

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 Illinois Wage Payment and Collection Act is  
5 amended by changing Sections 11 and 14 and by adding Section 20  
6 as follows:

7 (820 ILCS 115/11) (from Ch. 48, par. 39m-11)

8 Sec. 11. It shall be the duty of the Department of Labor to  
9 inquire diligently for any violations of this Act, and to  
10 institute the actions for violations and penalties herein  
11 provided, at the request of the employee or on motion of the  
12 Director of Labor, and to enforce generally the provisions of  
13 this Act.

14 An employee may file a complaint with the Department  
15 alleging violations of the Act by submitting a signed,  
16 completed wage claim application on the form provided by the  
17 Department and by submitting copies of all supporting  
18 documentation. Complaints shall be filed within one year after  
19 the wages, final compensation, or wage supplements were due.

20 Wage claim applications shall be reviewed by the  
21 Department to determine whether there is cause and sufficient  
22 resources for investigation.

23 The Department shall have the following powers:

1           (a) To investigate and attempt equitably to adjust  
2           controversies between employees and employers in respect  
3           of wage claims arising under this Act and to that end the  
4           Department through the Director of Labor or any other  
5           person in the Department of Labor designated by him or  
6           her, shall have the power to administer oaths, subpoena  
7           and examine witnesses, to issue subpoenas duces tecum  
8           requiring the production of such books, papers, records  
9           and documents as may be evidence of any matter under  
10          inquiry and to examine and inspect the same as may relate  
11          to the question in dispute. Service of such subpoenas  
12          shall be made by any sheriff or any person. Any court in  
13          this State, upon the application of the Department may  
14          compel attendance of witnesses, the production of books  
15          and papers, and the giving of testimony before the  
16          Department by attachment for contempt or in any other way  
17          as the production of evidence may be compelled before such  
18          court.

19          (b) To take assignments of wage claims in the name of  
20          the Director of Labor and his or her successors in office  
21          and prosecute actions for the collection of wages for  
22          persons financially unable to prosecute such claims when  
23          in the judgment of the Department such claims are valid  
24          and enforceable in the courts. No court costs or any fees  
25          for necessary process and proceedings shall be payable in  
26          advance by the Department for prosecuting such actions. In

1 the event there is a judgment rendered against the  
2 defendant, the court shall assess as part of such judgment  
3 the costs of such proceeding. Upon collection of such  
4 judgments the Department shall pay from the proceeds of  
5 such judgment such costs to such person who is by law  
6 entitled to same. The Department may join in a single  
7 proceeding any number of wage claims against the same  
8 employer but the court shall have discretionary power to  
9 order a severance or separate trial for hearings.

10 (c) To make complaint in any court of competent  
11 jurisdiction of violations of this Act.

12 (d) In addition to the aforementioned powers, subject  
13 to appropriation, the Department may establish an  
14 administrative procedure to adjudicate claims and to issue  
15 final and binding administrative decisions on such claims  
16 subject to the Administrative Review Law. To establish  
17 such a procedure, the Director of Labor or her or his  
18 authorized representative may promulgate rules and  
19 regulations. The adoption, amendment or rescission of  
20 rules and regulations for such a procedure shall be in  
21 conformity with the requirements of the Illinois  
22 Administrative Procedure Act. If a final and binding  
23 administrative decision issued by the Department requires  
24 an employer or other party to pay wages, penalties, or  
25 other amounts in connection with a wage claim, and the  
26 employer or other party has neither: (i) made the required

1 payment within 35 days of the issuance of the final and  
2 binding administrative decision; nor (ii) timely filed a  
3 complaint seeking review of the final and binding  
4 administrative decision pursuant to the Administrative  
5 Review Law in a court of competent jurisdiction, the final  
6 and binding administrative decision is a debt due and owed  
7 to the State and may be collected using all remedies  
8 available under the law, including, but not limited to,  
9 those found in Article XII of the Code of Civil Procedure.  
10 The findings, decision, and order of the Department may be  
11 enforced in the same manner as any civil judgment entered  
12 by a court of competent jurisdiction ~~Department may file a~~  
13 ~~verified petition against the employer or other party to~~  
14 ~~enforce the final administrative decision and to collect~~  
15 ~~any amounts due in connection therewith in the circuit~~  
16 ~~court of any county where an official office of the~~  
17 ~~Department is located.~~

18 Nothing herein shall be construed to prevent any employee  
19 from making complaint or prosecuting his or her own claim for  
20 wages. Any employee aggrieved by a violation of this Act or any  
21 rule adopted under this Act may file suit in circuit court of  
22 Illinois, in the county where the alleged violation occurred  
23 or where any employee who is party to the action resides,  
24 without regard to exhaustion of any alternative administrative  
25 remedies provided in this Act. Actions may be brought by one or  
26 more employees for and on behalf of themselves and other

1 employees similarly situated.

2 Nothing herein shall be construed to limit the authority  
3 of the State's Attorney of any county to prosecute actions for  
4 violation of this Act or to enforce the provisions thereof  
5 independently and without specific direction of the Department  
6 of Labor.

7 (Source: P.A. 103-201, eff. 1-1-24.)

8 (820 ILCS 115/14) (from Ch. 48, par. 39m-14)

9 Sec. 14. Penalties.

10 (a) Any employee not timely paid wages, final  
11 compensation, or wage supplements by his or her employer as  
12 required by this Act shall be entitled to recover through a  
13 claim filed with the Department of Labor or in a civil action,  
14 but not both, the amount of any such underpayments and damages  
15 of 5% of the amount of any such underpayments for each month  
16 following the date of payment during which such underpayments  
17 remain unpaid. In a claim filed with the Department and  
18 adjudicated through an administrative hearing, the damages of  
19 5% shall accrue for each month that the underpayments remain  
20 unpaid until the date the final order and decision of the  
21 Department becomes a debt due and owed to the State. In a civil  
22 action, such employee shall also recover costs and all  
23 reasonable attorney's fees.

24 (a-5) In addition to the remedies provided in subsections  
25 (a), (b), and (c) of this Section, any employer or any agent of

1 an employer, who, being able to pay wages, final compensation,  
2 or wage supplements and being under a duty to pay, willfully  
3 refuses to pay as provided in this Act, or falsely denies the  
4 amount or validity thereof or that the same is due, with intent  
5 to secure for himself or other person any underpayment of such  
6 indebtedness or with intent to annoy, harass, oppress, hinder,  
7 delay or defraud the person to whom such indebtedness is due,  
8 upon conviction, is guilty of:

9 (1) for unpaid wages, final compensation or wage  
10 supplements in the amount of \$5,000 or less, a Class B  
11 misdemeanor; or

12 (2) for unpaid wages, final compensation or wage  
13 supplements in the amount of more than \$5,000, a Class A  
14 misdemeanor.

15 Each day during which any violation of this Act continues  
16 shall constitute a separate and distinct offense.

17 Any employer or any agent of an employer who violates this  
18 Section of the Act a subsequent time within 2 years of a prior  
19 criminal conviction under this Section is guilty, upon  
20 conviction, of a Class 4 felony.

21 (b) Any employer who has been demanded or ordered by the  
22 Department or ordered by the court to pay wages, final  
23 compensation, or wage supplements due an employee shall be  
24 required to pay a non-waivable administrative fee to the  
25 Department of Labor in the amount of \$500 ~~\$250~~ if the amount  
26 ordered by the Department as wages owed is \$3,000 or less; \$750

1 ~~\$500~~ if the amount ordered by the Department as wages owed is  
2 more than \$3,000, but less than \$10,000; and \$1,250 ~~\$1,000~~ if  
3 the amount ordered by the Department as wages owed is \$10,000  
4 or more. Any employer who has been so demanded or ordered by  
5 the Department or ordered by a court to pay such wages, final  
6 compensation, or wage supplements and who fails to seek timely  
7 review of such a demand or order as provided for under this Act  
8 and who fails to comply within 15 calendar days after such  
9 demand or within 35 days of an administrative or court order is  
10 entered shall also be liable to pay a penalty to the Department  
11 of Labor of 20% of the amount found owing and a penalty to the  
12 employee of 1% per calendar day of the amount found owing for  
13 each day of delay in paying such wages to the employee. In a  
14 claim filed with the Department and adjudicated through an  
15 administrative hearing, the penalty of 1% shall accrue for  
16 each calendar day that the underpayments remain unpaid until  
17 the date the final order and decision of the Department  
18 becomes a debt due and owed to the State. All moneys recovered  
19 as fees and civil penalties under this Act, except those owing  
20 to the affected employee, shall be deposited into the Wage  
21 Theft Enforcement Fund, a special fund which is hereby created  
22 in the State treasury. Moneys in the Fund may be used for  
23 enforcement of this Act and for outreach and educational  
24 activities of the Department related to the recovery of unpaid  
25 or underpaid compensation and the disbursement of moneys to  
26 affected parties.

1 (b-5) Penalties and fees under this Section may be  
2 assessed by the Department and recovered in a civil action  
3 brought by the Department in any circuit court or in any  
4 administrative adjudicative proceeding under this Act. In any  
5 such civil action or administrative adjudicative proceeding  
6 under this Act, the Department shall be represented by the  
7 Attorney General.

8 (c) Any employer, or any agent of an employer, who  
9 discharges or in any other manner discriminates against any  
10 employee because that employee has made a complaint to his or  
11 her employer, to the Director of Labor or his or her authorized  
12 representative, in a public hearing, or to a community  
13 organization that he or she has not been paid in accordance  
14 with the provisions of this Act, or because that employee has  
15 caused to be instituted any proceeding under or related to  
16 this Act, or because that employee has testified or is about to  
17 testify in an investigation or proceeding under this Act, is  
18 guilty, upon conviction, of a Class C misdemeanor. An employee  
19 who has been unlawfully retaliated against shall be entitled  
20 to recover through a claim filed with the Department of Labor  
21 or in a civil action, but not both, all legal and equitable  
22 relief as may be appropriate. In a civil action, such employee  
23 shall also recover costs and all reasonable attorney's fees.

24 (d) Except as provided under subsections (a), (b), and  
25 (c), an employer who fails to furnish an employee or former  
26 employee with a pay stub as required by this Act or commits any

1 other violation of this Act shall be subject to a civil penalty  
2 of up to \$500 per violation payable to the Department. In  
3 determining the amount of the penalty under this subsection,  
4 the Department shall consider the appropriateness of the  
5 penalty to the size of the business of the employer charged and  
6 the gravity of the violation.

7 (e) Any unpaid wages, penalties, damages, fines, or fees  
8 remaining unpaid after the judicial review of the Department's  
9 final decision, or the failure to pursue judicial review  
10 procedures under the Administrative Review Law, is a debt due  
11 and owed to the State and may be collected using all remedies  
12 available under the law.

13 (f) After the expiration of the period in which judicial  
14 review under the Administrative Review Law may be sought for a  
15 final administrative decision, unless stayed by a court of  
16 competent jurisdiction, the findings, decision, and order of  
17 the Department may be enforced in the same manner as a judgment  
18 entered by a court of competent jurisdiction.

19 (Source: P.A. 102-50, eff. 7-9-21; 103-182, eff. 6-30-23;  
20 103-953, eff. 1-1-25.)

21 (820 ILCS 115/20 new)

22 Sec. 20. Procedural changes from prior law. In accordance  
23 with Section 4 of the Statute on Statutes, any procedural  
24 change as compared to prior law affected by this amendatory  
25 Act of the 104th General Assembly shall be applied

1 retroactively. Any substantive change as compared to prior law  
2 affected by this amendatory Act of the 104th General Assembly  
3 shall be applied prospectively only. Any changes to the  
4 remedies available to redress a legal violation are procedural  
5 in nature.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.