



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

820 ILCS 115/14

from Ch. 48, par. 39m-14

Amends the Illinois Wage Payment and Collection Act. Provides that an employee has a right to bring a civil action within 90 days of a violation of the provisions prohibiting discrimination or discharge in retaliation for filing a complaint against an employer for a violation that results in the discharge of the employee or a reduction of his or her wages and may recover 3 times the amount of the employee's loss or reduction in wages, attorneys fees, and court costs.

LRB093 20534 AMC 46341 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 Illinois Wage Payment and Collection Act is
5 amended by changing Section 14 as follows:

6 (820 ILCS 115/14) (from Ch. 48, par. 39m-14)

7 Sec. 14. (a) Any employer or any agent of an employer, who,
8 being able to pay wages, final compensation, or wage
9 supplements and being under a duty to pay, wilfully refuses to
10 pay as provided in this Act, or falsely denies the amount or
11 validity thereof or that the same is due, with intent to secure
12 for himself or other person any underpayment of such
13 indebtedness or with intent to annoy, harass, oppress, hinder,
14 delay or defraud the person to whom such indebtedness is due,
15 upon conviction, is guilty of a Class C misdemeanor. Each day
16 during which any violation of this Act continues shall
17 constitute a separate and distinct offense.

18 (b) Any employer who has been ordered by the Director of
19 Labor or the court to pay wages due an employee and who shall
20 fail to do so within 15 days after such order is entered shall
21 be liable to pay a penalty of 1% per calendar day to the
22 employee for each day of delay in paying such wages to the
23 employee up to an amount equal to twice the sum of unpaid wages
24 due the employee.

25 (c) Any employer, or any agent of an employer, who
26 knowingly discharges or in any other manner knowingly
27 discriminates against any employee because that employee has
28 made a complaint to his employer, or to the Director of Labor
29 or his authorized representative, that he or she has not been
30 paid in accordance with the provisions of this Act, or because
31 that employee has caused to be instituted any proceeding under
32 or related to this Act, or because that employee has testified

1 or is about to testify in an investigation or proceeding under
2 this Act, is guilty, upon conviction, of a Class C misdemeanor.

3 An employee has a right to bring a civil action within 90
4 days of a violation of this subsection (c) against an employer
5 who violates any provision of this subsection (c) in any manner
6 that results in the discharge of the employee or a reduction of
7 his or her wages and may recover 3 times the amount of the
8 employee's loss or reduction in wages, attorneys fees, and
9 court costs.

10 (Source: P.A. 83-202.)