

Each year, LP's Labor & Employment Practice Group is pleased to provide a short checklist of steps that all companies should consider taking to measure their readiness for the coming year. We hope that you find our 2022 Labor and Employment Law Checklist to be a helpful guide to best practices for the year ahead.

- Update Restrictive Covenant Agreements!** Illinois employers (and those in a few other states, including Oregon and Nevada) should update restrictive covenant agreements to conform with new state law requirements. Notably, Illinois' Freedom to Work Act includes salary thresholds, requires that employees are given 14 days to review and advised to consult with an attorney, and codifies requirements for adequate consideration to support restrictive covenants.

- Prepare to Apply for Illinois' Equal Pay Registration Certificate.** Employers with more than 100 employees in Illinois must apply for the Certificate between March 24, 2022 and March 23, 2024, and recertify every two years thereafter. According to a [January 25th Press Release from Governor Pritzker](#), companies will be notified by the Department of Labor when it is time for them to register and will be given at least 120 days' notice of their individual deadline. The application must include a list of employees separated by gender and race/ethnicity with total wages paid and an equal pay compliance statement that, among other things, must indicate how often compensation is evaluated to ensure equal pay and the approach used by the company in determining compensation. In addition, beginning in 2023, EEO-1 filers must submit their EEO-1 with their annual corporate report to Illinois Secretary of State (for publication on an official website) and to the IDOL as part of Certificate. As there's no way to know when the Department of Labor notice will come, and 120 days isn't a long time to pull together the required information, employers should get started now by considering how they will answer the questions in the compliance statement and report the data.

- Comply with other state equal pay requirements.** In addition to Illinois, employers in Colorado, New York City, Connecticut, and Nevada, among others, should be aware of new laws seeking to address pay inequities. Colorado employers, for example, must provide compensation range and benefit information on job postings and must provide any posting that could be seen as a promotional opportunity to all Colorado employees. New York City's new law, effective May 15, 2022, similarly requires employers to provide salary ranges for all postings.

- Reassess your COVID plan.** 2022 will continue to present challenges in managing through the COVID-19 pandemic, including navigating requirements related to the COVID vaccine and boosters and assessing accommodation requests. COVID plans should not be static documents. Rather, they need to be revisited and revised to incorporate new developments, the latest guidance from the CDC, and any requirements from state and local authorities.

- Provide contracts for domestic workers in Chicago.** Beginning January 1, 2022, any business or individual in Chicago that employs a domestic worker must provide that worker with a written contract. The written contract must include the worker's wages and work schedule, and must be provided in the worker's primary language, upon request.

- Review criminal background check practices.** Employers in Illinois and New York City that conduct criminal background checks as part of their hiring process should review their practices to confirm compliance with law. Illinois Human Rights Act and NYC Fair Chance Act Amendments, which became effective in 2021, have expanded procedural requirements and updated the standards to review criminal history.

- Make sure anti-harassment training is on your calendar!** Illinois employers (and those in a few other states) must conduct anti-harassment training each calendar year -- and employers elsewhere should consider anti-harassment training to keep ahead of potential claims. It is important to think about the training that will work best for your business and develop a plan for how you will keep the training fresh. Get anti-harassment training on the calendar early to maximize attendance. If you are interested, we invite you talk to us about the training we offer. [Contact us.](#)

- Be aware of minimum wage and minimum salary increases.** 2022 brings minimum wage increases in many states and localities. Make sure that you are aware of – and complying with – the minimum wage and minimum salary requirements in the jurisdictions where your employees perform work, including any remote employees.

- Re-consider classification of independent contractors.** The standards around who can properly be considered an independent contractor continue to evolve. Take a close look at the individuals who your company treats as independent contractors to determine if they are properly classified as such, and if you decide to keep them so-classified, make sure that both your agreement and reality support that classification.

- Update sick and family leave policies.** The list of states and municipalities requiring some type of paid sick or family leave continues to grow. With ever-expanding requirements, employers have to decide whether to have one all-inclusive policy for all U.S. employees, or location-specific policies. There are pros and cons to each approach, so talk with your legal advisors and leave administrators to determine which path is best for your company, and confirm all policies are up to date.

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