

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 15, 20, 30, and 35 as follows:

6 (820 ILCS 112/15)

7 Sec. 15. Enforcement.

8 (a) The Director or his or her authorized representative
9 shall administer and enforce the provisions of this Act. The
10 Director of Labor shall adopt rules necessary to administer and
11 enforce this Act.

12 (b) An employee or former employee may file a complaint
13 with the Department alleging a violation of this Act by
14 submitting a signed, completed complaint form. All complaints
15 shall be filed with the Department within one year from the
16 date of the underpayment.

17 (c) The Department has the power to conduct investigations
18 in connection with the administration and enforcement of this
19 Act and the authorized officers and employees of the Department
20 are authorized to investigate and gather data regarding the
21 wages, hours, and other conditions and practices of employment
22 in any industry subject to this Act, and may enter and inspect
23 such places and such records at reasonable times during regular

1 business hours, question the employees and investigate the
2 facts, conditions, practices, or matters as he or she may deem
3 necessary or appropriate to determine whether any person has
4 violated any provision of this Act, or which may aid in the
5 enforcement of this Act.

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

7 (820 ILCS 112/20)

8 Sec. 20. Recordkeeping requirements. An employer subject
9 to any provision of this Act shall make and preserve records
10 that document the name, address, and occupation of each
11 employee, the wages paid to each employee, and any other
12 information the Director may by rule deem necessary and
13 appropriate for enforcement of this Act. An employer subject to
14 any provision of this Act shall preserve those records for a
15 period of not less than 5 ~~3~~ years and shall make reports from
16 the records as prescribed by rule or order of the Director,
17 unless the records relate to an ongoing investigation or
18 enforcement action under this Act, in which case the records
19 must be maintained until their destruction is authorized by the
20 Department or by court order.

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

22 (820 ILCS 112/30)

23 Sec. 30. Violations; fines and penalties.

24 (a) If an employee is paid by his or her employer less than

1 the wage to which he or she is entitled in violation of Section
2 10 of this Act, the employee may recover in a civil action the
3 entire amount of any underpayment together with interest and
4 the costs and reasonable attorney's fees as may be allowed by
5 the court and as necessary to make the employee whole. At the
6 request of the employee or on a motion of the Director, the
7 Department may make an assignment of the wage claim in trust
8 for the assigning employee and may bring any legal action
9 necessary to collect the claim, and the employer shall be
10 required to pay the costs incurred in collecting the claim.
11 Every such action shall be brought within 5 ~~3~~ years from the
12 date ~~the employee learned~~ of the underpayment. For purposes of
13 this Act, "date of the underpayment" means each time wages are
14 underpaid.

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

22 (c) Any employer who violates any provision of this Act or
23 any rule adopted under the Act is subject to a civil penalty
24 not to exceed \$2,500 for each violation for each employee
25 affected. In determining the amount of the penalty, the
26 appropriateness of the penalty to the size of the business of

1 the employer charged and the gravity of the violation shall be
2 considered. The penalty may be recovered in a civil action
3 brought by the Director in any circuit court.

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

5 (820 ILCS 112/35)

6 Sec. 35. Refusal to pay wages or final compensation;
7 retaliatory discharge or discrimination.

8 (a) Any employer who has been demande~~ordered~~ by the
9 Director of Labor or ordered by the court to pay wages due an
10 employee and who fails to do so within 15 days after such
11 demand or the order is entered shall be ~~is~~ liable to pay a
12 penalty of 1% per calendar day to the employee for each day of
13 delay in paying such ~~the~~ wages to the employee, up to an amount
14 equal to twice the sum of unpaid wages due the employee.

15 (b) Any employer, or any agent of an employer, who
16 knowingly discharges or in any other manner knowingly
17 discriminates against any employee because that employee has
18 made a complaint to his or her employer, or to the Director or
19 his or her authorized representative, that he or she or any
20 employee of the employer has not been paid in accordance with
21 the provisions of this Act, or because that employee has
22 instituted or caused to be instituted any proceeding under or
23 related to this Act or consulted counsel for such purposes, or
24 because that employee has testified or is about to testify in
25 an investigation or proceeding under this Act, or offers any

1 evidence of any violation of this Act, shall be liable to the
2 employee for such legal and equitable relief as may be
3 appropriate to effectuate the purposes of this Section, the
4 value of any lost benefits, backpay, and front pay as
5 appropriate so long as the employee has made reasonable efforts
6 to mitigate his or her damages and an additional equal amount
7 as liquidated damages.

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.