**Section 320.120 Definitions**

“Act” means the Equal Pay Act of 2003 [820 ILCS 112].

"Authorized agent" means an employee of a business with knowledge of pay practices and who has been designated by the corporate officers of the business to submit information to the Department as required by the Act. Authorized agent does not include any outside or third-party consultant or vendor who serves the business.

"Average compensation" means the average wages for a specific occupation in the State of Illinois as determined by the most recent U.S. Bureau of Labor Statistics State Occupational Employment and Wage Estimates publication.

“Complaint” means an allegation of a violation of the Act filed with or initiated by the Department.

“Complainant” means a person who files a complaint, including the Department in cases initiated by the Department.

*“Department” means the Illinois Department of Labor*. [820 ILCS 112/5]

*“Director” means the Director* of the Illinois Department *of Labor* or a duly authorized representative of the Director. [820 ILCS 112/5]

“Effort” means the physical or mental exertion needed for the performance of a job. Job factors that cause mental fatigue and stress, as well as those factors that alleviate fatigue, are to be considered in determining the effort required for the job. Effort encompasses the total requirements of the job. Occasional or sporadic performance of an activity that may require extra physical or mental exertion is not alone sufficient to justify a finding of unequal or equal effort.

“*Employee*” *means any individual permitted to work by an employer.* [820 ILCS 112/5]

“*Employer*” *means an individual, partnership, corporation, association, business, trust, person, or entity for whom* 4 or more *employees are gainfully employed in Illinois and includes the State of Illinois, any State officer, department, or agency, any unit of local government, and any school district*. [820 ILCS 112/5]

“Equal Pay Registration Certificate” means a certificate issued by the Department to a business in accordance with the requirements of Section 11 of the Act.

"Filing year" means any calendar year in which a business is due to submit its Equal Pay Registration Certificate application, as determined by the due date assigned to the business by the Department, whether the business is applying for its initial certification or a recertification. The filing year is the year immediately after the payroll year.

“Merit system” means an established, bona fide, uniform and objective system that rewards an employee with promotion, bonus, increased pay or other advantages based on competence, expertise, proficiency and human relations.

"Minority" means a minority person as defined in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. [30 ILCS 575]

"Payroll year" means the complete calendar year (January 1-December 31) upon which the payroll data in the business' Equal Pay Registration Certificate application is based. The payroll year is the year immediately preceding the filing year.

“Respondent” means an employer against whom a complaint is filed.

“Responsibility” means the degree of accountability required in the performance of a job. Minor or occasional responsibility added to an employee’s duties that are not of significant consequence or importance will not justify a finding of unequal or equal responsibility.

“Seniority system” means a system that gives preference to employees based on years of service.

“Similar working conditions” means the surroundings and hazards, including the frequency and intensity of such conditions. Surroundings measure the elements, such as toxic chemicals or fumes, regularly encountered by an employee. Hazards take into account the physical hazards regularly encountered by an employee. Slight or inconsequential differences in working conditions that are not usually taken into account by employers or in collective bargaining in setting wage rates do not justify a differential in pay. The method used for testing this requirement is flexible. The mere fact that jobs are in different departments of a workplace or performed in different locations will not necessarily mean that the jobs are performed under dissimilar working conditions.

“Skill” means experience, training, education and ability. Possession of a skill not needed to meet the requirements of the job cannot be considered in making a determination regarding equality of skill.

“Substantially similar work” means comparable work on jobs with comparable requirements related to equal skill, effort and responsibility. Substantially similar is not dependent on a job classification or title but depends rather on actual job requirements and genuine differences in how work is performed.

“Wages”, means any compensation made to an employee as remuneration for employment regardless of whether paid periodically or deferred until a later date. Compensation includes but is not limited to: wages, salary, vacation pay, sick leave, holiday pay, overtime pay, premium pay, and other benefits such as health insurance, life insurance, disability insurance, commission, draw payments, pension and profit sharing, expenses, bonus, uniform cleaning allowance, hotel accommodations, use of vehicle, gasoline allowance, cafeteria plan and educational benefits.

“Workplace” means a distinct physical place of business rather than an entire business or enterprise that may include several separate places of business.

(Source: Amended at 47 Ill. Reg. 155, effective December 22, 2022)