

Chapter News



SEPTEMBER/OCTOBER 2010 EDITION

This newsletter is for CIC-SHRM members only for informational purposes and not intended to render advice or judgment.

Message from the President



**Pattie Curry, SPHR
President**

What are you doing on October 28th? Hopefully you are planning on coming to the Diversity Workshop to be held at the LLCC Capital City Training Center. This year we are doing something a little different. Our Diversity Chair, Kim Elder, has secured Robert Moore (Robert Moore & Associates) and Dr. Clarice Ford (Diversity Manager, UIS) to put on a 3-hour workshop covering "Managing a Diverse & Multi-generational Workforce." The workshop is slated to begin at 8:30 a.m. and run to approximately 11:45 a.m. We will be serving a warm breakfast so bring your appetite! Did I mention this workshop is FREE to all CIC-SHRM members? Kim will be sending out more details soon, so mark your calendars now!

President-Elect, Vicky Fowler is putting the finishing touches on the nominations for the 2011 board nominations. We are hoping to fill the board seats before the SHRM Leadership Conference in November so that new board members will have the chance to participate in the conference. We are always looking for board/committee members, so please let us know if you are interested.

Inside This Issue

- 1 **Message from the President**
- 2 **Member Spotlight**
- 3 **Diversity Workshop**
- 4 **Foundation News**
- 5 **Upcoming Training Events**
- 6 **September Speaker**
- 7 **Let's Get Certified / Calendar**
- 8/12 **Legislative/Legal Update**
- 13 **Board / Chapter Chatter**
- 14 **Meeting Sponsor**
- 15 **Information**
- 16 **Meeting Notice**
- 17 **Workforce Development Week**

"We are always looking for board/committee members, so please let us know if you are interested."

For those of you that are new to CIC-SHRM, or those that just want a refresher, we are holding a Member Benefit Orientation on October 13th at LLCC – Trutter Center. At this meeting we discuss the benefits of joining CIC-SHRM as well as the benefits of joining National SHRM. This meeting is unique as all of our board members participate in the presentation and gives prospective/new members a chance to network with the board. More information on this meeting will be sent out in late September.

We are also in the planning stages of the SHRM Foundation Silent Auction to be held at our November Chapter meeting. Anyone interested in donating items for the auction, please contact Vicky Fowler. This is a fun way to contribute to the Foundation at the same time as buying some early Christmas presents. Perhaps your employer would like to donate some items or you and other chapter members could contribute on a basket to donate. We'll take pretty much anything you'd like to auction off. No pressure Kim Wonnell, but we'd sure like another batch of the Blue Ribbon Toffee....

Speaking of baskets, the CIC-SHRM board members recently provided a basket to the Illinois State Council's Annual Conference. Along with baskets received from other Illinois Chapters, they collected almost \$3000 for the SHRM Foundation. That was a 90% increase over the amount collected last year at the conference. If you didn't make the conference this year, you'll want to make sure to attend next year. They had phenomenal speakers and a great location. They plan to hold it in Oak Brook again next year – wonderful restaurants nearby!! I would highly recommend it for all HR professionals.



P.O. Box 2938; Springfield, IL 62708-2938

E-mail: info@cic-shrm.org Website: www.cic-shrm.org

Member Spotlight

Indra Perry
Corporate Training Officer,
Town & Country Financial Corporation

Background:

Indra is married and has four children, a 4 ½-year-old daughter and a set of 2-year-old identical triplet boys! She has a Bachelor's Degree in Psychology from WIU and a Master's Degree in Individual Option-HR Training & Development from UIS. Indra earned her PHR in January, 2010.

Nature of work in HR:

For the past three years, Indra has been the Corporate Training Officer with Town and Country Financial Corporation. She previously worked for National City Bank for nearly five years as a Performance Specialist (trainer). Indra also worked at Target in several positions, including Team Relations Leader, which is a store-level HR position.

Biggest Challenges in HR:

Indra thinks that Human Resources is still seen as more of an administrative function than a strategic partner. She says it seems like many HR professionals are caught in limbo between these two roles. Indra says she sees the perception changing, but she thinks most HR professionals are ready to be more strategic and less administrative. She also thinks that staying current with new and existing legislation is a large challenge.

Trends in HR:

A trend that Indra sees, specific to the training function, is using social media to make training more informal and engaging.

Future Plans:

Indra says that though she loves the training and development function, she would like to gain more experience in other human resources functions. She says that once her children are in school for a few years that she would like to attempt to earn her SPHR. On a personal note, Indra says she wants to live each moment to the fullest and raise loving, empathetic, extraordinary children with her husband. She says, "Hopefully someday those extraordinary children will make me rich."

...Human Resources is still seen as more of an administrative function than a strategic partner.



Indra Perry
Corporate Training Officer-
Town & Country Financial
Corporation

...using social media to make training more informal and engaging.

Plan to Attend the 2010 Diversity Workshop



Managing a Diverse & Multi- Generational Workforce

With the world becoming more mobile and diverse, diversity has taken on a new importance in the workforce. Managers are faced with multi-generational workers in their organizations who bring different life experiences to the work place. Managers at all levels of organizations must be prepared to supervise these workers, in an intelligent manner. Speaking on race relations in 1892 the noted Harvard psychologist and philosopher William James spoke about the blindness of some people, to the feeling and values of others. In this global and mobile society, managers and owners cannot afford this kind of blindness in their organizations. They must train their management staff at all levels to “Prime Good Feelings” in those they lead, so they will feel valued, wanted, and be productive in there organizations. This workshop will help participants understand diversity and better understand systemic discrimination. They will confront the issue of white privileges and the lingering issue of racism in the work place. Participants will also learn about the four dimensions of emotional Intelligence and how to “Prime Good Feelings” in their employees.

Thursday October 28, 2010

**Lincoln Land Community College's
Capitol City Training Center,
130 W. Mason Street, Springfield**

8:00A-8:30A

Registration/Networking Breakfast

8:30A-11:45A

Diversity Workshop

Presentation by:

Robert Moore, President, Robert Moore & Associates
Dr. Clarice Ford, Diversity Manager, University of Illinois Springfield

Cost:

Free for Illinois Chapter Members Free for Students
\$50.00 Non-chapter members

P.O. Box 2938; Springfield, IL 62708-2938

E-mail: info@cic-shrm.org Website: www.cic-shrm.org

Generating Research-Based Knowledge

SHRM Foundation News:

The SHRM Foundation is the leading funder of HR research grants--providing funding for high-impact, original HR research that advances the knowledge base of the profession. In the past 12 years, the SHRM Foundation has funded more than \$2.3 million in research grants for over 100 research projects. Topics for research include:

- Making virtual teams more effective.
- Increasing the success rate of new executives.
- Employee engagement in multinational corporations.
- Retention of an older workforce.
- Impact of HR practices on organizational social performance.

Much of your every day work is influenced by research, even if you have never read a research paper. The cumulative effect of multiple research studies is to discover and document what practices work best and under what conditions. In this way, research ultimately influences the practice of human resource management.

To learn more and to review the results of recently completed SHRM Foundation research, visit the foundation website (www.shrm.org/foundation/findings.asp).

CIC-SHRM SILENT AUCTION

CIC-SHRM cordially invites you to participate in the upcoming SHRM Foundation Silent Auction. The annual event will be held during the November 2010 CIC-SHRM Membership meeting and all proceeds will benefit the SHRM Foundation. We need your help to make it a huge success!!! So, please consider contributing an item for the silent auction – you, your employer, or both. Items that tend to go over well include gift baskets, wine baskets, holiday items, artwork, electronic equipment, etc.

The SHRM Foundation is a not-for-profit organization that operates as the research and development arm of the national SHRM. The Foundation advances the profession and the HR professional through its funding of research, HR special publications, and scholarship educational programs. The SHRM Foundation is supported by "tax deductible" contributions made by individuals, companies, and other organizations.

To make a donation please contact Vicky Fowler at vice-president@cic-shrm.org or vicky.fowler@lungum.org

Thank you, in advance, for your support of this important chapter event. Together we can make a difference to HR professionals worldwide!!

News from the SHRM Foundation:

Submitted by

Vicky Fowler, SPHR, CIC-SHRM President Elect.

Upcoming Human Resource Training Events

SHRM-Central Illinois Chapter is dedicated to providing cost-effective training opportunities that meet the needs of our members and enhance their skills, knowledge, and competencies. SHRM-Central Illinois Chapter has partnered with Lorman Education Services to provide continuing education in the HR industry.

Members receive a 15% discount on all orders. You may register online or call Lorman at 866-352-9539. Please use Priority Code 16129 and Discount Code Y6101017 when registering.

Teleconferences:

How to Save Millions in Claims through Ergonomics and Injury Prevention
September 14, 2010

Best Practices in Managing FMLA Leave
September 15, 2010

Health Savings Accounts
September 16, 2010

Implications of Health Care Reform on Payroll Reporting
September 16, 2010

Strategies to Utilize Web 2.0
September 20, 2010

International Employment Assignments: Understanding the Compliance Risks
September 21, 2010

Implementing Stay Interviews: If You Want to Keep Them You Have to Talk to Them!
September 23, 2010

Workers' Compensation: Return to Work Issues
September 24, 2010

Navigating Medical Benefits Under the Illinois Workers' Compensation Act: Rights, Responsibilities and Remedies
September 27, 2010

How to Legally Handle Travel Pay
September 28, 2010

Best Practices in Managing FMLA Leave
September 29, 2010

Health Savings Accounts
September 30, 2010

Teleconferences:

10 Employee Handbook Mistakes You Can't Afford to Make

October 1, 2010

Recruiting on a Limited Budget: Proven Low and No Cost Tools and Approaches

October 4, 2010

Portal to Portal Act: Determining Hours Worked at the Start and End of the Work Day

October 5, 2010

Processing Garnishments: A Guide for Georgia Employers

October 6, 2010

Mental Illness and the ADA

October 7, 2010

Health Care Reform Update

October 8, 2010

When Wages are Not FICA Wages

October 11, 2010

Wellness Programs: Underlying Legal Requirements and Impact Developments

October 12, 2010

Labor Law: Could 2011 Be the Turning Point for Unions?

October 13, 2010

Essentials of Massachusetts Garnishment Laws

October 15, 2010

Jeopardizing Exempt Status

October 19, 2010

Family Responsibility Discrimination Law: Family Friendly Employer or Litigation Target?

October 20, 2010

Mental Illness and the ADA

October 25, 2010

Wellness Programs: Underlying Legal Requirements and Impact Developments

October 26, 2010

Medicare Secondary Payer Act: Protecting Medicare's Interest In Insurance Settlements

October 27, 2010

Jeopardizing Exempt Status

October 28, 2010

DON'T MISS the September SPEAKER

Don't miss the September Membership meeting speaker as he discusses Labor Market Information: Everything You Wanted to Know, but Were Afraid to Ask! scheduled for Wednesday, September 15 at UIS PAC restaurant. This program has been preapproved for 1 general credit hour.

Session Description:

This session will deal with Labor Market Information available on the Illinois Department of Employment Security website. The session will begin with a briefing on the local economy (how the major industry sectors performed through the recession). Next will be an in-depth look at the different components of local labor market data on the IDES website that can benefit HR staff. This will be followed by a question and answer discussion.

Session Objectives:

- 1 - Participants will gain a basic understanding of how to navigate the IDES website to find the data most relevant to their particular needs.
- 2 - Participants will learn how and where to access required governmental reports (e.g. Affirmative Action/Workforce Availability reports).
- 3 - Participants will have an understanding of how the recession affected the major industries in the local economy.
- 4 - Participants will learn which occupations are the fastest growing and the occupations with the most annual job openings in the local economy.
- 5 - Participants will learn how to access the most recent wage data for all occupations in the local economy.

Ron Payne is a labor market economist with the Illinois Department of Employment Security in Springfield. He holds a Bachelor's degree in Marketing with a minor in Statistics from Millikin University in Decatur, Illinois. He works in the Economic Information and Analysis Division where he gathers, analyzes and disseminates labor market and career information to a wide variety of customers including local economic development and public officials. He has worked for the State of Illinois in this position for eight years. His responsibilities include: analysis and editing of short and long-term industry and occupational projections data for statewide, regional and local geographies; final review of statewide and sub-state occupational wage data; and provides technical assistance to Central Illinois workforce boards and regional economic development organizations.

As a reminder – guests of members are welcome to our meetings one time free of charge. In addition – please be sure to register for the meeting ahead of time via RSVPq. This helps us maintain an accurate head count for food! Your cooperation and understanding are most appreciated!

July's Speaker...The ADA and You - The Employer

Nathan Yeager, MOT, OTR/L, CEA, gave a presentation on navigating an ADA situation with an employee as well as how ergonomics may assist with issues of accommodation. He also discussed developing a strategy and process to effectively and efficiently manage situations with a disabled employee. And, he explained the new Americans with Disabilities Act, what it generally requires of employers, as well as identified specifics that employers should incorporate in an accommodation process.



Let's Get Certified

Enhance your professional credentials -- now is the time -- **PHR, SPHR, GPHR!**

CIC-SHRM will host a test preparation study group for members who wish to pursue Certification. Session begins September 20th and runs through late November. Classes will meet on Monday nights for approximately three hours per session.

WINTER 2010 TESTING WINDOWS

PHR/SPHR: December 1, 2010 to January 31, 2011

GPHR: December 1, 2010 to December 31, 2010

APPLICATION DEADLINES FOR TEST REGISTRATION:

PHR/SPHR/GPHR: October 8, 2010
(Late registration is allowed until November 12, 2010 for an additional fee)

EXAM FEES:

PHR: SHRM Member - \$250, non-member - \$300
(addtl. \$50 fee if late registration)

SPHR: SHRM Member - \$375, non-member - \$425
(addtl. \$50 fee if late registration)

GPHR: SHRM Member - \$375, non-member - \$425
(addtl. \$50 fee if late registration)

Student/recent graduate pay a reduced fee.
(addtl. \$50 if late registration)

Refer to www.HRCI.org for further details on testing registration.

Anyone interested in participating in the study group should email CollegeRelations@cic-shrm.org. Include in the email your name and contact information.

CIC-SHRM Calendar

Luncheon Meetings

Third Wednesday of every other month. Registration begins at 11:15 a.m., luncheon begins at 11:30 a.m. at the University of IL at Springfield. Meetings will be held on the following dates:

- **September 15**
- **November 17**

Board Meetings

Second Wednesday of every month at 11:30 a.m. Meeting location to be determined.

- **September 8**
- **October 13**
- **November 10**
- **December 8**

All members welcome.

Special Events:

**2010 Diversity Workshop
October 28**

New Member Orientation

- **October 13**

Legislative/Legal Update

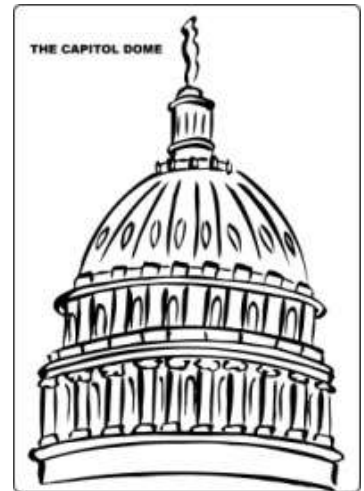
Submitted by

Cheryl Davis, PHR, CIC-SHRM Legislative Chair

EEO-1 REPORTING DEADLINE FAST APPROACHING

All employers subject to Title VII and with 100 or more employees, as well as all federal contractors with 50 or more employees with contracts of \$50,000 or more, must file the EEO-1 Report form.

As the Sept. 30, 2010, deadline for completing the EEO-1 Report form nears, employers that must file the report should make sure they have complete data on race, ethnicity and gender and that they classify employees correctly, according to Joe Lakis, senior counsel with the Equal Employment Advisory Council.



"Do not have anyone in the unknown category," he cautioned. That includes race and gender. Employers must classify workers in one of seven race/ethnicity categories, he said, noting that those categories are:

Hispanic or Latino. White (not Hispanic or Latino).

Black or African American (not Hispanic or Latino).

Native Hawaiian or Pacific Islander (not Hispanic or Latino).

Asian (not Hispanic or Latino).

American Indian or Alaskan Native (not Hispanic or Latino).

Two or More Races (not Hispanic or Latino).

Sometimes individuals wind up as unknown in employers' systems because the individuals did not check a gender or race/ethnic category on the self-identification form. If employers have workers whose information is unknown, the employers first should review the self-identification forms to see if no box was checked or whether the checked box wasn't entered into their systems.

If an employee did not self-identify, the employer then should ask the employee's manager to make a determination based on a visual survey, he said. Another option is to re-administer the self-identification form to the employee, but an employer can't force an employee to self-identify, Lakis noted.

Managers often are uncomfortable when they are asked to visually identify workers' race or ethnicity, according to Valerie Hoffman, an attorney with Seyfarth Shaw in Chicago and Los Angeles. It helps to inform managers that visual identification is required by the law if employees did not self-identify, she noted. Hoffman said managers who need to visually identify also should be given a list of the race/ethnicity categories and provided with answers to common questions, such as how are employees from India classified--as Asian. And telling managers about the EEO-1 Report helps as well, she said.

Correct Job Categories

In addition, employers should validate their EEO-1 assignments for job categories. Lakis said he continues to see managers classified incorrectly as professionals, professionals misclassified as managers and professionals classified incorrectly as technicians.

Information technology (IT) positions often are misclassified as technician positions, even though most IT jobs require four-year degrees. Lakis said that ordinarily most IT jobs should be classified as professionals.

Project manager is another job that often trips up employers. Some employers assume that project managers should be categorized as managers, which is correct if the project managers supervise people. But if they manage only relatively small projects, they probably should be classified as professionals, he noted.

EEO-1 Report Uses

The EEO-1 Report is useful for the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs (OFCCP), helping the OFCCP identify who to investigate and providing data for research papers. But the EEO-1 form also can be used by a company to self-identify potential disparities and as a tool for diversity initiatives to target recruitment strategies, noted Cindy Mattson, president of EEO Consultants Inc. in Miami Beach, Fla.

An employer can evaluate its workforce demographics with the EEO-1 Report and compare its demographics with those of others in the same industry because of data tables the EEOC makes available at the end of each year, Lakis added. He said an employer can use the report to make adjustments for affirmative action purposes.

Employers should make sure that the EEO-1 Report filing requirement is satisfied for each of the employer's establishments and that none of them fall through the cracks, he added. However, he said that establishments in Puerto Rico, the Virgin Islands and other protectorates are not to file EEO-1 Reports.

The definition of establishment is tricky, Hoffman noted, saying that a campus typically can report as a single establishment. But an employer has to have separate reports for sites that don't share the same address, she said.

Some employers have avoided filing EEO-1 Reports, she added, saying that the EEOC always asks for the EEO-1 Report when there is a charge of discrimination at an entity that is required to file the report. If an employer doesn't have the report, the EEOC will enforce the requirement to have it, and it starts the investigation on the wrong note, she cautioned.

And the OFCCP expects the numbers in the EEO-1 Report to be relatively the same as the numbers in an affirmative action plan for that establishment. If they aren't consistent, she said, the audit will be off to a bad start. With EEO-1 Reports, "accuracy is the big issue," she remarked, saying that "the OFCCP and EEOC are more active than ever."

Another reminder for government contractor(s) and/or sub-contractor(s), VETS-100/100A Reporting is also required by 9/30/2010.

ILLINOIS GOVERNOR PAT QUINN SIGNS TWO NEW EMPLOYMENT LAW ACTS THAT TAKE EFFECT ON 1/1/2011

The Employee Credit Privacy Act

Effective January 1, 2011, a new law signed by Illinois Governor Pat Quinn will strictly limit employers' ability to obtain and use credit history information regarding employees and applicants. The

[Employee Credit Privacy Act](#) applies to most Illinois employers, but excludes banks and financial institutions, insurance companies, state law enforcement units, state and local government agencies, and debt collection agencies.

The Act prohibits covered employers from inquiring about an employee or applicant's credit history, obtaining credit reports on employees or applicants, and taking any employment action based upon an employee or applicant's credit history or report. However, employers may still ask about credit history and use credit history as a basis for employment decisions for positions in which a satisfactory credit history is a "bona fide occupational qualification." To meet this standard under the new law, one or more of the following circumstances must apply:

- State or federal law requires bonding or other security covering an individual holding the position;
- The duties of the position include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more;
- The duties of the position include signatory power over business assets of \$100 or more per transaction;
- The position is a managerial position which involves setting the direction or control of the business;
- The position involves access to personal or confidential information, financial information, trade secrets, or State or national security information;
- The position meets criteria in administrative rules, if any, that the U.S. Department of Labor or the Illinois Department of Labor has promulgated to establish the circumstances in which a credit history is a bona fide occupational requirement; or
- The employee's or applicant's credit history is otherwise required by or exempt under federal or State law.

The Act prohibits retaliation against any person who files complaint, participates in an investigation or proceeding, or opposes a violation of the Act. The Act further prohibits employers from requiring applicants or employees to waive any rights under the Act, and provides that any such waiver is invalid and unenforceable. Persons alleging violations of the Act will be able to file suit in state court, and if they prevail will be entitled to recover their costs and reasonable attorneys' fees in addition to damages and injunctive relief.

The Wage Theft Enforcement Act

Illinois Governor Pat Quinn recently signed Senate Bill 3568 (SB 3568), the most extensive change to the state's wage payment statute in decades. The amendment to the Illinois Wage Payment and Collection Act (IWPCA), which becomes effective January 1, 2011, more clearly defines employees' rights to seek a private right of action; provides a new administrative forum for claims falling below a certain threshold; provides for enhanced civil and criminal penalties; and expands employees' protection from retaliation. "Illinois workers deserve every penny they have earned, on-time and in-full," said Governor Quinn. "This important legislation will help Illinois workers recover unpaid wages faster and will further crack down on wage theft throughout our state."

The Illinois Wage Payment and Collection Act

Under the IWPCA, employers must pay those employees not exempt under the federal Fair Labor Standards Act, at a minimum, on a semimonthly basis. Employers must also keep posted, in a place easily accessible to all employees, one or more notices indicating regular paydays and the place

and time of payment. The IWPCA also requires employers to pay separated employees, if possible, at the time that they are separated or, if not possible, no later than the next regularly scheduled payday for all employees. Generally, final compensation includes all wages, salaries, earned commissions, earned bonuses, monetary equivalent of earned vacation and holidays, and any other compensation owed to the employee pursuant to any employment contract or agreement.

The IWPCA prohibits employers from deducting from an employee's wages any sum that an employee has not expressly authorized in writing, with the exception of tax withholdings or any other withholdings required by law; insurance, pension, or sums that benefit the employee; and wage assignment or deduction orders, such as garnishment or child support withholding. Any agreement to deduct wages cannot exceed 15% of the employee's gross wages per paycheck. The IWPCA also prohibits employers from terminating or discriminating against an employee for complaining to the employer, the Illinois Department of Labor (IDOL), or the employee's union about any purported IWPCA violations.

New Enforcement Procedures and Administrative Upgrades

SB 3568 clearly sets forth an employee's right to file claims under the IWPCA with the IDOL, or to bypass the IDOL and file suit in state court, without being required to exhaust administrative remedies first. Notably, employees are now expressly permitted to bring class actions in state court on behalf of others similarly situated. Furthermore, SB 3568 expressly provides for a private right of action for an employee who has been retaliated against by his or her employer under enumerated circumstances: (1) for making a complaint that he or she has not been paid in accordance with the IWPCA internally to the employer, to the IDOL, in a public hearing or to a community organization; (2) for causing a proceeding to be instituted under the IWPCA; or (3) because the employee has testified or is about to testify in an investigation or proceeding under the IWPCA.

One important aspect of SB 3568 is that it empowers the IDOL to establish a more formal administrative procedure for processing "small" wage claims (those under \$3,000), which purportedly constitute 75% of all wage claims filed each year. This new administrative procedure will include instances (subject to the \$3,000 threshold) where an employer fails to timely respond to a notice of claim from the IDOL. Furthermore, the new procedure will allow the IDOL to issue final and binding administrative decisions subject to the Administrative Review Law. This means that the IDOL wage orders under this process will be considered final agency decisions, which the IDOL will be empowered to enforce. Finally, because these administrative orders are final and binding decisions, they will be subject to limited review by the courts.

Enhanced Civil and Criminal Penalties

In 2009, the IDOL recovered \$3.1 million in unpaid and underpaid wages and continues to provide assistance to workers for the collection of wages and final compensation that include unused vacation pay, commissions, bonuses, or other fringe benefits, the agency noted.

SB 3568 also authorizes new penalties for violations of the IWPCA. If an employee prevails before the IDOL, the employer must pay a non-waivable administrative fee of \$250 to the IDOL. In addition, if an employer fails to seek review of an IDOL demand or administrative or court order to pay wages under the IWPCA and does not comply with the demand or order within the specified time (15 days in the case of an IDOL demand or 35 days in the case of an IDOL administrative order or court order), the employer shall also be liable to pay the IDOL a penalty of 20% of the amount found owing, plus an

additional penalty to the employee of 1% per calendar day for each day of delay in paying such wages.

Before these amendments, a prevailing plaintiff could only recover any compensation improperly withheld or due to him/her, not including any penalties paid to the employee due to an employer's delay in compliance with a demand or order. Under SB 3568, however, prevailing employees will also be entitled to additional damages of 2% on any wages found due for each month for which they are unpaid. This additional 2% damages will be available even if the employer immediately complies with any demand or order to pay. Significantly, employees are prohibited from recovering under both a claim filed with the IDOL and a civil action filed in state court.

Furthermore, prevailing employees in a civil action, whether for retaliation or non-payment of wages under the IWPCA, are expressly entitled to recover costs and reasonable attorneys' fees. This change eliminates the employee's need to comply with the provisions of the Attorneys' Fees in Wage Actions Act, which required that the plaintiff make a written demand for a definite amount at least three days prior to filing suit, and then recover at least the amount contained in that initial demand before attorneys' fees could be awarded. Under SB 3568, plaintiffs in IWPCA civil actions no longer need to meet these requirements to recover attorneys' fees and employers could be required to pay fees even if the employee does not recover the entirety of the amount demanded.

Finally, SB 3568 expands and increases criminal penalties for violations of the IWPCA. In the past, violations of the IWPCA were a Class C misdemeanor. Under SB 3568, a violation of the IWPCA of \$5,000 or less is a Class B misdemeanor, and a violation of the IWPCA in excess of more than \$5,000 is a Class A misdemeanor, which carries a potential punishment of one year in jail, plus a fine of \$2,500. An employer or agent of an employer convicted of violating the IWPCA within two years of a prior criminal conviction for violating the IWPCA is guilty of a Class 4 Felony, which is punishable by up to three years in prison, plus a fine of up to \$25,000.

Practical Considerations

With the enactment of SB 3568, Illinois joins a number of states that have passed tougher legislation to address wage and hour violations, which, according to the bill's advocates, is a growing problem.

Subject to possibly the strictest wage theft statute in the nation, Illinois employers now face a wide range of risk and liability for IWPCA violations, especially given that SB 3568 opens the gates to class actions being filed directly in state court. Furthermore, in the past, some employers took a "wait and see" approach with regard to wage claims under the IWPCA, particularly when plaintiff's counsel had failed to comply with the requirements of the Attorneys' Fees in Wages Actions Act, and only paid claims once a demand or order had been issued.

However, in light of these new amendments, the penalties for non-compliance have increased substantially, and the "wait and see" approach will now place employers and their agents at a substantially higher level of risk in the event of an adverse finding.

To reduce exposure, employers must review their wage and hour policies and procedures to ensure that employees are being correctly compensated and that their wages, when authorized, are being properly withheld. Employers should also immediately investigate and respond to any complaints or allegations of IWPCA violations.

CIC-SHRM Leadership Team

Please contact us with your questions or suggestions. We want to hear from you!

President	Pattie Curry, SPHR 245-2183 x1224 President@cic-shrm.org
President Elect	Vicky Fowler, SPHR 787-5864 PresidentElect@cic-shrm.org
Vice President	Mary Curl 789-9340 VicePresident@cic-shrm.org
Diversity Committee Chair	Kim Elder 786-2214 Diversity@cic-shrm.org
Legislative Affairs Committee Chair	Cheryl Davis, PHR 535-3510 Legislative@cic-shrm.org
Membership Committee Chair	Chris Marecki 241-6224 Membership@cic-shrm.org
Public Relations Committee Chair	Doug McDonald 588-2102 PublicRelations@cic-shrm.org
College Relations Committee Chair	Inez Harris, PHR 788-1482 CollegeRelations@cic-shrm.org
Recognition Committee Chair	Lisa Leach, PHR 522-8841 Recognition@cic-shrm.org
Workforce Readiness Committee Chair	Diane Murphy, PHR 558-4277 WorkforceReadiness@cic-shrm.org
Secretary	April Cook, SPHR 843-2230 Secretary@cic-shrm.org
Treasurer	Diana Jordan 862-1842 Treasurer@cic-shrm.org
Webmaster	David Ryan, SPHR 483-7272 webadmin@cic-shrm.org

Chapter Chatter

Welcomes New Members:

Lorna Simon

Eric Huber

John Thomas

Christine Haley

Kambrea Wendler

Bailey Kramp

Sarah Lemmon

Tusi Marshall

AND

Congrats!

Penny McCarty had a baby girl
June 15th and her name is
Carter Delani McCarty



A Special Thanks to our September Chapter Meeting Sponsor:



FREE services for employers
Highlighting On-the-Job Training

On-the-Job Training (OJT) can provide up to a 50% wage reimbursement to employers who hire new workers. OJT helps defray personnel training costs that are often lost when hiring a new employee. OJT is one of the many services offered by the Land of Lincoln Workforce Alliance. Call us today and see how we can help your business with FREE services including OJT.

Land of Lincoln Workforce Alliance
Illinois workNet Center
Business Services
(217) 558-4277

Educational Discount for CIC-SHRM Members!

The Central Illinois Chapter of SHRM is partnered with Lorman Education Services!

In order to stay up to date in today's ever changing regulatory environment, you are eligible to receive a **15% discount** on all continuing education programs. We invite you to take advantage of this discount in order to stay up to date on all aspects of our industry.

HR Compliance Manuals and Posters

The Illinois Chamber of Commerce publishes an assortment of compliance manuals and posters for employers.

The latest two are:

Illinois Employment Law Handbook, 2nd Ed., (2 volumes with CD-ROM)

Illinois Employment Forms Book (with CD-ROM)

You can get a complete list of the Chamber's publications by contacting

SHRM Foundation News: Connecting Research to HR Practice

The SHRM Foundation awards grants to fund rigorous, original research with practical implications for management practice.

The "Connecting Research to HR Practice" brochure presents the results of four recent SHRM Foundation-funded projects in an actionable way, so HR professionals like you can apply this knowledge in your organization. Topics in this 12-page brochure are: *Making Virtual Teams More Effective*; *Increasing the Success Rate of New Executives*; and *Enhancing the Effectiveness of HR Practices and Stock Options*.

To learn more, visit the SHRM Foundation website:

www.shrm.org/about/foundation

LUNCHEON MEETING NOTICE

September 15, 2010
University of IL at Springfield
PAC Restaurant – Private Dining Room

Program

Labor Market Information: Everything You Wanted to Know, but Were Afraid to Ask! This session will deal with Labor Market Information available on the Illinois Department of Employment Security website. The session will begin with a briefing on the local economy (how the major industry sectors performed through the recession). Next will be an in-depth look at the different components of local labor market data on the IDES website that can benefit HR staff. This will be followed by a question and answer discussion.

Reservation Reminders

- ◆ Registrations can be made via CVent (a link is provided in the e-mail invitation).
- ◆ Cost for the luncheon is \$18/person. All reservations must be paid at the door unless prepaid Advantage Member.
- ◆ Guests of members are welcome to attend; guests will receive a complimentary meal only for the first meeting they attend.
- ◆ An RSVP is required in order to secure a meal for each member or guest attending.
- ◆ Please remember to state a menu selection in your RSVP for each person you register.
- ◆ Cancellations after deadline and no shows will be invoiced.

Workforce Development Week

Diane Murphy
Workforce Readiness Chair

This year, Workforce Development Week in Illinois was celebrated the week of August 30th. Illinois workNet™ Centers throughout the state held special events for both employers and job seekers.

The Springfield workNet™ Center at 1300 South Ninth Street in Springfield hosted an Open House and Networking Event for all local employers, and offered several workshops including an Illinois Department of Employment Services presentation on the Work Opportunity Tax Credit (WOTC), unemployment insurance appeals and adjudications, and recruiting veterans.

Events were also held for local job seekers. CIC-SHRM members Ginette Comstock, Debbie Whitney and Rick Lamb joined other local employers by either serving on an employer panel or critiquing job seeker resumes. The resume reviews helped local job seekers prepare for the Greater Springfield Chamber of Commerce's Job and Career Fair which will be held on Thursday, September 9th from 3:00 p.m. – 6:00 p.m. at the Crown Plaza.

The Springfield workNet™ Center is a One-Stop Career Center, which provides job seekers with services from many different providers all under one roof. Services include training referrals, workshops, career counseling and other employment-related services. One-Stop Career Centers operate in all 50 states.