

Illinois Department of Labor
Labor Advisory Board
Tuesday August 13, 2024

1. Call to Order
 - a. Meeting called to order at 12:07pm
2. Roll Call
 - a. Present In Person
 - i. Cherita Ellens
 - ii. Anthony Alfano
 - iii. Steven Avalos
 - iv. Scott Cruz
 - b. Present Virtually
 - i. Tim Drea
 - ii. Alec Laird
 - iii. Sophia Zaman
 - iv. Marisa Richards
 - c. Not Present
 - i. Karen Harris
 - ii. Jerry Womick
 - iii. Mike Newman
 - iv. Pam Monetti
 - v. Stacy Brown
3. Review & Adopt Minutes
 - a. Motion to approve minutes made by Anthony Alfano
 - i. Motion seconded by Tim Drea
 - ii. Motion carries
4. Updates
 - i. USDOL hosted the first forum of state DOLs and will provide continuing education for IDOL investigators
 - ii. Freelance Worker Protection Act has taken effect
 1. Current focus on outreaching to creative/freelance workers
 2. Hiring staff for mediation program
 - iii. Outreach & education: Labor Rights 101
 1. Attended Governor's Table at state fair
 2. Outreach on employment & child labor at migrant centers
 3. PACE bus advertising on child labor
- b. FY25 Budget
 - i. State fiscal year runs from June to June
 - ii. Federal fiscal year runs October to October
 - iii. Total FY25 IDOL budget is \$23.9M
 1. General Revenue funds (non-federal or special funds) is \$13M which is a \$1.5M increase from FY24

- a. Includes additional 6 employees bringing total authorized headcount to 143; however currently staffed at 118
 - b. Staffing increases are concurrent with new enforcement responsibilities
 - c. Chair Ellens: What's the challenge of getting closer to the authorized headcount?
 - i. All hiring runs via CMS process which can be lengthy
 - ii. Upward mobility means IDOL has to backfill vacant positions
2. Federal Funding
- a. IL OSHA is federally grant funded with state matching funds; FY24 and 25 grants will be cut by 4% forcing supplemental state funding
 - b. Feds have warned of further possible cuts
 - c. Scott Cruz: how does this impact staffing?
 - i. Already not fully-staffed, but may need to consider staff layoffs
 - d. Tim Drea: OSHA inspection is incredibly important for public sector workers & high-risk industries
 - i. Current headcount of OSHA staffing at 30 and could potentially layoff 3-5 staff
 - e. For FY24, IDOL has received supplemental state funding; for federal FY starting in October, there are further questions about funding changes
 - f. Scott Cruz: do OSHA penalties stay with IDOL?
 - i. No stays with the state's general fund
 - ii. IDTLA penalties go to the wage theft enforcement fund (eg. outreach at migrant centers; has to have a public benefit)
- c. Legislative Updates
- i. Worker Freedom of Speech Act
 - 1. SB 3649 takes effect on 1/1/25
 - 2. Creates a new act prohibiting most employers from requiring employees to listen to/receive/participate in "religious or political" communications from the employer
 - a. Includes meetings to discourage unionization
 - 3. Exceptions include workplaces whose core function is religious, political, or public policy related; and for certain kinds of discrimination
 - 4. Steven Avalos: Daily huddles include notice of union election and employees start asking questions – would this daily huddle be considered a captive audience meeting?
 - a. AK: can the employee walk away at that point?
 - b. If daily huddle switches to unionization, the employer can still have the conversation, the employee just doesn't have to listen

- c. Tim Drea: could also include a morning prayer, or a candidate at the company office; the employer has the right to not participate free of retaliation
 - 5. Scott Cruz: In the example of the daily huddle, if an employer is not stating their opinion, but stating facts about the notice of election could they no longer have those conversations?
 - 6. AK: noted this example
- ii. Personnel Record Review Act changes
 - 1. HB3763 takes effect on 1/1/25
 - 2. Guarantees employees and former employees the right to view and get a copy of their personnel records
 - 3. Strengthens the protections of the PRRRA and clarifies what type of documents count as personnel records
 - 4. Provides for how an employer can respond if they do not maintain records
 - 5. Scott Cruz: To the extent that an employer gets a vague request that does not relate to a policy in the employee handbook, under the new amendment, would they be required to provide that information?
 - a. Ganapathi Ramaswamy: if the records request involves a policy that does not relate to the discharge, then employer does not need to provide
 - b. Steven Avalos: Say an employee has multiple write ups. Under this law, would employees need to refer to each policy in their records request?
 - c. Anna Koepfel: that would be a question for Conciliation and Mediation division especially because this type of question about how specific to be problem existed prior to amendments passed
 - d. Director Flanagan: the law is not there to make things go in the record that aren't there, or to include information not related to the discharge
 - e. Scott Cruz: currently as employer reps we often ask the employee to clarify what they are looking for
 - f. Scott Cruz: if documents like employee handbook are updated, do they have to be provided?
 - g. Anna Koepfel: Subsection B clarifies what would need to be provided
 - h. Scott Cruz: How does IDOL define "other representative:
 - i. Anna Koepfel: we don't have rules/regs yet; however law includes family members, lawyers, union stewards, or translators
 - j. Anthony Alfano: Does an employee need to designate their union rep to request records?
 - i. Anna: Only if it includes medical information
- iii. Right to Privacy in the Workplace changes
 - 1. SB508 takes effect 1/1/25

2. Prohibits employers who utilize e-verify from requiring their employees to provide work authorization verification docs that exceed what is required by federal law and prevents adverse action based on receipt of a notification from a gov't agency of a discrepancy regarding work authorization
 3. Provides employees the opportunity to correct and re-submit E-verify paperwork
 4. Requires employers to notify employees of inspections by gov't agencies
 5. Scott Cruz: Are employers who are not federally mandated to use e-verify no longer allowed to use e-verify? (Referencing Section 12A with 13B);
 6. Anna Koeppel: states can't do that; whatever the federal law requires employers to do, then they need to follow it, but if they want to choose to do it, they can; this says the state's not making anyone need to use e-verify that doesn't already use it for federal purposes
 7. Scott Cruz: A frequent scenario includes us getting notified by IRS or SS of a No Match letter, identifying individuals with the last 4 of their social; Employer says we got this notification tells employee they are making them aware; employee volunteers they don't have a valid social security. Under federal immigration law, as soon as an employer has knowledge this employee does not have work authorization they need to terminate.
 8. Director Flanagan: defer to federal law
- d. Paid Leave for All Implementation & Enforcement
- i. Hired 2 staff members in May 2024 including a labor conciliator and an administrative assistant; hoping to hire another labor conciliator by the end of the year. Additional staff has increased capacity to respond to calls in a more timely manner. Also created a new factsheet for PLAWA.
 - ii. PLAWA rules were adopted on April 30, 2024
 - iii. Since 1/1/24 have conducted webinars and facebook live presentations
 1. 11 employer webinars on Webex
 2. 6 employee FB live sessions in English and Spanish
 3. Frequent questions related to purpose of leave and clarifying PTO is not specific to sick leave
 4. Scott Cruz: Give kudos to the IDOL team, webinars were extremely helpful especially Anna's Q/A section, and Lydia has been very responsive
 5. Anthony Alfano: echoes Scott, the FAQ has been very helpful
 - iv. Since 1/1/24 have received 203 complaints; approximately 50% have been dismissed
 1. 30 complaints referred to Chicago OLS or CCHR
 2. 23 complaints referred to FLS
 3. 17 dismissed due to current CBA
 4. 8 dismissed because issues were resolved or complaints withdrawn

- 5. 14 complaints because there was no violation
- v. 50% complaints in progress, 44 in intake stage, 48 in investigation stage
- vi. Anthony Alfano: of the cases involved in the intake phase, how many employees?
 - 1. Lydia Colunga Merchant: includes a range of employer sizes; and should incorporate employer size in intake form
- vii. Cherita Ellens: if we see multiple violations from one employer, might be a good opportunity to reach out with additional training because they may not know; they would be a good candidate for future trainings or case study from the perspective of an employer still trying to figure out how to make this work plus proactive enforcement
- viii. AA: one-pagers are always well received; FAQs are also always helpful to level set expectations
- ix. Scott: Many employers don't know there are rules and regs that go with laws; the more that IDOL can stress that with employers, they more everyone can be more compliant; would be helpful if IDOL emphasizes that the Act goes hand in hand with the rules
- x. LCM: trainings include updated rules/regs
- xi. Marisa Richards: are there any materials or resources for individuals that would be exempt from the Act?
 - 1. Director Flanagan: there aren't many exemptions, but could be added to the website or on the complaint form
- e. Equal Pay Registration
 - i. 2021 ILGA passed PA 101-656 and PA 102-36
 - ii. Requires employers to evaluate payroll, the methods used to increase pay for employees, and to make sure employees are paid equitably
 - iii. Received contact info from 5000 businesses; ~625 business per quarter
 - iv. Starting in 2023, trained employers on enforcement standards
 - v. Emphasizing compliance over punishment
 - vi. Since August 2024 have approve 4056 registration certificates
 - 1. System automatically generates 180 day certification notice
 - vii. UofI will aggregate data & report trends to IDOL
 - viii. Cherita Ellens: Recommend IDOL pulls community organizations into conversations with UofI around what data trends to seek
 - ix. In January 2025 preparing for implementation for Salary Transparency Act and will have dedicated staff and organizational structure focused on equal pay
- 5. Public Comment
 - a. No public comment
- 6. Adjournment
 - a. Motion to adjourn made by Scott Cruz
 - i. Seconded by Anthony Alfano
 - ii. Motion carries, meeting adjourns at 1:54pm