



Rep. Anna Moeller

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10200HB1207ham001

LRB102 03223 JLS 25693 a

1 AMENDMENT TO HOUSE BILL 1207

2 AMENDMENT NO. _____. Amend House Bill 1207 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 10 as follows:

6 (820 ILCS 112/10)

7 Sec. 10. Prohibited acts.

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

16 (1) a seniority system;

1 (2) a merit system;

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

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

8 (A) is not based on or derived from a differential
9 in compensation based on sex or another protected
10 characteristic;

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

13 (C) accounts for the differential.

14 No employer may discriminate between employees by paying
15 wages to an African-American employee at a rate less than the
16 rate at which the employer pays wages to another employee who
17 is not African-American for the same or substantially similar
18 work on jobs the performance of which requires substantially
19 similar skill, effort, and responsibility, and which are
20 performed under similar working conditions, except where the
21 payment is made under:

22 (1) a seniority system;

23 (2) a merit system;

24 (3) a system that measures earnings by quantity or
25 quality of production; or

26 (4) a differential based on any other factor other

1 than: (i) race or (ii) a factor that would constitute
2 unlawful discrimination under the Illinois Human Rights
3 Act, provided that the factor:

4 (A) is not based on or derived from a differential
5 in compensation based on race or another protected
6 characteristic;

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

9 (C) accounts for the differential.

10 An employer who is paying wages in violation of this Act
11 may not, to comply with this Act, reduce the wages of any other
12 employee.

13 Nothing in this Act may be construed to require an
14 employer to pay, to any employee at a workplace in a particular
15 county, wages that are equal to the wages paid by that employer
16 at a workplace in another county to employees in jobs the
17 performance of which requires equal skill, effort, and
18 responsibility, and which are performed under similar working
19 conditions.

20 (b) It is unlawful for any employer to interfere with,
21 restrain, or deny the exercise of or the attempt to exercise
22 any right provided under this Act. It is unlawful for any
23 employer to discharge or in any other manner discriminate
24 against any individual for inquiring about, disclosing,
25 comparing, or otherwise discussing the employee's wages or the
26 wages of any other employee, or aiding or encouraging any

1 person to exercise his or her rights under this Act. It is
2 unlawful for an employer to require an employee to sign a
3 contract or waiver that would prohibit the employee from
4 disclosing or discussing information about the employee's
5 wages, salary, benefits, or other compensation. An employer
6 may, however, prohibit a human resources employee, a
7 supervisor, or any other employee whose job responsibilities
8 require or allow access to other employees' wage or salary
9 information from disclosing that information without prior
10 written consent from the employee whose information is sought
11 or requested.

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

24 (b-10) It is unlawful for an employer to seek the wage or
25 salary history, including benefits or other compensation, of a
26 job applicant from any current or former employer. This

1 subsection (b-10) does not apply if:

2 (1) the job applicant's wage or salary history is a
3 matter of public record under the Freedom of Information
4 Act, or any other equivalent State or federal law, or is
5 contained in a document completed by the job applicant's
6 current or former employer and then made available to the
7 public by the employer, or submitted or posted by the
8 employer to comply with State or federal law; or

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

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

14 (1) providing information about the wages, benefits,
15 compensation, or salary offered in relation to a position;
16 or

17 (2) engaging in discussions with an applicant for
18 employment about the applicant's expectations with respect
19 to wage or salary, benefits, and other compensation,
20 including unvested equity or deferred compensation that
21 the applicant would forfeit or have canceled by virtue of
22 the applicant's resignation from the applicant's current
23 employer. If, during such discussion, the applicant
24 voluntarily and without prompting discloses that the
25 applicant would forfeit or have canceled by virtue of the
26 applicant's resignation from the applicant's current

1 employer unvested equity or deferred compensation, an
2 employer is not in violation of subsection (b-5) or (b-10)
3 for requesting the applicant to verify the aggregate
4 amount of such compensation by submitting a letter or
5 document stating the aggregate amount of the unvested
6 equity or deferred compensation from, at the applicant's
7 choice, one of the following: (1) the applicant's current
8 employer or (2) the business entity that administers the
9 funds that constitute the unvested equity or deferred
10 compensation.

11 (b-20) An employer is not in violation of subsections
12 (b-5) and (b-10) when a job applicant voluntarily and without
13 prompting discloses his or her current or prior wage or salary
14 history, including benefits or other compensation, on the
15 condition that the employer does not consider or rely on the
16 voluntary disclosures as a factor in determining whether to
17 offer a job applicant employment, in making an offer of
18 compensation, or in determining future wages, salary,
19 benefits, or other compensation.

20 (c) It is unlawful for any person to discharge or in any
21 other manner discriminate against any individual because the
22 individual:

23 (1) has filed any charge or has instituted or caused
24 to be instituted any proceeding under or related to this
25 Act;

26 (2) has given, or is about to give, any information in

1 connection with any inquiry or proceeding relating to any
2 right provided under this Act;

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

6 (4) fails to comply with any wage or salary history
7 inquiry.

8 (Source: P.A. 100-1140, eff. 1-1-19; 101-177, eff. 9-29-19.)".