

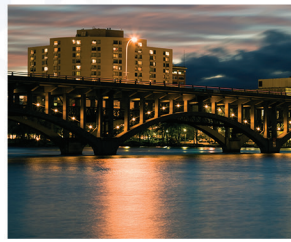


State of Illinois  
Illinois Department of Labor



Education, Enforcement, Community:

# The 2023 Annual Labor Day Report



September 2023

Illinois Department of  
**LABOR**



# Illinois Department of Labor

**Jane R. Flanagan, Director**

**Jason Keller, Assistant Director**

This report presents an overview of the Illinois Department of Labor and its divisions, and statistics relating to the work performed by the Department for workers and employers in the State of Illinois.

## Acknowledgments

The following **Illinois Department of Labor** staff members contributed significantly to this 2023 Labor Day Report and were instrumental in making this report a reality and producing the final publication:

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# Message from the Director

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The mission of the Illinois Department of Labor (IDOL) is to protect and promote the wages, welfare, working conditions, and safety of Illinois workers by enforcing State labor and employment laws, providing compliance assistance to employers, and increasing public awareness of workplace protections. At IDOL, Labor Day provides an annual reminder of the importance of this mission and reaffirms our commitment to upholding the State's core labor standards, particularly for the most vulnerable workers.

The following report summarizes key activities and achievements of the Department in the prior year. IDOL collects millions of dollars in unpaid wages for thousands of affected workers and we highlight some of these actions in the following pages. We continue to modernize our policies and procedures to strengthen enforcement outcomes, including piloting a new informal resolution process for small wage claims, allowing for electronic service to stay in better touch with workers and employers, and making our complaint forms and materials available in more languages.

We are particularly proud of IDOL's significant focus this year on reaching communities across the State to increase awareness of employment protections and strengthen enforcement. Through a grant from the U.S. Department of Labor, IDOL partnered with five community groups across the state to raise women's awareness of Equal Pay rights, ultimately reaching more than 17,426 people through outreach, education, and training opportunities. Given the rise in child labor violations nationally, we embarked on a partnership with the Illinois State Board of Education to work with frontline educators and school staff to identify and support students who may be at risk for labor exploitation or child labor violations. IDOL's quarterly community roundtable meetings attract more than 25 groups that regularly participate, and IDOL's newly reconstituted Labor Advisory Board provides another forum for employer representatives, union representatives, and members of the public to advise the Department. These ongoing interactions with community stakeholders provide the Department with vital feedback to ensure that it is utilizing its limited resources effectively and staying responsive to important issues in contemporary workplaces.

In the coming year, IDOL looks forward to implementing the State's new landmark Paid Leave for All Workers Act, which grants Illinois workers the right to 40 hours of paid leave per year to use for any reason; administering an expansive \$1.35 million Women Building Infrastructure grant to provide more women pathways into high quality public infrastructure jobs; and continuing to expand IDOL's strategic enforcement efforts.



Jane R. Flanagan  
Director



# I. Jurisdiction

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## *IDOL administers and enforces the following Illinois laws and rules:*

[Amusement Ride & Attraction Safety Act](#)

[Child Bereavement Leave Act](#)

[Child Care Act of 1969 \(Whistleblower provisions\)](#)

[Child Labor Law](#)

[Consumer Coverage Disclosure Act](#)

[Day and Temporary Labor Services Act](#)

[Employee Classification Act](#)

[Employee Sick Leave Act](#)

[Employment of Illinois Workers on Public Works Act](#)

[Environmental Protection Act \(Whistleblower provisions\)](#)

[Equal Pay Act of 2003](#)

[Family Bereavement Leave Act](#)

[Illinois Procurement Code – Prevailing Wage Requirements](#)

[Illinois Wage Payment and Collection Act](#)

[Job Opportunities for Qualified Applicants Act \(“Ban the Box”\)](#)

[Minimum Wage Law](#)

[Nurse Agency Licensing Act](#)

[Illinois Occupational Safety & Health Act](#)

[One Day Rest in Seven Act](#)

[Paid Leave for All Workers Act](#)

[Personnel Records Review Act](#)

[Prevailing Wage Act](#)

[Private Employment Agency Act](#)

[Right to Privacy in the Workplace Act/E-Verify](#)

[School Visitation Rights Act](#)

[State Construction Minority and Female Building Trades Act](#)

[State Construction – Use of Illinois Resident Labor](#)

[State Services - Prevailing Wage Requirements](#)

[U-Visa Certification](#)

[Victims’ Economic Security and Safety Act](#)

[Worker Adjustment and Retraining Notification Act \(WARN\)](#)

## *Mission Statement*

*The mission of the Illinois Department of Labor is to safeguard the public and to promote and protect the rights, wages, welfare, working conditions, safety, and health of all employees in the State, regardless of race, religion, ethnicity, color, or sexual orientation, by enforcing State labor laws and standards, regulating amusement rides and attractions, and ensuring safe and healthy working conditions in public sector workplaces.*

## II. Initiatives, Education and Outreach

### Community Roundtables

As part of our outreach and education efforts, IDOL holds quarterly roundtable meetings with community organizations across the state. If you are a community group and would like to join us, please send a message to [DOL.questions@illinois.gov](mailto:DOL.questions@illinois.gov). Our primary goal is to educate all communities about their labor rights and applicable laws. We welcome the opportunity to connect and engage with organizations across Illinois.



### Child Labor Law

Given the recent and alarming national surge in child labor law violations, IDOL has initiated a child labor outreach initiative and conducted numerous webinars and trainings with stakeholders across the state to educate them on the Illinois Child Labor Law. In particular, we have partnered with the Illinois State Board of Education to educate school leadership and staff across the state to recognize children who may be experiencing labor violations or exploitation, and partner with stakeholders representing this vulnerable class of workers.

### Paid Leave

The Paid Leave for All Workers Act will take effect on January 1, 2024. We will provide numerous education and engagement opportunities in multiple languages.



### Fostering Access Rights and Equity

In September of 2021, the Illinois Department of Labor (IDOL) was awarded a Fostering Access Rights and Equity (FARE) grant from the US Department of Labor Women's Bureau. IDOL partnered with Women Employed and our statewide partners, Arise Chicago, Man-Tra-Con Corporation, Shriver Center on Poverty Law and the YWCA Quad Cities to raise awareness of pay equity and equal pay rights among low-wage women workers. The grant period ended on June 30, 2023. As a result of the grant, we were able to reach 17,426 women across the state via social media, webinars, and outreach events. Equal pay resources, and more about the FARE grant, can be found by scanning the QR code.

## II. Initiatives, Education and Outreach



Director Flanagan joins Chicago Women in Trades for their All-Women's Carpentry Pre-Apprenticeship Graduation on May 19, 2023.



The Warehouse Safety Task Force held its first meeting on July 18, 2023 at the Southern Illinois University Edwardsville campus.



Members of the IDOL staff participated at the Exhibit Hall of the Commission on Government Forecasting and Accountability's District Office Staff Training Seminar on July 31, 2023.



Assistant Director Jason Keller speaks with FOX Illinois about the expansion of unpaid leave.



Director Flanagan joined WGN Radio's The Workers' Mic ahead of Workers' Memorial Day.

# III. Legislative and Regulatory Updates

The Department of Labor’s work is, in part, guided by legislation enacted by the Illinois General Assembly and signed by the Governor. Each year, the General Assembly may update existing laws that the Department enforces, or add new laws to the Department’s enforcement responsibilities. Major legislative changes in the last 12 months include:

## Paid Leave for All Workers

In January 2023, the General Assembly passed the Paid Leave for All Workers Act, the result of many years of advocacy and negotiation. This new law takes effect January 1, 2024, and will require almost all employers to provide 40 hours of paid leave annually to full-time workers, and a proportionate amount of paid leave hours to part-time workers. Paid leave time can be used for any reason the worker wishes, such as illness, family responsibilities, vacation, or no specific reason at all. The Department of Labor has spent much of 2023 planning for implementation of this Act, including answering questions from members of the public, posting guidance on its web site, and drafting Administrative Rules. IDOL will continue to offer outreach to workers and compliance assistance to employers before and after the law takes effect so that both understand their rights and responsibilities under the Act. ([PA 102-1143](#))



## Wage and Benefit Transparency in Job Postings

Continuing the national trend of focusing on pay transparency as a strategy to close the gender and racial wage gap, the General Assembly passed HB 3129, an amendment to the Equal Pay Act, requiring all employers with 15 or more employees to, beginning January 1, 2025, include the anticipated salary range and description of benefits on postings of job opportunities; and to circulate internally any job opportunity posting that they have

posted externally. Employers who fail to do so will get an opportunity to update the posting and come into compliance on the first and second violations; with an increasing penalty amount if they continue to violate the law. ([PA 103-0539](#))

## New Protections for Day Laborers and Temp Workers

Under the Illinois Day and Temporary Labor Services Act, originally enacted in 1999, Illinoisans who work as day or temporary laborers have specific protections against mistreatment in the workplace. On August 4, 2023, Governor Pritzker signed HB 2862, to amend IDTLSA and further protect those workers, who are among the most vulnerable workers in the contemporary workplace. Requires that after 90 days of working at a third-party client, a day or temporary laborer must be paid equal wages and benefits as compared to direct hire employees performing substantially similar work, taking into account skill, effort, responsibility, and working conditions. The amendments also requires day and temporary labor agencies and third-party clients to share information regarding workplace hazards and safety training. Additionally, the Illinois Attorney General, or an “interested party” such as a labor union or worker center, may now pursue civil action in court to enforce the Act. ([PA 103-0437](#))





# III. Legislative and Regulatory Updates

## Freelance Worker Protection Act

The Freelance Worker Protection Act, taking effect July 1, 2024, will require entities that hire freelancers to provide the freelancer with a written contract. If the entity does not pay the freelancer the compensation owed to them by the contract terms, the freelancer can contact IDOL. IDOL will serve as an informal mediator, sending a formal notice to the hiring entity of the freelancer's claims and attempting to facilitate a resolution and prompt payment. IDOL has no enforcement power under this Act and the contract terms may be enforced in court by either party. ([PA 103-0417](#))



## Updating Labor Laws to Recognize Remote Workers

In recognition of the growing number of Illinoisans who work remotely or travel for work and do not regularly report to a traditional workplace, the Department of Labor pursued several amendments to core labor laws requiring that, beginning January 1, 2024, existing mandatory notices be distributed electronically to remote and traveling workers. Currently, these notices, also known as “Know Your Rights” posters, are typically seen on a break room

bulletin board in many workplaces. Electronic distribution will promote awareness of remote and hybrid workers' legal rights. ([PA 103-0201](#))

## Expanded Rights for Grieving Families

The General Assembly created the Child Extended Bereavement Leave Act (CEBLA) and amended the Victims' Economic Security and Safety Act (VESSA) to create additional protections for parents and families who experience the loss of a loved one. The CEBLA establishes that employers of 50 or more employees must provide 6 to 12 weeks of job-protected unpaid leave for parents who experience the loss of a child through suicide or homicide. VESSA, which applies to employers of all sizes, now allows employees to take up to 2 weeks of unpaid job-protected leave from work to attend a funeral, arrange a funeral, or grieve, if a family or household member is killed in a crime of violence. This is in addition to existing VESSA provisions which allow unpaid time off to seek medical attention, counseling, victim services, or for relocating or participating in legal proceedings. (**CEBLA:** [PA 103-0466](#); **VESSA:** [PA 103-314](#))

## Amusement Ride Safety Updates

The Department of Labor pursued amendments to the Amusement Ride and Attraction Safety Act to protect the safety of consumers, particularly children, by allowing the Department to more effectively enforce safety and operational standards in the amusement ride and attraction industry. This includes formalizing that IDOL has the right to inspect ride and attractions for continued compliance with safety and operational requirements; requires all ride and attractions to have a First Aid/CPR certified staff member on site at all times, and eliminating the exemption from drug testing and background check requirements for volunteers. ([PA 103-0177](#))

## IV. IDOL Working for You

### *Conciliation and Mediation*

The Conciliation and Mediation Division administers critically important protections regarding the rate of pay on public works projects and a variety of benefits related to state labor laws. A principal focus of the Division is to ensure that workers are paid the appropriate prevailing wage rate on publicly-funded construction projects, that construction workers are not misclassified as independent contractors and that workers are given 60-days notice of plant closings or mass layoffs.

### **Pay Transparency for Large Employers**

The Conciliation and Mediation Division also enforces the Equal Pay Act of 2003. In the spirit of pay transparency, considered a key to eliminating pay discrimination, private employers in the State with 100 or more employees are now required to report certain employee wage and demographic information to IDOL and receive a Registration Certificate on or before March of 2024 or as required by an earlier deadline issued by the IDOL. Many Illinois businesses have already completed that reporting. This legislation was part of the Illinois Legislative Black Caucus Economic Access, Equity, and Opportunity Pillar, designed to eliminate the systemic barriers that minorities face in access to quality jobs. The IDOL continues to work with partners Statewide, as well as nationwide, to improve enforcement of this Act and the Data collected. **(Public Acts 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-705, eff. 4-22-22)**

### **Anonymized reports of wage data submitted under the Equal Pay Act**

Keeping with the theme of pay transparency and data collection, a current employee may file a Request for Data with the IDOL to seek anonymized data for the pay rates of other employees in their job title or job classification, their current job title or job classification, who also work for the same employer in the county where the employee works. To request this data from the department, please send an email to [dol.eprc@illinois.gov](mailto:dol.eprc@illinois.gov).

### **Prevailing Wage Case Highlights**

#### *Skilled Computer Resources Corp.*

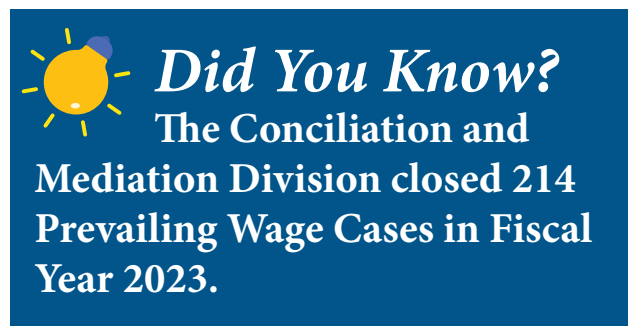
The contractor was subbed to install a fire alarm system at Dupo Public School District. While working on the project the contractor classified his employees as Electrical Technicians. However, IDOL's published wage sheets clearly exclude this type of labor from the Technician class. Consequently, the employees were found to be owed the higher Electrician rate.

- Total Back wages recovered for workers: \$42,440.41.
- Total Penalties collected: \$3,000.00.

#### *Shawnee Communications, Inc.*

A broadband installer on a public works project was investigated and found to have underpaid workers.

- Total Back wages recovered for workers: \$72,835.54.
- Total Penalties collected: \$14,587.11.



# IV. IDOL Working for You

## Fair Labor Standards

The Fair Labor Standards Division (FLS) protects workers from exploitation and promotes minimum wage and hour, meal, and rest break standards to improve the welfare and economic security of Illinois workers. Through the administration and enforcement of the Child Labor Law, Consumer Coverage Disclosure Act, Day and Temporary Labor Service Act, Illinois Wage Payment Collection Act, Job Opportunities for Qualified Applicants Act, Minimum Wage Law, Nurse Agency Licensing Act, One Day Rest in Seven Act, Private Employment Agency, and School Visitation Act, the Fair Labor Standards Division endeavors to uphold labor standards, provide compliance assistance to employers, increase overall awareness of workplace protections.

## Minimum Wage and Overtime Case Highlights

**Palm Restaurant (50 employees)** - IDOL collected \$19,709.65 in back wages for the Palm Restaurant tipped employees following an FLS investigation that found employer violations of the Illinois Minimum Wage / Overtime Law involving 50 employees who collected amounts ranging from \$1.25 to \$5957.50 in back wages.

**Tuscan Gardens (3 employees)** - IDOL collected \$11,837.37 in back wages for the Tuscan Gardens Restaurant tipped employees following an FLS investigation that found employer violations of the Illinois Minimum Wage / Overtime Law involving 30 employees who collected amounts ranging from \$33.56 to \$1285.99 in back wages.

**Significant Cleaning Solutions (9 employees)** - IDOL also collected \$24,577.42 in back wages for the Significant Cleaning Solutions janitorial services employees following an FLS investigation that found employer violations of the Illinois Minimum Wage / Overtime Law involving 9 employees who collected amounts ranging from \$261.25 to \$10,185.16 in back wages.

### Wage Claims

The Wage Payment and Collection Act establishes when, where and how often wages must be paid and prohibits deductions from wages or final compensation without the employee's consent. IDOL also helps workers in the collection of wages and final compensation including unused vacation pay, commissions, bonuses or other fringe benefits.

The minimum wage is \$13 per hour for workers 18 years of age and older. An employer where gratuities are paid to employee, may pay 60% of the minimum wage to its employees. Overtime must be paid after 40 hour of work per week at time and one-half the regular rate. In fiscal year 2023, settlements/monetary recoveries totaled nearly **\$2.3 million**.

Completed wage claim cases by fiscal year:

- FY 2023 – 2,257
- FY 2022 – 2,687
- FY 2021 – 2,880

### Child Labor

Child Labor Law regulates employment of workers under 16 years of age. The law protects children by:

- requiring employment certificates. The certificate confirms that a minor is old enough to work, physically capable to perform the job, and that the job will not interfere with the minor's education;
- prohibiting work in hazardous occupations; and
- limiting working hours. All work before 7 a.m. and after 7 p.m. is prohibited. However, work until 9 p.m. is allowed from June 1 through Labor Day.
- Requiring that a child performer in an artistic or creative service have a trust fund set up in their name where 15% of their gross earnings will be deposited.

There were 24 Child Labor Law violations in FY 2023 resulting in \$15,000 in penalties paid.

Child Labor Employment certificates issued:

- FY 2023 – 19,443
- FY 2022 – 20,278
- FY 2021 – 14,864

## IV. IDOL Working for You

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### *Legal / Hearings Division*

The Legal Division provides legal advice on matters impacting the Department and oversees all active litigation for the Department. On a policy level, the Legal Division advises on pending legislative proposals, drafts and reviews administrative rules. The Legal Division also supports and advises the Divisions on enforcement activities and has been actively involved this year in efforts to revamp intake and investigatory procedures to streamline enforcement and promote stronger outcomes for workers. The Administrative Hearings Unit, within the Legal Division, is where a great majority of unresolved cases are litigated and is also a critical component of the Legal Division's workload.

The Legal Division also works with IDOL's enforcement divisions to identify and refer egregious cases to the Office of the Attorney General under the Governor's Executive Order 2:

- On July 6, 2023, IDOL and the Attorney General reached a settlement with a medical staff agency charging employees fees for missing work. GrapeTree Medical Staffing to Repay Back Wages, Interest to Thousands of Illinois Workers. The company had a practice of deducting "booking fees" when workers missed shifts. Under the settlement, GrapeTree Medical Staffing, LLC, agreed to pay approximately \$950,000 in back wages and interest to around 3,000 current and former employees in Illinois.



### *Did You Know?*

The Administrative Hearings Division heard 1440 IWPCA cases in FY23 and issued 1033 decisions.

### **Highlights of Legal Division Victories on Behalf of Workers**

#### *IDOL v United Groups Capital, LLC*

- IDOL secured a judgment against India Bhawan restaurant and its former owners pursuant to the Illinois Wage Payment and Collection Act as well as the Illinois Minimum Wage Law. Niranjana Patel was ordered to pay \$148,602.34 in wages and penalties to former employees of the restaurant, less the amount reached in a settlement agreement reached between IDOL, United Groups Capital, LLC, and its manager, Ram Prashantha in the amount of \$40,000.00. IDOL began investigating India Bhawan after multiple complaints were filed with the Department regarding unpaid wages.

#### *IDOL v Sycamore Speedway*

- IDOL reached a settlement agreement with Sycamore Speedway after receiving a complaint that underage teenagers were working at the facility and near a kiosk where alcohol is served. IDOL issued a citation to the speedway after it determined that the two teenagers were not of legal age to work, were required to work past the hours permitted for children with valid work permits, and worked in an area where alcohol was sold in violation of the Child Labor Law. As part of this settlement, Sycamore Speedway stopped employing the minors in violation of law and agreed to pay a penalty to the Department.

# IV. IDOL Working for You

## Division of Occupational Safety and Health

While IL OSHA is commonly known for conducting health and safety inspections of public workplaces, that is not the only way the Division furthers its mission to ensure workers finish their shift safe and their career healthy. When a public worker dies on the job, IL OSHA may issue citations and penalties against the employer. While this is the Division’s legal obligation and recognized enforcement framework, these citations may not easily translate into lessons for learning and improving. This is why IL OSHA has produced an associated incident report for certain fatal incidents that is intended to be a summary, written in plain language, and designed for learning to avoid future tragedies.

IL OSHA’s latest learning product is a poster associated with the “Ridge Incident” that identifies specific, actionable defenses fire departments can implement to reduce the risk of a similar incident. IL OSHA will continue to provide outreach so other public employers can learn from past incidents.



<https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/safety/documents/ridge-incident-report.pdf>

## Consultation

The **On-Site Safety & Health Consultation Program’s (On-Site)** mission is to educate and mentor small to medium size private employers to build a culture of safety. The aim is to reduce the risk of injuries and fatalities through training and employer engagement. To achieve these results, the Program launched [worksafe.illinois.gov](https://worksafe.illinois.gov) and marketed the program through radio media.



**Did You Know?**  
In fiscal year 2023, On-Site performed 273 total visits: 250 general industry and 23 in construction.

In 2024, On-Site will again educate employers by promoting federal enforcement initiatives and industry-specific targeted inspections through radio, print, and social media outlets. Employers looking for help with their safety program can request a no cost consultation below.

## SHARP

The Safety and Health Achievement Recognition Program (SHARP) recognizes small business employers who operate an exemplary injury and illness prevention program. Acceptance of a worksite into SHARP is an achievement of status that singles out a worksite among its peers as a model for workplace safety and health. The SHARP process is intense, but when successfully completed, a SHARP employer is part of an elite group committed to maintaining a model safe and healthful workplace.



<https://worksafe.illinois.gov/>



<https://worksafe.illinois.gov/sharp.html>

## IL OSHA Case Study

*Fulton Corporation* is an Illinois-based manufacturer focused on hardware stores, lumber and building material dealers, and hardware distributors. Fulton earned SHARP status after completing a health and safety evaluation through On-Site from September 28th, 2022, until April 14th, 2023.

# IV. IDOL Working for You

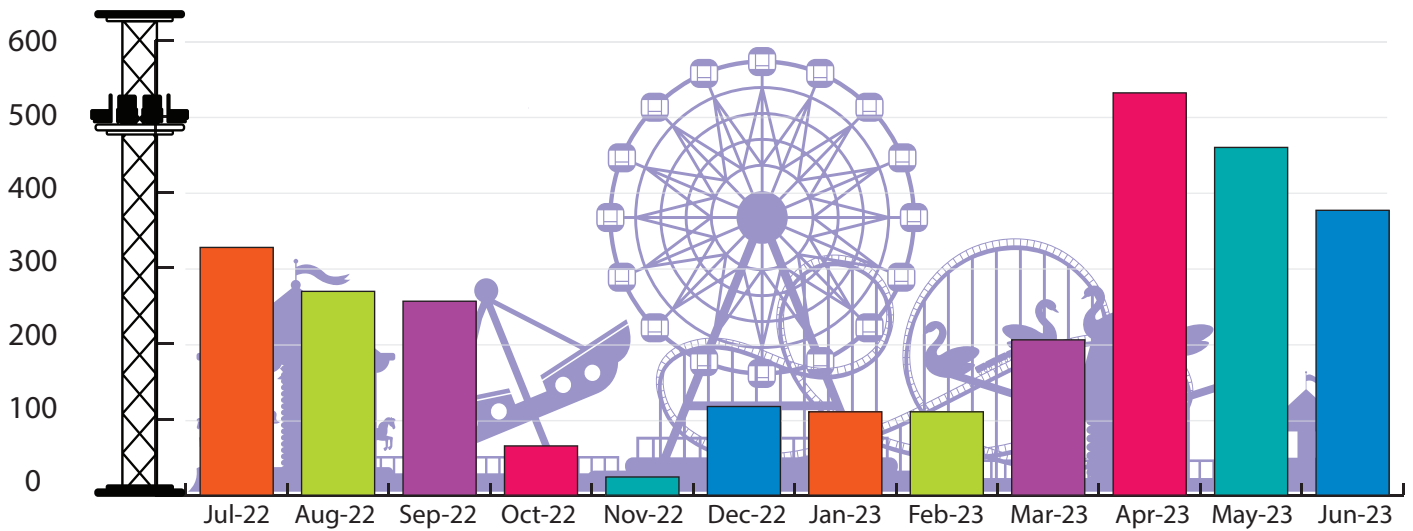
## Amusement Ride and Attraction Safety

The Amusement Ride and Attraction Safety Division (ARAS) performs thousands of inspections every year on carnivals and amusement rides, trampoline parks, haunted houses, bounce houses, go-kart tracks, zip lines and many other attractions. Everything the division regulates must be fully inspected by highly trained inspectors every year to ensure that the attractions are operating as intended before being permitted for public use. Additionally, ARAS inspectors visit many of these attractions multiple times each year for re-inspection to check for any issues that may have come up since it was first looked at.

Wear and tear and other problems can arise throughout the season and when that’s the case the ride or attraction immediately ceases operation until repairs are made and approved as safe for the public by an ARAS inspector.

If you’re ever at a carnival, fair, trampoline park, or see anything else permitted by the ARAS and see something that doesn’t look right, please call, and let us know at (217) 782-9347.

**Amusement & Attraction Inspections FY 2023**



MONTH	INSPECTIONS
Jul-22	327
Aug-22	269
Sep-22	256
Oct-22	65
Nov-22	24
Dec-22	117

MONTH	INSPECTIONS
Jan-23	110
Feb-23	110
Mar-23	205
Apr-23	531
May-23	459
Jun-23	376

# V. 2023-24 Implementation

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## *Paid Leave*

The Illinois Department of Labor (IDOL) has been tasked with implementing the Paid Leave for All Workers (PLAW) Act following its adoption by the General Assembly. Governor JB Pritzker signed PLAW into law on March 13, 2023.

IDOL has since launched an outreach and education plan that includes answering questions from the public, providing guidance online, drafting Administrative Rules, and raising awareness through social and traditional forms of media.

IDOL will continue to do outreach to workers and employers both before and after the law takes effect so that both understand their rights and responsibilities under the Act.



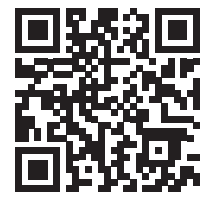
State of Illinois  
Illinois Department of Labor

# Life Happens. Paid Leave is the Law in 2024.



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# Contact Us



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Springfield, Illinois 62701  
217-782-6206

### Chicago Office

160 N. LaSalle St., 13th Floor  
Chicago, Illinois 60601  
312-793-2800

### Marion Office

2309 W. Main St.  
Marion, Illinois 62959  
618-993-7090

## Contact IDOL via Email

[Dol.Questions@illinois.gov](mailto:Dol.Questions@illinois.gov)

## IDOL Telephone Hotlines (Toll-Free Numbers)

Minimum Wage/Overtime .....	800-478-3998
Child Labor Law .....	800-645-5784
Day Labor Services .....	877-314-7052
Equal Pay .....	866-372-4365
Amusement Ride and Attraction Safety .....	217-299-5512

## IL OSHA Contact Information:

Enforcement .....	217-782-9386
Consultation ... ..	800-972-4216







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