



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3634

Introduced 2/24/2009, by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

820 ILCS 112/20  
820 ILCS 112/30

Amends the Equal Pay Act of 2003. Provides that an employer subject to the Act shall preserve specified records for not less than 5 (rather than 3) years. Provides that an action to collect a wage claim under the Act shall be brought within 5 years from the date of the underpayment (rather than within 3 years from the date the employee learned of the underpayment).

LRB096 03765 WGH 13795 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 Equal Pay Act of 2003 is amended by changing  
5 Sections 20 and 30 as follows:

6 (820 ILCS 112/20)

7 Sec. 20. Recordkeeping requirements. An employer subject  
8 to any provision of this Act shall make and preserve records  
9 that document the name, address, and occupation of each  
10 employee, the wages paid to each employee, and any other  
11 information the Director may by rule deem necessary and  
12 appropriate for enforcement of this Act. An employer subject to  
13 any provision of this Act shall preserve those records for a  
14 period of not less than 5 ~~3~~ years and shall make reports from  
15 the records as prescribed by rule or order of the Director.

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

17 (820 ILCS 112/30)

18 Sec. 30. Violations; fines and penalties.

19 (a) If an employee is paid by his or her employer less than  
20 the wage to which he or she is entitled in violation of Section  
21 10 of this Act, the employee may recover in a civil action the  
22 entire amount of any underpayment together with interest and

1 the costs and reasonable attorney's fees as may be allowed by  
2 the court and as necessary to make the employee whole. At the  
3 request of the employee or on a motion of the Director, the  
4 Department may make an assignment of the wage claim in trust  
5 for the assigning employee and may bring any legal action  
6 necessary to collect the claim, and the employer shall be  
7 required to pay the costs incurred in collecting the claim.  
8 Every such action shall be brought within 5 ~~3~~ years from the  
9 date ~~the employee learned~~ of the underpayment.

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

17 (c) Any employer who violates any provision of this Act or  
18 any rule adopted under the Act is subject to a civil penalty  
19 not to exceed \$2,500 for each violation for each employee  
20 affected. In determining the amount of the penalty, the  
21 appropriateness of the penalty to the size of the business of  
22 the employer charged and the gravity of the violation shall be  
23 considered. The penalty may be recovered in a civil action  
24 brought by the Director in any circuit court.

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