



**STRONGER BUSINESS
STRONGER ILLINOIS**

BUSINESS LEADER

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TAX REFORM



Rep. Peter Roskam (R-IL 6)



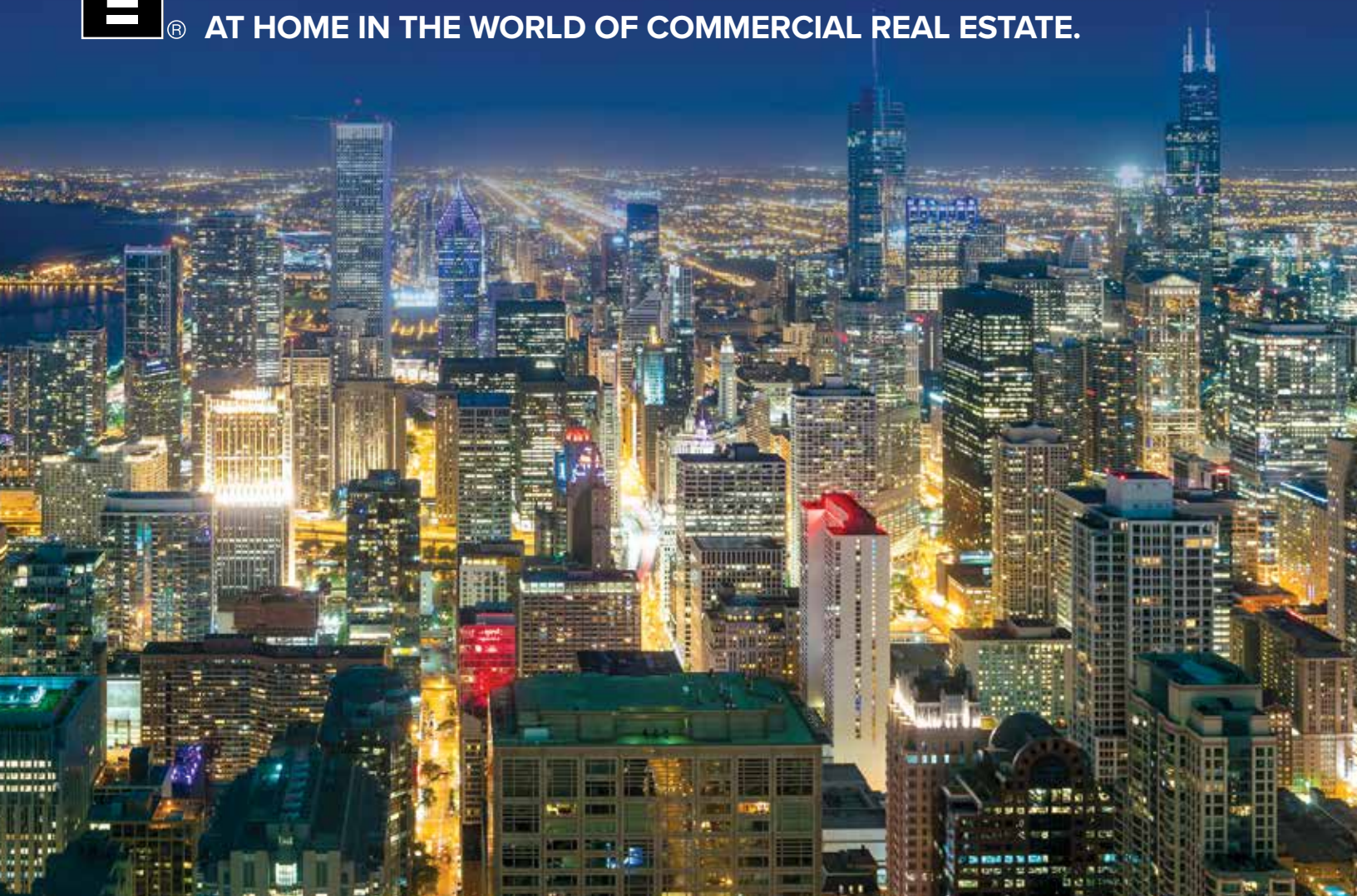
Rep. John Shimkus (R-IL 15)

**Answers to
your questions
from inside the
Capitol**



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ILLINOIS CHAMBER
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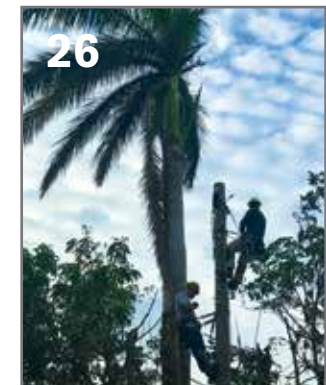
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New Year Brings Economic Opportunity to Illinois



TODD MAISCH
PRESIDENT AND CEO

Now that it's a start of a new year, we look back and reflect on a great win for businesses in Illinois on a state and national level. For the first time in a generation, Congress has made changes to our tax code that both parties have advocated for years – a huge victory for Illinois.

The legislation secured a personal tax cut for more than 80 percent of Americans. Not only that, but our congressional leaders advocating for the law made it a priority to make sure our small businesses and agriculture communities – which create most of the jobs in Illinois – received necessary tax relief.

Just a few short months before federal tax reform passed, our policy experts represented the Illinois

Chamber, alongside some of our members, at a series of meetings in Washington advocating for the issue.

The meetings, supported by U.S. Rep. Peter Roskam (R-IL 6), took place at the U.S. Capitol, White House and the U.S. Department of the Treasury where Chamber staff discussed key issues with Director of the National Economic Council Gary Cohn and U.S. House Speaker Paul Ryan's top staff.

We thank our congressional leaders who fought tirelessly with us to ensure some of Illinois' key business needs are met. The Illinois Chamber looks forward to continue working with our legislative leaders on issues that affect our great state and its invaluable job creators.

In this edition of the *Illinois Business Leader*, you will hear more from Illinois U.S. Representatives Peter Roskam (R-IL 6) and John Shimkus (R-IL 15) on federal tax reform and what its passage means for Illinois.

You will also receive further insight about the new task forces in the state, specifically, on the recently developed Sexual Harassment Task Forces. The Illinois Chamber values positive workplace culture and diversity, and supports initiatives that help foster positive work environments for both employees and employers. We value processes, procedures and initiatives that keep Illinois government both effective and transparent.

Additionally, in this issue, you will learn more about the Illinois Chamber's upcoming legislative

agenda. We value our Illinois businesses and employers and demand that our state's policies foster economic growth.

Illinois has a diverse economy that other states aspire to leaving it with immense potential for greater development and expansion. First, we need to ensure bills for this upcoming session are written to keep Illinois' business environment competitive with other states. It is our priority to keep pro-growth policies front and center for our businesses both large and small.



Illinois Chamber representatives met to discuss tax reform with Director of the National Economic Council Gary Cohn (pictured) in September.

Image source: An official White House photo by Evan Walker.

We will continue to fight for much-needed reforms that will help Illinois prosper and send the message to Illinois employers and residents that Illinois is well worth the investment. Because of its opportunity, we see a vibrant and prosperous future for Illinois.

SECOND TO NO ONE



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Federal Tax Reform:

Answers to your questions from inside the Capitol



Rep. Peter Roskam (R – IL 6)

The Illinois Chamber is working to create a positive environment for employers statewide, which is why we support the once-in-a generation opportunity of federal tax reform that will help our economy grow faster and encourage businesses to invest in our nation and state. The passage of federal tax reform is one step of many to help create more jobs for the great people of our nation and state. However, getting to the final product wasn't easy. Illinois was fortunate enough to have two Congressional delegates as negotiators who eventually signed off on legislative text for the tax overhaul, otherwise known as the conference committee report. Rep. Peter Roskam (R – IL 6) and Rep. John Shimkus (R – IL 15) both were appointed to serve on the conference committee of 29 member of Congress that gave us the Tax Cuts and Jobs Act. Here is their story.



Rep. John Shimkus (R – IL 15)



This is the first major tax overhaul in a long time. What's your general reaction/thoughts on getting this done?

ROSKAM - For decades Americans struggled under the weight of a broken tax code that hurt middle- and lower-income families – maintaining a status quo that punished so many and rewarded so few was not an option. Congress stood strong against those who demanded we hold on to an unfair system and instead, came together to deliver real tax relief for millions of Americans.

After months of work developing a tax code that prioritizes middle-income families and small businesses, Congress passed and the President signed a bill that accomplishes that goal. Taxpayers in every tax bracket on average will see a tax break under this new tax code and the average family of four in my district making the median income of \$135,485 and taking the standard deduction will save more than \$4,500.

SHIMKUS - Tax reform of this scale is a big deal. It hasn't been done since 1986. In those 30 years, our tax code grew by thousands of pages, became riddled with special interest loopholes, and frankly created a real drag on our economy. So, our goal

was to reform that outdated tax code, and make it fairer, flatter, and simpler. I'm proud of what we achieved, and as more taxpayers see how it benefits them, they're pretty happy too.

Passing tax reform out of committee and out of the house was only one step. Can you talk a little about the conference committee and why that was so important to getting this done?

ROSKAM - I was honored to be selected to the House-Senate Conference Committee for the Tax Cuts and Jobs Act and work with my colleagues in the House and the Senate to bring together the best parts of each of bill and to ensure that the end product was a tax code that American taxpayers deserve.

You're a senior member of the Illinois delegation and were appointed to the conference committee for tax reform, can you tell us a little bit about what a conference committee is and why it was so important to this process?

SHIMKUS - I'm not a member of the Ways & Means Committee, so being a part of the tax conference committee was really exciting. To become a law, the Constitution requires that the exact same bill be passed by both

“It’s remarkable to see the impact this legislation is having on the economy and the lives of American workers, but it’s not surprising.”

—Rep. Peter Roskam

chambers. So, our job on the conference committee was to reconcile the two different versions of the tax reform bill: the one passed by the House and the one passed by the Senate. It was an honor to be part of that critical process.

What kind of expertise came to the conference committee and how did that help your efforts up to that point?

ROSKAM - It’s important to remember that it wasn’t just the expertise brought to the conference committee, but also the expertise that the Committee on Ways & Means and the Senate Finance Committee interacted with for many years. This product has been in the making before the Camp Draft in 2014. We interacted with every cross section of the American economy and I was privileged enough to deal with a very diverse cross section of small businesses, local governments, and charitable organizations across Chicagoland.

SHIMKUS - My role on the conference committee was a little more limited. In the Senate version of the tax bill, two energy provisions were added: one to open a portion of the Alaska National Wildlife Refuge (ANWR) to oil and gas exploration, and another to sell off oil from the Strategic Petroleum Reserve (SPR).

As a member of the House Energy & Commerce Committee, I was picked to negotiate on those provisions, which I strongly supported.

We’re already seeing businesses reacting to tax reform in a big way, are you surprised by this?

ROSKAM - It’s remarkable to see the impact this legislation is having on the economy and the lives of American workers, but it’s not surprising. The Tax Cuts and Jobs Act is having the effect we designed it to have – putting more money into the pockets of hardworking Americans and strengthening our economy.

SHIMKUS - I think all of us knew tax reform would be good for business, but the pace of bonuses, benefits, investments, and wage increases has exceeded expectations. As of January 16, more than 160 companies have announced various benefits for more than half a million American workers. That’s truly historic.

What kind of conversations did you have with other members of the Illinois delegation who weren’t on the conference committee?

ROSKAM - Taxes are a very complex issue and Illinois is a very diverse state. We stayed in constant communication as a republican delegation to make sure that everyone was comfortable with the bill and that constituencies across Illinois would benefit.



This was a decision we made early on within the GOP delegation. On a staff level we held meetings to discuss the very proposals that the committee was considering and answer concerns from members. The most notable concern that we discussed was the limitations on state and local property and income tax deductions. Using IRS data for the state and for Congressional districts we were able to show definitively how every district in the state would benefit as a result of tax reform.

My friend and Illinois colleague, Representative John Shimkus, was also a member of the conference committee. Together, Representative Shimkus and I ensured that all of the members of the GOP delegation had answers to their questions.

SHIMKUS - While it was a great honor to be part of the conference committee, another member the committee and of our delegation deserves far more credit for tax reform than I do, and that's Peter Roskam. Peter was engaged in this effort from the very beginning, and made his expertise and experience available to our entire delegation throughout the process.

How will tax reform impact southern and the more rural parts of Illinois?

SHIMKUS - In my district, 80 percent of tax filers took the standard deduction before tax reform. With that deduction now nearly doubled, 9 out of 10 tax filers will be able to do their taxes on a form as simple as a postcard. Not only will they save on their actual tax bill, they'll be able to confidently do their taxes without hiring an accountant or using a professional tax preparer.

The new tax law will also provide tax relief for farmers and ranchers in Illinois. According to Farm Bureau, 94 percent of farmers and ranchers pay taxes as individuals, and the new law lowers rates for those individuals at every income level. The new law will also double the estate tax exemption, raising the threshold to \$11 million.

Anything else you want the business community to know about tax reform and your efforts?

ROSKAM - By far the most important message that I can make is to look at the whole package. There is a lot of misinformation out there but the law speaks for itself and it is a winner for the middle class and for

businesses big and small. The Joint Explanatory Statement is available online and my staff is happy to answer any questions. We're extremely proud of what many years of work have finally created and happy to talk through how we all benefit.

SHIMKUS - Well first I want to thank the businesses that came out in support of tax reform, and encourage every company, large or small, that will benefit to share their story. This whole tax reform effort was about creating the opportunity for our economy to grow, create jobs, and raise wages. We're already seeing the results, but it's up to business leaders and policymakers alike to keep telling that story.

“I think all of us knew tax reform would be good for business, but the pace of bonuses, benefits, investments, and wage increases has exceeded expectations.”

—Rep. John Shimkus

Illinois Chamber Legislative Agenda Update

By Tyler Diers, Director of Legislative Relations, Illinois Chamber



CREATE A TAX EXEMPTION FOR THE CONSTRUCTION OF A NEW OR EXISTING DATA CENTERS

A Data Center is the mission critical infrastructure behind the storage and transmission of data that empowers computers, smart-phones, hand-held devices, tablets, laptops, GPS systems and other computer-centric devices. Nearly every corporation operates a Data Center either in-house or as a contracted service.

Data Centers are unique and require huge up-front expenditure in construction and ongoing capital investment, as most Data Centers upgrade their IT systems and servers on a 2-5-year schedule. Both the initial construction and the “refresh” require skilled craftsmen and technicians and a robust supply chain. A Data Center is essentially a manufacturing plant under constant renovation requiring huge capital outlays.

That is why the Illinois Chamber is proposing a sales and use tax exemption for tangible personal property used in the construction or operation of a new or existing data centers in Illinois. Our proposal would also allow exempt electricity excise taxes for qualifying data centers.

As the world’s economy continues its affinity for, and its reliance upon, information and data through traditional, as well as “Cloud” com-

puting, the need for facilities to store and transmit the ever-expanding universe of data will continue to grow. Data Centers have been found to provide a net gain to states enacting these types of incentives. The constant construction investment, real estate taxes, telecommunication taxes, corporate income taxes in addition to the benefits from the high-paying construction and information technology jobs provided by Data Centers are all compelling reasons to try to attract this investment. Data centers can spark development in any part of the State.

Data Centers are economic drivers and are particularly sought after by States for their high paying construction jobs, support for high-tech IT industry jobs, and the catalytic effect on research and development, innovation, and commercialization in hardware, software, and the burgeoning Illinois digital business start-up community.

Data Centers are 21st Century jobs that are sustainable and high-paying. They are job creators and catalysts for additional development of ancillary jobs and increased tax revenues. Just like Illinois has enacted legislation to encourage growth of other industries, such as manufacturing, we need to be looking forward to identify and incentivize jobs of the future in high-tech industries such as Data Centers.



2018 LEGISLATIVE INITIATIVES

SUPPORT A COMPROMISE ON AMENDING THE EQUAL PAY ACT BY ADOPTING MASSACHUSETTS LAW

Last year, the Illinois Chamber was instrumental in defeating a bill that would have added new standards limiting employer defenses by prohibiting employers from inquiring about salary, wage, and benefit history. The legislation would have dramatically increased the damages available under the Illinois Equal Pay Act adding compensatory and punitive damages; injunctive relief; and special damages up to \$10,000 against the smallest of employers. This would have significantly drove up litigation as the potential recovery is increased. However, the Chamber is extending an olive branch to proponents of the previous proposal by offering up a compromise that adopts a similar law in Massachusetts. Our proposal replaces the limits and prohibition on wage, salary and compensation with the language from the previous proposals. In addition, it revises the self-evaluation section to bring more definition to the process.

Economic Development and Infrastructure

- Create a tax exemption for the construction of a new or existing data centers
- Introduce a transportation infrastructure funding and financing plan

Employment Law

- Combat the opioid abuse epidemic
- Streamline employment discrimination investigation and adjudication in Illinois
- Flexible work week to preempt local regulation of leave benefits
- Support a compromise on amending the Equal Pay Act by adopting Massachusetts law
- Keep real workers' compensation reform on the front burner
- Clean up the Biometric Information Privacy Act (BIPA) to reduce lawsuit abuse

Taxes

- Create a new, enhanced EDGE+ tax credit
- Streamline the Enterprise Zone selection process
- Reinstate and extend the sunset date of the expanded temporary storage
- Amend the Illinois False Claims Act to correct abuses allowed under current law.
- Expand the jurisdiction of the Independent Tax Tribunal
- Level the playing field for Illinois cigar retailers by capping the tax on cigars at \$0.50/cigar
- Create a bonus investment credit for small businesses
- Amend the Uniform Penalty and Interest Act to automatically rescind underpayment penalties
- Enhance the R&D credit calculation
- Expand the Manufacturing Machinery and Equipment exemption

Technology and Innovation

- Provide audio and video transparency on the legislature
- Resolution supporting the state's technology sector

Trade

- Introduce a joint-resolution in support of the North American Free Trade Agreement

The Illinois Chamber is providing recommendations to combat the opioid abuse epidemic. Recommendations include requiring prescribers to participate in the Prescription Drug Monitoring Program...



COMBATTING THE OPIOID ABUSE EPIDEMIC

Opioid addiction is a growing problem, not just in Illinois, but across the country and world. Opioids are taking more and more lives every day. Drug overdoses have become the number one cause of death nationwide for people under the age of 50.

The Illinois Chamber is providing recommendations to combat the opioid abuse epidemic. Recommendations include requiring prescribers to participate in the Prescription Drug Monitoring Program; requiring employers to be financially responsible for opioid addiction through their healthcare plans, employee assistance plans and workers' compensation; limit physician dispensing to a 2-week period from date of injury; require the Illinois Workers' Compensation Committee to establish a closed drug formulary; and to protect employers and insurers from workers' compensation penalties.

CLEAN UP THE BIOMETRIC INFORMATION PRIVACY ACT (BIPA) TO REDUCE LAWSUIT ABUSE

The Biometric Information Privacy Act is being used by plaintiffs to extend liability for employers when the employer uses certain security, attendance, time-keeping data for internal purposes. The Chamber is working with lawmakers to clarify the focus of the Act on its original intent and specifically exclude human resource management from the Act.

EXPAND THE MANUFACTURING MACHINERY AND EQUIPMENT EXEMPTION

Manufacturing machinery and equipment is exempt from Illinois sales and use taxes. The current exemption is limited to machinery and equipment used directly in manufacturing. For many years, Illinois law also provided a credit against the state sales and use taxes for production-related tangible property used in a manufacturing operation through the Manufacturers' Purchase Credit ("MPC"). However, the MPC automatically "sunset" by operation of law on August 31, 2014.

Taxpayers earned MPC when they purchased exempt machinery and equipment. The credit was equal to 50% of the amount of the state sales tax that would have been due on the purchase price of the exempt equipment had the equipment not been exempt from sales and use tax. Taxpayers could then use the credit to offset the state portion of the sales tax due on purchases of production-tangible property. Production-related property includes such items as supplies and consumables, hand tools protective apparel and fire and safety equipment used in the manufacturing process and Tangible personal property used or consumed in a manufacturing facility for purposes of pre-production and post-production material handling, receiving, quality control, inventory control, storage, staging and packing for shipping or transportation.

The Chamber's proposal adds production-related tangible personal property to existing manufacturing machinery and equipment exemption as an alternative to resurrecting the MPC. Expanding the exemption in lieu of reviving the MPC will be much easier to administer for both taxpayers and the Illinois Department of Revenue.

REINSTATE AND EXTEND THE SUNSET DATE OF THE EXPANDED TEMPORARY STORAGE

The Chamber is proposing legislation to extend the sunset (expiration) date for the expanded temporary storage exemption from the Illinois Use Tax Act. The expanded exemption expired by operation of law ("sunset") on June 30, 2016.

The temporary storage exemption from the use tax is available where tangible personal property is acquired (purchased) outside this State and which, subsequent to being brought into this State and stored here temporarily, is used solely outside this State. For example, many companies will have a centralized purchasing function that will make purchases of items such as computers, office supplies etc. for the entire company and then distribute the items to company locations outside of Illinois.

The expanded exemption was enacted into law effective January 1, 2002 to correct a problem with the temporary storage exemption. This problem was that the temporary stor-

age exemption provided an incentive for Illinois businesses to make purchases from out-of-state retailers, rather than Illinois retailers. This is because the temporary exemption was limited to purchases of items outside of Illinois. The same purchases made from an Illinois vendor were taxable.

Because the expanded temporary storage exemption was allowed to expire (sunset) at the end of June 2016, once again Illinois businesses have an incentive to use out-of-state vendors, rather than Illinois vendors.

AMEND THE ILLINOIS FALSE CLAIMS ACT TO CORRECT ABUSES ALLOWED UNDER CURRENT LAW

The Chamber is proposing legislation that amends the Illinois False Claims Act (the "IFCA") to correct abuses allowed under current law. Under current law, private parties may bring lawsuits against any other party alleging a failure to properly charge and collect taxes. The IFCA exempts the Illinois Income Tax Act from such suits, but all other taxes remain subject to the IFCA.

This proposal creates a new procedure for reporting "false claims" relating to tax matters to the Illinois Department of Revenue (the "IDOR") and eliminates the ability of private parties to file lawsuits directly against other parties in the circuit courts. Adoption of this legislation will eliminate the current rash of abusive private enforcement actions,

while preserving the true intent of the law.

The proposed amendments to the IFCA allow whistleblowers to report any "false claim" or tax evasion scheme directly to the IDOR. IDOR will then review the claim and determine whether it simply requires an audit and assessment, or whether the matter is serious enough to warrant a qui tam (false claims) action in court with its enhanced penalty system. If a qui tam action is warranted, IDOR will recommend to the Illinois Attorney General that it bring the appropriate action under the IFCA. Although the whistleblower would no longer be allowed to bring a private action for such tax cases, he or she would still be rewarded for tax dollars recouped as a result of the information provided to IDOR-- receiving a reward of between 15% to 30% of collections resulting from the information provided.

In recent years, Illinois has seen an ever-increasing number of private qui tam or whistleblower actions filed under the IFCA. Unlike most other states, Illinois does not exempt sales and excise taxes from the scope of the IFCA.

The rash of IFCA lawsuits bypasses the IDOR's tax administration processes and allows private persons to bring civil enforcement lawsuits against Illinois businesses. These lawsuits require businesses to defend their sales and excise tax compliance directly in the courts. Private plaintiffs bringing these lawsuits stand to reap substantial awards under

Last year, the Illinois General Assembly introduced over 6,000 pieces of legislation. Many of them were debated in committee or on the floor without the public ability to view these proceedings after the fact.

the IFCA (percentage of tax recovered, treble damages, and attorney fees awards). There is an inherent incentive for such plaintiffs to pursue weak or even meritless claims in unsettled areas of the law in order to coerce settlements through the threat of expensive litigation. Indeed, the overwhelming majority of these cases end up being settled because the high cost of litigation causes Illinois businesses to settle baseless claims, rather than fighting the suits as a matter of principle.

The proposal leaves tax enforcement processes in the hands of the Department of Revenue and the Illinois Attorney General—not in the hands of private persons or law firms. The legislation prevents private parties from filing suit against companies in situations where the Department of Revenue may have already conducted, or is in the process of conducting, an audit or investigation of the taxpayer.

The Chamber's proposal also eliminates the current situation that allows private parties litigating tax matters under the IFCA to obtain access to confidential taxpayer information in direct conflict with Illinois' tax confidentiality laws. The current IFCA does not protect the confidentiality of taxpayer information of companies named in lawsuits. Currently, threats to make public confidential tax records can unfairly coerce taxpayers to settle out of court.

PROVIDE AUDIO AND VIDEO TRANSPARENCY ON THE ILLINOIS GENERAL ASSEMBLY

The Illinois General Assembly is lacking in transparency in comparison to many states throughout the union that archive webcasts (audio or video) of floor proceedings or archive webcasts (audio or video) of committee hearings. According to National Council of State Legislatures, 43 states + DC, Puerto Rico, and the Virgin Islands archive webcasts of floor proceedings. In addition, 35 states + DC, Puerto Rico and the Virgin Islands archive webcasts of some or all committee hearings.

Last year, the Illinois General Assembly introduced over 6,000 pieces of legislation. Many of them were debated in committee or on the floor without the public ability to view these proceedings after the fact. Currently, the only way to watch floor proceedings or committee hearings is by watching them live or being in attendance in Springfield. The Chamber is proposing a bill that would require the General Assembly to archive either in audio or video both House and Senate floor proceedings and committee hearings to be available on ILGA.gov. Holding Illinois lawmakers accountable and bringing state government into the 21st century.



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Illinois Being Proactive with Sexual Harassment Task Forces



State Senator
Jil Tracy

“While all state agencies have sexual harassment training and policies in place, and have for years, we still continue to see this problem grow instead of lessen.”

—State Senator Jil Tracy

Over the past months, it has been nearly impossible to watch the news and not see accusations of sexual harassment by celebrities, legislators, TV news anchors and other high-profile individuals. The Illinois General Assembly decided to be proactive and worked to pass legislation to address the critical issue in November 2017. Both the Illinois House and the Illinois Senate have put together Task Forces on Sexual Discrimination and Harassment Awareness and Prevention.

State Senator Jil Tracy has represented the 47th District since 2016 and previously served as a member of the Illinois House of Representatives from 2006 to 2014. She is one of Senate Minority Leader Bill Brady’s appointees to the Senate Task Force and serves as Co-Chair.

“There had been an allegation of sexual harassment against a state senator that came to light last fall,” Sen. Tracy says. “A complaint had been filed with the Ethics Legislative Commission, but that commission had been without an Inspector General for some time. After this news broke, there was swift action to instate a special legislative Inspector General in November 2017 and pass more legislation to combat sexual harassment. The women of the General Assembly also asked for the task forces to be formed so we could gather ideas and input on current processes and practices in place within State Government—and to explore where

there might be shortcomings. While all state agencies have sexual harassment training and policies in place, and have for years, we still continue to see this problem grow instead of lessen. The task force is a valuable opportunity to study and focus on different areas of sexual harassment, sexual misconduct and criminal misconduct—and make actionable strides in sexual harassment awareness and prevention.”

State Rep. Stephanie Kifowit has represented the 84th district since 2013. She is a member of the House Task Force on Sexual Harassment and Discrimination.

“We are gathering information, evaluating current practices, and proposing legislation,” Rep. Kifowit says. “In our first meeting, we had testimony from non-profit groups and individuals who had direct knowledge of what sexual harassment is, what the law says, what pertains to sexual harassment, and what protections exist. It was really a good overview of the subject matter. Last weekend, we asked Ford and General Motors to present.”

Future meetings for both will focus on more education and exploration.

“On the Senate side, we have developed a six-month plan and are currently forming working groups to gather as much information as possible,” Sen. Tracy says. “At this time, we are working on spreading awareness.”

“I think we need to explore more of the role of the inspector generals,” Rep. Kifowit says. “We need to ensure that the victim is heard and acknowledged, that it is properly addressed and procedurally how the complaint is processed. The current process is counterproductive. We have the ethics commission of legislators deciding whether a complaint should move forward. It needs to be more independent in that flow of the complaint process, in my opinion.”

Laws highlighting the problem were passed during veto session and both legislators agree that more needs to be done.

“We inserted sexual harassment and discrimination into the human rights act because it wasn’t in the law,” Rep. Kifowit says. “We also mandated sexual harassment training. I know several lobbyists who have gone through the training already. House and senate members have been through training to promoting awareness. Some off color jokes may not have previously been viewed as harassment, so we want people realizing that anything that makes someone uncomfortable can be hostile. Those were some immediate steps we took and now we are looking at some broader policy issues we can take on as well.”

Sen. Tracy noted that putting Julie Porter in place as the special legislative Inspector General was just the first step.

“Her role is to do an initial review of any reported ethics violation of a General Assembly member,” Sen. Tracy says. “She then makes a recommendation to the commission if further investigation is warranted. She has agreed to speak to the task force at one of our next meetings.”

The task force members also recognize that employers need to have a policy in place to deal with harassment issues.

“Any employer would benefit by reviewing the sexual harassment prevention presentation created by the Human Rights Commission,” Sen. Tracy says. “The agency also offers training for employees.”

“If someone believes he or she has been a victim of sexual harassment, discrimination or assault, there are several avenues one can pursue,” Sen. Tracy says. “The person can file a complaint with the Illinois Human Rights Commission—a complaint under Title VII of the Federal EEOC. In cases of sexual assault, the person would contact law enforcement directly. It depends on the type of conduct. The Human Rights Commission will also have a hotline available this month.”

“Our task force is due to make a recommendation by December 2018, but we hope to do so before then,” Sen. Tracy says. “The task forces share information, so we can routinely coordinate our findings and learn from one another. Whatever our recommendations may be, any



State Rep.
Stephanie Kifowit

“We need to ensure that the victim is heard and acknowledged, that it is properly addressed and procedurally how the complaint is processed. The current process is counterproductive.”

—State Rep. Stephanie Kifowit



Julia Proscia

“Specifically, it is critical that managers understand what to do if they witness prohibited behavior or hear formally or informally about behavior that violates the policy.”

—Julia Proscia



proposed law changes will still have to pass both Chambers and be signed by the Governor.”

This topic remains prominent in the news and is not isolated to one gender.

“It involves inappropriate behavior, and not just in the workplace,” Sen. Tracy says. “I would like to see a focus on prevention and awareness, and effective enforcement if ethics rules are broken. We are all finding the task force to be a significant learning experience so far. If constituents are interested in learning more about our progress and activity, all of the documents and presentations given to the Senate Task Force are available on the ILGA.Gov website under the Senate Committees section.

Julie Proscia is a partner with the law firm of SmithAmundsen LLC. She is one of Leader Brady’s appointees to the Senate Task Force.

“Sexual harassment in the workplace is neither new nor unique to Hollywood,” Proscia says. “What is new is the #metoo movement and the TimesUP initiative and the profile to which they have raised awareness of

the issue. The increased dialogue has given individuals a level of security to present allegations. With this awareness, employers are seeing an increase in discussions regarding appropriate workplace behavior, as well as questions and concerns regarding interactions.”

She continues, “As such, it is more important than ever for employers to not just have Sexual Harassment and Anti-Discrimination policies and procedures in place, but also to train employees on what the policy is and train managers on what their obligations are under these policies. Specifically, it is critical that managers understand what to do if they witness prohibited behavior or hear formally or informally about behavior that violates the policy. This is a time for employers to review and possibly reevaluate their policies and culture to ensure that the working environment is safe and positive. In doing so, they have the opportunities to ensure that they have productive space that is beneficial to everyone.”



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Always one of our most highly anticipated events at the Illinois Chamber of Commerce, this year's New Laws Forum was one of the best in recent years. The agenda was updated with all new topics and two new panel discussions topped off the day.



4TH ANNUAL

NEW LAWS FORUM FOR ILLINOIS EMPLOYERS

Jeffrey Risch, attorney with SmithAmundsen LLC, gave the overview of new and updated Illinois laws. Though there weren't as many changes as in past year, it is very important for registrants to know about the new leave entitlements, equal pay developments, and enforcement in the wage/hour realm. Additionally, he spoke about the recent developments in the Biometric Information Privacy Act and the importance of having protocols in place to safeguard all personal information a company may possess.

Mike Aitken, Vice President of Government Affairs for SHRM, spoke about the atmosphere in Washington, D.C. under the Trump Administration and how it has affected employers. He talked about healthcare reform and the repeal of the Affordable Care Act. He discussed the SHRM legislation to expand paid leave and workplace flexibility opportunities for all employees. Other topics included retirement savings incentives, taxation of employer-sponsored benefits, and expansion of employer-sponsored education assistance.

The first of the day's panels brought in Zach Mottl from Atlas Tool & Die Works, along with Andrew Biwer from the Des Plaines Chamber of Commerce to talk about local government relations and overreach. They each described their experiences with the recent minimum wage and paid sick leave regulations. Each offered tips and suggestions on the effect on local businesses and why it is so important to provide opinion and support at city council meetings.

The first of the two panels brought in Illinois legislators Rep. Mark Batinick, Sen. Heather Steans, and Sen. Mike Connelly to discuss their insight on employment law updates in Illinois. A lively conversation led by moderator Jay Shattuck ensued with q and a from the audience.

Thank you to Illinois SHRM for partnering on the event for the fourth year. Thank you also to our sponsors and vendors who supported the event: SmithAmundsen LLC, SHRM, IX Solutions, and Illinois ESGR.



Moderator Jay Shattuck, Executive Director of the Employment Law Council



Sen. Heather Steans, Sen. Mike Connelly, and Rep. Mark Batnick spoke on the General Assembly's work on employment law updates this year.



The always popular speaker, Jeffrey Risch of SmithAmundsen LLC, reviewed the recent changes to Illinois employment law.

Slash All Unnecessary Promises in Your Employee Handbook!

By Nancy E. Joerg, Esq.



Nancy E. Joerg, Esq.

An employee handbook should give the company maximum discretion and flexibility in managing and operating its business.

The Golden Rule about Promises in an Employee Handbook... When you consider what to promise your employees, hold back on any and all promises unless you really feel a certain promise is absolutely essential and you are 100% certain you can always deliver on the promise. If you can't, delete it from your Employee Handbook unless it is required by law.

FLEXIBILITY

An employee handbook should give the company maximum discretion and flexibility in managing and operating its business. Employers should avoid using any language that may come across as a promise to employees. If an employee feels that the employer has not lived up to a promise, the employee may try to use this language either as a basis for a breach of contract suit or as evidence in a discrimination suit (that the employee was treated differently than others would be treated).

What are some of the most common danger spots in employee handbooks? Just to name a few...

- Implied or expressed promises of advancement;
- Promises that employee wages will "be competitive;"
- Rigid performance review policies;
- Elaborate systems for progressive discipline;
- Specific criteria for promotion;
- Pledges to hire from within.

Consider the following examples:

Performance Reviews

Don't make unqualified promises to review employees annually, for example. If you "slip up" as to any one employee, and you decide to terminate that employee, their attorney can rightfully point to promises made in the handbook regarding "Performance Appraisals" (and talk about how their client was never given a fair chance, due process, etc. according to your own Handbook).

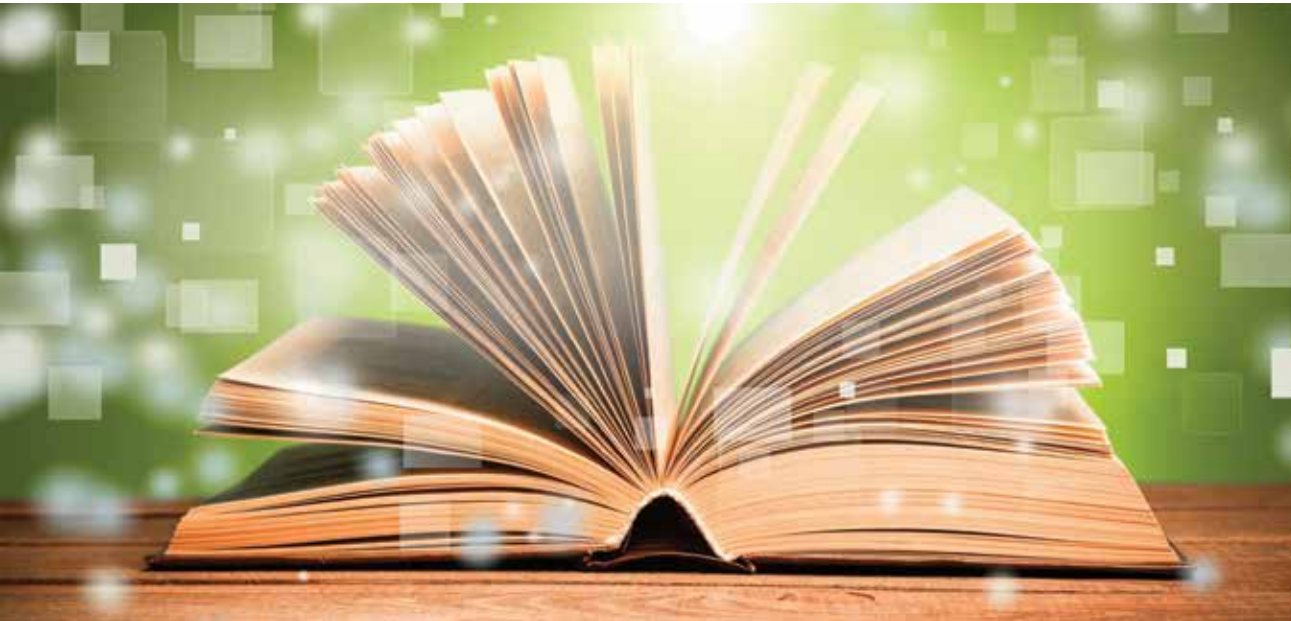
You want "wiggle room" so that if you do slip up and forget to grant a particular employee a performance review, you will not be "nailed to the wall" because of it. Therefore, use words like "usually" and "may."

Never say "we will review you annually." Instead, do not set a concrete timetable in the employee handbook, and just say nothing about performance reviews. Do as you wish—what suits your business operations.

Disciplinary Procedures

Be sure that the disciplinary procedures are described as mere guidelines and that appropriate discipline depends, of course, on the particular facts and circumstances of any particular disciplinary case (and that the employer retains the right to use its discretion on a case-by-case basis as to any disciplinary issues).

State that any list of punishable offenses that might merit discipline and/or discharge is not an all-in-



clusive list, and that the company reserves the absolute right to discipline for offenses not listed in the handbook. Sample language follows:

The above list is intended for general guidance of the employee and, of course, is not meant to be exhaustive. It covers only typical cases, which can result in disciplinary action ranging from verbal warnings to discharge at the discretion of the Company. It is important to note that disciplinary action is not to be construed as limited by or restricted to only the specific instances listed above.

Do not limit the company's right to discharge for any reason. A non-

union company should avoid putting in the employee handbook phrases such as "good cause," "good faith," or "just cause" because these would be limitations on the company's legal right to discharge as the company deems appropriate.

CONCLUSION

If you are fortunate enough to enjoy a non-union work environment, cherish the flexibility that you have as a non-union employer. Do not erode that flexibility with unnecessary promises!

For assistance with employee handbooks, contact Attorney Nancy E. Joerg who can be reached at Wessels Sherman's St. Charles, Illinois office: 630-377-1554 or email her at najoerg@wessels Sherman.com.



Lance M. Fritz, Chairman, President, and CEO of Union Pacific Railroad, has been named as keynote speaker for the 2018 Illinois Chamber's Annual Luncheon.



Union Pacific Rail President and CEO headline 2018 Ann

He previously served as president and chief operating officer of Union Pacific Railroad, a position he had held since February 2014, after serving as executive vice president-Operations and vice president-Labor Relations, respectively. He began his Union Pacific career in July 2000 as vice president and general manager-Energy in the company's Marketing and Sales department.

Before joining Union Pacific, Fritz worked for Fiskars Inc., Cooper Industries and General Electric. He is a graduate of Bucknell University and earned a master's degree in management from the Kellogg School of Management at Northwestern University.

Fritz serves as chairman of the board of directors for the Association of American Railroads. He is a member of the board of directors for the U.S. Chamber of Commerce, a member of the STRATCOM Consultation Committee and a member of the Georgia Institute of Technology President's Advisory Board. Fritz is deeply involved with organizations in his local community. He serves on the board of directors for Nebraska Medicine, Omaha Symphony and Omaha's Henry Doorly Zoo & Aquarium.

Fritz and his wife, Julie, have two children and are committed to helping women and children at risk in the Omaha community.

The 2018 Illinois Chamber of Commerce Annual Meeting & Luncheon is set for Thursday, September 20, 2018. The networking reception and luncheon will be held at the Hilton Chicago from 10 am – 2pm.

This year's event will begin with our annual pre-event networking reception presented by the Illinois Chamber of Commerce policy councils beginning at 10 am. The luncheon will follow with our keynote speaker and the presentation of the Edie Awards, presented in partnership with the Illinois Economic Development Association. These awards are given annually to recognize outstanding economic development projects that were completed during the previous year in Illinois. The nomination period for the awards will open soon.

This year's keynote will be Lance M. Fritz, Chairman, President and CEO of Union Pacific Railroad. He became chairman of the board effective October 1, 2015. Fritz became president and chief executive officer February 5, 2015, when he also was elected to the corporation's board of directors.



**STRONGER BUSINESS
STRONGER ILLINOIS**

road Chairman, Lance M. Fritz to ual Luncheon

2018 Annual Meeting & Luncheon

**Thursday, September 20, 2018
Hilton Chicago | 10 am - 2 pm**

Agenda

10:00 am

Registration opens

10:00 am – 11:30 am

All Council Mix and Mingle – cocktails, appetizers, networking

11:30 am

Call to Order

Pledge of Allegiance, Welcome & Remarks

Acknowledgement of guests

The Edie Awards

Plated Luncheon

Introduction of Keynote Speaker, Lance M. Fritz

2:00 pm

Closing Remarks

Todd Maisch, President and CEO, Illinois Chamber of Commerce

Adjournment

Zelis Healthcare Making Strides in Illinois



Zelis Healthcare is a healthcare information technology company and market-leading provider of integrated healthcare cost management and payments solutions.



Tina Ellex, Division President of Zelis (right) with Make a Wish Foundation, one of the Zelis charities



*Elizabeth Kerr
Vice President of
Strategic Relationships
Zelis Healthcare*

HFN, LLC was founded in 1985 as an Illinois-based, independent managed care provider network covering Illinois and contiguous areas of the surrounding states. The company has grown into one of the midwest's leading Preferred Provider Organizations (PPO), offering both standard and innovative health care and comprehensive program management solutions for employers, third party administrators, and mid-range insurance companies.

Their managed network product lines include Group Health, Workers Compensation, Auto and Disability. HFN was one of the first networks to be licensed and approved as a Workers Compensation Preferred Provider Program (WC PPP), the network vehicle that allows employers to direct care for Workers Compensation injuries in Illinois.

In 2014, HFN partnered with Stratose as their initial step to both expand the service area through integration with other regional networks and to broaden the products and services for their clients. In 2016 through additional mergers, HFN became part of the rebranded company, Zelis Healthcare.

Zelis Healthcare is a healthcare information technology company and market-leading provider of integrated healthcare cost management and payments solutions. Offerings include network analytics and design, network access and cost management, claims cost management and electronic payments to payers, healthcare providers and consumers in the medical, dental, and workers' compensation markets nationwide.

Elizabeth Kerr is Vice President of Strategic Relationships with Zelis Healthcare. "As part of the Cost Management Division of Zelis Healthcare, I am responsible for establishing and executing provider contracting and relationship strategies in the Midwest region for all products lines including Group Health and Workers Compensation programs. My team and I work with Sales, Account Management and Product Development to build provider networks for appropriate and optimized access and solutions to meet client savings goals."

She continues "I always wanted to be in the healthcare field because everyone needs it. With all the changes in healthcare financing and delivery, alignments, and mergers, this is an excellent time to be in the

healthcare space to help companies with one of their largest and critical line items, health care cost management. We can offer the full range of services from primary network configurations to negotiations and electronic funds transfer. Business is good, but we always have room to grow."

According to the 2016 National Health Expenditure report by the CMS Office of the Actuary, healthcare expenditures in 2016 reached \$3.3 Trillion (1). Despite that huge number, these expenditures continue to grow. It is the goal at Zelis Healthcare to help minimize healthcare costs for their clients.

Zelis is a fast paced and growing company. They have grown both organically and through acquisitions. Recent additions include: Strenuus, the leading company for healthcare data mining, provider demographics and analytics; Maverest dental network, expanding their dental network reach by 33,000 providers; and Ethicare, providing high-dollar

claim review with expertise servicing stop-loss and reinsurance carriers. Their roots remain in the provision of access for core health care services. They continue to add vertically to impact all facets of health care cost management, payments and revenue cycle management.



Doug Klinger, President/CEO of Zelis Healthcare (left) at the United Health Care Children's Foundation Century Ride in 2017



“I know our teams are looking forward to doing their part to get the island back on its feet as soon as possible and put smiles on the faces of the residents of Puerto Rico.”



*Richard J. Mark
Chairman and
President
Ameren Illinois*



Ameren Illinois Cre

By Richard J. Mark

In January, we received news from the Edison Electric Institute that Ameren Illinois was chosen to receive the Emergency Assistance Award for outstanding work assisting mainland customers impacted by Hurricanes Irma and Harvey in September of 2017. The award is presented to EEI member companies to recognize an outstanding response in assisting other electric companies in power restoration efforts after service has been disrupted by severe weather conditions or other natural events.

Many people are unaware that utilities are often called on to provide resources to utilities in other states. For example, when we experience severe weather that damages our infrastructure and results in widespread power outages in Illinois, we will ask for help from available work crews from throughout the U.S. We call this system of support “mutual assistance” and it’s an important collaborative effort within our industry.

In the case of Irma and Harvey, we were proud to send some of our highly-qualified electric, gas, logistic and support personnel to work side-by-side with our colleagues from all over the country to get the lights back on in Florida and the Carolinas.

We all know that the island of Puerto Rico was heavily impacted by this devastating storm and, for a number of reasons, the process of restoring power has been more challenging. That’s why we were eager to respond when called upon to send a contingent to Puerto Rico to join more than 1,500 workers and support

How We Assist in Puerto Rico

personnel to help repair the heavily damaged electric infrastructure on the island.

In late December, our trucks and equipment rolled out of Maryville on a 2,000 mile journey to Puerto Rico. The Ameren Illinois gear was being loaded onto barges in Norfolk, Virginia along with supplies and resources from other utilities. Once that equipment safely arrived and was in good working order, approximately 30 Ameren Illinois employees, representing each of our six operating divisions, were scheduled to join Ameren Missouri and Ameren Trans-

mission co-workers to travel to Puerto Rico. In all, nearly 75 Ameren line workers are slated to be in Puerto Rico to accelerate power restoration and rebuilding efforts.

Our volunteer co-workers relish this challenge. They are ready to safely tackle the expected obstacles they will face on the northeast coast of the mainland – east of San Juan. We expect that our crews will work for three weeks and new crews will rotate in. It's a difficult job, but our co-workers have the training and expertise to get the job done safely.



In any large-scale restoration, the outpouring of support from customers who are without power is encouraging to the work crews. I know our teams are looking forward to doing their part to get the island back on its feet as soon as possible and put smiles on the faces of the residents of Puerto Rico.

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Illinois policymakers have the chance to successfully advocate for the state by pursuing and defending pro-growth policies ...



Chamber Hosts Congressman Davis

The Illinois Chamber of Commerce was happy to host the Illinois Business Immigration Coalition's discussion on DACA with Congressman Rodney Davis (IL-13) (*pictured fourth from left*). Thanks to Congressman Davis for his engagement!

Chamber Calls for Federal Tax Reform

The Illinois Chamber's Tax Institute members and Executive Director Keith Staats have been dedicated to federal tax reform since it is seen as an opportunity to enhance Illinois' global competitiveness. The Crain's Chicago Business piece on Oct. 18 encompasses the Illinois Chamber of Commerce's call on Illinois policymakers for federal tax reform and specific issues Illinois needs most from the plan.



Chamber Joins Roundtable with Ways & Means Tax Policy Chairman Peter Roskam

Chamber advocates Ben Brockschmidt and Keith Staats met with Ways & Means Tax Policy Chairman Peter Roskam (*pictured left at head of table*), Chamber members, and local chambers to discuss the federal tax reform issues that would affect Illinois businesses.

Federal tax reform is a once-in-a generation opportunity to strengthen the global competitiveness of Illinois businesses. Now Illinois policymakers have the chance to successfully advocate for the state by pursuing and defending pro-growth policies that are best for our job creators and economy.

Maisch Advocates for Pro-Biz Policies Abroad

Chamber CEO Todd Maisch accompanied the US Chamber’s international team, along with chamber leaders from across the country, to meet with business and government officials in Israel. There, Maisch learned about the unique characteristics that make Israel the “Startup Nation” and made contacts to connect Illinois businesses with Israeli partners. Among the most important meetings was one with Jerusalem Mayor Nir Barkat (*pictured at right with Maisch*) who is helping advance that city into an internationally recognized location of peace and economic opportunity.



Congressman Kinzinger Addresses Energy Council

On Oct. 20, Congressman Kinzinger (IL-16) (*pictured at right*) touched on activities before the U.S. House Energy and Commerce Committee and the recent DOE action on the Grid Report released in July. The congressman also discussed the subsequent Notice of Proposed Rulemaking to FERC directing them to complete price formation rules to compensate baseload coal and nuclear generators for their resilience.



Ortega Keeps International Public Policy a Priority

Illinois Chamber representative Laura Ortega attended the Trade in Services Conference Ecuador 2017 to discuss strategies to apply IT horizontally in the economy, geopolitics and international trade in services, and public policy on an international level.



“By having better network connectivity, SB 1451 will help Illinois businesses attract and retain jobs while also keeping consumers connected,” said Maisch.



A Letter to Congress: Federal Tax Reform Needs

The Illinois Chamber’s Tax Institute applauded the passage of tax reform legislation by the U.S. House of Representatives on Nov. 16. The Illinois Chamber looks forward to further passage of tax reform legislation and then to productive discussions to harmonize the House and Senate bills.

The Illinois Chamber supports the retention of full interest deductibility, which is of critical importance to the Illinois agriculture community; the repeal of the estate tax, and the move to a system of territorial taxation.

Illinois Chamber President Supports Bill For Better Network Connectivity

Illinois Chamber President and CEO Todd Masich stood up for advancing Illinois’ tech industry this veto session. “By having better network connectivity, SB 1451 will help Illinois businesses attract and retain jobs while also keeping consumers connected. We recognize there are many pro-growth policies and reforms Illinois still needs to enact. But, we must still acknowledge the growing demands for Illinois businesses and consumers, such as, their reliance on high-quality wireless internet,” said Maisch. The bill now heads to the governor’s desk.

Don’t Strangle the Tech Industry in Illinois

Illinois Chamber of Commerce President and CEO Todd Maisch called on policymakers on Oct. 22 to advocate against HB 3449 and to stand up for Illinois’ tech industry. Illinois needs jobs and economic growth, not policies that hinder opportunity in key industries for the state. House Bill 3449, the Geolocation Privacy Act, is merely a solution looking for a problem. The bill did not get called in the first half of veto session and the Illinois Chamber will continue to push back against further attempts at over regulation.

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Illinois Chamber @ILChamber Feb 1

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Ben Taylor @BenMTaylor Jan 11

Kudos to @RodneyDavis & @ILChamber for your leadership on #Transportation #infrastructure. Cc: @ATMCoalition @ChamberMoves #Jobs18

Illinois Chamber @ILChamber Jan 4

Illinois has great economic promise, which is exactly why we need to enact pro-growth reforms to keep our residents and job creators in Illinois. #illinois#Economic [http://foxillinois.com/news/local/sangamon-countys-population-declines-by-2500-in-five-years ...](http://foxillinois.com/news/local/sangamon-countys-population-declines-by-2500-in-five-years...)



On Time Flights @OnTimeFlights Jan 9

Daily Herald

ICYMI: Travelers deserve modern air traffic control now - @toddmaisch, President and CEO of @ILChamber <http://www.dailyherald.com/discuss/20171229/travelers-deserve-modern-air-traffic-control-now>

Illinois Chamber @ILChamber Dec 21

"This week's movement on #federaltaxreform is one step of many to help create more jobs for the great people of our nation and state. We applaud our leaders making #Economic-Growth a priority." – IL Chamber President & CEO Todd Maisch. @washingtonpost

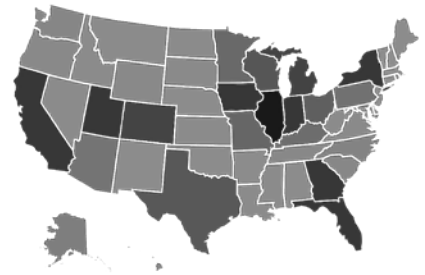


The Washington Post

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Visit our blog: www.laborandemploymentlawupdate.com

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