



Rep. Edgar González, Jr.

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10400SB2339ham001

LRB104 09425 SPS 26791 a

1 AMENDMENT TO SENATE BILL 2339

2 AMENDMENT NO. _____. Amend Senate Bill 2339 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Right to Privacy in the Workplace Act is
5 amended by changing Sections 15 and 20 and by adding Sections
6 14, 16, 17, 18, 19, and 25 as follows:

7 (820 ILCS 55/14 new)

8 Sec. 14. Employment requirements.

9 (a) If an employer receives a written notification from
10 any federal agency or other outside vendor not responsible for
11 the enforcement of immigration law, including, but not limited
12 to, the Social Security Administration, the Internal Revenue
13 Service, or an insurance company, of a discrepancy as it
14 relates to an employee's individual taxpayer identification
15 number or other identifying documents, the following rights
16 and protections are granted to the employee:

1 (1) The employer shall not take any adverse action
2 against the employee solely based on the receipt of the
3 notification.

4 (2) The employer shall provide a notice to the
5 employee and to the employee's authorized representative,
6 if any, as soon as practicable, but not more than 5
7 business days after the date of receipt of the
8 notification or after the employer makes the determination
9 that an employee must respond to the notification in any
10 manner, whichever is longer, unless a shorter timeline is
11 provided for under federal law or a collective bargaining
12 agreement. The employer shall notify the employee in
13 person and deliver the notification by hand, if possible.
14 If hand delivery is not possible, then the employer shall
15 notify the employee by mail and email, if the email
16 address of the employee is known, and shall notify the
17 employee's authorized representative. Upon request by the
18 employee or the employee's authorized representative, the
19 employer shall give to the employee the original
20 notification. The notice to the employee shall include,
21 but shall not be limited to: (i) an explanation that the
22 federal agency or outside vendor not responsible for the
23 enforcement of immigration law has notified the employer
24 that the identification documents presented by the
25 employee do not appear to match; (ii) the time period the
26 employee has to contest the disputed information, if such

1 a time period is required by federal law; and (iii) any
2 action the employer is requiring the employee to take.

3 (3) The employee may have a representative of the
4 employee's choosing in any meetings, discussions, or
5 proceedings with the employer.

6 (b) This Section applies to public and private employers.

7 (820 ILCS 55/15) (from Ch. 48, par. 2865)

8 Sec. 15. Administration and enforcement by the Department
9 and Attorney General.

10 (a) It shall be the duty of the Department to enforce the
11 provisions of this Act when, in the Department's judgment,
12 there is cause and sufficient resources for investigation. The
13 Department shall have the power to conduct investigations in
14 connection with the administration and enforcement of this
15 Act, and any investigator with the Department shall be
16 authorized to visit and inspect, at all reasonable times, any
17 places covered by this Act and shall be authorized to inspect,
18 at all reasonable times, records of the employer or
19 prospective employer related to its employees or prospective
20 employees and related to its activities under and in
21 compliance with this Act. The Department shall have the
22 authority to request the issuance of a search warrant or
23 subpoena to inspect the files of the employer or prospective
24 employer, if necessary. The Department shall conduct hearings
25 in accordance with the Illinois Administrative Procedure Act

1 upon written complaint by an investigator of the Department.
2 After the hearing, if supported by the evidence, the
3 Department may (i) issue and cause to be served on any party an
4 order to cease and desist from further violation of the Act,
5 (ii) take affirmative or other action as deemed reasonable to
6 eliminate the effect of the violation, and (iii) determine the
7 amount of any civil penalty allowed by the Act. The Director of
8 Labor or his or her representative may compel, by subpoena,
9 the attendance and testimony of witnesses and the production
10 of books, payrolls, records, papers, and other evidence in any
11 investigation or hearing and may administer oaths to witnesses
12 The Director of Labor or his authorized representative shall
13 administer and enforce the provisions of this Act. The
14 Director of Labor may issue rules and regulations necessary to
15 administer and enforce the provisions of this Act.

16 (a-5) If the Attorney General has reasonable cause to
17 believe that any person or entity has engaged in a practice
18 prohibited by this Act, the Attorney General may, pursuant to
19 the authority conferred by Section 6.3 of the Attorney General
20 Act, initiate or intervene in a civil action in the name of the
21 People of the State in any appropriate court to obtain
22 appropriate relief.

23 (b) If an employee or applicant for employment alleges
24 that he or she has been denied his or her rights under this
25 Act, he or she may file a complaint with the Department of
26 Labor. The Department shall investigate the complaint pursuant

1 ~~to its authority under subsection (a) and shall have authority~~
2 ~~to request the issuance of a search warrant or subpoena to~~
3 ~~inspect the files of the employer or prospective employer, if~~
4 ~~necessary.~~ The Department shall attempt to resolve the
5 complaint by conference, conciliation, or persuasion. If the
6 complaint is not so resolved and the Department finds the
7 employer or prospective employer has violated the Act, the
8 Department may commence an action in the circuit court to
9 enforce the provisions of this Act including an action to
10 compel compliance. The circuit court for the county in which
11 the complainant resides or in which the complainant is
12 employed shall have jurisdiction in such actions.

13 (c) (Blank). ~~If an employer or prospective employer~~
14 ~~violates this Act, an employee or applicant for employment may~~
15 ~~commence an action in the circuit court to enforce the~~
16 ~~provisions of this Act, including actions to compel~~
17 ~~compliance, where efforts to resolve the employee's or~~
18 ~~applicant for employment's complaint concerning the violation~~
19 ~~by conference, conciliation or persuasion under subsection (b)~~
20 ~~have failed and the Department has not commenced an action in~~
21 ~~circuit court to redress the violation. The circuit court for~~
22 ~~the county in which the complainant resides or in which the~~
23 ~~complainant is employed shall have jurisdiction in such~~
24 ~~actions.~~

25 (d) (Blank). ~~Failure to comply with an order of the court~~
26 ~~may be punished as contempt. In addition, the court shall~~

1 ~~award an employee or applicant for employment prevailing in an~~
2 ~~action under this Act the following damages:~~

3 ~~(1) Actual damages plus costs.~~

4 ~~(2) For a willful and knowing violation of this Act,~~
5 ~~\$200 plus costs, reasonable attorney's fees, and actual~~
6 ~~damages.~~

7 ~~(3) For a willful and knowing violation of Section~~
8 ~~12(c) or Section 12(c 2) of this Act, \$500 per affected~~
9 ~~employee plus costs, reasonable attorney's fees, and~~
10 ~~actual damages.~~

11 ~~(4) For a willful and knowing violation of Section 13,~~
12 ~~a civil penalty of a minimum of \$2,000 up to a maximum of~~
13 ~~\$5,000 for a first violation and a civil penalty of a~~
14 ~~minimum of \$5,000 up to a maximum of \$10,000 for each~~
15 ~~subsequent violation per affected employee plus costs,~~
16 ~~reasonable attorney's fees, and actual damages.~~

17 ~~(e) (Blank). Any employer or prospective employer or his~~
18 ~~agent who violates the provisions of this Act is guilty of a~~
19 ~~petty offense.~~

20 (f) Any employer or prospective employer, or the officer
21 or agent of any employer or prospective employer, who
22 discharges or in any other manner discriminates against any
23 employee or applicant for employment because that employee or
24 applicant for employment has made a complaint to his employer,
25 or to the Director of Labor or his authorized representative,
26 or because that employee or applicant for employment has

1 caused to be instituted or is about to cause to be instituted
2 any proceeding under or related to this Act, or because that
3 employee or applicant for employment has testified or is about
4 to testify in an investigation or proceeding under this Act,
5 is guilty of a petty offense.

6 (g) No employer or prospective employer shall be subject
7 to concurrent or duplicative enforcement actions under this
8 Act based on the same set of facts or alleged violations
9 involving the same individual or individuals. Upon the
10 initiation of any action under this Act, any other action
11 arising from the same set of facts or alleged violations and
12 involving the same individual or individuals shall be barred.
13 For the purposes of this Section, an action is deemed to be
14 initiated upon the filing of a complaint in circuit court.

15 (Source: P.A. 103-879, eff. 1-1-25.)

16 (820 ILCS 55/16 new)

17 Sec. 16. Action for civil penalties brought by an
18 interested party.

19 (a) As used in this Section, "interested party" means a
20 not-for-profit corporation, as defined by the General Not For
21 Profit Corporation Act of 1986, or a labor organization, as
22 defined by 29 U.S.C. 152(5), that monitors or is attentive to
23 compliance with worker safety and privacy laws, wage and hour
24 requirements, or other statutory requirements.

25 (b) Upon a reasonable belief that an employer or

1 prospective employer covered by this Act is in violation of
2 any part of this Act, an interested party may bring a civil
3 action in the county where the alleged offenses occurred or
4 where any party to the action resides, in the name of the State
5 or for the benefit of any impacted employees or prospective
6 employees.

7 (1) No later than 30 days after filing an action, the
8 interested party shall serve upon the State through the
9 Attorney General a copy of the complaint and written
10 disclosure of substantially all material evidence and
11 information the interested party possesses.

12 (2) The State may elect to intervene and proceed with
13 the action no later than 60 days after it receives both the
14 complaint and the material evidence and information. The
15 State may, for good cause shown, move the court for an
16 extension of the time to intervene and proceed with the
17 action.

18 (3) Before the expiration of the 60-day period or any
19 extensions under paragraph (2), the State shall:

20 (A) proceed with the action, in which case the
21 action shall be conducted by the State; or

22 (B) notify the court that it declines to take the
23 action, in which case the interested party bringing
24 the action shall have the right to conduct the action.

25 (4) When the State conducts the action, the interested
26 party shall have the right to continue as a party to the

1 action subject to the following limitations:

2 (A) the State may dismiss the action
3 notwithstanding the objections of the interested party
4 initiating the action if the interested party has been
5 notified by the State of the filing of the motion and
6 the court has provided the interested party with an
7 opportunity for a hearing on the motion; and

8 (B) the State may settle the action with the
9 defendant notwithstanding the objections of the person
10 initiating the action if the court determines, after a
11 hearing, that the proposed settlement is fair,
12 adequate, and reasonable under all the circumstances.

13 (5) If an interested party brings an action under this
14 Section, no person other than the State may intervene or
15 bring a related action on behalf of the State based on the
16 facts underlying the pending action. An interested party
17 may bring the action subject to the following limitations:

18 (A) the State may dismiss the action
19 notwithstanding the objections of the interested party
20 initiating the action if the interested party has been
21 notified by the State of the filing of the motion and
22 the court has provided the interested party with an
23 opportunity for a hearing on the motion; and

24 (B) the State may settle the action with the
25 defendant notwithstanding the objections of the person
26 initiating the action if the court determines, after a

1 hearing, that the proposed settlement is fair,
2 adequate, and reasonable under all the circumstances.

3 (6) An action brought in court by an interested party
4 under this Section may be dismissed if the court and the
5 Attorney General give written consent to the dismissal and
6 their reasons for consenting.

7 (c) Any claim or action filed by an interested party under
8 this Section shall be made no later than 3 years after the
9 alleged conduct resulting in the complaint, plus any period
10 for which the limitations period has been tolled.

11 (d) In an action brought by an interested party under this
12 Section, an interested party may recover against the covered
13 entity any statutory penalties set forth in Section 17,
14 injunctive relief, and any other relief available to the
15 Department. An interested party who prevails in a civil action
16 shall receive 10% of any statutory penalties assessed, plus
17 any attorney's fees and costs. The remaining 90% of any
18 statutory penalties assessed shall be deposited into the Child
19 Labor and Day and Temporary Labor Services Enforcement Fund
20 and shall be used for the purposes set forth in Section 75 of
21 the Child Labor Law of 2024.

22 (820 ILCS 55/17 new)

23 Sec. 17. Private right of action.

24 (a) A person aggrieved by a violation of this Act or any
25 rule adopted under this Act by an employer or prospective

1 employer may file suit in circuit court of Illinois, in the
2 county where the alleged offense occurred, where the employee
3 or prospective employee who is party to the action resides, or
4 where the employer or prospective employer which is party to
5 the action is located, without regard to exhaustion of any
6 alternative administrative remedies provided in this Act.
7 Actions may be brought by one or more affected employees or
8 prospective employees for and on behalf of themselves and
9 employees or prospective employees similarly situated. An
10 employee or prospective employee may recover for a violation
11 of the Act under this Section or under Section 15 or 16 at the
12 employee or prospective employee's option, but not under more
13 than one Section. An employee or prospective employee whose
14 rights have been violated under this Act by an employer or
15 prospective employer is entitled to collect under this
16 Section:

17 (1) in the case of a violation of this Act or any rule
18 adopted under this Act as it relates to the employee or
19 prospective employee, a civil penalty of not less than
20 \$100 and not more than \$1,000 for each violation found by a
21 court;

22 (2) in the case of a violation of this Act or any rule
23 adopted under this Act as it relates to denial or loss of
24 employment for the employee or prospective employee, all
25 relief necessary to make the employee whole, including,
26 but not limited to, the following:

1 (A) reinstatement with the same seniority status
2 that the employee would have had but for the
3 violation, as appropriate;

4 (B) back pay, with interest, as appropriate; and

5 (C) a civil penalty of \$10,000; and

6 (3) compensation for any damages sustained as a result
7 of the violation, including litigation costs, expert
8 witness fees, and reasonable attorney's fees.

9 (b) The right of an aggrieved person to bring an action
10 under this Section terminates upon the passing of 3 years
11 after the date of the violation. This limitations period is
12 tolled if an employer or prospective employer has failed to
13 provide an employee or prospective employee information
14 required under this Act or has deterred an employee or
15 prospective employee from the exercise of rights under this
16 Act.

17 (820 ILCS 55/18 new)

18 Sec. 18. Penalties.

19 (a) An employer or prospective employer that violates any
20 of the provisions of this Act or any rule adopted under this
21 Act shall be subject to a civil penalty of not less than \$100
22 and not more than \$1,000 for each violation of his Act found by
23 the Department or determined by a court in a civil action
24 brought by the Department or by an interested party, as
25 defined in subsection (a) of Section 16, or determined by a

1 court in a civil action brought by the Attorney General
2 pursuant to its authority under Section 6.3 of the Attorney
3 General Act. An employer or prospective employer that commits
4 a second or subsequent violation of the same provisions or
5 this Act or any rule adopted under this Act within a 3-year
6 period shall be subject to a civil penalty of not less than
7 \$1,000 and not more than \$5,000 for each violation of this Act
8 found by the Department or determined by a court in a civil
9 action brought by the Department or by an interested party, as
10 defined in subsection (a) of Section 16, or determined by a
11 court in a civil action brought by the Attorney General
12 pursuant to its authority under Section 6.3 of the Attorney
13 General Act. For purposes of this subsection, each violation
14 of this Act or any rule adopted under this Act shall constitute
15 a separate and distinct violation.

16 (b) In determining the amount of a penalty, the Director
17 or circuit court shall consider (i) the appropriateness of the
18 penalty to the size of the business of the employer charged and
19 (ii) the gravity of the violation.

20 (c) The Department shall adopt rules for violation
21 hearings and penalties for violations of this Act or the
22 Department's rules in conjunction with the penalties set forth
23 in this Act. Any administrative determination by the
24 Department as to the amount of each penalty shall be final
25 unless reviewed as provided in Section 19.

1 (820 ILCS 55/19 new)

2 Sec. 19. Review under the Administrative Review Law. Any
3 party to a proceeding under this Act may apply for and obtain
4 judicial review of an order of the Department entered under
5 this Act in accordance with the provisions of the
6 Administrative Review Law, and the Department, in proceedings
7 under this Act, may obtain an order from the court for the
8 enforcement of its order.

9 (820 ILCS 55/20)

10 Sec. 20. Dismissal of complaint. The Director or any court
11 of competent jurisdiction shall summarily dismiss any
12 complaint alleging a violation of Section 5 of this Act which
13 states as the sole cause of the complaint that the employer
14 offered a health, disability, or life insurance policy that
15 makes a distinction between employees for the type of coverage
16 or the price of coverage based upon the employees' use of
17 lawful products.

18 (Source: P.A. 87-807.)

19 (820 ILCS 55/25 new)

20 Sec. 25. Voluntary compliance and safe harbor. No
21 penalties shall be imposed for violations of Section 14 if the
22 employer or prospective employer:

23 (1) acts in good faith reliance on guidance issued by
24 the Illinois Department of Labor or the federal Department

1 of Homeland Security; or

2 (2) makes a bona fide administrative error that does
3 not affect an employee or prospective employee's
4 employment or pay.

5 (820 ILCS 55/12 rep.)

6 (820 ILCS 55/13 rep.)

7 Section 10. The Right to Privacy in the Workplace Act is
8 amended by repealing Sections 12 and 13.

9 Section 15. The Child Labor Law of 2024 is amended by
10 changing Section 75 as follows:

11 (820 ILCS 206/75)

12 Sec. 75. Civil penalties.

13 (a) Any person employing, allowing, or permitting a minor
14 to work who violates any of the provisions of this Act or any
15 rule adopted under the Act shall be subject to civil penalties
16 as follows:

17 (1) if a minor dies while working for an employer who
18 is found by the Department to have been employing,
19 allowing, or permitting the minor to work in violation of
20 this Act, the employer is subject to a penalty not to
21 exceed \$60,000, payable to the Department;

22 (2) if a minor receives an illness or an injury that is
23 required to be reported to the Department under Section 35

1 while working for an employer who is found by the
2 Department to have been employing, allowing, or permitting
3 the minor to work in violation of this Act, the employer is
4 subject to a penalty not to exceed \$30,000, payable to the
5 Department;

6 (3) an employer who employs, allows, or permits a
7 minor to work in violation of Section 40 shall be subject
8 to a penalty not to exceed \$15,000, payable to the
9 Department;

10 (4) an employer who fails to post or provide the
11 required notice under subsection (g) of Section 35 shall
12 be subject to a penalty not to exceed \$500, payable to the
13 Department; and

14 (5) an employer who commits any other violation of
15 this Act shall be subject to a penalty not to exceed
16 \$10,000, payable to the Department.

17 In determining the amount of the penalty, the
18 appropriateness of the penalty to the size of the business of
19 the employer charged and the gravity of the violation shall be
20 considered.

21 Each day during which any violation of this Act continues
22 shall constitute a separate and distinct offense, and the
23 employment of any minor in violation of the Act shall, with
24 respect to each minor so employed, constitute a separate and
25 distinct offense.

26 (b) Any administrative determination by the Department of

1 the amount of each penalty shall be final unless reviewed as
2 provided in Section 70.

3 (c) The amount of the penalty, when finally determined,
4 may be recovered in a civil action brought by the Director in
5 any circuit court, in which litigation the Director shall be
6 represented by the Attorney General. In an action brought by
7 the Department, the Department may request, and the Court may
8 impose on a defendant employer, an additional civil penalty of
9 up to an amount equal to the penalties assessed by the
10 Department to be distributed to an impacted minor. In an
11 action concerning multiple minors, any such penalty imposed by
12 the Court shall be distributed equally among the minors
13 employed in violation of this Act by the defendant employer.

14 (d) Penalties recovered under this Section shall be paid
15 by certified check, money order, or by an electronic payment
16 system designated by the Department, and deposited into the
17 Child Labor and Day and Temporary Labor Services Enforcement
18 Fund, a special fund in the State treasury. Moneys in the Fund
19 shall be used, subject to appropriation, for exemplary
20 programs, demonstration projects, and other activities or
21 purposes related to the enforcement of this Act or for the
22 activities or purposes related to the enforcement of the Day
23 and Temporary Labor Services Act, the Private Employment
24 Agency Act, or the Right to Privacy in the Workplace Act ~~or for~~
25 ~~the activities or purposes related to the enforcement of the~~
26 ~~Private Employment Agency Act.~~

1 (Source: P.A. 103-721, eff. 1-1-25.)

2 Section 97. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".