



Rep. Daniel Didech

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LRB103 04629 JDS 58608 a

1 AMENDMENT TO HOUSE BILL 1166

2 AMENDMENT NO. _____. Amend House Bill 1166 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 adding Section 50-83 as follows:

6 (30 ILCS 500/50-83 new)

7 Sec. 50-83. Equal pay registration certificate. For
8 procurements first solicited on or after January 1, 2025, a
9 person who is required to obtain an equal pay registration
10 certificate under Section 11 of the Equal Pay Act of 2003 may
11 qualify as a bidder, offeror, or contractor under this Code if
12 the person was issued an equal pay registration certificate
13 from the Department of Labor during the previous 2 calendar
14 years and includes a copy of the certificate with the bid or
15 offer. For any bid or offer for a contract with a State agency
16 by a person required to obtain an equal pay registration

1 certificate under Section 11 of the Equal Pay Act of 2003, the
2 chief procurement officer shall require the person to certify
3 that the person holds an equal pay registration certificate
4 issued during the previous 2 calendar years.

5 Section 10. The Equal Pay Act of 2003 is amended by
6 changing Section 11 as follows:

7 (820 ILCS 112/11)

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

16 (a) A business must obtain an equal pay registration
17 certificate from the Department.

18 (b) Any business subject to the requirements of this
19 Section that is authorized to transact business in this State
20 on March 23, 2021 shall submit an application to obtain an
21 equal pay registration certificate, between March 24, 2022 and
22 March 23, 2024, and must recertify every 2 years thereafter.
23 Any business subject to the requirements of this Section that
24 is authorized to transact business in this State after March

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

26 (c) Application.

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

5 (A) Wage Records. Any business that is required to
6 file an annual Employer Information Report EEO-1 with
7 the Equal Employment Opportunity Commission must also
8 submit to the Director a copy of the business's most
9 recently filed Employer Information Report EEO-1. The
10 business shall also compile a list of all employees
11 during the past calendar year, separated by gender and
12 the race and ethnicity categories as reported in the
13 business's most recently filed Employer Information
14 Report EEO-1, and the county in which the employee
15 works, the date the employee started working for the
16 business, any other information the Department deems
17 necessary to determine if pay equity exists among
18 employees, and report the total wages as defined by
19 Section 2 of the Illinois Wage Payment and Collection
20 Act paid to each employee during the past calendar
21 year, rounded to the nearest \$100, to the Director.

22 (B) Equal Pay Compliance Statement. The business
23 must submit a statement signed by a corporate officer,
24 legal counsel, or authorized agent of the business
25 certifying:

26 (i) that the business is in compliance with

1 this Act and other relevant laws, including but
2 not limited to: Title VII of the Civil Rights Act
3 of 1964, the Equal Pay Act of 1963, the Illinois
4 Human Rights Act, and the Equal Wage Act;

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

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

1 (iv) that wage and benefit disparities are
2 corrected when identified to ensure compliance
3 with the Acts cited in item (i);

4 (v) how often wages and benefits are
5 evaluated; and

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

10 (C) Filing fee. The business shall pay to the
11 Department a filing fee of \$150. Proceeds from the
12 fees collected under this Section shall be deposited
13 into the Equal Pay Registration Fund, a special fund
14 created in the State treasury. Moneys in the Fund
15 shall be appropriated to the Department for the
16 purposes of this Section.

17 (2) Receipt of the equal pay compliance application
18 and statement by the Director does not establish
19 compliance with the Acts set forth in item (i) of
20 subparagraph (B) of paragraph (1) of this subsection (c).

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

25 (d) Issuance or rejection of registration certificate.
26 After January 1, 2022, the Director must issue an equal pay

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

18 (e) Revocation of registration certificate. An equal pay
19 registration certificate for a business may be suspended or
20 revoked by the Director when the business fails to make a good
21 faith effort to comply with the Acts identified in item (i) of
22 subparagraph (B) of paragraph (1) of subsection (c), fails to
23 make a good faith effort to comply with this Section, or has
24 multiple violations of this Section or the Acts identified in
25 item (i) of subparagraph (B) of paragraph (1) of subsection
26 (c). Prior to suspending or revoking a registration

1 certificate, the Director must first have sought to conciliate
2 with the business regarding wages and benefits due to
3 employees.

4 Consistent with Section 25, prior to or in connection with
5 the suspension or revocation of an equal pay registration
6 certificate, the Director, or his or her authorized
7 representative, may interview workers, administer oaths, take
8 or cause to be taken the depositions of witnesses, and require
9 by subpoena the attendance and testimony of witnesses, and the
10 production of personnel and compensation information relative
11 to the matter under investigation, hearing or a
12 department-initiated audit.

13 Neither the Department nor the Director shall be held
14 liable for good faith errors in issuing, denying, suspending
15 or revoking certificates.

16 (f) Administrative review. A business may obtain an
17 administrative hearing in accordance with the Illinois
18 Administrative Procedure Act before the suspension or
19 revocation of its certificate or imposition of civil penalties
20 as provided by subsection (i) is effective by filing a written
21 request for hearing within 20 calendar days after service of
22 notice by the Director.

23 (g) Technical assistance. The Director must provide
24 technical assistance to any business that requests assistance
25 regarding this Section.

26 (h) 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. Beginning December 31, 2024, and
22 annually thereafter, the Director shall make publicly
23 available a list of businesses that were issued an equal
24 pay registration certificate by the Department in the
25 previous 2 calendar years.

26 (3) Notwithstanding this subsection (h), a current

1 employee of a covered business may request anonymized data
2 regarding their job classification or title and the pay
3 for that classification. No individually identifiable
4 information may be provided to an employee making a
5 request under this paragraph.

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

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

23 (i) Penalty. Falsification or misrepresentation of
24 information on an application submitted to the Department
25 shall constitute a violation of this Act and the Department
26 may seek to suspend or revoke an equal pay registration

1 certificate or impose civil penalties as provided under
2 subsection (c) of Section 30.

3 (Source: P.A. 101-656, eff. 3-23-21; 102-36, eff. 6-25-21;
4 102-705, eff. 4-22-22.)".