

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 50-60 and by adding Section 50-14.6 as
6 follows:

7 (30 ILCS 500/50-14.6 new)

8 Sec. 50-14.6. Wage payment violations.

9 (a) No person or business that has admitted guilt or
10 liability or has been adjudicated guilty or liable in a
11 judicial or administrative proceeding of committing a repeated
12 or willful violation of the Illinois Wage Payment and
13 Collection Act, the Minimum Wage Law, the Illinois Worker
14 Adjustment and Retraining Notification Act, the Employee
15 Classification Act, the Day and Temporary Labor Services Act,
16 the Fair Labor Standards Act of 1938, any other State law
17 relating to wages and payments of wages, or any comparable
18 statute, law, or regulation of any state which governs wages or
19 the payment of wages shall do business with the State of
20 Illinois or any State agency or enter into a subcontract that
21 is subject to this Code for a period of 5 years from the date of
22 conviction, entry of a plea, administrative finding, or
23 admission of guilt.

1 (b) Every bid or offer submitted to the State, every
2 contract executed by the State, every submission to a vendor
3 portal, and every subcontract subject to Section 20-120 of this
4 Code shall contain a certification by the bidder, offeror,
5 potential contractor, contractor, or subcontractor,
6 respectively, that the bidder, offeror, potential contractor,
7 contractor, or subcontractor is not barred from being awarded a
8 contract or subcontract under this Section and acknowledges
9 that the contracting State agency may declare the related
10 contract void if any of the certifications completed pursuant
11 to this subsection are false. If the false certification is
12 made by a subcontractor, then the contractor's submitted bid or
13 offer and the executed contract may not be declared void,
14 unless the contractor refuses to terminate the subcontract upon
15 the State's request after a finding that the subcontract's
16 certification was false.

17 (c) The provisions of this Section do not apply to vendors
18 or contracts providing for Special Supplemental Nutrition
19 Program for Women, Infants, and Children (WIC) benefits,
20 Supplemental Nutrition Assistance Program (SNAP) benefits, or
21 Medicaid benefits.

22 (30 ILCS 500/50-60)

23 Sec. 50-60. Voidable contracts.

24 (a) If any contract or amendment thereto is entered into or
25 purchase or expenditure of funds is made at any time in

1 violation of this Code or any other law, the contract or
2 amendment thereto may be declared void by the chief procurement
3 officer or may be ratified and affirmed, provided the chief
4 procurement officer determines that ratification is in the best
5 interests of the State. If the contract is ratified and
6 affirmed, it shall be without prejudice to the State's rights
7 to any appropriate damages.

8 (b) If, during the term of a contract, the chief
9 procurement officer determines that the contractor is
10 delinquent in the payment of debt as set forth in Section 50-11
11 of this Code, the chief procurement officer may declare the
12 contract void if it determines that voiding the contract is in
13 the best interests of the State. The Debt Collection Bureau
14 shall adopt rules for the implementation of this subsection
15 (b).

16 (c) If, during the term of a contract, the chief
17 procurement officer determines that the contractor is in
18 violation of Section 50-10.5 of this Code, the chief
19 procurement officer shall declare the contract void.

20 (d) If, during the term of a contract, the contracting
21 agency learns from an annual certification or otherwise
22 determines that the contractor no longer qualifies to enter
23 into State contracts by reason of Section 50-5, 50-10, 50-12,
24 50-14, ~~or~~ 50-14.5, or 50-14.6 of this Article, the chief
25 procurement officer may declare the contract void if it
26 determines that voiding the contract is in the best interests

1 of the State.

2 (e) If, during the term of a contract, the chief
3 procurement officer learns from an annual certification or
4 otherwise determines that a subcontractor subject to Section
5 20-120 no longer qualifies to enter into State contracts by
6 reason of Section 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14, ~~or~~
7 50-14.5, or 50-14.6 of this Article, the chief procurement
8 officer may declare the related contract void if it determines
9 that voiding the contract is in the best interests of the
10 State. However, the related contract shall not be declared void
11 unless the contractor refuses to terminate the subcontract upon
12 the State's request after a finding that the subcontractor no
13 longer qualifies to enter into State contracts by reason of one
14 of the Sections listed in this subsection.

15 (f) The changes to this Section made by Public Act 96-795
16 apply to actions taken by the chief procurement officer on or
17 after July 1, 2010.

18 (g) The changes to this Section made by this amendatory Act
19 of the 101st General Assembly apply to actions taken by the
20 chief procurement officer on or after its effective date.

21 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see
22 Section 5 of P.A. 96-793 for the effective date of changes made
23 by P.A. 96-795); 96-1000, eff. 7-2-10; 97-895, eff. 8-3-12.)

24 Section 10. The Illinois Wage Payment and Collection Act is
25 amended by changing Section 14 as follows:

1 (820 ILCS 115/14) (from Ch. 48, par. 39m-14)

2 Sec. 14. (a) Any employee not timely paid wages, final
3 compensation, or wage supplements by his or her employer as
4 required by this Act shall be entitled to recover through a
5 claim filed with the Department of Labor or in a civil action,
6 but not both, the amount of any such underpayments and damages
7 of 2% of the amount of any such underpayments for each month
8 following the date of payment during which such underpayments
9 remain unpaid. In a civil action, such employee shall also
10 recover costs and all reasonable attorney's fees.

11 (a-5) In addition to the remedies provided in subsections
12 (a), (b), and (c) of this Section, any employer or any agent of
13 an employer, who, being able to pay wages, final compensation,
14 or wage supplements and being under a duty to pay, wilfully
15 refuses to pay as provided in this Act, or falsely denies the
16 amount or validity thereof or that the same is due, with intent
17 to secure for himself or other person any underpayment of such
18 indebtedness or with intent to annoy, harass, oppress, hinder,
19 delay or defraud the person to whom such indebtedness is due,
20 upon conviction, is guilty of:

21 (1) for unpaid wages, final compensation or wage
22 supplements in the amount of \$5,000 or less, a Class 4
23 felony ~~B-misdemeanor~~; or

24 (2) for unpaid wages, final compensation or wage
25 supplements in the amount of more than \$5,000, a Class 3

1 felony ~~A misdemeanor~~.

2 Each day during which any violation of this Act continues
3 shall constitute a separate and distinct offense.

4 Any employer or any agent of an employer who violates this
5 Section of the Act a subsequent time within 5 ~~2~~ years of a
6 prior criminal conviction under this Section is guilty, upon
7 conviction, of a Class 3 ~~4~~ felony.

8 (b) Any employer who has been demanded or ordered by the
9 Department or ordered by the court to pay wages, final
10 compensation, or wage supplements due an employee shall be
11 required to pay a non-waivable administrative fee to the
12 Department of Labor in the amount of \$250 if the amount ordered
13 by the Department as wages owed is \$3,000 or less; \$500 if the
14 amount ordered by the Department as wages owed is more than
15 \$3,000, but less than \$10,000; and \$1,000 if the amount ordered
16 by the Department as wages owed is \$10,000 or more. Any
17 employer who has been so demanded or ordered by the Department
18 or ordered by a court to pay such wages, final compensation, or
19 wage supplements and who fails to seek timely review of such a
20 demand or order as provided for under this Act and who fails to
21 comply within 15 calendar days after such demand or within 35
22 days of an administrative or court order is entered shall also
23 be liable to pay a penalty to the Department of Labor of 20% of
24 the amount found owing and a penalty to the employee of 1% per
25 calendar day of the amount found owing for each day of delay in
26 paying such wages to the employee. All moneys recovered as fees

1 and civil penalties under this Act, except those owing to the
2 affected employee, shall be deposited into the Wage Theft
3 Enforcement Fund, a special fund which is hereby created in the
4 State treasury. Moneys in the Fund may be used only for
5 enforcement of this Act.

6 (b-5) Penalties and fees under this Section may be assessed
7 by the Department and recovered in a civil action brought by
8 the Department in any circuit court or in any administrative
9 adjudicative proceeding under this Act. In any such civil
10 action or administrative adjudicative proceeding under this
11 Act, the Department shall be represented by the Attorney
12 General.

13 (c) Any employer, or any agent of an employer, who
14 discharges or in any other manner discriminates against any
15 employee because that employee has made a complaint to his
16 employer, to the Director of Labor or his authorized
17 representative, in a public hearing, or to a community
18 organization that he or she has not been paid in accordance
19 with the provisions of this Act, or because that employee has
20 caused to be instituted any proceeding under or related to this
21 Act, or because that employee has testified or is about to
22 testify in an investigation or proceeding under this Act, is
23 guilty, upon conviction, of a Class C misdemeanor. An employee
24 who has been unlawfully retaliated against shall be entitled to
25 recover through a claim filed with the Department of Labor or
26 in a civil action, but not both, all legal and equitable relief

1 as may be appropriate. In a civil action, such employee shall
2 also recover costs and all reasonable attorney's fees.

3 (Source: P.A. 98-527, eff. 1-1-14.)