**Section 320.840 Application for Certification; Recertification**

*A business that has employees in multiple locations or facilities in* *Illinois shall submit a single application to the Department regarding all of* the business's *operations in Illinois.* [820 ILCS 112/11(c)(3)]

a) An application shall include the following:

1) *A copy of the business's most recently filed Employer Information Report EEO-1* for all locations in the State of Illinois and for all employees as defined in this Subpart H, submitted in a text-searchable, sortable Microsoft Excel file or comma-separated values file format.

2) A list of all employees during the payroll year (January 1 through December 31) immediately preceding the application due date, *separated by* gender, race, and ethnicity *categories* in a text-searchable, sortable Microsoft Excel file or comma-separated values file format, as well as any other information required by the Department on the application form. For the purposes of this report, wages shall be reported by either the mean hourly wage (for employees paid hourly wages) or annual mean wage (for salaried employees). The business may provide any other information it believes is relevant to explain any pay disparities amongst its employees. [820 ILCS 112/11(c)(1)(A)]

3) An *Equal Pay Compliance Statement, signed by a corporate officer, legal counsel* employed by the business, *or authorized agent* employed by the business, that certifies:

A) *that the business is in compliance with the Act and other relevant laws, including but not limited to, Title VII of the Civil Rights Act of 1964* (42 U.S.C. 2000e), *the Equal Pay Act of 1963* (29 U.S.C. 206(d)), *the Illinois Human Rights Act* [775 ILCS 5], *and the Equal Wage Act* [820 ILCS 110];

B) *that the average compensation for* the business's *female and minority employees is not consistently below the average compensation for its male and non-minority employees within each of the major job categories in the Employer Information Report EEO-1* Job Classification Guide *for which an employee is expected to perform work, taking into account factors such as length of service, requirements of specific jobs, experience, skill, effort, responsibility, working conditions of the job, education or training, job location, use of a collective bargaining agreement, or other mitigating factors*;

C) *that the business does not restrict employees of one sex to certain job classifications, and makes retention and promotion decisions without regard to sex*. Businesses with positions for which sex is a bona fide occupational qualification, as defined in 29 CFR 1604.2, must provide a list of such positions with a short explanation of why sex is a bona fide occupational qualification for those positions;

D) *that wage and benefit disparities are corrected when identified to ensure compliance with the Acts* in subsection (a)(3)(A)(i);

E) *how often wages and benefits are evaluated; and*

F) *the approach the business takes in determining what level of wages and benefits to pay its employees; acceptable approaches include, but are not limited to, a wage and salary survey*. [820 ILCS 112/11(c)]

b) An application shall be submitted to the Department via the Department's web-based submission portal found on its website at http://labor.illinois.gov.

c) An application must be accompanied by *a filing fee of $150*, to be paid using the State Treasurer's E-Pay program or any successor program.

d) After receiving an initial Equal Pay Registration Certificate, a business must *recertify every two years* by submitting to the Department an application, as described in this Subpart, with updated information. The Department will notify the business that recertification is required and will provide the business with a recertification due date at least 180 calendar days before the recertification due date. A business that has fewer than 100 employees on December 31 of the business's payroll year must notify the Department, in writing by the recertification due date, of the number of employees employed by the business on December 31 of the business's payroll year and shall not be required to recertify. [820 ILCS 112/11(c)]

e) If a business discovers that it has provided incorrect or incomplete information in its application, that business shall submit to the Department a revised application with correct or complete information, along with a letter identifying the information that was amended. A business that makes a correction shall not be subject to penalties if the incorrect or incomplete information was provided in good faith and without knowledge that such information was incorrect or incomplete.

(Source: Added at 47 Ill. Reg. 155, effective December 22, 2022)