

HB3619



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3619

by Rep. Cynthia Soto

SYNOPSIS AS INTRODUCED:

820 ILCS 112/5
820 ILCS 112/30

Amends the Equal Pay Act of 2003. Provides that the Act applies to all employers rather than only those with more than 3 employees. Increases the maximum civil penalty for all violations of the Act or a rule from \$2,500 to \$5,000.

LRB099 10407 JLS 30634 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 5 and 30 as follows:

6 (820 ILCS 112/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Director" means the Director of Labor.

9 "Department" means the Department of Labor.

10 "Employee" means any individual permitted to work by an
11 employer.

12 "Employer" means an individual, partnership, corporation,
13 association, business, trust, person, or entity for whom ~~4 or~~
14 ~~more~~ employees are gainfully employed in Illinois and includes
15 the State of Illinois, any state officer, department, or
16 agency, any unit of local government, and any school district.

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

18 (820 ILCS 112/30)

19 Sec. 30. Violations; fines and penalties.

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

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

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

19 (c) Any employer who violates any provision of this Act or
20 any rule adopted under the Act is subject to a civil penalty
21 not to exceed ~~\$2,500 for each violation for each employee~~
22 ~~affected, except that any employer or person who violates~~
23 ~~subsection (b) or (c) of Section 10 is subject to a civil~~
24 ~~penalty not to exceed~~ \$5,000 for each violation for each
25 employee affected. In determining the amount of the penalty,
26 the appropriateness of the penalty to the size of the business

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

4 (Source: P.A. 96-467, eff. 8-14-09; 97-512, eff. 1-1-12.)