

## Review of New Illinois Employment Related Legislation and Their Impact on the Workplace

### VIRTUAL SCHOOL ADMINISTRATORS' CONFERENCE

September 23, 2021

**Catherine R. Locallo**  
[clocallo@robbins-schwartz.com](mailto:clocallo@robbins-schwartz.com)

**Matthew M. Swift**  
[mswift@robbins-schwartz.com](mailto:mswift@robbins-schwartz.com)

**Chicago**  
55 West Monroe Street, Suite 800  
Chicago, IL 60603  
p 312.332.7760  
f 312.332.7768

**Champaign-Urbana**  
301 North Neil Street, Suite 400  
Champaign, IL 61820  
p 217.363.3040  
f 217.356.3548

**Collinsville**  
510 Regency Centre  
Collinsville, IL 62234  
p 618.343.3540  
f 618.343.3546

**Lisle**  
550 Warrenville Road  
Suite 460  
Lisle, IL 60532-4311  
ph: 630.929.3639  
fax:630.783.3231

**Rockford**  
2990 North Perryville Road, Suite 4144B  
Rockford, IL 61107  
p 815.390.7090

The materials on this webpage are the property of Robbins Schwartz and may not be copied, adapted, shared, or displayed without the express written permission of Robbins Schwartz.

# Legislative Developments and Their Impact on the Workplace

Presented by: Catherine R. Locallo and Matthew M. Swift  
School Administrators' Virtual Conference

Robbins Schwartz

1

Legislative  
Developments



Robbins Schwartz

2

## Legislation About Leaves and Holidays



Robbins Schwartz

3

## P.A. 102-0335: FMLA Expansion

Effective Date:  
January 1, 2022

- New School Code Section 24-6.4
- Reduces the minimum number of hours worked to be eligible for FMLA leave
  - 1,000 (IL law) vs. 1,250 (federal law)
- No exception for small employers
- No change to other eligibility requirements

Robbins Schwartz

4

## P.A. 102-0275: Sick Leave for Birth of Child

Effective Date:  
August 6, 2021

- Clarifies use of paid sick leave because of birth of a child
- Still limited to 30 working school days, but:
  - Not dependent on the need to recover from birth
  - May be used any time within the 12-month period following birth
  - May not be diminished as a result of any break period (summer, winter or spring break, or holidays)



Robbins Schwartz

5

## Legislative Intent of P.A. 102-0275

- House Debate:
  - Clarifies that it is the intention of the School Code to mean that if a school employee has earned up to 30 days of paid sick leave that they may use such days at any time in the 12 months following the birth or adoption of your child.
  - This bill does not expand the way an employee can use their earned sick time, just clarifies it.
  - The legislature is not giving any additional time.
- Senate Debate:
  - This is a clarification of use of paid sick leave for birth of a child to give teachers flexibility to take the leave for birth later rather than immediately after the birth.
  - There was no indication that this bill was meant to increase the amount of paid sick leave beyond 30 days.



Robbins Schwartz

6

## Considerations for P.A. 102-0275

- *The 30 days are school working days, not calendar days.*
- *Use of paid sick leave days is no longer connected to the normal disability period following birth of a child.*
  - *For example, if a teacher gives birth in June 2021, she could still use up to 30 accrued and unused paid sick leave days at the start of the 2021-2022 school year or anytime up within the 12-month period following birth.*
- *Use of paid sick leave days for birth of a child applies to both the mother and the father.*
- *At least one union's position: The 30 school working days is in addition to any use of paid sick leave first to cover the disability period following birth or for the illness/injury of the child.*
  - *Legislative history does not tend to support the Union's position.*
  - *Moreover, FMLA allows an employer to run accrued and unused sick leave concurrent with FMLA leave*
  - *Do not concede Union's position.*
- *Check policies and CBAs for language updates.*

Robbins Schwartz

7

## P.A. 102-0487: VESSA Expansion

Effective Date:  
January 1, 2022

- *Reminder: Length of unpaid leave for qualifying VESSA reason*
  - *At least 50 employees = up to 12 workweeks of leave in 12-month period*
  - *15-49 employees = 8 workweeks of leave in 12-month period*
  - *At least 1 but not more than 14 employees = 4 workweeks of leave*



Robbins Schwartz

8

P.A. 102-0487:  
VESSA  
Expansion,  
cont'd.

- *Reasons for leave expanded:*
  - experiencing an incident of domestic violence, sexual violence, or gender violence **or other crime of violence**
    - **Homicide, sex offenses, bodily harm (assault/battery), harassing and obscene communications, armed violence**
  - is recovering from the violence;
  - is seeking or receiving medical help, legal assistance (including participation in legal proceedings), counseling, safety planning, or other assistance;
  - temporarily or permanently relocating; or
  - to take other actions to increase the safety of the victim from future domestic, sexual, or gender violence, or to ensure economic security.

Robbins Schwartz

9

P.A. 102-0487:  
VESSA  
Expansion,  
cont'd.

- *Clarifies:*
  - "Sexual violence" means sexual assault.
  - Leave may be taken consecutively, in addition to intermittently or on a reduced work schedule.
  - Employee certification of the need for leave:
    - Can be in the form of a sworn statement and one of the following documents (but only if the employee has possession of the document):
      - Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing the qualifying reason for leave; a police or court records; or other corroborating evidence.
    - The employee chooses the document to submit.
    - Statement and documentation shall be maintained in strictest confidence and only disclosed if requested or consented to in writing by the employee or as otherwise required by law.



Robbins Schwartz

10

P.A. 102-0014:  
Juneteenth  
Holiday

Effective Date:  
January 1, 2022

- Recognizes the 19<sup>th</sup> day of June as a state holiday (amends School Code)
- Known as “Juneteenth National Freedom Day”
- When June 19<sup>th</sup> falls on a Saturday or Sunday, neither the preceding Friday nor the following Monday shall be held or considered as a paid holiday.
  - For 2022, June 19 falls on a Sunday.
- *Similar bill in Senate (SB 1965) was also passed, but P.A. 102-0014 controls for school district purposes.*

Robbins Schwartz

11

Legislative  
Amendments  
to the IHRA



Robbins Schwartz

12

P.A. 102-0233:  
New Protected  
Category Under  
IHRA

Effective Date:  
August 2, 2021

- Work Authorization Status
  - The status of being a person born outside of the United States, and not a U.S. citizen, who is authorized by the federal government to work in the United States.
  - No discrimination, harassment, retaliation or adverse employment action, etc.
  - Not intended to require an employer to sponsor, either monetarily or otherwise, any applicant or employee to obtain or modify work authorization status, unless otherwise required by federal law.

Robbins Schwartz

13

P.A. 101-0656:  
New Criminal  
History Check  
Requirements  
under the IHRA

Effective Date:  
March 23, 2021

- Amends the Illinois Human Rights Act (IHRA) to make it a civil rights violation for any employer to use conviction records when it makes hiring and other employment decisions, with limited exceptions.
- The amendment does not prohibit an employer's use of conviction records when the employer is required by law to do so. It also allows employers to rely upon conviction records when:
  - (1) there is a "substantial relationship" between the employment sought and one or more of the criminal offenses, or
  - (2) when granting or continuing the employment would involve an "unreasonable risk" to property or the safety or welfare of specific individuals or the general public.
- "Substantial relationship" is defined as: "whether the employment position offers the opportunity for the same or a similar offense to occur and whether the circumstances leading to the conduct for which the person was convicted will recur in the employment position."

Robbins Schwartz



14



## P.A. 101-0656: New Criminal History Check Requirements under the IHRA, cont'd.

- Before using a criminal conviction record to disqualify an individual, an employer must consider specified mitigating factors, provide written notice to the individual of the disqualifying conviction(s) and the reasons for the disqualification, and allow at least 5 business days for the individual to respond.
- If after receiving the individual's response to the disqualification notice the employer decides to move forward with the adverse action based partly or entirely on the conviction record, it must again provide written notice to the employee which:
  - States the decision is final;
  - Lists the conviction(s) at issue, the employer's reasoning, and any existing internal procedures for challenging or requesting reconsideration of the decision; and
  - Advises the employee of his/her right to file a charge with the Illinois Department of Human Rights.

Robbins Schwartz

15

## Employment Legislation



Robbins Schwartz

16

## P.A. 102-0252 Tenured Teacher Evaluation

Effective Date:  
January 1, 2022

- By no later than September 1, 2022, requires changes to a school district's evaluation plan for tenured teachers rated as "excellent" or "proficient":
  - Evaluated at least once every 3 school years after receipt of the rating; and
  - Implement an informal teacher observation plan established by agency rule and by agreement of the joint committee that ensures the same teachers are informally observed at least once every 2 school years after receipt of the rating.
- Example:
  - 2022-2023 = Excellent
  - 2023-2024 = Off cycle
  - 2024-2025 = Informal observation
  - 2025-2026 = Evaluation year

Robbins Schwartz

17

## P.A. 102-0552 Educator Misconduct & Resignation Mid-Year

Effective Date:  
January 1, 2022

### *Teacher Resignation Mid-Year*

- No teacher may resign during the school year to accept another teaching assignment without the approval of the Board of Education. If they do, the Board may refer them to the State Superintendent of Education for an informal evidentiary hearing and, if warranted, suspension of their license for one (1) year.
- Provides that the referral must include:
  - Dated copy of the teacher's resignation letter;
  - Copy of the reporting district's current school year calendar;
  - Proof of employment for the school year at issue;
  - Documentation showing that the Board did not accept the teacher's resignation, and
  - Evidence that the teacher left the district in order to accept another teacher assignment.



Robbins Schwartz

18

## P.A. 102-0562: New Penalties for Personnel Record Review Act Violations

Effective Date:  
January 1, 2022

- Amends Section 7 of the Illinois Personnel Record Review Act, which states an employer or former employer may not divulge a disciplinary report or action to a third party without written notice to the employee mailed on or before the day the information is divulged.
- Section 7 as amended includes language stating an individual aggrieved by a disclosure of a disciplinary report in violation of the Act may file a complaint or commence a civil action in court within 3 years after the violation.

Robbins Schwartz

19

## P.A. 102-0050: Increased Penalties for Illinois Wage Payment and Collection Act Violations

Effective Date:  
July 9, 2021

- Increases damages available to an employee for violations of the Illinois Wage Payment and Collection Act.
- Previously, any employee not timely paid wages, final compensation, or wage supplements as required by the Act may file a claim to recover damages in the amount of 2% of any such underpayments for each month those amounts remain unpaid. The employee may also recover costs and attorney's fees.
- Under Public Act 102-0050, the employee may recover damages in the amount of the underpayment and damages of 5% of the amount of the underpayments for any month following the date of payment during which the underpayments remain unpaid.

Robbins Schwartz



20

P.A. 102-0596:  
Petitions,  
Elections and  
ULPs

Effective Date:  
August 27, 2021

- Changes to Majority Interest Petitions
  - Showing of interest in support of a petition may be evidenced by electronic communications, and such writing/communication may be evidenced by the electronic signature of the employee.
  - Valid only if signed within 12 months prior to the filing of the petition.
- Changes to Secret Ballot Election
  - May be conducted electronically, using an electronic voting system, in addition to paper ballot voting systems.



Robbins Schwartz

21

P.A. 102-0596:  
Petitions,  
Elections and  
ULPs, cont'd.

- New Category of ULP Related to Strikes
  - Promising, threatening, or taking any action to permanently replace an employee who participates in a lawful strike.
  - Discriminating against an employee who is working or has unconditionally offered to return to work for the employer because the employee supported or participated in a lawful strike.
  - Lockout, suspend, or otherwise withhold from employment employees in order to influence the position of such employees or the representatives of such employees in collective bargaining prior to a lawful strike.

Robbins Schwartz

22

## P.A. 102-0327: School Guidance Counselor Gift Ban

Effective Date:  
January 1, 2022

- This new law provides that a school guidance counselor working in a high school and offering students advice and assistance in making career or college plans may not intentionally solicit or accept any gift from a “prohibited source” as defined in the law or accept a gift that would be in violation of any federal or state statute or rule.
- Includes exceptions and options to remedy a violation which mirror the Gift Ban provisions of the *State Officials and Employees Ethics Act*.



Robbins Schwartz

23

## Omnibus Ethics: Amendments to Governmental Ethics Act

Effective Date:  
January 1, 2022

- The Governmental Ethics Act requires each school board member and certain employees to annually file a verified Statement of Economic Interests. A school board candidate must also file a Statement of Economic Interests.
- Changes the questions asked on the Statement of Economic Interests:
  - List any single asset worth more than \$10,000 as of the end of the preceding calendar year.
  - List the source of any income in excess of \$7,500 required to be reported during the preceding calendar year, including but not limited to the sale of an asset that produced more than \$7,500 in capital gains in the preceding calendar year, but excluding current position which requires that the form be completed.
  - List creditor for any single debt in the preceding calendar year in excess of \$10,000 (excluding mortgages, student loans, and credit card debts).
  - List the name of each unit of government of which you or your spouse were an employee, contractor, or office holder during the preceding calendar year; include title and nature of services (exclude current position which requires that the form be completed).

Robbins Schwartz

24

## Amendments to Governmental Ethics Act cont'd.

- Changes the questions asked on the Statement of Economic Interests:
  - List the name of the lobbyist and nature of the relationship if you maintain an economic relationship with a lobbyist or if a member of your family is known to you to be a lobbyist registered with any unit of government in Illinois.
  - List the name of each person, organization, or entity that was the source of a gift or gifts, or honoraria, valued singly or in the aggregate in excess of \$500 received during the preceding calendar year and the type of such gift, etc. (exclude gifts from family members not known to be a lobbyist registered with any unit of government in Illinois).
- Includes definitions for "asset", "creditor", "debt"; diversified funds", "economic relationship", "family", "filer" and "income".
- Includes an updated Verification with increased fine for willfully filing a false or incomplete statement and now requires certification of review by Ethics Officer.

Robbins Schwartz

25

## Retirement Legislation



Robbins Schwartz

26

P.A. 102-0537:  
Extend Retiree  
Teacher  
Provisions

Effective Date:  
August 13, 2021

- Extends the limits on returning retiree teachers to June 30, 2023:
  - 120 paid days/600 paid hours



Robbins Schwartz

27

P.A. 102-0440:  
Return to  
Teaching, Job  
Postings

Effective Date:  
August 20, 2021

- The Pension Code now allows retired teachers to return to teaching in a subject shortage area without impairing their retirement status through June 30, 2024.

Robbins Schwartz

28

P.A. 102-0440:  
Return to  
Teaching, Job  
Postings  
cont'd.



- Still requires offering vacancy to legally qualified teachers who were honorably dismissed in the prior year
- For 90 days in the six months before the term:
  - Eliminates advertising the vacancies in a local newspaper
  - Still requires advertising “in employment bulletins published by college and university placement offices near the school”
  - Still requires searching for legally qualified candidates through the Illinois Education Job Bank
  - Adds a requirement to post vacancies on the District website and list them in an online job portal or database

Robbins Schwartz

29

P.A. 102-0440:  
Return to  
Teaching, Job  
Postings  
cont'd.

- Provides a new, narrow exemption from 90-day posting/advertising requirements
- Exempts a District for 90 days if replacing a retiree who could not continue due to a documented illness, injury, or disability that occurred after being hired to return in a subject shortage area

**EXEMPT**

Robbins Schwartz

30



## P.A. 102-0525: Summer School Exception to 6% Increase Cap

Effective Date:  
August 20, 2021

- The Pension Code imposes penalty contributions on employers for annual salary increases exceeding 6% for any year used in the calculation of the “final average salary” that determines pension benefits.
- This new law excludes salary increases “resulting from teaching summer school on or after May 1, 2021 and before September 15, 2022” from the calculation of any penalty for exceeding the 6% cap.
  - Does not exclude these increases from calculation of final average salary
  - Does not require paying salary increases above 6%
  - Potential impacts of existing CBA language and/or bargaining implications

Robbins Schwartz

31

## P.A. 102-0525: Summer School Exception to 6% Increase Cap cont'd.

- Districts can dispute TRS bills on the ground that the new exemption applies to the penalty calculation.
- This law also revives optional credit for up to two years of private school teaching (previously allowed between August 2009 and July 2012).



Robbins Schwartz

32

P.A. 102-0016:  
FY 2022 BIMP

Effective Date:  
June 17, 2021

Exceptions to TRS Salary Increase Cap

- Establishes exceptions to the 6% cap by excluding salary increases that result from:
  - "overload or stipend work performed in a school year subsequent to a school year in which the employer was unable to offer or allow to be conducted overload or stipend work due to an emergency declaration limiting such activities."
  - "increased instructional time that exceeded the instructional time required during the 2019-2020 school year."

Robbins Schwartz

33

P.A. 102-0016:  
FY 2022 BIMP  
cont'd.

- TRS interpretations of exclusions from 6% cap
- Again, does not require paying salary increases above 6%
- Potential impacts of existing CBA language and/or bargaining implications



Robbins Schwartz

34

P.A. 102-0016:  
FY 2022 BIMP  
cont'd.

Years Included in "Final Average Salary"

- For those who retire on or after June 1, 2021 and the 2020-21 school year is part of the FAS calculation, use the higher of:
  - the normal calculation (average salary of 4 highest consecutive years in final 10 years), or
  - the average salary for the 4 highest years in final 10 years.

Robbins Schwartz

35

P.A. 102-0540:  
Updates to  
TRS SSP

Effective Date:  
August 20, 2021

- Trailer bill to 2018 law that required TRS to offer an optional defined contribution benefit for any active member (P.A. 100-0769)
- TRS has contracted with Voya Financial to develop and offer the Supplemental Savings Plan (SSP), a 457(b) retirement plan.
- New language requires districts to:
  - comply with the reporting and administrative functions TRS establishes, and
  - implement the defined contribution benefit.



Robbins Schwartz

36

P.A. 102-0540:  
Updates to  
TRS SSP  
cont'd.

- The benefit “shall collect optional employee and optional employer contributions into an account.”
- TRS will automatically enroll new active TRS members “as soon as is practicable on or after January 1, 2022.”
  - Automatic enrollees will have 3% deductions go to their accounts by default after 30 days of employment.
  - Members may opt out of the optional benefit or the default contribution.
  - Members may withdraw within 90 days of enrollment and have the contributions refunded.

Robbins Schwartz

37

Other  
Legislation



Robbins Schwartz

38

## P.A. 102-0638: Trauma Informed School Board

Effective Date:  
January 1, 2023

- Beginning with the 2023-2024 school year, the required school board member leadership training must include the topic of trauma-informed practices for students and staff.
- The training may include, but is not limited to:
  - The recognition of and care for trauma in students and staff;
  - The relationship between staff wellness and student learning;
  - The effect of trauma on student behavior;
  - The prevalence of trauma among student populations at higher risk for experiencing trauma;
  - The effects of implicit or explicit bias on recognizing trauma among various student groups in connection with race, ethnicity, gender identity, sexual orientation, socioeconomic status, and other relevant factors; and
  - Effective district and school practices that are shown to prevent and mitigate the negative effect of trauma on student behavior and learning and support the emotional wellness of staff.



Robbins Schwartz

39

## P.A. 102-0521: Changes to New Principal and New Teacher Mentoring Programs

Effective Date:  
August 20, 2021

- Changes to Principal Mentoring Program (PMP)
  - Subject to funding, provides for ISBE to establish a competitive grant program to support the PMP and to approve one or more eligible entities to provide services to new principals under the PMP.
    - "Eligible entities" include ROEs, ISCs, Illinois higher education institutions, statewide organizations representing principals and school districts.
    - Eligible entities are responsible for mentor training, pairing mentors and new principals, and all other administrative aspects.
  - For assignment purposes, replaces "geographic proximity" with "accessibility".
  - Clarifies that mentors shall not provide input into a principal's performance evaluation.

Robbins Schwartz

40

P.A. 102-0521:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs,  
cont'd.

- Changes to Principal Mentoring Program (PMP) cont'd.
  - If funding is not sufficient to serve all anticipated 1<sup>st</sup> year principals in any given year, then the PMP shall be voluntary and priority access given those in the highest need schools, as determined by the State Superintendent.
  - The PMP shall only be available to 2<sup>nd</sup> year principals if there is sufficient funding for all anticipated 1<sup>st</sup> year principals.
  - The State Superintendent determines the number of mentoring hours required for 1<sup>st</sup> year principals, the compensation to be paid to mentors and approved entities.
  - Contract hours for mentoring may be in-person, online or by any other mechanism allowing for synchronous communication between the mentor and principal.



Robbins Schwartz

41

P.A. 102-0521:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs,  
cont'd.

- Changes to New Teacher Induction and Mentoring Program (NTIMP)
  - Provides for ISBE to establish a competitive grant program to support NTIMPs.
    - Subject to appropriation, the program shall be available to eligible entities not less than 3 years.
    - Funding shall be prioritized based on the needs of students and school districts as it relates to teacher retention.
  - ISBE to set NTIMP standards, create a Teaching Induction and Mentoring Advisory Group, and evaluate programs.
  - "Eligible applicant" or "eligible entity" for purposes of the amended legislation include ROEs, ISCs, an Illinois institution of higher education, a statewide organization representing teachers, a local education agency, or a public or private not-for-profit entity with experience providing professional learning, including mentoring, to early childhood educators.

Robbins Schwartz

42

P.A. 102-0521:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs,  
cont'd.

- Development of a NTIMP Required:
  - Subject to funding, each "eligible applicant" shall develop a NTIMP for 1<sup>st</sup> and 2<sup>nd</sup> year teachers that meets the requirements of School Code Section 21A-10.
  - A school district that has a NTIMP in place before the effective date of this new law may modify the program to meet the requirements of School Code Section 21A-10, and may receive funding for doing so, if available.
  - Each school district in conjunction with its teachers' union may decide whether to forego modifications to a NTIMP in place before the effective date of this new law.
  - If a school district does not have a NTIMP in place before the effective date of this new law OR if the district and the teachers' union agree that an eligible entity would better serve the district's needs, the district and the teachers' union shall jointly decide which eligible entity offers the most suitable program.

Robbins Schwartz

43

P.A. 102-0521:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs,  
cont'd.

- Timeline to Develop a NTIMP:
  - No later than the beginning of the 2022-2023 school year; or
  - No later than the beginning of the 2023-2024 school year for eligible applicants who have been given an extension of time to develop a program.
  - An eligible entity can develop a program on its OR with 2 or more eligible entities acting jointly.



Robbins Schwartz

44

P.A. 102-0521:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs,  
cont'd.

- NTIMP Requirements:
  - Aligns with standards set by ISBE;
  - Assigns a mentor to each new teacher for at least 2 years;
  - Aligns with the Illinois Culturally Responsive Teaching and Learning Standards
  - Describes the roles of mentor teachers, the criteria and process for their selection, and how they will be trained.
  - A mentor teacher may not directly or indirectly participate in the evaluation of a new teacher.
  - Is designed to be available for both in-person and virtual participation.

Robbins Schwartz

45

P.A. 102-0521:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs,  
cont'd.



- Funding, Etc.
  - For each new teacher participating in a NTIMP that meets the requirements of School Code Section 21A-20 or in an existing program that is in the process of transition to a program that meets those requirements, ISBE shall pay the eligible entity for the duration of the grant for the purpose of providing:
    - Mentor teacher compensation and new teacher compensation; and
    - Mentor teacher professional learning or new teacher learning or both.
  - If a mentor teacher receives release time to support a new teacher, the total workload of other teachers regularly employed by the school shall not increase in any substantial manner.
  - **\*\*If appropriation is not included in the state budget, ISBE is not required to implement NTIMP.**

Robbins Schwartz

46



Find Us on  
Social Media!

Twitter:

@RSchwartzLaw

@MSwift\_RS

@CLocallo\_RS



Robbins Schwartz

# Robbins Schwartz

## CATHERINE R. LOCALLO

PARTNER, CHICAGO

312.332.7760

clocallo@robbins-schwartz.com

Catherine Locallo's practice focuses on labor and employment law and board governance matters. She counsels employers in all aspects of employment law including hiring, employment contracts, employee discipline issues, terminations and reductions in force, collective bargaining and labor relations, nonimmigrant worker visas and employment discrimination matters. She also counsels public bodies on compliance with Illinois' Freedom of Information Act and Open Meetings Act. Catherine has extensive experience representing clients in court and administrative agency proceedings involving discrimination, retaliation, and harassment claims.

Catherine is approved by the Illinois State Board of Education to provide school board member training.

### AWARDS

Illinois "Rising Star," Employment & Labor Law (2015-2018)

### RECENT PUBLICATIONS

"Effective January 1, 2022: Vast Expansion of VESSA," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Illinois Committed to Restrictive Covenant Reform Through Passage of Senate Bill 672," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Plaintiff's Cat's Paw Theory of Liability Failed To Scratch Surface," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Walmart Need Not Change Shift Rotation Practice To Accommodate Religious Beliefs" *Employment and Labor Law Flashpoints*, IICLE (2021)

"CBA Provision Clearly Rebutted At-Will Employment Presumption for IT Employee," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Employer's Judgment and Job Description Defeat Failure To Accommodate Claim," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Recent Department of Labor Opinion Letters: Pay for Training and Travel," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Sexual Harassment Prevention Training Compliance Required Before New Year," *Employment and Labor Law Flashpoints*, IICLE (2020)



### PRACTICE AREAS

Education Law  
Labor & Employment  
Litigation

### EDUCATION

J.D., *cum laude*, The John  
Marshall Law School,  
Order of John Marshall

B.S., Southern Illinois  
University

### ADMITTED TO PRACTICE

U.S. Court of Appeals for  
the Seventh Circuit

U.S. District Court for the  
Central District of Illinois

U.S. District Court for the  
Northern District of Illinois

Supreme Court of Illinois

"Will 'Scabby the Rat' Live To Fight Another Day?" *Employment and Labor Law Flashpoints*, IICLE (2020)

"Superintendent's Police Report is Protected Speech" *Employment and Labor Law Flashpoints*, IICLE (2020)

"Changing the Landscape: Abusive Conduct Not Protected Under NLRA" *Employment and Labor Law Flashpoints*, IICLE (2020)

"COVID-19 Changes to Claims for Unemployment Benefits in Illinois" *Employment and Labor Law Flashpoints*, IICLE (2020)

"Seventh Circuit: Jury, Not Judges, Must Decide Coach's Sex Discrimination Claim" *Employment and Labor Law Flashpoints*, IICLE (2020)

"Examining DOL Rule on New Employee Leave Rights" *Employment and Labor Law Flashpoints*, IICLE (2020)

"Better Safe Than Sued – Issuing Timely FMLA Notices" *Employment and Labor Law Flashpoints*, IICLE (2020)

"Unions Strike Back Through Amendments to Illinois Public Labor Acts" *Employment and Labor Law Flashpoints*, IICLE (2020)

"First Amendment Protections Get Broader for Government Employees," *Chicago Daily Law Bulletin* (2016)

"Regulatory Changes to the Illinois Wage Payment and Collection Act," *Justinian Society Newsletter* (2015)

"New FOIA Amendments to Ease Burden on Public Bodies," *Justinian Society Newsletter* (2015)

"Illinois Supreme Court Determines Arbitration Award Ordering Reinstatement of a Paraprofessional was Binding Because the Award 'Drew Its Essence' from the CBA," *Justinian Society Newsletter* (2014)

"When the Music Stops, Why Not Require Certain Title VII Plaintiffs to Find a Chair on Which to Rest Their Complaint," *The John Marshall Law Review*, (2009)

#### **RECENT PRESENTATIONS**

*Is PERA Dead?? Implementation of a Local Appeals Process for Unsatisfactory Ratings*, IASPA Annual Conference (January 2020)

*A Workshop on Compliance with the Open Meetings Act and Illinois Freedom of Information Act*, LUDA Annual Conference (October 2019)

*Community College Trustees Training Session*, ICCTA (June 2019)

#### **ORGANIZATIONS**

Chicago Bar Association

Illinois Council of School Attorneys

Illinois State Bar Association

National Council of School Attorneys

Treasurer, Justinian Society of Lawyers

Co-Chair, Justinian Society of Lawyers Endowment Fund Scholarship Committee

Member, Oakton Community College Paralegal Advisory Committee

Member, Triton College School of Business Advisory Legal Committee

Member, Board of Directors, Glenview Stars Hockey Association

UNICO National

# Robbins Schwartz

## **MATTHEW M. SWIFT**

**ASSOCIATE, CHICAGO**

312.332.7760

mswift@robbins-schwartz.com

Matthew is a member of the labor and employment practice group. He counsels employers in various aspects of labor and employment law, such as employee discipline, labor relations, wage and hour, and employment discrimination matters under both federal and state laws such as the Americans with Disabilities Act, Family and Medical Leave Act, Age Discrimination in Employment Act, Title VII of the Civil Rights Act, and Illinois Human Rights Act. He also represents clients in state and federal courts and advises on Illinois Freedom of Information Act and Open Meetings Act matters.

Before he joined Robbins Schwartz, Matthew served as in-house counsel and FOIA Officer for the Illinois Office of the Governor. In that role, he counseled dozens of agencies on compliance with sensitive FOIA requests, advised on current and potential litigation issues, and served as a legal liaison to the Illinois Department of Human Rights and the Illinois Human Rights Commission.

### **RECENT PUBLICATIONS**

“All Together Now – Employment Law Issues in the New Title IX Rules,”  
*Chicago Daily Law Bulletin* (2020)

“Life After Leave: Bringing Employees Back in a COVID-19 Age” *Best Practices Magazine*, American Association of School Personnel Administrators (2020)



### **PRACTICE AREAS**

Labor & Employment

### **EDUCATION**

J.D., University of Chicago  
Law School

M.P.P., University of  
Chicago, Harris School of  
Public Policy

B.B.A., *summa cum laude*,  
Baylor University

### **ADMITTED TO PRACTICE**

U.S. District Court for the  
Northern District of Illinois

Supreme Court of Illinois

### **ORGANIZATIONS**

Chicago Bar Association