such employees may be made for suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules; the suspension must be imposed pursuant to a written policy applicable to all employees; and an employer, in imposing such a suspension, may deduct from the employee's salary the hourly or daily equivalent of the employee's full salary or any other amount proportional to the time actually missed by the employee.

HB 531 CRIM CD-CRIMINAL BUILDING MGMT

House Sponsor Rep. Kathleen Willis

Amends the Criminal Code of 2012. Creates the offense of criminal building management. Provides that a person commits the offense when, having personal or professional management or control of commercial real estate, whether as a legal or equitable owner or as a managing agent or otherwise, he or she recklessly permits or causes the physical condition or facilities of the commercial real estate to become or remain in any condition which endangers the health or safety of a first responder and: (1) the condition endangering the health or safety of a first responder was a building code violation or resulted from work done with a proper permit; (2) the condition endangering the health or safety of a first responder is determined to be a contributing factor in the injury or death of that first responder; and (3) the person recklessly conceals or attempts to conceal the condition that endangered the health or safety of the first responder that is found to be a contributing factor in that injury or death. Provides that criminal building management is a Class 4 felony.

HB 647 HUMAN RIGHTS-PROTECTION ORDERS

House Sponsor Rep. Stephanie A. Kifowit

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for an employer to refuse to make certain reasonable accommodations in the workplace for an employee protected under an order of protection. Provides that an employer is not required to make the reasonable accommodations if they cause undue hardship on the work operations of the employer. For purposes of the new provisions, defines "undue hardship" as significant difficulty or expense on the operation of an employer, when considered in light of: (1) the nature and cost of the reasonable accommodation needed; (2) the overall financial resources, number of employees, and the number, type, and placement of the work locations of an employer; and (3) the type of operation of the employer, including the composition, structure, and functions of the workforce of the employer, the geographic separateness of the employee's work location from the employer, and the administrative or fiscal relationship of the work location to the employer. Provides that prior to making the reasonable accommodations, an

employer may verify that an employee is protected by an order of protection entered under the Code of Criminal Procedure of 1963 or the Illinois Domestic Violence Act of 1986.

HB 690 DAY & TEMPORARY LABORERS

House Sponsor Rep. Carol Ammons

Amends the Day and Temporary Labor Services Act. Requires a day and temporary labor service agency (agency) to notify a day or temporary laborer (laborer) in writing of the schedule and length of multi-day assignments. Requires an agency to keep records on the ethnicity of each laborer or applicant and the date, time, and location at which an applicant requested employment. Requires an agency to provide a laborer with transportation back to the point of hire at the end of each work day. Requires an agency to indicate on a laborer's payment stub the current maximum amount of any placement fee charged to a third party client. Prohibits an agency or third party client from charging a laborer for the expense of conducting a consumer report, a criminal background check, or a drug test. Requires an agency to submit to the Department of Labor the total number of laborers the agency has placed in a permanent position. Requires laborers to be paid at a rate no less than the same average rate of pay as a permanent employee performing the same or substantially similar work. Requires a third party client to conduct a job hazard analysis for each job to which a laborer might be sent. Requires an agency to obtain a surety bond of no less than \$150,000 and to comply with other specified registration requirements. Makes a third party client liable for any obligation to pay the 4 hours minimum pay or any statutory damages required under the Act. Provides that termination or disciplinary action against a laborer within 90 days of the person's exercise of rights protected under the Act shall raise a rebuttable presumption of retaliation. Makes other changes.

HB 813 EMPLOYMENT-LAYOFF NOTICE

House Sponsor Rep. Jay Hoffman

Amends the Illinois Worker Adjustment and Retraining Notification Act. Redefines "employer" to mean any business or enterprise that employs 65 or more (rather than 75 or more) employees, excluding part-time employees; or 65 or more (rather than 75 or more) employees who in the aggregate work at least 2,600 (rather than 4,000) hours per week (exclusive of hours of overtime). Provides that an employer may not order a mass layoff, relocation, or employment loss unless, 90 (rather than 60) days before the order takes effect, the employer gives written notice of the order to certain persons. Effective immediately.

HB 814 UNEMPLOYMENT-EMPLOYER REPORTS

House Sponsor Rep. Jay Hoffman

Amends the Unemployment Insurance Act. Deletes provisions requiring employers to file, on a monthly basis, reports regarding employee wages. Makes corresponding changes.

HB 2364 ANTI-WAGE THEFT-STATE CONTRACT

House Sponsor Rep. Elizabeth Hernandez

Amends the Illinois Procurement Code. Prohibits any person or business who violates the Illinois Wage Payment and Collection Act, the Minimum Wage Law, the Illinois Worker Adjustment and Retraining Notification Act, the Employee Classification Act, the Fair Labor Standards Act of 1938, or any comparable state statute or regulation of any state which governs the payment of wages to do business with the State or any State agency or enter into a subcontract that is subject to the Code for a period of 5 years. Amends the Illinois Wage Payment and Collection Act. Provides that when an employee who is scheduled to work 3 or more hours reports for duty at the time set by the employer, and that employee is not provided with the expected hours of work, the employee shall be paid for at least 4 hours on such day at no less than the employee's regular rate of compensation. Amends the Illinois Wage Payment and Collection Act. Provides that an employer that is able to pay wages and who refuses to pay is guilty of a Class 4 felony (rather than a misdemeanor). Provides that a subsequent failure to pay within 5 years (rather than 2 years) of a prior conviction is a Class 3 felony (rather than a Class 4 felony).

HB 2387 MIN WAGE-\$15 PER HOUR

House Sponsor Rep. Litesa E. Wallace

Amends the Minimum Wage Law. Increases the minimum wage to \$15 per hour on October 1, 2017. Effective immediately.

HB 2462 EQUAL PAY ACT-WAGE HISTORY

House Sponsor Rep. Anna Moeller

Amends the Equal Pay Act of 2003. Prohibits an employer from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant's prior wages satisfy minimum or maximum criteria, and (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary. Prohibits an employer from seeking the salary, including benefits or other compensation or salary history, of a job applicant from any current or former employer. Limits defenses. Provides for penalties and injunctive relief.

HB 2482 WORKFORCE INVESTMENT-WIOA

House Sponsor Rep. Norine K. Hammond

Amends the Illinois Workforce Investment Board Act. Changes the name of the Act to the Illinois Workforce Innovation Board Act. Changes the name of the State Workforce Investment Board to the State Workforce Innovation Board. Provides that, on and after the effective date of the amendatory Act, appointments to the Board shall be made in accordance with the federal Workforce Innovation and Opportunity Act. Amends various other Acts to make conforming changes. Effective immediately.

HB 2504 WAGE INSURANCE ACT

House Sponsor Rep. Mary E. Flowers

Creates the Wage Insurance Act. Establishes a wage insurance program to be administered by the Department of Employment Security. Provides that an individual is eligible for benefits if the individual is a claimant under the Unemployment Insurance Act at the time the individual obtains reemployment and is not employed by the employer from which the individual was last separated. Provides for benefits in an amount sufficient to pay the individual the difference between the wage the individual received at the time of separation from the employer by which the individual was employed immediately before becoming a claimant under the Unemployment Insurance Act and the wages received from reemployment. Imposes a 0.4% tax on payroll beginning January 1, 2018. Provides that claims may be made beginning July 1, 2018. Provides for recovery of erroneous payments, hearings, penalties, unpaid tax, rules, and other matters. Creates the Wage Insurance Fund, provides for the continuing appropriation from the Fund of amounts necessary for the purposes authorized by the Act, and amends the State Finance Act to include the Wage Insurance Fund as a special fund in the State treasury.

HB 2525 UNEMP INS-WRKR COMP RATES

House Sponsor Rep. Jay Hoffman

Amends the Employer's Liability Rates Article of the Illinois Insurance Code. Provides that a rate is excessive if it is likely to produce a long run profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to the services rendered. Repeals provisions regarding presumptions that a competitive market exists, determining whether a competitive market exists, and disapproval of rates under specified circumstances. Amends the Workers' Compensation Act. Provides that accidental injuries sustained while traveling to or from work do not arise out of and in the course of employment. Defines "in the course of employment" and "arising out of the employment". Permits an employer to file with the Illinois Workers' Compensation Commission a workers' compensation safety program or a workers' compensation return to work program implemented by the employer. Provides that the Commission may certify any such safety program as a bona fide safety program after reviewing the program. In a provision concerning compensation for the period of temporary total incapacity for work resulting from an accidental injury, provides that (i) injuries to the shoulder shall be considered injuries to part of the arm and (ii) injuries to the hip shall be considered injuries to part of the leg. Contains provisions concerning repetitive and cumulative injuries; permanent partial disability determinations; electronic claims; annual reports by the Commission concerning the state of self-insurance for workers' compensation in Illinois; and duties of the Workers' Compensation Premium Rates Task Force; and other matters. Effective immediately.

HB 2645 WORK COMP SAFETY PROGRAMS

House Sponsor Rep. William Davis

Amends the Workers' Compensation Act. Provides that employers may file safety

and return to work programs with the Illinois Workers' Compensation Commission. Authorizes the Commission to certify the programs upon review for certain minimum requirements. Provides that the Director of Insurance shall direct any workers' compensation rate setting advisory organization to recalculate rates with respect to employers that file safety and return to work programs. Provides for the Director of Insurance to waive the Workers' Compensation Commission Operations Fund fee with respect to self-insured employers that file the plans.

HB 2699 UNEMP INS-INFO DISCLOSURE

House Sponsor Rep. Jay Hoffman

Amends provisions of the Unemployment Insurance Act prohibiting the disclosure of information obtained from an individual or employing unit during the administration of the Act. In language providing that the prohibition does not apply to communication with an individual or entity through unencrypted e-mail or unencrypted electronic means as long as the communication does not contain the individual's or entity's name in combination with specified numbers or codes, deletes "account number" from the numbers and codes. Effective immediately.

HB 2730 VICTIM ECON SECURITY NOTICE

House Sponsor Rep. Camille Y. Lilly

Amends the Victims' Economic Security and Safety Act. Provides that the notice to employees under the Act must include language encouraging employees to report to the employer the possibility of a domestic or intimate partner committing an act of violence at the workplace and be distributed to all employees on an annual basis.

HB 2749 OVERTIME EXEMPTION THRESHOLD

House Sponsor Rep. Will Guzzardi

Amends the Minimum Wage Law. Provides that the overtime requirements of the Law do not apply to an employee employed in a bona fide executive, administrative, or professional capacity as defined by or covered by the federal Fair Labor Standards Act of 1938 but compensated at a salary greater than \$47,476 per year (rather than an amount specified by a federal regulation) or the weekly or monthly portion thereof or a greater salary as may be adopted by the U.S. Department of Labor. Provides that the amount shall increase annually by the percentage increase in the Consumer Price Index. Effective immediately.

HB 2771 HEALTHY WORKPLACE ACT

House Sponsor Rep. Christian L. Mitchell

Creates the Healthy Workplace Act and amends the State Finance Act. Requires employers to provide specified paid sick days to employees. Sets forth the purposes for and manner in which the sick days may be used. Contains provisions regarding employer responsibilities, unlawful employer practices, and other matters. Provides that the Department of Labor shall administer the Act. Authorizes the imposition of civil penalties. Authorizes individuals to file civil

actions with respect to violations. Creates the Healthy Workplace Fund as a special fund in the State treasury. Effective immediately.

HB 2802 TRANSPORTATION BENEFIT PROGRAM

House Sponsor Rep. Theresa Mah

Creates the Transportation Benefits Program Act. Requires all covered employers to offer at least one transportation benefit program. Provides that the employer may choose between providing a program consistent with federal law that allows employees to elect to exclude from taxable wages and compensation the employee's commuting costs incurred for the purchase of a transit pass to use public transit or for the purchase of qualified parking, or a program under which the employer supplies a transit pass for the particular qualifying public transit requested by the covered employee or reimburses the covered employee for payments made for the use of qualified parking. Defines terms. Effective January 1, 2018.

HB 2859 DCEO-JOB TRAINING-UNEMPLOYMENT

House Sponsor Rep. Mary E. Flowers

Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. Requires the Department of Commerce and Economic Opportunity to survey the various counties of the State to assess the degree of labor surplus on a monthly basis. Requires the Department to give priority to providing grants under its Job Training and Economic Development Grant Program for the purpose of job-training programs in any county or counties which have an unemployment rate in excess of 110% of the U.S. civilian unemployment rate, seasonally adjusted for comparable periods

HB 2936 JOB CREATION-FINANCE

House Sponsor Rep. Thomas M. Bennett

Creates the Jobs Creation Finance Act. Provides that municipalities may designate job creation areas. Provides that businesses that undertake job creation projects in those designated areas are eligible for certain tax incentives. Provides that municipalities may issue bonds in connection with those projects. Contains provisions concerning public hearings. Contains numerous other provisions. Effective immediately.

HB 3043 LIVING WAGE ACT

House Sponsor Rep. Jay Hoffman

Creates the Living Wage Act. Provides that the State, its agencies, and political subdivisions shall ensure that new contracts and subcontracts include a provision specifying that, as a condition of payment of the contract, the minimum wage to be paid to workers in performance of the contract or subcontract shall be at least \$16.36 per hour for new contracts created after January 1, 2018. Provides that for every year thereafter, the Department of Labor shall adjust the amount of the hourly minimum wage by the annual percentage increase in the consumer price index. Sets forth provisions concerning enforcement and penalties. Creates a

private right of action to enforce the provisions of the Act. Provides for debarment of certain contractors or subcontractors for violation of the Act. Contains severability provisions. Effective January 1, 2018.

HB 3062 WRONGFUL DISCHARGE EMPLOYMENT

House Sponsor Rep. Will Guzzardi

Creates the Wrongful Discharge from Employment Act. Requires an employer to furnish to a discharged employee a statement of reasons for the discharge. Prohibits an employer from preventing or attempting to prevent a discharged employee from obtaining other employment. Prohibits blacklisting. Provides that a discharge is wrongful if the discharge was a constructive discharge, if it was not for good cause, or if the discharge was in violation of the employer's personnel policy. Establishes remedies. Defines terms. Provides that an employer who violates the Act commits a Class A misdemeanor.

HB 3075 WORK COMP BORROWED EMPLOYEES

House Sponsor Rep. Elizabeth Hernandez

Amends the Workers' Compensation Act. Provides that a borrowing employer that has entered into an agreement with a loaning employer may not avail itself of the exclusive remedy protection under the Act. Provides that any agreement between a loaning employer and a borrowing employer by which the loaning employer is entitled to receive certain reimbursements relating to fees and costs in hearings before the Illinois Workers' Compensation Commission is prohibited, is against public policy, and shall be wholly void.

HB 3159 MIN WAGE-\$15 PER HOUR

House Sponsor Rep. Sonya M. Harper

Amends the Minimum Wage Law. Increases the minimum wage to \$15 per hour on October 1, 2017. Effective immediately.

HB 3332 WAGES PENALTY FAIL TO PAY

House Sponsor Rep. Jaime M. Andrade, Jr.

Amends the Illinois Wage Payment and Collection Act. Increases the administrative fee imposed upon an employer that has been demanded or ordered by the Department of Labor, or ordered by a court, to pay wages. Imposes fees on a scale depending upon the amount of wages that are owed.

HB 3415 E-VERIFY REQUIRE EMPLOYER

House Sponsor Rep. Bill Mitchell

Amends the Right to Privacy in the Workplace Act. Requires every employer, after hiring an employee, to verify the employment eligibility of the employee through the E-Verify program. Provides that, in addition to any other requirement for an employer to receive a grant, loan, or performance-based incentive from any government entity, the employer shall register with and participate in the E-Verify program. Provides that before receiving the economic development incentive, the employer shall provide proof to the government entity that the

employer is registered with and is participating in the E-Verify program. Provides that the State, its political subdivisions, and units of local government, including home rule units, shall require each employer to use an Employment Eligibility Verification System as a condition of receiving a government contract or a business license. Effective immediately.

HB 3474 UNEMP INS SUTA DUMPING

House Sponsor Rep. Peter Breen

Amends the Unemployment Insurance Act. Provides that if a business is transferred to another individual or entity that, at the time of transfer, has any substantial common ownership, management, or control of the transferor and transferee, then the experience rating records of the transferred business shall be transferred to the transferee. Effective January 1, 2018.

HB 3526 WKR COMP REDUCE BENEFITS

House Sponsor Rep. Grant Wehrli

Amends the Workers' Compensation Act. Provides that the 500 week limit on compensation includes weeks paid for certain prior injuries. Eliminates certain rebuttable presumptions applicable to emergency personnel. Reduces compensation for injuries to specific parts of the body. Requires Commission decisions to be based upon the guidelines provided in the most current edition of the American Medical Association guidelines. In fee schedule requirements, changes limits to apply to maximum amount billed rather than maximum allowable payments. Effective immediately.

HB 3539 PROCUREMENT EQUAL PAY

House Sponsor Rep. Michael Halpin

Amends the Illinois Procurement Code. Requires bidders to obtain an equal pay certificate before a purchasing agency may issue a contract to the bidder. Provides for the Department of Employment Security to issue the certificates. Specifies information to be included in an application for an equal pay certificate. Requires bidders to comply with the Equal Pay Act of 2003, Equal Wage Act, Illinois Human Rights Act, and Title VII of the Civil Rights Act of 1964. Amends the State Finance Act to create the Equal Pay Certificate Fund. Provides for moneys in the Fund to be used to administer the equal pay certificate requirements.

HB 3566 WRK COMP CONSIDER APPROPRIATED

House Sponsor Rep. Cynthia Soto

Amends the Workers' Compensation Act. Provides that if there are insufficient funds in the Injured Workers' Benefit Fund to pay all claims, an amount of money sufficient to make up the deficiency shall be considered to be always appropriated from the Illinois Workers' Compensation Commission Operations Fund, the Rate Adjustment Fund, the Settlement Fund, and the Second Injury Fund. Provides that the minimum payout from the Injured Workers' Benefit Fund for death or permanent total disability is 364 weeks of benefits payable in a lump

sum. Provides that proof that an employer was not insured or is not insured creates a rebuttable presumption that the employer knowingly failed to comply with specified provisions of the Act.

HB 3630 UNEMP INS ADJUST CONTRIBUTION

House Sponsor Rep. Jay Hoffman

Amends the Unemployment Insurance Act. Provides that no later than 3 years after the date of an overpayment, rather than 3 years after notification by the Director of an overpayment, an employing unit may file a claim for an adjustment in contributions or a refund. Provides that the Director shall provide statements of employer account balances quarterly rather than semi-annually. Applies to credits and refunds for which application is made after January 1, 2015 and upon which no adjustment or refund has been made. Effective immediately.

HB 3647 EMPLOY CRIM HISTORY 5 YR LIMIT

House Sponsor Rep. Sonya M. Harper

Amends the Job Opportunities for Qualified Applicants Act. Provides that inquiries into a job applicant's criminal history may not inquire into events occurring more than 5 years before the date of the inquiry.

HB 3653 WORKERS' COMP-RATE CHANGES

House Sponsor Rep. Brad Halbrook

Amends the Workers' Compensation Act. Changes the compensation rates for certain accidental injuries to the levels that existed before Public Act 94-277 took effect. Removes language requiring employers to make payments on annual adjustments to the compensation rate in awards for death benefits or permanent total disability for every accident occurring on or after July 20, 2005 but before November 11, 2005 (the date Public Act 94-695 took effect). Makes other changes.

HB 3736 FAILURE TO PAY WAGE-FELONY

House Sponsor Rep. Jehan Gordon-Booth

Amends the Illinois Wage Payment and Collection Act. Provides that an employer that is able to pay wages and who refuses to pay is guilty of a Class 4 felony (instead of a Class B misdemeanor for unpaid wages in the amount of \$5,000 or less and a Class A misdemeanor for unpaid wages in the amount of more than \$5,000). Provides that a subsequent failure to pay within 5, rather than 2, years of a prior conviction is a Class 3, rather than Class 4, felony.

HB 3741 BEDBUG INSPECTION ACT

House Sponsors Rep. Jaime M. Andrade, Jr.

Creates the Bedbug Inspection Act. Requires persons engaged in the business of renting furniture and electronic equipment to inspect the furniture and electronic equipment for bedbugs and other pests before renting to a subsequent customer. Requires that infested furniture or equipment be treated before renting to a subsequent customer. Authorizes an action for damages.

HB 3764 WORKERS' COMP-BENEFIT RATES

House Sponsor Rep. Keith R. Wheeler

Amends the Workers' Compensation Act. Provides that the increased percentage rate for each spouse and child for temporary total incapacity benefits, serious and permanent disfigurement benefits, and all cases other than temporary total disability benefits shall not exceed 100% of the total minimum wage calculation, nor 83 1/3% of the employee's average weekly wage, whichever is less (rather than shall not exceed 100% of the total minimum wage calculation, nor the employee's average weekly wage, whichever is less). Establishes a maximum weekly compensation rate in death cases, permanent total disability cases, temporary total disability cases, and for cases involving amputation of a member or enucleation of an eye beginning July 1, 2017 and thereafter. Establishes a minimum weekly compensation rate in permanent total disability cases beginning July 1, 2017 and thereafter. Changes the total compensation amount payable to an employee for an accidental injury not resulting in death. Makes changes to the benefit periods for accidental injuries resulting in the loss of or the permanent and complete loss of use of the thumb, fingers, or toes; the amputation of an arm, foot, or leg; the enucleation of an eye; and other injuries.

HB 3862 UNEMP INS BENEFIT CHARGE LIMIT

House Sponsor Rep. Ryan Spain

Amends the Unemployment Insurance Act. Provides that an employer is not chargeable for benefit charges that result from the payment of benefits to an individual if the payments were the result of the individual voluntarily leaving work to participate in certain training programs. Effective immediately.

HB 3870 UNEMP-EXCLUDE SELF EMP INCOME

House Sponsor Rep. Litesa E. Wallace

Amends the Unemployment Insurance Act. Provides that for purposes of determining eligibility for the continuation or duration of any benefits under the Act, the Department of Employment Security shall exclude from consideration for a period of 90 days any income earned by an individual from self-employment from a business or activity commenced by the individual after the individual first became eligible for benefits under the Act. Effective immediately.

HB 3889 UNEMP INS FRAUD 125% PENALTY

House Sponsor Rep. Brandon W. Phelps

Amends the Unemployment Insurance Act. Provides that the additional penalty for fraudulently obtaining benefits is 125% (instead of 15%) of the amount fraudulently obtained. Provides that the amounts collected shall be paid into the State's account in the Unemployment Trust Fund (instead of shall be treated in the same manner as benefits recovered from an individual). Effective immediately.

SB 640 WORKER COMP/OCC DISEASE-APPEAL

Senate Sponsor Sen. William R. Haine

Amends the Workers' Compensation Act and the Workers' Occupational Diseases Act. Provides that the arbitrator or the Commission may correct a clerical error or error in computation within 21 (instead of 15) days after the date of receipt of an award by the arbitrator or any decision on review of the Commission and may recall the original award on arbitration or decision on review and issue the corrected award or decision. Provides that the time within which a petition for judicial review must be filed begins to run upon receipt of a decision on motion to recall. Adds procedural provisions concerning motions to recall. Provides that judicial review is stayed pending the disposition of a motion to recall. Provides that claims against the State are not subject to judicial review. Specifies venue for court review. Establishes procedures for providing collateral or guarantee of payment of an award if court review is not successfully prosecuted. Adds provisions regarding review by the Appellate Court and the Supreme Court. Makes other changes. Effective immediately.

SB 791 SCH CD-VOCATIONAL/MANDATES

Senate Sponsors Sen. Martin A. Sandoval

Amends the School Code. Provides that a school board may allow students to substitute the entirety of grades 11 and 12 with vocational or technical education courses. Requires substituted courses to be approved jointly by the State Board of Education and the Illinois Workforce Investment Board (instead of requiring the course to contain at least 50% of the content of the course to be substituted). Amends the Illinois Workforce Investment Board Act to make conforming changes.

SB 858 FREEDOM TO WORK-LOW WAGE

Senate Sponsor Sen. Patricia Van Pelt

Amends the Illinois Freedom to Work Act. Provides that "low-wage employee" means an employee whose earnings do not exceed the greater of (1) the hourly rate equal to the minimum wage required by the applicable federal, State, or local minimum wage law or (2) \$13.00 per hour (instead of an employee who earns the greater of the applicable minimum wage or \$13.00 per hour). Effective immediately.

SB 862 WORKERS' COMP-VARIOUS

Senate Sponsor Sen. Jennifer Bertino-Tarrant

Amends the Workers' Compensation Act and the Employer's Liability Rates Article of the Illinois Insurance Code. Provides that a rate is excessive if it is likely to produce a long run profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to the services rendered (instead of providing that a rate in a competitive market is not excessive and a rate in a noncompetitive market is excessive if it is likely to produce a long run profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to the services rendered). Provides for prefiling (rather than filing) of rates with the Director of Insurance and makes other changes regarding rate

filings and disapproval of rate filings. Contains provisions concerning interim rates. Repeals provisions regarding presumptions and determinations on whether a competitive market exists and the disapproval of rates under specified circumstances. Amends the Workers' Compensation Act. Provides that accidental injuries sustained while traveling to or from work do not arise out of and in the course of employment. Provides specific factors that may be considered when determining whether an employee was required to travel away from work. Contains provisions concerning safety programs and return to work programs; compensation awards for injuries to the shoulder and hip; repetitive and cumulative injuries; additional compensation awards in cases where there has been an unreasonable or vexatious delay of authorization of medical treatment; new penalties for workers' compensation fraud; annual reports on the state of self-insurance for workers' compensation in Illinois; the Workers' Compensation Premium Rates Task Force; and other matters. Effective immediately.

SB 981 EQUAL PAY ACT-WAGE HISTORY

Senate Sponsor Sen. Daniel Biss

Amends the Equal Pay Act of 2003. Prohibits an employer from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant's prior wages satisfy minimum or maximum criteria, and (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary. Prohibits an employer from seeking the salary, including benefits or other compensation or salary history, of a job applicant from any current or former employer. Limits defenses. Provides for penalties and injunctive relief.

SB 1237 WORKERS COMP ONSITE INSPECTION

Senate Sponsor Sen. Wm. Sam McCann

Amends the Workers' Compensation Act. Provides that the Department of Labor, the Department of Employment Security, and the Illinois Workers' Compensation Commission Compliance Division are authorized to, and shall, perform on-site job site inspections to determine compliance with the Act. Provides for the violation to be reported to the appropriate State's Attorney.

SB 1277 UNEMPLOY INS-MISCONDUCT

Senate Sponsor Sen. Jil Tracy

Amends provisions of the Unemployment Insurance Act concerning ineligibility for benefits after a discharge for misconduct. Provides that "misconduct" means the violation (rather than the deliberate and willful violation) of a reasonable rule or policy of the employing unit governing the individual's behavior in performance of his or her work, provided the violation has harmed the employing unit or other employees or has been repeated by the individual despite a warning or other instruction (rather than explicit instruction) from the employing unit.

SB 1296 HEALTHY WORKPLACE ACT

Senate Sponsor Sen. Toi W. Hutchinson

Creates the Healthy Workplace Act and amends the State Finance Act. Requires employers to provide specified paid sick days to employees. Sets forth the purposes for and manner in which the sick days may be used. Contains provisions regarding employer responsibilities, unlawful employer practices, and other matters. Provides that the Department of Labor shall administer the Act. Authorizes the imposition of civil penalties. Authorizes individuals to file civil actions with respect to violations. Creates the Healthy Workplace Fund as a special fund in the State treasury. Effective immediately.

SB 1306 MIN WAGE-SUSPENSION W/O PAY

Senate Sponsor Sen. Michael Connelly

Amends the Minimum Wage Law. Provides that an employer may impose a disciplinary suspension without pay upon certain bona fide executive, administrative, and professional employees and certain employees of governmental bodies. Provides that a deduction from the pay of such employees may be made for suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules; the suspension must be imposed pursuant to a written policy applicable to all employees; and an employer, in imposing such a suspension, may deduct from the employee's salary the hourly or daily equivalent of the employee's full salary or any other amount proportional to the time actually missed by the employee.

SB 1309 WORKERS' COMP-VARIOUS

Senate Sponsor Sen. Michael Connelly

Amends the Freedom of Information Act. Exempts from public inspection certain information collected by the Illinois Workers' Compensation Commission from self-insureds and papers, documents, reports, or evidence relevant to a workers' compensation fraud investigation conducted by the Department of Insurance. Amends the Criminal Code of 2012 regarding workers' compensation fraud penalties. Amends the Workers' Compensation Act. Makes changes concerning: accidental injuries that shall not be considered to be "arising out of and in the course of the employment"; the maximum compensation rate for a period of temporary total incapacity; wage differential benefits to professional athletes; limitations on the number of chiropractic, occupational therapy, or physical therapy visits an injured worker may receive for injuries; compensation awards for injuries to the shoulder and hip; the maximum allowable payment for certain service categories; the assignment and reassignment of arbitrators to hearing sites; the creation of an evidence based drug formulary; additional compensation awards where there has been a vexatious delay of authorization of medical treatment; annual reports on the state of self-insurance for workers' compensation in Illinois; and other matters. Effective immediately.

SB 1315 WRK COMP CONSIDER APPROPRIATED

Senate Sponsor Sen. Antonio Muñoz

Amends the Workers' Compensation Act. Provides that if there are insufficient

funds in the Injured Workers' Benefit Fund to pay all claims, an amount of money sufficient to make up the deficiency shall be considered to be always appropriated from the Illinois Workers' Compensation Commission Operations Fund, the Rate Adjustment Fund, the Settlement Fund, and the Second Injury Fund. Provides that the minimum payout from the Injured Workers' Benefit Fund for death or permanent total disability is 364 weeks of benefits payable in a lump sum. Provides that proof that an employer was not insured or is not insured creates a rebuttable presumption that the employer knowingly failed to comply with specified provisions of the Act.

SB 1347 LIVING WAGE ACT

Senate Sponsor Sen. Daniel Biss

Creates the Living Wage Act. Provides that the State, its agencies, and political subdivisions shall ensure that new contracts and subcontracts include a provision specifying that, as a condition of payment of the contract, the minimum wage to be paid to workers in performance of the contract or subcontract shall be at least \$16.36 per hour for new contracts created after January 1, 2018. Provides that for every year thereafter, the Department of Labor shall adjust the amount of the hourly minimum wage by the annual percentage increase in the consumer price index. Sets forth provisions concerning enforcement and penalties. Creates a private right of action to enforce the provisions of the Act. Provides for debarment of certain contractors or subcontractors for violation of the Act. Contains severability provisions. Effective January 1, 2018.

SB 1349 INS CD-EMPLOYERS INS CO

Senate Sponsor Sen. Daniel Biss

Amends the Illinois Insurance Code. In the provision concerning the Illinois Workers' Compensation Commission Operations Fund surcharge, provides that after the effective date of the amendatory Act, the Director of Insurance shall make one or more loans to the Illinois Employers Mutual Insurance Company (the Company) in an amount not to exceed an aggregate amount of \$10,000,000 from the Illinois Workers' Compensation Commission Operations Fund for the start-up funding and initial capitalization of the Company. Creates the Illinois Employers Mutual Insurance Company Article in the Code and establishes the Company as a nonprofit, independent public corporation. Provides that the Company (1) shall be operated as a domestic mutual insurance company, subject to all applicable provisions of the Code, (2) shall issue insurance for workers' compensation and occupational disease and shall not provide any other type of insurance, (3) shall not be considered a State agency or instrumentality of the State for any purpose, and (4) shall not receive any State appropriations or funds, except for an initial loan or loans. Sets forth provisions concerning a board of directors, ratemaking, the Illinois Insurance Guaranty Fund, a chief executive officer, liability, a workplace safety plan, investments, dividends, the sale of policies, auditing requirements, and an annual report. Effective immediate.

SB 1358 WORK COMP-CAUSATION

Senate Sponsor Sen. Kyle McCarter

Amends the Workers' Compensation Act. Provides that an employee who is required to travel in connection with his or her employment and who suffers an injury while in travel status is eligible for benefits only if the injury arises out of and in the course of employment while he or she is actively engaged in the duties of employment. Adds definitions of "accident" and "injury". Provides that an injury is a condition that arises out of and in the course of employment, and adds provisions concerning establishment of an injury. Establishes the manner of computing compensation for partial disability, with a maximum cumulative compensation of 500 weeks. Provides that injuries to the shoulder and hip are deemed to be injuries to the arm and leg respectively. Provides for the computation of compensation when there are multiple employers and when there is less than full-time work. Provides that no employer shall be required to pay temporary partial disability benefits to an employee who has been discharged for cause. Provides that, following a hearing, the Illinois Workers' Compensation Commission may reinstate the temporary partial benefits and retroactively restore any benefits the employer should have paid if it finds the employer's discharge of the employee was not for cause. Effective immediately.

SB 1361 UNEMPLOY INS-MINIMUM

Senate Sponsor Sen. Kyle McCarter

Amends the Unemployment Insurance Act. Provides that, with respect to any benefit year beginning on or after January 1, 2018, to be monetarily eligible for any benefits, a worker must have been paid wages of \$4,290 or more in his or her base period by employers subject to the Unemployment Insurance Act and at least \$2,145 of these wages must have been paid to him or her outside the calendar quarter in which he or she was paid the highest amount of wages.

SB 1362 UNEMPLOY INS-REQUALIFY

Senate Sponsor Sen. Kyle McCarter

Amends the Unemployment Insurance Act. Provides that an individual shall be ineligible for benefits for any week in a benefit year which begins on or after January 1, 2018, unless, subsequent to the beginning of his or her immediately preceding benefit year with respect to which benefits were paid to him or her, he or she was reemployed and had earnings equal to or in excess of his or her current weekly benefit amount in each of 4 calendar weeks that are either for services in employment, or have been or will be reported pursuant to the provisions of the Federal Insurance Contributions Act by each employing unit for which such services are performed and that submits a statement certifying to that fact.

SB 1454 INS CD-WORKERS' COMP-RATES

Senate Sponsor Sen. Andy Manar

Amends the Illinois Insurance Code. Provides that with respect to employers correctly classified within the construction industry, the amount charged to the insured for workers' compensation and employers' liability insurance shall be

based upon hours worked by employees in specific job categories or classifications, not the wages or salaries paid to the employees. Makes technical and grammatical changes.

SB 1490 UNEMP INS-INFO DISCLOSURE

Senate Sponsor Sen. Chuck Weaver

Amends provisions of the Unemployment Insurance Act prohibiting the disclosure of information obtained from an individual or employing unit during the administration of the Act. In language providing that the prohibition does not apply to communication with an individual or entity through unencrypted e-mail or unencrypted electronic means as long as the communication does not contain the individual's or entity's name in combination with specified numbers or codes, deletes "account number" from the numbers and codes. Effective immediately.

SB 1491 UNEMP INS ADJUST CONTRIBUTION

Senate Sponsor Sen. Chuck Weaver

Amends the Unemployment Insurance Act. Provides that no later than 3 years after the date of an overpayment, rather than 3 years after notification by the Director of an overpayment, an employing unit may file a claim for an adjustment in contributions or a refund. Provides that the Director shall provide statements of employer account balances quarterly rather than semi-annually. Applies to credits and refunds after January 1, 2018. Effective January 1, 2018.

SB 1492 UNEMPLOY INS-FRAUD

Senate Sponsor Sen. Kyle McCarter

Amends the Unemployment Insurance Act. Provides that an individual who, for the purpose of obtaining benefits, knowingly provides false, incomplete, or misleading information commits unemployment security benefits fraud. Provides that unemployment insurance security benefits fraud is a felony. Requires a statement on the Department of Employment Security's website and on specified forms stating that it is a crime to knowingly provide false, incomplete, or misleading information to any party to an unemployment security benefits transaction for the purpose of committing fraud and outlines possible penalties. Provides that an employer or other person that law enforcement or the Department of Employment Security requests information from regarding unemployment insurance fraud shall take all reasonable actions to promptly provide the information requested and shall disclose information when he or she has a reasonable belief of a specified violation.

SB 1504 WORK COMP SAFETY PROGRAMS

Senate Sponsor Sen. Thomas Cullerton

Amends the Workers' Compensation Act. Provides that employers may file safety and return to work programs with the Illinois Workers' Compensation Commission. Authorizes the Commission to certify the programs upon review for certain minimum requirements. Provides that the Director of Insurance shall direct any workers' compensation rate setting advisory organization to recalculate

rates with respect to employers that file safety and return to work programs. Provides for the Director of Insurance to waive the Workers' Compensation Commission Operations Fund fee with respect to self-insured employers that file the plans.

SB 1527 WORKFORCE INVESTMENT-WIOA

Senate Sponsor Sen. Chuck Weaver

Amends the Illinois Workforce Investment Board Act. Changes the name of the Act to the Illinois Workforce Innovation Board Act. Changes the name of the State Workforce Investment Board to the State Workforce Innovation Board. Provides that, on and after the effective date of the amendatory Act, appointments to the Board shall be made in accordance with the federal Workforce Innovation and Opportunity Act. Amends various other Acts to make conforming changes. Effective immediately.

SB 1534 UNEMP INS BENEFIT CHARGE LIMIT

Senate Sponsor Sen. Chuck Weaver

Amends the Unemployment Insurance Act. Provides that an employer is not chargeable for benefit charges that result from the payment of benefits to an individual if the payments were the result of the individual voluntarily leaving work to participate in certain training programs. Effective immediately.

SB 1571 WORK COMP BORROWED EMPLOYEES

Senate Sponsor Sen. Iris Y. Martinez

Amends the Workers' Compensation Act. Provides that a borrowing employer that has entered into an agreement with a loaning employer may not avail itself of the exclusive remedy protection under the Act. Provides that any agreement between a loaning employer and a borrowing employer by which the loaning employer is entitled to receive certain reimbursements relating to fees and costs in hearings before the Illinois Workers' Compensation Commission is prohibited, is against public policy, and shall be wholly void.

SB 1658 EMPLOY FAIR LABOR DEFINITIONS

Senate Sponsor Sen. Kyle McCarter

Amends the Personnel Record Review Act, the Right to Privacy in the Workplace Act, the Minimum Wage Law, the Equal Pay Act of 2003, the Illinois Wage Payment and Collection Act, the One Day Rest In Seven Act, the School Visitation Rights Act, the Victims' Economic Security and Safety Act, the Employee Classification Act, the Workers' Compensation Act, and the Workers' Occupational Diseases Act. Provides that, for purposes of those Acts, one or both of the terms "employ" and "employee" have the meanings ascribed to those terms in the Fair Labor Standards Act of 1938. Amends the Unemployment Insurance Act to provide that the term "employment" during years in which the Bond Obligation under the Illinois Unemployment Insurance Trust Fund Act has been reduced to zero does not include services performed by an individual who has been proven in any proceeding where such issue is involved that his or her

compensation is not subject to federal wage withholding. Makes other changes.

SB 1697 HUMAN RTS-RELIG-HAIR-CLOTHING

Senate Sponsor Sen. Jacqueline Y. Collins

Amends the Illinois Human Rights Act. Provides that it is a violation for an employer to impose as a condition of obtaining or retaining employment any term or condition that requires a person to violate or forgo a sincerely held practice of his or her religion including the wearing of any attire, clothing, or facial hair in accordance with the requirements of his or her religion. Effective immediately.

SB 1720 ANTI-WAGE THEFT-STATE CONTRACT

Senate Sponsor Sen. Daniel Biss

Amends the Illinois Procurement Code. Prohibits any person or business that violates the Illinois Wage Payment and Collection Act, the Minimum Wage Law, the Illinois Worker Adjustment and Retraining Notification Act, the Employee Classification Act, the Day and Temporary Labor Services Act, the Fair Labor Standards Act of 1938, or any comparable state statute or regulation of any state which governs the payment of wages to do business with the State or any State agency or enter into a subcontract that is subject to the Code for a period of 5 years. Amends the Illinois Wage Payment and Collection Act. Amends the Illinois Wage Payment and Collection Act. Provides that an employer that is able to pay wages and who refuses to pay is guilty of a Class 4 felony with respect to amounts of \$5,000 or less (rather than a Class B misdemeanor) and of a Class 3 felony with respect to amounts greater than \$5,000 (rather than a Class A misdemeanor). Provides that a subsequent failure to pay within 5 years (rather than 2 years) of a prior conviction is a Class 3 felony (rather than a Class 4 felony).

SB 1738 MINIMUM WAGE COST OF LIVING

Senate Sponsor Sen. Kimberly A. Lightford

Amends the Minimum Wage Law. Increases the minimum wage from \$8.25 to \$9.50 beginning July 1, 2017 and increases it by \$1.25 each July 1 of 2018 and 2019 and increases it by \$1.50 each July 1 of 2020 and 2021, at which point the minimum wage will be \$15.00. Provides that beginning July 1, 2022, the minimum wage shall be increased by 2.5% or the increase in the Consumer Price Index for all Urban Consumers, whichever is lower. Deletes the allowance for gratuities. Effective immediately.