

- **Employment Notice:** At the beginning of each assignment, the staffing agency must provide each worker with a record of the job to be performed, the hours worked and wages to be paid among other information;
- **Work Tickets:** For staffing agency workers who are sent to work at a company for a single day, the company must give you a work verification form at the end of the day showing your name, the date worked, the work location and number of hours worked. Staffing agency workers who are sent on longer assignments may request a daily work ticket.
- **Pay Stubs:** You must receive a wage statement at the time of pay which shows the number of hours worked at each location, the total hours as well as an itemized list of all deductions made.
- **Pay Disputes:** If you believe you have not been paid for all of the hours you have worked, you have a right to review the staffing agency's records showing how many hours they billed the company for your work.
- **Minimum 4 hours of Pay:** If you are sent to work at a company but not needed, you must be paid for a minimum of 4 hours at the rate promised.
- **Transportation Fees:** If the staffing agency provides transportation or directs you to take specific transportation, you may not be charged for rides and the agency is responsible for the safety of the van. If you ride in a legitimate carpool, the driver may charge you.
- **Fees for Conversion from Temporary to Permanent Employment:** A staffing agency may not charge a fee to a company that wants to hire you directly of more than their commission for 60 days minus the commission they actually received from the work you have done in the previous 12 months. In other words, the longer you work at a staffing agency, the less the fee they can charge a company for hiring you.
- **Waiting Area:** A staffing agency must provide a waiting area with access to a bathroom, running water and sufficient seating for all workers.

New: Chicago and Cook County Earned Sick Leave Law

Both Chicago and multiple municipalities in Cook County³ have passed ordinances that give employees the right to earn sick pay. Covered workers earn 1 hour of paid sick leave for every 40 hours they work up to 40 hours in a year which can be taken after 6 months of work. Employees can carry up to 20 hours of unused paid sick leave over to the next year. Paid sick leave can be used for a personal illness or for the illness of a close family member or for court dates if related to domestic violence. An employer is not permitted to require a doctor's note if you are sick for 3 days or less.

Coming Soon: City of Chicago Fair Work Week Law

Starting on July 1, 2020, companies with 100 or more employees in the Building Services, Healthcare, Hotels, Manufacturing, Retail, and Warehouse Services must give employees 10 days' notice of their work schedule. This goes up to 14 days' notice on July 1, 2022.

¹ The following municipalities are covered by the paid sick leave ordinance:

Barrington Hills, Berwyn, Cicero, Countryside, Deerfield, Dolton, Evanston, Glencoe, Glenview, Kenilworth, McCook, Northbrook, Oak Park, Oak Brook, Phoenix, Skokie, University Park, Western Springs, Wilmette, Winnetka

KNOW YOUR RIGHTS!

A brief guide to some of your workplace rights!

- Discrimination Law
- Fair Credit Reporting Act & Background Checks
- Minimum Wage & Overtime Law.
- Law For Staffing Agency Workers
- New: Cook County Earned Sick Leave
- Coming: Chicago's Fair Work Week

Disclaimer: This guide gives a brief description of some of your rights at work and is for informational purposes only and is not intended as legal advice. Each case is different and requires an investigation of the specific facts. You should not rely solely on this guide in determining your rights. You may have additional rights not listed here. If you have questions about your rights at your specific workplace, contact us to be referred to further info/resources.

BLACK WORKERS MATTER

5422 W. Division St., Chicago, IL 60651

blackworkersmatter.org 773-419-7335

Download the Black Workers Matter app at Google Play & Apple Store

Note: *It is illegal for your employer to retaliate against you for making a complaint to the Department of Labor, to a community organization or for filing a lawsuit.*

Racial & Other Discrimination in the Workplace

Discrimination in the workplace, including sexual harassment and discrimination based on race, nationality, gender, pregnancy, age, disability or religion violates Title VII of the Civil Rights Act and the Illinois Human Rights Act. Title VII applies to employers with 15 or more employees and to staffing agencies. Complaints of discrimination must be first filed with the federal Equal Employment Opportunity Commission or the Illinois Department of Human Rights, generally within 300 days of the incident complained about.

Hostile work environment

The law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, *however*, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Sexual Harassment

- Sexual harassment may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment;
- Harassment does not have to be of a sexual nature. It can be offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general; The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Making a Complaint about Discrimination

If the employer has an internal complaint mechanism, it is important to utilize it. Of course, if the harasser is the person to whom you are supposed to report the harassment, you can by-pass this step of the complaint process. If there is no one else to complain to, this is generally not required before filing a complaint with the EEOC.

Discriminatory Use of Background Checks

An employer's use of criminal background checks may also violate Title VII. While employers are not prohibited from seeking a background check, there are two ways in which the employer's use of criminal history information may violate the law:

- By treating job applicants with the same criminal records differently because of their race, color, religion, sex, or national origin ("disparate treatment discrimination").
- if the exclusions based on criminal backgrounds still disproportionately and unjustifiably exclude people of a particular race or national origin ("disparate impact discrimination"). If so, the employer must show that the exclusion is "job related and consistent with business necessity" for the position in question, the exclusion may violate Title VII.

If an employer does conduct a criminal background check, it must comply with the **Fair Credit Reporting Act**.

- **Criminal Background Checks:** An employer must provide you with a disclosure alerting you that a background check may be obtained; the disclosure must be in a separate document (i.e. not buried in fine print in the middle of an application) and the employer must obtain your permission to conduct a background check (usually by signing).
- **Your Rights:** If something comes back on your background check, an employer must provide you with a copy of the background check report and a description in writing of your FCRA rights.
- **Dispute Report:** An employer must give you an opportunity to dispute the findings of the background report before taking adverse action against you.

Minimum Wage and Overtime Laws

Your right to receive the minimum wage:

- *In Illinois*, the min. wage is \$8.25 per hour, with a probationary rate of \$7.75 for the first 90 days (*but staffing agency workers cannot be paid the probationary rate*). On Jan. 1, 2020, the min. wage goes up to \$9.25 an hour, to \$10 an hour on July 1, 2020, then rises \$1 an hour every Jan. 1 through 2025, when the minimum wage will reach \$15 an hour.
- *In Cook County* (unless the suburb where you work "opted out"¹), as of July 1, 2019, the min. wage is \$12.00 an hour and as of July 1, 2020 is \$13.00 an hour. After that the rate automatically goes up according to the CPI.
- *In Chicago*, the current min. wage is \$13.00 an hour and there is currently an effort to increase the min. wage rate being considered by the City Council.

Your right to receive overtime pay:

All workers must be paid overtime pay (time and a half) for all hours worked over 40 in a single work week² unless you are exempted for a specific reason

- **Common examples of schemes to avoid overtime are:**
 - **Paying on a salary basis:** If you are paid on a salary basis, you still must be paid the minimum wage for all of the hours you work. You can calculate your hourly rate by adding up all of your pay in a week and dividing by the total number of hours you worked.
 - **Paying on a piece-rate basis:** If you are paid by the number of pieces you produce, you also must be paid the minimum wage. Calculate your hourly rate in the same way.
 - **Split Paychecks (especially for staffing agency workers):** Many employers try to pay their employees with split paychecks or in a check plus cash for overtime hours. If you work more than 40 hours in a week for a single employer, you must be paid overtime. Paying workers under 2 names, with checks from 2 different companies or paying in cash does not change your right to receive overtime pay.
 - **Staffing agency workers working at more than 1 company:** If you work more than 40 hours in a week for a single staffing agency, you must be paid overtime pay for all hours over 40 in a single week even if you work at more than 1 company.

The Staffing Agency Law

Staffing agency workers have all of the same rights as other workers, but this law gives staffing agency workers some more rights which include the right to:

¹ The following municipalities have *not* opted out: Barrington Hills, Bensenville, Berwyn, Blue Island, Broadview, Brookfield, Burnham, Calumet City, Calumet Park, Cicero, 2 Country Club Hills, Countryside, Deer Park, Deerfield, Dixmoor, Dolton, East Dundee, Elmhurst, Evanston, Flossmoor, Ford Heights Forest View, Frankfort, Glencoe, Glenwood, Golf, Harvey, Hazel Crest, Hometown, Indian Head Park, Kenilworth,

Lemont, Lyons, Markham, Matteson, McCook, Merrionette Park, Northfield, Oak Brook, Oak Park, Olympia Fields, Park Ridge, Phoenix, Posen, Richton Park, Riverdale, Robbins, Roselle, Sauk Village Skokie, Stone Park, University Park Westchester, Willow Springs, Winnetka.

² Unfortunately, the law does not require overtime after working 8 hours each day.