

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Equal Pay Act of 2003 is amended by changing
5 Section 11 as follows:

6 (820 ILCS 112/11)

7 Sec. 11. Equal pay registration certificate requirements;
8 application. For the purposes of this Section 11 only,
9 "business" means any private employer who has 100 or more
10 employees in the State of Illinois ~~and is required to file an~~
11 ~~Annual Employer Information Report EEO-1 with the Equal~~
12 ~~Employment Opportunity Commission,~~ but does not include the
13 State of Illinois or any political subdivision, municipal
14 corporation, or other governmental unit or agency.

15 (a) A business must obtain an equal pay registration
16 certificate from the Department.

17 (b) Any business subject to the requirements of this
18 Section that is authorized to transact business in this State
19 on March 23, 2021 shall submit an application to obtain an
20 equal pay registration certificate, between March 24, 2022 and
21 March 23, 2024, and must recertify every 2 years thereafter.
22 Any business subject to the requirements of this Section that
23 is authorized to transact business in this State after March

23, 2021 must submit an application to obtain an equal pay registration certificate within 3 years of commencing business operations, but not before January 1, 2024, and must recertify every 2 years thereafter. The Department shall collect contact information from each business subject to this Section. The Department shall assign each business a date by which it must submit an application to obtain an equal pay registration certificate. The business shall recertify every 2 years at a date to be determined by the Department. When a business receives a notice from the Department to recertify for its equal pay registration certificate, if the business has fewer than 100 employees, the business must certify in writing to the Department that it is exempt from this Section. Any new business that is subject to this Section and authorized to conduct business in this State, after the effective date of this amendatory Act of the 102nd General Assembly, shall submit its contact information to the Department by January 1 of the following year and shall be assigned a date by which it must submit an application to obtain an equal pay registration certificate. The Department's failure to assign a business a registration date does not exempt the business from compliance with this Section. The failure of the Department to notify a business of its recertification deadline may be a mitigating factor when making a determination of a violation of this Section.

(c) Application.

1 (1) A business shall apply for an equal pay
2 registration certificate by paying a \$150 filing fee and
3 submitting wage records and an equal pay compliance
4 statement to the Director as follows:

5 (A) Wage Records. Any business that is subject to
6 this Section ~~required to file an annual Employer~~
7 ~~Information Report EEO-1 with the Equal Employment~~
8 ~~Opportunity Commission~~ must submit to the Director a
9 list of all employees during the past calendar year,
10 separated by gender and the race and ethnicity
11 categories, ~~as reported in the business's most~~
12 ~~recently filed Employer Information Report EEO-1,~~ and
13 the county in which the employee works, the date the
14 employee started working for the business, any other
15 information the Department deems necessary to
16 determine if pay equity exists among employees, and
17 report the total wages as defined by Section 2 of the
18 Illinois Wage Payment and Collection Act paid to each
19 employee during the past calendar year, rounded to the
20 nearest \$100, to the Director.

21 (B) Equal Pay Compliance Statement. The business
22 must submit a statement signed by a corporate officer,
23 legal counsel, or authorized agent of the business
24 certifying:

25 (i) that the business is in compliance with
26 this Act and other relevant laws, including but

1 not limited to: Title VII of the Civil Rights Act
2 of 1964, the Equal Pay Act of 1963, the Illinois
3 Human Rights Act, and the Equal Wage Act;

4 (ii) that the average compensation for its
5 female and minority employees is not consistently
6 below the average compensation for its male and
7 non-minority employees within each job category ~~of~~
8 ~~the major job categories in the Employer~~
9 ~~Information Report EEO-1~~ for which an employee is
10 expected to perform work, taking into account
11 factors such as length of service, requirements of
12 specific jobs, experience, skill, effort,
13 responsibility, working conditions of the job,
14 education or training, job location, use of a
15 collective bargaining agreement, or other
16 mitigating factors; as used in this subparagraph,
17 "job category" means one of the following job
18 categories: executive/senior-level officials and
19 managers, first/mid-level officials and managers,
20 professionals, technicians, sales workers,
21 administrative support workers, craft workers,
22 operatives, laborers and helpers, and service
23 workers; as used in this subparagraph, "minority"
24 has the meaning ascribed to that term in paragraph
25 (1) of subsection (A) of Section 2 of the Business
26 Enterprise for Minorities, Women, and Persons with

1 Disabilities Act; and as used in this
2 subparagraph, "compensation" means remuneration or
3 compensation an employee receives in return for
4 services rendered to an employer, including hourly
5 wages, overtime wages, commissions, piece rate
6 work, salary, bonuses, or any other basis of
7 calculation for services performed;

8 (iii) that the business does not restrict
9 employees of one sex to certain job
10 classifications, and makes retention and promotion
11 decisions without regard to sex;

12 (iv) that wage and benefit disparities are
13 corrected when identified to ensure compliance
14 with the Acts cited in item (i);

15 (v) how often wages and benefits are
16 evaluated; and

17 (vi) the approach the business takes in
18 determining what level of wages and benefits to
19 pay its employees; acceptable approaches include,
20 but are not limited to, a wage and salary survey.

21 (C) Filing fee. The business shall pay to the
22 Department a filing fee of \$150. Proceeds from the
23 fees collected under this Section shall be deposited
24 into the Equal Pay Fund, a special fund created in the
25 State treasury.

26 (2) Receipt of the equal pay compliance application

1 and statement by the Director does not establish
2 compliance with the Acts set forth in item (i) of
3 subparagraph (B) of paragraph (1) of this subsection (c).

4 (3) A business that has employees in multiple
5 locations or facilities in Illinois shall submit a single
6 application to the Department regarding all of its
7 operations in Illinois.

8 (d) Issuance or rejection of registration certificate.
9 After January 1, 2022, the Director must issue an equal pay
10 registration certificate, or a statement of why the
11 application was rejected, within 45 calendar days of receipt
12 of the application. Applicants shall have the opportunity to
13 cure any deficiencies in its application that led to the
14 rejection, and re-submit the revised application to the
15 Department within 30 calendar days of receiving a rejection.
16 Applicants shall have the ability to appeal rejected
17 applications. An application may be rejected only if it does
18 not comply with the requirements of subsection (c), or the
19 business is otherwise found to be in violation of this Act. The
20 receipt of an application by the Department, or the issuance
21 of a registration certificate by the Department, shall not
22 establish compliance with the Equal Pay Act of 2003 as to all
23 Sections except Section 11. The issuance of a registration
24 certificate shall not be a defense against any Equal Pay Act
25 violation found by the Department, nor a basis for mitigation
26 of damages.

1 (e) Revocation of registration certificate. An equal pay
2 registration certificate for a business may be suspended or
3 revoked by the Director when the business fails to make a good
4 faith effort to comply with the Acts identified in item (i) of
5 subparagraph (B) of paragraph (1) of subsection (c), fails to
6 make a good faith effort to comply with this Section, or has
7 multiple violations of this Section or the Acts identified in
8 item (i) of subparagraph (B) of paragraph (1) of subsection
9 (c). Prior to suspending or revoking a registration
10 certificate, the Director must first have sought to conciliate
11 with the business regarding wages and benefits due to
12 employees.

13 Consistent with Section 25, prior to or in connection with
14 the suspension or revocation of an equal pay registration
15 certificate, the Director, or his or her authorized
16 representative, may interview workers, administer oaths, take
17 or cause to be taken the depositions of witnesses, and require
18 by subpoena the attendance and testimony of witnesses, and the
19 production of personnel and compensation information relative
20 to the matter under investigation, hearing or a
21 department-initiated audit.

22 Neither the Department nor the Director shall be held
23 liable for good faith errors in issuing, denying, suspending
24 or revoking certificates.

25 (f) Administrative review. A business may obtain an
26 administrative hearing in accordance with the Illinois

1 Administrative Procedure Act before the suspension or
2 revocation of its certificate or imposition of civil penalties
3 as provided by subsection (i) is effective by filing a written
4 request for hearing within 20 calendar days after service of
5 notice by the Director.

6 (g) Technical assistance. The Director must provide
7 technical assistance to any business that requests assistance
8 regarding this Section.

9 (h) Access to data.

10 (1) Any individually identifiable information
11 submitted to the Director within or related to an equal
12 pay registration application or otherwise provided by an
13 employer in its equal pay compliance statement under
14 subsection (c) shall be considered confidential
15 information and not subject to disclosure pursuant to the
16 Illinois Freedom of Information Act. As used in this
17 Section, "individually identifiable information" means
18 data submitted pursuant to this Section that is associated
19 with a specific person or business. Aggregate data or
20 reports that are reasonably calculated to prevent the
21 association of any data with any individual business or
22 person are not confidential information. Aggregate data
23 shall include the job category and the average hourly wage
24 by county for each gender, race, and ethnicity category on
25 the registration certificate applications. The Department
26 of Labor may compile aggregate data from registration

1 certificate applications.

2 (2) The Director's decision to issue, not issue,
3 revoke, or suspend an equal pay registration certificate
4 is public information.

5 (3) Notwithstanding this subsection (h), a current
6 employee of a covered business may request anonymized data
7 regarding their job classification or title and the pay
8 for that classification. No individually identifiable
9 information may be provided to an employee making a
10 request under this paragraph.

11 (4) Notwithstanding this subsection (h), the
12 Department may share data and identifiable information
13 with the Department of Human Rights, pursuant to its
14 enforcement of Article 2 of the Illinois Human Rights Act,
15 or the Office of the Attorney General, pursuant to its
16 enforcement of Section 10-104 of the Illinois Human Rights
17 Act.

18 (5) Any Department employee who willfully and
19 knowingly divulges, except in accordance with a proper
20 judicial order or otherwise provided by law, confidential
21 information received by the Department from any business
22 pursuant to this Act shall be deemed to have violated the
23 State Officials and Employees Ethics Act and be subject to
24 the penalties established under subsections (e) and (f) of
25 Section 50-5 of that Act after investigation and
26 opportunity for hearing before the Executive Ethics

1 Commission in accordance with Section 20-50 of that Act.

2 (i) Penalty. Falsification or misrepresentation of
3 information on an application submitted to the Department
4 shall constitute a violation of this Act and the Department
5 may seek to suspend or revoke an equal pay registration
6 certificate or impose civil penalties as provided under
7 subsection (c) of Section 30.

8 (Source: P.A. 102-36, eff. 6-25-21; 102-705, eff. 4-22-22;
9 103-201, eff. 1-1-24.)

10 Section 10. The Prevailing Wage Act is amended by changing
11 Section 2 as follows:

12 (820 ILCS 130/2)

13 Sec. 2. This Act applies to the wages of laborers,
14 mechanics and other workers employed in any public works, as
15 hereinafter defined, by any public body and to anyone under
16 contracts for public works. This includes any maintenance,
17 repair, assembly, or disassembly work performed on equipment
18 whether owned, leased, or rented.

19 As used in this Act, unless the context indicates
20 otherwise:

21 "Public works" means all fixed works constructed or
22 demolished by any public body, or paid for wholly or in part
23 out of public funds. "Public works" as defined herein includes
24 all projects financed in whole or in part with bonds, grants,

1 loans, or other funds made available by or through the State or
2 any of its political subdivisions, including but not limited
3 to: bonds issued under the Industrial Project Revenue Bond Act
4 (Article 11, Division 74 of the Illinois Municipal Code), the
5 Industrial Building Revenue Bond Act, the Illinois Finance
6 Authority Act, the Illinois Sports Facilities Authority Act,
7 or the Build Illinois Bond Act; loans or other funds made
8 available pursuant to the Build Illinois Act; loans or other
9 funds made available pursuant to the Riverfront Development
10 Fund under Section 10-15 of the River Edge Redevelopment Zone
11 Act; or funds from the Fund for Illinois' Future under Section
12 6z-47 of the State Finance Act, funds for school construction
13 under Section 5 of the General Obligation Bond Act, funds
14 authorized under Section 3 of the School Construction Bond
15 Act, funds for school infrastructure under Section 6z-45 of
16 the State Finance Act, and funds for transportation purposes
17 under Section 4 of the General Obligation Bond Act. "Public
18 works" also includes (i) all projects financed in whole or in
19 part with funds from the Environmental Protection Agency under
20 the Illinois Renewable Fuels Development Program Act for which
21 there is no project labor agreement; (ii) all work performed
22 pursuant to a public private agreement under the Public
23 Private Agreements for the Illiana Expressway Act or the
24 Public-Private Agreements for the South Suburban Airport Act;
25 (iii) all projects undertaken under a public-private agreement
26 under the Public-Private Partnerships for Transportation Act

1 or the Department of Natural Resources World Shooting and
2 Recreational Complex Act; and (iv) all transportation
3 facilities undertaken under a design-build contract or a
4 Construction Manager/General Contractor contract under the
5 Innovations for Transportation Infrastructure Act. "Public
6 works" also includes all projects at leased facility property
7 used for airport purposes under Section 35 of the Local
8 Government Facility Lease Act. "Public works" also includes
9 the construction of a new wind power facility by a business
10 designated as a High Impact Business under Section
11 5.5(a)(3)(E) of the Illinois Enterprise Zone Act, the
12 construction of a new utility-scale solar power facility by a
13 business designated as a High Impact Business under Section
14 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act, the
15 construction of a new battery energy storage solution facility
16 by a business designated as a High Impact Business under
17 Section 5.5(a)(3)(I) of the Illinois Enterprise Zone Act, and
18 the construction of a high voltage direct current converter
19 station by a business designated as a High Impact Business
20 under Section 5.5(a)(3)(J) of the Illinois Enterprise Zone
21 Act. "Public works" also includes electric vehicle charging
22 station projects financed pursuant to the Electric Vehicle Act
23 and renewable energy projects required to pay the prevailing
24 wage pursuant to the Illinois Power Agency Act. "Public works"
25 also includes power washing projects by a public body or paid
26 for wholly or in part out of public funds in which steam or

1 pressurized water, with or without added abrasives or
2 chemicals, is used to remove paint or other coatings, oils or
3 grease, corrosion, or debris from a surface or to prepare a
4 surface for a coating. "Public works" also includes all
5 electric transmission systems projects subject to the Electric
6 Transmission Systems Construction Standards Act. "Public
7 works" does not include work done directly by any public
8 utility company, whether or not done under public supervision
9 or direction, or paid for wholly or in part out of public
10 funds. "Public works" also includes construction projects
11 performed by a third party contracted by any public utility,
12 as described in subsection (a) of Section 2.1, in public
13 rights-of-way, as defined in Section 21-201 of the Public
14 Utilities Act, whether or not done under public supervision or
15 direction, or paid for wholly or in part out of public funds.
16 "Public works" also includes construction projects that exceed
17 15 aggregate miles of new fiber optic cable, performed by a
18 third party contracted by any public utility, as described in
19 subsection (b) of Section 2.1, in public rights-of-way, as
20 defined in Section 21-201 of the Public Utilities Act, whether
21 or not done under public supervision or direction, or paid for
22 wholly or in part out of public funds. "Public works" also
23 includes any corrective action performed pursuant to Title XVI
24 of the Environmental Protection Act for which payment from the
25 Underground Storage Tank Fund is requested. "Public works"
26 also includes all construction projects involving fixtures or

1 permanent attachments affixed to light poles that are owned by
2 a public body, including street light poles, traffic light
3 poles, and other lighting fixtures, whether or not done under
4 public supervision or direction, or paid for wholly or in part
5 out of public funds, unless the project is performed by
6 employees employed directly by the public body. "Public works"
7 also includes work performed subject to the Mechanical
8 Insulation Energy and Safety Assessment Act. "Public works"
9 also includes the removal, hauling, and transportation of
10 biosolids, lime sludge, and lime residue from a water
11 treatment plant or facility and the disposal of biosolids,
12 lime sludge, and lime residue removed from a water treatment
13 plant or facility at a landfill. "Public works" does not
14 include projects undertaken by the owner at an owner-occupied
15 single-family residence or at an owner-occupied unit of a
16 multi-family residence. "Public works" does not include work
17 performed for soil and water conservation purposes on
18 agricultural lands, whether or not done under public
19 supervision or paid for wholly or in part out of public funds,
20 done directly by an owner or person who has legal control of
21 those lands.

22 "Construction" means all work on public works involving
23 laborers, workers or mechanics. This includes any maintenance,
24 repair, assembly, or disassembly work performed on equipment
25 whether owned, leased, or rented.

26 "Locality" means the county where the physical work upon

1 public works is performed, except (1) that if there is not
2 available in the county a sufficient number of competent
3 skilled laborers, workers and mechanics to construct the
4 public works efficiently and properly, "locality" includes any
5 other county nearest the one in which the work or construction
6 is to be performed and from which such persons may be obtained
7 in sufficient numbers to perform the work and (2) that, with
8 respect to contracts for highway work with the Department of
9 Transportation of this State, "locality" may at the discretion
10 of the Secretary of the Department of Transportation be
11 construed to include two or more adjacent counties from which
12 workers may be accessible for work on such construction.

13 "Public body" means the State or any officer, board or
14 commission of the State or any political subdivision or
15 department thereof, or any institution supported in whole or
16 in part by public funds, and includes every county, city,
17 town, village, township, school district, irrigation, utility,
18 reclamation improvement or other district and every other
19 political subdivision, district or municipality of the state
20 whether such political subdivision, municipality or district
21 operates under a special charter or not.

22 "Labor organization" means an organization that is the
23 exclusive representative of an employer's employees recognized
24 or certified pursuant to the National Labor Relations Act.

25 The terms "general prevailing rate of hourly wages",
26 "general prevailing rate of wages" or "prevailing rate of

1 wages" when used in this Act mean the hourly cash wages plus
2 full journeyman annualized fringe benefits for training and
3 apprenticeship programs registered with ~~approved by~~ the Office
4 of Apprenticeship within the U.S. Department of Labor's
5 Employment and Training Administration with full journeymen
6 annualized fringe benefits for ~~U.S. Department of Labor,~~
7 ~~Bureau of Apprenticeship and Training,~~ health and welfare,
8 insurance, vacations and pensions paid generally, in the
9 locality in which the work is being performed, to employees
10 engaged in work of a similar character on public works.

11 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
12 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
13 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,
14 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;
15 103-605, eff. 7-1-24; 103-1066, eff. 2-20-25.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.