

Amendments to the Illinois Wage Payment and Collection Act Increase Employer Liability

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On July 30, 2010, Governor Pat Quinn signed into law numerous amendments to the Illinois Wage Payment and Collection Act (The Act). The Act establishes how often wages must be paid and provides assistance to workers in the collection of earned compensation. Employees must receive their final wages, vacation pay, commissions and bonuses on their next regularly scheduled payday. Effective on January 1, 2011, the amendments give employees a new avenue for adjudicating most wage claims and also make employers and responsible managers subject to more severe sanctions and criminal penalties. The amendments to the Act provides a new adjudicative process for small claims which provides the Department with the authority to establish a new adjudicative process for claims or specific categories of claims under \$3,000, including instances where an employer fails to timely respond to a notice of claim issued by the Department. The new process will result in an enforceable order at the Department level. The amendments also clarify the Act's private right of action language to make clear that one or more employees may file an action in the county where the alleged violation took place or where an employee who is party to the action resides. The employee does not need to file a claim with the Department first to file a private right of action. Additionally, the amendments allow the employee to recover costs and all reasonable attorneys' fees. Significantly, the amendments protect the employee against retaliation and provides for a private right of action for an employee who has been unlawfully retaliated against, with the ability to collect all costs and reasonable attorney's fees. For additional employment information, please visit our web site at <http://www.joettedoran.com>.

**This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.*

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