



# BUSINESS LEADER

Volume 9 Number 3 September 2023

REMEMBERING  
**TODD CARLOCK MAISCH**



## LEAVING A LEGACY OF LEADERSHIP

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Our philosophy is simple – put the client first. Our more than 230 attorneys spend each day providing exceptional client service to commercial organizations in the areas of labor and employment, litigation and business transactions. Our clients are Fortune 500 companies, manufacturers, farmers, restaurant owners, government agencies, pilots, insurers, financial institutions and small business owners among hundreds of others.

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# BUSINESS LEADER

www.ilchamber.org  
September 2023  
Volume 9, Number 3  
Illinois Business Leader

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Illinois Chamber of Commerce

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Illinois Business Leader is published quarterly by the Illinois Chamber of Commerce, 215 E. Adams St., Springfield, IL 62701. Illinois Business Leader is provided as a benefit of membership in the Illinois Chamber of Commerce. Non-member subscriptions \$100.00 per year (includes sales tax).

POSTMASTER: Send address changes to Illinois Business Leader, 215 E. Adams St., Springfield, IL 62701.

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## C O N T E N T S

### In Every Issue

10 [Member Spotlight - Inland Real Estate Group](#)

### Feature

4 [Illinois Chamber 2023 Annual Luncheon](#)  
12 [2023 End of Session Report](#)

### Focus

16 [Employment Law Summer Roundup](#)

### Connecting

26 [New Health Plan for Illinois Businesses](#)

### Advocacy

28 [Chamber Advocacy](#)  
30 [Chamber Twitter](#)

### Advertisement

- IFC [Amundsen Davis](#)
- 15 [Northern Illinois Fire Sprinkler Advisory Board](#)
- 17 [CPV Retail Energy](#)
- 19 [CVS Health](#)
- 21 [Inland Real Estate Group](#)
- 21 [Union Pacific](#)
- 22 [Navigator CO2](#)
- 23 [Meta](#)
- 23 [Tempco Electric Heater Corporation](#)
- 23 [CITGO](#)
- 24 [Boeing](#)
- 25 [Epstein Becker Green](#)
- 25 [Illinois CPA Society](#)
- 25 [FGMK](#)
- 25 [Uber](#)
- 27 [Nationwide](#)
- 27 [UPS](#)
- 27 [HR Illinois On-site Training Classes](#)
- 29 [Health Alliance | SLG Innovation | KVF Company, Inc. | Bdrones | Woods Basement Systems | PenhurstCapital | Amber's Traveling Massage LLC | State Farm | Abe's Hideout | Healthpro Innovation](#)
- 31 [Special Mine Services | BDG International, Inc. | tel-star Communications | WJS LLC | Leyden Family Services | Whiteside County | Senergy | Water Reclamation District | Catholic Order of Foresters | Crosby Starck Real Estate | The Great American Bagel](#)
- 32 [Illinois Workers' Compensation Conference | New Laws Forum](#)
- 33 [FMLA, ADA, Military and Leave Issues Book](#)
- BC [Wintrust](#)

4



# Making Illinois a Better Place ...



**TODD MAISCH  
PRESIDENT AND CEO**

*Todd C. Maisch*

The members and staff of the Illinois Chamber of Commerce are heartbroken with the passing of our President and CEO Todd Maisch back in June. Todd was a beloved husband, father, and leader in the Illinois business community. We are deeply saddened by his loss.

Todd joined the Illinois Chamber in 1994 rising through the ranks to President and CEO. Since accepting this position in 2014, Maisch established the organization's legacy as the state's leading advocate for business by aggressively fighting for economic growth and job creation. His many accomplishments include drafting and successful advocacy of the "Lock Box" amendment to the Illinois Constitution that guarantees motor fuel taxes will be used for Illinois transportation infrastructure. Todd has always been a strong advocate for sound tax policy and fiscal responsibility.

Todd's contributions to the Illinois Chamber over the past 29 years are the driving force behind the Chamber's position as the preeminent business organization in the State of Illinois. Todd's knowledge and skills have been the driver of the Illinois Chamber's success.

While nobody can replace Todd, the Chamber looks forward to finding the next visionary leader of this 104-year-old organization.



## Message from the Chair



**ANN DETERS**  
**CHAIRMAN OF THE BOARD**

In honor of Todd Maisch, we gather today to celebrate an individual whose dedication and contributions have left an indelible mark on the Illinois business community. Todd's journey with the Illinois Chamber of Commerce has been nothing short of remarkable, a testament to his unwavering commitment and exceptional abilities.

Todd was determined to make Illinois a better place to live, work and do business. He consistently pushed boundaries, opposed legislation that was detrimental to Illinois businesses and inspired those around him. His visionary leadership has not only driven us toward success but has also fostered an environment of innovation and growth.

His impact will forever be ingrained in the fabric of the Illinois Chamber of Commerce.

His legacy will continue to influence and inspire us as we navigate the path ahead.

Lastly, I'd like to thank Todd's wife, Kim and his sons, Max and Whit, for sharing your husband and father with all of us over the past 29 years. What a remarkable man!



Chairman Ann Deters and the Board of Directors welcome you to the



# 2023 ANNUAL LUNCHEON

SEPTEMBER 28

10:30 am - 11:30 am | All Council Networking Reception and Expo  
11:30 am - 1:30 pm | Annual Luncheon  
Doubletree by Hilton Hotel Chicago | Oak Brook



## KEYNOTE SPEAKER

G. Joseph Cosenza  
Vice Chair, The Inland Real Estate Group, LLC & President,  
Inland Real Estate Acquisitions, LLC



## FIRESIDE CHAT

with Susana Mendoza, Illinois State Comptroller  
and Kelly Edwards, State Counsel for Illinois  
and Indiana, State Farm



And a time of remembrance and tribute to Illinois Chamber  
President and CEO Todd Maisch

# AGENDA

**11:30 am**

## **Call to Order, Color Guard, Pledge of Allegiance, Welcome and Remarks**

- *Dan Wagner, Vice Chair of the Illinois Chamber of Commerce Board of Directors*

## **Legacy of Leadership Award**

- *Kim Maisch on behalf of Todd Maisch*
- *Lori Poppe Hildebrand, COO/General Counsel, Illinois Chamber of Commerce*

## **Remembrance and Tribute to Illinois Chamber President and CEO, Todd Maisch**

- *Dan Wagner*

## **Plated Lunch is Served**

## **Recognition of Dignitaries**

- *Dan Wagner*

## **A Conversation with Illinois Comptroller, Susana Mendoza**

- *Susana Mendoza, Illinois State Comptroller*
- *Kelly Edwards, Secretary of the Illinois Chamber of Commerce Board of Directors*

## **Reinhart Champion of Free Enterprise Award**

- *Peter Steinmeyer, Epstein Becker Green*

## **Employer Support of the Guard & Reserve Statement of Support Ceremony with Inland Real Estate Group**

- *Laurie Silvey, ESGR State Chair, Illinois and Vice President, Business Services, Illinois Chamber of Commerce*

## **Keynote Address**

### **How Do You Go From Teaching Fourth Graders to Real Estate Without Any Money?**

- *G. Joseph Cosenza, Vice Chair, Inland Real Estate Group, LLC and President, Inland Real Estate Acquisitions, LLC*

## **Closing Remarks**

- *Dan Wagner*

## **Adjourn**





# 2023 ANNUAL LUNCHEON

SEPTEMBER 28



## **G. Joseph Cosenza** **Vice Chairman, The Inland Real Estate Group, LLC,** **President, Inland Real Estate Acquisitions, LLC**

G. Joseph Cosenza is a Vice Chairman, Director and one of the four original principals of The Inland Real Estate Group, LLC, which celebrated its 50th anniversary in 2018. Joe has held his real estate broker's license since 1968, the year Inland incorporated. As Vice Chairman of The Inland Real Estate Group, LLC and President of Inland Real Estate Acquisitions, LLC, he currently supervises an extensive staff engaged in property acquisitions and due diligence. Also a consultant to other real estate entities and lending institutions, Joe has personally overseen, and/or negotiated, the purchase of more than \$54 billion of income-producing real estate, in over 3,900 individual deals, of which over 700 are in the Greater Chicagoland Area.

### ***Career Summary***

Joe's one-of-a-kind, high-volume deal making has received many awards in the industry. Most recently he was inducted in the Chicago Association of REALTORS® (CAR) Hall of Fame at the organization's 128th Inaugural Gala and the Midwest Real Estate News 2015 Hall of Fame. The Inland Real Estate Group of Companies, Inc. was equally honored by the Chicago Association of REALTORS® as the first Corporate Hall of Fame award inductee at CAR's 131st Inaugural Gala.

In addition to real estate, Joe has been prominent in the banking industry. Starting in 1982, while still operating Inland, Joe was Director of Continental Bank's branch in Oakbrook Terrace, then Chairman of the Board of American National Bank of DuPage, owned by Inland's principals. He served as a Director on the Board of Inland Bancorp, Inc. and Chairman and a Director of Inland Bank & Trust, which has multiple Chicagoland locations.

Joe earned his bachelor's degree from Northeastern Illinois University and master's degree from Northern Illinois University. Initially, he was a teacher and an assistant principal in the LaGrange and Wheeling school districts while operating Inland on a part-time basis with Messrs. Dan Goodwin, Bob



Baum and Bob Parks. As a Director and member of the management committee of Inland Real Estate Corporation (NYSE: IRC), he helped to ring the New York Stock Exchange bell instead of a school bell. Joe's career also spans activity with the Chicago Association of REALTORS®, Illinois Association of REALTORS® and National Association of REALTORS®. His charity of choice is Saint Vincent de Paul Society, taking care of those in need.



**Susana A. Mendoza**  
**Illinois State Comptroller**

Susana A. Mendoza serves as Illinois' Chief Fiscal and Accountability Officer. She first won the office of Illinois Comptroller in 2016 after a special election was held due to the death of her good friend, former Comptroller Judy Baar Topinka. Mendoza was re-elected in 2018 and again in 2022 - when she was the top vote getter in Illinois.

She is the proud daughter of immigrant parents and is the first Hispanic person independently elected to a statewide office in Illinois.

As Comptroller, Mendoza has been a vocal advocate for stability, comprehensive budget solutions and transparent financial reporting. She has remained a steady voice for nursing homes, hospice centers, schools, and the state's most vulnerable citizens.

In 2022, Comptroller Mendoza eliminated the state's bill backlog - which rose to a record high of nearly \$17 billion in 2017 under the previous governor. That is now an Accounts Payable that has stayed generally under \$3 billion.

State vendors used to wait an average of 210 business days to get paid. Now, the Comptroller's office pays bills in about 15 days. Comptroller Mendoza strategized and advocated for the state's eight credit upgrades earned since July 2021, the first upgrades in two decades.

Mendoza has worked to increase the transparency of the office. During her first term she passed the Debt Transparency Act - the most significant reform bill in the history of the Comptroller's Office. It requires monthly, rather than yearly, reporting on the amount of bills being held at state agencies.

Prior to holding statewide office, Mendoza was the first woman elected Chicago city clerk. She championed a huge technology overhaul, shifting more than 1.3 million Chicago city vehicle sticker customers from an inefficient and archaic seasonal sales program to year-round sales.

Prior to serving as city clerk, Mendoza served six terms between 2001 and 2011 in the Illinois House of Representatives.

Starting as the youngest member of the 92nd Illinois General Assembly, she quickly earned a reputation as a tenacious and effective legislator who embraced a bipartisan approach to governing. She was routinely recognized for her leadership in the areas of social services, education, law enforcement, job creation, and animal welfare.

Comptroller Mendoza lives in Chicago's Portage Park neighborhood with her husband, David, her son, David, her mother, the original Susana Mendoza, and her brother, Joaquin.



**Kelly Edwards**  
**State Counsel for Illinois and Indiana, State Farm**

As a native of Mt. Zion, Illinois, Kelly Edwards felt like she came home when she returned to central Illinois in October 2020 to join State Farm as a member of the Corporate Law Department. Currently, Kelly serves as State Counsel for Illinois and Indiana. Kelly also currently serves on the Government Affairs Committee of the Coalition Against Insurance Fraud and serves on the Boards of Directors for the Illinois Insurance Association and the Indiana Insurance Institute.

Prior to joining State Farm, Kelly lived in downtown Indianapolis, where she was an attorney with the Indiana Legislative Service Agency's Office of Bill Drafting and Research. In that role, she represented all 150 members of the Indiana General Assembly and served as staff attorney to the Senate Judiciary Committee and House Labor & Employment Committee. While at LSA, she was extremely involved in the National Conference of State Legislatures (NCSL), having served as Staff Vice-Chair and Staff Co-Chair of the Communications, Financial Services, and Interstate Commerce Committee. Before joining LSA, she served as Assistant Section Chief of the Civil Litigation Section of the Indiana Office of the Attorney General under Attorney General Gregory Zoeller.

She started her legal career in private practice in Fort Wayne, Indiana, where she spent over a decade as a civil rights defense litigator. In that time, she tried over a dozen federal jury trials, all resulting in defense verdicts. Kelly received her Bachelor of Science degree from Ball State University in Muncie, Indiana, majoring in elementary education and musical theatre. She received her Juris Doctorate from Indiana University McKinney School of Law in Indianapolis. Kelly and her husband, Joe, live in Bloomington with their 12 year-old lab mix, Booker.



**2023 ANNUAL LUNCHEON**

**SEPTEMBER 28**

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Illinois ESGR | Inland Group | NovoNordisk | PuttShack | Troxell



The Inland  
Real Estate  
Group of  
Companies, Inc.

## Inland Real Estate Group

By G. Joseph Cosenza  
Vice Chair, The Inland Real Estate  
Group, LLC & President, Inland Real  
Estate Acquisitions, LLC



June 1, 2023 – Inland founders received the Lifetime Achievement Award from Illinois Real Estate Journals (l to r – Founders Bob Parks, Joe Cosenza, Dan Goodwin, and Bob Baum)

### THE HISTORY BEHIND INLAND REAL ESTATE:

There were four of us who formed the company. Three of us went to college together and the fourth one we met while teaching. While we were teaching, my partner, Dan Goodwin asked about getting into something on the side. While none of us had money and our parents didn't have money, we knew the first step would be to get our broker's license. We then decided, well, we know someone that builds houses- why don't we collect money, buy these lots (from this one savings and loan guy) scattered throughout the suburb, build houses, build some two flats, and then sell them? That stopped when rates increased and then we decided to buy existing rental properties. By the time the 1970s were over, we probably had about 20,000 – 25,000 apartment units. By 1985, we had about 48,000 units.

Now comes probably one of the worst things next to 2009 that happened in the US. They changed the tax laws in 1986.

When they changed the tax laws, they made them retroactive and it ended up crushing all the savings and loans. It ended up crushing real estate values. What we decided to do in the late 1980s was we knew we had about 400 partnerships and figured the bottom 10% aren't doing that well and aren't worth their investment, why don't we see if we can unload them and put them in something else. At the time, we didn't even know what a Walmart was because remem-

ber, this was the 1980s, they weren't established in the Chicagoland area. After meeting with Walmart and recognizing their accountants were the same as ours, we started to buy a few of them for our investors. The four Inland founders, Dan Goodwin, Bob Baum, Bob Parks and I had to contribute \$16-\$18 million dollars out of our pockets to accommodate our investors' exchange. Over time we accumulated more than 130 Walmarts and ended up becoming their largest landlord.

Fast forward a little, now you are in the early 1990's.

The recession was starting to turn around, we decided apartments weren't the best thing because retail had a higher return. So, we switched to retail REITs, (Real Estate Investment Trusts). And the first retail REIT we did was Inland Real Estate Corporation valued at about \$1.2 billion, and in 2004, we rang the bell at the New York Stock Exchange. We had another retail REIT that was around \$4 billion in size, we sold it for \$6.2 billion.

As time went on, Inland completed well over 700 different funds, of which eight or nine of them were REITs and in one form or another five of the REITs are on the NYSE.

### WHAT ARE SOME OF INLAND'S ACHIEVEMENTS?

The one that comes to mind instantly is the Better Business Bureau. I am happy to say that The Inland Real Estate Group of Companies, Inc., has



Headquarters located at 2901 Butterfield Rd., Oak Brook IL

received this award not only once, but remarkably three times! This might sound corny, but I'm telling you this. *"However, you treat the people you deal with, whether they are employees or whether they're sitting across the table from you in negotiations, do to them as you would have them do to you."* Something as simple as this will get you repeat business. Your employees will feel comfortable enough to come up with new and innovative ideas that will only help them move up within the company.

#### **HOW'S BUSINESS:**

Wow, it's tough. The federal government raised interest rates so much, it's preventing people from buying homes. Theoretically, if you can afford it for a few years, the interest rates will go down, you can refinance, and your payments will drop, but most people buying their first house are just making it. Whether you are buying a house or an apartment complex, how can you think of buying it when the seller is still so high on their price thinking it was year 2022 and not 2023? Until that price comes down, you can't buy anything

to make it work for your investors or Inland. That is why this part of the business has slowed down tremendously. It just started to pick up a little bit because sellers are realizing this is going to last too long and maybe they need to get out of their loan.

#### **HOW HAS THE ILLINOIS CHAMBER OF COMMERCE HELPED YOU?**

I believe that being an active member of the Illinois Chamber of Commerce is beneficial for any business. The Illinois Chamber's efforts to grow and flourish the state's businesses is a benefit to all that call Illinois home. Great work was done by the Chamber in defeating the proposed Progressive Income Tax by informing legislators, stakeholders, and the public on the negative impact a progressive income tax could have on families especially when you combine that with the current rising interest rates. The Chamber's dynamics and ability to interact with all businesses in Illinois are fantastic. It's amazing to be able to unite everyone around the one goal we all share: advocating for Illinois business.

*"However, you treat the people you deal with, whether they are employees or whether they're sitting across the table from you in negotiations, do to them as you would have them do to you."*

– G. Joseph Cosenza



# 2023 End of Session Report

*By Illinois Chamber of Commerce Council Directors*

By almost all accounts, 2023 was the most “normal” session experienced in Springfield since 2019. After three years of truncated legislative sessions, the General Assembly adjourned last week in the early morning of May 27th. Of course, this was after a self-imposed adjournment date of May 19th was missed as budget negotiations and other end-of-year business were prolonged. Just like every year, the Illinois Chamber team diligently drafted, tracked, and advocated on legislation impactful for the business community. This document is a product of that advocacy.

## ILLINOIS CHAMBER OF COMMERCE VICTORIES

### Permitting Portal: Illinois Chamber and Illinois Environmental Regulatory Group Initiative Passes House and Senate Unanimously

HB 3017, sponsored by Representative Yednock and Senator Villivalam passed out of the House and Senate unanimously. This bill is a joint initiative of the Illinois Chamber and the Illinois Environmental Regulatory Group (IERG) to assist businesses in obtaining environmental permits for large-scale projects. We believe this tool will help spur economic development statewide. This Chamber initiative is a significantly amended version of HB 5555 which unanimously passed the House last spring during the 102nd General Assembly.

With this bill, the Business Assistance and Regulatory Reform Act is amended to improve the permitting process in the State by creating an

online permitting portal for new and existing environmental permit applicants with a qualified investment of \$20 million or greater. With such a portal, businesses seeking certain permits for industrial projects can access a website to better understand the timeline and process for agency approval and to track the status of their permits.

This legislation will support economic growth in the state by giving businesses user-friendly tools to assist them in navigating the complexities of environmental permitting for projects. Additionally, such a tool makes Illinois competitive with nearby states that offer similar assistance for businesses.

We thank the General Assembly for recognizing a need for transparency and a pro-growth mindset in State government and empowering DCEO to utilize information technology to streamline interagency coordination for the issuance of environmental permits.

### Consumer Health Data Bill Held for Remainder of Spring

One of the bills that caused us the most worry this session was [HB 3603](#) (Williams). This bill was pushed by the same groups that brought us BIPA and it's not an exaggeration to say this bill had the potential to be equally catastrophic. The proponents, mainly the ACLU, claim it is a reproductive health protection act. In reality, it's an omnibus data privacy bill cloaked in reproductive health-care protections.

A thanks to all the business groups that lined up in opposition to this including Technet, IMA, IRMA, iBio, Chicagoland, and the Fuel and Retail Association. Thankfully we were able to prevent this bill from moving during the Spring session. Kudos to the General Assembly for not rushing flawed policy.

[HB 4093](#) is close to identical language. It was introduced late in session as a placeholder for conversations this summer.

You can read our joint fact sheet [HERE](#).

### Business Coalition Help Stop Onerous Environmental Justice Act Another Year

Expectations lingered all session regarding a desire to adopt legislation dealing with Environmental Justice (EJ). Numerous bills were filed by environmental activists. The business coalition made up of the Chamber, IERG and other associations filed its language to counteract the environmental activists' narrative.

The Chamber and IERG helped stop [HB 2520](#) (Harper) from passing this session. The bill was placed on postponed consideration after its first failed attempt to pass the House, then when a second attempt was made, the bill failed to receive the number of required votes to move to the Senate chamber. The Chamber and IERG continue to advocate for the passing of an environmental justice bill that prioritizes the economic health of a region, its businesses, and residents. The business coalition environmental justice legislation, [SB 852](#), was filed on May 8, 2023. This language was developed by a partnership of various industry Associations.

### California Misclassification of Independent Contractor Legislation Proposed

Independent contractors, sometimes referred to as 1099 employees after the tax form they receive, are a critical part of the economy. 4 years ago, California passed AB 5 which made their usage exceedingly difficult. The intervening years have seen dozens of carve outs, widespread protests and a statewide referendum overturning portions of this law.

The Attorney General's office attempted to bring this terrible law to Illinois. One of the main priorities of the Chamber this session was preventing movement on this spectacularly bad idea. We put together a weekly working group of nearly 40 lobbyists to halt this measure before it received any movement. While a sample draft was floated, we were able to stop even the official introduction of this language. We will remain on guard for similar proposals in the fall.



## 2023 End of Session Report

### Autonomous Vehicle Restrictions Prevented

Four bills were filed which would have dramatically restricted the testing and implementation of autonomous vehicles in Illinois. Two of the bills were backed by the Teamsters Union [HB 1403](#) (Evans) / [SB 306](#) (Villivalam) and two backed by the powerful motorcycle group ABATE [HB 2053](#) (Kifowit)/ [SB 1471](#) (Turner). The Chamber viewed these measures shortsighted, and fear based, response to the technology of the future. We have heard from auto manufacturers, trucking companies and major agricultural brands that seek to use autonomous vehicles in the near future and are concerned about these legislative proposals. We joined a coalition of business groups in opposing these measures. After

meetings with the Speaker, Senate President and the Governor's staff, these bills were all held in committee.

### First Medicaid Rate Increase in 28 Years

A long overdue Medicaid increase was passed in the final days of the General Assembly. Providers will see their first increase since 1995. While providers only received half the increase they requested, 10% as opposed to 20%, this represents much needed relief. As Senate Republicans pointed out on the floor, if rates had kept up with inflation over this time budgeteers would need to fund a 96% increase.

*We have heard from auto manufacturers, trucking companies and major agricultural brands that seek to use autonomous vehicles in the near future and are concerned about these legislative proposals. We joined a coalition of business groups in opposing these measures.*



# Bartlett Offers Grant Program to Increase Building Safety



In an effort to attract new businesses, help existing businesses expand, and provide safer buildings, the Village of Bartlett offers grants through its Bartlett Economic Development Assistance (BEDA) Program. Eligible projects include code compliance-related items such as fire sprinklers and fire suppression systems, among other interior and exterior building improvements. Sales tax-producing businesses in commercially zoned areas in the village are eligible for the matching grants up to \$50,000.

The grant program, which is funded by video gaming revenue, was developed to address aging buildings in Bartlett, and to reduce the business owners' costs of bringing them up to code.

This incentive program allows Bartlett to attract new business and assists some of the smaller homegrown businesses with costs for the building improvements.

For more information, visit Bartlett's website at [www.bartlettil.gov](http://www.bartlettil.gov).



**Northern Illinois Fire Sprinkler Advisory Board**

*Save Lives. Protect Property.*

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**708-403-4468**

# Illinois Employers: Summer Roundup of Even More

By Beverly P. Alfon  
Partner  
Amundsen Davis



*Recent amendments to the Illinois Gender Violence Act applies the law to employers, opening an avenue for victims of gender-related violence to sue employers whose employees or agents commit gender-related violence in the workplace...*

This summer seemed to fly by as quickly as the Illinois Legislature and Governor J.B. Pritzker enacted a dizzying slew of more new employment laws between the months of June and August. These changes are sweeping and require your attention now.

## 1. Employer Liability Under the Gender Violence Act

**Effective 1/1/2024**

Recent amendments to the Illinois Gender Violence Act applies the law to employers, opening an avenue for victims of gender-related violence to sue employers whose employees or agents commit gender-related violence in the workplace, if the violence arises “out of and in the course of employment with the employer.”

The law defines “gender-related violence” as a form of sex discrimination and includes acts of physical aggression, physical intrusions or invasions of a sexual nature, and threats of gender-related violence. The law broadly defines “workplace” to include “the employer’s premises, including any building, real property, and parking area under the control of the employer, or any location used by an employee while in the performance of the employee’s job duties.” “Workplace” also includes “activities occurring off-premises at employer-sponsored events where an employee is not performing the employee’s job duties.”

Section 11 of the amended Act imposes liability on the employer if

the gender-related violence occurs “(i) while the employee was directly performing the employee’s job duties and the gender-related violence was the proximate cause of the injury; or (ii) while the agent of the employer was directly involved in the gender-related violence and the performance of the contracted work was the proximate cause of the injury.” If the employer has acted in a manner inconsistent with how a reasonable person would act under similar circumstances, it will be liable.

However, an employer will only be liable for the gender-related violence if the employer (a) failed to supervise, train, or monitor the employee who engaged in the gender-related violence; or (b) failed to investigate and remediate complaints or reports directly provided to a supervisor, manager, owner, or another person designated by the employer of similar conduct by an employee or agent of the employer.

Notably, an employer that provides the sexual harassment prevention training required by Section 2-109 of the Illinois Human Rights Act has an affirmative defense that it provided adequate training to the employee.

The law provides for potential injunctive relief and the recovery of actual damages, including damages for emotional distress, punitive damages, and the recovery of attorney’s fees and costs.

# Employment Laws

## 2. New and Expanded Leave Laws

### Paid Leave for Any Reason Effective 1/1/2024

This law was previously covered in our [Labor and Employment Law Update](#). The Illinois Paid Leave for All Workers Act requires all private employers to provide all (full-time, part-time, seasonal, and temporary)

employees with up to 40 hours of paid leave per year to be used for any reason. The Illinois Department of Labor (IDOL) is the enforcing agency. Despite the approaching effective date of this law, however, the IDOL has not yet issued regulations. For now, employers and their counsel are left to grapple with certain ambiguities in the law, while trying to develop compliant leave plans.

### Expanded Leave Under the Illinois Victims' Economic Security and Safety Act (VESSA) Effective 1/1/2024

VESSA applies to all Illinois employers. It provides up to 12 weeks (depending on the size of the employer) of unpaid, job-protected leave per year. The recent amendments expand the qualifying reasons for leave to the following, with some additional



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*Under the new amendment, the Employee Blood and Organ Donation Leave Act will also give eligible employees up to 10 days of paid leave in a 12-month period to donate an organ or bone marrow.*

restrictions for use: (a) to attend a funeral, alternative to a funeral, or the wake of a family or household member killed in a crime of violence; (b) to make arrangements for a family or household member killed in a crime of violence; and (c) to grieve a family or household member killed in a crime of violence.

#### **Expanded Bereavement Leave** *Effective 1/1/2024*

The Child Extended Bereavement Leave Act (CEBLA) will require employees with 50 or more full-time employees in Illinois to provide unpaid, job-protected leave to grieve for loss of a child (biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis) by suicide or homicide.

The amount of available leave depends on the size of the employer (250+ employees = 12 weeks per year; 50-249 employees = 6 weeks per year). Employees must use their CEBLA leave within one year of notifying their employer of the death of their child. Employers may require advanced notice and reasonable documentation. Notably, use of leave under CEBLA will preclude the employee from also using leave under the Illinois Family Bereavement Leave Act where related to the death of the same child.

#### **Expanded, Paid Donation Leave** *Effective 1/1/2024*

The current law requires all employers with 51 or more employees to allow eligible employees (full-time employees who have been employed for at least 6 months) to use 1 hour of paid leave every 56 days to donate blood. Under the new amendment, the Employee Blood and Organ

Donation Leave Act will also give eligible employees up to 10 days of paid leave in a 12-month period to donate an organ or bone marrow.

### **3. Job Posting Salary, Benefits, and Promotion Opportunity Disclosure Obligations**

*Effective 1/1/2025*

*An employer with 15 or more employees that announces, posts, publishes, or otherwise makes known an opening for a job that will either (a) be performed in part or entirely in Illinois or (b) report to a supervisor, office, or worksite in Illinois, must provide the pay scale, benefits and “other compensation” (e.g., bonuses and incentives) in the posting (or a hyperlink to the information).*

This requirement applies whether the employer posts the job on its own or through a third party.

*Regardless of an employer’s size, if the job posting does not include the compensation and benefit information, the employer must disclose that information both (a) upon an applicant’s request for the information and (b) before any offer or discussion of compensation with the applicant.*

*Regardless of an employer’s size, an employer must also disclose to its current employees all promotional opportunities for covered Illinois positions, within 14 days of externally posting the opportunity.*

Employers must maintain records of the job posting for each position, pay scales and benefits for each positions, for 5 years.

The IDOL will enforce the law, with authority to initiate an investigation on its own or upon receiving a complaint from prospective employees, current employees, or former

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*The law also amends the Illinois Personnel Record Review Act and now requires employers to provide employees with copies of their personnel records by email or mail, regardless of whether the employee can establish that they are unable to inspect the records in person.*

employees. The IDOL will give an opportunity to employers to cure violations, unless the employer has had two previous violations. The penalties for each violation may not exceed \$250-10,000.

#### **4. Expanded Protection for Temporary Workers**

**Effective Now**

Amendments to the Illinois Day and Temporary Labor Services Act focus on providing new rights and protections to temporary workers related to wages and benefits, safety, and protected refusal of work upon notice of a labor dispute.

These amendments, emergency regulations which took effect on August 7, 2023, and proposed permanent regulations are covered in previous articles from our blog on June 26 and August 9.

#### **5. Expanded Access to Personnel Records and Electronic Distribution of Employee Notices**

**Effective 1/1/2024**

As discussed in a [prior article](#), House Bill 3733 creates new obligations for employers to electronically distribute notices required by the IL Minimum Wage Law, Illinois Equal Pay Act, Illinois Wage Payment and Collection Act, and Illinois Child Labor Law. The law establishes additional notice obligations for staffing agencies.

The law also amends the Illinois Personnel Record Review Act and now requires employers to provide employees with copies of their personnel records by email or mail, regardless of whether the employee can establish that they are unable to inspect the records in person.

#### **6. Commuter Benefits**

**Effective 1/1/2024**

The Transportation Benefits Program Act requires “covered employers” (an employer with 50 or more “covered employees”) in Cook County and numerous surrounding townships outlined in the Act, to provide pre-tax commuter benefits to covered employees that allow them to purchase a public transit pass with pre-tax dollars.

The Act defines “covered employees” as employees who work for the employer for at least 35 hours per week on a full-time basis. The covered employer must provide the pre-tax benefit to covered employees by their first full pay period after the employee’s 120th day of employment.

#### **7. Expanded Protection for Striking Workers**

**Effective 1/1/2024**

The Illinois Labor Dispute Act currently prohibits Illinois courts from enjoining peaceful picketers who are “recommending, advising, or persuading others” to cease work. Among other things, the law provides access to most employer locations by broadly defining the public right of way on which picketers are allowed to post temporary signs, park multiple vehicles, and even create temporary shelter for the well-being of the picketers.

These amendments now (a) prohibit state courts from awarding monetary damages, except for damage to an employer’s property, under limited circumstances and (b) makes it a Class A misdemeanor with a minimum fine of \$500 for anyone to place an object in the public way with the intention of interfering with, obstructing, or impeding a picket



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*In addition, the Act prohibits the contracting entity from engaging in any discriminatory, retaliatory, or harassing behavior toward the freelance worker.*

or other demonstration or protest. These amendments limit an employer's options in response to picketing activity.

## **8. New Protections for Independent Contractors**

**Effective 7/1/2024**

The Freelance Worker Protection Act (FWPA) defines "freelance workers" as independent contractors who contract with any non-governmental person or entity to provide products and/or services in Illinois or with an entity located in Illinois that is worth at least \$500 (either in a single contract or the aggregate of all contracts with a single entity) within a 120-day period.

However, the FWPA specifically excludes: (a) workers performing construction services; (b) workers performing services as an employee for a contractor who engages in construction; (c) workers engaged in the traditional employer-employee relationship as defined by the Illinois Wage Payment and Collections Act;

and (d) all foreign, federal, state, and local government entities including school districts. In addition, the law defines "freelance worker" as a "natural person," which the law defines as an "individual human being."

If the worker falls within the definition of "freelance worker," the Act imposes two requirements for the engagement of the freelance worker: (a) the terms of agreement must be memorialized in contract; and (b) the contracting entity must pay the freelance worker within 30 days of the completion of services or delivery of product.

In addition, the Act prohibits the contracting entity from engaging in any discriminatory, retaliatory, or harassing behavior toward the freelance worker. This prohibition extends to threats, intimidation, discipline, deterrence, denial of work opportunities, and other conduct that penalizes a freelance worker who exercises their rights under the Act.

Notably, this law gives freelance workers the right to either file a

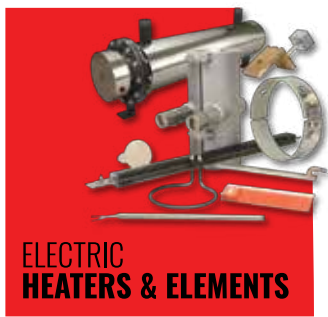




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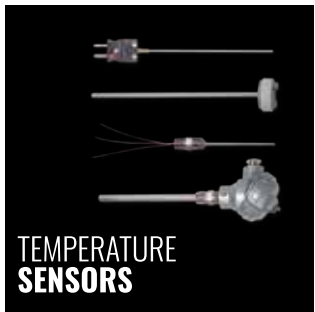
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complaint with the IDOL or file a complaint in state court.

If payments are untimely, freelance workers can recover double the amount of any underpayment, injunctive relief, costs of suit, and all reasonable attorneys' fees. For violations of the written contract requirement, freelance workers may recover statutory damages equal to the value of the underlying contract or \$500, whichever is greater, in addition to the other remedies provided.

For violations of the nondiscrimination requirement, freelance workers can recover damages equal to the value of the related contract, for each violation, plus costs and all reasonable attorneys' fees.

#### Action Items:

- Review and revise all leave policies for compliance with new and expanded leave laws.
- Review and revise all contracts with staffing agencies to ensure clear definition of responsibilities under the IL Day and Temporary Workers Services Act, including specific indemnification provisions.
- Assess pay scale and benefits for all positions to determine where adjustments may need to be made

before disclosure obligations begin on January 1, 2025.

- Assess internal processes for job postings and announcement of opportunities for promotion.
- Continue to provide anti-harassment training in accordance with IL Human Rights Act requirements and document the same. Be sure that all HR professionals and supervisors are aware of their responsibilities upon receiving a complaint and/or observing behavior that violates your company's policies.
- Map out locations/departments/job positions for which temporary workers are obtained through staffing agencies. Develop required safety training, methods for delivery and documentation of same, for compliance with the Illinois Day and Temporary Labor Services Act.
- Review current independent contractor agreements to determine where updates will be necessary for compliance with the Freelance Worker Protection Act by July 1, 2024.
- Review internal processes for responding to requests for personnel records and distribution of legally required notices to remote and all other employees.



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### The Community Chamber Program is also designed to deliver:

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- **A large local and national network for your employees**, including 1.2M+ doctors and health care professionals and 6,500+ hospitals<sup>2</sup>
- **Rewards for your employees** – With UnitedHealthcare Motion<sup>®</sup>, participants complete certain daily activity goals—like walking, running, cycling, swimming and more—and may earn up to \$1,095 each year\* for their health savings account (HSA) or toward a prepaid debit card\*\*
- **Support for human resources and compliance**, included as part of your UnitedHealthcare plan, Mineral<sup>™</sup> helps you handle even the most complex compliance issues with confidence.

With an average savings of 25%,<sup>1</sup> it's worth your time to compare the plan you have now with one available through this members-only program. To learn more, ask your broker or get started with a no-obligation quote today at <https://e-i.uhc.com/illinoischamber>

\* Or \$1,150 if not applying registration credit toward an activity tracker.

\*\* Receiving a reward card may have tax implications. You should consult an appropriate tax professional to determine whether you have any tax obligations from receiving this card under the program.

<sup>1</sup> 25% savings based on Q1 2023 UnitedHealthcare internal analysis for average price comparison between UnitedHealthcare plans in Illinois. Savings are not guaranteed.

<sup>2</sup> UnitedHealthcare internal analysis, March 31, 2023.

Minimum participation requirements may apply for bundling programs. Packaged Savings program is not available for all group sizes, and benefits and programs may not be available in all states. Components subject to change.

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## TACKLING INFRASTRUCTURE PROJECT

**August 4, 2023** | Yesterday, Executive Director of the Infrastructure Council, Andrew Cunningham was able to attend the CREATE Program's summer civic briefing and tour in Chicago. CREATE hosted various stakeholders, including state and local elected officials at the sites. The focus of the tour was on how the CREATE Program is tackling the largest chokepoint in the Chicagoland region, the 75th Street Corridor Improvement Project. Thank you CREATE Program Partners - we look forward to the completion of these critical projects!



## CHAMBER STAFF GETTING THINGS DONE

**July 18, 2023** | It's been another busy morning in our Chicago office! Chamber staff is diligently working on behalf of you and your company. #chamberchamps



## CUNNINGHAM ATTENDS CSX EVENT

**June 28, 2023** | CSX hosted the Railroad Incident Response Training Demonstration in Riverdale. Illinois Chamber Executive Director of Infrastructure Council, Andrew Cunningham was pleased to learn more about how CSX works with first responders in the most critical moments. Thank you for your commitment to safety and the state of Illinois.



## WOMEN IN BUSINESS 2023

**June 21, 2023** | What a great turnout for our 6th Annual Women in Business Conference at the NIU Center in Naperville! Karen Murphy, SVP Business Strategy and CFO for the Chicago Bears was our keynote speaker for the day! Our featured speaker, Jeff Harry with Rediscover Your Play, spoke on the importance of gratitude within your organization. We heard a great panel discussion on why finding a mentor within your industry is so important! A HUGE thank you to our attendees, speakers, sponsors, exhibitors, and staff on another successful conference. We hope to see you next year! #wib2024



## CHAMBER COMMENTS ON SANGAMO CLUB'S CLOSING

**June 14, 2023** | Senior Vice President of the Illinois Chamber, Clark Kaericher, discussed the Sangamo Club's upcoming closing with Carson Gourdie of WICS ABC Newschannel 20. We have belonged to the club for decades and are saddened by the closure of such a historic institution.





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**Illinois Chamber @ILChamber • Aug 11**

Chamber Senior VP of Government Affairs, Clark Kaericher and Infrastructure Council Executive Director, Andrew Cunningham were able to attend a St. Louis Regional Freight Tour hosted by the Terminal Railroad Association of St. Louis (TRRA) and the St. Louis Regional Freightway.



**Illinois Chamber @ILChamber • Jul 19**

On Monday evening, Illinois Chamber Senior VP of Government Affairs, Clark Kaericher spoke at a special meeting of the Sangamon County Board on behalf of Chamber member @NavigatorCO2. More than 600 people were in attendance to discuss Navigator CO2's Heartland Greenway project.



**Illinois Chamber @ILChamber • Jul 17**

IL Chamber's VP of Member Services, Danielle Blake met with Chamber member Stephanie Swietek at @SantasVillagelL to discuss their summer season and the new additions to the park! Thank you, Santa's Village, for making Illinois a better place to work and live!



**Illinois Chamber @ILChamber • Jun 22**

Yesterday at our women in business conference, we heard a great panel discussion on why finding a mentor within your industry is so important! Thank you to Heather Bailey, Allison Wyler, Jennifer Cotharn, and Ngoc Nguyen for your insightful advice to our attendees!



**Illinois Chamber @ILChamber • Jun 15**

Illinois Chamber's Business Services Coordinator, Kirsten McDevitt and General Chamber Assistant, Kia Mallow had the chance to attend IACCE's seminar on membership model trends for chambers. Thank you @LSRCC\_Chicago and #IACCE for this great networking opportunity!



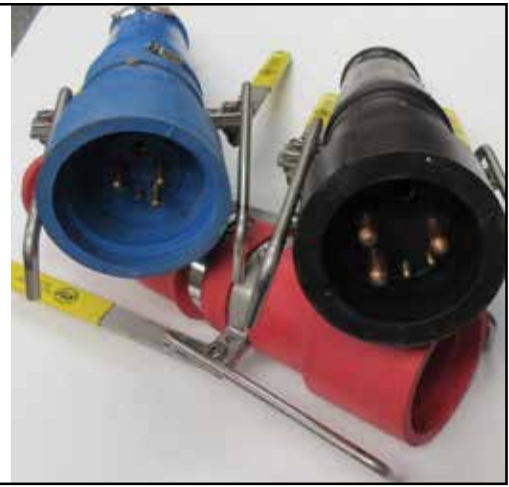


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