

CLASS ACTION TRENDS IN WAGE AND HOUR LITIGATION

Paul DeCamp, Kathleen Barrett, and Lydia Pincsak

March 12, 2025

Disclaimer

This presentation has been provided for informational purposes only and is not intended and should not be construed to constitute legal advice.

Please consult your attorneys in connection with any fact-specific situation under federal, state, and/or local laws that may impose additional obligations on you and your company.

Attorney Advertising.

Presented by



Paul DeCamp

Member of the Firm

PDeCamp@ebglaw.com

Washington, DC



Kathleen Barrett

Member of the Firm

KBarrett@ebglaw.com

Chicago, IL



Lydia Pincsak

Associate

LPincsak@ebglaw.com

Chicago, IL

Agenda



1. Test Your Knowledge: A Pop Quiz on Wage and Hour Litigation
2. The Evolving Law of the Land: U.S. Supreme Court Updates
3. FLSA “Conditional” Certification Standard: Another Circuit Split
4. Personal Jurisdiction: Take Note
5. Wage and Hour Class Actions: Trending Now
6. Wage and Hour Compliance: Hot Tips

Test Your Knowledge

A Pop Quiz on Wage & Hour Litigation

How many FLSA collective actions were filed in federal district courts in 2024?

- A. 1,401
- B. 1,464
- C. 1,599
- D. 1,673

Correct Answer: D

Source: *Bloomberg Law Court Dockets – FLSA Case Analytics, February 2025*

Which federal district court had the most FLSA collective action cases filed in it during 2024?

- A. Eastern District of New York
- B. Southern District of New York
- C. Southern District of Florida
- D. Middle District of Florida
- E. Northern District of Illinois

Correct Answer: A. EDNY (226 Cases)

(These were the top five district courts last year.)

Source: *Bloomberg Law Court Dockets – FLSA Case Analytics, February 2025*

How much did the U.S. DOL Wage and Hour Division collect in FLSA back wages during 2024?

- A. \$150,000,000
- B. \$125,000,000
- C. \$105,000,000
- D. \$72,500,000
- E. \$55,000,000

Correct Answer: A

Source: <https://www.dol.gov/agencies/whd/data/charts/fair-labor-standards-act>

Which industry had the greatest number of compliance actions against it according to the U.S. DOL Wage and Hour Division in 2024?

- A. Agriculture
- B. Construction
- C. Food Services
- D. Health Care
- E. Retail

Correct answer: C. Food Services (3,827 Compliance Actions)

Source: <https://www.dol.gov/agencies/whd/data/charts/low-wage-high-violation-industries>

The Evolving Law of the Land

U.S. Supreme Court Updates

E.M.D. Sales, Inc. v. Carrera, 604 U.S. 45 (2025)

Decided January 15, 2025

- What is an employer's burden of proof for FLSA exemption?
- SCOTUS unanimous decision:
 - This is the “default” standard unless constitutional rights are at issue or Congress expressly says otherwise
 - FLSA is silent on the question
 - Analogous to Title VII employment discrimination cases, where the preponderance standard has been consistently applied

Absent a constitutional question or statutory rule, the **preponderance of evidence** standard applies.

Royal Canin U.S.A., Inc. v. Wulschleger, 604 U.S. 22 (2025)

Decided January 15, 2025

- Can a federal court retain jurisdiction when a plaintiff amends a complaint to remove all references to federal law?
- SCOTUS unanimous decision:



A federal court cannot retain supplemental jurisdiction over state claims if a matter does not contain claims under federal law and must remand such cases to state court.



FLSA “Conditional” Certification Standard

Another Circuit Split

FLSA “Conditional” Certification Standard – Circuit Split

- *Lusardi v. Xerox Corp.*, 975 F.2d 964 (3d Cir. 1992)
 - Lenient standard, two-step process
 - Step 1: “Conditional certification” or “notice”
 - Step 2: Decertification
- *Swales v. KLLM Transport Services, LLC*, 985 F.3d 430 (5th Cir. 2021)
 - “Actual similarity standard”
- *Clark v. A&L Home Care and Training Center, LLC*, 68 F.4th 1003 (6th Cir. 2023)
 - “Strong likelihood of success” standard

Will the Seventh Circuit follow
Swales and *Clark*?

Personal Jurisdiction

Take Note

A Note on Personal Jurisdiction

FLSA Forum Shopping

- *Bristol-Myers Squibb Co. v. Super. Ct. of California, San Francisco Cnty.*, 582 U.S. 255 (2017)
 - **There must be a connection between the controversy at issue and the state seeking to exercise specific jurisdiction.**
- Though this was a products liability case, **four out of five** federal circuits apply it to **FLSA collective actions**.
- The remaining Circuits have not considered or decided the issue yet.
- *Waters v. Day & Zimmermann NPS, Inc.*, 23 F.4th 84 (1st Cir. 2022)
 - Declined to extend *BMS* to FLSA collective action opt-ins, based on analysis of Fed. R. Civ. P. 4 and disagreeing with Sixth and Eighth Circuits
- *Vanegas v. Signet Builders, Inc.*, 113 F.4th 718 (7th Cir. 2024)
 - “*BMS* teaches that a court must establish its jurisdiction over claims one at a time. The FLSA does not mark an exception to that rule, and neither does any loophole in Rule 4.”

Wage & Hour Class Actions

Trending Now

Wage and Hour Class and Collective Actions: *Trending Claims*



Overtime Rate Class Actions

- Are equity incentive plans for non-exempt employees within the scope of the FLSA regular rate exclusion, 29 U.S.C. § 207(e)(8)?
- DOL's silence on modern equity incentive designs



FLSA Misclassification Claims

- Plaintiffs allege employer assigns non-management work to Executive Team Leads who are classified as exempt, which takes up more than 50 percent of their time.
- Plaintiffs (managers) using AI software to perform job duties allege removes all decision-making and no longer meet FLSA administrative exemption
- Assert failure to pay overtime under FLSA.

Wage and Hour Class Actions: *Trending Claims*

Travel Time

- Overnight travel to a work site is NOT normal commuting time
- Employees are entitled to compensation for overnight travel when it cuts across the workday, even when travel occurs during normal working hours

Donning and Doffing

- When work clothing is integral to a job, employees have a right to be paid for the time they spend changing
- Doesn't apply if such time is *de minimis*

Joint-Employment

- New York Paid Detail Program class action lawsuits (100+ vendor defendants)
- Alleges late payment of wages, failure to pay minimum wage, and inaccurate wage statements under the FLSA and NYLL using a joint-employer theory
- Liquidated damages

Wage and Hour Class Actions: *Repeat Offenders*

Off-The-Clock

- *Pre/Post Shift Activity*
 - The *de minimis* doctrine is still good law
 - Cases regarding CBAs and donning/doffing don't have broader application
 - How much time is considered *de minimis* is a triable question of fact
- Remote work

Automatic Meal Period Deductions

- If bona fide meal period, the employer is not required to compensate for time, *as long as the employee is completely relieved of duties for the duration of the meal period*
- State, local laws more restrictive!

Time Rounding

- Is time-rounding still wise?
- Rounding is in the *employee's* favor

Wage & Hour Compliance

Hot Tips

Compliance Considerations

What can your company do to comply with the evolving wage and hour laws?



Watch for announcements of new rules by the DOL under the new administration.



Robust wage and hour policies and practices.

Adjust complaint reporting procedures and ensure reporting avenues are available for employees.



Conduct a targeted wage and hour audit (e.g., FLSA-exempt employees, wage notices, pay stubs, OT rate calculations).



Train your managers and staff on wage and hour policies and practices.



Arbitration Agreements.



Add an employee acknowledgement into your timekeeping system.



Consider designating an employee responsible for wage and hour compliance.



The Eras Tour: Union Organizing Edition

Changing Presidents and Attitudes Toward Unionization

Disclaimer

This presentation has been provided for informational purposes only and is not intended and should not be construed to constitute legal advice.

Please consult your attorneys in connection with any fact-specific situation under federal, state, and/or local laws that may impose additional obligations on you and your company.

Attorney Advertising.

Presented by



Adam S. Forman
Epstein Becker Green

Member of the Firm



Michael Ferrell
Epstein Becker Green

Member of the Firm



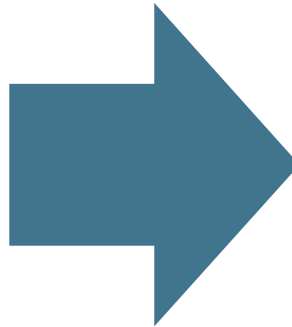
Jason Greer
Greer Consulting, Inc.

Founder and President



New President, Not the Same Old Board

New President, New Labor World

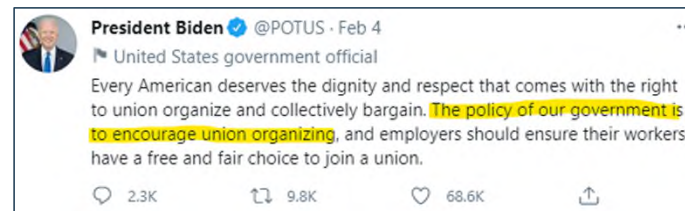


Unions Strike Back: The NLRB Under President Biden



“If I am elected, you are gonna see the most pro-union president in American History”

— Candidate Joe Biden
(campaigning in Pittsburgh, 11/2/20)



Biden makes history by joining striking autoworkers on the picket line

The United Auto Workers strike against the Big Three auto companies – General Motors, Ford and Chrysler maker Stellantis – has entered its 11th day.

The NLRB under President Trump



The New York Times

<https://www.nytimes.com> › U.S. › Politics

Trump Firings at Labor Board Paralyze the Agency

Jan 28, 2025 — President Trump ousted the general counsel of the National Labor Relations Board along with one of the board's Democratic members late Monday.



Bernie Sanders @BernieSanders · Jan 29

When **Trump** fires the most pro-union General Counsel in the National Labor Relations Board's history & illegally removes a member of the NLRB, he isn't a champion of the working class.

He is a champion of corporate greed and **union** busting.

Union Popularity Hits 70%, But Trump's NLRB Move Threatens Labor



The Guardian

<https://www.theguardian.com>

Trump is anti-worker.

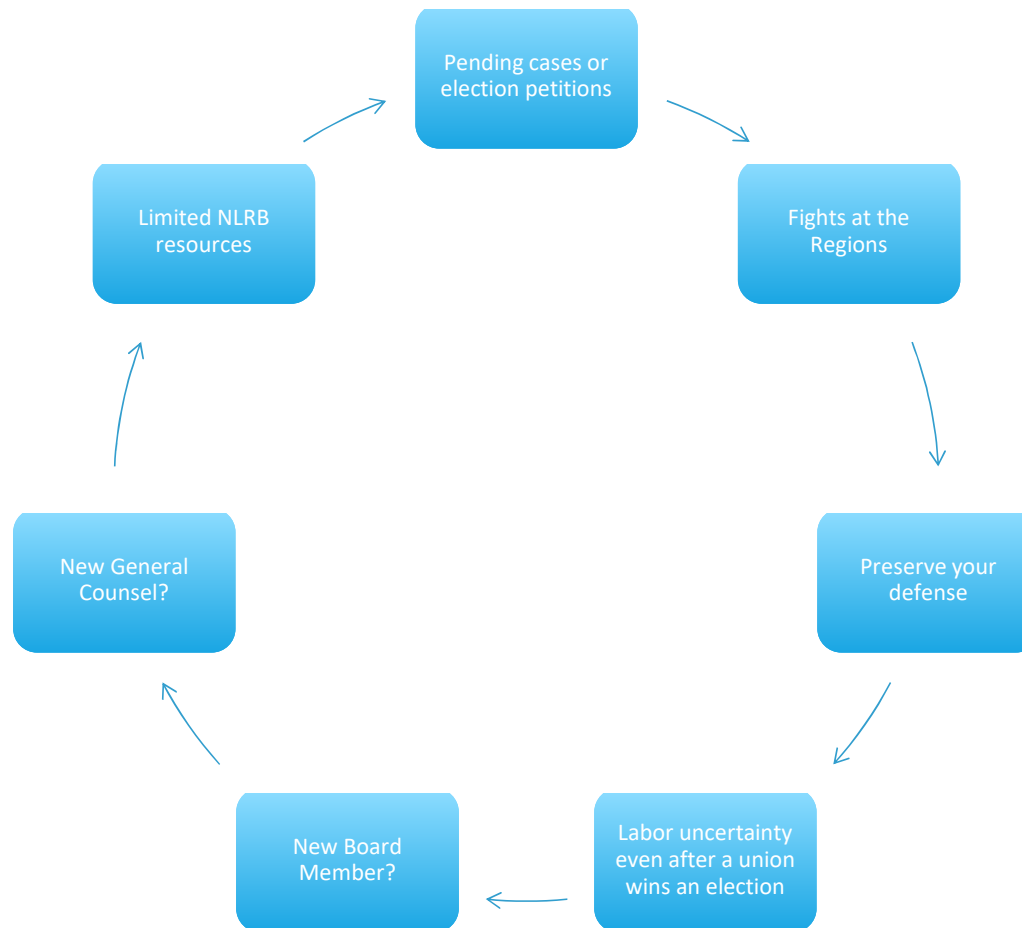
Quorum or No Quorum, That is the Question

Section 3(b) of the NLRA requires the National Labor Relations Board to maintain three active members to maintain a quorum to execute their delegated authority.

Without a quorum, the Board cannot issue decisions on representation elections and unfair labor practice charges.

No current appointments to fill additional seats.

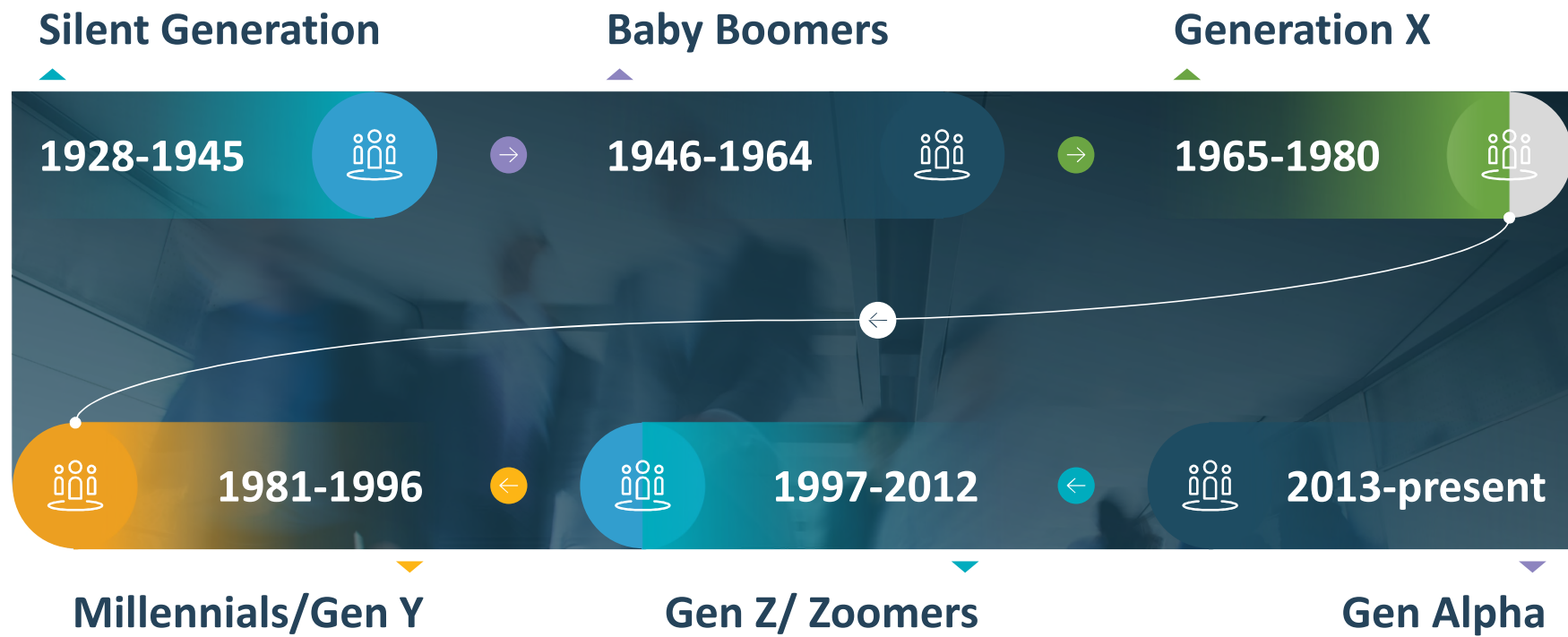
What does this mean?





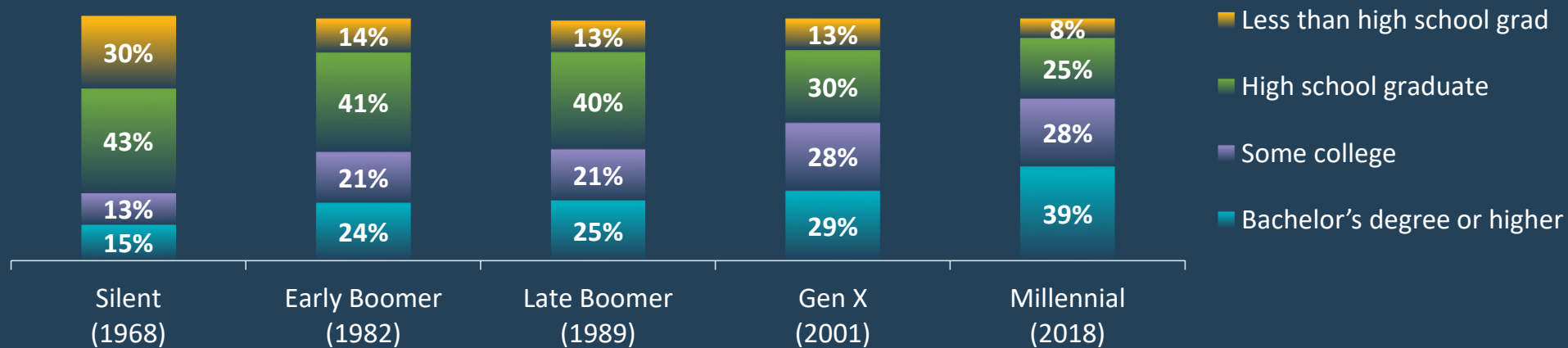
The Generational Divide

Generations



Millennials Are Better Educated than Prior Generations

Educational attainment of 25- to 37-year-olds (%)



Note: Figures may not add to 100% due to rounding. "High school graduate" includes those who have a high school diploma or its equivalent, such as a GED certificate. "Some college" includes those with an associate degree and those who attended college but did not obtain a degree. The educational attainment question was changed in 1992. For Boomers and Silents, "high school graduate" includes those who completed 12th grade (regardless of diploma status) and "bachelor's degree or higher" includes those who completed at least four years of college (regardless of degree status).

Source: Pew Research Center analysts of 1968, 1982, 1989, 1989, 2001 and 2018. Current Population Survey Annual Social and Economic Supplements (IPUMS)

PEW RESEARCH CENTER

Source: <https://www.pewresearch.org/social-trends/2019/02/14/millennial-life-how-young-adulthood-today-compares-with-prior-generations-2/>

Who is a Gen-Z?

The oldest member of Gen Z is 28 years old in 2025s



Digital/social media natives



- 54 percent spend four hours or more on social media, according to Morning Consult

Different relationship to technology

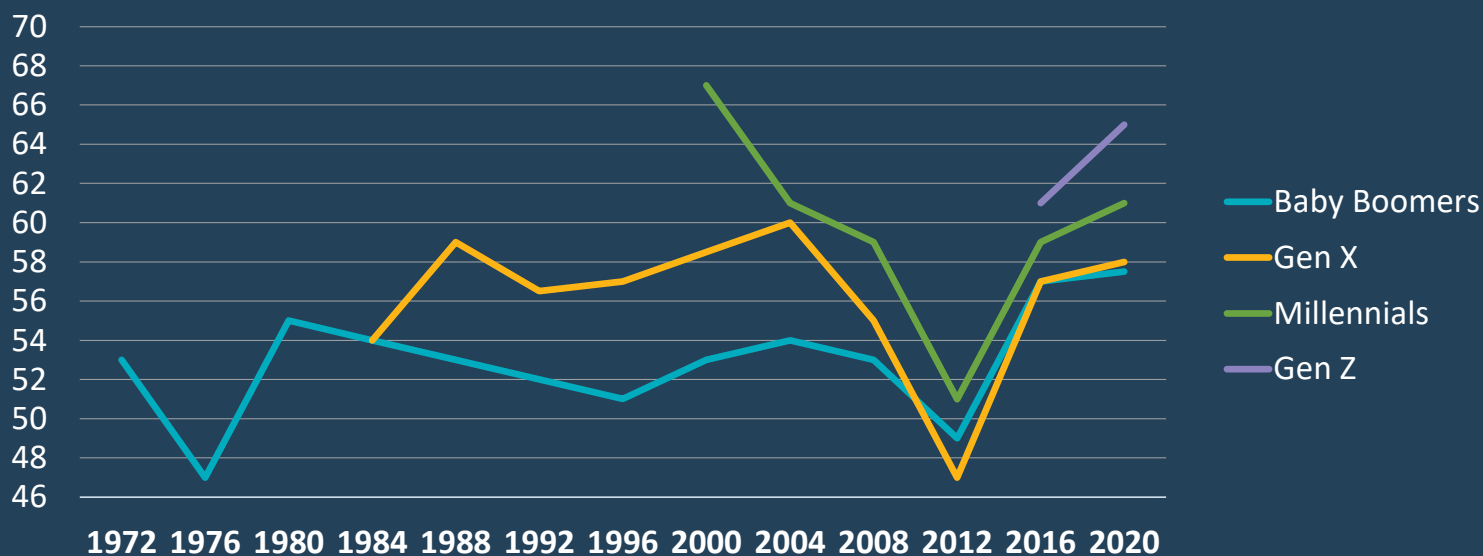


- Not a fan of phone calls and prefers a warning before a phone call
- Favors Slack and instant messaging platforms over email



Generation Z Supports Unions Today More than Older Generations Ever Have

Mean union approval rating, by generation, 1972—2020



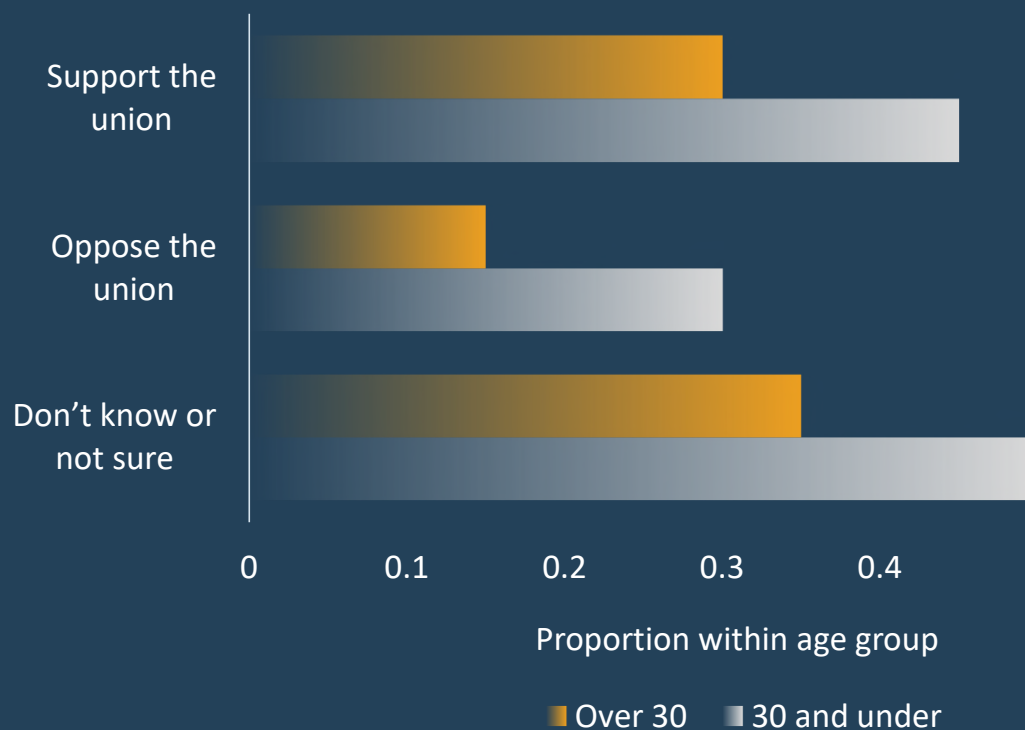
Source: American National Election Studies, "Time Series Cumulative Data File: 1948-2020," available at <https://electionstudies.org/data-center/anes-time-series-cumulative-data-file/> (last accessed June 2022)

Chart: Center for American Progress

Among the Nonunionized, Younger Workers Are More Supportive of Unionization at Their Workplaces than Those over 30



Proportion by age group of responses to the survey question 'If a vote were held today on having a union represent you, would you support the union?'





Angelika Maldonado,

the 27-year-old packer who chaired the Amazon Labor Union (ALU) Worker Committee at the Staten Island Amazon Warehouse

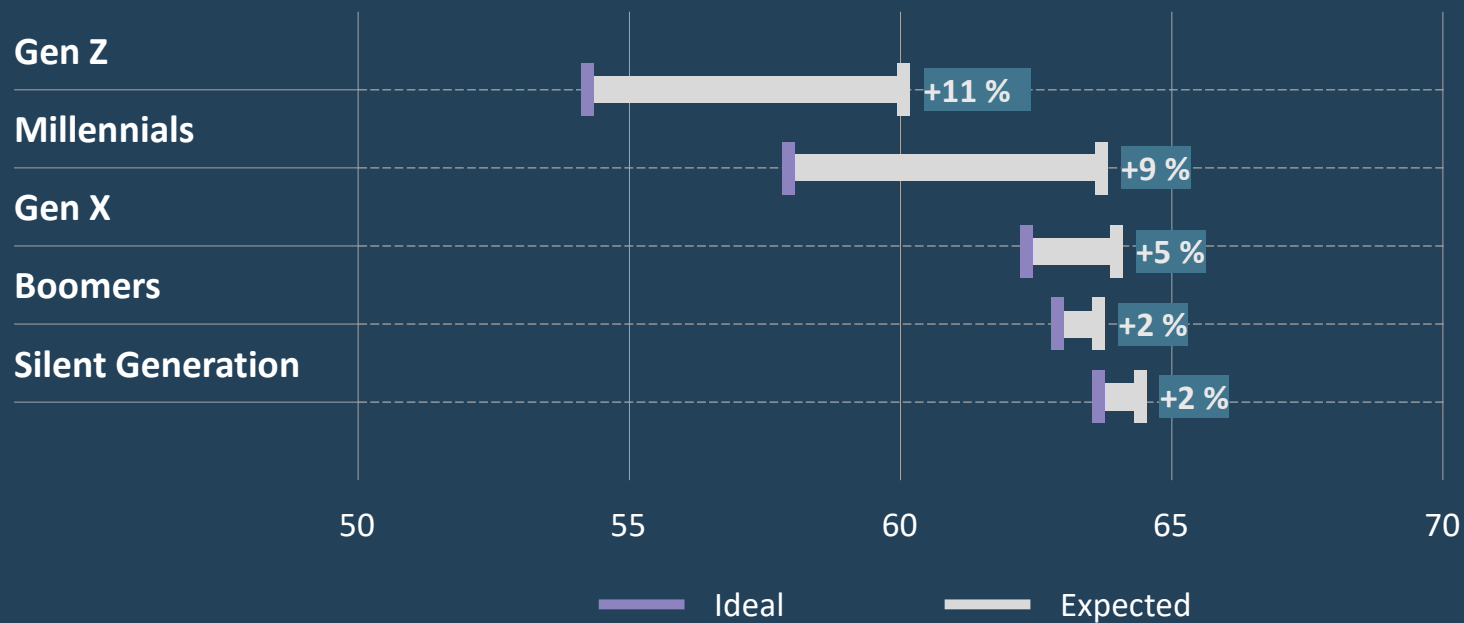
”

One of the main divisions was age. Keep in mind that the average age of an ALU organizer is about 26—many older workers tended to be more skeptical of the union. “

The Future Is “Meh”:

Gen Z has the bleakest outlook for retirement relative to their ideal

*What is your ideal and expected retirement age?
Mean of responses, US and UK data, by generation*



Source:
Oliver Wyman Forum
Global Consumer
Sentiment Survey,
September 2020—
present, N = 2,119



Vince Quiles,

a North Philly native who attempted to unionize his retail employer

”

“So I’m 27. I graduated [high school] in 2013, off of the heels of the last major recession, the rise of the gig economy, and the exploitation of the education system by private colleges and student debt collectors. Statistically, our generation—you know, millennials, Gen Z—we walked up into an economy where we were shafted, right?”

Let's Talk About It . . .

Gen Zers break down barriers and are open to discussing previously taboo topics in the workplace. Compared with other generations, Gen Z is:



63%

more willing to discuss
menstrual cycles

58%

more willing to discuss
sexism

41%

more willing to discuss
addiction

20%

more willing to discuss
mental health

Source: Oliver Wyman Forum Global Consumer Sentiment Survey, September 2020—present , = 4,042

Source: <https://www.oliverwymanforum.com/content/dam/oliver-wyman/ow-forum/template-scripts/a-gen-z/pdf/A-Gen-Z-Report.pdf>

The Change Generation Extends Activism to the Workplace



If their employers are not engaged in social issues **Gen Zers** are....

75%

more likely to **consider other jobs that better align with their values**

80%

more likely to be **less engaged at work in day-to-day activities**

45%

more likely **to go to fewer work events**

Employers need to change their activism playbook, or risk losing Gen Z talent and engagement

Source: Oliver Wyman Forum Global Consumer Sentiment Survey, September 2020-present, N = 4,042

01

Members of Gen-Z have some of the highest expressed rates of anxiety, depression, and mental health concerns

02

A strong expressed desire for feedback and instruction from their employers

03

They want transparency and openness from their employers



Employment Law Audit and Handbook Strategies (That Work)

Presented by Epstein Becker Green, P.C.
Nancy Gunzenhauser Popper & Carolyn O. Boucek

March 12, 2025

Disclaimer

This presentation has been provided for informational purposes only and is not intended and should not be construed to constitute legal advice.

Please consult your attorneys in connection with any fact-specific situation under federal, state, and/or local laws that may impose additional obligations on you and your company.

Attorney Advertising.

Agenda

01

Introduction



02

Handbook Goals, Challenges, and Best Practices



03

Handbook Compliance 101



04

Current and Evolving Legal Issues and Trends



Presented by



Nancy Gunzenhauser Popper

Member of the Firm

New York, New York

npopper@ebglaw.com



Carolyn O. Boucek

Associate

Chicago, Illinois

cboucek@ebglaw.com

An illustration from a top-down perspective showing several people sitting around a large, light-colored table in a meeting. The scene is rendered in a painterly style with a teal and blue color palette. Various items like coffee cups, a book, and papers are scattered on the table. A semi-transparent dark blue horizontal band is overlaid across the middle of the image, containing the title text in white.

Handbook Goals, Challenges, and Best Practices

Handbook Goals and Challenges



Goals

- Communicate company policies and expectations to employees in a clear and concise manner
- Ensure compliance with federal, state, and local law
- Reduce legal risk



Challenges

- Drafting, harmonizing, and administering compliant policies, particularly when your workforce is performing work in multiple jurisdictions
- Ensuring your handbook is up to date when laws seem like they are always changing
- Harmonizing written policies with your actual practices (and vice versa)
- Balancing a desire for broader policies that cover more employees (for administrative ease) against a backdrop of constantly evolving state and local laws that provide employees working in certain jurisdictions with an increasingly generous array of statutory benefits (e.g., paid sick leave laws, paid family and medical leave laws, etc.)
- Ensuring managers and HR professionals understand and are properly (and consistently) administering the policies
- Balancing compliance objectives and a desire to inform without being overly detailed and inclusive

Best Practices



Update handbooks at least annually (or more frequently if there is a significant change in the law)



Utilize a local practices section or local practices memoranda to communicate state and local policies when you have employees working in multiple locations

- Evaluate whether it makes sense to offer all employees a more generous benefit, even though it is only statutorily required for some employees



Consult with internal or outside employment counsel to ensure you are aware of updates in the law



Sometimes “less is more”—avoid unnecessarily detailed policies



Don’t maintain aspirational policies (i.e., don’t make promises you can’t (or don’t intend to) keep)



One size does not fit all

- Don’t assume the sample handbook your PEO (or someone else) gave you is compliant or contains the appropriate policies for your business

An illustration from a top-down perspective showing several people seated around a large, light-colored table. The scene is rendered in a painterly style with a muted teal and blue color palette. Various items like coffee cups, a book, and papers are scattered on the table. A semi-transparent dark blue horizontal band is overlaid across the middle of the image, containing the title text.

Handbook Compliance 101



Key Policies

- At-Will Employment
- Equal Employment Opportunity
- Policy Against Discrimination, Harassment, and Sexual Harassment; Complaint Procedure; and Anti-Retaliation
- Reasonable Accommodation
- Leaves of Absence
- Paid Time Off
- Employee Conduct
- Whistleblowing
- Confidentiality
- Absenteeism
- Employee Classification
- Overtime
- Recording Work Hours
- Notice and Cure Procedures for Paycheck Errors
- IT/Social Media
- Workplace Violence
- Telecommuting

Policies Addressing State and Local Law



Policies focusing on state and local laws:

- Sexual or other harassment
- Paid sick time
- Paid family and/or medical leave
- Other leaves of absence (voting, jury duty, military, organ and blood donation, etc.)
- Vacation (forfeiture and payment upon termination)
- Wage and hour issues (overtime, meal periods, and rest breaks)
- Lactation breaks and other reasonable accommodation
- Firearms at the workplace
- Drug testing/ drug-free workplace



State and local notices

Some states and local jurisdictions mandate the inclusion of certain notices in employee handbooks

- IL – Pregnancy Rights/Discrimination Posters
- NY – NY HERO Act Plan
- CO – COMPS Order
- MN – Wage Disclosure Protection
- Philadelphia – Wage Theft Notice

An illustration from a top-down perspective showing several people sitting around a large, light-colored table in a meeting. The people are depicted in a stylized, painterly manner. On the table, there are various items including coffee cups, a laptop, and some papers. The overall color palette is muted, with a lot of greys, blues, and greens. A semi-transparent dark blue horizontal band runs across the middle of the image, containing the title text in white.

Current and Evolving Legal Issues and Trends

DEI – Insights for the Trump 2.0 Era

Are Diversity, Equity, Inclusion, and Accessibility Policies/Programs gone forever?



Executive Order 14173: Ending Illegal Discrimination and Restoring Merit-Based Opportunity

- Revokes EO 11246, stopping affirmative action obligations imposed on federal contractors, subcontractors, and grantees
- Requires that all federal contracts now include a term requiring contractor to certify that it does not operate any programs promoting DEI *that violate any applicable Federal anti-discrimination laws*.
- Encourages all private employers to end or limit illegal DEI programs, including by directing the Attorney General to:
 - Create a report on use of DEI by private employers, including most “egregious,” and
 - Develop a plan of specific steps or measures to deter DEI programs or principles, including by way of investigation, litigation and regulatory action.



Audit DEI initiatives & policies

NLRB – Insights for the Trump 2.0 Era

How 1/20 turned into 180°

General Counsel Memo GC-25-05
February 14, 2025

Acting NLRB General Counsel William B. Cowen rescinded a host of his predecessor's memoranda regarding a series of topics such as:

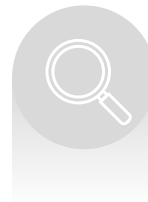
- Collegiate athletes
- Confidentiality in severance agreements
- Noncompetes
- Captive audience meetings



Examine existing policies including language in:

- Offer letters
- Handbooks
- Posters
- Employment Agreements

Also take note of unwritten workplace practices as well



Revisit policies on:

- Recording in the workplace
- Respect and civility
- Workplace conflict management procedures



Unlimited Paid Time Off Policies



Can be an effective marketing tool for recruiting and retaining talent and lead to higher employee morale and productivity

May eliminate the need to pay out unused, accrued vacation upon termination of employment in those jurisdictions that generally require it (subject to certain caveats)

Can lead to a reduction in the time spent administering a PTO program in certain circumstances

Studies show that employees may not use the entire bank of time



Disparate and inconsistent implementation by managers may occur, leading to claims of discrimination

An employer may still be required to pay out “unused” PTO in certain jurisdictions

Can result in more frequent abuses (or attempts at abuse) by employees

State wage and hour violations depending on the terms of the PTO policy (e.g., California)

May create challenges for managers due to understaffing and delays

All-Purpose Leave

Employees earn PTO that they can take for any reason or no reason at all

Employers may not require workers to provide a basis for their time-off requests

Employers may not discipline employees for using all-purpose leave under applicable law

Each all-purpose leave law has its own terms, including accrual rate and notice requirements, similar to sick time laws

Jurisdictions with all-purpose leave laws: Illinois (Cook County, and Chicago); Maine; Bernalillo County, New Mexico; West Hollywood, California; and Nevada



Other Leaves and Benefits



Changes to Bereavement Leave

- Moving away from length of entitlement based on relationship
- Bereavement for pet death (e.g., Oakland, California)
- Reproductive loss leave (e.g., California, Illinois, Massachusetts)

Women's Health

- New York prenatal leave
- Menopause leave



Time Off to Vote Disaster Response Leave Blood and Tissue Donation



Other Creative Benefits

- Grandparent's leave
- Pets – “paw-ternity” leave



Pregnancy Accommodation



Pregnant Workers Fairness Act (PWFA)

- Effective June 27, 2023 [EEOC Regulations went into effect June 18, 2024]
- The PWFA requires public and private employers with at least 15 employees to provide reasonable accommodations to worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship"
- The PWFA only applies to accommodations (including fertility treatments in some cases)
- The PWFA does not replace federal, state, or local laws that are more protective of workers affected by pregnancy, childbirth, or related medical conditions



Revise existing accommodation policies to address reasonable accommodation related to pregnancy

Lactation Accommodation



The Fair Labor Standards Act (FLSA), as amended by the Providing Urgent Maternal Protections for Nursing Mothers Act (“PUMP” Act)—what are employees entitled to?

- ✓ A private place to pump, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public
- ✓ Reasonable break time, for one year after the child’s birth, for “each time such employee has need to express the milk”
- ✓ Employees who work remotely are eligible to take pump breaks under the FLSA on the same basis as other employees



State and local laws may provide expanded coverage and minimum elements in policies:

- ✓ IL—requires the employer to make “reasonable efforts” to provide a “room or other location” in close proximity to the work area (other than a toilet stall). Employees may take reasonable break time for up to one year following the birth of a child.
- ✓ NY—requires a written policy that provides for a lactation room or location in close proximity to an employee’s work area that is well lit, shielded from view, and free from intrusion from other persons (other than a bathroom). New York law provides additional requirements for what must be included in such lactation room. Employees may take reasonable break time for up to three years following the birth of a child.

Legalization of Marijuana and Prohibitions Against Drug Testing for Marijuana



A number of states have legalized recreational and/or medicinal marijuana

Recreational: AL, AK, AZ, CA, CO, CT, DE, DC, IL, ME, MD, MA, MI, MN, MO, MT, NV, NJ, NM, NY, OR, RI, SD, VT, VA, WA
Medicinal: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, IL, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SD, TX, UT, VT, VA, WA and WV



Prohibitions on testing for marijuana

Some jurisdictions require that employers maintain written and/or minimally compliant drug testing policies in order to drug test applicants/employees and/or take adverse action (Boulder (CO), CT, ID, IA, ME, MD, MN, MO, MT, NC, OK, RI, TN, VT and WV)

Update drug-free workplace and/or drug testing policies:

“XYZ Company recognizes that some states in which it has operations have legalized the medicinal and, in some cases, recreational use of marijuana (cannabis). XYZ Company intends to follow applicable state law with respect to the non-discrimination against and accommodation of registered and certified users of medicinal marijuana. In jurisdictions where it is prohibited from doing so, XYZ Company will not subject applicants to pre-employment testing for marijuana or THC. Of course, nothing in this policy or the law prevents XYZ Company from taking appropriate disciplinary action with respect to employees whose conduct falls below the standard normally accepted for their positions even if caused by the influence of marijuana.”

Update policies to address reasonable accommodation of medical marijuana

Policies may still prohibit the use of cannabis in the workplace and working while impaired by marijuana

Gender Identity and Dress Code/Personal Appearance

Eliminate binary terminology in handbooks and policies

- In NYC and CA, employers must refer to workers by the pronoun they use to refer to themselves

Revisit DEI policies in light of recent Executive Orders with a mind to state and local laws

Dress code and personal appearance policies

- Eliminating any different dress and personal appearance/grooming requirements or standards for employees based on sex
- Section 7 rights
- CROWN Act



Update value statements to emphasize commitments to inclusivity and belonging

Illinois prohibits employment discrimination based on:
Race, color, ancestry, national origin, religion, sex, sexual orientation (including gender identity), sexual harassment, pregnancy, reproductive health decisions, military status, unfavorable military discharge, age, order or protection status, marital status, family responsibilities*, language, conviction record, and arrest records*

*as of January 1, 2025

Telecommuting/Remote Work Policies



Remote work policies should clearly outline expectations when working remotely (on a permanent, temporary, or ad hoc basis)

Such policies should address:

- Workspace and equipment
- Security and maintaining confidential information
- Safety and workplace injuries
- Being accessible during work hours
- Appropriate dress/conduct for meetings and other video appearances
- Remote work arrangement not appropriate for all roles; permission to work remotely may be revoked at any time
- Requesting and obtaining authorization; reserve the right to prohibit remote work from certain locations/jurisdictions



Do employers need a remote work policy if they do not, as a general rule, permit remote work?



Thank you!