

How do the new Illinois Equal Pay Act rules affect my record-keeping obligations?

Q. I've heard that there are new Illinois Equal Pay Act regulations I have to follow. Does this affect my record-keeping?

A. Yes. The new regulations (specifically, Title 56, Part 320, Section 320.140) provide that an employer is required to make and preserve certain employee records, including each employee's name, payroll and compensation records, hire date, promotion date, date of pay increases and any records made in the regular course of the business operation that relate to personnel records, employee qualifications and wage rates.

The new rules are part of recently enacted amendments to the Illinois Equal Pay Act.

You must keep these records for at least five years. However, if the records relate to an ongoing investigation or enforcement action, an employer must keep them until the Illinois Department of Labor or a court says that they may be destroyed.

How does this affect confidentiality if someone complains about payroll issues?

Q. How have the recent amendments affected confidentiality requirements? I've heard that as an employer, I'm not even allowed to know who complained about alleged pay disparities.

A. The new regulations (specifically, Title 56, Part 320, Section 320.220) provide that while the case is pending at the administrative level, the complainant's identity will be kept confidential unless the complainant requests otherwise.

However, the complainant's identity will not be kept confidential if he or she alleges retaliation under the act.

Are there new time frames for complaining?

Q. How have the recent amendments affected the amount of time a person has to file a complaint with the Illinois Department of Labor?

A. The new regulations (specifically, Title 56, Part 320, Section 320.210) give employees more time to file a complaint. A complaint must be filed with the Illinois Department of Labor within one year from the date of an alleged underpayment.

What about time frames for filing a lawsuit?

Q. How have the recent amendments affected the amount of time a person has to bring an action in state court? I've heard it can be years later.

A. You heard correctly. The amendments increased the amount of time a person has to bring a civil action in

state court for violating the act. Suits can be filed up to five years from the date of an alleged underpayment. Each new instance of underpayment rests the calendar from which those five years may be counted.