



Rep. Lisa M. Dugan

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09700HB1513ham001

LRB097 10175 AEK 52703 a

1 AMENDMENT TO HOUSE BILL 1513

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1513 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Wage Payment and Collection Act is  
5 amended by changing Section 9 as follows:

6 (820 ILCS 115/9) (from Ch. 48, par. 39m-9)

7 Sec. 9. Except as hereinafter provided, deductions by  
8 employers from wages or final compensation are prohibited  
9 unless such deductions are (1) required by law; (2) to the  
10 benefit of the employee; (3) in response to a valid wage  
11 assignment or wage deduction order; (4) made with the express  
12 written consent of the employee, given freely at the time the  
13 deduction is made; (5) made by a municipality with a population  
14 of 500,000 or more, a county with a population of 3,000,000 or  
15 more, a community college district in a city with a population  
16 of 500,000 or more, a housing authority in a municipality with

1 a population of 500,000 or more, the Chicago Park District, the  
2 Metropolitan Transit Authority, the Chicago Board of  
3 Education, the Cook County Forest Preserve District, or the  
4 Metropolitan Water Reclamation District to pay a debt owed by  
5 the employee to a municipality with a population of 500,000 or  
6 more, a county with a population of 3,000,000 or more, the Cook  
7 County Forest Preserve, the Chicago Park District, the  
8 Metropolitan Water Reclamation District, the Chicago Transit  
9 Authority, the Chicago Board of Education, or a housing  
10 authority of a municipality with a population of 500,000 or  
11 more; provided, however, that the amount deducted from any one  
12 salary or wage payment shall not exceed 25% of the net amount  
13 of the payment; or (6) made by a housing authority in a  
14 municipality with a population of 500,000 or more or a  
15 municipality with a population of 500,000 or more to pay a debt  
16 owed by the employee to a housing authority in a municipality  
17 with a population of 500,000 or more; provided, however, that  
18 the amount deducted from any one salary or wage payment shall  
19 not exceed 25% of the net amount of the payment. Before the  
20 municipality with a population of 500,000 or more, the  
21 community college district in a city with a population of  
22 500,000 or more, the Chicago Park District, the Metropolitan  
23 Transit Authority, a housing authority in a municipality with a  
24 population of 500,000 or more, the Chicago Board of Education,  
25 the county with a population of 3,000,000 or more, the Cook  
26 County Forest Preserve District, or the Metropolitan Water

1 Reclamation District deducts any amount from any salary or wage  
2 of an employee to pay a debt owed to a municipality with a  
3 population of 500,000 or more, a county with a population of  
4 3,000,000 or more, the Cook County Forest Preserve District,  
5 the Chicago Park District, the Metropolitan Water Reclamation  
6 District, the Chicago Transit Authority, the Chicago Board of  
7 Education, or a housing authority of a municipality with a  
8 population of 500,000 or more under this Section, the  
9 municipality, the county, the Cook County Forest Preserve  
10 District, the Chicago Park District, the Metropolitan Water  
11 Reclamation District, the Chicago Transit Authority, the  
12 Chicago Board of Education, or a housing authority of a  
13 municipality with a population of 500,000 or more shall certify  
14 that (i) the employee has been afforded an opportunity for a  
15 hearing to dispute the debt that is due and owing the  
16 municipality, the county, the Cook County Forest Preserve  
17 District, the Chicago Park District, the Metropolitan Water  
18 Reclamation District, the Chicago Transit Authority, the  
19 Chicago Board of Education, or a housing authority of a  
20 municipality with a population of 500,000 or more and (ii) the  
21 employee has received notice of a wage deduction order and has  
22 been afforded an opportunity for a hearing to object to the  
23 order. Before a housing authority in a municipality with a  
24 population of 500,000 or more or a municipality with a  
25 population of 500,000 or more, a county with a population of  
26 3,000,000 or more, the Cook County Forest Preserve District,

1 the Chicago Park District, the Metropolitan Water Reclamation  
2 District, the Chicago Transit Authority, the Chicago Board of  
3 Education, or a housing authority of a municipality with a  
4 population of 500,000 or more deducts any amount from any  
5 salary or wage of an employee to pay a debt owed to a housing  
6 authority in a municipality with a population of 500,000 or  
7 more under this Section, the housing authority shall certify  
8 that (i) the employee has been afforded an opportunity for a  
9 hearing to dispute the debt that is due and owing the housing  
10 authority and (ii) the employee has received notice of a wage  
11 deduction order and has been afforded an opportunity for a  
12 hearing to object to the order. For purposes of this Section,  
13 "net amount" means that part of the salary or wage payment  
14 remaining after the deduction of any amounts required by law to  
15 be deducted and "debt due and owing" means (i) a specified sum  
16 of money owed to the municipality, county, the Cook County  
17 Forest Preserve District, the Chicago Park District, the  
18 Metropolitan Water Reclamation District, the Chicago Transit  
19 Authority, the Chicago Board of Education, or housing authority  
20 for services, work, or goods, after the period granted for  
21 payment has expired, or (ii) a specified sum of money owed to  
22 the municipality, county, the Cook County Forest Preserve  
23 District, the Chicago Park District, the Metropolitan Water  
24 Reclamation District, the Chicago Transit Authority, the  
25 Chicago Board of Education or housing authority pursuant to a  
26 court order or order of an administrative hearing officer after

1 the exhaustion of, or the failure to exhaust, judicial review;  
2 (7) the result of an excess payment made due to, but not  
3 limited to, a typographical or mathematical error made by a  
4 municipality with a population of less than 500,000 or to  
5 collect a debt owed to a municipality with a population of less  
6 than 500,000 after notice to the employee and an opportunity to  
7 be heard; provided, however, that the amount deducted from any  
8 one salary or wage payment shall not exceed 15% of the net  
9 amount of the payment. Before the municipality deducts any  
10 amount from any salary or wage of an employee to pay a debt  
11 owed to the municipality, the municipality shall certify that  
12 (i) the employee has been afforded an opportunity for a  
13 hearing, conducted by the municipality, to dispute the debt  
14 that is due and owing the municipality, and (ii) the employee  
15 has received notice of a wage deduction order and has been  
16 afforded an opportunity for a hearing, conducted by the  
17 municipality, to object to the order. For purposes of this  
18 Section, "net amount" means that part of the salary or wage  
19 payment remaining after the deduction of any amounts required  
20 by law to be deducted and "debt due and owing" means (i) a  
21 specified sum of money owed to the municipality for services,  
22 work, or goods, after the period granted for payment has  
23 expired, or (ii) a specified sum of money owed to the  
24 municipality pursuant to a court order or order of an  
25 administrative hearing officer after the exhaustion of, or the  
26 failure to exhaust, judicial review. Where the legitimacy of

1 any deduction from wages is in dispute, the amount in question  
2 may be withheld if the employer notifies the Department of  
3 Labor on the date the payment is due in writing of the amount  
4 that is being withheld and stating the reasons for which the  
5 payment is withheld. Upon such notification the Department of  
6 Labor shall conduct an investigation and render a judgment as  
7 promptly as possible, and shall complete such investigation  
8 within 30 days of receipt of the notification by the employer  
9 that wages have been withheld. The employer shall pay the wages  
10 due upon order of the Department of Labor within 15 calendar  
11 days of issuance of a judgment on the dispute.

12 The Department shall establish rules to protect the  
13 interests of both parties in cases of disputed deductions from  
14 wages. Such rules shall include reasonable limitations on the  
15 amount of deductions beyond those required by law which may be  
16 made during any pay period by any employer.

17 In case of a dispute over wages, the employer shall pay,  
18 without condition and within the time set by this Act, all  
19 wages or parts thereof, conceded by him to be due, leaving to  
20 the employee all remedies to which he may otherwise be entitled  
21 as to any balance claimed. The acceptance by an employee of a  
22 disputed paycheck shall not constitute a release as to the  
23 balance of his claim and any release or restrictive endorsement  
24 required by an employer as a condition to payment shall be a  
25 violation of this Act and shall be void.

26 (Source: P.A. 91-443, eff. 8-6-99; 92-109, eff. 7-20-01.)"