



Labor Committee

Filed: 3/11/2009

09600HB3634ham001

LRB096 03765 WGH 23526 a

1 AMENDMENT TO HOUSE BILL 3634

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3634 on page 1, line  
3 5 by changing "20 and 30" to "20, 30, and 35"; and

4 on page 2, by inserting after line 25 the following:

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 demanded ~~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

1 discriminates against any employee because that employee has  
2 made a complaint to his or her employer, or to the Director or  
3 his or her authorized representative, that he or she or any  
4 employee of the employer has not been paid in accordance with  
5 the provisions of this Act, or because that employee has  
6 instituted or caused to be instituted any proceeding under or  
7 related to this Act or consulted counsel for such purposes, or  
8 because that employee has testified or is about to testify in  
9 an investigation or proceeding under this Act, or offers any  
10 evidence of any violation of this Act, shall be liable to the  
11 employee for such legal and equitable relief as may be  
12 appropriate to effectuate the purposes of this Section, the  
13 value of any lost benefits, backpay, and front pay as  
14 appropriate so long as the employee has made reasonable efforts  
15 to mitigate his or her damages and an additional equal amount  
16 as liquidated damages.

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

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."