

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 State Finance Act is amended by adding  
5 Section 5.826 as follows:

6 (30 ILCS 105/5.826 new)

7 Sec. 5.826. The Personnel Records Enforcement Fund.

8 Section 10. The Personnel Record Review Act is amended by  
9 changing Section 12 and adding Sections 14 and 15 as follows:

10 (820 ILCS 40/12) (from Ch. 48, par. 2012)

11 Sec. 12. (a) The Director of Labor or his authorized  
12 representative shall administer and enforce the provisions of  
13 this Act. The Director of Labor may issue rules and regulations  
14 necessary to administer and enforce the provisions of this Act.

15 (b) If an employee alleges that he or she has been denied  
16 his or her rights under this Act, he or she may file a  
17 complaint with the Department of Labor. The Department shall  
18 investigate the complaint and shall have authority to request  
19 the issuance of a search warrant or subpoena to inspect the  
20 files of the employer, if necessary. The Department shall  
21 attempt to resolve the complaint by conference, conciliation,

1 or persuasion. If the complaint is not so resolved and the  
2 Department finds the employer has violated the Act, the  
3 Department may assess any civil penalty allowed by this Act.  
4 The civil penalties assessed by the Department shall be  
5 recoverable in an action brought in the name of the people of  
6 the State of Illinois by the Attorney General.

7 (b-5) If an employer violates this Act, the Department may  
8 commence an action in the circuit court to enforce the  
9 provisions of this Act including an action to compel  
10 compliance. The circuit court for the county in which the  
11 complainant resides, in which the complainant is employed, or  
12 in which the personnel record is maintained shall have  
13 jurisdiction in such actions.

14 (c) If an employer violates this Act, an employee may  
15 commence an action in the circuit court to enforce the  
16 provisions of this Act, including actions to compel compliance,  
17 where efforts to resolve the employee's complaint concerning  
18 such violation by conference, conciliation or persuasion  
19 pursuant to subsection (b) have failed and the Department has  
20 not commenced an action in circuit court to redress such  
21 violation. The circuit court for the county in which the  
22 complainant resides, in which the complainant is employed, or  
23 in which the personnel record is maintained shall have  
24 jurisdiction in such actions.

25 (d) Failure to comply with an order of the court may be  
26 punished as contempt. In addition, the court shall award an

1 employee prevailing in an action pursuant to this Act the  
2 following damages:

3 (1) Actual damages plus costs.

4 (2) For a willful and knowing violation of this Act, \$200  
5 plus costs, reasonable attorney's fees, and actual damages.

6 (e) Any employer or his agent who violates the provisions  
7 of this Act is guilty of a petty offense.

8 (f) Any employer or his agent, or the officer or agent of  
9 any private employer, who discharges or in any other manner  
10 discriminates against any employee because that employee has  
11 made a complaint to his employer, or to the Director or his  
12 authorized representative, or because that employee has caused  
13 to be instituted or is about to cause to be instituted any  
14 proceeding under or related to this Act, or because that  
15 employee has testified or is about to testify in an  
16 investigation or proceeding under this Act, is guilty of a  
17 petty offense.

18 (Source: P.A. 84-525.)

19 (820 ILCS 40/14 new)

20 Sec. 14. Penalties. An employer or entity, other than the  
21 General Assembly, that violates any of the provisions of this  
22 Act or any rule adopted under this Act shall be subject to a  
23 civil penalty of \$250, plus \$25 per day for each day the  
24 violation continues. The amount of the penalty may be recovered  
25 in a civil action filed in any circuit court by the Director of

1 Labor or a person aggrieved by a violation of this Act or any  
2 rule adopted under this Act. Any uncollected amount shall be  
3 subject to the provisions of the Illinois State Collection Act  
4 of 1986.

5 (820 ILCS 40/15 new)

6 Sec. 15. Personnel Records Enforcement Fund. All moneys  
7 received by the Department as civil penalties under this Act  
8 shall be deposited into the Personnel Records Enforcement Fund,  
9 a special fund created in the State treasury. Moneys in the  
10 Fund shall be used, subject to appropriation by the General  
11 Assembly, by the Department for administration, investigation,  
12 and other expenses incurred in carrying out its powers and  
13 duties under this Act. The Department shall hire as many  
14 investigators and other personnel as may be necessary to carry  
15 out the purposes of this Act. Any moneys in the Fund at the end  
16 of a fiscal year in excess of those moneys necessary for the  
17 Department to carry out its powers and duties under this Act  
18 shall be available to the Department for the next fiscal year  
19 for any of the Department's duties and may be transferred from  
20 the Personnel Records Enforcement Fund to the various accounts  
21 available to the Department, as needed.