

2023 Year-End Reminders and 2024 Employment Law Changes

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As 2024 approaches, employers should be mindful of the following 2023 employment requirements, as well as laws which are effective January 1, 2024. If you have any questions regarding compliance on the below requirements, please reach out to your servicing Laner Muchin attorney.

1. Paid Leave for All Workers Act

One of the biggest changes coming to Illinois in 2024 is the Paid Leave for All Workers Act (PLFAW). PLFAW covers all employers, except those covered by a city or county paid sick leave law and those who are currently covered by a collective bargaining agreement. This means employers in Chicago and employers in municipalities in Cook County who have not opted out of PLFAW do not have to provide leave under the PLFAW. For employers with a collectively bargained agreement, once the agreement expires you will need to negotiate an explicit waiver or you will be covered. Effective January 1, 2024, the PLFAW will require nearly all Illinois employers to provide covered employees up to 40 hours of paid leave per year to be used for any purpose.

For employers in Chicago, the City is intent on passing its own paid time off policy later this year. In its current form, it would exceed the PLFAW's requirements and be one of the largest expansions of paid time off in any city in the United States. Laner Muchin will keep you updated with any developments.

Attorneys

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2. Day and Temporary Labor Services Act Amendments

As previously covered in the *Fast Laner*, the Illinois Day and Temporary Labor Services Act (Act) was amended in August, 2023, and has significant compliance deadlines beginning on a temporary employee's 91st day of work. This law impacts both temporary labor agencies and Third-Party Clients which utilize them. The Illinois Department of Labor (IDOL) issued Emergency Rules to implement the changes to the Act. The IDOL has also issued Proposed Permanent Rules. The public comment period ended October 2, 2023. We do not have a date for the rules to become final.

3. Updated Form I-9

The U.S. Citizenship and Immigration Services (USCIS) published a new version of the Employment Eligibility Verification form, Form I-9. As a reminder, employers are required by law to complete the Form I-9 to verify the identity and employment authorization of their employees within a certain period of time post-hire. This new version of the Form I-9 is only one page, instead of two; other changes include more detailed instructions and new guidance on acceptable receipts and auto-extensions of some documents on the Form I-9 List of Acceptable Documents. The prior Form I-9 may be used through October 31, 2023. However, beginning November 1, 2023, only the new Form I-9, which is linked above, may be used.

4. Blood and Organ Donation Leave

Effective January 1, 2024, the Employee Blood and Organ Donation Leave Act (previously the Employee Blood Donation Leave Act) will provide additional benefits for those donating organs or tissue. Now, employees who donate organs or tissue will be entitled to ten days of paid leave in any 12-month period. Employees must be employed for six months or more, and by local government, boards of election commissioners, or private employers with 51 or more employees. Employees still have the right to take one hour of paid leave every 56 days for the purpose of donating blood.

5. Child Extended Bereavement Leave Act

Effective January 1, 2024, the Child Extended Bereavement Leave Act (CEBLA) requires covered Illinois employers to provide additional unpaid leave to employees who are faced with a child's death due to homicide or suicide. This applies to Illinois employers with 50 or more full-time employees.

- Employers with 50 to 249 full-time employees: Must provide six (6) weeks of unpaid leave to employees who lose a child to homicide or suicide.

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- Employers with 250 or more full-time employees: Must provide twelve (12) weeks of unpaid leave to employees who lose a child to homicide or suicide.

CEBLA leave may be taken in a single continuous period or intermittently in increments of no less than four (4) hours. However, CEBLA leave must be completed within one (1) year after the employee notifies the employer of the loss.

As an additional reminder, the Family Bereavement Leave Act was also amended in 2023 to expand the definition of “family member” and to cover losses related to fertility. Please keep these changes in mind as you are updating employment policies.

6. Enhanced Striking Worker Protections

The Governor signed into law HB2907 and HB3396, which amended the Illinois Labor Dispute Act (LDA) to provide increased protections to employees during a labor dispute. These amendments are effective January 1, 2024. HB 2907 restricts the amount an employer can obtain for damages in connection with labor disputes. Under HB 2907, State courts are prohibited from awarding monetary damages except for damage to an employer’s property under limited circumstances. Additionally, HB 3396 will make it a misdemeanor with a fine of \$500 for anyone who interferes with, obstructs, or impedes a picket, labor demonstration or protest by placing an object in the public way.

Importantly, these amendments may be subject to litigation on whether they are preempted by the National Labor Relations Act. Laner Muchin will monitor these laws for any significant changes or challenges.

7. Personnel Record Review Act

The Illinois Personnel Record Review Act generally allows employees to inspect their personnel file upon request. HB 3733 amends the Act and requires that employers provide requesting employees with copies of their personnel records via email or mail. Employers may continue to charge the employee a fee for making copies of the personnel records up to the actual cost of the copies. Additionally, HB 3733 imposes new obligations regarding distributing mandatory employee notices and summaries under the Illinois Minimum Wage Law, Illinois Equal Pay Act, Illinois Wage Payment and Collection Act, and Illinois Child Labor Law. For remote employees, HB 3733 requires employers to distribute the aforementioned laws’ mandatory notice materials by:

- Email;

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- Posting the materials on the employer's website; or
- Posting the materials on the employer's intranet site if the employer regularly uses the intranet site to communicate with employees and employees can regularly access the intranet site.

8. Expanded VESSA Leave

The Illinois Victims' Economic Security and Safety Act was amended to allow for leave to attend the funeral or alternative to funeral or wake of a family or household member who is killed in a crime of violence, to make arrangements necessitated by the death of a family or household member killed in a crime of violence, or to grieve the death of a family or household member who is killed in a crime of violence.