



ALERTS

Illinois Pay Transparency: Fast-Approaching Deadlines And Enforcement Dates

September 23, 2022

Highlights

Compliance deadlines for Illinois Equal Pay Act amendments are quickly approaching

Employers with more than 100 employees must fulfill the new requirements by March 23, 2023, unless the business commenced operations after March 31, 2021

Other states are creating salary transparency laws for private employers to ensure pay equity among employees regardless of gender, race, or ethnicity

In 2021, [Illinois announced amendments](#) to its 2003 Equal Pay Act to ensure pay equity among employees and prohibit pay discrimination on the basis of sex or racial identity.

Any prior employer with 100 or more employees in Illinois and that is required to submit an annual EEO-1 report to the Equal Employment Opportunity Commission is now required to submit an application to the Illinois Department of Labor to obtain an equal pay registration certificate.

Other states followed suit and some application deadlines are

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approaching.

In Illinois, the application includes:

- The employer's most recently filed EEO-1 Report
- A complete list of employees during the last calendar year, separated by gender, race and ethnicity, along with the employee's starting date, county where work is performed and wages for the last year
- A signed Equal Pay Compliance Statement attesting to the employer's compliance with applicable civil rights laws and the specific requirements of the Illinois law with respect to equity in average pay, or corrections to achieve equity; equitable access to job classifications, and opportunities for retention and promotion; and how wages and benefit are evaluated and disparities corrected.

Employers authorized to operate in Illinois after March 31, 2021, must submit an application within the first three years of operation, but no sooner than Jan. 1, 2024. Those authorized to operate in Illinois on or before March 31, 2021, must file their application between March 24, 2022, and March 23, 2024. If employers have multiple locations within the state, only one application for the registration certification is required.

Colorado, Connecticut and Nevada already have laws that require private employers to provide some level of pay transparency. Other states are joining in:

California

The first state to legislate pay transparency, the California legislature has passed a new law requiring employers with 15 or more employees in the state to post salary ranges, including third parties whom the employer engages for job postings. Employers with more than 100 employees in the state also must demonstrate their mean and median pay data by gender, ethnicity, and racial categories. This legislation awaits signature by Gov. Gavin Newsom. If signed it will become effective Jan. 1, 2023.

New York

In New York State, statewide pay transparency legislation requiring employers to disclose job compensation range in position postings awaits the signature of Gov. Kathy Hochul. Ithaca, New York City, and Westchester County already have passed legislation requiring employers and employment agencies to include the salary maximum and minimum when posting jobs, promotions, or transfer opportunities. The compliance deadlines for these cities and counties differ, but all will take effect before the end of 2022.

Rhode Island

Beginning Jan. 1, 2023, employers must provide salary ranges to

applicants who request the information and to employees at the time of hire, at the employee's request, or when an employee move into a new role.

Washington

Beginning Jan. 1, 2023, employers in the state of Washington, with 15 or more employees, must disclose on job postings the salary range, including a description of all benefits and other compensation.

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