

SB0115



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0115

Introduced 1/27/2011, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

820 ILCS 112/30

Amends the Equal Pay Act of 2003. Provides for a civil penalty of up to \$5,000 when any employer or person violates sections of the Act prohibiting an employer or person from interfering or discouraging another from exercising his or her rights under the Act.

LRB097 06240 AEK 46315 b

A BILL FOR

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 Section 30 as follows:

6 (820 ILCS 112/30)

7 Sec. 30. Violations; fines and penalties.

8 (a) If an employee is paid by his or her employer less than
9 the wage to which he or she is entitled in violation of Section
10 10 of this Act, the employee may recover in a civil action the
11 entire amount of any underpayment together with interest and
12 the costs and reasonable attorney's fees as may be allowed by
13 the court and as necessary to make the employee whole. At the
14 request of the employee or on a motion of the Director, the
15 Department may make an assignment of the wage claim in trust
16 for the assigning employee and may bring any legal action
17 necessary to collect the claim, and the employer shall be
18 required to pay the costs incurred in collecting the claim.
19 Every such action shall be brought within 5 years from the date
20 of the underpayment. For purposes of this Act, "date of the
21 underpayment" means each time wages are underpaid.

22 (b) The Director is authorized to supervise the payment of
23 the unpaid wages owing to any employee or employees under this

1 Act and may bring any legal action necessary to recover the
2 amount of unpaid wages and penalties and the employer shall be
3 required to pay the costs. Any sums recovered by the Director
4 on behalf of an employee under this Section shall be paid to
5 the employee or employees affected.

6 (c) Any employer who violates any provision of this Act or
7 any rule adopted under the Act is subject to a civil penalty
8 not to exceed \$2,500 for each violation for each employee
9 affected, except that any employer or person who violates
10 subsection (b) or (c) of Section 10 is subject to a civil
11 penalty not to exceed \$5,000 for each violation for each
12 employee affected. In determining the amount of the penalty,
13 the appropriateness of the penalty to the size of the business
14 of the employer charged and the gravity of the violation shall
15 be considered. The penalty may be recovered in a civil action
16 brought by the Director in any circuit court.

17 (Source: P.A. 96-467, eff. 8-14-09.)