



Rep. Daniel Didech

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10300HB1166ham001

LRB103 04629 SPS 58290 a

1 AMENDMENT TO HOUSE BILL 1166

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1166 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 adding Section 50-83 as follows:

6 (30 ILCS 500/50-83 new)

7 Sec. 50-83. Equal pay registration certificate. For  
8 procurements first solicited on or after January 1, 2025, a  
9 person who is required to obtain an equal pay registration  
10 certificate under Section 11 of the Equal Pay Act of 2003 may  
11 qualify as a bidder, offeror, or contractor under this Code if  
12 the person was issued an equal pay registration certificate  
13 from the Department of Labor during the previous 2 calendar  
14 years and includes a copy of the certificate with the bid or  
15 offer. For any bid or offer for a contract with a State agency  
16 by a person required to obtain an equal pay registration

1 certificate under Section 11 of the Equal Pay Act of 2003, the  
2 chief procurement officer shall verify that the person holds  
3 an equal pay registration certificate issued during the  
4 previous 2 calendar years.

5 Section 10. The Equal Pay Act of 2003 is amended by  
6 changing Section 11 as follows:

7 (820 ILCS 112/11)

8 Sec. 11. Equal pay registration certificate requirements;  
9 application. For the purposes of this Section 11 only,  
10 "business" means any private employer who has 100 or more  
11 employees in the State of Illinois and is required to file an  
12 Annual Employer Information Report EEO-1 with the Equal  
13 Employment Opportunity Commission, but does not include the  
14 State of Illinois or any political subdivision, municipal  
15 corporation, or other governmental unit or agency.

16 (a) A business must obtain an equal pay registration  
17 certificate from the Department.

18 (b) Any business subject to the requirements of this  
19 Section that is authorized to transact business in this State  
20 on March 23, 2021 shall submit an application to obtain an  
21 equal pay registration certificate, between March 24, 2022 and  
22 March 23, 2024, and must recertify every 2 years thereafter.  
23 Any business subject to the requirements of this Section that  
24 is authorized to transact business in this State after March

1 23, 2021 must submit an application to obtain an equal pay  
2 registration certificate within 3 years of commencing business  
3 operations, but not before January 1, 2024, and must recertify  
4 every 2 years thereafter. The Department shall collect contact  
5 information from each business subject to this Section. The  
6 Department shall assign each business a date by which it must  
7 submit an application to obtain an equal pay registration  
8 certificate. The business shall recertify every 2 years at a  
9 date to be determined by the Department. When a business  
10 receives a notice from the Department to recertify for its  
11 equal pay registration certificate, if the business has fewer  
12 than 100 employees, the business must certify in writing to  
13 the Department that it is exempt from this Section. Any new  
14 business that is subject to this Section and authorized to  
15 conduct business in this State, after the effective date of  
16 this amendatory Act of the 102nd General Assembly, shall  
17 submit its contact information to the Department by January 1  
18 of the following year and shall be assigned a date by which it  
19 must submit an application to obtain an equal pay registration  
20 certificate. The Department's failure to assign a business a  
21 registration date does not exempt the business from compliance  
22 with this Section. The failure of the Department to notify a  
23 business of its recertification deadline may be a mitigating  
24 factor when making a determination of a violation of this  
25 Section.

26 (c) Application.

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

5           (A) Wage Records. Any business that is required to  
6 file an annual Employer Information Report EEO-1 with  
7 the Equal Employment Opportunity Commission must also  
8 submit to the Director a copy of the business's most  
9 recently filed Employer Information Report EEO-1. The  
10 business shall also compile a list of all employees  
11 during the past calendar year, separated by gender and  
12 the race and ethnicity categories as reported in the  
13 business's most recently filed Employer Information  
14 Report EEO-1, and the county in which the employee  
15 works, the date the employee started working for the  
16 business, any other information the Department deems  
17 necessary to determine if pay equity exists among  
18 employees, and report the total wages as defined by  
19 Section 2 of the Illinois Wage Payment and Collection  
20 Act paid to each employee during the past calendar  
21 year, rounded to the nearest \$100, to the Director.

22           (B) Equal Pay Compliance Statement. The business  
23 must submit a statement signed by a corporate officer,  
24 legal counsel, or authorized agent of the business  
25 certifying:

26           (i) that the business is in compliance with

1           this Act and other relevant laws, including but  
2           not limited to: Title VII of the Civil Rights Act  
3           of 1964, the Equal Pay Act of 1963, the Illinois  
4           Human Rights Act, and the Equal Wage Act;

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

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

1 (iv) that wage and benefit disparities are  
2 corrected when identified to ensure compliance  
3 with the Acts cited in item (i);

4 (v) how often wages and benefits are  
5 evaluated; and

6 (vi) the approach the business takes in  
7 determining what level of wages and benefits to  
8 pay its employees; acceptable approaches include,  
9 but are not limited to, a wage and salary survey.

10 (C) Filing fee. The business shall pay to the  
11 Department a filing fee of \$150. Proceeds from the  
12 fees collected under this Section shall be deposited  
13 into the Equal Pay Registration Fund, a special fund  
14 created in the State treasury. Moneys in the Fund  
15 shall be appropriated to the Department for the  
16 purposes of this Section.

17 (2) Receipt of the equal pay compliance application  
18 and statement by the Director does not establish  
19 compliance with the Acts set forth in item (i) of  
20 subparagraph (B) of paragraph (1) of this subsection (c).

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

25 (d) Issuance or rejection of registration certificate.  
26 After January 1, 2022, the Director must issue an equal pay

1 registration certificate, or a statement of why the  
2 application was rejected, within 45 calendar days of receipt  
3 of the application. Applicants shall have the opportunity to  
4 cure any deficiencies in its application that led to the  
5 rejection, and re-submit the revised application to the  
6 Department within 30 calendar days of receiving a rejection.  
7 Applicants shall have the ability to appeal rejected  
8 applications. An application may be rejected only if it does  
9 not comply with the requirements of subsection (c), or the  
10 business is otherwise found to be in violation of this Act. The  
11 receipt of an application by the Department, or the issuance  
12 of a registration certificate by the Department, shall not  
13 establish compliance with the Equal Pay Act of 2003 as to all  
14 Sections except Section 11. The issuance of a registration  
15 certificate shall not be a defense against any Equal Pay Act  
16 violation found by the Department, nor a basis for mitigation  
17 of damages.

18 (e) Revocation of registration certificate. An equal pay  
19 registration certificate for a business may be suspended or  
20 revoked by the Director when the business fails to make a good  
21 faith effort to comply with the Acts identified in item (i) of  
22 subparagraph (B) of paragraph (1) of subsection (c), fails to  
23 make a good faith effort to comply with this Section, or has  
24 multiple violations of this Section or the Acts identified in  
25 item (i) of subparagraph (B) of paragraph (1) of subsection  
26 (c). Prior to suspending or revoking a registration

1 certificate, the Director must first have sought to conciliate  
2 with the business regarding wages and benefits due to  
3 employees.

4 Consistent with Section 25, prior to or in connection with  
5 the suspension or revocation of an equal pay registration  
6 certificate, the Director, or his or her authorized  
7 representative, may interview workers, administer oaths, take  
8 or cause to be taken the depositions of witnesses, and require  
9 by subpoena the attendance and testimony of witnesses, and the  
10 production of personnel and compensation information relative  
11 to the matter under investigation, hearing or a  
12 department-initiated audit.

13 Neither the Department nor the Director shall be held  
14 liable for good faith errors in issuing, denying, suspending  
15 or revoking certificates.

16 (f) Administrative review. A business may obtain an  
17 administrative hearing in accordance with the Illinois  
18 Administrative Procedure Act before the suspension or  
19 revocation of its certificate or imposition of civil penalties  
20 as provided by subsection (i) is effective by filing a written  
21 request for hearing within 20 calendar days after service of  
22 notice by the Director.

23 (g) Technical assistance. The Director must provide  
24 technical assistance to any business that requests assistance  
25 regarding this Section.

26 (h) Access to data.



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

19           (2) The Director's decision to issue, not issue,  
20 revoke, or suspend an equal pay registration certificate  
21 is public information. Beginning December 31, 2024, and  
22 annually thereafter, the Director shall make publicly  
23 available a list of businesses that were issued an equal  
24 pay registration certificate by the Department in the  
25 previous 2 calendar years.

26           (3) Notwithstanding this subsection (h), a current

1 employee of a covered business may request anonymized data  
2 regarding their job classification or title and the pay  
3 for that classification. No individually identifiable  
4 information may be provided to an employee making a  
5 request under this paragraph.

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

13 (5) Any Department employee who willfully and  
14 knowingly divulges, except in accordance with a proper  
15 judicial order or otherwise provided by law, confidential  
16 information received by the Department from any business  
17 pursuant to this Act shall be deemed to have violated the  
18 State Officials and Employees Ethics Act and be subject to  
19 the penalties established under subsections (e) and (f) of  
20 Section 50-5 of that Act after investigation and  
21 opportunity for hearing before the Executive Ethics  
22 Commission in accordance with Section 20-50 of that Act.

23 (i) Penalty. Falsification or misrepresentation of  
24 information on an application submitted to the Department  
25 shall constitute a violation of this Act and the Department  
26 may seek to suspend or revoke an equal pay registration

1 certificate or impose civil penalties as provided under  
2 subsection (c) of Section 30.

3 (Source: P.A. 101-656, eff. 3-23-21; 102-36, eff. 6-25-21;  
4 102-705, eff. 4-22-22.)".