**Section 300.450 Definitions**

Except for the terms set forth in Section 2 of the Act, all other terms used in this Part shall have the meanings set forth in this Section.

"Act" means the Illinois Wage Payment and Collection Act [820 ILCS 115].

"Administrative Employee" means an employee as defined by 29 CFR 541 (March 30, 2003).

"Administrative Law Judge" or "ALJ" means an individual authorized by the Department to determine the merits of claims alleging violations of the Act.

"Aggrieved Employee" means an employee whom the Department has determined through investigation is owed wages or compensation from an employer or other respondent, regardless of whether the employee has filed a claim with the Department.

"Agreement" means the manifestation of mutual assent on the part of two or more persons. An agreement is broader than a contract and an exchange of promises or an exchange is not required for an agreement to be in effect. An agreement may be reached by the parties without the formalities and accompanying legal protections of a contract and may be manifested by words or by any other conduct, such as past practice. Company policies and policies in a handbook create an agreement even when the handbook or policy contains a general disclaimer such as a provision disclaiming the handbook from being an employment contract, a guarantee of employment, or an enforceable contract. While a disclaimer may preclude a contract from being in effect, it does not preclude an agreement by two or more persons regarding terms set forth in the handbook relating to compensation to which both have otherwise assented. An agreement exists even if does not include a specific guarantee as to the duration of the agreement or even if one or either party reserves the right to change the terms of the agreement.

"Claim" means a signed application alleging a violation of the Act, accompanied by supporting documentation required by the Department.

"Claimant" means any person who submits a claim.

"Compensation" means remuneration or compensation an employee receives in return for services rendered to an employer. The remuneration for services rendered includes hourly wages, overtime wages, commissions, piece rate work, salary, bonuses, expense reimbursements, or any other basis of calculation for services performed. Compensation does not include future wages to be paid under to a terminated employment contract.

"Day" means a calendar day.

"Department" means the Illinois Department of Labor, its Director, and the Director's authorized representatives.

"Executive Employee" means an employee as defined by 29 CFR 541 (March 30, 2003).

"Location readily available" means a location within reasonable proximity to an employee's home or place of work that can be easily accessed.

"Other Representative" means any person with a direct relationship to the party, who is not an attorney or legal representative, who can address the substance of the claim, including a spouse, relative, or friend who can provide further clarification on the issues being considered or assist with translation for the party the person represents.

"Party" means a claimant and any respondent or other named entity whose payment of wages or final compensation is in question.

"Professional Employee" means an employee as defined by 29 CFR 541 (March 30, 2003).

(Source: Amended at 47 Ill. Reg. 5406, effective March 31, 2023)