

ILLINOIS DEPARTMENT OF LABOR



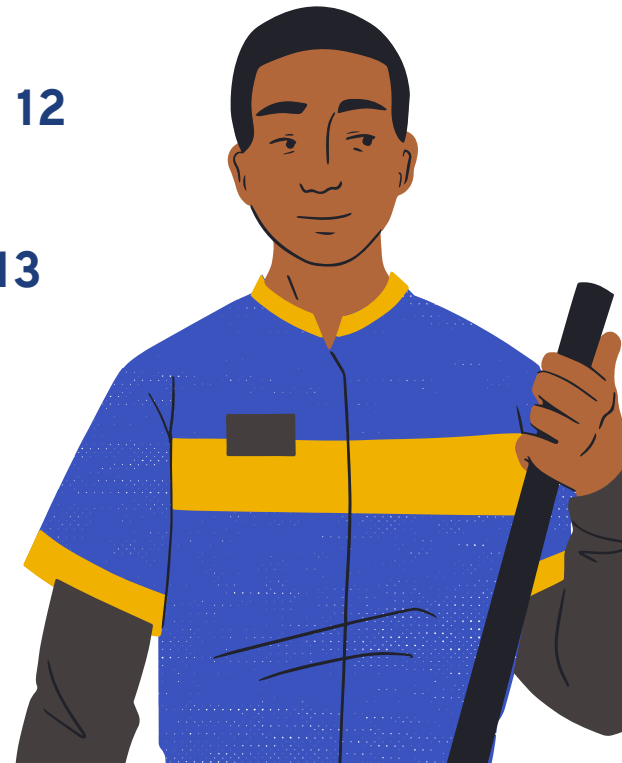
LABOR DAY

REPORT 2024



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MESSAGE FROM THE DIRECTOR



Each year on Labor Day, the Illinois Department of Labor (IDOL) recognizes the critical importance of all workers to our communities and recommits itself to safeguarding workers' core rights, including the rights to be paid promised wages, provided basic meal and rest breaks and days off, and to come home safely at the end of the day. I am eager to present the IDOL's Third Annual Labor Day Report, which highlights the Department's work during Illinois Fiscal Year 2024.

This year IDOL implemented several new legislative protections, including the 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. The new Freelance Worker Protection Act establishes a framework to protect the many independent workers in our state. On top of that, Governor Pritzker signed a new bill that modernizes the state's child labor law.

To keep up with these new laws and responsibilities, the Department's capacity has grown to almost 120 dedicated and passionate staff members, up from just 89 in 2022. We've also focused on growing our skills and effectiveness by holding staff trainings on investigative techniques, leadership development, and equity and inclusion, as well as developing a shared set of values to guide our work.

In the coming year, IDOL will pilot a new mediation program that we hope will allow employers and workers to jointly resolve some individual claims in a quicker, more straightforward way. IDOL also looks forward to implementing new laws like the Salary Transparency Act which requires employers to include a salary range in all job postings. We move forward to these new challenges and opportunities with continued gratitude for our community, government, business, and labor partners across the state, and for the workers who trust us to assist them.

Sincerely,

A handwritten signature in black ink that reads "Jane R. Flanagan".

JANE FLANAGAN

DIRECTOR

MISSION

The mission of the Illinois Department of Labor 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. Through enforcement, education, and community partnerships, the Department works to ensure that workers are paid what they are owed and that employers who follow the law remain competitive.

VALUES

Justice

Empathy

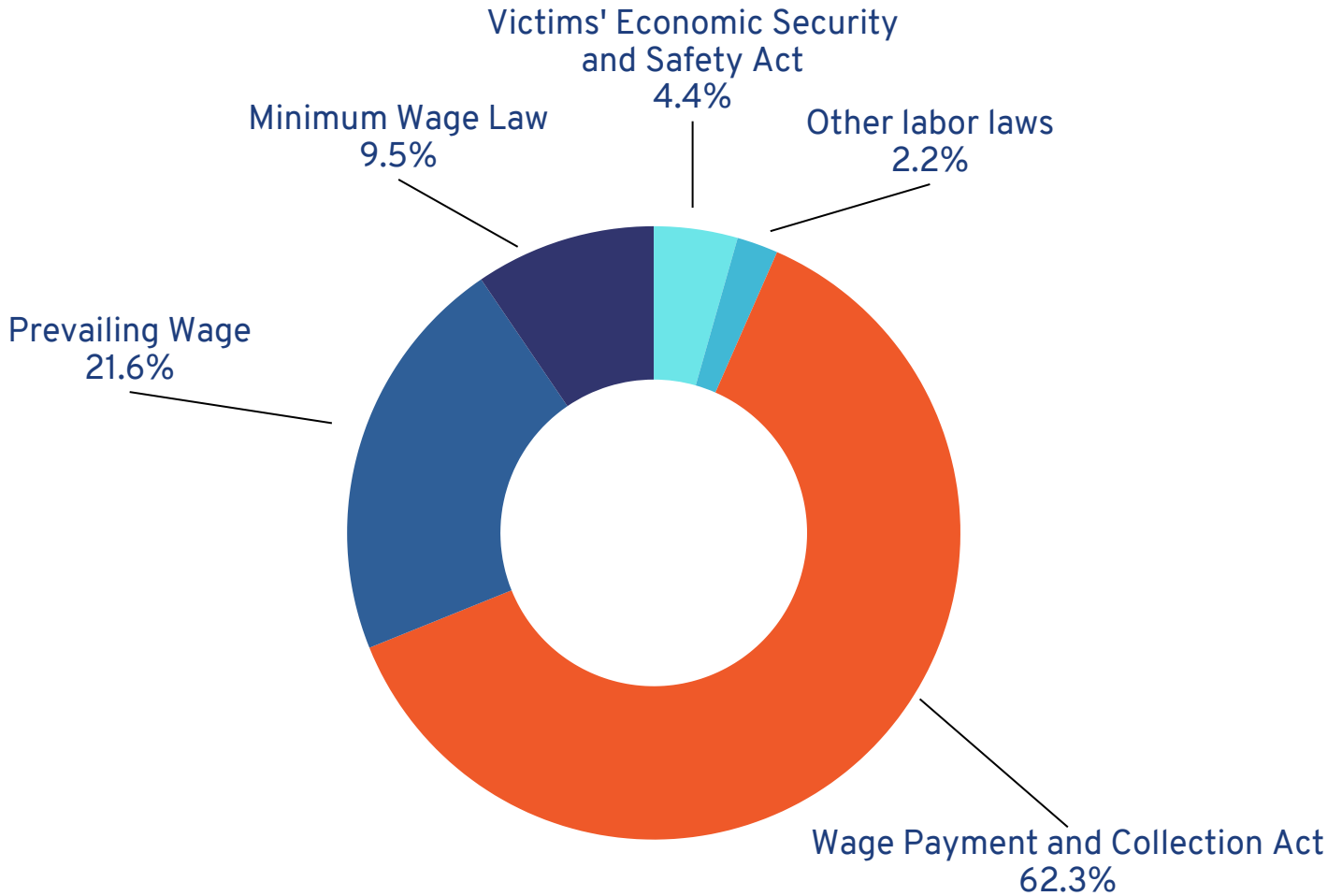
Teamwork

Knowledge

Adaptability

YEAR IN REVIEW

BREAKDOWN OF BACK WAGES COLLECTED BY LABOR LAW



\$3.1M

Amount of back wages and other compensation collected on behalf of workers.

1,306

Number of workers receiving the compensation they are owed.

\$450K

Amount of penalties collected from employers breaking labor laws.

IDOL WORKING FOR YOU

ADVOCATING FOR LAID OFF WORKERS

An industrial manufacturing company in southern Illinois announced it had laid off over 1,000 workers. IDOL opened an investigation and found the company violated the **Workers Adjustment and Retraining Notification Act (WARN)**, which required them to provide 60 days of notice to the workers prior to the layoff. After negotiation with IDOL and the union, the company agreed to provide impacted workers **60 days** of backpay, continuation of insurance benefits, and all other contractually owed bonuses or promised payments.

SUPPORTING WORKERS IMPACTED BY VIOLENCE

A worker took job-protected leave under the **Victims Economic Security and Safety Act (VESSA)** after experiencing domestic violence, and was subsequently terminated by their employer. IDOL's investigation found that the worker was exercising their rights under VESSA and was improperly terminated. As a result of the findings, the worker was awarded **\$110,183** and the employer was ordered to provide VESSA training for the staff in their human resources and other applicable departments.

PROTECTING MISCLASSIFIED WORKERS

After returning to work from maternity leave, a worker's employer stopped paying her earned wages and earned vacation time. The employer contended that the worker agreed to a new contract upon return from leave and became an independent contractor. However, IDOL determined that the worker was not an independent contractor under **Illinois Wage Payment and Collection Act** because the individual did not meet the independent contractor test and that the employer owed the worker unpaid wages, earned vacation time, and damages in the amount of **\$61,415**.

ENSURING WORKERS RECEIVE OVERTIME PAY

In coordination with the Office of the Attorney General (OAG) and on behalf of 11 workers, IDOL brought an action against a restaurant for unpaid wages and overtime violations under the **Minimum Wage and Overtime Law**. IDOL entered into a settlement agreement with one of the owners for **\$40,000** for unpaid wages and damages. IDOL and the OAG went to trial against the other owner. IDOL won at trial and settled with the other owner for **\$53,000** in unpaid wages and damages.

PREVENTING UNAUTHORIZED PAYCHECK DEDUCTIONS

A truck driver's employment agreement stipulated that a portion of his wages would be deducted weekly and placed into escrow. During one trip, the truck was damaged and the employer deducted accident expenses from the worker's escrow account. However, the **Illinois Wage Payment and Collection Act** requires workers to give their express, written consent to any deduction. Since the truck driver never agreed in writing to accident deductions, IDOL ordered the employer to pay the truck driver the unauthorized deduction and associated damages in the amount of **\$10,347**.

COLLECTING UNPAID WAGES

A certified nurse aide working at a rehabilitation center alleged that, upon leaving employment, she was not paid for the final months of work. The employer claimed that her final paycheck was "stolen" from the worker's mailbox. However, IDOL determined that evidence did not support the employer's claim. Due to violations of the **Illinois Wage Payment and Collection Act**, the employer was ordered to pay the worker her final compensation and associated damages in the amount of **\$1,365**.

IDOL WORKING FOR YOU

ENSURING PREVAILING WAGE IS PAID ON PUBLIC WORKS

IDOL received a complaint from a union that the prevailing wage was not being paid to certain workers on a publicly funded HVAC installation project at a hospital. IDOL audited the contractor's payroll documents on the project and determined that the contractor violated the **Prevailing Wage Act** by paying the employees below the posted rates. The contractor was required to pay **\$101,831** in back wages to five workers and pay a penalty of **\$20,366** to IDOL.

RETURNING WAGES TO WORKERS

A worker at a fast food restaurant claimed they were not paid their agreed upon hourly rate. IDOL issued a notice to the employer of a potential violation of the **Illinois Wage Payment and Collection Act**, and the employer then paid the claim. As the claimant was unhoused, they did not have a permanent location at which to receive their check. IDOL arranged to have the Comptroller's Office send the claimant's check to the IDOL Chicago office where the claimant was able to collect their check for **\$12,800** in unpaid wages in a secure setting.

SAFEGUARDING MEAL AND REST BREAKS

Workers at a restaurant alleged that they were denied meal breaks even though they had raised the issue with upper management. IDOL conducted an audit and determined that the employer had over 75 violations under the **One Day Rest in Seven Act** during the audit period. IDOL and the employer engaged in settlement discussions and agreed that the employer would pay **\$21,000** to the aggrieved workers and **\$15,000** in penalties to IDOL, along with providing meal and rest breaks to workers moving forward.

ASSURING EQUAL PAY FOR EQUAL WORK

An employee at a university alleged that the school violated the **Equal Pay Act** over a three-year period by paying a Black employee less than non-Black employees who performed similar work. While the university denied the claim, IDOL conducted an investigation and negotiated a settlement agreement between the school and the claimant, resulting in a **\$75,000** payment to the claimant.

PROTECTING YOUTH WORKERS

IDOL received a complaint that minors were working late hours at a concession stand. Following an on-site investigation and through auditing employer records, IDOL identified multiple violations of the **Child Labor Law**, including minors working after 9pm and in a location where alcohol was being sold. The employer agreed to a settlement totaling **\$10,000** in statutory penalties.

KEEPING AMUSEMENT RIDES SAFE

IDOL inspectors received a tip that a company was operating multiple inflatable attractions in Illinois without permits. Upon investigation by IDOL inspectors, it was found that the company was unaware of the permit requirements under the **Amusement Rides and Attraction Safety Act**, which requires attractions to undergo safety inspection before use by the public. In partnership with IDOL, the company was able to come into compliance with the law by providing proof of insurance and receiving an inspection, and can now safely operate for the enjoyment of all in Illinois.

PROTECTING CHILD WORKERS

While some states have weakened their child labor laws, Illinois has increased its efforts to protect vulnerable youth workers.

CHILD LABOR LAW MODERNIZATION

On July 30, 2024, Governor Pritzker signed into law Senate Bill 3646, the Child Labor Law of 2024, which updates child labor regulations to the 21st century by repealing the existing statute and replacing it with a modern framework. SB 3646 is intended to provide a structure for minors to engage in safe, age-appropriate work, while protecting their health and access to education. The law and new protections will take effect on January 1, 2025.

TEEN SUMMER JOBS AWARENESS CAMPAIGN

Over the summer, IDOL launched an awareness campaign to remind employers, youth, and families of child labor rights and protections. Many thanks to our partners at Pace Suburban Bus for displaying our posters across the Pace Transit System!



OUTREACH TO FRONTLINE STAFF



SUSIE REYNOLDS, FAIR LABOR STANDARDS DIVISION MANAGER, PARTICIPATING IN YOUTH SUMMIT WORKSHOP IN OCTOBER 2023

Last fall, IDOL partnered with the Illinois State Board of Education to educate Socio-Emotional educators, State Bilingual Program Directors, Newcomers Resource Staff, McKinney-Vento Homeless Services Staff, Chicago Public Schools staff and other groups that work with youth about the Child Labor Law. IDOL also participated in Youth Summit Workshops to educate young workers directly. This upcoming school year, we will continue the partnership to share resources with educators and families.

COMMUNITY OUTREACH

Find IDOL in the community sharing what we do!

With a goal of educating all communities about their labor rights and applicable laws, IDOL meets regularly with community organizations across the state, and frequently attends resource fairs and events. If you are a community group and would like to meet with us or invite us to an event, please send a message to DOL.Questions@Illinois.Gov. We welcome the opportunity to connect and engage with organizations across Illinois!





IDOL participated in over 60 community events to share resources and information on worker rights.

IDOL STAFF ATTEND A RESOURCE FAIR HELD BY THE ILLINOIS COMMISSION ON GOVERNMENT FORECASTING AND ACCOUNTABILITY.

IDOL conducted 33 presentations on the Paid Leave for All Workers Act, with over 5600 attendees.


Paid Leave for All Workers Act
What Workers Should Know

LEAVE RIGHTS DIVISION MANAGER LYDIA COLUNGA-MERCHANT PRESENTS ON THE PAID LEAVE FOR ALL WORKERS ACT.

PREVENTING EXPLOITATION OF IMMIGRANT WORKERS


Over the past year, Illinois has received tens of thousands of new immigrants, who may be particularly vulnerable to labor exploitation. To support this population, IDOL has partnered with the Illinois Coalition for Immigrant and Refugee Rights (ICIRR), Chicago Workers Collaborative (CWC), and Illinois Venezuelan Alliance (IVA), on an education and outreach program to educate new arrivals to Illinois of their rights under State labor laws.

Through our partnership, we have held over **30 presentations** and **have reached over 1,000 individuals**. As we continue to see an influx of new immigrant families in Illinois, we will continue to work with our community partners to educate them on their rights.



Recently arrived immigrants are among the most vulnerable workers as they are typically removed from their support networks and are learning to navigate a new system. Educating them on their rights at the point that they enter the labor market not only protects them from labor exploitation, but it also keeps employers from using new arrivals to undercut the wages and working conditions of more established workers.”

-José Frausto, Executive Director, Chicago Workers Collaborative



The best way to ensure that community members know their rights and are aware of the most up-to-date laws is through connecting with community organizations, which is critical work that the Illinois Department of Labor is supporting this year. Partnering with IDOL has been a game-changer for our partner organizations and for newly arriving immigrant communities at a critical time when they are seeking opportunity in a new home.”

-Illinois Coalition of Immigrant & Refugee Rights

IDOL ALSO ASSISTS IMMIGRANTS WITH:

- Recovering unpaid wages and addressing other labor law violations. The Illinois Department of Labor will not inquire about the immigration status of a complainant.
- Providing letters of support for immigrants seeking deferred action status, which protects non-citizen workers from threats of immigration-related retaliation from employers.
- Certifying U-visas, a federal program that provides non-immigrant status to victims of certain crimes who will help law enforcement or government officials in the investigation of criminal activity.

WORKPLACE SAFETY

IDOL's Division of Occupational Safety and Health (IL OSHA) ensures safe and healthy working conditions for Illinois workers by inspecting public sector workplaces. The On-Site Safety and Health Consultation Program (On-Site) offers free and confidential safety and health consultations at small- and medium-sized private workplaces.



SAFETY PARTNERSHIPS

On-Site trained over 400 employees working at the Obama Presidential Library on trench safety and fall safety. On-Site has also partnered with the Hollywood Casino Joliet project to support training, site inspections, walkthroughs, and hazard correction in order to reduce the risk of employee injuries in high-hazard construction operations.



ON-SITE AT THE JOLIET CASINO PROJECT

HEAT INSPECTIONS

This year, IL OSHA conducted the first heat inspections in the Division's history. Though there is not yet a federal OSHA heat standard, IL OSHA knows that extreme heat is a significant safety hazard for workers. The inspections ensured that outdoor public sector workers had access to water, rest, and shade during high heat conditions. Heat inspections also review an employer's acclimatization plan for new workers, flexible work assignments and start times, and employee's knowledge of heat illness recognition.

FIRE DEPARTMENT SETTLEMENTS

IL OSHA conducted inspections of the City of Chicago Fire Department, the Village of Maywood Fire Department, and the Brooklyn Fire Protection District that identified multiple safety violations. As a result, IL OSHA entered into settlement agreements with the employers where they committed to comprehensive abatement measures. IL OSHA is dedicated to working with Chicago, Maywood, and Brooklyn during the improvement period to assist in striking a balance between firefighter safety and operational effectiveness.

Edward LeFevour, Safety Supervisor at IL OSHA speaks on the importance of training: "Safety is a part of the critical path towards the completion of large-scale projects, and we make sure that safety is a part of the worker's contract."



AMUSEMENT RIDE & ATTRACTION SAFETY DIVISION MANAGER BRIAN FOX AT THE ILLINOIS STATE FAIR.

IDOL conducted 3,768 inspections of amusements and rides to ensure they are safe for everyone to enjoy.



On-Site completed 374 safety consultations with private sector businesses, up from 263 last year.



WORKERS AT THE OBAMA PRESIDENTIAL CENTER ATTEND A TRAINING HELD BY ON-SITE ON TRENCH SAFETY.

PUBLIC SECTOR CONSTRUCTION

IDOL works to ensure that laborers, workers, and mechanics employed on public works projects are paid the general prevailing rate of wages. IDOL also promotes workforce diversity on publicly-funded construction projects.

SETTING THE PREVAILING WAGE RATES

Every year in June, IDOL determines the prevailing rate of wages for over **60 construction trade classifications** in each of the **102 counties** in Illinois. The prevailing wage is defined as "hourly cash wages plus annualized fringe benefits ... paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works." By requiring that local prevailing wages are paid on public works construction and infrastructure projects, the Prevailing Wage Act helps ensure that Illinois' tax dollars are **re-invested into Illinois' workforce** and **spent in Illinois' economy**.

COLLECTING PAYROLL DATA

IDOL is charged with developing and maintaining an online portal for prevailing wage construction contractors to file their certified payrolls with the department. Over the summer, when construction is the busiest, the Department receives over **5,000 payroll submissions per week**. Additionally, IDOL is required to collect and report the demographic characteristics of workers on each project, including gender, race and ethnicity. This process is intended to hold contractors accountable in paying workers the **correct prevailing wage** and to provide transparency into **workforce diversity and equity**.

AUDITING PREVAILING WAGE COMPLAINTS

When a worker on a publicly-funded construction project believes they were not paid the established prevailing wage on a construction project, they can **file a complaint** for IDOL to investigate. IDOL interviews employees and employers, analyzes payroll records, reviews project funding sources, and collects other evidence to make a final determination. When IDOL determines there has been a violation, IDOL **collects back wages** on behalf of **impacted workers** who were paid below the appropriate prevailing wage rate for their work.



ACTING US LABOR SECRETARY SU, GOVERNOR PRITZKER, LT. GOVERNOR STRATTON, AND DIRECTOR FLANAGAN AT THE US DOL TRADESWOMEN BUILDING INFRASTRUCTURE GRANT ANNOUNCEMENT

ADVANCING CONSTRUCTION WORKFORCE EQUITY

In August 2023, IDOL was awarded a \$1.35 million Tradeswomen Building Infrastructure grant from the US Department of Labor Women's Bureau to support tradeswomen-led efforts to recruit and retain women in construction careers. IDOL is partnering with Chicago Women in Trades to work with construction companies, apprenticeship programs, unions, public bodies, and other stakeholders to develop strategies to promote workforce equity on infrastructure projects. The grant will continue with an additional \$750,000 through 2025 to continue building equity in the construction workforce.

NEW WORKPLACE PROTECTIONS

Every year, IDOL works to enforce new laws and changes to existing laws made by the General Assembly, and to help businesses come into compliance.

THE PAID LEAVE FOR ALL WORKERS ACT TOOK EFFECT ON JANUARY 1, 2024.

The Paid Leave for All Workers Act (PLAWA) allows workers to earn up to 40 hours of paid leave from work each year. Workers can use paid leave for any reason and employers may not require workers to provide a basis for their time off request. Workers earn up to one hour of paid leave for every 40 hours they work.

Since the law took effect, IDOL has:

- Conducted **33 outreach presentations** with over **5,600 attendees**
- Responded to over **1,500 emails** and **1,200 phone calls** from Illinois residents to answer questions about the law
- Received **193 complaints** from workers who believe their employer may be violating the law

THE FREELANCE WORKER PROTECTION ACT TOOK EFFECT ON JULY 1, 2024.

The Freelance Worker Protection Act provides protections for independent contractors who provide products or services in Illinois and requires that they have a written contract and are paid in a timely manner. IDOL provides a sample contract (available in 11 languages) to help freelance workers and hiring entities get on the same page about work and expectations.

THE EQUAL PAY REGISTRATION CERTIFICATE DEADLINE WAS MARCH 24, 2024.

2021 amendments to the Illinois Equal Pay Act require employers to provide demographic and payroll information about their workers to IDOL every two years. As of the reporting deadline, a total of 3,900 businesses provided data to IDOL and certified that they do not engage in any discrimination on the basis of race or gender. IDOL is partnering with the University of Illinois Urbana-Champaign School of Labor and Employment Relations to analyze this data and identify demographic pay trends. Workers also have the right to request their employer's pay data from IDOL to ensure they are being paid fairly.

THE SALARY TRANSPARENCY ACT TAKES EFFECT ON JANUARY 1, 2025.

The Salary Transparency Act amends amends the Illinois Equal Pay Act, and requires employers to include a job's pay scale and benefits information in job postings, in an effort to ensure workers have more information when applying to jobs.

LAWS ENFORCED BY IDOL

WAGE PROTECTIONS

- Equal Pay Act of 2003
- Equal Pay Registration
- Freelance Worker Protection Act
- Minimum Wage Law/Overtime
- Prevailing Wage Act
- Wage Payment and Collection Act

WORKER RIGHTS AND PROTECTIONS

- Child Labor Law
- Consumer Coverage Disclosure Act
- Employee Classification Act
- Employment of Illinois Workers on Public Works Act
- Job Opportunities for Qualified Applicants Act
- Minority and Female Building Trades Act
- One Day Rest in Seven Act
- Personnel Records Review Act
- Right to Privacy in the Workplace Act/E-Verify
- Whistleblower Protections - Child Care Act of 1969
- Whistleblower Protections - Environmental Protection Act
- Worker Adjustment & Retraining Act

EMPLOYMENT AGENCY LICENSING

- Day and Temporary Labor Services Act
- Nurse Agency Licensing Act
- Private Employment Agency Act

WORKPLACE SAFETY

- Consultation Services
- Illinois Occupational Safety and Health Act (OSHA)

AMUSEMENT RIDES & ATTRACTION SAFETY

- Amusement Rides & Attraction Safety Act

LEAVE PROTECTIONS

- Child Extended Bereavement Leave Act
- Employee Sick Leave Act
- Family Bereavement Leave Act
- Paid Leave for All Workers Act
- School Visitation Rights Act
- Victims' Economic Security & Safety Act

CONTRIBUTIONS

ACKNOWLEDGEMENTS

The following Illinois Department of Labor staff members contributed significantly to this 2024 Labor Day Report.

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