

"Employment Law In A Nutshell"



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I. Overview of Employment Law in Illinois

a. Employment "At-Will" Rule (Can my boss fire me for that?)

Illinois is an at-will state and, as such, an employee can generally be terminated from their position at anytime, for any reason, or for no reason at all. While this is the general rule, there are many exceptions that have fallen into the general category of wrongful termination lawsuits.

If an employee is terminated in violation of an employment contract, in retaliation for exercising his or her rights, or because of a protected characteristic such as race, religion, sex, age, or disability, the employee may have a wrongful termination lawsuit. Also, employers are prohibited from terminating an employee in retaliation for engaging in protected activity—such as filing a worker's compensation claim, reporting an employer's unlawful conduct, being a whistleblower, and cooperating in a criminal investigation.

III. Non-Competes

- a. A popular misconception is that Illinois is a "right to work" state and non-competes are not enforceable. Rather, in many situations non-competes are enforceable to protect legitimate business interests, i.e., to protect near-permanence of customer relationships or the employee's acquisition of confidential information through his or her employment.
- b. Should you sign one?
- c. Suggestions on how to minimize liability if you violated one.

IV. References: (What can my old company say about me?)

- a. Employment Records Disclosure Act: Employers are protected if they provide truthful information (or even if they believe in good faith that it was truthful).
- b. Suggestions if you are getting a bad reference.

V. Wage Violations

- a. Were you paid correctly?