

1 AN ACT concerning employment.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 5.942 as follows:

6 (30 ILCS 105/5.942)

7 Sec. 5.942. The Equal Pay ~~Registration~~ Fund.

8 (Source: P.A. 101-656, eff. 3-23-21; 102-813, eff. 5-13-22.)

9 Section 10. The Personnel Record Review Act is amended by
10 changing Section 2 as follows:

11 (820 ILCS 40/2) (from Ch. 48, par. 2002)

12 Sec. 2. Open Records. Every employer shall, upon an
13 employee's request which the employer may require be in
14 writing on a form supplied by the employer, permit the
15 employee to inspect any personnel documents which are, have
16 been or are intended to be used in determining that employee's
17 qualifications for employment, promotion, transfer, additional
18 compensation, discharge or other disciplinary action, except
19 as provided in Section 10. The inspection right encompasses
20 personnel documents in the possession of a person,
21 corporation, partnership, or other association having a

1 contractual agreement with the employer to keep or supply a
2 personnel record. An employee may request all or any part of
3 his or her records, except as provided in Section 10. The
4 employer shall grant at least 2 inspection requests by an
5 employee in a calendar year when requests are made at
6 reasonable intervals, unless otherwise provided in a
7 collective bargaining agreement. The employer shall provide
8 the employee with the inspection opportunity within 7 working
9 days after the employee makes the request or if the employer
10 can reasonably show that such deadline cannot be met, the
11 employer shall have an additional 7 days to comply. The
12 inspection shall take place at a location reasonably near the
13 employee's place of employment and during normal working
14 hours. The employer may allow the inspection to take place at a
15 time other than working hours or at a place other than where
16 the records are maintained if that time or place would be more
17 convenient for the employee. Nothing in this Act shall be
18 construed as a requirement that an employee be permitted to
19 remove any part of such personnel records or any part of such
20 records from the place on the employer's premises where it is
21 made available for inspection. Each employer shall retain the
22 right to protect his records from loss, damage, or alteration
23 to insure the integrity of the records. ~~The If an employee~~
24 ~~demonstrates that he or she is unable to review his or her~~
25 ~~personnel record at the employing unit, the employer shall,~~
26 upon the employee's written request, email or mail a copy of

1 the requested record to the employee by the email address or
2 mailing address identified by the employee for the purpose of
3 receiving the copy of requested record. An employer may charge
4 a fee for providing a copy of the requested record. The fee
5 shall be limited to the actual cost of duplicating the
6 requested record.

7 (Source: P.A. 83-1362.)

8 (820 ILCS 40/3 rep.)

9 Section 15. The Personnel Record Review Act is amended by
10 repealing Section 3.

11 Section 20. The Minimum Wage Law is amended by changing
12 Sections 9 and 12 as follows:

13 (820 ILCS 105/9) (from Ch. 48, par. 1009)

14 Sec. 9. Every employer subject to any provision of this
15 Act or of any regulations issued under this Act shall keep a
16 summary of this Act approved by the Director, and copies of any
17 applicable regulations issued under this Act or a summary of
18 such regulations, posted in a conspicuous and accessible place
19 in or about the premises wherever any person subject to this
20 Act is employed. Every employer subject to any provision of
21 this Act or any regulations issued under this Act with
22 employees who do not regularly report to a physical workplace,
23 such as employees who work remotely or travel for work, shall

1 also provide the summaries and regulations by email to its
2 employees or conspicuous posting on the employer's website or
3 intranet site, if such site is regularly used by the employer
4 to communicate work-related information to employees and is
5 able to be regularly accessed by all employees, freely and
6 without interference. Employers shall be furnished copies of
7 such summaries and regulations by the State on request without
8 charge.

9 (Source: P.A. 77-1451.)

10 (820 ILCS 105/12) (from Ch. 48, par. 1012)

11 Sec. 12. (a) If any employee is paid by his employer less
12 than the wage to which he is entitled under the provisions of
13 this Act, the employee may recover in a civil action treble the
14 amount of any such underpayments together with costs and such
15 reasonable attorney's fees as may be allowed by the Court, and
16 damages of 5% of the amount of any such underpayments for each
17 month following the date of payment during which such
18 underpayments remain unpaid. Any agreement between the
19 employee and the employer to work for less than such wage is no
20 defense to such action. At the request of the employee or on
21 motion of the Director of Labor, the Department of Labor may
22 make an assignment of such wage claim in trust for the
23 assigning employee and may bring any legal action necessary to
24 collect such claim, and the employer shall be required to pay
25 the costs incurred in collecting such claim. Every such action

1 shall be brought within 3 years from the date of the
2 underpayment. Such employer shall be liable to the Department
3 of Labor for a penalty in an amount of up to 20% of the total
4 employer's underpayment where the employer's conduct is proven
5 by a preponderance of the evidence to be willful, repeated, or
6 with reckless disregard of this Act or any rule adopted under
7 this Act. Such employer shall be liable to the Department for
8 an additional penalty of \$1,500. All administrative penalties
9 ordered under this Act shall be paid by certified check, money
10 order, or by an electronic payment system designated by the
11 Department, and shall be made 7 payable to or deposited into
12 the Department's Wage Theft Enforcement Fund. Such employer
13 shall be additionally liable to the employee for damages in
14 the amount of 5% of the amount of any such underpayments for
15 each month following the date of payment during which such
16 underpayments remain unpaid. These penalties and damages may
17 be recovered in a civil action brought by the Director of Labor
18 in any circuit court. In any such action, the Director of Labor
19 shall be represented by the Attorney General.

20 If an employee collects damages of 5% of the amount of
21 underpayments as a result of an action brought by the Director
22 of Labor, the employee may not also collect those damages in a
23 private action brought by the employee for the same violation.
24 If an employee collects damages of 5% of the amount of
25 underpayments in a private action brought by the employee, the
26 employee may not also collect those damages as a result of an

1 action brought by the Director of Labor for the same
2 violation.

3 (b) If an employee has not collected damages under
4 subsection (a) for the same violation, the Director is
5 authorized to supervise the payment of the unpaid minimum
6 wages and the unpaid overtime compensation owing to any
7 employee or employees under Sections 4 and 4a of this Act and
8 may bring any legal action necessary to recover the amount of
9 the unpaid minimum wages and unpaid overtime compensation and
10 an equal additional amount as damages, and the employer shall
11 be required to pay the costs incurred in collecting such
12 claim. Such employer shall be additionally liable to the
13 Department of Labor for up to 20% of the total employer's
14 underpayment where the employer's conduct is proven by a
15 preponderance of the evidence to be willful, repeated, or with
16 reckless disregard of this Act or any rule adopted under this
17 Act. Such employer shall be liable to the Department of Labor
18 for an additional penalty of \$1,500, payable to the
19 Department's Wage Theft Enforcement Fund. The action shall be
20 brought within 5 years from the date of the failure to pay the
21 wages or compensation. Any sums thus recovered by the Director
22 on behalf of an employee pursuant to this subsection shall be
23 paid to the employee or employees affected. Any sums which,
24 more than one year after being thus recovered, the Director is
25 unable to pay to an employee shall be deposited into the
26 General Revenue Fund.

1 (Source: P.A. 101-1, eff. 2-19-19.)

2 Section 25. The Equal Pay Act of 2003 is amended by
3 changing Sections 11, 30, and 40, and by adding Section 33 as
4 follows:

5 (820 ILCS 112/11)

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

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

16 (b) Any business subject to the requirements of this
17 Section that is authorized to transact business in this State
18 on March 23, 2021 shall submit an application to obtain an
19 equal pay registration certificate, between March 24, 2022 and
20 March 23, 2024, and must recertify every 2 years thereafter.
21 Any business subject to the requirements of this Section that
22 is authorized to transact business in this State after March
23 23, 2021 must submit an application to obtain an equal pay
24 registration certificate within 3 years of commencing business

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

24 (c) Application.

25 (1) A business shall apply for an equal pay
26 registration certificate by paying a \$150 filing fee and

1 submitting wage records and an equal pay compliance
2 statement to the Director as follows:

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

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

24 (i) that the business is in compliance with
25 this Act and other relevant laws, including but
26 not limited to: Title VII of the Civil Rights Act

1 of 1964, the Equal Pay Act of 1963, the Illinois
2 Human Rights Act, and the Equal Wage Act;

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

1 (iii) that the business does not restrict
2 employees of one sex to certain job
3 classifications, and makes retention and promotion
4 decisions without regard to sex;

5 (iv) that wage and benefit disparities are
6 corrected when identified to ensure compliance
7 with the Acts cited in item (i);

8 (v) how often wages and benefits are
9 evaluated; and

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

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

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

25 (3) A business that has employees in multiple
26 locations or facilities in Illinois shall submit a single

1 application to the Department regarding all of its
2 operations in Illinois.

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

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

1 make a good faith effort to comply with this Section, or has
2 multiple violations of this Section or the Acts identified in
3 item (i) of subparagraph (B) of paragraph (1) of subsection
4 (c). Prior to suspending or revoking a registration
5 certificate, the Director must first have sought to conciliate
6 with the business regarding wages and benefits due to
7 employees.

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

17 Neither the Department nor the Director shall be held
18 liable for good faith errors in issuing, denying, suspending
19 or revoking certificates.

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

1 (g) Technical assistance. The Director must provide
2 technical assistance to any business that requests assistance
3 regarding this Section.

4 (h) Access to data.

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

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

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.)

5 (820 ILCS 112/30)

6 Sec. 30. Violations; fines and penalties.

7 (a) If an employee is paid by his or her employer less than
8 the wage to which he or she is entitled in violation of Section
9 10 or 11 of this Act, the employee may recover in a civil
10 action the entire amount of any underpayment together with
11 interest, compensatory damages if the employee demonstrates
12 that the employer acted with malice or reckless indifference,
13 punitive damages as may be appropriate, injunctive relief as
14 may be appropriate, and the costs and reasonable attorney's
15 fees as may be allowed by the court and as necessary to make
16 the employee whole. At the request of the employee or on a
17 motion of the Director, the Department may make an assignment
18 of the wage claim in trust for the assigning employee and may
19 bring any legal action necessary to collect the claim, and the
20 employer shall be required to pay the costs incurred in
21 collecting the claim. Every such action shall be brought
22 within 5 years from the date of the underpayment. For purposes
23 of this Act, "date of the underpayment" means each time wages
24 are underpaid.

25 (a-5) If an employer violates subsection (b), (b-5),

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

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

19 (c) Employers who violate any provision of this Act or any
20 rule adopted under the Act are subject to a civil penalty,
21 payable to the Department, for each employee affected as
22 follows:

23 (1) An employer with fewer than 4 employees: first
24 offense, a fine not to exceed \$500; second offense, a fine
25 not to exceed \$2,500; third or subsequent offense, a fine
26 not to exceed \$5,000.

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

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

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

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

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

26 (Source: P.A. 101-177, eff. 9-29-19; 102-36, eff. 6-25-21.)

1 (820 ILCS 112/33 new)

2 Sec. 33. Equal Pay Fund. All moneys owed to the Department
3 under this Act shall be deposited into the Equal Pay Fund and
4 may be appropriated to the Department for the administration
5 and enforcement of this Act.

6 (820 ILCS 112/40)

7 Sec. 40. Notification. Every employer covered by this Act
8 shall post and keep posted, in conspicuous places on the
9 premises of the employer where notices to employees are
10 customarily posted, a notice, to be prepared or approved by
11 the Director, summarizing the requirements of this Act and
12 information pertaining to the filing of a charge. Every
13 employer with employees who do not regularly report to a
14 physical workplace, such as employees who work remotely or
15 travel for work, shall also provide the summary and notice by
16 email to its employees or conspicuous posting on the
17 employer's website or intranet site, if such site is regularly
18 used by the employer to communicate work-related information
19 to employees and is able to be regularly accessed by all
20 employees, freely and without interference. The Director shall
21 furnish copies of summaries and rules to employers upon
22 request without charge.

23 (Source: P.A. 93-6, eff. 1-1-04.)

1 Section 30. The Illinois Wage Payment and Collection Act
2 is amended by changing Sections 3 and 11 as follows:

3 (820 ILCS 115/3) (from Ch. 48, par. 39m-3)

4 Sec. 3. Every employer shall be required, at least
5 semi-monthly, to pay every employee all wages earned during
6 the semi-monthly pay period. Wages of executive,
7 administrative and professional employees, as defined in the
8 Federal Fair Labor Standards Act of 1939, may be paid once a
9 month. Commissions may be paid once a month. At the request of
10 a person employed by an employment or labor placement agency
11 which, in the ordinary course of business, makes daily wage
12 payments to employees, the agency shall hold the daily wages
13 and make either weekly or semi-monthly payments. Upon the
14 written request of the employee, the wage shall be paid in a
15 single check representing the wages earned during the period,
16 either weekly or semi-monthly, designated by the employee in
17 accordance with Section 4 of this Act. Employment and labor
18 placement agencies that make daily wage payments shall provide
19 written notification to all daily wage payment employees of
20 the right to request weekly or semi-monthly checks. The
21 employer may provide this notice by conspicuously posting the
22 notice at the location where the wages are received by the
23 daily wage employees. Every employer with employees who do not
24 regularly report to a physical workplace, such as employees
25 who work remotely or travel for work, shall also provide the

1 summary and notice by email to its employees or conspicuous
2 posting on the employer's website or intranet site, if such
3 site is regularly used by the employer to communicate
4 work-related information to employees and is able to be
5 regularly accessed by all employees, freely and without
6 interference.

7 (Source: P.A. 89-364, eff. 8-18-95.)

8 (820 ILCS 115/11) (from Ch. 48, par. 39m-11)

9 Sec. 11. It shall be the duty of the Department of Labor to
10 inquire diligently for any violations of this Act, and to
11 institute the actions for violations and penalties herein
12 provided, at the request of the employee or on motion of the
13 Director of Labor, and to enforce generally the provisions of
14 this Act.

15 An employee may file a complaint with the Department
16 alleging violations of the Act by submitting a signed,
17 completed wage claim application on the form provided by the
18 Department and by submitting copies of all supporting
19 documentation. Complaints shall be filed within one year after
20 the wages, final compensation, or wage supplements were due.

21 Wage claim applications ~~Applications~~ shall be reviewed by
22 the Department to determine whether there is cause and
23 sufficient resources for investigation.

24 The Department shall have the following powers:

25 (a) To investigate and attempt equitably to adjust

1 controversies between employees and employers in respect
2 of wage claims arising under this Act and to that end the
3 Department through the Director of Labor or any other
4 person in the Department of Labor designated by him or
5 her, shall have the power to administer oaths, subpoena
6 and examine witnesses, to issue subpoenas duces tecum
7 requiring the production of such books, papers, records
8 and documents as may be evidence of any matter under
9 inquiry and to examine and inspect the same as may relate
10 to the question in dispute. Service of such subpoenas
11 shall be made by any sheriff or any person. Any court in
12 this State, upon the application of the Department may
13 compel attendance of witnesses, the production of books
14 and papers, and the giving of testimony before the
15 Department by attachment for contempt or in any other way
16 as the production of evidence may be compelled before such
17 court.

18 (b) To take assignments of wage claims in the name of
19 the Director of Labor and his or her successors in office
20 and prosecute actions for the collection of wages for
21 persons financially unable to prosecute such claims when
22 in the judgment of the Department such claims are valid
23 and enforceable in the courts. No court costs or any fees
24 for necessary process and proceedings shall be payable in
25 advance by the Department for prosecuting such actions. In
26 the event there is a judgment rendered against the

1 defendant, the court shall assess as part of such judgment
2 the costs of such proceeding. Upon collection of such
3 judgments the Department shall pay from the proceeds of
4 such judgment such costs to such person who is by law
5 entitled to same. The Department may join in a single
6 proceeding any number of wage claims against the same
7 employer but the court shall have discretionary power to
8 order a severance or separate trial for hearings.

9 (c) To make complaint in any court of competent
10 jurisdiction of violations of this Act.

11 (d) In addition to the aforementioned powers, subject
12 to appropriation, the Department may establish an
13 administrative procedure to adjudicate claims and to issue
14 final and binding administrative decisions on such claims
15 subject to the Administrative Review Law. To establish
16 such a procedure, the Director of Labor or her or his
17 authorized representative may promulgate rules and
18 regulations. The adoption, amendment or rescission of
19 rules and regulations for such a procedure shall be in
20 conformity with the requirements of the Illinois
21 Administrative Procedure Act. If a final and binding
22 administrative decision issued by the Department requires
23 an employer or other party to pay wages, penalties, or
24 other amounts in connection with a wage claim, and the
25 employer or other party has neither: (i) made the required
26 payment within 35 days of the issuance of the final and

1 binding administrative decision; nor (ii) timely filed a
2 complaint seeking review of the final and binding
3 administrative decision pursuant to the Administrative
4 Review Law in a court of competent jurisdiction, the
5 Department may file a verified petition against the
6 employer or other party to enforce the final
7 administrative decision and to collect any amounts due in
8 connection therewith in the circuit court of any county
9 where an official office of the Department is located.

10 Nothing herein shall be construed to prevent any employee
11 from making complaint or prosecuting his or her own claim for
12 wages. Any employee aggrieved by a violation of this Act or any
13 rule adopted under this Act may file suit in circuit court of
14 Illinois, in the county where the alleged violation occurred
15 or where any employee who is party to the action resides,
16 without regard to exhaustion of any alternative administrative
17 remedies provided in this Act. Actions may be brought by one or
18 more employees for and on behalf of themselves and other
19 employees similarly situated.

20 Nothing herein shall be construed to limit the authority
21 of the State's attorney of any county to prosecute actions for
22 violation of this Act or to enforce the provisions thereof
23 independently and without specific direction of the Department
24 of Labor.

25 (Source: P.A. 101-509, eff. 1-1-20.)

1 (820 ILCS 125/Act rep.)

2 Section 35. The Wages of Women and Minors Act is repealed.

3 Section 40. The Day and Temporary Labor Services Act is
4 amended by changing Section 45 as follows:

5 (820 ILCS 175/45)

6 Sec. 45. Registration; Department of Labor.

7 (a) A day and temporary labor service agency which is
8 located, operates or transacts business within this State
9 shall register with the Department of Labor in accordance with
10 rules adopted by the Department for day and temporary labor
11 service agencies and shall be subject to this Act and any rules
12 adopted under this Act. Each day and temporary labor service
13 agency shall provide proof of an employer account number
14 issued by the Department of Employment Security for the
15 payment of unemployment insurance contributions as required
16 under the Unemployment Insurance Act, and proof of valid
17 workers' compensation insurance in effect at the time of
18 registration covering all of its employees. If, at any time, a
19 day and temporary labor service agency's workers' compensation
20 insurance coverage lapses, the agency shall have an
21 affirmative duty to report the lapse of such coverage to the
22 Department and the agency's registration shall be suspended
23 until the agency's workers' compensation insurance is
24 reinstated. The Department may assess each day and temporary

1 labor service agency a non-refundable registration fee not
2 exceeding \$1,000 per year per agency and a non-refundable fee
3 not to exceed \$250 for each branch office or other location
4 where the agency regularly contracts with day or temporary
5 laborers for services. The fee may be paid by check, money
6 order, or the State Treasurer's E-Pay program or any successor
7 program, and the Department may not refuse to accept a check on
8 the basis that it is not a certified check or a cashier's
9 check. The Department may charge an additional fee to be paid
10 by a day and temporary labor service agency if the agency, or
11 any person on the agency's behalf, issues or delivers a check
12 to the Department that is not honored by the financial
13 institution upon which it is drawn. The Department shall also
14 adopt rules for violation hearings and penalties for
15 violations of this Act or the Department's rules in
16 conjunction with the penalties set forth in this Act.

17 (a-1) At the time of registration with the Department of
18 Labor each year, the day and temporary labor service agency
19 shall submit to the Department of Labor a report containing
20 the information identified in paragraph (9) of subsection (a)
21 of Section 12, broken down by branch office, in the aggregate
22 for all day or temporary laborers assigned within Illinois and
23 subject to this Act during the preceding year. This
24 information shall be submitted on a form created by the
25 Department of Labor. The Department of Labor shall aggregate
26 the information submitted by all registering day and temporary

1 labor service agencies by removing identifying data and shall
2 have the information available to the public only on a
3 municipal and county basis. As used in this paragraph,
4 "identifying data" means any and all information that: (i)
5 provides specific information on individual worker identity;
6 (ii) identifies the service agency in any manner; and (iii)
7 identifies clients utilizing the day and temporary labor
8 service agency or any other information that can be traced
9 back to any specific registering day and temporary labor
10 service agency or its client. The information and reports
11 submitted to the Department of Labor under this subsection by
12 the registering day and temporary labor service agencies are
13 exempt from inspection and copying under Section 7.5 of the
14 Freedom of Information Act.

15 (b) It is a violation of this Act to operate a day and
16 temporary labor service agency without first registering with
17 the Department in accordance with subsection (a) of this
18 Section. The Department shall create and maintain at regular
19 intervals on its website, accessible to the public: (1) a list
20 of all registered day and temporary labor service agencies in
21 the State whose registration is in good standing; (2) a list of
22 day and temporary labor service agencies in the State whose
23 registration has been suspended, including the reason for the
24 suspension, the date the suspension was initiated, and the
25 date, if known, the suspension is to be lifted; and (3) a list
26 of day and temporary labor service agencies in the State whose

1 registration has been revoked, including the reason for the
2 revocation and the date the registration was revoked. The
3 Department has the authority to assess a penalty against any
4 day and temporary labor service agency that fails to register
5 with the Department of Labor in accordance with this Act or any
6 rules adopted under this Act of \$500 for each violation. Each
7 day during which a day and temporary labor service agency
8 operates without registering with the Department shall be a
9 separate and distinct violation of this Act.

10 (c) An applicant is not eligible to register to operate a
11 day and temporary labor service agency under this Act if the
12 applicant or any of its officers, directors, partners, or
13 managers or any owner of 25% or greater beneficial interest:

14 (1) has been involved, as owner, officer, director,
15 partner, or manager, of any day and temporary labor
16 service agency whose registration has been revoked or has
17 been suspended without being reinstated within the 5 years
18 immediately preceding the filing of the application; or

19 (2) is under the age of 18.

20 (d) Every agency shall post and keep posted at each
21 location, in a position easily accessible to all day or
22 temporary laborers ~~employees~~, notices as supplied and required
23 by the Department containing a copy or summary of the
24 provisions of the Act and a notice which informs the public of
25 a toll-free telephone number for day or temporary laborers and
26 the public to file wage dispute complaints and other alleged

1 violations by day and temporary labor service agencies. Every
2 day and temporary labor service agency employing day or
3 temporary laborers who communicate with the day and temporary
4 labor service agency by electronic communication shall also
5 provide all required notices by email to its day or temporary
6 laborers or on a website, regularly used by the employer to
7 communicate work-related information, that all day or
8 temporary laborers are able to regularly access, freely and
9 without interference. Such notices shall be in English and ~~or~~
10 any other language generally understood in the locale of the
11 day and temporary labor service agency.

12 (Source: P.A. 100-517, eff. 6-1-18.)

13 Section 45. The Child Labor Law is amended by changing
14 Sections 5, 17, and 17.3 as follows:

15 (820 ILCS 205/5) (from Ch. 48, par. 31.5)

16 Sec. 5. Every employer covered by this Act shall post in a
17 conspicuous place where minors under 16 years of age are
18 employed, or allowed to work, a printed summary ~~abstract~~ of
19 this Act and a list of the occupations prohibited to such
20 minors, to be furnished by the Department of Labor. Such
21 employers shall post in a conspicuous place where minors under
22 16 years of age are employed, or allowed to work a printed
23 notice stating the hours of commencing and stopping work, the
24 hours when the time or times allowed for dinner or other meals,

1 begin and end, and the Department's toll free telephone number
2 established under Section 17.4. An employer with employees who
3 do not regularly report to a physical workplace, such as
4 employees who work remotely or travel for work, shall also
5 provide the summary and notice by email to its employees or
6 conspicuous posting on the employer's website or intranet
7 site, if such site is regularly used by the employer to
8 communicate work-related information to employees and is able
9 to be regularly accessed by all employees, freely and without
10 interference. The Department of Labor shall furnish this
11 printed summary form of such notice shall be furnished by the
12 Department of Labor.

13 (Source: P.A. 88-365.)

14 (820 ILCS 205/17) (from Ch. 48, par. 31.17)

15 Sec. 17. It shall be the duty of the Department of Labor to
16 enforce the provisions of this Act. The Department of Labor
17 shall have the power to conduct investigations in connection
18 with the administration and enforcement of this Act and the
19 authorized officers and employees of the Department of Labor
20 are hereby authorized and empowered, to visit and inspect, at
21 all reasonable times and as often as possible, all places
22 covered by this Act. Truant officers and other school
23 officials authorized by the board of education or school
24 directors shall report violations under this Act to the
25 Department of Labor, and may enter any place in which children

1 are, or are believed to be employed and inspect the work
2 certificates on file. Such truant officers or other school
3 officials also are authorized to file complaints against any
4 employer found violating the provisions of this Act in case no
5 complaints for such violations are pending; and when such
6 complaints are filed by truant officers or other school
7 officials the State's attorneys of this state shall appear for
8 the people, and attend to the prosecution of such complaints.
9 The Department of Labor shall conduct hearings in accordance
10 with "The Illinois Administrative Procedure Act", approved
11 September 22, 1975, as amended, upon written complaint by an
12 investigator of the Department of Labor, truant officer or
13 other school official, or any interested person of a violation
14 of the Act or to revoke any certificate under this Act. After
15 such hearing, if supported by the evidence, the Department of
16 Labor may issue and cause to be served on any party an order to
17 cease and desist from violation of the Act, take such further
18 affirmative or other action as deemed reasonable to eliminate
19 the effect of the violation, and may revoke any certificate
20 issued under the Act and determine the amount of any civil
21 penalty allowed by the Act. The Department may serve such
22 orders by certified mail or by sending a copy by email to an
23 email address previously designated by the party for purposes
24 of receiving notice under this Act. An email address provided
25 by the party in the course of the administrative proceeding
26 shall not be used in any subsequent proceedings, unless the

1 party designates that email address for the subsequent
2 proceeding. The Director of Labor or his authorized
3 representative may compel by subpoena, the attendance and
4 testimony of witnesses and the production of books, payrolls,
5 records, papers and other evidence in any investigation or
6 hearing and may administer oaths to witnesses.

7 (Source: P.A. 80-1482.)

8 (820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

9 Sec. 17.3. Any employer who violates any of the provisions
10 of this Act or any rule or regulation issued under the Act
11 shall be subject to a civil penalty of not to exceed \$5,000 for
12 each such violation. In determining the amount of such
13 penalty, the appropriateness of such penalty to the size of
14 the business of the employer charged and the gravity of the
15 violation shall be considered. The amount of such penalty,
16 when finally determined, may be

17 (1) recovered in a civil action brought by the
18 Director of Labor in any circuit court, in which
19 litigation the Director of Labor shall be represented by
20 the Attorney General;

21 (2) ordered by the court, in an action brought for
22 violation under Section 19, to be paid to the Director of
23 Labor.

24 Any administrative determination by the Department of
25 Labor of the amount of each penalty shall be final unless

1 reviewed as provided in Section 17.1 of this Act.

2 Civil penalties recovered under this Section shall be paid
3 by certified check, money order, or by an electronic payment
4 system designated by the Department, and deposited into the
5 Child Labor and Day and Temporary Labor Services Enforcement
6 Fund, a special fund which is hereby created in the State
7 treasury. Moneys in the Fund may be used, subject to
8 appropriation, for exemplary programs, demonstration projects,
9 and other activities or purposes related to the enforcement of
10 this Act or for the activities or purposes related to the
11 enforcement of the Day and Temporary Labor Services Act, or
12 for the activities or purposes related to the enforcement of
13 the Private Employment Agency Act.

14 (Source: P.A. 98-463, eff. 8-16-13; 99-422, eff. 1-1-16.)