



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4858

by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

820 ILCS 112/5
820 ILCS 112/10

Amends the Equal Pay Act of 2003. Provides that it is unlawful for an employer with 15 or more employees to fail to include the base pay scale and variable pay scale (rather than the pay scale and benefits) for a position in any specific job posting. Provides that the base pay scale and variable pay scale shall be provided as separate ranges on the job posting. Defines "base pay scale" and "variable pay scale".

LRB104 19100 SPS 32545 b

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 Sections 5 and 10 as follows:

6 (820 ILCS 112/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Base pay scale" means the wage or salary, or the wage or
9 salary range, for a position.

10 "Director" means the Director of Labor.

11 "Department" means the Department of Labor.

12 "Employee" means any individual permitted to work by an
13 employer.

14 "Employer" means an individual, partnership, corporation,
15 association, business, trust, person, or entity for whom
16 employees are gainfully employed in Illinois and includes the
17 State of Illinois, any state officer, department, or agency,
18 any unit of local government, and any school district.

19 "Variable pay Pay scale and benefits" means a range of the
20 wage or salary, or the wage or salary range, and a general
21 description of the benefits and other compensation, including,
22 but not limited to, bonuses, stock options, equities,
23 commissions, or other incentives the employer reasonably

1 expects in good faith to offer for a ~~the~~ position, set by
2 reference to any applicable base pay scale, the previously
3 determined range for the position, the actual range of others
4 currently holding equivalent positions, or the budgeted amount
5 for the position, as applicable.

6 (Source: P.A. 103-539, eff. 1-1-25.)

7 (820 ILCS 112/10)

8 Sec. 10. Prohibited acts.

9 (a) No employer may discriminate between employees on the
10 basis of sex by paying wages to an employee at a rate less than
11 the rate at which the employer pays wages to another employee
12 of the opposite sex for the same or substantially similar work
13 on jobs the performance of which requires substantially
14 similar skill, effort, and responsibility, and which are
15 performed under similar working conditions, except where the
16 payment is made under:

17 (1) a seniority system;

18 (2) a merit system;

19 (3) a system that measures earnings by quantity or
20 quality of production; or

21 (4) a differential based on any other factor other
22 than: (i) sex or (ii) a factor that would constitute
23 unlawful discrimination under the Illinois Human Rights
24 Act, provided that the factor:

25 (A) is not based on or derived from a differential

1 in compensation based on sex or another protected
2 characteristic;

3 (B) is job-related with respect to the position
4 and consistent with a business necessity; and

5 (C) accounts for the differential.

6 No employer may discriminate between employees by paying
7 wages to an African-American employee at a rate less than the
8 rate at which the employer pays wages to another employee who
9 is not African-American for the same or substantially similar
10 work on jobs the performance of which requires substantially
11 similar skill, effort, and responsibility, and which are
12 performed under similar working conditions, except where the
13 payment is made under:

14 (1) a seniority system;

15 (2) a merit system;

16 (3) a system that measures earnings by quantity or
17 quality of production; or

18 (4) a differential based on any other factor other
19 than: (i) race or (ii) a factor that would constitute
20 unlawful discrimination under the Illinois Human Rights
21 Act, provided that the factor:

22 (A) is not based on or derived from a differential
23 in compensation based on race or another protected
24 characteristic;

25 (B) is job-related with respect to the position
26 and consistent with a business necessity; and

1 (C) accounts for the differential.

2 An employer who is paying wages in violation of this Act
3 may not, to comply with this Act, reduce the wages of any other
4 employee.

5 Nothing in this Act may be construed to require an
6 employer to pay, to any employee at a workplace in a particular
7 county, wages that are equal to the wages paid by that employer
8 at a workplace in another county to employees in jobs the
9 performance of which requires equal skill, effort, and
10 responsibility, and which are performed under similar working
11 conditions.

12 (b) It is unlawful for any employer to interfere with,
13 restrain, or deny the exercise of or the attempt to exercise
14 any right provided under this Act. It is unlawful for any
15 employer to discharge or in any other manner discriminate
16 against any individual for inquiring about, disclosing,
17 comparing, or otherwise discussing the employee's wages or the
18 wages of any other employee, or aiding or encouraging any
19 person to exercise his or her rights under this Act. It is
20 unlawful for an employer to require an employee to sign a
21 contract or waiver that would prohibit the employee from
22 disclosing or discussing information about the employee's
23 wages, salary, benefits, or other compensation. An employer
24 may, however, prohibit a human resources employee, a
25 supervisor, or any other employee whose job responsibilities
26 require or allow access to other employees' wage or salary

1 information from disclosing that information without prior
2 written consent from the employee whose information is sought
3 or requested.

4 (b-5) It is unlawful for an employer or employment agency,
5 or employee or agent thereof, to (1) screen job applicants
6 based on their current or prior wages or salary histories,
7 including benefits or other compensation, by requiring that
8 the wage or salary history of an applicant satisfy minimum or
9 maximum criteria, (2) request or require a wage or salary
10 history as a condition of being considered for employment, as
11 a condition of being interviewed, as a condition of continuing
12 to be considered for an offer of employment, as a condition of
13 an offer of employment or an offer of compensation, or (3)
14 request or require that an applicant disclose wage or salary
15 history as a condition of employment.

16 (b-10) It is unlawful for an employer to seek the wage or
17 salary history, including benefits or other compensation, of a
18 job applicant from any current or former employer. This
19 subsection (b-10) does not apply if:

20 (1) the job applicant's wage or salary history is a
21 matter of public record under the Freedom of Information
22 Act, or any other equivalent State or federal law, or is
23 contained in a document completed by the job applicant's
24 current or former employer and then made available to the
25 public by the employer, or submitted or posted by the
26 employer to comply with State or federal law; or

1 (2) the job applicant is a current employee and is
2 applying for a position with the same current employer.

3 (b-15) Nothing in subsections (b-5) and (b-10) shall be
4 construed to prevent an employer or employment agency, or an
5 employee or agent thereof, from:

6 (1) providing information about the wages, benefits,
7 compensation, or salary offered in relation to a position;
8 or

9 (2) engaging in discussions with an applicant for
10 employment about the applicant's expectations with respect
11 to wage or salary, benefits, and other compensation,
12 including unvested equity or deferred compensation that
13 the applicant would forfeit or have canceled by virtue of
14 the applicant's resignation from the applicant's current
15 employer. If, during such discussion, the applicant
16 voluntarily and without prompting discloses that the
17 applicant would forfeit or have canceled by virtue of the
18 applicant's resignation from the applicant's current
19 employer unvested equity or deferred compensation, an
20 employer may request the applicant to verify the aggregate
21 amount of such compensation by submitting a letter or
22 document stating the aggregate amount of the unvested
23 equity or deferred compensation from, at the applicant's
24 choice, one of the following: (1) the applicant's current
25 employer or (2) the business entity that administers the
26 funds that constitute the unvested equity or deferred

1 compensation.

2 (b-20) An employer is not in violation of subsections
3 (b-5) and (b-10) when a job applicant voluntarily and without
4 prompting discloses his or her current or prior wage or salary
5 history, including benefits or other compensation, on the
6 condition that the employer does not consider or rely on the
7 voluntary disclosures as a factor in determining whether to
8 offer a job applicant employment, in making an offer of
9 compensation, or in determining future wages, salary,
10 benefits, or other compensation.

11 (b-25) It is unlawful for an employer with 15 or more
12 employees to fail to include the base pay scale and variable
13 pay scale ~~benefits~~ for a position in any specific job posting.
14 The base pay scale and variable pay scale shall be provided as
15 separate ranges in the job posting. The inclusion of a
16 hyperlink to a publicly viewable webpage that includes the
17 base pay scale and variable pay scale ~~benefits~~ satisfies the
18 requirements for inclusion under this subsection. If an
19 employer engages a third party to announce, post, publish, or
20 otherwise make known a job posting, the employer shall provide
21 the base pay scale and variable pay scale ~~benefits~~, or a
22 hyperlink to the base pay scale and variable pay scale
23 ~~benefits~~, to the third party and the third party shall include
24 the base pay scale and variable pay scale ~~benefits~~, or a
25 hyperlink to the base pay scale and variable pay scale
26 ~~benefits~~, in the job posting. The third party is liable for

1 failure to include the base pay scale and variable pay scale
2 ~~benefits~~ in the job posting, unless the third party can show
3 that the employer did not provide the necessary information
4 regarding base pay scale and variable pay scale ~~benefits~~. An
5 employer shall announce, post, or otherwise make known all
6 opportunities for promotion to all current employees no later
7 than 14 calendar days after the employer makes an external job
8 posting for the position, except for positions in the State of
9 Illinois workforce designated as exempt from competitive
10 selection. Nothing in this subsection requires an employer to
11 make a job posting. Posting of a relevant and up to date
12 general benefits description in an easily accessible, central,
13 and public location on an employer's website and referring to
14 this posting in the job posting shall be deemed to satisfy the
15 variable pay scale ~~benefits~~ posting requirement under this
16 subsection. This subsection only applies to positions that (i)
17 will be physically performed, at least in part, in Illinois or
18 (ii) will be physically performed outside of Illinois, but the
19 employee reports to a supervisor, office, or other work site
20 in Illinois. Nothing in this subsection prohibits an employer
21 or employment agency from asking an applicant about his or her
22 wage or salary expectations for the position the applicant is
23 applying for. An employer or employment agency shall disclose
24 to an applicant for employment the base pay scale and variable
25 pay scale ~~benefits~~ to be offered for the position prior to any
26 offer or discussion of compensation and at the applicant's

1 request, if a public or internal posting for the job,
2 promotion, transfer, or other employment opportunity has not
3 been made available to the applicant. This subsection shall
4 only apply to job postings that have been posted after the
5 effective date of this amendatory Act of the 103rd General
6 Assembly.

7 (b-30) An employer or an employment agency shall not
8 refuse to interview, hire, promote, or employ, and shall not
9 otherwise retaliate against, an applicant for employment or an
10 employee for exercising any rights under subsection (b-25).

11 (c) It is unlawful for any person to discharge or in any
12 other manner discriminate against any individual because the
13 individual:

14 (1) has filed any charge or has instituted or caused
15 to be instituted any proceeding under or related to this
16 Act;

17 (2) has given, or is about to give, any information in
18 connection with any inquiry or proceeding relating to any
19 right provided under this Act;

20 (3) has testified, or is about to testify, in any
21 inquiry or proceeding relating to any right provided under
22 this Act; or

23 (4) fails to comply with any wage or salary history
24 inquiry.

25 (Source: P.A. 102-277, eff. 1-1-22; 103-539, eff. 1-1-25.)