

Illinois Department of Labor Posts Equal Pay Act Registration Certificate Compliance Statement Sample and FAQ's

Labor & Employment Law Update

By Jeffrey Risch and Sara Zorich on April 27, 2022

Employers with 100 or more employees in Illinois have begun receiving notice that it is time for their business to comply with obtaining their Equal Pay Act Registration Certificate ("EPRC"). In order to obtain the EPRC from the Illinois Department of Labor ("IDOL") a business must complete an EPRC Compliance Statement, submit their Federal EEO-1 disclosure and provide pay data regarding their Illinois employees. Recently, the IDOL, updated its website to provide employers with additional guidance on compliance and samples.

The new FAQ's have provided clarity for employers on some key issues. Specifically the IDOL has addressed the following:

1. *Employee Count Date* - To determine if the total number of Illinois employees, a business looks at the total number of people employed by your business who worked in or were based out of Illinois **on December 31** of the 12-month calendar year immediately prior the year you are required to submit an EPRC application.
2. *Employees Counted* - In determining whether the business has 100 employees, all employees of a business based in Illinois should be included in the total employee count, even if the employees are working remotely outside of Illinois. A business with multiple locations should include only the employees whose base location is in Illinois.
3. *Wages Reported* - W2-Box 5 should have the most complete information for the purposes of the EPRC data reporting.
4. *Recertification* - Recertification will occur every two years. However, if your total employee count was fewer than 100 employees on December 31 of the year immediately prior to your recertification year, you are not required to recertify. If you are in this situation and receive a notice from the IDOL to recertify, you must notify IDOL and certify in writing to IDOL that you are exempt from the EPRC requirements of Section 11 of the Equal Pay Act.

5. *Identification of Race, Gender and/or Ethnicity* – You need to give employees the option to voluntarily identify their race, gender and/or ethnicity. If you have employees who have chosen not to identify their race, gender, and/or ethnicity, you may select "choose not to identify" for the applicable category or categories.

Additionally the IDOL has provided a Compliance Statement Template as well as a template to provide the Company's wage date for Illinois employees.

Businesses should review the IDOL's samples and FAQ's so they can begin to prepare a plan ahead of receiving their notice of compliance from the IDOL. Gathering the data can be time consuming so having a plan of action is key.

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