

Legal News



Current Legal Issues Affecting Parks, Recreation and Conservation

#1-2020 -- July 8, 2020

TO: IAPD Members

**FROM: Peter Murphy, J.D., CAE, IOM, IAPD President and CEO
Jason Anselment, General Counsel**

RE: New Information from DCEO and Other Important Legal Updates

We wanted to update you on new information released by the Illinois Department of Commerce and Economic Opportunity (DCEO), the Illinois Department of Labor (IDOL), the Illinois Attorney General's Public Access Counselor (PAC) and the Illinois Municipal Retirement Fund (IMRF) in recent days.

Updated Phase 4 FAQs

The DCEO continues to update its [FAQ's for Phase 4](#). Please continue to visit the [IAPD COVID-19 Resources webpage](#) for the latest information, which we continue to update daily or as new information becomes available.

Recent additions to the DCEO FAQ's include the following guidance on water-based activities at day camps:

What water-based activities are permissible at day camps?

Day camps should follow the [swimming facility guidelines](#) set forth by IDPH. Day camps may also offer non-swim related activities, such as water balloons, sprinklers, and hoses. Slip-and-slides and similar type activities where multiple participants are in repeated contact with the equipment should not be used. Day camps should ensure each participant has his/her own towel, and proper handwashing hygiene should be observed before and after the activity.

Local CURE Application Available

As a follow up to [last week's Legislative Update](#) regarding the DCEO Local CURE program, the DCEO has released [the application](#) and [the Emergency Rules](#) for the program.

The application deadline is July 17th at 4:00 p.m. [Click here for additional information](#) or call DCEO at 1-800-252-2923.

All of these links are available on the [IAPD COVID-19 Resources webpage](#).

Requirements of Employment of Illinois Workers on Public Works Act Now in Effect

Due to the high unemployment rate caused by the ongoing COVID-19 pandemic, the IDOL has issued an alert that the Employment of Illinois Workers on Public Works Act is now in effect.

This state law requires the workforce on all public works projects to be comprised of a minimum of 90% Illinois residents to help alleviate unemployment in Illinois by ensuring that most workers on public works projects live in the state. The requirement comes into effect following two consecutive months of a state unemployment rate above 5% and applies to all labor on public works projects or improvements, including projects involving the clean-up and on-site disposal of hazardous waste.

This includes public works projects that are funded in whole or in part with state funds or funds administered by the state of Illinois. Any public works project financed in whole or in part by federal funds administered by the state of Illinois is covered under the provisions of this Act to the extent permitted by applicable federal law or regulation.

More information about the Employment of Illinois Workers on Public Works Act [can be found here](#).

IDOL's advisory is available [here](#).

New Minimum Wage for Workers 18 and Older

As a reminder, the state minimum wage increased on July 1 for workers who are 18 and older from \$9.25/hour to \$10.00/hour. As a result of IAPD's advocacy efforts during last year's negotiations, the minimum wage for workers under 18 years of age that have not worked more than 650 hours for the employer during any calendar year remains at the current \$8.00/hour until January 1, 2021.

For a schedule of future minimum wage increases, [click here](#). For additional information on the state minimum wage from IDOL, [click here](#).

PAC Updates OMA/FOIA Guidance

As a follow-up to our prior updates and [webinar](#) with guidance related to the Open Meetings Act and the Freedom of information Act during the COVID-19 pandemic, we

wanted to make members aware that the Attorney General's Public Access Counselor has updated its earlier guidance to reflect the changes made by [Public Act 101-0640/SB 2135](#). [Click here](#) to access the PAC's updated guidance.

This information has also been added to the [IAPD COVID-19 resources webpage](#).

IMRF Hyperlink to Information on Employer Cost and Participation Now Available

Last year, [HB 3263 / Public Act 101-0504 \(Mazzochi, D. / Curran, J.\)](#) was signed into law requiring the IMRF to post the following information on its website for each participating municipality: (1) copies of all resolutions adopted by a municipality on or after January 1, 1995 to participate in the IMRF if such a resolution was required; (2) an annual report listing each municipality and the date each municipality first became a municipality that participates in the IMRF; (3) all documents pertaining to each municipality's annual projected future contributions to the IMRF; and (4) information about the amount of each municipality's past required contributions to the IMRF for each year of participation on or after January 1, 1995 and before, if available.

The new law requires participating municipalities that have a website to post on their website a hyperlink to [the information on the IMRF website, which IMRF has recently made available](#).

IMRF employers have until **January 1, 2021**, to make [this hyperlink available on their websites](#).

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