



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4468

Introduced 1/17/2024, by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

820 ILCS 180/35

Amends the Victims' Economic Security and Safety Act. Provides that any employee or a representative of employees who believes his or her rights under the Act have been violated may, within 3 years after the alleged violation occurs, either file a complaint with the Department of Labor requesting a review of the alleged violation or commence a civil action. Provides that in any civil action, either the plaintiff or the defendant may demand a trial by jury. Provides that, if an employee prevails in a civil action, the employee may seek specified damages. Makes conforming changes.

LRB103 33690 SPS 63502 b

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 Victims' Economic Security and Safety Act
5 is amended by changing Section 35 as follows:

6 (820 ILCS 180/35)

7 Sec. 35. Enforcement.

8 (a) Department of Labor.

9 (1) The Director or his or her authorized
10 representative shall administer and enforce the provisions
11 of this Act. Any employee or a representative of employees
12 who believes his or her rights under this Act have been
13 violated may, within 3 years after the alleged violation
14 occurs, either file a complaint with the Department
15 requesting a review of the alleged violation or commence a
16 civil action in the circuit court of the county in which
17 the alleged violation occurred. In any civil action
18 commenced under this Section, either the plaintiff or the
19 defendant may demand a trial by jury. If the employee or a
20 representative of the employee chooses to file a complaint
21 with the Department, a ~~A~~ copy of the complaint shall be
22 sent to the person who allegedly committed the violation,
23 who shall be the respondent. Upon receipt of a complaint,

1 the Director shall cause such investigation to be made as
2 he or she deems appropriate. The investigation shall
3 provide an opportunity for a public hearing at the request
4 of any party to the review to enable the parties to present
5 information relating to the alleged allegation. The
6 parties shall be given written notice of the time and
7 place of the hearing at least 7 days before the hearing.
8 Upon receiving the report of the investigation, the
9 Director shall make findings of fact. If the Director
10 finds that a violation did occur, he or she shall issue a
11 decision incorporating his or her findings and requiring
12 the party committing the violation to take such
13 affirmative action to abate the violation as the Director
14 deems appropriate, including:

15 (A) damages equal to the amount of wages, salary,
16 employment benefits, public assistance, or other
17 compensation denied or lost to such individual by
18 reason of the violation, and the interest on that
19 amount calculated at the prevailing rate;

20 (B) such equitable relief as may be appropriate,
21 including but not limited to hiring, reinstatement,
22 promotion, and reasonable accommodations; and

23 (C) reasonable attorney's fees, reasonable expert
24 witness fees, and other costs of the action to be paid
25 by the respondent to a prevailing employee.

26 If an employee prevails in a civil action, the

1 employee may seek damages as described in subparagraphs
2 (A), (B), and (C).

3 If the Director finds that there was no violation, he
4 or she shall issue an order denying the complaint. An
5 order issued by the Director under this Section shall be
6 final and subject to judicial review under the
7 Administrative Review Law.

8 (2) The Director shall adopt rules necessary to
9 administer and enforce this Act in accordance with the
10 Illinois Administrative Procedure Act. The Director shall
11 have the powers and the parties shall have the rights
12 provided in the Illinois Administrative Procedure Act for
13 contested cases, including, but not limited to, provisions
14 for depositions, subpoena power and procedures, and
15 discovery and protective order procedures.

16 (3) Intervention. The Attorney General of Illinois may
17 intervene on behalf of the Department if the Department
18 certifies that the case is of general public importance.
19 Upon such intervention the court may award such relief as
20 is authorized to be granted to an employee who has filed a
21 complaint or whose representative has filed a complaint
22 under this Section.

23 (b) Refusal to pay damages. Any employer who has been
24 ordered by the Director of Labor or the court to pay damages
25 under this Section and who fails to do so within 30 days after
26 the order is entered is liable to pay a penalty of 1% per

1 calendar day to the employee for each day of delay in paying
2 the damages to the employee.

3 (Source: P.A. 93-591, eff. 8-25-03.)