



ILLINOIS DEPARTMENT OF LABOR

JB PRITZKER
GOVERNOR

JANE R. FLANAGAN
DIRECTOR

To: Honorable Members of the Illinois General Assembly

From: Jane Flanagan, Director, Illinois Department of Labor

Re: Data Governance and Organization to Support Equity and Racial Justice Act Section 20-15(a) Report

Date: July 1, 2024

This report is issued pursuant to the provisions of Section 20-15(a) of the Data Governance and Organization to Support Equity and Racial Justice Act ("the Act") (20 ILCS 65/20-1). The Act requires the Illinois Department of Labor to report statistical data on the racial, ethnic, age, sex, disability status, sexual orientation, gender identity, and primary or preferred language demographics of program participants for each major program the Illinois Department of Labor administers.

Introduction

In the March 2024 Data Governance and Organization to Support Equity and Racial Justice Act Report, the Illinois Department of Labor identified the following "major programs" and corresponding participant populations for analysis:

- *Individuals filing a claim under the Illinois Minimum Wage Act and Wage Payment and Collection Act*
- *Individuals filing a claim under the Paid Leave for All Workers Act*
- *Individuals filing a claim under the One Day Rest In Seven Act*
- *Individuals filing a claim under the Freelance Worker Protection Act (effective July 1, 2024)*

For each of these major programs identified in the Illinois Department of Labor March 2024 report, this report will provide statistical data, where available, for each of demographic dispositions enumerated in the Act: race, age, sex, disability status, sexual orientation, gender identity and primary or preferred language.

Section 20-15(e) of the Act states "if the Board or Department is unable to begin reporting the data required by subsection (a) by July 1, 2022, the Board or the Department shall state the reasons for the delay under the reporting requirements." As of the date of this report the Illinois Department of Labor was unable to begin reporting the following data:

1. Data from the Department of Labor's Certified Payroll Portal. The Prevailing Wage Act requires contractors subject to the Act to file certified transcripts of payroll (CTPs) for all workers employed on a public works project for each month that the project is ongoing. (820 ILCS 130/5(a)(2)). Since 2019, contractors are required to file CTPs electronically with IDOL by submitting them to an online database portal ("payroll portal") on IDOL's website. Id. By

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statute, CTPs are to contain hourly pay information, as well as personal information about each employee that would typically be found on a paystub. The Prevailing Wage Act also specifically requires CTPs to include the gender, race, ethnicity, and veteran status of each worker listed on a CTP; these three data points are the only demographic data required to be included with CTPs. (820 ILCS 130/5(a)(1)).

IDOL is unable to collect information regarding disability status, age, sexual orientation, gender identity, Middle Eastern/North African, or primary/preferred language for the Prevailing Wage – Certified Payroll program because that information is not statutorily required to be included on CTPs. As such, it would likely require amendment to the Prevailing Wage Act and/or administrative rulemaking to amend the standardized CTP form and require contractors, labor organizations, and payroll processing companies that typically complete and submit CTPs to collect more detailed demographic information consistent with ERJA.

2. The Freelance Worker Protection Act does not become effective until July 1, 2024, and, as such, the Department of Labor does not yet have any data to report under this Act.
3. The Department of Labor does not currently collect demographic information of claimants for claims made under the One Day Rest in Seven Act (ODRISA). However, the Department is amending our forms to gather and produce such data in the coming year.

Change Management Efforts and Potential Challenges

The Department is in the process of creating the complaint form for the Freelance Worker Protection Act and will include the demographic data collection questions on that form.

IDOL plans to update the complaint form for the One Day Rest in Seven Act (ODRISA) to include demographic data collection questions. However, IDOL has been working with businesses and other stakeholders to negotiate changes to the Act and will continue to do so over the summer leading up to Veto Session in the fall. To minimize confusion to the public, IDOL will wait until any other changes are confirmed before updating the complaint form to include any statutorily required changes along with the addition of the demographic questions.

Methodology

The information contained in this report is based solely on the data provided by program participants and is collected by including demographic questions on forms completed by the participants for the various major programs. The data provided by program participants has not been audited for completeness and quality, therefore, no baseline for comparison has been established.

For the purpose of this report, program participants are defined as any individual who received program services or interventions directly from State agency staff, contractors, or grantees. The program participants count is the number of distinct individuals that have been identified as program participants regardless of demographic category.

For the Wage Payment and Collection Act and Illinois Minimum Wage Act, a demographic section was added to the online claim form. Individuals may select “prefer not to answer” on all questions, and they may also leave the page blank. The claims for these laws are combined, and therefore they are reported

together. The data in this report covers June 1, 2023, to May 31, 2024, and was pulled from the system on June 6, 2024.

For the Paid Leave for All Workers Act, a demographic page was added to the claim form. Individuals may select “prefer not to answer” on all questions, and they may also leave the page blank. This law went into effect on January 1, 2024. Therefore the data in this report covers January 1, 2024, to May 31, 2024, and was pulled from the system on June 7, 2024. There are some categories that were not on the first version of the claim form, however, IDOL is working to amend the form to collect the information in the future. The categories not included on the current Paid Leave for All Workers form are Age, Sex, and Disability. In addition, while “Other” is included as an option, there is no blank field to collect additional information.

Please note that due to the novelty of this law, there has been some confusion on what circumstances are covered under the law and IDOL has received numerous complaints submitted that were referred either (1) to other areas of the agency, such as the unit that enforces the Wage Payment and Collection Act; or (2) to the City of Chicago and Cook County. In order to more accurately account for the number of participants in this program, IDOL has not included these dismissed complaints in this report.

Race and Ethnicity

The Act provides that the Illinois Department of Labor “shall use the same racial and ethnic classifications for each program.” 20 ILCS 65/20-15(a). The enumerated classifications are:

- (1) American Indian and Alaska Native alone.
- (2) Asian alone.
- (3) Black or African American alone.
- (4) Hispanic or Latino of any race.
- (5) Native Hawaiian and Other Pacific Islander alone.
- (6) White alone.
- (7) Some other race alone.
- (8) Two or more races.

Ethnicity

The Department’s collection of ethnicity information allows for individuals to select:

1. Is the individual a descendant of the peoples who inhabited the Americas prior to European colonization? This category allows for the individual to enter in the Indigenous tribe if they want.
2. Latina/Latino/Latinx/Hispanic
3. Other category not specified. This category allows the individual to enter in the category they want to select. In most cases, a racial category was entered by the individuals who selected this option.
4. Prefer not to answer
5. No Answer. The blank responses were combined with the Prefer not to answer category in the data that follows.

Age

The Department's collection of age allows for individuals to enter their date of birth. This is subtracted from the date of the claim to get the age of the individual. There were 47 entries of dates equivalent to the age of 0 or greater than 130. These are reported under the prefer not to answer category.

Sex

The Department's collection of sex allows for individuals to select:

1. Female
2. Male
3. Other category not specified
4. Prefer not to answer
5. No answer. The blank responses were combined with the Prefer not to answer category in the data that follows.

Disability Status

The Department's collection of disability status allows for individuals to select:

1. Yes. Selecting this option allows the individual to enter their disability. There were 407 "yes" responses, and 369 distinct responses to the disability type, many listing more than one disability. Therefore, the responses are not able to be tabulated.
2. No
3. Prefer not to answer
4. No answer. The blank responses were combined with the Prefer not to answer category in the data that follows.

Sexual orientation

The Department's collection of sexual orientation allows for individuals to select:

1. Bisexual
2. Gay
3. Lesbian
4. Queer
5. Questioning
6. Other category not specified. This allows for the individual to enter in their response. Many of these responses referenced gender identity.
7. Prefer not to answer
8. No answer. The blank responses were combined with the Prefer not to answer category in the data that follows.

Gender Identity

The Department’s collection of gender identity allows for individuals to select:

1. Man
2. Woman
3. Non-binary, gender non-conforming
4. Other category not specified. This allows for the individual to enter in their response. The responses received all referenced sexual orientation.
5. Prefer not to answer
6. No answer. The blank responses were combined with the Prefer not to answer category in the data that follows.

Primary or preferred language

The Department’s collection of primary or preferred language allows for individuals to select:

1. Arabic
2. Chinese (including Mandarin, Cantonese)
3. English Primary Language
4. Hindi
5. Polish
6. Spanish
7. Other category not specified. This allows for the individual to enter in their response. Russian, Ukrainian, and Korean were added as categories for reporting due to the number of individuals entering these languages in the other category.
8. Prefer not to answer
9. No answer. The blank responses were combined with the Prefer not to answer category in the data that follows.

Statistical Data

1. Wage Payment and Collection Act and Illinois Minimum Wage Act

Race

Program Participants	American Indian/ Alaska Native	Asian/ Asian American	African American/ Black	Native Hawaiian and Other Pacific Islander	Middle Eastern/ North African	White/ European American	Some Other Race Alone	Two or More Races	No Race Specified	Other Category not specified
6,016	75 1.2%	198 3.3%	1,336 22.2%	13 0.2%	65 1.1%	2,670 44.4%	123 2.0%	315 5.2%	1,221 20.3%	

Ethnicity

Program Participants	Indigenous	Latina/ Latino/ Latinx/ Hispanic	Other category not specified	Did not answer
6,016	125 2.1%	994 16.5%	2,235 37.2%	2,662 44.2%

Age

Program Participants	18 and under	19-24	25-34	35-44	45 - 54	55-64	65+	Prefer not to answer
6,016	65	451	1,011	856	583	356	74	2,620
	1.1%	7.5%	16.8%	14.2%	9.7%	5.9%	1.2%	43.6%

Sex

Program Participants	Female	Male	Other	No Sex Specified
6,016	2,204	3,119	X	691
	36.6%	51.8%	N/A	11.5%

Disability Status

Program Participants	Yes	No	Prefer not to answer
6,016	407	4,825	784
	80.2%	6.8%	13.0%

Sexual Orientation

Program Participants	Bisexual	Gay	Lesbian	Queer	Questioning and/or unsure	Straight (heterosexual)	Pansexual	Additional category/ identity not listed	Prefer not to answer
6,016	136	109	55	50	11	4098	X	24	1525
	2.3%	1.8%	0.9%	0.8%	0.2%	68.1%	N/A	0.4%	25.3%

Gender Identity

Program Participants	Man	Woman	Non-binary/ gender non-conforming	Other	Prefer not to answer
6,016	3,148	2,248	66	X	553
	52.3%	37.4%	1.1%	N/A	9.2%

Primary or Preferred Language

Program Participants	English	Spanish	Polish	Chinese (including Mandarin, Cantonese)	Tagalog (Including Filipino)	Hindi	Arabic	Russian	Ukrainian	Korean	Other language not specified	Prefer not to answer
6,016	5,007	286	36	11	X	X	25	34	29	X	96	473
	83.2%	4.8%	0.6%	0.2%	N/A	N/A	0.4%	0.6%	0.5%	N/A	1.6%	7.9%

Conclusion

This report is transmitted on behalf of the Director of the Illinois Department of Labor. For additional copies of this report or more specific information, please contact:

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