



Employment Rights under Illinois Law

This fact sheet provides an overview of Illinois laws protecting your rights when you're on the job, interviewing, or leaving a job, plus information on where you can go for help in Illinois.

Visit www.womenemployed.org for other fact sheets on workplace rights.

NOTE: If you are an independent contractor, these rights may not apply to you.

Your rights when you apply for a job

Job Interviews. Employers can ask questions to find out if you can do the job. They shouldn't ask questions about personal things that don't relate to doing the job. Proper questions are about your training, education and experience. Examples of questions that are not appropriate are questions about your marital status, if you have children or your age. Questions about age are okay only if there is a minimum age for the job, such as for jobs in bars. Because of this, when you list what schools you attended, you don't have to list the years you graduated.

What can you do if an employer asks you an improper question in a job interview?

When an employer asks a question that is not proper, you can try to answer by focusing on how you can do the job. For example, let's say an employer asks if you have children. Maybe the job requires flexible hours and the employer is worried you can't work those hours. Before answering the question, ask the interviewer if what they really want to know is if you can work flexible hours. That way, you focus on how you can do the job, but you don't talk about personal information. It may be up to you to focus questions toward doing the job.

The questions themselves are not against the law. But how the employer uses the information may be against the law. For example, if an employer does not hire a woman because the employer thinks she will get pregnant, this is against the law.

Exams and tests. Some employers require you to take exams or tests to get a job. An employer can only ask you to take a medical exam after offering you the job. For both medical exams and drug tests, an employer can ask for these only if the employer asks everyone in the same type of job for these tests. For drug tests, the results must remain confidential. In general, employers cannot use a lie-detector test (called a polygraph). The exception is if the job you want is related to security or crime investigation, or with the government. If you must take a lie-detector test, you have the right to review the questions and results.

Discrimination

Discrimination is when an employer treats you differently than other workers because of one of these reasons: your sex, race, color, religion, the country you came from, your age or disability. Federal law forbids discrimination in decisions related to employment. These decisions might be about hiring, salary, promotion, benefits or firing. The state of Illinois, Cook County and the city of Chicago also have laws to protect against discrimination because you are single or married or because of sexual orientation. In Cook County and Chicago, there is protection against discrimination because you are or are not a parent.

Some things are unfair, but not illegal. How can you know the difference? Here is how to know if an employer's decision might be against the law.

- Were you qualified for the job?
- Do you think that the employer treated you worse because of one of the reasons above? This can be true even if the

Who can you contact for help?

The Equal Employment Opportunity Commission (EEOC) enforces federal laws about discrimination. In Chicago, you can call 312-353-2713. (The TTY number is 312-353-2421.)

Other places for help are the Illinois Department of Human Rights, at 312-814-6200 (the TTY number is 312-263-1579) or the Cook County Commission on Human Rights, at 312-603-1100 (the TTY number is 312-629-6929) or the Chicago Commission on Human Relations at 312-744-4111 (the TTY number is 312-744-1088.)

The IL Dept. of Labor enforces the law that requires that men and women receive equal pay for equal work. Their number is 312-793-6797. If you feel your employer has discriminated against you, there is a time limit to file, so you should contact the agency as soon as possible.

Women Employed offers free telephone counseling regarding employment-related problems. Callers are advised on whether their situation may be unfair or illegal and what their options are. Call 312-782-3902 to discuss your situation with one of our counselors.

The Job Problems Counseling Service is staffed by volunteers who are trained in employment law. Women Employed cannot represent callers in any kind of employment-related matter.

For general information, contact the IL Dept. of Labor at 312-793-1808 or www.state.il.us/agency/idol.

- employer gave another reason.
- Did the employer discriminate intentionally?

If the answer is yes to all these questions, the employer may have acted illegally.

Your rights when you are on the job

Minimum wage. The minimum wage in the U.S. is \$7.25 per hour. In Illinois, the minimum wage is \$8.25 per hour.

Overtime pay. A law called the Fair Labor Standards Act requires employers to pay workers time and a half for every hour they work over 40 hours per week.

In 2004, this law changed and some workers in other states who used to get overtime may not get it now. This is not true in Illinois, where another law protects overtime pay for employees in this category.

Dress codes. A dress code may be against the law if it causes discrimination against a particular group of employees. For example, it is not legal for an employer to tell men to wear business clothes, but ask women to dress in revealing blouses and short skirts for the same job.

Other Rights. Illinois law allows paid time off to donate blood and to vote; and allows unpaid leave time for nursing mothers, parent-teacher meetings, relatives of military personnel on active duty, and for employees to address issues related to domestic violence or sexual assault.

Your rights when you leave a job

Vacation days. You are entitled to payment for vacation days that you have earned, if you haven't used them. This is true if you quit or if you are fired. Some employers have a policy that you can't carry over unused vacation days past a year.

Employment policies

If your employer has a policy manual, it is important that he or she follow it when making decisions about hiring, firing, salary promotions or other employment decisions. If not, it can be against the law because it violates a contract.

Questions about pay

If you have questions about pay, including the minimum wage or overtime, or if you did not get the minimum wage or overtime pay when you should have, in Illinois you can call 800-478-3998, or you can contact the local office of the U.S. Department of Labor (DOL) Wage and Hour Office. In Chicago, the number of the local U.S. DOL Wage and Hour office is 312-596-7230. You can also go to www.wagehour.dol.gov.

Severance pay. Severance pay is money that some workers get from their employer when they are let go from work. If you get severance pay, you may still get unemployment payments. If you quit your job in exchange for severance pay, protect your rights by filing a claim for unemployment benefits. To get the severance pay, your employer may ask you to sign a paper saying that you will not take legal action against the employer. If you are not sure, do not sign the paper. Get more information or talk to a lawyer.

Unemployment insurance. In Illinois, there are rules about how much money you need to have earned during the time you worked. You also must be able to work and actively look for work. You should file a claim on the first business day after becoming unemployed. Unemployment insurance payments you receive are taxed like income.

You can usually get unemployment insurance if you have been laid off, or if you quit for reasons such as domestic violence, sexual harassment, or a major change in the work, pay, or location of your job. In general, you cannot get unemployment insurance if you quit without good reason, got fired because

of misconduct, or left work to go on strike.

The Illinois Department of Employment Security is the agency that enforces unemployment insurance laws. Contact them at www.ides.state.il.us or at 1-888-337-7234; TTY: 1-800-662-3943.

If you feel that you were unfairly denied unemployment payments, you can appeal. The Legal Assistance Foundation of Metropolitan Chicago provides free legal help for low-income people. They can be reached at 312-341-1070.

Continuation of health benefits.

A federal law called COBRA covers you if your company has health benefits for 20 or more workers. If you quit or are fired, you can choose to continue your health insurance with your company. You will have to pay for this yourself. You can do this for up to 18 months after you leave, and in some cases, for up to 36 months. You have 60 days to choose this. If you were fired for gross misconduct, you do not have this right. For more information, contact the local office of the U.S. Department of Labor at 312-353-0900. You can also go to www.dol.gov/ebsa.

In Illinois, the Illinois Continuation Law covers companies of any size that offer health benefits. If you have been covered by your employer's health insurance for at least three continuous months, you can choose to continue your health insurance with your company if you quit or are fired. You will have to pay for this yourself. You can do this for up to nine months after you leave. You have 10 days to choose this. You do not have this right if you were fired for theft or a work-related felony. For more information about continuing benefits, you can contact the Illinois Department of Insurance at 1-877-527-9431. You can also go to www.ins.state.il.us.

Women Employed's mission is to improve the economic status of women and remove barriers to economic equity. Women Employed promotes fair employment practices, helps increase access to training and education, and provides women with information and tools to plan their careers.

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