

1 AN ACT concerning human rights.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5, as amended by Public Act 101-656, as
6 follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmissible
3 disease or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmissible
5 Disease Control Act.

6 (e) Information the disclosure of which is exempted
7 under Section 30 of the Radon Industry Licensing Act.

8 (f) Firm performance evaluations under Section 55 of
9 the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (g) Information the disclosure of which is restricted
12 and exempted under Section 50 of the Illinois Prepaid
13 Tuition Act.

14 (h) Information the disclosure of which is exempted
15 under the State Officials and Employees Ethics Act, and
16 records of any lawfully created State or local inspector
17 general's office that would be exempt if created or
18 obtained by an Executive Inspector General's office under
19 that Act.

20 (i) Information contained in a local emergency energy
21 plan submitted to a municipality in accordance with a
22 local emergency energy plan ordinance that is adopted
23 under Section 11-21.5-5 of the Illinois Municipal Code.

24 (j) Information and data concerning the distribution
25 of surcharge moneys collected and remitted by carriers
26 under the Emergency Telephone System Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the
16 Capital Crimes Litigation Act. This subsection (n) shall
17 apply until the conclusion of the trial of the case, even
18 if the prosecution chooses not to pursue the death penalty
19 prior to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Record Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained
12 in, stored in, submitted to, transferred by, or released
13 from the Illinois Health Information Exchange, and
14 identified or deidentified health information in the form
15 of health data and medical records of the Illinois Health
16 Information Exchange in the possession of the Illinois
17 Health Information Exchange Office due to its
18 administration of the Illinois Health Information
19 Exchange. The terms "identified" and "deidentified" shall
20 be given the same meaning as in the Health Insurance
21 Portability and Accountability Act of 1996, Public Law
22 104-191, or any subsequent amendments thereto, and any
23 regulations promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under the Developmental Disability and
26 Mental Health Safety Act (also known as Brian's Law).

1 (v) Names and information of people who have applied
2 for or received Firearm Owner's Identification Cards under
3 the Firearm Owners Identification Card Act or applied for
4 or received a concealed carry license under the Firearm
5 Concealed Carry Act, unless otherwise authorized by the
6 Firearm Concealed Carry Act; and databases under the
7 Firearm Concealed Carry Act, records of the Concealed
8 Carry Licensing Review Board under the Firearm Concealed
9 Carry Act, and law enforcement agency objections under the
10 Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of
23 an eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

3 (aa) Information which is exempted from disclosure
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (dd) Information that is prohibited from being
11 disclosed under Section 45 of the Condominium and Common
12 Interest Community Ombudsperson Act.

13 (ee) Information that is exempted from disclosure
14 under Section 30.1 of the Pharmacy Practice Act.

15 (ff) Information that is exempted from disclosure
16 under the Revised Uniform Unclaimed Property Act.

17 (gg) Information that is prohibited from being
18 disclosed under Section 7-603.5 of the Illinois Vehicle
19 Code.

20 (hh) Records that are exempt from disclosure under
21 Section 1A-16.7 of the Election Code.

22 (ii) Information which is exempted from disclosure
23 under Section 2505-800 of the Department of Revenue Law of
24 the Civil Administrative Code of Illinois.

25 (jj) Information and reports that are required to be
26 submitted to the Department of Labor by registering day

1 and temporary labor service agencies but are exempt from
2 disclosure under subsection (a-1) of Section 45 of the Day
3 and Temporary Labor Services Act.

4 (kk) Information prohibited from disclosure under the
5 Seizure and Forfeiture Reporting Act.

6 (ll) Information the disclosure of which is restricted
7 and exempted under Section 5-30.8 of the Illinois Public
8 Aid Code.

9 (mm) Records that are exempt from disclosure under
10 Section 4.2 of the Crime Victims Compensation Act.

11 (nn) Information that is exempt from disclosure under
12 Section 70 of the Higher Education Student Assistance Act.

13 (oo) Communications, notes, records, and reports
14 arising out of a peer support counseling session
15 prohibited from disclosure under the First Responders
16 Suicide Prevention Act.

17 (pp) Names and all identifying information relating to
18 an employee of an emergency services provider or law
19 enforcement agency under the First Responders Suicide
20 Prevention Act.

21 (qq) Information and records held by the Department of
22 Public Health and its authorized representatives collected
23 under the Reproductive Health Act.

24 (rr) Information that is exempt from disclosure under
25 the Cannabis Regulation and Tax Act.

26 (ss) Data reported by an employer to the Department of

1 Human Rights pursuant to Section 2-108 of the Illinois
2 Human Rights Act.

3 (tt) Recordings made under the Children's Advocacy
4 Center Act, except to the extent authorized under that
5 Act.

6 (uu) Information that is exempt from disclosure under
7 Section 50 of the Sexual Assault Evidence Submission Act.

8 (vv) Information that is exempt from disclosure under
9 subsections (f) and (j) of Section 5-36 of the Illinois
10 Public Aid Code.

11 (ww) Information that is exempt from disclosure under
12 Section 16.8 of the State Treasurer Act.

13 (xx) Information that is exempt from disclosure or
14 information that shall not be made public under the
15 Illinois Insurance Code.

16 (yy) Information prohibited from being disclosed under
17 the Illinois Educational Labor Relations Act.

18 (zz) Information prohibited from being disclosed under
19 the Illinois Public Labor Relations Act.

20 (aaa) Information prohibited from being disclosed
21 under Section 1-167 of the Illinois Pension Code.

22 ~~(bbb) Information that is exempt from disclosure under~~
23 ~~subsection (k) of Section 11 of the Equal Pay Act of 2003.~~

24 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
25 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
26 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,

1 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
2 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
3 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
4 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
5 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
6 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,
7 eff. 7-7-20; 101-656, eff. 3-23-21.)

8 Section 10. The Equal Pay Act of 2003 is amended by
9 changing Sections 11 and 30 as follows:

10 (820 ILCS 112/11)

11 Sec. 11. Equal pay registration certificate requirements;
12 application. For the purposes of this Section 11 only,
13 "business" means any private employer who has more than 100
14 employees in the State of Illinois and is required to file an
15 Annual Employer Information Report EEO-1 with the Equal
16 Employment Opportunity Commission, but ~~and~~ does not include
17 the State of Illinois or any political subdivision, municipal
18 corporation, or other governmental unit or agency.

19 (a) A business must obtain an equal pay registration
20 certificate from the Department ~~or certify in writing that it~~
21 ~~is exempt.~~

22 (b) Any business subject to the requirements of this
23 Section that is authorized to transact business in this State
24 on March 23, 2021 shall submit an application to obtain an

1 equal pay registration certificate, between March 24, 2022 and
2 March 23, 2024, and must recertify every 2 years thereafter.
3 Any business subject to the requirements of this Section that
4 is authorized to transact business in this State after March
5 23, 2021 must submit an application to obtain an equal pay
6 registration certificate within 3 years of commencing business
7 operations, but not before January 1, 2024, and must recertify
8 every 2 years thereafter. The Department shall collect contact
9 information from each business subject to this Section. The
10 Department shall assign each business a date by which it must
11 submit an application to obtain an equal pay registration
12 certificate. The business shall recertify every 2 years at a
13 date to be determined by the Department. When a business
14 receives a notice from the Department to recertify for its
15 equal pay registration certificate, if the business has fewer
16 than 100 employees, the business must certify in writing to
17 the Department that it is exempt from this Section. Any new
18 business that is subject to this Section and authorized to
19 conduct business in this State, after the effective date of
20 this amendatory Act of the 102nd General Assembly, shall
21 submit its contact information to the Department by January 1
22 of the following year and shall be assigned a date by which it
23 must submit an application to obtain an equal pay registration
24 certificate. The Department's failure to assign a business a
25 registration date does not exempt the business from compliance
26 with this Section. The failure of the Department to notify a

1 business of its recertification deadline may be a mitigating
2 factor when making a determination of a violation of this
3 Section ~~the effective date of this amendatory Act of the 101st~~
4 ~~General Assembly must obtain an equal pay registration~~
5 ~~certificate within 3 years after the effective date of this~~
6 ~~amendatory Act of the 101st General Assembly and must~~
7 ~~recertify every 2 years thereafter. Any business subject to~~
8 ~~the requirements of this Section that is authorized to~~
9 ~~transact business in this State after the effective date of~~
10 ~~this amendatory Act of the 101st General Assembly must obtain~~
11 ~~an equal pay registration certificate within 3 years of~~
12 ~~commencing business operations and must recertify every 2~~
13 ~~years thereafter.~~

14 (c) Application.

15 (1) A business shall apply for an equal pay
16 registration certificate by paying a \$150 filing fee and
17 submitting wage records and an equal pay compliance
18 statement to the Director as follows:

19 (A) Wage Records. Any business that is required to
20 file an annual Employer Information Report EEO-1 with
21 the Equal Employment Opportunity Commission must also
22 submit to the Director a copy of the business's most
23 recently filed Employer Information Report EEO-1. The
24 business shall also compile a list of all employees
25 during the past calendar year, separated by gender and
26 the race and ethnicity categories as reported in the

1 business's most recently filed Employer Information
2 Report EEO-1, and the county in which the employee
3 works, the date the employee started working for the
4 business, any other information the Department deems
5 necessary to determine if pay equity exists among
6 employees, and report the total wages as defined by
7 Section 2 of the Illinois Wage Payment and Collection
8 Act paid to each employee during the past calendar
9 year, rounded to the nearest \$100, to the Director.

10 (B) Equal Pay Compliance Statement. The business
11 must submit a statement signed by a corporate officer,
12 legal counsel, or authorized agent of the business
13 certifying:

14 (i) that the business is in compliance with
15 this Act and other relevant laws, including but
16 not limited to: Title VII of the Civil Rights Act
17 of 1964, the Equal Pay Act of 1963, the Illinois
18 Human Rights Act, and the Equal Wage Act;

19 (ii) that the average compensation for its
20 female and minority employees is not consistently
21 below the average compensation, as determined by
22 rule by the United States Department of Labor, for
23 its male and non-minority employees within each of
24 the major job categories in the Employer
25 Information Report EEO-1 for which an employee is
26 expected to perform work, taking into account

1 factors such as length of service, requirements of
2 specific jobs, experience, skill, effort,
3 responsibility, working conditions of the job,
4 education or training, job location, use of a
5 collective bargaining agreement, or other
6 mitigating factors; as used in this subparagraph,
7 "minority" has the meaning ascribed to that term
8 in paragraph (1) of subsection (A) of Section 2 of
9 the Business Enterprise for Minorities, Women, and
10 Persons with Disabilities Act;

11 (iii) that the business does not restrict
12 employees of one sex to certain job
13 classifications, and makes retention and promotion
14 decisions without regard to sex;

15 (iv) that wage and benefit disparities are
16 corrected when identified to ensure compliance
17 with the Acts cited in item (i);

18 (v) how often wages and benefits are
19 evaluated; and

20 (vi) the approach the business takes in
21 determining what level of wages and benefits to
22 pay its employees; acceptable approaches include,
23 but are not limited to, a wage and salary survey.

24 (C) Filing fee. The business shall pay to the
25 Department a filing fee of \$150. Proceeds ~~an equal pay~~
26 ~~compliance statement to the Director. Any business~~

1 ~~that is required to file an annual Employer~~
2 ~~Information Report EEO-1 with the Equal Employment~~
3 ~~Opportunity Commission must also submit to the~~
4 ~~Director a copy of the business's most recently filed~~
5 ~~Employer Information Report EEO-1 for each county in~~
6 ~~which the business has a facility or employees. The~~
7 ~~business shall also compile, from records maintained~~
8 ~~and available, a list of all employees during the past~~
9 ~~calendar year, separated by gender and the race and~~
10 ~~ethnicity categories as reported in the business's~~
11 ~~most recently filed Employer Information Report EEO-1,~~
12 ~~and report the total wages as defined by Section 2 of~~
13 ~~the Illinois Wage Payment and Collection Act paid to~~
14 ~~each employee during the past calendar year, rounded~~
15 ~~to the nearest hundred dollar, to the Director. The~~
16 ~~proceeds~~ from the fees collected under this Section
17 shall be deposited into the Equal Pay Registration
18 Fund, a special fund created in the State treasury.
19 Moneys in the Fund shall be appropriated to the
20 Department for the purposes of this Section. ~~The~~
21 ~~Director shall issue an equal pay registration~~
22 ~~certificate to a business that submits to the Director~~
23 ~~a statement signed by a corporate officer, legal~~
24 ~~counsel, or authorized agent of the business:~~

25 (2) Receipt of the equal pay compliance application
26 and statement by the Director does not establish

1 compliance with the Acts set forth in item (i) of
2 subparagraph (B) of paragraph (1) of this subsection (c).

3 ~~(A) that the business is in compliance with Title~~
4 ~~VII of the Civil Rights Act of 1964, the Equal Pay Act~~
5 ~~of 1963, the Illinois Human Rights Act, the Equal Wage~~
6 ~~Act, and the Equal Pay Act of 2003;~~

7 ~~(B) that the average compensation for its female~~
8 ~~and minority employees is not consistently below the~~
9 ~~average compensation, as determined by rule by the~~
10 ~~United States Department of Labor, for its male and~~
11 ~~non-minority employees within each of the major job~~
12 ~~categories in the Employer Information Report EEO-1~~
13 ~~for which an employee is expected to perform work~~
14 ~~under the contract, taking into account factors such~~
15 ~~as length of service, requirements of specific jobs,~~
16 ~~experience, skill, effort, responsibility, working~~
17 ~~conditions of the job, or other mitigating factors; as~~
18 ~~used in this subparagraph, "minority" has the meaning~~
19 ~~ascribed to that term in paragraph (1) of subsection~~
20 ~~(A) of Section 2 of the Business Enterprise for~~
21 ~~Minorities, Women, and Persons with Disabilities Act;~~

22 ~~(C) that the business does not restrict employees~~
23 ~~of one sex to certain job classifications and makes~~
24 ~~retention and promotion decisions without regard to~~
25 ~~sex;~~

26 ~~(D) that wage and benefit disparities are~~

1 ~~corrected when identified to ensure compliance with~~
2 ~~the Acts cited in subparagraph (A) and with~~
3 ~~subparagraph (B); and~~

4 ~~(E) how often wages and benefits are evaluated to~~
5 ~~ensure compliance with the Acts cited in subparagraph~~
6 ~~(A) and with subparagraph (B).~~

7 ~~(2) The equal pay compliance statement shall also~~
8 ~~indicate whether the business, in setting compensation and~~
9 ~~benefits, utilizes:~~

10 ~~(A) a market pricing approach;~~

11 ~~(B) State prevailing wage or union contract~~
12 ~~requirements;~~

13 ~~(C) a performance pay system;~~

14 ~~(D) an internal analysis; or~~

15 ~~(E) an alternative approach to determine what~~
16 ~~level of wages and benefits to pay its employees. If~~
17 ~~the business uses an alternative approach, the~~
18 ~~business must provide a description of its approach.~~

19 ~~(3) Receipt of the equal pay compliance statement by~~
20 ~~the Director does not establish compliance with the Acts~~
21 ~~set forth in subparagraph (A).~~

22 (3) A business that has employees in multiple
23 locations or facilities in Illinois shall submit a single
24 application to the Department regarding all of its
25 operations in Illinois.

26 (d) Issuance or rejection of registration certificate.

1 After January 1, 2022, the Director must issue an equal pay
2 registration certificate, or a statement of why the
3 application was rejected, within 45 calendar days of receipt
4 of the application. Applicants shall have the opportunity to
5 cure any deficiencies in its application that led to the
6 rejection, and re-submit the revised application to the
7 Department within 30 calendar days of receiving a rejection.
8 Applicants shall have the ability to appeal rejected
9 applications. An application may be rejected only if it does
10 not comply with the requirements of subsection (c), or the
11 business is otherwise found to be in violation of this Act. The
12 receipt of an application by the Department, or the issuance
13 of a registration certificate by the Department, shall not
14 establish compliance with the Equal Pay Act of 2003 as to all
15 Sections except Section 11. The issuance of a registration
16 certificate shall not be a defense against any Equal Pay Act
17 violation found by the Department, nor a basis for mitigation
18 of damages. The Director must issue an equal pay registration
19 certificate, or a statement of why the application was
20 rejected, within 45 calendar days of receipt of the
21 application. An application may be rejected only if it does
22 not comply with the requirements of subsection (c). The
23 receipt of an application by the Department, or the issuance
24 of a registration certificate by the Department, shall not
25 establish compliance of the Equal Pay Act of 2003 as to all
26 Sections except Section 11. The issuance of a registration

1 ~~certificate shall not be a defense against any Equal Pay Act~~
2 ~~violation found by the Department, nor a basis for mitigation~~
3 ~~of damages.~~

4 (e) Revocation of registration certificate. An equal pay
5 registration certificate for a business may be suspended or
6 revoked by the Director when the business fails to make a good
7 faith effort to comply with the Acts identified in item (i) of
8 subparagraph (B) of paragraph (1) of subsection (c), fails to
9 make a good faith effort to comply with this Section, or has
10 multiple violations of this Section or the Acts identified in
11 item (i) of subparagraph (B) of paragraph (1) of subsection
12 (c). Prior to suspending or revoking a registration
13 certificate, the Director must first have sought to conciliate
14 with the business regarding wages and benefits due to
15 employees.

16 Consistent with Section 25, prior to or in connection with
17 the suspension or revocation of an equal pay registration
18 certificate, the Director, or his or her authorized
19 representative, may interview workers, administer oaths, take
20 or cause to be taken the depositions of witnesses, and require
21 by subpoena the attendance and testimony of witnesses, and the
22 production of personnel and compensation information relative
23 to the matter under investigation, hearing or a
24 department-initiated audit. ~~subparagraph (A) of paragraph (1)~~
25 ~~of subsection (c), fails to make a good faith effort to comply~~
26 ~~with this Section, or has multiple violations of this Section~~

1 ~~er the Acts identified in subparagraph (A) of paragraph (1) of~~
2 ~~subsection (c). Prior to suspending or revoking a registration~~
3 ~~certificate, the Director must first have sought to conciliate~~
4 ~~with the business regarding wages and benefits due to~~
5 ~~employees.~~

6 ~~The Director, or his or her authorized representative, may~~
7 ~~interview workers, administer oaths, take or cause to be taken~~
8 ~~the depositions of witnesses, and require by subpoena the~~
9 ~~attendance and testimony of witnesses, and the production of~~
10 ~~all books, records, and other evidence relative to the matter~~
11 ~~under investigation or hearing. Such subpoena shall be signed~~
12 ~~and issued by the Director or his or her authorized~~
13 ~~representative.~~

14 ~~Upon request by the Director or his or her deputies or~~
15 ~~agents, records shall be copied and submitted for evidence at~~
16 ~~no cost to the Department. Every employer upon request shall~~
17 ~~furnish to the Director or his or her authorized~~
18 ~~representative, on demand, a sworn statement of the accuracy~~
19 ~~of the records. Any employer who refuses to furnish a sworn~~
20 ~~statement of the records is in violation of this Act.~~

21 ~~In case of failure of any person to comply with any~~
22 ~~subpoena lawfully issued under this Section or on the refusal~~
23 ~~of any witness to produce evidence or to testify to any matter~~
24 ~~regarding which he or she may be lawfully interrogated, it is~~
25 ~~the duty of any circuit court, upon application of the~~
26 ~~Director or his or her authorized representative, to compel~~

~~1 obedience by proceedings for contempt, as in the case of
2 disobedience of the requirements of a subpoena issued by such
3 court or a refusal to testify therein. The Director may
4 certify to official acts.~~

5 Neither the Department nor the Director shall be held
6 liable for good faith errors in issuing, denying, suspending
7 or revoking certificates.

8 (f) Administrative review. A business may obtain an
9 administrative hearing in accordance with the Illinois
10 Administrative Procedure Act before the suspension or
11 revocation of its certificate or imposition of civil penalties
12 as provided by subsection (i) is effective by filing a written
13 request for hearing within 20 calendar days after service of
14 notice by the Director.

15 ~~(1) A business may obtain an administrative hearing in
16 accordance with the Illinois Administrative Procedure Act
17 before the suspension or revocation of its certificate is
18 effective by filing a written request for hearing within
19 20 calendar days after service of notice by the Director.~~

20 ~~(2) A business may obtain an administrative hearing in
21 accordance with the Illinois Administrative Procedure Act
22 before the contract award entity's abridgement or
23 termination of a contract is effective by filing a written
24 request for a hearing 20 calendar days after service of
25 notice by the contract award entity.~~

26 (g) Technical assistance. The Director must provide

1 technical assistance to any business that requests assistance
2 regarding this Section.

3 ~~(h) Audit. The Director may audit the business's~~
4 ~~compliance with this Section. As part of an audit, upon~~
5 ~~request, a business must provide the Director the following~~
6 ~~information with respect to employees expected to perform work~~
7 ~~under the contract in each of the major job categories in the~~
8 ~~Employer Information Report EEO 1:~~

9 ~~(1) number of male employees;~~

10 ~~(2) number of female employees;~~

11 ~~(3) average annualized salaries paid to male employees~~
12 ~~and to female employees, in the manner most consistent~~
13 ~~with the employer's compensation system, within each major~~
14 ~~job category;~~

15 ~~(4) information on performance payments, benefits, or~~
16 ~~other elements of compensation, in the manner most~~
17 ~~consistent with the employer's compensation system, if~~
18 ~~requested by the Director as part of a determination as to~~
19 ~~whether these elements of compensation are different for~~
20 ~~male and female employees;~~

21 ~~(5) average length of service for male and female~~
22 ~~employees in each major job category; and~~

23 ~~(6) other information identified by the business or by~~
24 ~~the Director, as needed, to determine compliance with~~
25 ~~items specified in paragraph (1) of subsection (c).~~

26 (h) ~~(i)~~ Access to data.

1 (1) Any individually identifiable information
2 submitted to the Director within or related to an equal
3 pay registration application or otherwise provided by an
4 employer in its equal pay compliance statement under
5 subsection (c) shall be considered confidential
6 information and not subject to disclosure pursuant to the
7 Illinois Freedom of Information Act. As used in this
8 Section, "individually identifiable information" means
9 data submitted pursuant to this Section that is associated
10 with a specific person or business. Aggregate data or
11 reports that are reasonably calculated to prevent the
12 association of any data with any individual business or
13 person are not confidential information. Aggregate data
14 shall include the job category and the average hourly wage
15 by county for each gender, race, and ethnicity category on
16 the registration certificate applications. The Department
17 of Labor may compile aggregate data from registration
18 certificate applications.

19 (2) The Director's decision to issue, not issue,
20 revoke, or suspend an equal pay registration certificate
21 is public information.

22 (3) Notwithstanding this subsection (h), a current
23 employee of a covered business may request anonymized data
24 regarding their job classification or title and the pay
25 for that classification. No individually identifiable
26 information may be provided to an employee making a

1 request under this paragraph.

2 (4) Notwithstanding this subsection (h), the
3 Department may share data and identifiable information
4 with the Department of Human Rights, pursuant to its
5 enforcement of Article 2 of the Illinois Human Rights Act,
6 or the Office of the Attorney General, pursuant to its
7 enforcement of Section 10-104 of the Illinois Human Rights
8 Act.

9 (5) Any Department employee who willfully and
10 knowingly divulges, except in accordance with a proper
11 judicial order or otherwise provided by law, confidential
12 information received by the Department from any business
13 pursuant to this Act shall be deemed to have violated the
14 State Officials and Employees Ethics Act and be subject to
15 the penalties established under subsections (e) and (f) of
16 Section 50-5 of that Act after investigation and
17 opportunity for hearing before the Executive Ethics
18 Commission in accordance with Section 20-50 of that Act.

19 ~~Data submitted to the Director related to equal pay~~
20 ~~registration certificates or otherwise provided by an employer~~
21 ~~in its equal pay compliance statement under subsection (c) are~~
22 ~~private data on individuals or nonpublic data with respect to~~
23 ~~persons other than Department employees. The Director's~~
24 ~~decision to issue, not issue, revoke, or suspend an equal pay~~
25 ~~registration certificate is public data.~~

26 (i) ~~(j)~~ Penalty. The Department shall impose on any

1 ~~business that does not obtain an equal pay registration~~
2 ~~certificate as required under this Section, or whose equal pay~~
3 ~~registration certificate is suspended or revoked after a~~
4 ~~Department investigation, a civil penalty in an amount equal~~
5 ~~to 1% of the business's gross profits. Falsification or~~
6 ~~misrepresentation of information on an application submitted~~
7 ~~to the Department shall constitute a violation of this Act and~~
8 ~~the Department may seek to suspend or revoke an equal pay~~
9 ~~registration certificate or impose civil penalties as provided~~
10 ~~under subsection (c) of Section 30.~~

11 ~~(k) Whistleblower protection. As used in this subsection,~~
12 ~~"retaliatory action" means the reprimand, discharge,~~
13 ~~suspension, demotion, denial of promotion or transfer, or~~
14 ~~change in the terms and conditions of employment of any~~
15 ~~employee of a business that is taken in retaliation for the~~
16 ~~employee's involvement in a protected activity.~~

17 ~~(1) A business shall not take any retaliatory action~~
18 ~~against an employee of the business because the employee~~
19 ~~does any of the following:~~

20 ~~(A) Discloses or threatens to disclose to a~~
21 ~~supervisor or to a public body an activity, inaction,~~
22 ~~policy, or practice implemented by a business that the~~
23 ~~employee reasonably believes is in violation of a law,~~
24 ~~rule, or regulation.~~

25 ~~(B) Provides information to or testifies before~~
26 ~~any public body conducting an investigation, hearing,~~

1 ~~or inquiry into any violation of a law, rule, or~~
2 ~~regulation by a nursing home administrator.~~

3 ~~(C) Assists or participates in a proceeding to~~
4 ~~enforce the provisions of this Act.~~

5 ~~(2) A violation of this subsection (k) may be~~
6 ~~established only upon a finding that (i) the employee of~~
7 ~~the business engaged in conduct described in paragraph (1)~~
8 ~~of this subsection and (ii) this conduct was a~~
9 ~~contributing factor in the retaliatory action alleged by~~
10 ~~the employee. There is no violation of this Section,~~
11 ~~however, if the business demonstrates by clear and~~
12 ~~convincing evidence that it would have taken the same~~
13 ~~unfavorable personnel action in the absence of that~~
14 ~~conduct.~~

15 ~~(3) The employee of the business may be awarded all~~
16 ~~remedies necessary to make the employee whole and to~~
17 ~~prevent future violations of this Section. Remedies~~
18 ~~imposed by the court may include, but are not limited to,~~
19 ~~all of the following:~~

20 ~~(A) Reinstatement of the employee to either the~~
21 ~~same position held before the retaliatory action or to~~
22 ~~an equivalent position.~~

23 ~~(B) Two times the amount of back pay.~~

24 ~~(C) Interest on the back pay.~~

25 ~~(D) Reinstatement of full fringe benefits and~~
26 ~~seniority rights.~~

1 ~~(E) Payment of reasonable costs and attorney's~~
2 ~~fees.~~

3 ~~(4) Nothing in this Section shall be deemed to~~
4 ~~diminish the rights, privileges, or remedies of an~~
5 ~~employee of a business under any other federal or State~~
6 ~~law, rule, or regulation or under any employment contract.~~

7 (Source: P.A. 101-656, eff. 3-23-21.)

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 or 11 of this Act, the employee may recover in a civil
13 action the entire amount of any underpayment together with
14 interest, compensatory damages if the employee demonstrates
15 that the employer acted with malice or reckless indifference,
16 punitive damages as may be appropriate, injunctive relief as
17 may be appropriate, and the costs and reasonable attorney's
18 fees as may be allowed by the court and as necessary to make
19 the employee whole. At the request of the employee or on a
20 motion of the Director, the Department may make an assignment
21 of the wage claim in trust for the assigning employee and may
22 bring any legal action necessary to collect the claim, and the
23 employer shall be required to pay the costs incurred in
24 collecting the claim. Every such action shall be brought
25 within 5 years from the date of the underpayment. For purposes

1 of this Act, "date of the underpayment" means each time wages
2 are underpaid.

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

13 (b) The Director is authorized to supervise the payment of
14 the unpaid wages under subsection (a) or damages under
15 subsection (b), (b-5), (b-10), or (b-20) of Section 10 owing
16 to any employee or employees under this Act and may bring any
17 legal action necessary to recover the amount of unpaid wages,
18 damages, and penalties or to seek injunctive relief, and the
19 employer shall be required to pay the costs. Any sums
20 recovered by the Director on behalf of an employee under this
21 Section shall be paid to the employee or employees affected.

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

25 (1) An employer with fewer than 4 employees: first
26 offense, a fine not to exceed \$500; second offense, a fine

1 not to exceed \$2,500; third or subsequent offense, a fine
2 not to exceed \$5,000.

3 (2) An employer with between 4 and 99 ~~4 or more~~
4 employees: first offense, a fine not to exceed \$2,500;
5 second offense, a fine not to exceed \$3,000; third or
6 subsequent offense, a fine not to exceed \$5,000.

7 (3) An employer with 100 or more employees who
8 violates any Section of this Act except for Section 11
9 shall be fined up to \$10,000 per employee affected. An
10 employer with 100 or more employees that is a business as
11 defined under Section 11 and commits a violation of
12 Section 11 shall be fined up to \$10,000.

13 Before any imposition of a penalty under this subsection,
14 an employer with 100 or more employees who violates item (b) of
15 Section 11 and inadvertently fails to file an initial
16 application or recertification shall be provided 30 calendar
17 days by the Department to submit the application or
18 recertification.

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

23 (d) In determining the amount of the penalty, the
24 appropriateness of the penalty to the size of the business of
25 the employer charged and the gravity of the violation shall be
26 considered. The penalty may be recovered in a civil action

1 brought by the Director in any circuit court.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.