

HB4214



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4214

Introduced 1/14/2026, by Rep. Dagmara Avelar

SYNOPSIS AS INTRODUCED:

820 ILCS 115/11

from Ch. 48, par. 39m-11

Amends the Illinois Wage Payment and Collection Act. Provides that complaints filed with the Department of Labor alleging violations of the Act shall be filed within 3 years (rather than one year) after the wages, final compensation, or wage supplements were due.

LRB104 16423 SPS 29814 b

A BILL FOR

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 Section 11 as follows:

6 (820 ILCS 115/11) (from Ch. 48, par. 39m-11)

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

13 An employee may file a complaint with the Department
14 alleging violations of the Act by submitting a signed,
15 completed wage claim application on the form provided by the
16 Department and by submitting copies of all supporting
17 documentation. Complaints shall be filed within 3 years ~~one~~
18 ~~year~~ after the wages, final compensation, or wage supplements
19 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.

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

23 Nothing herein shall be construed to limit the authority
24 of the State's Attorney of any county to prosecute actions for
25 violation of this Act or to enforce the provisions thereof
26 independently and without specific direction of the Department

1 of Labor.

2 (Source: P.A. 103-201, eff. 1-1-24; 104-135, eff. 8-1-25.)