



HGSUW News & Views

Hasselberg Grebe Snodgrass
Urban & Wentworth
Attorneys and Counselors

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KEVIN SHEAHAN PROMOTED TO PARTNER



We are pleased to announce that Attorney Kevin O. Sheahan has become a partner of our firm, effective January 1, 2021. Kevin currently focuses his practice on estate planning, employment law, and general civil litigation. Originally from southern Illinois, Kevin has been with Hasselberg Grebe Snodgrass Urban & Wentworth since 2017. Kevin received his undergraduate degree from the University of Illinois at Urbana Champaign. While attending U of I, Kevin also served in the Illinois Air National Guard at Scott Air Force Base. Prior to joining our firm, Kevin worked as a law clerk for the Chief Judge of the U.S. District Court for the Southern District of Illinois. As a partner at our firm, Kevin brings the experience and insight he developed as a law clerk to each of the clients he serves.

Outside of the office, Kevin is active in the Peoria County Bar Association. Last year, he presented at the "Winter Series" PCBA estate planning continuing legal education seminar. Additionally, Kevin is on the board of directors of LifeLine Pilots, a Peoria based non-profit that helps coordinate free air transportation to children and others with medical needs. Kevin resides in rural Tazewell County with his wife, Kelsey.



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MEET OUR NEW ASSOCIATE!

We are pleased to announce that Lucas D. Myrna has joined our firm as a new associate. Lucas was born and raised in West Peoria, Illinois, where he attended St. Mark's Catholic Grade School, and graduated high school from Peoria Notre Dame. Lucas received his Bachelor's Degree in Ancient History from the University of Illinois at Urbana-Champaign, and is a 2020 graduate of the University of Illinois College of Law. During law school, Lucas clerked for the Honorable Jonathan E. Hawley of the Central District of Illinois and performed an externship at the Peoria County Courthouse.



Lucas lives in West Peoria and likes to spend his free time camping, mountain biking, and backpacking across the United States. A life long resident of the Peoria area, Lucas aspires to contribute to the community in any way he can and is excited to begin his career here in his hometown. He is also a member of the Peoria County Bar Association and its Young Lawyers' Committee, as well as the Illinois State Bar Association. Lucas' practice areas include workers' compensation, criminal defense, cannabis regulations, and trust and estate planning.



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TRAVEL PLANS? DON'T FORGET TO GET YOUR REAL ID!



In 2005, Congress passed the Real ID Act to establish minimum requirements for state drivers' licenses and identification cards to be accepted by the federal government for "official purposes", as defined by the U.S. Department of Homeland Security. The Act sets minimum security standards for license issuance and production and, in certain circumstances, prohibits federal agencies from accepting driver's licenses and identification cards not meeting the Act's minimum standards. Although the Department has wide authority to define "official purposes" and require "federal identification" for various purposes, current requirements are aimed at boarding commercially operated airline flights and entering federal buildings, military bases, and nuclear power plants.

The Act's requirements have been implemented in phases and the deadline for full enforcement has been extended several times, most recently on April 27, 2021. The Department of Homeland Security recently extended the enforcement deadline 19 months, from October 1, 2021 to May 3, 2023. Beginning May 3, 2023, every air traveler 18 years of age and older will need a Real ID-compliant driver's license or identification card, state-issued enhanced driver's license, or another TSA-acceptable form of identification at airport security checkpoints for domestic air travel.

According to the Illinois Secretary of State, Real IDs may be obtained by Illinois residents at any drivers' services facility, with limited exceptions. The application process for a Real ID is also slightly more stringent than the typical driver's license or State ID renewal procedure. Hard copy documents from four different groups will be required: (1) proof of identity, date of birth and citizenship; (2) social security number; (3) residency; and (4) proof of signature.

Acceptable documents for each group include, but are not limited to, the following:

Group 1 (Identity, Birthday, Citizenship): Certified birth certificate or a US passport. Name change documents, such as a certified marriage certificate or divorce decree, will also be necessary if the Real ID is being applied for under a different name.

Group 2 (Social Security Number): Social security card or W-2.

Group 3 (Proof of Residency): Bank statements, cancelled checks, deed, insurance policy, report cards or utility bills. Two (2) documents reflecting proof of residency must be accepted.

Group 4 (Proof of Signature): Driver's license, court order or debit/credit card.

As the deadline for full enforcement approaches, make sure to allow for plenty of time to apply for and obtain a Real ID prior to any flights. The Secretary of State has issued guidance stating that approved Real IDs may not be received for up to 15 days.

If you have any questions regarding the Illinois Real ID Act or other licensing and administrative regulations, please contact our experienced attorneys at (309) 637-1400, review the Illinois Secretary of State website, or visit any local drivers' services facility.





DEPARTMENT OF LABOR ISSUES VACCINATION GUIDANCE TO EMPLOYERS; IRS ALLOWS EMPLOYER TAX CREDITS FOR VACCINE RELATED PAID LEAVE

With COVID-19 vaccinations increasing Statewide, the Illinois Department of Labor issued guidance to Illinois employers in March concerning vaccination programs and employee benefits. In addition to reviewing the following guidance provided by the Department of Labor, employers and employees alike should carefully review all applicable State and local statutes, administrative regulations, and COVID-19-specific guidance to assess an employee's rights within the workplace. Employers should also be aware that under American Rescue Plan Act of 2021 (ARP), they may claim a tax credit for paid employee leave taken to receive or recover from COVID-19 vaccinations.

Mandatory Vaccination Programs. According to the Department of Labor, time spent by an employee obtaining a COVID-19 vaccine as part of a mandatory vaccination program is likely compensable. Based on the Illinois Minimum Wage Law and federal Fair Labor Standards Act, an employer's mandatory vaccination program should incorporate paid leave for employees to receive COVID-19 vaccinations or provide other compensation to employees for time devoted to complying with an employer-mandated vaccine requirement. Under the Department's guidance, compensation should also be provided to employees receiving a vaccination during non-working hours as part of a mandatory program.

Optional Vaccination Programs. If an employer chooses not to implement a mandatory vaccination requirement, the Department of Labor encourages the flexible use of paid or unpaid leave to allow employees to voluntarily receive vaccinations during work hours. According to the Department, employees choosing to obtain the vaccine voluntarily should be allowed to utilize sick leave, vacation time, or other paid time off. If an employer is not obligated to provide paid leave and chooses not to, the Department of Labor recommends offering the employee FLEX time for his or her vaccination. If neither paid leave nor FLEX time are available, the employer should allow the employee flexibility to take the time off unpaid.

Vaccination Requirements for an Employee's Family Member. The Employee Sick Leave Act (ESLA) requires employers to allow their employees to use employer-provided sick leave benefits for absences due to, among other things, medical appointments of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparents, or stepparent on the same terms upon which the employee is able to use personal sick leave benefits for their employee's own illness or injury. Accordingly, the Department of Labor has stated an appointment to receive a COVID-19 vaccine would qualify as a permissible medical appointment under the Act. The Department has encouraged employers to allow the use of sick leave benefits when an employee takes a qualifying family member to a vaccination appointment.

Federal Tax Credit for Paid Leave Related to COVID-19 Vaccinations. At the federal level, the IRS is allowing employers to claim tax credits for paid employee leave taken due to COVID 19, including leave taken to receive or recover from COVID-19 vaccinations. The tax credits are being allowed under the American Rescue Plan Act of 2021, which was signed into law on March 11, 2021, by President Biden. Employers can claim the tax credit for up to two weeks (80 hours) of paid leave. However, the tax credits are limited to leave taken from April 1, 2021, through September 30, 2021, and to businesses with fewer than 500 employees.

In order to promote health and safety in the workplace, the Illinois Department of Labor recommends all employers review their leave and vaccination policies and make revisions, as necessary, to provide leave and flexibility for employees to obtain the COVID-19 vaccine. As State and local guidance and regulations continue evolving to address the unique circumstances of the ongoing pandemic, employers and their employees should remain educated on employment rights within the workplace. If you have any questions regarding employment matters, please contact Charles J. Urban at (309) 637-1400.



EMPLOYMENT LAW UPDATE: INCREASED PROTECTIONS FOR JOB APPLICANTS WITH CRIMINAL RECORDS

Over the past several years there have been significant changes to the Illinois employment law landscape. One of the latest developments is the “Employee Background Fairness Act,” signed into law on March 23, 2021, by Governor Pritzker. Under the new law, it is a civil rights violation for employers to consider an employee or job applicant’s criminal history when making employment decisions – such as hiring, firing, or promotion.

Exceptions to the new rule are limited to situations where there is a “substantial relationship” between the criminal offense and the employment position, or where employment would present an unreasonable risk to property or safety. In determining whether there is a “substantial relationship” between the criminal conviction and the job position, the law requires employers to consider multiple factors, including the nature of the conviction, the number of convictions, and the age of the employee at the time of the conviction.

The Employee Background Fairness Act essentially places into law written guidance that was issued in 2012 by the Equal Employment Opportunity Commission (EEOC), which is the federal agency that handles employment discrimination matters. Although Illinois voluntarily adopted and codified the EEOC’s recommendations, the EEOC’s advice was not well received elsewhere, specifically Texas. The State of Texas successfully sued the EEOC in Federal court and received an injunction stating that it was not required to follow the EEOC’s guidance.

The Employee Background Fairness Act builds upon existing “ban the box” legislation that was passed in 2015 under Governor Quinn. The “ban the box” statute generally prohibits employers from asking a job applicant about their criminal

history until after a job interview had taken place or a conditional job offer was issued. As noted above, the most recent legislation restricts employers’ abilities even further.

This is one additional component to the increasingly complex employment law landscape facing Illinois employers. For instance, in the past several years the Illinois General Assembly has passed legislation that: prohibits employers from inquiring about a job applicant’s salary history, requires employers to provide annual sexual harassment training, restricts the use of employer/employee nondisclosure agreements for certain types of claims, and requires employers to provide unpaid leave to victims of gender violence. And of course, cannabis is now legal under Illinois law, and employers must be cognizant of the compliance issues associated with recreational and medicinal cannabis use.

If your business needs assistance drafting an employee handbook, preparing a severance agreement, implementing a drug testing policy, responding to a discrimination charge, or if you simply have a question regarding your current employment practices, please contact Hasselberg Grebe Snodgrass Urban & Wentworth at (309) 637-1400.





NEW LAWS IN 2021

As the Illinois legislature passes new laws or amends existing laws, dates are set for each respective law to take effect. While these dates vary and can occur throughout the year, many laws become effective on January 1st each year. In addition to several other laws taking effect on January 1, 2021, Illinois lawmakers implemented the following pieces of legislation at the beginning of the year:

Minimum Wage Increase. As you may be aware, the Lifting Up Illinois Working Families Act was passed in February of 2019, raising the Illinois minimum wage to \$15.00 per hour by 2025. Effective January 1st this year, minimum wage increased throughout the State to \$11.00 an hour for standard workers, \$6.60 per hour for tipped workers, and \$8.50 an hour for workers under the age of eighteen who work less than 650 hours per calendar year. Minimum wage will continue to increase on January 1st each year through 2025 until the target rate of \$15.00 per hour is reached.

Insulin Cost Cap. According to findings made by the Illinois General Assembly, diabetes affects approximately 1.3 million adults in Illinois, approximately 12.5% of the population, and is the seventh leading cause of death in the State. Individuals with diabetes either cannot make enough insulin or are unable to use the insulin produced by their body. As such, life-saving and life-sustaining insulin is critical for Illinoisans with diabetes. In light of the findings and nationwide concerns regarding the rising cost of insulin, the Illinois legislature passed Senate Bill 0667, which took effect on January 1, 2021. This law makes Illinois the second state in the nation to cap co-payments at \$100.00 for a thirty-day supply of insulin, regardless of the type or amount of insulin needed. However, the law does not apply to insulin that is administered to patients intravenously. The law also requires the Illinois Attorney General to investigate the pricing of prescription insulin to ensure consumer protections. Illinois lawmakers hope this legislation will help those affected by diabetes and curb predatory insulin pricing throughout the State.

Confidentiality for Sexual Assault and Stalking Survivors. Effective January 1, 2021, the Address Confidentiality for Victims of Domestic Violence Act was amended to allow victims of sexual assault and stalking, among other crimes, to apply for the Illinois Address Confidentiality Program to shield their address from abusers. Proponents of the measure, including the Illinois Coalition Against Sexual Assault, hope the confidentiality will provide survivors peace of mind. However, proponents and lawmakers have also stressed the use of available legal remedies for physical protection.

DNA Samples for Finding Missing Persons. An amendment to the Missing Persons Identification Act took effect this year to allow law enforcement to gather DNA samples from a missing person's relatives at the time a missing person report is filed to assist in locating the individual. Additionally, in the event a missing person remains missing for 30 days after the filing of a report, the amendment allows law enforcement to coordinate with partner laboratories of the National Missing and Unidentified Persons System. The amendment further provides that all DNA samples obtained in missing person cases shall be immediately forwarded to a National Missing and Unidentified Persons System partner laboratory within 30 days.

If you have any questions regarding the foregoing laws or related areas of law, please contact our experienced attorneys at (309) 637-1400.



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