



Sen. Robert Peters

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10400HB2488sam002

LRB104 06524 SPS 26277 a

1 AMENDMENT TO HOUSE BILL 2488

2 AMENDMENT NO. _____. Amend House Bill 2488 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Equal Pay Act of 2003 is amended by
5 changing 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.

1 (b) Any business subject to the requirements of this
2 Section that is authorized to transact business in this State
3 on March 23, 2021 shall submit an application to obtain an
4 equal pay registration certificate, between March 24, 2022 and
5 March 23, 2024, and must recertify every 2 years thereafter.
6 Any business subject to the requirements of this Section that
7 is authorized to transact business in this State after March
8 23, 2021 must submit an application to obtain an equal pay
9 registration certificate within 3 years of commencing business
10 operations, but not before January 1, 2024, and must recertify
11 every 2 years thereafter. The Department shall collect contact
12 information from each business subject to this Section. The
13 Department shall assign each business a date by which it must
14 submit an application to obtain an equal pay registration
15 certificate. The business shall recertify every 2 years at a
16 date to be determined by the Department. When a business
17 receives a notice from the Department to recertify for its
18 equal pay registration certificate, if the business has fewer
19 than 100 employees, the business must certify in writing to
20 the Department that it is exempt from this Section. Any new
21 business that is subject to this Section and authorized to
22 conduct business in this State, after the effective date of
23 this amendatory Act of the 102nd General Assembly, shall
24 submit its contact information to the Department by January 1
25 of the following year and shall be assigned a date by which it
26 must submit an application to obtain an equal pay registration

1 certificate. The Department's failure to assign a business a
2 registration date does not exempt the business from compliance
3 with this Section. The failure of the Department to notify a
4 business of its recertification deadline may be a mitigating
5 factor when making a determination of a violation of this
6 Section.

7 (c) Application.

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

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

1 nearest \$100, to the Director.

2 (B) Equal Pay Compliance Statement. The business
3 must submit a statement signed by a corporate officer,
4 legal counsel, or authorized agent of the business
5 certifying:

6 (i) that the business is in compliance with
7 this Act and other relevant laws, including but
8 not limited to: Title VII of the Civil Rights Act
9 of 1964, the Equal Pay Act of 1963, the Illinois
10 Human Rights Act, and the Equal Wage Act;

11 (ii) that the average compensation for its
12 female and minority employees is not consistently
13 below the average compensation for its male and
14 non-minority employees within each job category ~~of~~
15 ~~the major job categories in the Employer~~
16 ~~Information Report EEO-1~~ for which an employee is
17 expected to perform work, taking into account
18 factors such as length of service, requirements of
19 specific jobs, experience, skill, effort,
20 responsibility, working conditions of the job,
21 education or training, job location, use of a
22 collective bargaining agreement, or other
23 mitigating factors; as used in this subparagraph,
24 "job category" means one of the following job
25 categories: executive/senior-level officials and
26 managers, first/mid-level officials and managers,

1 professionals, technicians, sales workers,
2 administrative support workers, craft workers,
3 operatives, laborers and helpers, and service
4 workers; as used in this subparagraph, "minority"
5 has the meaning ascribed to that term in paragraph
6 (1) of subsection (A) of Section 2 of the Business
7 Enterprise for Minorities, Women, and Persons with
8 Disabilities Act; and as used in this
9 subparagraph, "compensation" means remuneration or
10 compensation an employee receives in return for
11 services rendered to an employer, including hourly
12 wages, overtime wages, commissions, piece rate
13 work, salary, bonuses, or any other basis of
14 calculation for services performed;

15 (iii) that the business does not restrict
16 employees of one sex to certain job
17 classifications, and makes retention and promotion
18 decisions without regard to sex;

19 (iv) that wage and benefit disparities are
20 corrected when identified to ensure compliance
21 with the Acts cited in item (i);

22 (v) how often wages and benefits are
23 evaluated; and

24 (vi) the approach the business takes in
25 determining what level of wages and benefits to
26 pay its employees; acceptable approaches include,

1 but are not limited to, a wage and salary survey.

2 (C) Filing fee. The business shall pay to the
3 Department a filing fee of \$150. Proceeds from the
4 fees collected under this Section shall be deposited
5 into the Equal Pay Fund, a special fund created in the
6 State treasury.

7 (2) Receipt of the equal pay compliance application
8 and statement by the Director does not establish
9 compliance with the Acts set forth in item (i) of
10 subparagraph (B) of paragraph (1) of this subsection (c).

11 (3) A business that has employees in multiple
12 locations or facilities in Illinois shall submit a single
13 application to the Department regarding all of its
14 operations in Illinois.

15 (d) Issuance or rejection of registration certificate.
16 After January 1, 2022, the Director must issue an equal pay
17 registration certificate, or a statement of why the
18 application was rejected, within 45 calendar days of receipt
19 of the application. Applicants shall have the opportunity to
20 cure any deficiencies in its application that led to the
21 rejection, and re-submit the revised application to the
22 Department within 30 calendar days of receiving a rejection.
23 Applicants shall have the ability to appeal rejected
24 applications. An application may be rejected only if it does
25 not comply with the requirements of subsection (c), or the
26 business is otherwise found to be in violation of this Act. The

1 receipt of an application by the Department, or the issuance
2 of a registration certificate by the Department, shall not
3 establish compliance with the Equal Pay Act of 2003 as to all
4 Sections except Section 11. The issuance of a registration
5 certificate shall not be a defense against any Equal Pay Act
6 violation found by the Department, nor a basis for mitigation
7 of damages.

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

20 Consistent with Section 25, prior to or in connection with
21 the suspension or revocation of an equal pay registration
22 certificate, the Director, or his or her authorized
23 representative, may interview workers, administer oaths, take
24 or cause to be taken the depositions of witnesses, and require
25 by subpoena the attendance and testimony of witnesses, and the
26 production of personnel and compensation information relative

1 to the matter under investigation, hearing or a
2 department-initiated audit.

3 Neither the Department nor the Director shall be held
4 liable for good faith errors in issuing, denying, suspending
5 or revoking certificates.

6 (f) Administrative review. A business may obtain an
7 administrative hearing in accordance with the Illinois
8 Administrative Procedure Act before the suspension or
9 revocation of its certificate or imposition of civil penalties
10 as provided by subsection (i) is effective by filing a written
11 request for hearing within 20 calendar days after service of
12 notice by the Director.

13 (g) Technical assistance. The Director must provide
14 technical assistance to any business that requests assistance
15 regarding this Section.

16 (h) Access to data.

17 (1) Any individually identifiable information
18 submitted to the Director within or related to an equal
19 pay registration application or otherwise provided by an
20 employer in its equal pay compliance statement under
21 subsection (c) shall be considered confidential
22 information and not subject to disclosure pursuant to the
23 Illinois Freedom of Information Act. As used in this
24 Section, "individually identifiable information" means
25 data submitted pursuant to this Section that is associated
26 with a specific person or business. Aggregate data or

1 reports that are reasonably calculated to prevent the
2 association of any data with any individual business or
3 person are not confidential information. Aggregate data
4 shall include the job category and the average hourly wage
5 by county for each gender, race, and ethnicity category on
6 the registration certificate applications. The Department
7 of Labor may compile aggregate data from registration
8 certificate applications.

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

12 (3) Notwithstanding this subsection (h), a current
13 employee of a covered business may request anonymized data
14 regarding their job classification or title and the pay
15 for that classification. No individually identifiable
16 information may be provided to an employee making a
17 request under this paragraph.

18 (4) Notwithstanding this subsection (h), the
19 Department may share data and identifiable information
20 with the Department of Human Rights, pursuant to its
21 enforcement of Article 2 of the Illinois Human Rights Act,
22 or the Office of the Attorney General, pursuant to its
23 enforcement of Section 10-104 of the Illinois Human Rights
24 Act.

25 (5) Any Department employee who willfully and
26 knowingly divulges, except in accordance with a proper

1 judicial order or otherwise provided by law, confidential
2 information received by the Department from any business
3 pursuant to this Act shall be deemed to have violated the
4 State Officials and Employees Ethics Act and be subject to
5 the penalties established under subsections (e) and (f) of
6 Section 50-5 of that Act after investigation and
7 opportunity for hearing before the Executive Ethics
8 Commission in accordance with Section 20-50 of that Act.

9 (i) Penalty. Falsification or misrepresentation of
10 information on an application submitted to the Department
11 shall constitute a violation of this Act and the Department
12 may seek to suspend or revoke an equal pay registration
13 certificate or impose civil penalties as provided under
14 subsection (c) of Section 30.

15 (Source: P.A. 102-36, eff. 6-25-21; 102-705, eff. 4-22-22;
16 103-201, eff. 1-1-24.)

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

19 (820 ILCS 130/2)

20 Sec. 2. This Act applies to the wages of laborers,
21 mechanics and other workers employed in any public works, as
22 hereinafter defined, by any public body and to anyone under
23 contracts for public works. This includes any maintenance,
24 repair, assembly, or disassembly work performed on equipment

1 whether owned, leased, or rented.

2 As used in this Act, unless the context indicates
3 otherwise:

4 "Public works" means all fixed works constructed or
5 demolished by any public body, or paid for wholly or in part
6 out of public funds. "Public works" as defined herein includes
7 all projects financed in whole or in part with bonds, grants,
8 loans, or other funds made available by or through the State or
9 any of its political subdivisions, including but not limited
10 to: bonds issued under the Industrial Project Revenue Bond Act
11 (Article 11, Division 74 of the Illinois Municipal Code), the
12 Industrial Building Revenue Bond Act, the Illinois Finance
13 Authority Act, the Illinois Sports Facilities Authority Act,
14 or the Build Illinois Bond Act; loans or other funds made
15 available pursuant to the Build Illinois Act; loans or other
16 funds made available pursuant to the Riverfront Development
17 Fund under Section 10-15 of the River Edge Redevelopment Zone
18 Act; or funds from the Fund for Illinois' Future under Section
19 6z-47 of the State Finance Act, funds for school construction
20 under Section 5 of the General Obligation Bond Act, funds
21 authorized under Section 3 of the School Construction Bond
22 Act, funds for school infrastructure under Section 6z-45 of
23 the State Finance Act, and funds for transportation purposes
24 under Section 4 of the General Obligation Bond Act. "Public
25 works" also includes (i) all projects financed in whole or in
26 part with funds from the Environmental Protection Agency under

1 the Illinois Renewable Fuels Development Program Act for which
2 there is no project labor agreement; (ii) all work performed
3 pursuant to a public private agreement under the Public
4 Private Agreements for the Illiana Expressway Act or the
5 Public-Private Agreements for the South Suburban Airport Act;
6 (iii) all projects undertaken under a public-private agreement
7 under the Public-Private Partnerships for Transportation Act
8 or the Department of Natural Resources World Shooting and
9 Recreational Complex Act; and (iv) all transportation
10 facilities undertaken under a design-build contract or a
11 Construction Manager/General Contractor contract under the
12 Innovations for Transportation Infrastructure Act. "Public
13 works" also includes all projects at leased facility property
14 used for airport purposes under Section 35 of the Local
15 Government Facility Lease Act. "Public works" also includes
16 the construction of a new wind power facility by a business
17 designated as a High Impact Business under Section
18 5.5(a)(3)(E) of the Illinois Enterprise Zone Act, the
19 construction of a new utility-scale solar power facility by a
20 business designated as a High Impact Business under Section
21 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act, the
22 construction of a new battery energy storage solution facility
23 by a business designated as a High Impact Business under
24 Section 5.5(a)(3)(I) of the Illinois Enterprise Zone Act, and
25 the construction of a high voltage direct current converter
26 station by a business designated as a High Impact Business

1 under Section 5.5(a)(3)(J) of the Illinois Enterprise Zone
2 Act. "Public works" also includes electric vehicle charging
3 station projects financed pursuant to the Electric Vehicle Act
4 and renewable energy projects required to pay the prevailing
5 wage pursuant to the Illinois Power Agency Act. "Public works"
6 also includes power washing projects by a public body or paid
7 for wholly or in part out of public funds in which steam or
8 pressurized water, with or without added abrasives or
9 chemicals, is used to remove paint or other coatings, oils or
10 grease, corrosion, or debris from a surface or to prepare a
11 surface for a coating. "Public works" also includes all
12 electric transmission systems projects subject to the Electric
13 Transmission Systems Construction Standards Act. "Public
14 works" does not include work done directly by any public
15 utility company, whether or not done under public supervision
16 or direction, or paid for wholly or in part out of public
17 funds. "Public works" also includes construction projects
18 performed by a third party contracted by any public utility,
19 as described in subsection (a) of Section 2.1, in public
20 rights-of-way, as defined in Section 21-201 of the Public
21 Utilities Act, whether or not done under public supervision or
22 direction, or paid for wholly or in part out of public funds.
23 "Public works" also includes construction projects that exceed
24 15 aggregate miles of new fiber optic cable, performed by a
25 third party contracted by any public utility, as described in
26 subsection (b) of Section 2.1, in public rights-of-way, as

1 defined in Section 21-201 of the Public Utilities Act, whether
2 or not done under public supervision or direction, or paid for
3 wholly or in part out of public funds. "Public works" also
4 includes any corrective action performed pursuant to Title XVI
5 of the Environmental Protection Act for which payment from the
6 Underground Storage Tank Fund is requested. "Public works"
7 also includes all construction projects involving fixtures or
8 permanent attachments affixed to light poles that are owned by
9 a public body, including street light poles, traffic light
10 poles, and other lighting fixtures, whether or not done under
11 public supervision or direction, or paid for wholly or in part
12 out of public funds, unless the project is performed by
13 employees employed directly by the public body. "Public works"
14 also includes work performed subject to the Mechanical
15 Insulation Energy and Safety Assessment Act. "Public works"
16 also includes the removal, hauling, and transportation of
17 biosolids, lime sludge, and lime residue from a water
18 treatment plant or facility and the disposal of biosolids,
19 lime sludge, and lime residue removed from a water treatment
20 plant or facility at a landfill. "Public works" does not
21 include projects undertaken by the owner at an owner-occupied
22 single-family residence or at an owner-occupied unit of a
23 multi-family residence. "Public works" does not include work
24 performed for soil and water conservation purposes on
25 agricultural lands, whether or not done under public
26 supervision or paid for wholly or in part out of public funds,

1 done directly by an owner or person who has legal control of
2 those lands.

3 "Construction" means all work on public works involving
4 laborers, workers or mechanics. This includes any maintenance,
5 repair, assembly, or disassembly work performed on equipment
6 whether owned, leased, or rented.

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

20 "Public body" means the State or any officer, board or
21 commission of the State or any political subdivision or
22 department thereof, or any institution supported in whole or
23 in part by public funds, and includes every county, city,
24 town, village, township, school district, irrigation, utility,
25 reclamation improvement or other district and every other
26 political subdivision, district or municipality of the state

1 whether such political subdivision, municipality or district
2 operates under a special charter or not.

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

6 The terms "general prevailing rate of hourly wages",
7 "general prevailing rate of wages" or "prevailing rate of
8 wages" when used in this Act mean the hourly cash wages plus
9 full journeyman annualized fringe benefits for training and
10 apprenticeship programs registered with ~~approved by~~ the Office
11 of Apprenticeship within the U.S. Department of Labor's
12 Employment and Training Administration with full journeymen
13 annualized fringe benefits for ~~U.S. Department of Labor,~~
14 ~~Bureau of Apprenticeship and Training,~~ health and welfare,
15 insurance, vacations and pensions paid generally, in the
16 locality in which the work is being performed, to employees
17 engaged in work of a similar character on public works.

18 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
19 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
20 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,
21 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;
22 103-605, eff. 7-1-24; 103-1066, eff. 2-20-25.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."