



Rep. Jaime M. Andrade, Jr.

Filed: 4/20/2021

10200HB1811ham001

LRB102 03966 JLS 24346 a

1 AMENDMENT TO HOUSE BILL 1811

2 AMENDMENT NO. _____. Amend House Bill 1811 on page 2,
3 line 5, by changing "Section 5" to "Sections 5 and 30"; and

4 on page 3, by replacing line 10 with the following:

5 "with race or zip code when making a hiring decision."

6 (c) Any employer that violates this Section is subject to
7 a civil action as provided in subsection (e) of Section 30.

8 (820 ILCS 112/30)

9 Sec. 30. Violations; fines and penalties.

10 (a) If an employee is paid by his or her employer less than
11 the wage to which he or she is entitled in violation of Section
12 10 of this Act, the employee may recover in a civil action the
13 entire amount of any underpayment together with interest,
14 compensatory damages if the employee demonstrates that the
15 employer acted with malice or reckless indifference, punitive
16 damages as may be appropriate, injunctive relief as may be

1 appropriate, and the costs and reasonable attorney's fees as
2 may be allowed by the court and as necessary to make the
3 employee whole. At the request of the employee or on a motion
4 of the Director, the Department may make an assignment of the
5 wage claim in trust for the assigning employee and may bring
6 any legal action necessary to collect the claim, and the
7 employer shall be required to pay the costs incurred in
8 collecting the claim. Every such action shall be brought
9 within 5 years from the date of the underpayment. For purposes
10 of this Act, "date of the underpayment" means each time wages
11 are underpaid.

12 (a-5) If an employer violates subsection (b), (b-5),
13 (b-10), or (b-20) of Section 10, the employee may recover in a
14 civil action any damages incurred, special damages not to
15 exceed \$10,000, injunctive relief as may be appropriate, and
16 costs and reasonable attorney's fees as may be allowed by the
17 court and as necessary to make the employee whole. If special
18 damages are available, an employee may recover compensatory
19 damages only to the extent such damages exceed the amount of
20 special damages. Such action shall be brought within 5 years
21 from the date of the violation.

22 (b) The Director is authorized to supervise the payment of
23 the unpaid wages under subsection (a) or damages under
24 subsection (b), (b-5), (b-10), or (b-20) of Section 10 owing
25 to any employee or employees under this Act and may bring any
26 legal action necessary to recover the amount of unpaid wages,

1 damages, and penalties or to seek injunctive relief, and the
2 employer shall be required to pay the costs. Any sums
3 recovered by the Director on behalf of an employee under this
4 Section shall be paid to the employee or employees affected.

5 (c) Employers who violate any provision of this Act or any
6 rule adopted under the Act are subject to a civil penalty for
7 each employee affected as follows:

8 (1) An employer with fewer than 4 employees: first
9 offense, a fine not to exceed \$500; second offense, a fine
10 not to exceed \$2,500; third or subsequent offense, a fine
11 not to exceed \$5,000.

12 (2) An employer with 4 or more employees: first
13 offense, a fine not to exceed \$2,500; second offense, a
14 fine not to exceed \$3,000; third or subsequent offense, a
15 fine not to exceed \$5,000.

16 An employer or person who violates subsection (b), (b-5),
17 (b-10), (b-20), or (c) of Section 10 is subject to a civil
18 penalty not to exceed \$5,000 for each violation for each
19 employee affected.

20 (d) In determining the amount of the penalty, the
21 appropriateness of the penalty to the size of the business of
22 the employer charged and the gravity of the violation shall be
23 considered. The penalty may be recovered in a civil action
24 brought by the Director in any circuit court.

25 (e) If an employer violates Section 13 of this Act, the
26 employee may recover in a civil action any actual damages

1 incurred, special damages not to exceed \$10,000, injunctive
2 relief as may be appropriate, and costs and reasonable
3 attorney's fees as may be allowed by the court and as necessary
4 to make the employee whole. If special damages are available,
5 an employee may recover compensatory damages only to the
6 extent such damages exceed the amount of special damages. Such
7 action shall be brought within 5 years from the date of the
8 violation.

9 (Source: P.A. 101-177, eff. 9-29-19.)".