



Rep. Kevin John Olickal

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1 AMENDMENT TO HOUSE BILL 3733

2 AMENDMENT NO. _____. Amend House Bill 3733 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing
5 Section 5.942 as follows:

6 (30 ILCS 105/5.942)

7 Sec. 5.942. The Equal Pay ~~Registration~~ Fund.

8 (Source: P.A. 101-656, eff. 3-23-21; 102-813, eff. 5-13-22.)

9 Section 10. The Personnel Record Review Act is amended by
10 changing Section 2 as follows:

11 (820 ILCS 40/2) (from Ch. 48, par. 2002)

12 Sec. 2. Open Records. Every employer shall, upon an
13 employee's request which the employer may require be in
14 writing on a form supplied by the employer, permit the

1 employee to inspect any personnel documents which are, have
2 been or are intended to be used in determining that employee's
3 qualifications for employment, promotion, transfer, additional
4 compensation, discharge or other disciplinary action, except
5 as provided in Section 10. The inspection right encompasses
6 personnel documents in the possession of a person,
7 corporation, partnership, or other association having a
8 contractual agreement with the employer to keep or supply a
9 personnel record. An employee may request all or any part of
10 his or her records, except as provided in Section 10. The
11 employer shall grant at least 2 inspection requests by an
12 employee in a calendar year when requests are made at
13 reasonable intervals, unless otherwise provided in a
14 collective bargaining agreement. The employer shall provide
15 the employee with the inspection opportunity within 7 working
16 days after the employee makes the request or if the employer
17 can reasonably show that such deadline cannot be met, the
18 employer shall have an additional 7 days to comply. The
19 inspection shall take place at a location reasonably near the
20 employee's place of employment and during normal working
21 hours. The employer may allow the inspection to take place at a
22 time other than working hours or at a place other than where
23 the records are maintained if that time or place would be more
24 convenient for the employee. Nothing in this Act shall be
25 construed as a requirement that an employee be permitted to
26 remove any part of such personnel records or any part of such

1 records from the place on the employer's premises where it is
2 made available for inspection. Each employer shall retain the
3 right to protect his records from loss, damage, or alteration
4 to insure the integrity of the records. ~~The If an employee~~
5 ~~demonstrates that he or she is unable to review his or her~~
6 ~~personnel record at the employing unit, the~~ employer shall,
7 upon the employee's written request, email or mail a copy of
8 the requested record to the employee by the email address or
9 mailing address identified by the employee for the purpose of
10 receiving the copy of requested record. An employer may charge
11 a fee for providing a copy of the requested record. The fee
12 shall be limited to the actual cost of duplicating the
13 requested record.

14 (Source: P.A. 83-1362.)

15 (820 ILCS 40/3 rep.)

16 Section 15. The Personnel Record Review Act is amended by
17 repealing Section 3.

18 Section 20. The Minimum Wage Law is amended by changing
19 Sections 9 and 12 as follows:

20 (820 ILCS 105/9) (from Ch. 48, par. 1009)

21 Sec. 9. Every employer subject to any provision of this
22 Act or of any regulations issued under this Act shall keep a
23 summary of this Act approved by the Director, and copies of any

1 applicable regulations issued under this Act or a summary of
2 such regulations, posted in a conspicuous and accessible place
3 in or about the premises wherever any person subject to this
4 Act is employed. Every employer subject to any provision of
5 this Act or any regulations issued under this Act with
6 employees who do not regularly report to a physical workplace,
7 such as employees who work remotely or travel for work, shall
8 also provide the summaries and regulations by email to its
9 employees or conspicuous posting on the employer's website or
10 intranet site, if such site is regularly used by the employer
11 to communicate work-related information to employees and is
12 able to be regularly accessed by all employees, freely and
13 without interference. Employers shall be furnished copies of
14 such summaries and regulations by the State on request without
15 charge.

16 (Source: P.A. 77-1451.)

17 (820 ILCS 105/12) (from Ch. 48, par. 1012)

18 Sec. 12. (a) If any employee is paid by his employer less
19 than the wage to which he is entitled under the provisions of
20 this Act, the employee may recover in a civil action treble the
21 amount of any such underpayments together with costs and such
22 reasonable attorney's fees as may be allowed by the Court, and
23 damages of 5% of the amount of any such underpayments for each
24 month following the date of payment during which such
25 underpayments remain unpaid. Any agreement between the

1 employee and the employer to work for less than such wage is no
2 defense to such action. At the request of the employee or on
3 motion of the Director of Labor, the Department of Labor may
4 make an assignment of such wage claim in trust for the
5 assigning employee and may bring any legal action necessary to
6 collect such claim, and the employer shall be required to pay
7 the costs incurred in collecting such claim. Every such action
8 shall be brought within 3 years from the date of the
9 underpayment. Such employer shall be liable to the Department
10 of Labor for a penalty in an amount of up to 20% of the total
11 employer's underpayment where the employer's conduct is proven
12 by a preponderance of the evidence to be willful, repeated, or
13 with reckless disregard of this Act or any rule adopted under
14 this Act. Such employer shall be liable to the Department for
15 an additional penalty of \$1,500. All administrative penalties
16 ordered under this Act shall be paid by certified check, money
17 order, or by an electronic payment system designated by the
18 Department, and shall be made ~~7~~ payable to or deposited into
19 the Department's Wage Theft Enforcement Fund. Such employer
20 shall be additionally liable to the employee for damages in
21 the amount of 5% of the amount of any such underpayments for
22 each month following the date of payment during which such
23 underpayments remain unpaid. These penalties and damages may
24 be recovered in a civil action brought by the Director of Labor
25 in any circuit court. In any such action, the Director of Labor
26 shall be represented by the Attorney General.

1 If an employee collects damages of 5% of the amount of
2 underpayments as a result of an action brought by the Director
3 of Labor, the employee may not also collect those damages in a
4 private action brought by the employee for the same violation.
5 If an employee collects damages of 5% of the amount of
6 underpayments in a private action brought by the employee, the
7 employee may not also collect those damages as a result of an
8 action brought by the Director of Labor for the same
9 violation.

10 (b) If an employee has not collected damages under
11 subsection (a) for the same violation, the Director is
12 authorized to supervise the payment of the unpaid minimum
13 wages and the unpaid overtime compensation owing to any
14 employee or employees under Sections 4 and 4a of this Act and
15 may bring any legal action necessary to recover the amount of
16 the unpaid minimum wages and unpaid overtime compensation and
17 an equal additional amount as damages, and the employer shall
18 be required to pay the costs incurred in collecting such
19 claim. Such employer shall be additionally liable to the
20 Department of Labor for up to 20% of the total employer's
21 underpayment where the employer's conduct is proven by a
22 preponderance of the evidence to be willful, repeated, or with
23 reckless disregard of this Act or any rule adopted under this
24 Act. Such employer shall be liable to the Department of Labor
25 for an additional penalty of \$1,500, payable to the
26 Department's Wage Theft Enforcement Fund. The action shall be

1 brought within 5 years from the date of the failure to pay the
2 wages or compensation. Any sums thus recovered by the Director
3 on behalf of an employee pursuant to this subsection shall be
4 paid to the employee or employees affected. Any sums which,
5 more than one year after being thus recovered, the Director is
6 unable to pay to an employee shall be deposited into the
7 General Revenue Fund.

8 (Source: P.A. 101-1, eff. 2-19-19.)

9 Section 25. The Equal Pay Act of 2003 is amended by
10 changing Sections 11, 30, and 40, and by adding Section 33 as
11 follows:

12 (820 ILCS 112/11)

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

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

23 (b) Any business subject to the requirements of this
24 Section that is authorized to transact business in this State

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

1 with this Section. The failure of the Department to notify a
2 business of its recertification deadline may be a mitigating
3 factor when making a determination of a violation of this
4 Section.

5 (c) Application.

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

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

1 (B) Equal Pay Compliance Statement. The business
2 must submit a statement signed by a corporate officer,
3 legal counsel, or authorized agent of the business
4 certifying:

5 (i) that the business is in compliance with
6 this Act and other relevant laws, including but
7 not limited to: Title VII of the Civil Rights Act
8 of 1964, the Equal Pay Act of 1963, the Illinois
9 Human Rights Act, and the Equal Wage Act;

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

1 Persons with Disabilities Act; and as used in this
2 subparagraph, "compensation" means remuneration or
3 compensation an employee receives in return for
4 services rendered to an employer, including hourly
5 wages, overtime wages, commissions, piece rate
6 work, salary, bonuses, or any other basis of
7 calculation for services performed;

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

12 (iv) that wage and benefit disparities are
13 corrected when identified to ensure compliance
14 with the Acts cited in item (i);

15 (v) how often wages and benefits are
16 evaluated; and

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

21 (C) Filing fee. The business shall pay to the
22 Department a filing fee of \$150. Proceeds from the
23 fees collected under this Section shall be deposited
24 into the Equal Pay ~~Registration~~ Fund, a special fund
25 created in the State treasury. ~~Moneys in the Fund~~
26 ~~shall be appropriated to the Department for the~~

1 ~~purposes of this Section.~~

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

6 (3) A business that has employees in multiple
7 locations or facilities in Illinois shall submit a single
8 application to the Department regarding all of its
9 operations in Illinois.

10 (d) Issuance or rejection of registration certificate.
11 After January 1, 2022, the Director must issue an equal pay
12 registration certificate, or a statement of why the
13 application was rejected, within 45 calendar days of receipt
14 of the application. Applicants shall have the opportunity to
15 cure any deficiencies in its application that led to the
16 rejection, and re-submit the revised application to the
17 Department within 30 calendar days of receiving a rejection.
18 Applicants shall have the ability to appeal rejected
19 applications. An application may be rejected only if it does
20 not comply with the requirements of subsection (c), or the
21 business is otherwise found to be in violation of this Act. The
22 receipt of an application by the Department, or the issuance
23 of a registration certificate by the Department, shall not
24 establish compliance with the Equal Pay Act of 2003 as to all
25 Sections except Section 11. The issuance of a registration
26 certificate shall not be a defense against any Equal Pay Act

1 violation found by the Department, nor a basis for mitigation
2 of damages.

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

15 Consistent with Section 25, prior to or in connection with
16 the suspension or revocation of an equal pay registration
17 certificate, the Director, or his or her authorized
18 representative, may interview workers, administer oaths, take
19 or cause to be taken the depositions of witnesses, and require
20 by subpoena the attendance and testimony of witnesses, and the
21 production of personnel and compensation information relative
22 to the matter under investigation, hearing or a
23 department-initiated audit.

24 Neither the Department nor the Director shall be held
25 liable for good faith errors in issuing, denying, suspending
26 or revoking certificates.

1 (f) Administrative review. A business may obtain an
2 administrative hearing in accordance with the Illinois
3 Administrative Procedure Act before the suspension or
4 revocation of its certificate or imposition of civil penalties
5 as provided by subsection (i) is effective by filing a written
6 request for hearing within 20 calendar days after service of
7 notice by the Director.

8 (g) Technical assistance. The Director must provide
9 technical assistance to any business that requests assistance
10 regarding this Section.

11 (h) Access to data.

12 (1) Any individually identifiable information
13 submitted to the Director within or related to an equal
14 pay registration application or otherwise provided by an
15 employer in its equal pay compliance statement under
16 subsection (c) shall be considered confidential
17 information and not subject to disclosure pursuant to the
18 Illinois Freedom of Information Act. As used in this
19 Section, "individually identifiable information" means
20 data submitted pursuant to this Section that is associated
21 with a specific person or business. Aggregate data or
22 reports that are reasonably calculated to prevent the
23 association of any data with any individual business or
24 person are not confidential information. Aggregate data
25 shall include the job category and the average hourly wage
26 by county for each gender, race, and ethnicity category on

1 the registration certificate applications. The Department
2 of Labor may compile aggregate data from registration
3 certificate applications.

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

7 (3) Notwithstanding this subsection (h), a current
8 employee of a covered business may request anonymized data
9 regarding their job classification or title and the pay
10 for that classification. No individually identifiable
11 information may be provided to an employee making a
12 request under this paragraph.

13 (4) Notwithstanding this subsection (h), the
14 Department may share data and identifiable information
15 with the Department of Human Rights, pursuant to its
16 enforcement of Article 2 of the Illinois Human Rights Act,
17 or the Office of the Attorney General, pursuant to its
18 enforcement of Section 10-104 of the Illinois Human Rights
19 Act.

20 (5) Any Department employee who willfully and
21 knowingly divulges, except in accordance with a proper
22 judicial order or otherwise provided by law, confidential
23 information received by the Department from any business
24 pursuant to this Act shall be deemed to have violated the
25 State Officials and Employees Ethics Act and be subject to
26 the penalties established under subsections (e) and (f) of

1 Section 50-5 of that Act after investigation and
2 opportunity for hearing before the Executive Ethics
3 Commission in accordance with Section 20-50 of that Act.

4 (i) Penalty. Falsification or misrepresentation of
5 information on an application submitted to the Department
6 shall constitute a violation of this Act and the Department
7 may seek to suspend or revoke an equal pay registration
8 certificate or impose civil penalties as provided under
9 subsection (c) of Section 30.

10 (Source: P.A. 101-656, eff. 3-23-21; 102-36, eff. 6-25-21;
11 102-705, eff. 4-22-22.)

12 (820 ILCS 112/30)

13 Sec. 30. Violations; fines and penalties.

14 (a) If an employee is paid by his or her employer less than
15 the wage to which he or she is entitled in violation of Section
16 10 or 11 of this Act, the employee may recover in a civil
17 action the entire amount of any underpayment together with
18 interest, compensatory damages if the employee demonstrates
19 that the employer acted with malice or reckless indifference,
20 punitive damages as may be appropriate, injunctive relief as
21 may be appropriate, and the costs and reasonable attorney's
22 fees as may be allowed by the court and as necessary to make
23 the employee whole. At the request of the employee or on a
24 motion of the Director, the Department may make an assignment
25 of the wage claim in trust for the assigning employee and may

1 bring any legal action necessary to collect the claim, and the
2 employer shall be required to pay the costs incurred in
3 collecting the claim. Every such action shall be brought
4 within 5 years from the date of the underpayment. For purposes
5 of this Act, "date of the underpayment" means each time wages
6 are underpaid.

7 (a-5) If an employer violates subsection (b), (b-5),
8 (b-10), or (b-20) of Section 10, the employee may recover in a
9 civil action any damages incurred, special damages not to
10 exceed \$10,000, injunctive relief as may be appropriate, and
11 costs and reasonable attorney's fees as may be allowed by the
12 court and as necessary to make the employee whole. If special
13 damages are available, an employee may recover compensatory
14 damages only to the extent such damages exceed the amount of
15 special damages. Such action shall be brought within 5 years
16 from the date of the violation.

17 (b) The Director is authorized to supervise the payment of
18 the unpaid wages under subsection (a) or damages under
19 subsection (b), (b-5), (b-10), or (b-20) of Section 10 owing
20 to any employee or employees under this Act and may bring any
21 legal action necessary to recover the amount of unpaid wages,
22 damages, and penalties or to seek injunctive relief, and the
23 employer shall be required to pay the costs. Any sums
24 recovered by the Director on behalf of an employee under this
25 Section shall be paid to the employee or employees affected.

26 (c) Employers who violate any provision of this Act or any

1 rule adopted under the Act are subject to a civil penalty,
2 payable to the Department, for each employee affected as
3 follows:

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

8 (2) An employer with between 4 and 99 employees: first
9 offense, a fine not to exceed \$2,500; second offense, a
10 fine not to exceed \$3,000; third or subsequent offense, a
11 fine not to exceed \$5,000.

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

18 Before any imposition of a penalty under this subsection,
19 an employer with 100 or more employees who violates item (b) of
20 Section 11 and inadvertently fails to file an initial
21 application or recertification shall be provided 30 calendar
22 days by the Department to submit the application or
23 recertification.

24 An employer or person who violates subsection (b), (b-5),
25 (b-10), (b-20), or (c) of Section 10 is subject to a civil
26 penalty not to exceed \$5,000 for each violation for each

1 employee affected, payable to the Department.

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

7 (Source: P.A. 101-177, eff. 9-29-19; 102-36, eff. 6-25-21.)

8 (820 ILCS 112/33 new)

9 Sec. 33. Equal Pay Fund. All moneys owed to the Department
10 under this Act shall be deposited into the Equal Pay Fund and
11 may be appropriated to the Department for the administration
12 and enforcement of this Act.

13 (820 ILCS 112/40)

14 Sec. 40. Notification. Every employer covered by this Act
15 shall post and keep posted, in conspicuous places on the
16 premises of the employer where notices to employees are
17 customarily posted, a notice, to be prepared or approved by
18 the Director, summarizing the requirements of this Act and
19 information pertaining to the filing of a charge. Every
20 employer with employees who do not regularly report to a
21 physical workplace, such as employees who work remotely or
22 travel for work, shall also provide the summary and notice by
23 email to its employees or conspicuous posting on the
24 employer's website or intranet site, if such site is regularly

1 used by the employer to communicate work-related information
2 to employees and is able to be regularly accessed by all
3 employees, freely and without interference. The Director shall
4 furnish copies of summaries and rules to employers upon
5 request without charge.

6 (Source: P.A. 93-6, eff. 1-1-04.)

7 Section 30. The Illinois Wage Payment and Collection Act
8 is amended by changing Sections 3 and 11 as follows:

9 (820 ILCS 115/3) (from Ch. 48, par. 39m-3)

10 Sec. 3. Every employer shall be required, at least
11 semi-monthly, to pay every employee all wages earned during
12 the semi-monthly pay period. Wages of executive,
13 administrative and professional employees, as defined in the
14 Federal Fair Labor Standards Act of 1939, may be paid once a
15 month. Commissions may be paid once a month. At the request of
16 a person employed by an employment or labor placement agency
17 which, in the ordinary course of business, makes daily wage
18 payments to employees, the agency shall hold the daily wages
19 and make either weekly or semi-monthly payments. Upon the
20 written request of the employee, the wage shall be paid in a
21 single check representing the wages earned during the period,
22 either weekly or semi-monthly, designated by the employee in
23 accordance with Section 4 of this Act. Employment and labor
24 placement agencies that make daily wage payments shall provide

1 written notification to all daily wage payment employees of
2 the right to request weekly or semi-monthly checks. The
3 employer may provide this notice by conspicuously posting the
4 notice at the location where the wages are received by the
5 daily wage employees. Every employer with employees who do not
6 regularly report to a physical workplace, such as employees
7 who work remotely or travel for work, shall also provide the
8 summary and notice by email to its employees or conspicuous
9 posting on the employer's website or intranet site, if such
10 site is regularly used by the employer to communicate
11 work-related information to employees and is able to be
12 regularly accessed by all employees, freely and without
13 interference.

14 (Source: P.A. 89-364, eff. 8-18-95.)

15 (820 ILCS 115/11) (from Ch. 48, par. 39m-11)

16 Sec. 11. It shall be the duty of the Department of Labor to
17 inquire diligently for any violations of this Act, and to
18 institute the actions for violations and penalties herein
19 provided, at the request of the employee or on motion of the
20 Director of Labor, and to enforce generally the provisions of
21 this Act.

22 An employee may file a complaint with the Department
23 alleging violations of the Act by submitting a signed,
24 completed wage claim application on the form provided by the
25 Department and by submitting copies of all supporting

1 documentation. Complaints shall be filed within one year after
2 the wages, final compensation, or wage supplements were due.

3 Wage claim applications ~~Applications~~ shall be reviewed by
4 the Department to determine whether there is cause and
5 sufficient resources for investigation.

6 The Department shall have the following powers:

7 (a) To investigate and attempt equitably to adjust
8 controversies between employees and employers in respect
9 of wage claims arising under this Act and to that end the
10 Department through the Director of Labor or any other
11 person in the Department of Labor designated by him or
12 her, shall have the power to administer oaths, subpoena
13 and examine witnesses, to issue subpoenas duces tecum
14 requiring the production of such books, papers, records
15 and documents as may be evidence of any matter under
16 inquiry and to examine and inspect the same as may relate
17 to the question in dispute. Service of such subpoenas
18 shall be made by any sheriff or any person. Any court in
19 this State, upon the application of the Department may
20 compel attendance of witnesses, the production of books
21 and papers, and the giving of testimony before the
22 Department by attachment for contempt or in any other way
23 as the production of evidence may be compelled before such
24 court.

25 (b) To take assignments of wage claims in the name of
26 the Director of Labor and his or her successors in office

1 and prosecute actions for the collection of wages for
2 persons financially unable to prosecute such claims when
3 in the judgment of the Department such claims are valid
4 and enforceable in the courts. No court costs or any fees
5 for necessary process and proceedings shall be payable in
6 advance by the Department for prosecuting such actions. In
7 the event there is a judgment rendered against the
8 defendant, the court shall assess as part of such judgment
9 the costs of such proceeding. Upon collection of such
10 judgments the Department shall pay from the proceeds of
11 such judgment such costs to such person who is by law
12 entitled to same. The Department may join in a single
13 proceeding any number of wage claims against the same
14 employer but the court shall have discretionary power to
15 order a severance or separate trial for hearings.

16 (c) To make complaint in any court of competent
17 jurisdiction of violations of this Act.

18 (d) In addition to the aforementioned powers, subject
19 to appropriation, the Department may establish an
20 administrative procedure to adjudicate claims and to issue
21 final and binding administrative decisions on such claims
22 subject to the Administrative Review Law. To establish
23 such a procedure, the Director of Labor or her or his
24 authorized representative may promulgate rules and
25 regulations. The adoption, amendment or rescission of
26 rules and regulations for such a procedure shall be in

1 conformity with the requirements of the Illinois
2 Administrative Procedure Act. If a final and binding
3 administrative decision issued by the Department requires
4 an employer or other party to pay wages, penalties, or
5 other amounts in connection with a wage claim, and the
6 employer or other party has neither: (i) made the required
7 payment within 35 days of the issuance of the final and
8 binding administrative decision; nor (ii) timely filed a
9 complaint seeking review of the final and binding
10 administrative decision pursuant to the Administrative
11 Review Law in a court of competent jurisdiction, the
12 Department may file a verified petition against the
13 employer or other party to enforce the final
14 administrative decision and to collect any amounts due in
15 connection therewith in the circuit court of any county
16 where an official office of the Department is located.

17 Nothing herein shall be construed to prevent any employee
18 from making complaint or prosecuting his or her own claim for
19 wages. Any employee aggrieved by a violation of this Act or any
20 rule adopted under this Act may file suit in circuit court of
21 Illinois, in the county where the alleged violation occurred
22 or where any employee who is party to the action resides,
23 without regard to exhaustion of any alternative administrative
24 remedies provided in this Act. Actions may be brought by one or
25 more employees for and on behalf of themselves and other
26 employees similarly situated.

1 Nothing herein shall be construed to limit the authority
2 of the State's attorney of any county to prosecute actions for
3 violation of this Act or to enforce the provisions thereof
4 independently and without specific direction of the Department
5 of Labor.

6 (Source: P.A. 101-509, eff. 1-1-20.)

7 (820 ILCS 125/Act rep.)

8 Section 35. The Wages of Women and Minors Act is repealed.

9 Section 40. The Day and Temporary Labor Services Act is
10 amended by changing Section 45 as follows:

11 (820 ILCS 175/45)

12 Sec. 45. Registration; Department of Labor.

13 (a) A day and temporary labor service agency which is
14 located, operates or transacts business within this State
15 shall register with the Department of Labor in accordance with
16 rules adopted by the Department for day and temporary labor
17 service agencies and shall be subject to this Act and any rules
18 adopted under this Act. Each day and temporary labor service
19 agency shall provide proof of an employer account number
20 issued by the Department of Employment Security for the
21 payment of unemployment insurance contributions as required
22 under the Unemployment Insurance Act, and proof of valid
23 workers' compensation insurance in effect at the time of

1 registration covering all of its employees. If, at any time, a
2 day and temporary labor service agency's workers' compensation
3 insurance coverage lapses, the agency shall have an
4 affirmative duty to report the lapse of such coverage to the
5 Department and the agency's registration shall be suspended
6 until the agency's workers' compensation insurance is
7 reinstated. The Department may assess each day and temporary
8 labor service agency a non-refundable registration fee not
9 exceeding \$1,000 per year per agency and a non-refundable fee
10 not to exceed \$250 for each branch office or other location
11 where the agency regularly contracts with day or temporary
12 laborers for services. The fee may be paid by check, money
13 order, or the State Treasurer's E-Pay program or any successor
14 program, and the Department may not refuse to accept a check on
15 the basis that it is not a certified check or a cashier's
16 check. The Department may charge an additional fee to be paid
17 by a day and temporary labor service agency if the agency, or
18 any person on the agency's behalf, issues or delivers a check
19 to the Department that is not honored by the financial
20 institution upon which it is drawn. The Department shall also
21 adopt rules for violation hearings and penalties for
22 violations of this Act or the Department's rules in
23 conjunction with the penalties set forth in this Act.

24 (a-1) At the time of registration with the Department of
25 Labor each year, the day and temporary labor service agency
26 shall submit to the Department of Labor a report containing

1 the information identified in paragraph (9) of subsection (a)
2 of Section 12, broken down by branch office, in the aggregate
3 for all day or temporary laborers assigned within Illinois and
4 subject to this Act during the preceding year. This
5 information shall be submitted on a form created by the
6 Department of Labor. The Department of Labor shall aggregate
7 the information submitted by all registering day and temporary
8 labor service agencies by removing identifying data and shall
9 have the information available to the public only on a
10 municipal and county basis. As used in this paragraph,
11 "identifying data" means any and all information that: (i)
12 provides specific information on individual worker identity;
13 (ii) identifies the service agency in any manner; and (iii)
14 identifies clients utilizing the day and temporary labor
15 service agency or any other information that can be traced
16 back to any specific registering day and temporary labor
17 service agency or its client. The information and reports
18 submitted to the Department of Labor under this subsection by
19 the registering day and temporary labor service agencies are
20 exempt from inspection and copying under Section 7.5 of the
21 Freedom of Information Act.

22 (b) It is a violation of this Act to operate a day and
23 temporary labor service agency without first registering with
24 the Department in accordance with subsection (a) of this
25 Section. The Department shall create and maintain at regular
26 intervals on its website, accessible to the public: (1) a list

1 of all registered day and temporary labor service agencies in
2 the State whose registration is in good standing; (2) a list of
3 day and temporary labor service agencies in the State whose
4 registration has been suspended, including the reason for the
5 suspension, the date the suspension was initiated, and the
6 date, if known, the suspension is to be lifted; and (3) a list
7 of day and temporary labor service agencies in the State whose
8 registration has been revoked, including the reason for the
9 revocation and the date the registration was revoked. The
10 Department has the authority to assess a penalty against any
11 day and temporary labor service agency that fails to register
12 with the Department of Labor in accordance with this Act or any
13 rules adopted under this Act of \$500 for each violation. Each
14 day during which a day and temporary labor service agency
15 operates without registering with the Department shall be a
16 separate and distinct violation of this Act.

17 (c) An applicant is not eligible to register to operate a
18 day and temporary labor service agency under this Act if the
19 applicant or any of its officers, directors, partners, or
20 managers or any owner of 25% or greater beneficial interest:

21 (1) has been involved, as owner, officer, director,
22 partner, or manager, of any day and temporary labor
23 service agency whose registration has been revoked or has
24 been suspended without being reinstated within the 5 years
25 immediately preceding the filing of the application; or

26 (2) is under the age of 18.

1 (d) Every agency shall post and keep posted at each
2 location, in a position easily accessible to all day or
3 temporary laborers ~~employees~~, notices as supplied and required
4 by the Department containing a copy or summary of the
5 provisions of the Act and a notice which informs the public of
6 a toll-free telephone number for day or temporary laborers and
7 the public to file wage dispute complaints and other alleged
8 violations by day and temporary labor service agencies. Every
9 day and temporary labor service agency employing day or
10 temporary laborers who communicate with the day and temporary
11 labor service agency by electronic communication shall also
12 provide all required notices by email to its day or temporary
13 laborers or on a website, regularly used by the employer to
14 communicate work-related information, that all day or
15 temporary laborers are able to regularly access, freely and
16 without interference. Such notices shall be in English and ~~or~~
17 any other language generally understood in the locale of the
18 day and temporary labor service agency.

19 (Source: P.A. 100-517, eff. 6-1-18.)

20 Section 45. The Child Labor Law is amended by changing
21 Sections 5, 17, and 17.3 as follows:

22 (820 ILCS 205/5) (from Ch. 48, par. 31.5)

23 Sec. 5. Every employer covered by this Act shall post in a
24 conspicuous place where minors under 16 years of age are

1 employed, or allowed to work, a printed summary ~~abstract~~ of
2 this Act and a list of the occupations prohibited to such
3 minors, to be furnished by the Department of Labor. Such
4 employers shall post in a conspicuous place where minors under
5 16 years of age are employed, or allowed to work a printed
6 notice stating the hours of commencing and stopping work, the
7 hours when the time or times allowed for dinner or other meals,
8 begin and end, and the Department's toll free telephone number
9 established under Section 17.4. An employer with employees who
10 do not regularly report to a physical workplace, such as
11 employees who work remotely or travel for work, shall also
12 provide the summary and notice by email to its employees or
13 conspicuous posting on the employer's website or intranet
14 site, if such site is regularly used by the employer to
15 communicate work-related information to employees and is able
16 to be regularly accessed by all employees, freely and without
17 interference. The Department of Labor shall furnish this
18 printed summary ~~form of such notice shall be furnished by the~~
19 ~~Department of Labor.~~

20 (Source: P.A. 88-365.)

21 (820 ILCS 205/17) (from Ch. 48, par. 31.17)

22 Sec. 17. It shall be the duty of the Department of Labor to
23 enforce the provisions of this Act. The Department of Labor
24 shall have the power to conduct investigations in connection
25 with the administration and enforcement of this Act and the

1 authorized officers and employees of the Department of Labor
2 are hereby authorized and empowered, to visit and inspect, at
3 all reasonable times and as often as possible, all places
4 covered by this Act. Truant officers and other school
5 officials authorized by the board of education or school
6 directors shall report violations under this Act to the
7 Department of Labor, and may enter any place in which children
8 are, or are believed to be employed and inspect the work
9 certificates on file. Such truant officers or other school
10 officials also are authorized to file complaints against any
11 employer found violating the provisions of this Act in case no
12 complaints for such violations are pending; and when such
13 complaints are filed by truant officers or other school
14 officials the State's attorneys of this state shall appear for
15 the people, and attend to the prosecution of such complaints.
16 The Department of Labor shall conduct hearings in accordance
17 with "The Illinois Administrative Procedure Act", approved
18 September 22, 1975, as amended, upon written complaint by an
19 investigator of the Department of Labor, truant officer or
20 other school official, or any interested person of a violation
21 of the Act or to revoke any certificate under this Act. After
22 such hearing, if supported by the evidence, the Department of
23 Labor may issue and cause to be served on any party an order to
24 cease and desist from violation of the Act, take such further
25 affirmative or other action as deemed reasonable to eliminate
26 the effect of the violation, and may revoke any certificate

1 issued under the Act and determine the amount of any civil
2 penalty allowed by the Act. The Department may serve such
3 orders by certified mail or by sending a copy by email to an
4 email address previously designated by the party for purposes
5 of receiving notice under this Act. An email address provided
6 by the party in the course of the administrative proceeding
7 shall not be used in any subsequent proceedings, unless the
8 party designates that email address for the subsequent
9 proceeding. The Director of Labor or his authorized
10 representative may compel by subpoena, the attendance and
11 testimony of witnesses and the production of books, payrolls,
12 records, papers and other evidence in any investigation or
13 hearing and may administer oaths to witnesses.

14 (Source: P.A. 80-1482.)

15 (820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

16 Sec. 17.3. Any employer who violates any of the provisions
17 of this Act or any rule or regulation issued under the Act
18 shall be subject to a civil penalty of not to exceed \$5,000 for
19 each such violation. In determining the amount of such
20 penalty, the appropriateness of such penalty to the size of
21 the business of the employer charged and the gravity of the
22 violation shall be considered. The amount of such penalty,
23 when finally determined, may be

24 (1) recovered in a civil action brought by the
25 Director of Labor in any circuit court, in which

1 litigation the Director of Labor shall be represented by
2 the Attorney General;

3 (2) ordered by the court, in an action brought for
4 violation under Section 19, to be paid to the Director of
5 Labor.

6 Any administrative determination by the Department of
7 Labor of the amount of each penalty shall be final unless
8 reviewed as provided in Section 17.1 of this Act.

9 Civil penalties recovered under this Section shall be paid
10 by certified check, money order, or by an electronic payment
11 system designated by the Department, and deposited into the
12 Child Labor and Day and Temporary Labor Services Enforcement
13 Fund, a special fund which is hereby created in the State
14 treasury. Moneys in the Fund may be used, subject to
15 appropriation, for exemplary programs, demonstration projects,
16 and other activities or purposes related to the enforcement of
17 this Act or for the activities or purposes related to the
18 enforcement of the Day and Temporary Labor Services Act, or
19 for the activities or purposes related to the enforcement of
20 the Private Employment Agency Act.

21 (Source: P.A. 98-463, eff. 8-16-13; 99-422, eff. 1-1-16.)".