

State Law Round-Up: Year End Edition – PART TWO (Illinois – Washington, D.C.) (US)

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In Part One of our year-end State Law Roundup, we covered national minimum wage developments and developments in states at the beginning of the alphabet: California, Colorado, Connecticut, Georgia, and Hawaii. In Part Two below, we look at developments in the rest of the states (and localities), from Illinois to Washington D.C.

Illinois:

- Illinois employers have **until December 31** to provide the **required annual anti-harassment training** to their employees. Basic [training materials](#) are available on the Illinois Department of Human Rights (IDHR) website.
- Employers' **first annual report** to the Illinois Department of Human Rights regarding information about adverse judgments or administrative rulings relating to sexual harassment claims (i.e., any final and non-appealable judgment that finds sexual harassment or unlawful discrimination, where the ruling is in the employee's favor) was due on October 31, 2020. Beginning in 2021 and thereafter, the deadline for this report will be July 1 of each year. Additional information is available from the IDHR's [FAQ](#).
- As we previously reported [here](#), as of August 1, 2020, **changes to the Illinois school conference and activity leave requirements** went into effect. The amended law provides that leave can be used for school conferences, behavioral meetings or academic meetings, and prohibits employers from terminating an employee's employment based solely on an absence for one of these reasons.
- The **Chicago Fair Workweek Ordinance** went into effect July 1, 2020 and affects employers who have at least 100 employees globally (250 employees and 30 locations for a restaurant) and are in the Building Services, Healthcare, Hotels, Manufacturing, Restaurants, Retail, and Warehouse Services industries. Covered employees are those who make less than \$26/hour or \$50,000/year. Covered employers are required to give covered employees advance notice of their work schedule (10 days beginning July 1, 2020 and 14 days as of July 1, 2022); the right to decline previously unscheduled hours; premium pay for certain shift changes; and the right to decline work hours that would occur within 10 hours after the end of their prior shift.

Waterloo, Iowa:

joins the growing number of states and cities enacting “**ban the box**” restrictions, prohibiting employers with at least 15 employees from inquiring in any manner about an applicant’s criminal records prior to issuing a conditional offer of employment, unless criminal history is voluntarily disclosed by the applicant before an offer. Employers also are prohibited from making any employment decision based on: arrests or pending criminal charges; and convictions that have been erased, expunged, pardoned or nullified. The [Fair Chance Initiative](#) went into effect on July 1, 2020.

Maine:

Earned Paid Leave law goes into effect on January 1, 2021. As we previously reported ([here](#)), under this law employers with at least 25 employees (at least 10 of whom are in Maine) can accrue up to 40 hours of paid leave per year, which can be used for any reason. Information about this law, including the recently-adopted final rules, are available [here](#).

Maryland

Amended its paid sick leave law to expand the definition of family member to include an employee’s legal ward, legal guardian or the legal ward of the employee’s spouse; these changes became effective on October 1, 2020. Maryland also passed a law prohibiting natural hairstyle discrimination, effective October 1, 2020. Finally, also effective October 1, 2020, Maryland employers are prohibited from requesting certain salary history information from applicants.

Massachusetts:

As previously reported, beginning on January 1, 2021, eligible employees can begin taking leave and benefits under the Massachusetts Paid Family and Medical Leave program. Eligible employees may take up to 12 weeks of paid family leave and up to 20 weeks of paid medical leave in a benefit year. Employers should already have provided required notices, should be making deductions from employee wages to fund contributions, and should be doing quarterly wage reporting. Further details and information are available from the [state website](#).

St. Louis, Missouri:

Effective January 1, 2021, employers in with 10 or more employees will be prohibited from basing job hiring or promotion decisions on applicants’ criminal histories. [Ordinance 71074](#) makes it unlawful for a covered employer to base a hiring or promotional decision on a job applicant’s criminal history or related sentence and to inquire into or require applicants to make disclosures regarding their criminal history on initial job application forms and other employer-generated forms used in the initial phase of the hiring process. Employers are also prohibited from publishing job advertisements excluding applicants based on criminal history, as well as including statements excluding applications based on criminal history in job application forms and other employer-generated forms used in the hiring process. Employers are also prohibited from seeking to obtain publicly available information concerning job applicants’ criminal history.

Bernalillo County, New Mexico:

enacted a paid sick leave law, whereby covered employees can accrue up to 56 hours of paid sick

leave each year, beginning on October 1, 2020. More information on the law, including coverage, can be found [here](#).

New York:

- ***New York state passed a paid sick leave law*** requiring employers to provide sick leave to employees for use for absences resulting from the employee's own or their family member's illness, injury or need for medical care or for reasons related to domestic violence, sexual assault, stalking or human trafficking. Under the law, employees began accruing leave on September 30, 2020, and can begin using accrued leave on January 1, 2021. Employees accrue one hour of leave for every 30 hours worked, up to a maximum of 40 or 56 hours per year, depending on the employer's size. Employers of 1-4 employees with a net income of less than \$1 million must provide up to 40 hours of unpaid sick leave each year. Employers of 100 or more employees must provide 56 hours of paid sick leave, and all other employers must provide up to 40 hours of paid sick leave. Unused sick leave carries over to the next year, however employers are not required to pay an employee for any accrued, unused NYSSL at the time of separation of employment.
- ***New York City amended its existing sick leave law*** to track the newly-enacted state sick leave law. Under the amendments, if the employer employs between 1-99 employees, then employees can accrue and use up to 40 hours of sick leave each year, and if the Company employs 100 or more employees, then employees can accrue and use up to 56 hours sick leave each year. If the employer has a net income of less than \$1 million sick leave is unpaid, otherwise sick leave is paid. An updated employee notice is available [here](#).

New York ***amended its voting leave law*** (again). Employees who do not have sufficient time outside of work hours to vote may take as much time as necessary to allow them to vote in a public election; employers are required to pay up to two hours of this time. The employer may decide when the employee may take voting leave. More information is available [here](#).

In October 2020, **Pittsburgh and Allegheny County, Pennsylvania** passed laws prohibiting employers from discriminating against employees on the basis of hairstyles and hair textures associated with race (e.g., locs, Afros, twists, cornrows, braids).

Tennessee:

(eff. 10/1/20, applies to employers with 15 or more employees) and **Virginia** (eff. 7/1/20, applies to employers with 5 or more employees) enacted pregnancy accommodation laws, requiring employers to make reasonable accommodations for an applicant or an employee's known limitations relating to pregnancy, childbirth or related conditions, unless doing so would impose an undue hardship on the employer.

Virginia:

also passed a law restricting non-compete agreements. As of July 1, 2020, employers are prohibited from entering into non-compete agreements with "low-wage" employees; the law does not apply retroactively, however. Under the law, "low-wage" employees are those that make under around \$1,030/month or \$53,000 per year (i.e., less than the average weekly wage). Employers are required to post a copy of the law or an approved summary or face civil penalties.

South Carolina

enacted a new lactation break law, effective June 25, 2020 requiring employers to allow employees unpaid break time (or to allow employees to use paid break or meal time) to express breast milk.

Washington, D.C.:

- C. employees may take up to two hours of ***paid time off to vote***; employers may specify when the employee can take the leave, including by requiring the employee take the leave during any early voting period. Employees must notify the employer of the need for leave at least 48 hours in advance.
- C. has instituted new ***anti-harassment training, notice, and reporting requirements for employers of tipped employees***.
- C.'s ***Transportation Benefits Equity Amendment Act of 2020*** requires employers who offer a parking benefit to employees (with certain exceptions) to (a) offer those employees a Clean air Transportation Fringe Benefit in an amount equal to or more than the market value of the parking benefit, (b) pay a Clean Air Compliance fee of \$100 per month for each employee who is offered parking benefits, (c) stop offering parking benefits, or (d) develop a compliant transportation demand management plan. The Act also contains a reporting requirement.

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