



Rep. Sonya M. Harper

Filed: 5/5/2021

10200SB1847ham001

LRB102 11505 JLS 26105 a

1 AMENDMENT TO SENATE BILL 1847

2 AMENDMENT NO. _____. Amend Senate Bill 1847 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5, as amended by Public Act 101-656, as
6 follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

1 (c) Applications, related documents, and medical
2 records received by the Experimental Organ Transplantation
3 Procedures Board and any and all documents or other
4 records prepared by the Experimental Organ Transplantation
5 Procedures Board or its staff relating to applications it
6 has received.

7 (d) Information and records held by the Department of
8 Public Health and its authorized representatives relating
9 to known or suspected cases of sexually transmissible
10 disease or any information the disclosure of which is
11 restricted under the Illinois Sexually Transmissible
12 Disease Control Act.

13 (e) Information the disclosure of which is exempted
14 under Section 30 of the Radon Industry Licensing Act.

15 (f) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
20 Tuition Act.

21 (h) Information the disclosure of which is exempted
22 under the State Officials and Employees Ethics Act, and
23 records of any lawfully created State or local inspector
24 general's office that would be exempt if created or
25 obtained by an Executive Inspector General's office under
26 that Act.

1 (i) Information contained in a local emergency energy
2 plan submitted to a municipality in accordance with a
3 local emergency energy plan ordinance that is adopted
4 under Section 11-21.5-5 of the Illinois Municipal Code.

5 (j) Information and data concerning the distribution
6 of surcharge moneys collected and remitted by carriers
7 under the Emergency Telephone System Act.

8 (k) Law enforcement officer identification information
9 or driver identification information compiled by a law
10 enforcement agency or the Department of Transportation
11 under Section 11-212 of the Illinois Vehicle Code.

12 (l) Records and information provided to a residential
13 health care facility resident sexual assault and death
14 review team or the Executive Council under the Abuse
15 Prevention Review Team Act.

16 (m) Information provided to the predatory lending
17 database created pursuant to Article 3 of the Residential
18 Real Property Disclosure Act, except to the extent
19 authorized under that Article.

20 (n) Defense budgets and petitions for certification of
21 compensation and expenses for court appointed trial
22 counsel as provided under Sections 10 and 15 of the
23 Capital Crimes Litigation Act. This subsection (n) shall
24 apply until the conclusion of the trial of the case, even
25 if the prosecution chooses not to pursue the death penalty
26 prior to trial or sentencing.

1 (o) Information that is prohibited from being
2 disclosed under Section 4 of the Illinois Health and
3 Hazardous Substances Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Regional Transportation Authority under Section 2.11 of
8 the Regional Transportation Authority Act or the St. Clair
9 County Transit District under the Bi-State Transit Safety
10 Act.

11 (q) Information prohibited from being disclosed by the
12 Personnel Record Review Act.

13 (r) Information prohibited from being disclosed by the
14 Illinois School Student Records Act.

15 (s) Information the disclosure of which is restricted
16 under Section 5-108 of the Public Utilities Act.

17 (t) All identified or deidentified health information
18 in the form of health data or medical records contained
19 in, stored in, submitted to, transferred by, or released
20 from the Illinois Health Information Exchange, and
21 identified or deidentified health information in the form
22 of health data and medical records of the Illinois Health
23 Information Exchange in the possession of the Illinois
24 Health Information Exchange Office due to its
25 administration of the Illinois Health Information
26 Exchange. The terms "identified" and "deidentified" shall

1 be given the same meaning as in the Health Insurance
2 Portability and Accountability Act of 1996, Public Law
3 104-191, or any subsequent amendments thereto, and any
4 regulations promulgated thereunder.

5 (u) Records and information provided to an independent
6 team of experts under the Developmental Disability and
7 Mental Health Safety Act (also known as Brian's Law).

8 (v) Names and information of people who have applied
9 for or received Firearm Owner's Identification Cards under
10 the Firearm Owners Identification Card Act or applied for
11 or received a concealed carry license under the Firearm
12 Concealed Carry Act, unless otherwise authorized by the
13 Firearm Concealed Carry Act; and databases under the
14 Firearm Concealed Carry Act, records of the Concealed
15 Carry Licensing Review Board under the Firearm Concealed
16 Carry Act, and law enforcement agency objections under the
17 Firearm Concealed Carry Act.

18 (w) Personally identifiable information which is
19 exempted from disclosure under subsection (g) of Section
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure
22 under Section 5-1014.3 of the Counties Code or Section
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult
25 Protective Services Act and its predecessor enabling
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding
2 against any caregiver of a verified and substantiated
3 decision of abuse, neglect, or financial exploitation of
4 an eligible adult maintained in the Registry established
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality
7 review team or the Illinois Fatality Review Team Advisory
8 Council under Section 15 of the Adult Protective Services
9 Act.

10 (aa) Information which is exempted from disclosure
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from
13 disclosure by the Juvenile Court Act of 1987.

14 (cc) Recordings made under the Law Enforcement
15 Officer-Worn Body Camera Act, except to the extent
16 authorized under that Act.

17 (dd) Information that is prohibited from being
18 disclosed under Section 45 of the Condominium and Common
19 Interest Community Ombudsperson Act.

20 (ee) Information that is exempted from disclosure
21 under Section 30.1 of the Pharmacy Practice Act.

22 (ff) Information that is exempted from disclosure
23 under the Revised Uniform Unclaimed Property Act.

24 (gg) Information that is prohibited from being
25 disclosed under Section 7-603.5 of the Illinois Vehicle
26 Code.

1 (hh) Records that are exempt from disclosure under
2 Section 1A-16.7 of the Election Code.

3 (ii) Information which is exempted from disclosure
4 under Section 2505-800 of the Department of Revenue Law of
5 the Civil Administrative Code of Illinois.

6 (jj) Information and reports that are required to be
7 submitted to the Department of Labor by registering day
8 and temporary labor service agencies but are exempt from
9 disclosure under subsection (a-1) of Section 45 of the Day
10 and Temporary Labor Services Act.

11 (kk) Information prohibited from disclosure under the
12 Seizure and Forfeiture Reporting Act.

13 (ll) Information the disclosure of which is restricted
14 and exempted under Section 5-30.8 of the Illinois Public
15 Aid Code.

16 (mm) Records that are exempt from disclosure under
17 Section 4.2 of the Crime Victims Compensation Act.

18 (nn) Information that is exempt from disclosure under
19 Section 70 of the Higher Education Student Assistance Act.

20 (oo) Communications, notes, records, and reports
21 arising out of a peer support counseling session
22 prohibited from disclosure under the First Responders
23 Suicide Prevention Act.

24 (pp) Names and all identifying information relating to
25 an employee of an emergency services provider or law
26 enforcement agency under the First Responders Suicide

1 Prevention Act.

2 (qq) Information and records held by the Department of
3 Public Health and its authorized representatives collected
4 under the Reproductive Health Act.

5 (rr) Information that is exempt from disclosure under
6 the Cannabis Regulation and Tax Act.

7 (ss) Data reported by an employer to the Department of
8 Human Rights pursuant to Section 2-108 of the Illinois
9 Human Rights Act.

10 (tt) Recordings made under the Children's Advocacy
11 Center Act, except to the extent authorized under that
12 Act.

13 (uu) Information that is exempt from disclosure under
14 Section 50 of the Sexual Assault Evidence Submission Act.

15 (vv) Information that is exempt from disclosure under
16 subsections (f) and (j) of Section 5-36 of the Illinois
17 Public Aid Code.

18 (ww) Information that is exempt from disclosure under
19 Section 16.8 of the State Treasurer Act.

20 (xx) Information that is exempt from disclosure or
21 information that shall not be made public under the
22 Illinois Insurance Code.

23 (yy) Information prohibited from being disclosed under
24 the Illinois Educational Labor Relations Act.

25 (zz) Information prohibited from being disclosed under
26 the Illinois Public Labor Relations Act.

1 (aaa) Information prohibited from being disclosed
2 under Section 1-167 of the Illinois Pension Code.

3 ~~(bbb) Information that is exempt from disclosure under~~
4 ~~subsection (k) of Section 11 of the Equal Pay Act of 2003.~~

5 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
6 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
7 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
8 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
9 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
10 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
11 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
12 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
13 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,
14 eff. 7-7-20; 101-656, eff. 3-23-21.)

15 Section 10. The Equal Pay Act of 2003 is amended by
16 changing Sections 11 and 30 as follows:

17 (820 ILCS 112/11)

18 Sec. 11. Equal pay registration certificate requirements;
19 application. For the purposes of this Section 11 only,
20 "business" means any private employer who has more than 100
21 employees in the State of Illinois, and does not include the
22 State of Illinois or any political subdivision, municipal
23 corporation, or other governmental unit or agency.

24 (a) A business must obtain an equal pay registration

1 certificate from the Department ~~or certify in writing that it~~
2 ~~is exempt.~~

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

1 assigned a date by which it must submit an application to
2 obtain an equal pay registration certificate. The Department's
3 failure to assign a business a registration date does not
4 exempt the business from compliance with this Section ~~the~~
5 ~~effective date of this amendatory Act of the 101st General~~
6 ~~Assembly must obtain an equal pay registration certificate~~
7 ~~within 3 years after the effective date of this amendatory Act~~
8 ~~of the 101st General Assembly and must recertify every 2 years~~
9 ~~thereafter. Any business subject to the requirements of this~~
10 ~~Section that is authorized to transact business in this State~~
11 ~~after the effective date of this amendatory Act of the 101st~~
12 ~~General Assembly must obtain an equal pay registration~~
13 ~~certificate within 3 years of commencing business operations~~
14 ~~and must recertify every 2 years thereafter.~~

15 (c) Application.

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

20 (A) Wage Records. Any business that is required to
21 file an annual Employer Information Report EEO-1 with
22 the Equal Employment Opportunity Commission must also
23 submit to the Director a copy of the business' most
24 recently filed Employer Information Report EEO-1. The
25 business shall also compile a list of all employees
26 during the past calendar year, separated by gender and

1 the race and ethnicity categories as reported in the
2 business's most recently filed Employer Information
3 Report EEO-1, and the county in which the employee
4 works, the date the employee started working for the
5 business, any other information the Department deems
6 necessary to determine if pay equity exists among
7 employees, and report the total wages as defined by
8 Section 2 of the Illinois Wage Payment and Collection
9 Act paid to each employee during the past calendar
10 year, rounded to the nearest \$100, to the Director.

11 (B) Equal Pay Compliance Statement. The business
12 must submit a statement signed by a corporate officer,
13 legal counsel, or authorized agent of the business
14 certifying:

15 (i) that the business is in compliance with
16 this Act and other relevant laws, including but
17 not limited to: Title VII of the Civil Rights Act
18 of 1964, the Equal Pay Act of 1963, the Illinois
19 Human Rights Act, and the Equal Wage Act;

20 (ii) that the average compensation for its
21 female and minority employees is not consistently
22 below the average compensation, as determined by
23 rule by the United States Department of Labor, for
24 its male and non-minority employees within each of
25 the major job categories in the Employer
26 Information Report EEO-1 for which an employee is

1 expected to perform work, taking into account
2 factors such as length of service, requirements of
3 specific jobs, experience, skill, effort,
4 responsibility, working conditions of the job, or
5 other mitigating factors; as used in this
6 subparagraph, "minority" has the meaning ascribed
7 to that term in paragraph (1) of subsection (A) of
8 Section 2 of the Business Enterprise for
9 Minorities, Women, and Persons with Disabilities
10 Act;

11 (iii) that the business does not restrict
12 employees of one sex to certain job
13 classifications, and makes retention and promotion
14 decisions without regard to sex;

15 (iv) that wage and benefit disparities are
16 corrected when identified to ensure compliance
17 with the Acts cited in item (i);

18 (v) how often wages and benefits are evaluated
19 to ensure compliance with this and other relevant
20 Acts; and

21 (vi) the approach the business takes in
22 determining what level of wages and benefits to
23 pay its employees, identifying a change in
24 approach if varied by title or classification.

25 (C) Filing fee. The business shall pay to the
26 Department a filing fee of \$150. Proceeds ~~an equal pay~~

1 ~~compliance statement to the Director. Any business~~
2 ~~that is required to file an annual Employer~~
3 ~~Information Report EEO-1 with the Equal Employment~~
4 ~~Opportunity Commission must also submit to the~~
5 ~~Director a copy of the business's most recently filed~~
6 ~~Employer Information Report EEO-1 for each county in~~
7 ~~which the business has a facility or employees. The~~
8 ~~business shall also compile, from records maintained~~
9 ~~and available, a list of all employees during the past~~
10 ~~calendar year, separated by gender and the race and~~
11 ~~ethnicity categories as reported in the business's~~
12 ~~most recently filed Employer Information Report EEO-1,~~
13 ~~and report the total wages as defined by Section 2 of~~
14 ~~the Illinois Wage Payment and Collection Act paid to~~
15 ~~each employee during the past calendar year, rounded~~
16 ~~to the nearest hundred dollar, to the Director. The~~
17 ~~proceeds~~ from the fees collected under this Section
18 shall be deposited into the Equal Pay Registration
19 Fund, a special fund created in the State treasury.
20 Moneys in the Fund shall be appropriated to the
21 Department for the purposes of this Section. ~~The~~
22 ~~Director shall issue an equal pay registration~~
23 ~~certificate to a business that submits to the Director~~
24 ~~a statement signed by a corporate officer, legal~~
25 ~~counsel, or authorized agent of the business:~~

26 (2) Receipt of the equal pay compliance application

1 and statement by the Director does not establish
2 compliance with the Acts set forth in item (i) of
3 subparagraph (B) of paragraph (1) of this subsection (c).

4 ~~(A) that the business is in compliance with Title~~
5 ~~VII of the Civil Rights Act of 1964, the Equal Pay Act~~
6 ~~of 1963, the Illinois Human Rights Act, the Equal Wage~~
7 ~~Act, and the Equal Pay Act of 2003;~~

8 ~~(B) that the average compensation for its female~~
9 ~~and minority employees is not consistently below the~~
10 ~~average compensation, as determined by rule by the~~
11 ~~United States Department of Labor, for its male and~~
12 ~~non-minority employees within each of the major job~~
13 ~~categories in the Employer Information Report EEO-1~~
14 ~~for which an employee is expected to perform work~~
15 ~~under the contract, taking into account factors such~~
16 ~~as length of service, requirements of specific jobs,~~
17 ~~experience, skill, effort, responsibility, working~~
18 ~~conditions of the job, or other mitigating factors; as~~
19 ~~used in this subparagraph, "minority" has the meaning~~
20 ~~ascribed to that term in paragraph (1) of subsection~~
21 ~~(A) of Section 2 of the Business Enterprise for~~
22 ~~Minorities, Women, and Persons with Disabilities Act;~~

23 ~~(C) that the business does not restrict employees~~
24 ~~of one sex to certain job classifications and makes~~
25 ~~retention and promotion decisions without regard to~~
26 ~~sex;~~

1 ~~(D) that wage and benefit disparities are~~
2 ~~corrected when identified to ensure compliance with~~
3 ~~the Acts cited in subparagraph (A) and with~~
4 ~~subparagraph (B); and~~

5 ~~(E) how often wages and benefits are evaluated to~~
6 ~~ensure compliance with the Acts cited in subparagraph~~
7 ~~(A) and with subparagraph (B).~~

8 ~~(2) The equal pay compliance statement shall also~~
9 ~~indicate whether the business, in setting compensation and~~
10 ~~benefits, utilizes:~~

11 ~~(A) a market pricing approach;~~

12 ~~(B) State prevailing wage or union contract~~
13 ~~requirements;~~

14 ~~(C) a performance pay system;~~

15 ~~(D) an internal analysis; or~~

16 ~~(E) an alternative approach to determine what~~
17 ~~level of wages and benefits to pay its employees. If~~
18 ~~the business uses an alternative approach, the~~
19 ~~business must provide a description of its approach.~~

20 ~~(3) Receipt of the equal pay compliance statement by~~
21 ~~the Director does not establish compliance with the Acts~~
22 ~~set forth in subparagraph (A).~~

23 (3) A business that has employees in multiple
24 locations or facilities in Illinois shall submit a single
25 application to the Department regarding all of its
26 operations in Illinois.

1 (d) Issuance or rejection of registration certificate.
2 After January 1, 2022, the Director must issue an equal pay
3 registration certificate, or a statement of why the
4 application was rejected, within 45 calendar days of receipt
5 of the application. Applicants shall have the opportunity to
6 cure any deficiencies in its application that led to the
7 rejection, and re-submit the revised application to the
8 Department within 15 calendar days of receiving a rejection.
9 Applicants shall have the ability to appeal rejected
10 applications. An application may be rejected only if it does
11 not comply with the requirements of subsection (c), or the
12 business is otherwise found to be in violation of this Act. The
13 receipt of an application by the Department, or the issuance
14 of a registration certificate by the Department, shall not
15 establish compliance with the Equal Pay Act of 2003 as to all
16 Sections except Section 11. The issuance of a registration
17 certificate shall not be a defense against any Equal Pay Act
18 violation found by the Department, nor a basis for mitigation
19 of damages. ~~The Director must issue an equal pay registration~~
20 ~~certificate, or a statement of why the application was~~
21 ~~rejected, within 45 calendar days of receipt of the~~
22 ~~application. An application may be rejected only if it does~~
23 ~~not comply with the requirements of subsection (c). The~~
24 ~~receipt of an application by the Department, or the issuance~~
25 ~~of a registration certificate by the Department, shall not~~
26 ~~establish compliance of the Equal Pay Act of 2003 as to all~~

1 ~~Sections except Section 11. The issuance of a registration~~
2 ~~certificate shall not be a defense against any Equal Pay Act~~
3 ~~violation found by the Department, nor a basis for mitigation~~
4 ~~of damages.~~

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

17 Consistent with Section 25, prior to or in connection with
18 the suspension or revocation of an equal pay registration
19 certificate, the Director, or his or her authorized
20 representative, may interview workers, administer oaths, take
21 or cause to be taken the depositions of witnesses, and require
22 by subpoena the attendance and testimony of witnesses, and the
23 production of all books, records, and other evidence relative
24 to the matter under investigation, hearing or a
25 department-initiated audit. subparagraph (A) of paragraph (1)
26 of subsection (c), fails to make a good faith effort to comply

1 ~~with this Section, or has multiple violations of this Section~~
2 ~~or the Acts identified in subparagraph (A) of paragraph (1) of~~
3 ~~subsection (c). Prior to suspending or revoking a registration~~
4 ~~certificate, the Director must first have sought to conciliate~~
5 ~~with the business regarding wages and benefits due to~~
6 ~~employees.~~

7 ~~The Director, or his or her authorized representative, may~~
8 ~~interview workers, administer oaths, take or cause to be taken~~
9 ~~the depositions of witnesses, and require by subpoena the~~
10 ~~attendance and testimony of witnesses, and the production of~~
11 ~~all books, records, and other evidence relative to the matter~~
12 ~~under investigation or hearing. Such subpoena shall be signed~~
13 ~~and issued by the Director or his or her authorized~~
14 ~~representative.~~

15 ~~Upon request by the Director or his or her deputies or~~
16 ~~agents, records shall be copied and submitted for evidence at~~
17 ~~no cost to the Department. Every employer upon request shall~~
18 ~~furnish to the Director or his or her authorized~~
19 ~~representative, on demand, a sworn statement of the accuracy~~
20 ~~of the records. Any employer who refuses to furnish a sworn~~
21 ~~statement of the records is in violation of this Act.~~

22 ~~In case of failure of any person to comply with any~~
23 ~~subpoena lawfully issued under this Section or on the refusal~~
24 ~~of any witness to produce evidence or to testify to any matter~~
25 ~~regarding which he or she may be lawfully interrogated, it is~~
26 ~~the duty of any circuit court, upon application of the~~

1 ~~Director or his or her authorized representative, to compel~~
2 ~~obedience by proceedings for contempt, as in the case of~~
3 ~~disobedience of the requirements of a subpoena issued by such~~
4 ~~court or a refusal to testify therein. The Director may~~
5 ~~certify to official acts.~~

6 Neither the Department nor the Director shall be held
7 liable for good faith errors in issuing, denying, suspending
8 or revoking certificates.

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

16 ~~(1) A business may obtain an administrative hearing in~~
17 ~~accordance with the Illinois Administrative Procedure Act~~
18 ~~before the suspension or revocation of its certificate is~~
19 ~~effective by filing a written request for hearing within~~
20 ~~20 calendar days after service of notice by the Director.~~

21 ~~(2) A business may obtain an administrative hearing in~~
22 ~~accordance with the Illinois Administrative Procedure Act~~
23 ~~before the contract award entity's abridgement or~~
24 ~~termination of a contract is effective by filing a written~~
25 ~~request for a hearing 20 calendar days after service of~~
26 ~~notice by the contract award entity.~~

1 (g) Technical assistance. The Director must provide
2 technical assistance to any business that requests assistance
3 regarding this Section.

4 ~~(h) Audit. The Director may audit the business's~~
5 ~~compliance with this Section. As part of an audit, upon~~
6 ~~request, a business must provide the Director the following~~
7 ~~information with respect to employees expected to perform work~~
8 ~~under the contract in each of the major job categories in the~~
9 ~~Employer Information Report EEO-1:~~

10 ~~(1) number of male employees;~~

11 ~~(2) number of female employees;~~

12 ~~(3) average annualized salaries paid to male employees~~
13 ~~and to female employees, in the manner most consistent~~
14 ~~with the employer's compensation system, within each major~~
15 ~~job category;~~

16 ~~(4) information on performance payments, benefits, or~~
17 ~~other elements of compensation, in the manner most~~
18 ~~consistent with the employer's compensation system, if~~
19 ~~requested by the Director as part of a determination as to~~
20 ~~whether these elements of compensation are different for~~
21 ~~male and female employees;~~

22 ~~(5) average length of service for male and female~~
23 ~~employees in each major job category; and~~

24 ~~(6) other information identified by the business or by~~
25 ~~the Director, as needed, to determine compliance with~~
26 ~~items specified in paragraph (1) of subsection (c).~~

1 (h) ~~(i)~~ Access to data.

2 (1) Any individually identifiable information
3 submitted to the Director within or related to an equal
4 pay registration application or otherwise provided by an
5 employer in its equal pay compliance statement under
6 subsection (c) shall be considered confidential
7 information and not subject to disclosure pursuant to the
8 Illinois Freedom of Information Act. As used in this
9 Section, "individually identifiable information" means
10 data submitted pursuant to this Section that is associated
11 with a specific person or business. Aggregate data or
12 reports that are reasonably calculated to prevent the
13 association of any data with any individual business or
14 person are not confidential information. Aggregate data
15 shall include the job category and the average hourly wage
16 by county for each gender, race, and ethnicity category on
17 the registration certificate applications. The Department
18 of Labor may compile aggregate data from registration
19 certificate applications.

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

23 (3) Notwithstanding this subsection (h), a current
24 employee of a covered business may request data regarding
25 their job classification or title and the pay for that
26 classification.

1 (4) Notwithstanding this subsection (h), the
2 Department may share data and identifiable information
3 with the Department of Human Rights, pursuant to its
4 enforcement of Article 2 of the Illinois Human Rights Act,
5 or the Office of the Attorney General, pursuant to its
6 enforcement of Section 10-104 of the Illinois Human Rights
7 Act.

8 ~~Data submitted to the Director related to equal pay~~
9 ~~registration certificates or otherwise provided by an employer~~
10 ~~in its equal pay compliance statement under subsection (c) are~~
11 ~~private data on individuals or nonpublic data with respect to~~
12 ~~persons other than Department employees. The Director's~~
13 ~~decision to issue, not issue, revoke, or suspend an equal pay~~
14 ~~registration certificate is public data.~~

15 (i) ~~(j)~~ Penalty. The Department shall impose on any
16 ~~business that does not obtain an equal pay registration~~
17 ~~certificate as required under this Section, or whose equal pay~~
18 ~~registration certificate is suspended or revoked after a~~
19 ~~Department investigation, a civil penalty in an amount equal~~
20 ~~to 1% of the business's gross profits. Falsification or~~
21 ~~misrepresentation of information on an application submitted~~
22 ~~to the Department shall constitute a violation of this Act and~~
23 the Department may seek to suspend or revoke an equal pay
24 registration certificate or impose civil penalties as provided
25 under subsection (c) of Section 30.

26 ~~(k) Whistleblower protection. As used in this subsection,~~

1 ~~"retaliatory action" means the reprimand, discharge,~~
2 ~~suspension, demotion, denial of promotion or transfer, or~~
3 ~~change in the terms and conditions of employment of any~~
4 ~~employee of a business that is taken in retaliation for the~~
5 ~~employee's involvement in a protected activity.~~

6 ~~(1) A business shall not take any retaliatory action~~
7 ~~against an employee of the business because the employee~~
8 ~~does any of the following:~~

9 ~~(A) Discloses or threatens to disclose to a~~
10 ~~supervisor or to a public body an activity, inaction,~~
11 ~~policy, or practice implemented by a business that the~~
12 ~~employee reasonably believes is in violation of a law,~~
13 ~~rule, or regulation.~~

14 ~~(B) Provides information to or testifies before~~
15 ~~any public body conducting an investigation, hearing,~~
16 ~~or inquiry into any violation of a law, rule, or~~
17 ~~regulation by a nursing home administrator.~~

18 ~~(C) Assists or participates in a proceeding to~~
19 ~~enforce the provisions of this Act.~~

20 ~~(2) A violation of this subsection (k) may be~~
21 ~~established only upon a finding that (i) the employee of~~
22 ~~the business engaged in conduct described in paragraph (1)~~
23 ~~of this subsection and (ii) this conduct was a~~
24 ~~contributing factor in the retaliatory action alleged by~~
25 ~~the employee. There is no violation of this Section,~~
26 ~~however, if the business demonstrates by clear and~~

1 ~~convincing evidence that it would have taken the same~~
2 ~~unfavorable personnel action in the absence of that~~
3 ~~conduct.~~

4 ~~(3) The employee of the business may be awarded all~~
5 ~~remedies necessary to make the employee whole and to~~
6 ~~prevent future violations of this Section. Remedies~~
7 ~~imposed by the court may include, but are not limited to,~~
8 ~~all of the following:~~

9 ~~(A) Reinstatement of the employee to either the~~
10 ~~same position held before the retaliatory action or to~~
11 ~~an equivalent position.~~

12 ~~(B) Two times the amount of back pay.~~

13 ~~(C) Interest on the back pay.~~

14 ~~(D) Reinstatement of full fringe benefits and~~
15 ~~seniority rights.~~

16 ~~(E) Payment of reasonable costs and attorney's~~
17 ~~fees.~~

18 ~~(4) Nothing in this Section shall be deemed to~~
19 ~~diminish the rights, privileges, or remedies of an~~
20 ~~employee of a business under any other federal or State~~
21 ~~law, rule, or regulation or under any employment contract.~~

22 (Source: P.A. 101-656, eff. 3-23-21.)

23 (820 ILCS 112/30)

24 Sec. 30. Violations; fines and penalties.

25 (a) If an employee is paid by his or her employer less than

1 the wage to which he or she is entitled in violation of Section
2 10 or 11 of this Act, the employee may recover in a civil
3 action the entire amount of any underpayment together with
4 interest, compensatory damages if the employee demonstrates
5 that the employer acted with malice or reckless indifference,
6 punitive damages as may be appropriate, injunctive relief as
7 may be appropriate, and the costs and reasonable attorney's
8 fees as may be allowed by the court and as necessary to make
9 the employee whole. At the request of the employee or on a
10 motion of the Director, the Department may make an assignment
11 of the wage claim in trust for the assigning employee and may
12 bring any legal action necessary to collect the claim, and the
13 employer shall be required to pay the costs incurred in
14 collecting the claim. Every such action shall be brought
15 within 5 years from the date of the underpayment. For purposes
16 of this Act, "date of the underpayment" means each time wages
17 are underpaid.

18 (a-5) If an employer violates subsection (b), (b-5),
19 (b-10), or (b-20) of Section 10, the employee may recover in a
20 civil action any damages incurred, special damages not to
21 exceed \$10,000, injunctive relief as may be appropriate, and
22 costs and reasonable attorney's fees as may be allowed by the
23 court and as necessary to make the employee whole. If special
24 damages are available, an employee may recover compensatory
25 damages only to the extent such damages exceed the amount of
26 special damages. Such action shall be brought within 5 years

1 from the date of the violation.

2 (b) The Director is authorized to supervise the payment of
3 the unpaid wages under subsection (a) or damages under
4 subsection (b), (b-5), (b-10), or (b-20) of Section 10 owing
5 to any employee or employees under this Act and may bring any
6 legal action necessary to recover the amount of unpaid wages,
7 damages, and penalties or to seek injunctive relief, and the
8 employer shall be required to pay the costs. Any sums
9 recovered by the Director on behalf of an employee under this
10 Section shall be paid to the employee or employees affected.

11 (c) Employers who violate any provision of this Act or any
12 rule adopted under the Act are subject to a civil penalty for
13 each employee affected as follows:

14 (1) An employer with fewer than 4 employees: first
15 offense, a fine not to exceed \$500; second offense, a fine
16 not to exceed \$2,500; third or subsequent offense, a fine
17 not to exceed \$5,000.

18 (2) An employer with between 4 and 99 ~~4 or more~~
19 employees: first offense, a fine not to exceed \$2,500;
20 second offense, a fine not to exceed \$3,000; third or
21 subsequent offense, a fine not to exceed \$5,000.

22 (3) An employer with 100 or more employees who
23 violates any Section of this Act except for Section 11
24 shall be fined up to \$10,000 per employee affected. An
25 employer with 100 or more employees that is a business as
26 defined under Section 11 and commits a violation of

1 Section 11 shall be fined up to \$10,000.

2 An employer or person who violates subsection (b), (b-5),
3 (b-10), (b-20), or (c) of Section 10 is subject to a civil
4 penalty not to exceed \$5,000 for each violation for each
5 employee affected.

6 (d) In determining the amount of the penalty, the
7 appropriateness of the penalty to the size of the business of
8 the employer charged and the gravity of the violation shall be
9 considered. The penalty may be recovered in a civil action
10 brought by the Director in any circuit court.

11 (Source: P.A. 101-177, eff. 9-29-19.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."