



Labor Committee

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LRB096 03765 WGH 23528 a

1 AMENDMENT TO HOUSE BILL 3634

2 AMENDMENT NO. _____. Amend House Bill 3634, AS AMENDED, in
3 Section 5, by replacing the introductory clause and Secs. 20
4 and 30 with the following:

5 "Section 5. The Equal Pay Act of 2003 is amended by
6 changing Sections 15, 20, 30, and 35 as follows:

7 (820 ILCS 112/15)

8 Sec. 15. Enforcement.

9 (a) The Director or his or her authorized representative
10 shall administer and enforce the provisions of this Act. The
11 Director of Labor shall adopt rules necessary to administer and
12 enforce this Act.

13 (b) An employee or former employee may file a complaint
14 with the Department alleging a violation of this Act by
15 submitting a signed, completed complaint form. All complaints
16 shall be filed with the Department within one year from the

1 date of the underpayment.

2 (c) The Department has the power to conduct investigations
3 in connection with the administration and enforcement of this
4 Act and the authorized officers and employees of the Department
5 are authorized to investigate and gather data regarding the
6 wages, hours, and other conditions and practices of employment
7 in any industry subject to this Act, and may enter and inspect
8 such places and such records at reasonable times during regular
9 business hours, question the employees and investigate the
10 facts, conditions, practices, or matters as he or she may deem
11 necessary or appropriate to determine whether any person has
12 violated any provision of this Act, or which may aid in the
13 enforcement of this Act.

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

15 (820 ILCS 112/20)

16 Sec. 20. Recordkeeping requirements. An employer subject
17 to any provision of this Act shall make and preserve records
18 that document the name, address, and occupation of each
19 employee, the wages paid to each employee, and any other
20 information the Director may by rule deem necessary and
21 appropriate for enforcement of this Act. An employer subject to
22 any provision of this Act shall preserve those records for a
23 period of not less than 5 ~~3~~ years and shall make reports from
24 the records as prescribed by rule or order of the Director,
25 unless the records relate to an ongoing investigation or

1 enforcement action under this Act, in which case the records
2 must be maintained until their destruction is authorized by the
3 Department or by court order.

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

5 (820 ILCS 112/30)

6 Sec. 30. Violations; fines and penalties.

7 (a) If an employee is paid by his or her employer less than
8 the wage to which he or she is entitled in violation of Section
9 10 of this Act, the employee may recover in a civil action the
10 entire amount of any underpayment together with interest and
11 the costs and reasonable attorney's fees as may be allowed by
12 the court and as necessary to make the employee whole. At the
13 request of the employee or on a motion of the Director, the
14 Department may make an assignment of the wage claim in trust
15 for the assigning employee and may bring any legal action
16 necessary to collect the claim, and the employer shall be
17 required to pay the costs incurred in collecting the claim.
18 Every such action shall be brought within 5 ~~3~~ years from the
19 date ~~the employee learned~~ of the underpayment. For purposes of
20 this Act, "date of the underpayment" means each time wages are
21 underpaid.

22 (b) The Director is authorized to supervise the payment of
23 the unpaid wages owing to any employee or employees under this
24 Act and may bring any legal action necessary to recover the
25 amount of unpaid wages and penalties and the employer shall be

1 required to pay the costs. Any sums recovered by the Director
2 on behalf of an employee under this Section shall be paid to
3 the employee or employees affected.

4 (c) Any employer who violates any provision of this Act or
5 any rule adopted under the Act is subject to a civil penalty
6 not to exceed \$2,500 for each violation for each employee
7 affected. In determining the amount of the penalty, the
8 appropriateness of the penalty to the size of the business of
9 the employer charged and the gravity of the violation shall be
10 considered. The penalty may be recovered in a civil action
11 brought by the Director in any circuit court.

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