INTENDED AND UNINTENDED CONSEQUENCES OF ILLINOIS PUBLIC SCHOOL SALARY AND WAGE PAYMENT LAW CHANGES FROM THE 101ST GENERAL ASSEMBLY

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I. INTRODUCTION

Illinois has recently enacted several new laws, upon Governor Pritzker's signature, that create new requirements, obligations, and risks for employers in long-used systems for compensating the work of employees. While many of those new requirements appear on their face long overdue, unambiguously "fair," and consistent with how Illinoisans want their tax dollars spent, there are, as with any new law, consequences, both intended and unintended, that public employers will be forced to address. Particularly given recent reductions in spending and economic growth in the wake of COVID-19, some of these consequences may be unaffordable for some public school districts, and it remains to be seen how schools will confront those challenges with their unions. Schools have a responsibility to act in a manner that a) adequately attracts new staff, b) compensates employees fairly for long, competent, and loyal service, and c) affordably protects school districts' public assets over the long haul, and the law changes coupled with economic downward pressure will make bargaining to meet all of these goals without additional funding (or, worse yet, funding shortfalls) a challenge.

II. LEGISLATIVE CHANGES

The Governor signed three laws that have nearly immediate impact on employer wage systems. Pub. Act 101-177 makes small changes to the Equal Pay Act intended to ease the burden of proof on employees seeking to prove discriminatory wage payment based on gender, and to eliminate practices which, though facially non-discriminatory, likely served to institutionalize

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lower pay for historically underpaid groups.[1] The Lifting Up Illinois Working Families Act, Pub. Act 101-1, increases minimum wage over five (5) years from $8.25 per hour of labor worked to $15 per hour of labor worked.[2] Pub. Act 101-443 increases minimum teacher salary to $40,000 by the 2023-2024 school year, then by the cost of inflation pursuant to the Consumer Price Index For All Urban Consumers for every year thereafter.[3]

Each new law contains penalties for non-compliance and will represent significant challenges for Illinois public schools to afford requisite changes.[4]

A. Public Act 101-0177 – Equal Pay Act

The law, effective September 29, 2019, now forbids employers from inquiring of potential hires and new employees about their pay, salary, wage, benefits, or other compensation history.[5] It is not illegal for the employer to come into possession of such information (if it is sent by the former employer or if the applicant discloses voluntarily), but it is illegal for the employer to seek such information.[6] If the employer violates the law by seeking such information or screening applicants on the basis of salary history, the employer may be liable for significant damages:

> [T]he employee may recover in a civil action any damages incurred, special damages not to exceed $10,000, injunctive relief as may be appropriate, and costs and reasonable attorney's fees as may be allowed by the court and as necessary to make the employee whole. If special damages are available, an employee may recover compensatory damages only to the extent such damages exceed the amount of special damages. Such action shall be brought within 5 years from the date of the violation.[7]

It is illegal, pursuant to the changes, to hire any other person or company to discover such information.[8] The law is not intended to prevent an employer from having a conversation about compensation expectations with an applicant, and there is an explicit exemption in the law that allows an employer to provide to the applicant information about wages, salary, benefits, and other compensation, as well as to ask about the applicant's expectations for compensation.[9] That said, employers will have to be

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1 820 ILL. COMP STAT. 112/10 (2019); 820 ILL. COMP. STAT. 112/30 (2019).
2 820 ILL. COMP. STAT. 105/4 (2019).
3 105 ILL. COMP. STAT. 5/24-8 (2019); *See infra* Sections II.C and III.
4 *Id.*; 820 ILL. COMP STAT. 112/10 (2019); 820 ILL. COMP. STAT. 30 (2019); 820 ILL. COMP. STAT. 105/4 (2019).
5 820 ILL. COMP. STAT. 112/10(b-10) (2019).
6 *Id.*
7 820 ILL. COMP. STAT.112/30(a-5) (2019) (emphasis added).
8 820 ILL. COMP. STAT. §§ 112/10(b-5) (2019); 820 ILL. COMP. STAT. 10(b-10) (2019).
9 820 ILL. COMP. STAT. 112/10(b-15) (2019).

mindful of the fact that an allegation of violation of the law may incur the cost of defense, and that there are now penalties allowing an employee to recover damages (lost wages) as well as special and compensatory damages in the amount of $10,000 plus attorney's fees.[10]

Perhaps the most important change to the Equal Pay Act is the reduced standard of proof.[11] While the pre-existing requirement of the law was proof of "equal" skill, effort, and responsibility between a plaintiff and another employee of the opposite sex for the same or substantially similar work, the standard has been reduced to "substantially similar" skill.[12] Moreover, the following factors were added to proof of differential factors which are exempt from the statute, so that the differential factor necessitating distinction between a worker and an employee of the opposite sex:

> (A) is not based on or derived from a differential in compensation based on sex or another protected characteristic;
> (B) is job-related with respect to the position and consistent with a business necessity; and
> (C) accounts for the differential.[13]

It is important to remember that the Equal Pay Act eases some standards applicable to a case filed in court or before the Illinois Department of Labor ("IDOL"). There have long been multiple options for filing: at the Illinois Department of Human Rights ("IDHR"), under the Federal Equal Pay Act, and under Titles VII and Title IX.[14] Moreover, the decisions of each body are not binding on the others.[15] The lowered standard of proof applies only to cases where "skill" is the primary distinction between the two classifications being challenged, and only to cases brought under the Equal Pay Act. However, if the law has its intended effect,[16] employment groups made up predominantly of female staff members who have historically been underpaid as a function of institutional underpayment will find both easier mechanisms for challenging unequal pay and wage growth more on-par with their male counterparts.

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10 820 ILL. COMP. STAT. 112/30(a-5) (2019).
11 820 ILL. COMP. STAT. 112/1-90 (2019).
12 820 ILL. COMP. STAT. 112/10(a) (2019).
13 820 ILL. COMP. STAT. 112/10(a)(4) (2019).
14 775 ILL. COMP. STAT. 5/1-101-1-103 (2019); 29 U.S.C. § 206(d) (2012); 42 U.S.C. §§ 2000e-e17 (2012); 20 U.S.C. §§ 1681-88 (2012).
15 *See, e.g.*, Budzileni v. Dep't of Human Rights, 392 Ill.App.3d 422, 910 N.E.2d 1190 (1st Dist. 2009), appeal denied 233 Ill.2d 552, 919 N.E.2d 350 (2009).
16 Office of the Governor, *Steps Away from U.S. Soccer Federation, Gov. Pritzker Signs Legislation to Advance Equal Pay in Illinois*, ILLINOIS.GOV (July 31, 2019), https://www2.illinois.gov/Pages/news-item.aspx?ReleaseID=20375.

B. Illinois Minimum Wage Increase

While debate persists nationally regarding the costs and value of lifting of federal minimum wage from its present non-exempt employee rate of $7.25 per hour of work, Illinois passed, and Governor Pritzker signed, the "Lifting up Illinois Working Families Act" on February 19, 2019.[17] The first bill passed by both houses of the 101st General Assembly, Pub. Act 101-1, increased minimum wage biennially through December 31, 2020, then annually through January 1, 2025 when minimum wage will be $15.00 per hour of work for non-exempt employees performing labor in Illinois.[18]

Minimum wage was first introduced nationally in 1938 when President Franklin D. Roosevelt signed into law the Fair Labor Standards Act ("FLSA"), which set as minimum wage an hourly rate of $0.25 (equivalent to about $4.45 per hour adjusted for inflation in 2019 dollars).[19] Using the same inflation adjustment reveals buying power of minimum wage hit its maximum buying power in 1968, when minimum wage of $1.60 would have the same buying power as about $11.55 in 2018.[20]

The present federal minimum wage of $7.25 per hour of work totals a full-time annual rate of pay of $15,080 for fifty-two weeks of work.[21] Such rate puts the federal minimum wage near or below the Federal poverty threshold (which is $12,490 for a household of one in the forty-eight contiguous states, $16,910 for a household of two, and $25,750 for a typical four-person household).[22] Illinois' minimum wage of $8.25 per hour of work is $6.05 per hour below the average living wage for the state for households in which two people work and have one child. Increasing to the household average of two children increases the gap to $8.52 per hour.[23] Yet in rural Hardin County, for instance, those gaps are significantly lower, at $4.81 and $7.28, respectively.[24]

It is beyond dispute that a better starting wage is useful for employers to help attract more and better candidates (and has, historically, been a target

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17 Lifting Up Illinois Working Families Act, 2019 Ill Legis. Serv. P.A. 101-1 (West).

18 *Id.*

19 Annalyn Kurtz, Tal Yellin, & Will Houp, *The US Minimum Wage Through the Years*, CNN BUSINESS (Apr. 9, 2019), https://www.cnn.com/interactive/2019/business/us-minimum-wage-by-year/index.html.

20 *Id.*

21 $7.25 x 40-hour workweek x 52 weeks of work = $15,080.

22 *2019 Poverty Guidelines*, OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION, https://aspe.hhs.gov/2019-poverty-guidelines (last visited Apr. 3, 2020).

23 Dr. Amy K. Glasmeier, Massachusetts Institute of Technology, *Living Wage Calculation for Illinois*, LIVING WAGE CALCULATOR, https://livingwage.mit.edu/states/17 (last visited Apr. 3, 2020).

24 Dr. Amy K. Glasmeier, Massachusetts Institute of Technology, *Living Wage Calculation for Hardin County, Illinois*, LIVING WAGE CALCULATOR, https://livingwage.mit.edu/counties/17069 (last visited Apr. 3, 2020).

for public school employers to keep control of base wage rates to improve their ability to compete with other employers for candidates). However, minimum wage standards do not distinguish between different regions, they apply state-wide. They do not account for differences in local job markets or funding sources of schools (which, besides federal, state, and private grants, are primarily funded through General State Aid, representing a largely fixed sum of money per pupil, and property taxes (a school district's share of the local equalized assessed valuation of taxable property within the boundaries of the school district's authority)). Therefore, while an increased minimum wage improves a district's "base" pay, a previously well-paying district may become less competitive with its neighbors. A district that is competitive with its neighbors but pays significantly lower than the new minimum wage may have a need for significant payroll inflation in order to pay a wage that is not as dramatically out of step with a rising cost of living as the same wage in a neighboring wealthier community.

The new law requires employers to pay to all non-exempt workers over the age of eighteen years as follows:

> 1. From January 1, 2020 through June 30, 2020, every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $9.25 per hour; and
> 2. From July 1, 2020 through December 31, 2020 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $10 per hour; and
> 3. From January 1, 2021 through December 31, 2021 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $11 per hour; and
> 4. From January 1, 2022 through December 31, 2022 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $12 per hour; and
> 5. From January 1, 2023 through December 31, 2023 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $13 per hour; and
> 6. From January 1, 2024 through December 31, 2024, every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $14 per hour; and
> 7. On and after January 1, 2025, every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $15 per hour.[25]

In addition to the foregoing changes, The Lifting Up Illinois Families Act provides for a new penalty for employers who fail to keep a payroll

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[25] 820 ILL. COMP. STAT. 105/4 (a)(1) (2019).

record, at a penalty of $100 per impacted employee.[26] In addition, damages for underpayment of wages are now as high as triple the amount of underpayment, plus a 5% damages assessment (up from the prior damages assessment of 2%) and $1500 fine.[27]

While some of the fines are new or increased, nothing in the new law changes the law's long-standing requirement to keep an adequate and accurate record reflecting hours worked by staff.[28] Without an accurate record, it is also difficult or impossible for an employer to defend that it paid for every hour worked, paid a proper rate which complies with minimum wage and overtime laws, and defend against allegations of unpaid labor.

Despite the fact that the record-keeping requirements are not new, the changes to penalties may cause more employers to recognize the obligation. Although it may be tempting for employers to shift the burden of such record-keeping to the employee by way of implementing a time-clock, time card, or other new employment requirements, public education employers must be mindful of the fact that changing a term and condition of employment (such as clocking in and clocking out) may require bargaining upon demand of the collective bargaining agent.[29] Complaints about time clock installation, time card rules changes, and other time-keeping rules changes are also common reasons for the kind of dissatisfaction which may lead to the formation of new representational entities.

Employers should be aware that the burden of keeping and producing accurate records befalls the employer and not the employee,[30] and that shifting some of that burden to the employee does not relieve the employer of proving its enforcement of duties as to payment and labor performance—to the contrary, the employer will be tasked with monitoring time-keeping practices, enforcing appropriate progressive disciplinary sequence response to mis-use of records and time, and will require the employer to collect, analyze, and appropriately prosecute evidence of misuse. In short, shifting one responsibility will create several other responsibilities—this trade may be worthwhile for some employers (particularly employers with large and complex operations). However, a time-clock is by no means a one-size fits-all solution that will protect employers from unintended consequences.

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26 820 ILL. COMP. STAT. 105/12 (2019).
27 *Id.*
28 820 ILL. COMP. STAT. 105/15 (2019).
29 115 ILL. COMP. STAT. 5/1-21 (2019)
30 820 ILL. COMP. STAT. 105/8 (2019).

C. Illinois Minimum Teacher Salary

Beginning July 1, 2020, school districts will also have to contend with a new law requiring the increase of base salaries for teachers. According to the law:

> In fixing the salaries of teachers, a school board shall pay those who serve on a full-time basis a rate not less than . . .
>
> (i) $32,076 for the 2020-2021 school year,
> (ii) $34,576 for the 2021-2022 school year,
> (iii) $37,076 for the 2022-2023 school year, and
> (iv) $40,000 for the 2023-2024 school year.[31]
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> The minimum salary rate for each school year thereafter, subject to review by the General Assembly, shall equal the minimum salary rate for the previous school year increased by a percentage equal to the percentage increase, if any, in the Consumer Price Index For All Urban Consumers for all items published by the United States Department of Labor for the previous school year.[32]

The law further provides that, "[o]n or before January 31, 2020, the Professional Review Panel created under Section 18-8.15 [of the *Illinois School Code*][33] must submit a report to the General Assembly on how State funds and funds distributed under the evidence-based funding formula under [that section] may aid the financial effects of the changes" made the increase to teacher salary.[34]

As with minimum wage, schools may discover that their "systems" for compensating inflation for experience inflate wages in a way that is not affordable based on the increases in aid and property tax revenue they expect to receive. Illinois last passed minimum salary threshold increases during the 1979-1980 legislative session, effective July 19, 1979, and before that the last increase was effective for the 1971-1972 school year.[35] While Illinois'

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31 105 ILL. COMP. STAT. 5/24-8 (2019) (as modified by Pub. Act 101-443).

32 *Id.* (emphasis added).

33 105 ILL. COMP. STAT. 5/18-8.5 (2019).

34 "Evidence-based funding formula," or "EBF" refers to Public Act 100-465, the Evidence-Based Funding for Student Success Act, signed by Governor Bruce Rauner on August 31, 2017. EBF changes the way schools receive General State Aid funding (the primary source of funding for schools with limited property tax revenues), so that monies allocated to school districts over and above a baseline threshold are allocated by a system distinct from that under the pre-existing system which establishes the division of funds up to that baseline threshold. The purpose of EBF is to re-allocate monies over the threshold so that schools most in need see a larger percentage of money than would schools that do not experience the same degree of under-funding based on student needs.

35 Pub. Act 81-101.

present teacher minimum salary of $9,000 for a first year bachelor's degree holding teacher, $10,000 for a bachelor's degree holding teacher with an additional 120 credit hours of education, and $11,000 for a first year teacher with a master's degree has remained unchanged since 1980, the Illinois Educational Labor Relations Act, 115 ILCS 5/1-5/21, was shortly thereafter also passed into law (1984). $11,000 represents a starting salary of approximately $33,537.99 in 2018 inflation-adjusted dollars.[36]

The statute (105 ILCS 5/24-8, sometimes hereafter referred to as "24-8") has also included, since 1967, language requiring increases for years of experience in a public school and education—such language is unchanged in the new law from the pre-existing law:

> Based upon previous public school experience in this State or any other state, territory, dependency or possession of the United States, or in schools operated by or under the auspices of the United States, teachers who serve on a full-time basis shall have their salaries increased to at least the following amounts above the starting salary for a teacher in such district in the same classification: with less than a bachelor's degree, $750 after 5 years; with 120 semester hours or more and a bachelor's degree, $1,000 after 5 years and $1,600 after 8 years; with 150 semester hours or more and a master's degree, $1,250 after 5 years, $2,000 after 8 years and $2,750 after 13 years.
>
> For the purpose of this Section a teacher's salary shall include any amount paid by the school district on behalf of the teacher, as teacher contributions, to the Teachers' Retirement System of the State of Illinois.
>
> If a school board establishes a schedule for teachers' salaries based on education and experience, not inconsistent with this Section, all certificated nurses employed by that board shall be paid in accordance with the provisions of such schedule.[37]

The effect of this law has long been the function of some debate. In 1971, the Fifth District Appellate Court in Southeastern Illinois decided that 24-8 required schools to provide full-credit on the school district's salary schedule for years of experience, holding that the Lawrenceville Township High School District's decision not to award full experience credit to teachers for years of experience earned in service at a prior employer public school district was in violation of the express language and legislative intent underlying 24-8.[38]

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[36] Ian Webster, *CPI Inflation Calculator: $11,000 in 1980 to2018*, https://www.in2013dollars.com/us/inflation/1980?endYear=2018&amount=11000 (last Apr. 3, 2020).

[37] 105 ILL. COMP. STAT. 5/24-8 (2019) (in relevant portion only).

[38] Hardway v. Bd. of Educ. of Lawrenceville Twp. High Sch., Dist. No. 71, Lawrenceville, 1 Ill.App.3d 298, 301-02, 274 N.E.2d 213, 216 (5th Dist. 1971).

However, the Fourth District Appellate Court in Southwestern Illinois hearing a case out of Macoupin County concluded the opposite result. The court found that a school district was within its right to restrict application of benefits beyond minimum thresholds established by statute.[39]

The conflict in the decisions of the two Appellate Courts means that schools are safest when interpreting salary schedule placement to award full credit for prior experience to another public school district.[40] Even still, school districts that award full service credit on the basis of prior teaching experience to a public school district have to be mindful when hiring new teachers that they are not discriminating on the basis of age and experience.[41]

That said, both cases could, conceivably, have been made less relevant by the Illinois Educational Labor Relations Act (the "IELRA"), because the IELRA, in 1984, extended mandatory bargaining obligations to schools throughout the state when employee groups organize to form a union. [42] The existence of unions likely means that disputes over placement on the salary schedule are more commonly settled at the bargaining table and through contract enforcement mechanisms, such as grievance arbitration. This also means that the cost of such increases will be borne out through salary inflation mechanisms that result in some degree of "automation" of increases based upon increases to base salary or wage rate.

III. UNINTENDED CONSEQUENCES

Most school districts, consistent with the requirements arguably imposed by 24-8 of the *Illinois School Code*,[43] have wage inflation systems that have some degree of "automatic" and compounding inflation based upon experience and education. But school districts must be keenly aware of their own individual circumstances when attempting to address these law changes. It is apparent that taxable gross base salary, including payment on behalf of an employee to the applicable retirement system, if any, is the target dollar intended by the legislature.[44]

The complication in addressing both base salary and minimum wage, particularly where a union is involved, will be in protecting the school district's ability to comply with the automatically increasing base wage without causing a compounding increase to the salaries of more experienced

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39 Winters v. Bd. of Educ. of Piasa Cmty. Unit Sch. Dist. No. 9 of Macoupin Cnty., 66 Ill.App.3d 918, 919, 384 N.E.2d 519, 520 (4th Dist. 1978).

40 BRIAN A. BRAUN, ILLINOIS SCHOOL LAW SURVEY 220 (15th ed. 2018).

41 *Id.*

42 *See* 115 ILL. COMP. STAT. §§ 5/1, 5/4 (2018).

43 105 ILL. COMP. STAT. 5/24-8 (2019).

44 *See id.*

employees, while still making employees with more experience feel sufficiently appreciated to support appropriate retention rates.

Avoiding an index (where increases for experience are based upon a fixed percentage inflation), where one is not already incorporated, will be critical to careful management of the foregoing. Take, for instance, a four-step schedule where each step is 2% more than the one before, to wit:

BA (Bachelor's Degree)	
1	$35,000
2	$35,700
3	$36,414
4	$37,142

To comply with the new law will require a 6% increase to base in 2022-2023 and an 8% increase to base for 2023-2024.[45] Such increases will create the following schedules for those years:

2022-2023 BA		2023-2024 BA	
1	$37,076	1	$40,000
2	$37,818	2	$40,800
3	$38,574	3	$41,616
4	$39,345	4	$42,448

While the base has increased just $5,000 in two years, the top step has increased $5,306. Because of the compounding increases down the schedule, the same *rate* of increase (14.28%) will result in a 6% larger inflation of increase down-schedule. If more dollars are occupied at the bottom (experience end) of the schedule, a larger portion of the school district's operating budget will be attributed to salaries. The foregoing takes nothing into account for size of staff—a more experienced staff could compound the increase significantly with more staff occupying the bottom half of the schedule.

The result could be considerably more expensive if a school district historically applies the same rate of increase from base to cell.

2022-2023 BA		2023-2024 BA	
1	$37,076	1	$40,000
2	$39,300	2	$43,200
3	$41,659	3	$46,656
4	$44,158	4	$50,388

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45 *See id.*

The result here, where the same increase applies from base to each cell, is a whopping 36% increase to the top cell in just a two-year timespan, and this is with an uncharacteristically short schedule composed of only a single lane.

A district could also see a problem attempting to control the increase the other way. For instance, if a school district attempted to assure that every person working in the school district received the same increase as the base saw, the rates of increase will be messy:

2022-2023	BA	2023-2024	BA
1	$37,076	1	$40,000
2	$37,076	2	$40,000
3	$37,817	3	$40,800
4	$38,573	4	$41,616

The result here is a schedule where employees stagnate at the beginning of the schedule, because moving down a step nets an employee the same pay raise as an employee moving "in" to the school district. The schedule effectively collapses between a first- and second-year employee, adding another step to base without inflating the resulting schedule.

A flat-dollar schedule is easier to manage. Say a school district has a $400 step:

BA	
1	$35,000
2	$35,400
3	$35,800
4	$36,200

A new schedule preserving the step might look like this:

2022-2023	BA	2023-2024	BA
1	$37,076	1	$40,000
2	$37,476	2	$40,400
3	$37,876	3	$40,800
4	$38,276	4	$41,200

This schedule inflates the exact dollar amount at the base and the bottom step, making the total budget change predictable ($5,000 plus step at $400 per employee). However, the total increase of this very affordable schedule is still 13.8% over the two years. Money will be easier to move to the base because there are fewer dollars moving down the schedule. However, in light of limited dollars being applied to the totality of the schedule, the percentages of increase in early years may seem jarring.

A school district may be fond of creating a total number of dollars proposal and then letting teachers distribute the dollars throughout the schedule. However, when doing so, the school district must assure both that the base is legal and that the dollars applied do not result in a deficiency in any cell beyond the first cell. For instance, assume that $8,000 is proposed annually to be placed across cells to the union for the following schedule after base increase, and the union chooses to split those dollars among high-experience teachers:

BA	2022-2023	BA	2023-2024	BA
1	$35,000	$37,076		$40,000
2	$35,400	$35,400		$35,400
3	$35,800	$39,800		$43,800
4	$36,200	$40,200		$44,200

The problem with this schedule (aside from wild and unpredictable jumps) is that the second cell now dangles below minimum salary. If the negotiated settlement does not include a mechanism for resolution of the above, the union may have successfully negotiated from the school district an *additional* $6,276 that the school district did not intend to budget.

Of course, where no schedule exists, increases may be easier to "control" and apply. However, school districts should be careful to assure that creating increases for large groups of people do not create unintended consequences to groups of employees. Moreover, because section 24-8 still requires increase for experience and education, and because such increases are common among neighboring districts, it is imperative that a school district carefully structure any "new" system to comply with the pre-existing law.

The language that creates these settlements will be equally important to be carefully crafted. Schools should insist on clear and complete schedules before reaching tentative agreement and should be careful to "test" language before completion of the contract to be sure that various scenarios bear out the results intended. However, schools will have no choice but to understand their employees' and unions' desires before testing implementation of various theories. While eliminating a salary schedule may seem the "easiest" option (allowing the placement of direct dollars to staff members individually), obtaining agreement to the change may prove less viable in many school districts,[46] and may leave districts vulnerable to recruitment issues presented by the Equal Pay Act and other laws prohibiting discrimination.

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[46] *See, e.g.*, Vienna Sch. Dist. No. 55 v. Ill. Ed. Labor Relations Bd., 162 Ill.App.3d 503, 508-09, 515 N.E.2d 476, 480 (4th Dist. 1987) (holding that teachers are entitled to salary schedule advancement "status quo" unless and until agreement or impasse is reached).

IV. CONCLUSION

Illinois public school districts, particularly small school districts with limited resources, limited property values, and great control over employee initial salary placement, may find the new laws very difficult to successfully implement in a manner that continues to: a) adequately attract new staff by comparison to larger or wealthier neighbors, b) compensate employees fairly and adequately to retain them after long, competent, and loyal service, and c) affordably protect school districts' public assets over the long haul. This challenge is likely to be intensified by the collapse of spending in the wake of COVID-19.[47] The challenges of implementing the new laws will require strong relationships with local representational groups (unions) and constituencies, and will require schools to carefully plan for the future and communicate openly, regularly, and knowledgeably with constituencies to both identify the problems and evaluate solutions.

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[47] *How the COVID-19 Pandemic is Changing Americans' Spending Habits*, THE ECONOMIST, https://www.economist.com/graphic-detail/2020/04/09/how-the-covid-19-pandemic-is-changing-americans-spending-habits (last visited Apr. 12, 2020).