



Rep. Camille Y. Lilly

**Filed: 3/5/2019**

10100HB2551ham001

LRB101 09418 RJF 56919 a

1 AMENDMENT TO HOUSE BILL 2551

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2551 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Equal  
5 Pay Certificate Act.

6 Section 5. Scope of Act.

7 (a) After June 1, 2020, no contract to which this Act  
8 applies shall be executed with a bidder, offeror, contractor,  
9 vendor, or potential contractor, as defined in the Illinois  
10 Procurement Code, unless it has an equal pay certificate or it  
11 has an equal pay certificate or it has certified in writing  
12 that it is exempt.

13 (b) A certificate is valid for 4 years.

14 Section 10. Application for equal pay certificate.

15 (a) A bidder shall apply for an equal pay certificate by

1 paying a \$150 filing fee and submitting an equal pay compliance  
2 statement to the Department of Employment Security. The  
3 proceeds from the fees collected under this Act shall be  
4 deposited into the Equal Pay Certificate Fund, a special fund  
5 created in the State Treasury. Money in the Fund shall be  
6 appropriated to the Department of Employment Security for the  
7 purposes of this Act. The Department of Employment Security  
8 shall issue an equal pay certificate of compliance to a  
9 business that submits to the Department of Employment Security  
10 a statement signed by the chairperson of the board or chief  
11 executive officer of that business:

12 (1) that the business is in compliance with Title VII  
13 of the Civil Rights Act of 1964, the Equal Pay Act of 2003,  
14 the Equal Wage Act, and the Illinois Human Rights Act;

15 (2) that the average compensation for its female  
16 employees is not consistently below the average  
17 compensation for its male employees within each of the  
18 major job categories in the Employer Information Report  
19 EEO-1 for which an employee is expected to perform work  
20 under the contract, taking into account factors such as  
21 length of service, requirements of specific jobs,  
22 experience, skill, effort, responsibility, working  
23 conditions of the job, or other mitigating factors;

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

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

4           (5) how often wages and benefits are evaluated to  
5 ensure compliance with the laws cited in item (1) and with  
6 item (2).

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

10           (1) a market pricing approach;

11           (2) state prevailing wage or union contract  
12 requirements;

13           (3) a performance pay system;

14           (4) an internal analysis; or

15           (5) an alternative approach to determine what level of  
16 wages and benefits to pay its employees.

17           If the business uses an alternative approach, the business  
18 must provide a description of its approach.

19           (c) Receipt of the equal pay compliance statement by the  
20 Department of Employment Security does not establish  
21 compliance with the laws identified in item (1) of subsection

22 (a).

23           Section 15. Issuance or rejection of certificate. The  
24 Department of Employment Security must issue an equal pay  
25 certificate, or a statement of why the application was

1 rejected, within 15 days after receipt of the application. An  
2 application may be rejected only if it does not comply with the  
3 requirements of Section 10.

4 Section 20. Revocation of certificate. An equal pay  
5 certificate for a business may be suspended or revoked by the  
6 Department of Employment Security when the business fails to  
7 make a good-faith effort to comply with the laws identified in  
8 item (1) of subsection (a) of Section 10, fails to make a  
9 good-faith effort to comply with this Act, or has multiple  
10 violations of this Article or the laws identified in item (1)  
11 of subsection (a) of Section 10. Prior to suspending or  
12 revoking a certificate, the Department of Employment Security  
13 must first have sought to conciliate with the business  
14 regarding wages and benefits due to employees.

15 Section 25. Administrative review.

16 (a) A business may obtain an administrative hearing before  
17 the suspension or revocation of its certificate is effective  
18 pursuant to the Illinois Administrative Procedure Act.

19 (b) The Department of Employment Security shall adopt rules  
20 for the fair administration of suspending or revoking equal pay  
21 certificates by March 1, 2020.

22 Section 30. Revocation of contract.

23 (a) If a contract is awarded to a business that does not

1 have an equal pay certificate as required under Section 10, or  
2 a business that is not in compliance with subsection (a) of  
3 Section 10, the Department of Employment Security may recommend  
4 that the contract be voided by the applicable Chief Procurement  
5 Officer as provided by Section 50-60 of the Illinois  
6 Procurement Code. The purchasing agency that is a party to the  
7 agreement must be notified by the Department of Employment  
8 Security prior to the Department of Employment Security making  
9 a recommendation to the applicable Chief Procurement Officer.

10 (b) A contract subject to this Act may be amended or  
11 terminated upon notice that the Department of Employment  
12 Security has suspended or revoked the certificate of the  
13 business.

14 Section 35. Technical assistance. The Department of  
15 Employment Security must provide technical assistance to any  
16 business that requests assistance regarding this Act.

17 Section 40. Audit. The Department of Employment Security  
18 may audit the business's compliance with this Act. As part of  
19 an audit, upon request, a business must provide the Department  
20 of Employment Security the following information with respect  
21 to employees expected to perform work under the contract in  
22 each of the major job categories in the Employer Information  
23 Report EEO-1:

24 (1) number of male employees;

1 (2) number of female employees;

2 (3) average annualized salaries paid to male employees  
3 and to female employees, in the manner most consistent with  
4 the employer's compensation system, within each major job  
5 category;

6 (4) information on performance payments, benefits, or  
7 other elements of compensation, in the manner most  
8 consistent with the employer's compensation system, if  
9 requested by the Department of Employment Security as part  
10 of a determination as to whether these elements of  
11 compensation are different for male and female employees;

12 (5) average length of service for male and female  
13 employees in each major job category; and

14 (6) other information identified by the business or by  
15 the Department of Employment Security, as needed, to  
16 determine compliance with items specified in subsection  
17 (a) of Section 10.

18 Section 45. Access to data. Data submitted to the  
19 Department of Employment Security related to equal pay  
20 certificates are private data on individuals or nonpublic data  
21 with respect to persons other than Department employees. The  
22 Department's decision to issue, not issue, revoke, or suspend  
23 an equal pay certificate is public data. The Department shall  
24 publish a list of all businesses in compliance with this Act  
25 with current and valid equal pay certificates on its website.

1           Section 50. Report. The Department of Employment Security  
2 shall report to the Governor and the General Assembly by  
3 January 31 of every odd-numbered year, beginning January 31,  
4 2021. The report shall indicate the number of equal pay  
5 certificates issued, the number of audits conducted, the  
6 processes used by contractors to ensure compliance with  
7 subsection (a) of Section 10, and a summary of its auditing  
8 efforts.

9           Section 100. The State Finance Act is amended by adding  
10 Section 5.891 as follows:

11           (30 ILCS 105/5.891 new)

12           Sec. 5.891. The Equal Pay Certificate Fund.

13           Section 999. Effective date. This Act takes effect upon  
14 becoming law."