

VESSA: The Victims' Economic Security and Safety Act

Keeping Your Job and Keeping Safe

A Guide to Employment Law Protections for Survivors of Domestic and Sexual Violence

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To get your own copy of **VESSA: The Victims' Economic Security and Safety Act, Keeping Your Job and Keeping Safe, A Guide for Survivors of Domestic and Sexual Violence** go to the organizations' websites at <http://www.clccrul.org> and <http://www.povertylaw.org>. For information about VESSA or this manual, contact Laurie Wardell at 312-630-9744 ext. 229 or lwardell@clccrul.org, or Wendy Pollack at 312-368-3303 or wendypollack@povertylaw.org.

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Introduction

You know it can be hard to support yourself or a family, especially if you or a member of your family or household is a victim of domestic or sexual violence. You may need time off from work to keep you and your family healthy and safe. For example, you may need to go to court for an Order of Protection or a No Contact Order, attend weekly counseling sessions, or move to a different address. You may even lose your job because your boss does not want to have someone with a history of domestic violence or sexual assault on the job. **There is a law in Illinois called the Victims' Economic Security and Safety Act, also known as VESSA, which may keep you safe and help you keep your job.** This manual can help you learn about this law and how to protect your rights under VESSA.

This manual is organized into sections:

- Section 1 explains what rights you have under VESSA.
- Section 2 explains how to get VESSA benefits at work.
- Section 3 explains what you can do if your employer is not following VESSA.
- Section 4 provides sample documents, including:
 - Sample letters you can copy:
 - to tell your employer that you are a victim of domestic or sexual violence and that you need time off;
 - to ask your employer for a copy of your personnel file.
 - Illinois Department of Labor documents:
 - VESSA fact sheet;
 - Illinois employment laws poster (in English and Spanish);
 - Complainant Contact Sheet and VESSA Complaint Form.
- Section 5 explains what rights you have under the Illinois Human Rights Act.
- Section 6 explains what rights you have under the Unemployment Insurance program.
- Appendix A supplies contact information for legal services providers who can help you with VESSA or other employment claims.
- Appendix B supplies contact information for domestic and sexual violence organizations.

Section 1: Your Rights Under VESSA

What is VESSA?

VESSA stands for the Victims' Economic Security and Safety Act. It first became law in Illinois in August 2003 and was amended effective August 24, 2009. Changes include an increased number of employees and employers covered by the law. VESSA describes what employers must do to help victims of domestic and sexual violence keep their jobs and stay safe. It protects the workplace rights of female and male victims of domestic and sexual violence. It also protects the rights of those who have a family or household member who is a domestic or sexual violence victim, such as spouses, parents, sons, daughters, people who are related by blood or by current or prior marriage, people who have a child in common, and people who live together.

VESSA Eligibility

Is my employer covered by VESSA?

VESSA covers all employers who have an employee in Illinois and who are:

- The State or any agency of the State, or
- An office of local government or a local school district, or
- A private company with at least 15 employees. Not all of the employees have to be employed in the same workplace or facility or even in Illinois. Also, if your employer no longer has 15 employees but had more than 15 employees at any time in the past year, VESSA may still apply.

Am I covered by VESSA?

Yes, if:

1. You are a victim of domestic or sexual violence, or need to help a family or household member who is a victim of domestic or sexual violence; and
2. You meet the workplace requirements.

Am I a victim of domestic or sexual violence?

For domestic violence, it doesn't matter if you are married to your abuser, living together, or dating, if your current or former spouse or partner, or a member of your family or household is hurting you or another family or household member, you may take advantage of VESSA.

Domestic violence includes:

- physical violence, such as shaking, slapping, kicking, restraining, or punching;
- verbal violence, such as name calling or yelling;
- harassment at work, school, or home; and
- threats to hurt you or your children.

For sexual violence, it doesn't matter if it was a stranger, a person you know, or a family member who hurt you. If you are a victim of sexual violence, you may take advantage of VESSA.

Sexual violence includes:

- rape,
- sexual assault,
- forced sex,
- child sexual abuse,
- uncomfortable or unwanted touching, and
- stalking, including cyberstalking.

You do not have to tell the police or file criminal charges to take advantage of VESSA. Your employer is not allowed to tell you to get a police report or a court order before you may take VESSA leave. See Section 2, Taking Advantage of VESSA, for information on what you need to give your boss. It doesn't matter where the domestic or sexual violence took place, even if it was outside Illinois.

Acts of self-defense are NOT acts of domestic or sexual violence. So you may take advantage of VESSA even if you did something violent to protect yourself or a family member. But, *if you are the abuser or perpetrator, you may not benefit from VESSA.*

Do I meet the workplace requirements?

You must be a full-time or part-time employee of a covered employer. This does not include independent contractors. You may take advantage of VESSA even if you have worked for the employer only for a short time. VESSA applies if you regularly work in Illinois even if your employer is located in other states.

VESSA: The law

What does VESSA do?

It helps victims of domestic and sexual violence and their family and household members get help without worrying about losing their jobs. Covered employers must post a notice that explains VESSA and the benefits it provides.

VESSA protects you in two ways if you are a survivor of domestic or sexual violence or a family or household member of a survivor.

- First, it **requires your employer to let you take time off** to deal with the problems you are having because of violence. This leave time is unpaid but job-guaranteed. You are allowed different amounts of leave time depending on what type of employer you work for and how many people your employer has on staff. If you work for a private employer that employs 15-49 people, you may take up to 8 workweeks of time off during a 12-month period. If your employer is the State of Illinois, a state agency, a local government or school district, or if you work for a private employer that employs 50 people or more, you may take up to 12 workweeks of time off during a 12-month period. Your boss is not allowed to fire you or give you a different job just because you took VESSA leave. You do not have to take the leave all at once; you may take time off as you need it.

- Second, it **prohibits employers and public agencies from discriminating** or retaliating against you because you or a family or household member is a victim of domestic or sexual violence. For example, your boss is not allowed to fire you because you need time off to go to court to get a protective order or because your abuser calls to harass you at work.

VESSA does not protect you from being fired or reprimanded for job performance problems that are not related to domestic or sexual violence, such as being late, taking personal phone calls unrelated to the violence, not doing your work properly, etc.

You may also ask your employer for help to stay safe at work. Your employer must make reasonable accommodations in a timely fashion, unless it would be an undue hardship. For example, if you are being harassed by phone, you may ask for a new extension number or for your calls to be screened. If you are being stalked, maybe you need to change your work hours. If you have experienced sexual or domestic violence in the workplace, you may need assistance documenting what happened. Or maybe you need to move to another workstation in the office or even transfer to another location. Your employer may not retaliate against you for making these requests by firing you or cutting your hours.

You do not have to tell your employer about the domestic or sexual violence if you do not want to. But, *to take advantage of VESSA, you must tell your employer the reason you need time off.* Your employer must keep all of this information **CONFIDENTIAL**. Your boss is not allowed to tell anyone that you are taking time off because of domestic or sexual violence or show anyone your paperwork unless you say it is OK or a law says that your boss must.

What does VESSA stop my employer from doing?

VESSA stops your employer from discriminating against employees on the basis of domestic or sexual violence. For example, your employer IS NOT ALLOWED TO:

- Stop you from taking time off to attend to your safety needs;
- Require you to use other available paid or unpaid vacation, sick or personal leave days before using the leave time provided by VESSA;
- Refuse to let you return to the same or equivalent job after you return from your leave;
- Cut your work hours because you took leave;
- Take away your employment benefits, such as health insurance, while you are taking time off for VESSA purposes;
- Fire, harass, discriminate, or retaliate against you because:
 - You are (or your employer thinks you are) a victim of domestic or sexual violence or a family or household member is a victim;
 - You need to go to court to deal with a domestic or sexual violence case;
 - You have requested leave for any reason provided for in VESSA
 - You asked for help to stay safe at work;
 - Your abuser caused problems at your workplace;
 - You filed a VESSA claim against your employer.

Section 2: Taking Advantage of VESSA

What do I need to do to get VESSA leave?

*To take advantage of VESSA, you must tell your employer that you need time off because of domestic or sexual violence. **If possible, you must tell your employer 48 hours before you need to take time off.** The best way is to write a letter explaining your situation and the reason for taking time off. There is a sample letter in Section 4. If it is an emergency, you may take time off without giving notice, but to secure your VESSA rights you must explain as soon as possible to your employer why you needed to take time off.*

Your boss may ask you for proof. This is called “certification.” If asked, you should promptly give your employer a “sworn statement” (a written statement that you sign) saying that you are a victim of domestic or sexual violence. This statement should explain why you are taking time off. If you have it, you must also give your boss any of the following: a police report or court record; a letter from your doctor, lawyer, or clergy; a statement from a victim-services organization; or some other type of corroborating evidence. The law says that if you do not have any other proof, your sworn statement is enough, but having other proof is very helpful.

Your employer must keep all this information **CONFIDENTIAL** unless you give your employer permission to share it or unless the law requires your employer to share the information.

May I get paid time off under VESSA?

No. VESSA requires your boss to give you only unpaid time off. You may either take time off when you need it or ask for a reduced work schedule. However, if you have other paid leave (for example, sick leave or vacation time), you may take that instead of VESSA unpaid leave. You do not have to take vacation or sick time if you do not want to, and your employer is not allowed to make you take time off, paid or unpaid.

May I take VESSA leave for any reason?

No. You may take time off only to deal with things related to the domestic or sexual violence you experienced, for example:

- Going to the doctor or a counselor to get help for physical or psychological injuries caused by domestic or sexual violence;
- Recovering from physical or psychological injuries caused by domestic or sexual violence;
- Getting help from a victim-services organization such as a domestic violence shelter or rape-crisis hotline;
- Seeing a lawyer or going to court;
- Securing your future safety (by looking for a new place to live, relocating temporarily, talking to your children’s teachers, etc.).

What about my employment benefits?

Your employment status is “on hold” while you take VESSA leave. As long as you come back from leave when you are supposed to, your benefits should be the same as they were when you left. So,

- you should be able to come back to the same (or very similar) job after you come back from leave;
- you should not lose any seniority or employment benefits you had before you took time off; and
- your employer must continue to provide health insurance benefits while you are on leave.

How is VESSA different from the FMLA?

VESSA and the Family and Medical Leave Act (FMLA) both provide unpaid, job-protected leave to eligible employees. Both also allow employees to take leave as they need it or on a reduced work schedule. But there are some differences. For example:

- VESSA covers more workplaces;
- You must work for an employer for at least a year before you can take FMLA leave, but you may take VESSA leave from day one;
- FMLA covers only leave for a “serious health condition,” but you may take VESSA leave for any reason related to domestic or sexual violence;
- Only VESSA covers household members and has a broader definition of family member;
- FMLA requires you to give your employer more notice before you take time off;
- Only VESSA allows the employee to choose whether or not to use vacation or sick time for leave.

Depending on your situation and the reason you need time off, you may be able to take either VESSA leave or FMLA leave. If you do not know which is better for you, talk to your Human Resources manager or an employment lawyer.

What records should I keep while taking VESSA leave?

You have a legal right to take VESSA leave to deal with domestic or sexual violence issues. You should keep paperwork to show why you were not at work and to prove that your employer knew the reason. Keep any paperwork that is about your situation or the time you took off, including:

- Notes about conversations with your employer about your time off. Write everything down when you get home after your workday is over. Include the date and time of the conversation, what was said, and who was there.
- Copies of any paperwork relating to your work (performance reviews, records of pay increases, e-mails from your boss about your domestic or sexual violence situation, notes about your work).
- Documents that show your court dates or meetings with people who are helping you deal with your domestic or sexual violence situation.

Do not obtain or keep paperwork that relates to other employees or that you are not allowed to have under company rules.

Remember! VESSA does not protect you from being fired or reprimanded for job performance problems that are not related to domestic or sexual violence. Do not take time away from your job to or use office resources to further you VESSA claim.

Section 3: Enforcing VESSA

If your employer is covered by VESSA, it is not allowed legally to: (1) refuse to follow VESSA and refuse to give you time off or make reasonable accommodations after you have asked, or (2) discriminate against you because you are a victim of domestic or sexual violence, or have a family or household member who is a victim. If your employer does not obey the law, you may ask the Illinois Department of Labor (IDOL) to enforce VESSA.

Before you tell your employer that you think your employer is violating the law, it is a good idea to talk to a lawyer who knows about employment law. It may be possible to educate your employer about the law and get your employer to give you the help you need. It may be that you need to file a VESSA claim with IDOL to get your rights. A lawyer can help you decide what to do.

What should I do before I file a VESSA claim?

If possible, you should try to gather as much information as possible before you file a claim. This will help you make your case and protect your rights. **You may still file a VESSA claim without doing any of these things.** But, having some information might make it easier for your lawyer to help you. If you have been fired, you should try to ask for these things before you file a claim. But *if you are still working* for the employer, you should ask for this information only *if you will not be risking your job*. Try to:

- Check to see if your employer has posted the VESSA notice in your workplace. Employers who are covered by VESSA must do this by law. There is a sample notice in Section 4 (both English and Spanish).
- Get copies of any written documents your employer has about leave policies, disability policies, or union agreements. These things might be in your employee handbook.
- Request (in writing) a copy of your complete personnel file. Under Illinois law you may get a copy while you are still employed or up to a year after you leave. Your employer may ask you to pay copying costs.

How do I file a VESSA claim?

You may file a VESSA claim on your own, but it is a good idea to get a lawyer who knows about employment law and VESSA claims to help you. A lawyer can also figure out if there are other employment laws or workplace protections that can help you. Please see Appendix A for a list of lawyers, law firms, and legal aid agencies. Some legal assistance organizations are free, but some charge a fee. If your claim is successful, you may get your employer to pay your costs and attorneys fees. You must file a VESSA complaint within 3 years of the problem.

Fill out, with help from your lawyer, a “VESSA Complainant Contact Sheet” and “VESSA Complaint Form.” See Section 4 for a sample Complainant Contact Sheet and VESSA Complaint Form. You can get this form from:

Illinois Department of Labor (IDOL)
Suite C-1300
160 North LaSalle Street
Chicago, IL 60601
Phone: (312) 793-6797
Online at: <http://www.state.il.us/agency/idol/forms/PDFS/vessa.pdf>

Make sure to complete all the information on the form and sign it. Otherwise, IDOL will send it back to you. This will delay the investigation. If you do not give IDOL the requested information promptly, IDOL will not consider your claim. If you are worried about anyone finding out your personal information (such as your home address or phone number), you may ask IDOL to keep it private. This is called asking for a “protective order.”

Check if you need to attach a copy of supporting documents or to write a separate statement. If you do, send two copies of each document to IDOL with the forms. Examples of required documents include:

- Your employment contract or agreement (if you have one);
- A letter explaining what your employer did to violate VESSA.

Take or mail the forms and other paperwork to:

Illinois Department of Labor (IDOL)
Suite C-1 300
160 North LaSalle Street
Chicago, IL 60601

Keep a copy of all of the documents for your records. *If you move after you send the forms, you must contact IDOL in writing to give them your new address.* If IDOL cannot find you, IDOL will not do anything with your claim.

IDOL will investigate your VESSA claim. IDOL may contact you if IDOL needs more information or if IDOL wants you to meet and talk about your complaint. You can get help from a lawyer or an interpreter at any meetings. You can also bring someone such as a relative or a staff member from a victim-services organization to support you. If it is difficult for you to go to a meeting in person, you can ask for a telephone conference instead. *If you do not cooperate with the investigation, IDOL may drop your claim.*

If IDOL cannot settle your claim, IDOL will refer it to an Administrative Law Judge for a hearing. You will need to appear at the hearing and prove your case. You can withdraw your complaint or settle your case with your employer at any time.

If your claim is successful, your employer may have to:

- Pay you money to make up for the wages or benefits you lost;
- Give you your job back if you were illegally fired;
- Make reasonable changes in your workplace so that you are safe;
- Pay your costs for the lawsuit.

Section 4: Sample Documents

You can use the following sample letters to make a VESSA request for time off or to make a request for your personnel file. These are just samples, and you should make changes depending on your situation. For example, if you are a victim of sexual violence, substitute “sexual violence” wherever the letters say “domestic violence.”

Sample Letter 1: Request for time off

Dear [supervisor or Human Resources rep]:

I write to inform you of an Illinois law that provides employment protection for employees who are victims of domestic and sexual violence and for employees who have a family or household member who is a victim, and to claim protection under that law. The law is called the Victims’ Economic Security and Safety Act, or VESSA. VESSA provides unpaid, job-guaranteed leave related to the violence. It also prohibits an employer from discriminating against an employee because she is a victim of domestic or sexual violence, because her family or household member is a victim, or because she requested leave to deal with the domestic or sexual violence.

I am giving you formal notice that I am experiencing domestic violence [or have experienced sexual violence] and need to take time off to attend to my VESSA-related needs. I will need the following time off in order to [meet with the police; go to court for an Order of Protection; recover from my physical or psychological injuries, etc]: [provide dates]. While I know now that I will need these dates off, there may be other times which I cannot know in advance when I will need time off to attend to VESSA-related needs. Please let me know how you would like me to handle these times, if they happen.

Thank you.

Sample Letter 2: Request for personnel file

Dear [Human Resources officer]:

I write to ask for a copy of my complete personnel file. I understand that, pursuant to the Illinois Personnel Records Review Act, I am entitled to a copy within the next seven working days. I will pay copy costs. I will pick up my file on [choose a date after seven days that is convenient].

Thank you.



Illinois Department of Labor Victims' Economic Security and Safety Act

The Victims' Economic Security and Safety Act ("VESSA") provides an employee who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of domestic or sexual violence, with up to twelve (12) weeks of unpaid leave per any twelve (12) month period to address issues arising from domestic or sexual violence.

VESSA provides that an employee working for an employer with at least 15, but not more than 49 employees, shall be entitled to a total of **8** workweeks of leave during any 12-month period. Employees working for an employer with at least 50 employees are entitled to a total of **12** workweeks of leave during any 12-month period. The total number of workweeks to which an employee is entitled shall not decrease during the relevant 12-month period.

An employee may take VESSA leave to:

1. Seek **medical attention** for, or recovery from, physical or psychological injuries caused by domestic or sexual violence to the employee or employee's family or household member;
2. Obtain **victim services** for the employee or employee's family or household member;
3. Obtain psychological or other **counseling** for the employee or the employee's family or household member;
4. Participate in **safety planning**, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic or sexual violence; or
5. Seek **legal assistance** to ensure the health and safety of the victim, including participating in court proceedings related to the violence.

VESSA leave may be taken intermittently or on a reduced work schedule.

Notice and Certification Requirements

The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take leave, except in such cases where it is not practicable to provide such notice. If an unscheduled absence occurs, the employer may not take action against the employee if the employee, upon request of the employer and within a reasonable period after the absence provides certification.

Employers may require certification that VESSA leave is to be taken for one of the purposes enumerated above and that the employee or employee's family or household member is a victim of domestic or sexual violence. An employee may satisfy such a certification requirement by providing a sworn statement of the employee, and upon obtaining such documents the employee shall provide:

- Documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from whom the employee or the employee's family or household member has sought assistance;
- A police or court record; or
- Other corroborating evidence.

Employers must maintain the confidentiality of all information pertaining to the use of VESSA leave, notice of an employee's intention to take VESSA leave, and certification provided by the employee.

Required Posting

Employers must post a notice in their workplace summarizing the requirements under the Act. Copies of this notice may be acquired by contacting the Illinois Department of Labor or by downloading the notice from the agency's home page (<http://www.state.il.us/agency/idol>).

Jurisdiction

VESSA applies to employers with 15 or more employees, the State of Illinois, and any unit of local government or school district.

Prohibitions

Employers are prohibited from interfering with, restraining, or denying an employee's attempt to exercise any rights under the Act. Specifically, employers are prohibited from discharging, constructively discharging, harassing or otherwise discriminating against any employee with respect to compensation, terms, conditions, or privileges of employment, or retaliating against an employee in any form or manner.

Enforcement

The Illinois Department of Labor administers and enforces the provisions of this Act. The Department has the power to conduct investigations in connection with the administration and enforcement of this Act. Any employee who believes his or her rights under this Act have been violated may, within three (3) years after the alleged violation occurs, file a complaint with the Department.

Penalties

If an employer is found to have violated the Act, the Department may require the employer to:

- Pay damages equal to the amount of wages, salary, employment benefits, public assistance, or other compensation denied or lost with interest;
- Provide equitable relief, including but not limited to, reinstatement, promotion and reasonable accommodations; and
- Pay reasonable attorney's fees, expert witness fees, and other costs of the action.

Any employer who has been ordered by the Director of Labor or the court to pay damages and who fails to do so within 30 days after the order is entered is liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying the damages to the employee.

For more information, contact:

Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-6797

<http://www.state.il.us/agency/idol>



Department of Labor IDOL

State of Illinois

Your Rights Under Illinois Employment Laws

\$7.75 PER HOUR
Beginning July 1, 2008

ILLINOIS MINIMUM WAGE
Beginning July 1, 2009

\$8.25 PER HOUR
Beginning July 1, 2010

Minimum Wage & Overtime

- Coverage: Applies to employers with 4 or more employees. Certain workers are not covered by the Minimum Wage Law and some workers may be paid less than the minimum wage under limited conditions. For more information, visit our website.
- Tipped Employees: Must be paid at least 60% of the applicable minimum wage. If an employee's tips combined with the wages from the employer do not equal the minimum wage, the employer must make up the difference.
- Overtime: Most hourly employees and some salaried employees are covered by the overtime law and must be compensated at time and one-half of their regular pay for hours worked over 40 in a workweek.

Hotline: 1-800-478-3998

Unpaid Wages

- Wage Payment and Collection Act
 - Employees must receive their final compensation, including earned wages, vacation pay, commissions and bonuses on their next regularly scheduled payday.
 - Unauthorized deductions from paychecks are not allowed except as specified by law.
- Phone: 312-793-2808

Equal Pay for Equal Work

- Equal Pay Act
 - Requires employers to pay equal wages to men and women doing the same or substantially similar work, unless such wage differences are based upon a seniority system, a merit system, or factors other than gender.
- Hotline: 1-866-EPA-IDOL

Domestic or Sexual Violence Leave

- Victims' Economic Security and Safety Act
 - Provides employees who are victims of domestic or sexual violence, or who have family members who are victims, with up to 12 weeks of unpaid leave during a 12-month period.
- Phone: 312-793-6797

Meal and Rest Periods

- One Day Rest in Seven Act
 - Provides employees with 24 consecutive hours of rest each calendar week.
 - Employers may obtain permits from the Department allowing employees to voluntarily work seven consecutive days.
 - Employees working 7½ continuous hours must be allowed a meal period of at least 20 minutes no later than 5 hours after the start of work.
- Phone: 312-793-2804

Child Labor

- Workers under Age 16
- Children under the age of 14 may not work in most jobs, except under limited conditions.
- 14 and 15-year-olds may work if the following requirements are met:

- Employment certificates have been issued by the school district and filed with the Department of Labor confirming that a minor is old enough to work, physically capable to perform the job, and that the job will not interfere with the minor's education;
 - The work is not deemed a hazardous occupation (a full listing can be found on our website);
 - Work is limited to 3 hours per day on school days, 8 hours per day on non-school days and no more than 6 days or 48 hours per week;
 - Work is performed only between the hours of 7 a.m. to 7 p.m. during the school year (7 a.m. to 9 p.m. June through September); and
 - A 30-minute meal period is provided no later than the fifth hour of work.
- Hotline: 1-800-645-5784

This is a summary of laws that satisfies Illinois Department of Labor posting requirements. For a complete text of the laws, visit our website at:

www.state.il.us/agency/ldol

For more information or to file a complaint, contact us at:

160 N. LaSalle St, Suite C-1300, Chicago, IL 60601
Chicago 312.793.2800 • Springfield 217.782.6206 • Marion 618.993.7090

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY SEE IT.



Department of Labor IDOL

State of Illinois

Sus Derechos Bajo las Leyes Laborales del Estado de Illinois

SALARIO MINIMO EN EL ESTADO DE ILLINOIS

\$7.75 POR HORA

A partir del 1º de Julio del 2008

\$8.00 POR HORA

A partir del 1º de Julio del 2009

\$8.25 POR HORA

A partir del 1º de Julio del 2010

Salario Mínimo y Horas Extras

Cobertura: Aplica a patrones que ocupan a 4 trabajadores ó mas. La Ley del Salario Mínimo no protege a ciertos trabajadores; adicionalmente, bajo ciertas condiciones limitadas, algunos trabajadores recibirán menos del salario mínimo. Para más información, visite nuestra página de Internet.

• **Trabajadores que reciben propina:** Se les debe pagar por lo menos el 60% del salario mínimo vigente. Si las propinas y el sueldo del trabajador no equivalen al salario mínimo, el patrón debe pagar la diferencia para que el trabajador reciba el salario mínimo.

• **Horas extras:** La mayoría de los trabajadores que se les paga por hora, y algunos empleados asalariados, están protegidos bajo la ley de horas extras. Y se les debe compensar a tiempo y medio de su salario regular después de haber trabajado 40 horas semanales.

Línea Directa: 1-800-478-3998

Salario que no se ha pagado

Acta de Colección y de Pago de Salario

• Por ley, trabajadores deben recibir en su próximo día de pago su compensación final, incluyendo remuneración por trabajo realizado, pago de vacaciones, comisiones y aguinaldos.

• No se permite hacer deducciones no autorizadas en el cheque de un trabajador, excepto cuando y como lo especifique la ley.

Teléfono: 312-793-2808

El mismo sueldo por el mismo trabajo

La Ley de Paridad Gancial

Requiere que los patrones paguen el mismo sueldo a hombres y mujeres desempeñando el mismo trabajo (ó esencialmente el trabajo equivalente) al menos que las diferencias sean basadas en un sistema de antigüedad, un sistema de mérito ó otros factores que no sean de género.

Línea Directa: 1-866-EPA-IDOL

Ausencia del trabajo por violencia sexual ó doméstica

Ley de Seguridad Económica y Protección para Víctimas: A los trabajadores que son víctimas de violencia sexual ó doméstica, ó a algún miembro de su familia, se les provee 12 semanas de ausencia del trabajo durante cada periodo de 12 meses.

Teléfono: 312-793-6797

Períodos de comida y descanso

Un Día de Descanso por Semana

• Provee a trabajadores con 24 horas consecutivas de descanso por cada semana de calendario.

• Patrones pueden obtener permisos del Departamento que permiten a trabajadores trabajar siete días consecutivos si lo hacen por voluntad propia.

• Si empleados trabajan 7 1/2 horas se les debe permitir por lo menos 20 minutos de descanso para comer, no más tarde de las cinco horas después del comienzo del trabajo.

Teléfono: 312-793-2804

Trabajo a menores de edad

Trabajadores menores de 16 años

• Excepto bajo condiciones limitadas, los niños menores de 14 años de edad no pueden trabajar en la mayoría de las ocupaciones de trabajo.

• Si se cumplen los siguientes requisitos, personas de 14 ó 15 años de edad pueden trabajar:

• Se ha otorgado un certificado de empleo por el distrito escolar y se ha archivado el certificado con el Departamento, confirmando que el menor tiene la edad requerida para trabajar, es capaz de realizar el trabajo, y el trabajo no interferirá con la educación del menor de edad;

• Se determina que el trabajo no es en una ocupación peligrosa (se puede obtener una lista completa de ocupaciones peligrosas en nuestra página de Internet);

• En los días de clase, el trabajo se limita a 3 horas por día, cuando no hay clases a 8 horas por día y no más de 6 días ó 48 horas por semana;

• El trabajo es solamente entre las horas de 7 a.m. a 7 p.m. durante el año escolar (7 a.m. a 9 p.m. de junio a septiembre); y

• Se debe proveer un periodo de 30 minutos para comer, no más tarde de las cinco horas después del comienzo del trabajo.

Línea Directa: 1-800-645-5784

Este es un resumen que satisface los requerimientos de fijación obligatoria del Departamento de Trabajo del Estado de Illinois.

Para el contenido completo de nuestras leyes, visite nuestra página de Internet: www.state.il.us/agency/ldol

Para más información ó para llenar una queja, comuníquese con nosotros al:

160 N. LaSalle St, Suite C-1300, Chicago, IL 60601
Chicago 312.793.2800 • Springfield 217.782.6206 • Marion 618.993.7090

ESTE AVISO DEBE DE SER FIJADO EN UN LUGAR DONDE LOS TRABAJADORES PUEDAN VERLO FACILMENTE.



**VICTIMS' ECONOMIC SECURITY
AND SAFETY ACT (VESSA)
COMPLAINANT CONTACT SHEET**

Illinois Department of Labor
160 North LaSalle Street, Suite #C-1300
Chicago, Illinois 60601
(312) 793-6797

PLEASE PRINT OR TYPE ALL INFORMATION

Carefully read the instructions and complete the employee information on this sheet.
This page is **not** intended for your employer.

FOR OFFICE USE ONLY: Claim Number _____ Received _____

Complainant Contact Sheet

INSTRUCTIONS:

1. For your complaint to be processed, you must complete and return to the Illinois Department of Labor an original signed copy of **both** this Complainant Contact Sheet and the attached VESSA Complaint Form.
2. Answer all questions completely. Some questions require you to submit supporting documents. Attach TWO (2) complete copies of all supporting documents to your claim. Incomplete forms will be returned for completion, and this will delay the processing of your complaint.
3. If you move after filing your complaint, please notify the Department **in writing** at once. **Your claim may be dismissed if we cannot locate you.**
4. Upon receipt of your properly completed Complainant Contact Sheet, VESSA Complaint Form, and TWO (2) copies of all supporting documents, the Department will investigate your claim. You may be required to submit additional information and/or participate in investigative hearings during the investigation. You will be notified in writing of any action required on your part.

NOTE: A copy of your Complaint Form and all supporting documentation will be sent to your employer. However, IDOL will make reasonable efforts to prevent distribution of personal contact information (this Complainant Contact Sheet) outside of State of Illinois personnel.

EMPLOYEE INFORMATION:

Last Name _____ First Name _____ (_____) _____
Home Phone Number
Address _____ (_____) _____
Work Phone Number
City _____ State _____ Zip _____ Social Security Number _____

Please provide the name and telephone number of someone who will know how to reach you:

Last Name _____ First Name _____ (_____) _____ Relationship to Employee _____
Phone Number

Is this complaint being brought by someone other than the employee? Yes No (If "yes", provide contact information below.)

Last Name _____ First Name _____ (_____) _____
Complainant Phone Number
Address _____ Complainant Organization Name
City _____ State _____ Zip _____ Complainant Relationship to Employee _____

OPTIONAL EMPLOYEE INFORMATION — FOR RESEARCH PURPOSES ONLY

Race: White Black Other **Ethnicity:** Hispanic **Gender:** Male **Year of Birth:** _____
 Asian Native American Non-Hispanic Female

Proceed to VESSA Complaint Form



VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA) COMPLAINT FORM

Illinois Department of Labor
160 North LaSalle Street, Suite #C-1300
Chicago, Illinois 60601
(312) 793-6797

PLEASE PRINT OR TYPE ALL INFORMATION
Use additional sheets if necessary. Attach copies of all supporting documentation and other evidence. A copy of this sheet will be sent to the employer.

FOR OFFICE USE ONLY: Claim Number _____ Received _____

I. EMPLOYER INFORMATION:

Employer Name _____

Address _____

City _____ State _____ Zip _____

Corporation Name, if any _____

Employer Contact Name _____ (_____) Contact Phone # _____

Number of Employees _____ Industry of Employer _____

Is this employer still in business? Yes No

II. EMPLOYEE INFORMATION:

Last Name, _____ First Name _____

Social Security Number _____

III. TERMS OF EMPLOYMENT:

1. Did you sign an employment contract or agreement?
 Yes No (If "yes", please attach a copy.)
2. Were you an independent contractor?
 Yes No
3. In what city and state did you perform your work?

IV. COMPLAINT DETAILS:

4. Did you request to take VESSA leave? Yes No
5. Did your employer permit you to take VESSA leave?
 Yes (If "yes", what were the beginning and end dates of each leave period? _____.)
 No (If "no", state the reason, if any, your employer gave you for denying VESSA leave: _____.)
6. Did you voluntarily elect to substitute vacation, sick leave, and/or paid time off during any portion of VESSA leave? Yes No
7. Did your employer maintain the confidentiality of your request to take VESSA leave? Yes No
8. Did your employer maintain your group health plan benefits during your VESSA leave? Yes No
9. Did your employer restore you to the same or equivalent position upon your return from leave? Yes No
(If "no", please explain. _____.)
10. As a result of VESSA leave, did you forfeit seniority or employment benefits accrued prior to the date of leave? Yes No
(If "yes", please explain. _____.)
_____.)
11. Were you discharged? Yes No (If "yes", state reason: _____.)
12. Did your employer harass, discriminate against, or deny you any other right under VESSA? Yes No
(If "yes", please identify each specific violation, and attach additional sheets, if necessary. _____.)
_____.)

V. CERTIFICATION & SIGNATURE: Please sign, date, and return this form with two (2) copies of any attachments to the Illinois Department of Labor at the address listed at the top of this form.

I HEREBY CERTIFY that the statements herein, including attachments, are true and accurate to the best of my knowledge and belief. I understand that acceptance of this complaint by the Illinois Department of Labor does not guarantee any specific result. I authorize the Illinois Department of Labor to receive any monies paid and to mail such monies to me at my own risk.

Date: ____/____/____ Employee's Signature _____

Section 5: “Order of Protection Status” Under the Illinois Human Rights Act (IHRA)

The Illinois Human Rights Act (IHRA) prohibits discrimination in employment because of race, color, religion, sex, national origin, ancestry, citizenship status, age (40 and over), order of protection status, marital status, arrest record, physical or mental disability, sexual orientation (including gender identity), military status, or unfavorable discharge from military service.

What is “order of protection status” under the IHRA?

Effective January 1, 2010, the Illinois Human Rights Act bars employers from taking discriminatory action against an employee who is a person protected by an order of protection under the Illinois Domestic Violence Act or a similar order issued by a court in another state.

Illinois Human Rights Act eligibility

Is my employer covered under the IHRA?

IHRA covers employers who are:

- the State or any agency of the state without regard to the number of employees,
- an office of local government or school district without regard to the number of employees, or
- a private company with at least 15 employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the violation. Some employers, such as religious and educational institutions, are exempt.

Am I covered under the IHRA?

Yes, if:

- you are protected by an order of protection under the Illinois Domestic Violence Act or a similar order issued by a court in another state,
- meet the workplace requirements, and
- file a charge of discrimination with the Illinois Department of Human Rights no later than 180 days after the date the discrimination took place.

For more information about the Illinois Human Rights Act and how to file a charge of discrimination with the Illinois Department of Human Rights, visit <http://www.state.il.us/dhr/>.

Section 6: Your Rights to Unemployment Insurance

May I get Unemployment Insurance (UI) if I leave my job because of domestic violence?

Yes, if:

1. You leave your job because domestic violence caused you to reasonably believe that continued employment would jeopardize your safety or that of your spouse, minor child, or parent; and
2. You give your employer notice of the reason for leaving work (notice need not be in writing and may be given after you leave your job).

What do I need to do to get Unemployment Insurance?

- You must apply for UI at an Illinois Department of Employment Security (IDES) office, or online at <http://www.ides.state.il.us/>.
- You must give IDES proof of the violence, for example,
 - an order of protection,
 - police report,
 - medical records, or
 - evidence from a domestic violence counselor, social worker, health worker, domestic violence shelter worker, attorney, or a member of the clergy.

IDES should keep any evidence of the domestic violence confidential unless you agree to its disclosure.

May I get Unemployment Insurance if I leave my job because of a health condition related to the domestic violence?

Yes, if:

1. You leave your job because you are deemed physically unable to perform your work by a physician; or
2. Your assistance is necessary to care for your spouse, child or parent who, according to a physician or as otherwise verified, is in poor physical or mental health or is mentally or physically disabled and the employer is unable to accommodate your need to provide such assistance.

You do not need to tell your employer or prove that domestic violence is the reason for the health condition.

For more information, contact Wendy Pollack at the Sargent Shriver National Center on Poverty Law at 312-368-3303 or wendypollack@povertylaw.org.

Appendix A: Legal Services Organizations

Some of these people and organizations provide free or low-cost legal services if you meet certain income requirements. Others can refer you to a lawyer who will charge you a fee. If your claim is successful, you can get your employer to pay your costs. Not all of these organizations will accept VESSA claims, but they are listed because other employment laws may apply to your case, and these organizations may help you with those other employment claims. Make sure to ask about costs and experience with employment law and VESSA before hiring any lawyer.

- **Center for Disability and Elder Law**
Phone: 312-376-1880
Web: <http://www.probonocdel.org/>
- **Chicago Alliance Against Sexual Exploitation**
Kaethe Morris Hoffer, Legal Director, Justice Project Against Sexual Harm
Phone: 773-244-2230 Ext. 2
Fax: 773-244-2217
3304 N. Lincoln Ave., 2nd floor
Chicago, Illinois 60657
Email: kmh@caase.org
Web: www.caase.org
- **Chicago Bar Association (CBA), Lawyer Referral Service**
Phone: 312-554-2001; (TDD) 312-554-2055
Web: <http://www.chicagobar.org>
The CBA can help you find an attorney who knows about employment law. The CBA can also give you the name of an attorney who speaks Spanish, Lithuanian, German, Japanese, Chinese or many other languages. Lawyer referrals are available on the Web anytime or by phone Monday through Friday from 9 a.m. to 4:30 p.m.
- **Chicago Lawyers' Committee for Civil Rights Under Law, Inc.**
Laurie Wardell
Phone: 312-630-9744 ext. 228; (TDD) 312-630-9749
E-mail: lwardell@clccrul.org
Web: <http://www.clccrul.org>
- **Chicago Legal Clinic Inc.**
Phone: 773-731-1762
Web: <http://www.clclaw.org>
Offices in downtown, South Chicago, Pilsen, and Austin areas of Chicago. Sliding-scale services in English and Spanish based on a client's ability to pay.
- **Chicago Volunteer Legal Services Foundation**
Phone: 312-332-1624
Web: <http://www.cvls.org/index.htm>
Provides free legal services to low-income Chicagoans.

- **Coordinated Advice and Referral Program for Legal Services (CARPLS)**
 Phone: 312-738-9200
 Web: <http://www.carpls.org>
If you live in Cook County, you can call the Legal Assistance Hotline Monday through Friday from 9:30 a.m. to 4:30 p.m. and Wednesdays until 7:30 p.m. Espanol: Si Ud. necesita asistencia legal, vive en el Cook County no tiene los fondos suficientes para pagarle un abogado Llame a CARPLS, la linea de asistencia legal para el Cook County, 312-738-9200 de lunes a viernes, 9:30 am a 1:30 pm y miércoles a 7:30 pm.
- **Land of Lincoln Legal Assistance Foundation**
 Phone: 1-877-342-7891
 Web: <http://www.lollaf.org>
Provides free legal services to low-income individuals in southern and parts of central Illinois.
- **Legal Assistance Foundation of Metropolitan Chicago**
 Phone: 312-341-1070
 Web: <http://www.lafchicago.org>
LAF has offices around Chicago and in Evanston and South Holland. Bilingual (Spanish/English) staff is available at most offices. Interpreters are available for all of the offices with advance notice.
- **Mexican American Legal Defense and Educational Fund (MALDEF)**
 Phone: 312-427-0701
 Web: <http://www.maldef.org>
- **Northwestern University Community Law Clinic**
 Children and Family Justice Center
 Phone: 312-503-0396
 Web: <http://www.law.northwestern.edu/cfjc>
- **National Employment Lawyers Association-Illinois**
www.nela-illinois.org
- **Prairie State Legal Services**
 Phone: 1-800-892-2985
 Web: <http://www.pslegal.org>
Provides free legal services to low-income individuals in northern and parts of central Illinois.
- **Sargent Shriver National Center on Poverty Law**
 Wendy Pollack
 Phone: 312-368-3303
 E-mail: wendypollack@povertylaw.org
 Web: <http://www.povertylaw.org>

- **University of Illinois College of Law Civil Litigation Clinic**
Phone: 217-244-9494
Provides free legal services to low-income individuals in central Illinois. Cases accepted from September to April of each year.
- **University of Chicago Mandel Legal Aid Clinic**
Phone: 773-702-9611
Web: <http://www.law.uchicago.edu/mandel>

Appendix B: Domestic and Sexual Violence Organizations

Illinois Coalition Against Domestic Violence (ICADV)

Phone: 217-789-2830; (TTY) 217-241-0376

801 S. 11th Street

Springfield, IL 62703

Web: <http://www.ilcadv.org>

ICADV provides information and referrals to local resources.

Illinois Coalition Against Sexual Assault (ICASA)

Phone: 217-753-4117

100 N. 1 6th Street

Springfield, IL 62703

Web: <http://www.icasa.org>

ICASA is an organization of 33 community-based sexual assault crisis centers, each with 24-hour crisis intervention services.

Chicago Metropolitan Battered Women's Network

Phone: 312-750-0730; (TTY) 312-750-0735

203 N. Wabash, Suite 2323

Chicago, IL 60601

Web: <http://www.batteredwomensnetwork.org>

State of Illinois Domestic Violence Help Line

Phone: 1-877-TO-END-DV (1-877-863-6338); (TTY) 312-863-6339

24-hour service

National Domestic Violence Hotline

Phone: 1-800-799-7233; (TTY) 1-800-787-3224

National Sexual Assault Hotline

Phone: 1-800-656-4673