

STATE ISSUES

BY MAGDA DARISMA, ILLINOIS AFL-CIO LEGISLATIVE DIRECTOR

Illinois AFL-CIO and its affiliate have been hard at work since the 2018 Convention to secure positive changes in labor laws to support the hard-working people of Illinois. In the 2018 Election, Illinois elected Democratic Governor J.B. Pritzker and Democrats held supermajorities in the House and Senate. The 2018 Election led to progressive legislative victories in 2019. At the end of the 2019 legislative session, legislative wins included a \$45 billion capital bill to rebuild Illinois, a promise to increase minimum wage to \$15 by 2025, the legalization of recreational cannabis, a gaming expansion bill, and a fair tax constitutional amendment proposal.

At the start of the 2020 legislative session, the Illinois AFL-CIO had huge plans to work with its affiliates to champion the diverse initiatives of the labor movement, but there was a necessary change in focus to help workers and their families survive the devastations of the COVID-19 pandemic. Since the start of the pandemic, the state federation has advocated for the resources workers and their families need to survive these challenging times.

Due to the pandemic, the Illinois General Assembly took a two-month hiatus and later convened a limited four-day special session to review legislation related to COVID-19, the state budget, economic recovery efforts, and the 2020 General Election. Fortunately, the legislature included a number of measures advanced by the Illinois AFL-CIO and its affiliates to help workers during these challenging times. These legislative victories included expansion of unemployment insurance eligibility of benefits, workers' compensation coverage, and the Vote by Mail option for the 2020 General Election.

Nurse Violence Protection – HB 4100

Signed into law August 2018 – This law creates the Healthcare Workplace Violence Prevention Act that protects healthcare workers from workplace violence. The law requires healthcare providers to create a workplace violence prevention program that complies with OSHA guidelines for preventing workplace violence.

Rebuild Illinois – HB 62 & SB 1939

Signed into law in 2019 – These bills created a \$45 billion capital infrastructure spending package that would fund billions in backlogged road and bridge projects, vertical projects in schools, state higher education facilities, and other state-owned buildings. Here are the allocations:

- \$33.2 billion for transportation projects including roads and bridges;

- \$3.5 billion for education infrastructure projects;
- \$4.3 billion for state facilities;
- \$1.2 billion for environmental conservation projects;
- \$420 million for broadband expansion; and
- \$465 million for health care and human services facilities.



Prevailing Wage – SB 203

Signed into law January 2019 – On his first full day in Office Governor Pritzker signed SB 203. The law mandates that the prevailing wage be set at the collectively bargained rate in the area. The Rauner Administration and ABC contractors attempted to change the formula for Prevailing Wage using contractor wage surveys. The legislation passed the General assembly during the Fall Veto Session of 2018 but was held through a parliamentary procedure to avoid a veto by Bruce Rauner. This bill was sent to Governor Pritzker following his inauguration for his signature.

Fight for \$15 – SB 1

Signed into law February 2019 – The second bill signed by Governor Pritzker was his promise to raise Illinois minimum wage to \$15. SB 1 increases the state's minimum wage from \$8.25 to \$15 by 2025. Illinois became the first state in the Midwest to pass a \$15 minimum wage bill. Previously, legislators had not passed an increase to the minimum wage since 2006 and the state's minimum wage had not been increased since 2010.

Minimum Wage Increases:

- 1/1/20 - \$9.25
- 7/1/20 - \$10
- 1/1/21 - \$11
- 1/1/22 - \$12
- 1/1/23 - \$13
- 1/1/24 - \$14
- 1/1/25 - \$15

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Banning Right to Work Zones – SB 1474

Signed into law April 2019 – This law creates the Collective Bargaining Freedom Act which bars local units of government from implementing Right to Work in their jurisdiction. The Rauner Administration and the National Right to Work Legal Defense Foundation, advocated that home rule units of local governments had the authority to pass “right to work zones” ordinances in their jurisdiction. SB 1474 clarifies that under Section 14(b) of the National Labor Relations Act, only the State has the power to determine union security agreements between employers and employees.

Gaming Expansion – SB 690

Signed into law in June 2019 – This law expands gaming in the state of Illinois. The law allows for six new casinos in Chicago, Waukegan, Rockford, one of the south suburban Cook County townships, and one in Williamson County. Video gambling machines were approved for larger truck stops and slot machines at O’Hare and Midway airports. Sports betting licenses would go to all existing and newly authorized casinos, horse racetracks, and sports venues. A Chicago casino would be allowed to have up to 4,000 gambling positions. The money from the proposed Chicago casino would be split in thirds among the city, state and private owners.

Cannabis – HB 1438

Signed into law June 2019 – This law legalizes adult use recreational marijuana. Illinois became the first state to create a commercial recreational marijuana industry through the legislature, rather than by voter initiative. The law creates a licensed cultivation and dispensary system and directs the Governor to pardon individuals convicted of low-level marijuana possession.

State Employee Back Pay – HB 4290

Signed into law June 2019 – The 2019 Budget and HB 4290 pays nearly 30,000 state workers back pay for step raises they did not receive during the Rauner administration. These workers are entitled to an estimated \$400 million in back wages.

Worker Protection Unit – SB 161

Signed into law August 2019 - This law creates a Worker Protection Unit within the Office of the Illinois Attorney General to enforce and initiate criminal and civil proceedings against employers who violate the:

- Employer Misclassification Act;

- Minimum Wage Act;
- Prevailing Wage Act;
- Day and Temporary Labor Services Act; and
- Wage Payment and Collection Act.

Similar legislation was vetoed by Rauner in the 100th General Assembly.

Human Rights – HB 252

Signed into law August 2019 – This law expands the Illinois Human Rights Act, which prohibits discrimination, to all employers who employ workers for 20 or more weeks. The Act no longer exempts employers with less than 15 employees. All employers, regardless of size, may be subject to race, national origin, gender, sexual orientation, religion and age discrimination claims. Similar legislation was vetoed by Rauner in the 100th General Assembly.

Graduate Employee Rights – HB 253

Signed into law August 2019 – This law gives graduate and research assistants (commonly referred to as teacher assistants) the same labor rights as other educational employees. These workers will no longer be classified as students, which gives them the opportunity to collectively bargain for better working conditions and fair pay. Similar legislation was vetoed by Rauner in the 100th General Assembly.

Contractor Employee Rights – SB 1636

Signed into law August 2019 – This law provides protections to construction contractors by ensuring these contractors receive their full retention in a timely manner. The law also allows owners to retain sufficient funds to protect against problems at the end of a project. This law encourages new developments in Illinois by easing contractors’ cash flow burdens. Similar legislation was vetoed by Rauner in the 100th General Assembly.

Unemployment Insurance Expansion – HB 2455

Signed into law June 2020 – This law gives displaced workers more access to unemployment benefits. The law provides:

- over \$2 billion in additional federal funding;
- an additional seven benefit weeks in the state extended benefit plan;
- unemployment benefits for workers who were previously excluded from receiving benefits; and
- employers will not be charged for COVID-19 related unemployment insurance experiences to help the economic recovery efforts.

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Workers' Compensation Coverage Expansion—HB 2455

Signed into law June 2020 – This law expands workers' compensation coverage to essential workers who become infected with the COVID-19 virus due to their employment. The law creates a rebuttable presumption that essential workers who contract COVID-19 did so because of their employment. This expanded coverage is retroactive to the start of the pandemic.

Vote by Mail Bill – SB 1863

Signed into law June 2020 –As response to the pandemic, the state's Vote by Mail option has been expanded for the 2020 General Election. The State Board of Elections will provide a universal Vote by Mail application and centralized online portal to apply for a ballot by mail.

Labor Protection Bill – SB 471

The Labor Protection Bill increased protections for workers across several industries. First, a worker in the process of rehabilitating from a workplace injury, who's recovery efforts have been impacted by COVID-19, will have 60 additional days to recover from their injuries. Second, workers at racetracks and racinos will have the ability to collectively

bargain for labor protections. Currently, many of these workers suffer from low-wages and poor working conditions and are trapped in the cycle of poverty. Lastly, a merchant, while performing their duties, will have greater protections against customers who violently refuse to follow their health and safety directives.

2021 Budget - SB 264 & HB 357

Signed into law June 2020 –The 2021 estimates \$42.9 billion in spending and maintains funding for education, social services, criminal justice and public safety, and capital investments. The Budget also directs \$5 billion in federal aid to the COVID-19 relief efforts. This money will be used to fund public health, social services, small businesses, local governments, and communities disproportionately impacted by the pandemic.

The Budget also fully funds certified pension contributions and increases election funding by \$40.6 million. The Budget repays \$1.6 billion borrowed in Fiscal Year 2020 for revenue shortfalls and allows for \$5 billion in borrowing from the Federal Reserve, if the federal government does not provide funds to state and local governments.