



Rep. Daniel Didech

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10300HB1166ham003

LRB103 04629 JDS 58677 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. For any bid or offer for a contract with a State agency
15 by a person required to obtain an equal pay registration
16 certificate under Section 11 of the Equal Pay Act of 2003, the

1 chief procurement officer shall require the person to certify
2 that the person holds an equal pay registration certificate
3 issued during the 2 calendar years before the award.

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

6 (820 ILCS 112/11)

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

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

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

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

25 (c) Application.

26 (1) A business shall apply for an equal pay

1 registration certificate by paying a \$150 filing fee and
2 submitting wage records and an equal pay compliance
3 statement to the Director as follows:

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

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

25 (i) that the business is in compliance with
26 this Act and other relevant laws, including but

1 not limited to: Title VII of the Civil Rights Act
2 of 1964, the Equal Pay Act of 1963, the Illinois
3 Human Rights Act, and the Equal Wage Act;

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

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

26 (iv) that wage and benefit disparities are

1 corrected when identified to ensure compliance
2 with the Acts cited in item (i);

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

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

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

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

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

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

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

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

1 with the business regarding wages and benefits due to
2 employees.

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

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

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

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

25 (h) Access to data.

26 (1) Any individually identifiable information

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

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

25 (3) Notwithstanding this subsection (h), a current
26 employee of a covered business may request anonymized data

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

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

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

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

1 subsection (c) of Section 30.

2 (Source: P.A. 101-656, eff. 3-23-21; 102-36, eff. 6-25-21;

3 102-705, eff. 4-22-22.)".