

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 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. For any bid or offer for a contract with a State agency  
15 by a person required to obtain an equal pay registration  
16 certificate under Section 11 of the Equal Pay Act of 2003, the  
17 chief procurement officer shall require the person to certify  
18 that the person holds an equal pay registration certificate  
19 issued during the 2 calendar years before the award.

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

1 (820 ILCS 112/11)

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

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

12 (b) Any business subject to the requirements of this  
13 Section that is authorized to transact business in this State  
14 on March 23, 2021 shall submit an application to obtain an  
15 equal pay registration certificate, between March 24, 2022 and  
16 March 23, 2024, and must recertify every 2 years thereafter.  
17 Any business subject to the requirements of this Section that  
18 is authorized to transact business in this State after March  
19 23, 2021 must submit an application to obtain an equal pay  
20 registration certificate within 3 years of commencing business  
21 operations, but not before January 1, 2024, and must recertify  
22 every 2 years thereafter. The Department shall collect contact  
23 information from each business subject to this Section. The  
24 Department shall assign each business a date by which it must  
25 submit an application to obtain an equal pay registration  
26 certificate. The business shall recertify every 2 years at a

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

18 (c) Application.

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

23 (A) Wage Records. Any business that is required to  
24 file an annual Employer Information Report EEO-1 with  
25 the Equal Employment Opportunity Commission must also  
26 submit to the Director a copy of the business's most

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

14 (B) Equal Pay Compliance Statement. The business  
15 must submit a statement signed by a corporate officer,  
16 legal counsel, or authorized agent of the business  
17 certifying:

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

23 (ii) that the average compensation for its  
24 female and minority employees is not consistently  
25 below the average compensation, as determined by  
26 rule by the United States Department of Labor, for

1 its male and non-minority employees within each of  
2 the major job categories in the Employer  
3 Information Report EEO-1 for which an employee is  
4 expected to perform work, taking into account  
5 factors such as length of service, requirements of  
6 specific jobs, experience, skill, effort,  
7 responsibility, working conditions of the job,  
8 education or training, job location, use of a  
9 collective bargaining agreement, or other  
10 mitigating factors; as used in this subparagraph,  
11 "minority" has the meaning ascribed to that term  
12 in paragraph (1) of subsection (A) of Section 2 of  
13 the Business Enterprise for Minorities, Women, and  
14 Persons with Disabilities Act;

15 (iii) that the business does not restrict  
16 employees of one sex to certain job  
17 classifications, and makes retention and promotion  
18 decisions without regard to sex;

19 (iv) that wage and benefit disparities are  
20 corrected when identified to ensure compliance  
21 with the Acts cited in item (i);

22 (v) how often wages and benefits are  
23 evaluated; and

24 (vi) the approach the business takes in  
25 determining what level of wages and benefits to  
26 pay its employees; acceptable approaches include,

1 but are not limited to, a wage and salary survey.

2 (C) Filing fee. The business shall pay to the  
3 Department a filing fee of \$150. Proceeds from the  
4 fees collected under this Section shall be deposited  
5 into the Equal Pay Registration Fund, a special fund  
6 created in the State treasury. Moneys in the Fund  
7 shall be appropriated to the Department for the  
8 purposes of this Section.

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

13 (3) A business that has employees in multiple  
14 locations or facilities in Illinois shall submit a single  
15 application to the Department regarding all of its  
16 operations in Illinois.

17 (d) Issuance or rejection of registration certificate.  
18 After January 1, 2022, the Director must issue an equal pay  
19 registration certificate, or a statement of why the  
20 application was rejected, within 45 calendar days of receipt  
21 of the application. Applicants shall have the opportunity to  
22 cure any deficiencies in its application that led to the  
23 rejection, and re-submit the revised application to the  
24 Department within 30 calendar days of receiving a rejection.  
25 Applicants shall have the ability to appeal rejected  
26 applications. An application may be rejected only if it does

1 not comply with the requirements of subsection (c), or the  
2 business is otherwise found to be in violation of this Act. The  
3 receipt of an application by the Department, or the issuance  
4 of a registration certificate by the Department, shall not  
5 establish compliance with the Equal Pay Act of 2003 as to all  
6 Sections except Section 11. The issuance of a registration  
7 certificate shall not be a defense against any Equal Pay Act  
8 violation found by the Department, nor a basis for mitigation  
9 of damages.

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

22 Consistent with Section 25, prior to or in connection with  
23 the suspension or revocation of an equal pay registration  
24 certificate, the Director, or his or her authorized  
25 representative, may interview workers, administer oaths, take  
26 or cause to be taken the depositions of witnesses, and require

1 by subpoena the attendance and testimony of witnesses, and the  
2 production of personnel and compensation information relative  
3 to the matter under investigation, hearing or a  
4 department-initiated audit.

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 (g) Technical assistance. The Director must provide  
16 technical assistance to any business that requests assistance  
17 regarding this Section.

18 (h) Access to data.

19 (1) Any individually identifiable information  
20 submitted to the Director within or related to an equal  
21 pay registration application or otherwise provided by an  
22 employer in its equal pay compliance statement under  
23 subsection (c) shall be considered confidential  
24 information and not subject to disclosure pursuant to the  
25 Illinois Freedom of Information Act. As used in this  
26 Section, "individually identifiable information" means



1 data submitted pursuant to this Section that is associated  
2 with a specific person or business. Aggregate data or  
3 reports that are reasonably calculated to prevent the  
4 association of any data with any individual business or  
5 person are not confidential information. Aggregate data  
6 shall include the job category and the average hourly wage  
7 by county for each gender, race, and ethnicity category on  
8 the registration certificate applications. The Department  
9 of Labor may compile aggregate data from registration  
10 certificate applications.

11 (2) The Director's decision to issue, not issue,  
12 revoke, or suspend an equal pay registration certificate  
13 is public information. Beginning December 31, 2024, and  
14 annually thereafter, the Director shall make publicly  
15 available a list of businesses that were issued an equal  
16 pay registration certificate by the Department in the  
17 previous 2 calendar years.

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

24 (4) Notwithstanding this subsection (h), the  
25 Department may share data and identifiable information  
26 with the Department of Human Rights, pursuant to its

1 enforcement of Article 2 of the Illinois Human Rights Act,  
2 or the Office of the Attorney General, pursuant to its  
3 enforcement of Section 10-104 of the Illinois Human Rights  
4 Act.

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

15 (i) Penalty. Falsification or misrepresentation of  
16 information on an application submitted to the Department  
17 shall constitute a violation of this Act and the Department  
18 may seek to suspend or revoke an equal pay registration  
19 certificate or impose civil penalties as provided under  
20 subsection (c) of Section 30.

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