



Sen. Jennifer Bertino-Tarrant

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10000SB3100sam001

LRB100 20542 JLS 40461 a

1 AMENDMENT TO SENATE BILL 3100

2 AMENDMENT NO. _____. Amend Senate Bill 3100 by replacing
3 everything after the enacting clause with the following:

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

6 (820 ILCS 112/10)

7 Sec. 10. Prohibited acts.

8 (a) No employer may discriminate between employees on the
9 basis of sex by paying wages to an employee at a rate less than
10 the rate at which the employer pays wages to another employee
11 of the opposite sex for the same or substantially similar work
12 on jobs the performance of which requires equal skill, effort,
13 and responsibility, and which are performed under similar
14 working conditions, except where the payment is made under:

15 (1) a seniority system;

16 (2) a merit system;

1 (3) a system that measures earnings by quantity or
2 quality of production; or

3 (4) a differential based on any other factor other
4 than: (i) sex or (ii) a factor that would constitute
5 unlawful discrimination under the Illinois Human Rights
6 Act.

7 An employer who is paying wages in violation of this Act
8 may not, to comply with this Act, reduce the wages of any other
9 employee.

10 Nothing in this Act may be construed to require an employer
11 to pay, to any employee at a workplace in a particular county,
12 wages that are equal to the wages paid by that employer at a
13 workplace in another county to employees in jobs the
14 performance of which requires equal skill, effort, and
15 responsibility, and which are performed under similar working
16 conditions.

17 (b) It is unlawful for any employer to interfere with,
18 restrain, or deny the exercise of or the attempt to exercise
19 any right provided under this Act. It is unlawful for any
20 employer to discharge or in any other manner discriminate
21 against any individual for inquiring about, disclosing,
22 comparing, or otherwise discussing the employee's wages or the
23 wages of any other employee, or aiding or encouraging any
24 person to exercise his or her rights under this Act. It is
25 unlawful for an employer to require an employee to sign a
26 contract or waiver that prohibits the employee from disclosing

1 or discussing the employee's wage, salary, or other
2 compensation. An employer may, however, prohibit a human
3 resources employee, a supervisor, or any other employee whose
4 job responsibilities require or allow access to other
5 employees' wage or salary information from disclosing that
6 information without prior written consent from the employee
7 whose information is sought or requested.

8 (b-5) It is unlawful for an employer to seek the wage or
9 salary history of a prospective employee from the prospective
10 employee or a current or former employer or to require that a
11 prospective employee's wage or salary history meet certain
12 criteria. This subsection does not apply if:

13 (1) the prospective employee's wage or salary history
14 is a matter of public record;

15 (2) the prospective employee is a current employee of
16 the employer and is applying for a position with the same
17 employer; or

18 (3) a prospective employee has voluntarily disclosed
19 the information.

20 (c) It is unlawful for any person to discharge or in any
21 other manner discriminate against any individual because the
22 individual:

23 (1) has filed any charge or has instituted or caused to
24 be instituted any proceeding under or related to this Act;

25 (2) has given, or is about to give, any information in
26 connection with any inquiry or proceeding relating to any

1 right provided under this Act; ~~or~~

2 (3) has testified, or is about to testify, in any
3 inquiry or proceeding relating to any right provided under
4 this Act; or -

5 (4) fails to comply with any wage or salary history
6 inquiry.

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