

# Deadline Approaching - Illinois Employers Must Report Adverse Employment Rulings by October 31, 2020

by Erin McAdams Franzblau

A FREEBORN & PETERS LLP CLIENT ALERT



Illinois' new Workplace Transparency Act ("WTA"), effective January 1, 2020, has created a number of new requirements for Illinois employers.

As just one example, by October 31, 2020, Illinois employers must report the number of adverse judgments or administrative rulings against them in the preceding calendar year (Jan. 1, 2019 to Dec. 31, 2019), to the Illinois Department of Human Rights (the "Department").

An "adverse judgment or administrative ruling" includes any final and non-appealable judgment that finds sexual harassment or unlawful discrimination, where the ruling is in an employee's favor and against an employer. Reportable judgments and rulings include final orders issued by the Illinois Human Rights Commission, the Cook County Commission on Human Rights or the Chicago Commission on Human Relations, or state or federal courts. Judgments and rulings must be reported even if they originate outside of Illinois, so long as the judgment or ruling is in favor of an "employee" and against an "employer," as those terms are defined in the Illinois Human Rights Act. Decisions in unemployment insurance proceedings need not be reported.

Employers are not required to report the number of settlements to the Department unless it requests them. In such a case, the Department may seek the number of settlements in cases where a charge of discrimination was filed under the Illinois Human Rights Act, dating back 5 years.

Employers who are required to report should complete the Department's Form IDHR 2-108 that can be emailed to the Department or mailed. In this form, employers must provide information such as the type of adverse rulings or judgments against it, whether equitable relief was ordered in those cases, and whether the employer is eligible to bid on public contracts. If the employer had no adverse judgments or administrative rulings within the previous calendar year, no form needs to be submitted.

Penalties for failing to comply depend on the number of employees the employer has, as well as its number of offenses, and can range from \$500 to \$5,000.

**If you have questions about your reporting obligations and whether you are required to report, please reach out to Labor and Employment Partner Erin McAdams Franzblau at [efranzblau@freeborn.com](mailto:efranzblau@freeborn.com) or (312) 360-6205.**

## ABOUT THE AUTHOR



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Erin helps companies navigate employment laws, and defends employers in a wide range of class, collective, and single-plaintiff disputes before federal and state courts. She regularly counsels and litigates matters brought under state and federal antidiscrimination laws, the Fair Labor Standards Act, and the Employee Retirement Income Security Act. She is experienced in all stages of litigation, from inception through trial and post-trial appeals.

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