

● ILLINOIS WAGE PAYMENT AND COLLECTION ACT

STATUTORY CITATION: 820 Ill. Comp. Stat. §§ 115/1 – 115/15

GENERAL SUMMARY: The Illinois Wage Payment and Collection Act regulates wage payments by most employers in the state (including farm operators and other agricultural establishments), prescribing standards related to pay periods, paydays, final compensation, deductions from wages, pay statements, recordkeeping and disclosures. The Act also establishes procedures for state-assisted collection of unpaid wages.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS AND PAY PERIODS — Employers in Illinois are generally required to pay their workers' wages at least twice a month. All wages earned by an employee during a semi-monthly or bi-weekly pay period must be paid no later than 13 days after the end of the pay period in which the wages are earned. Wages earned during a weekly pay period must be paid within 7 days of the close of the period. Workers paid daily should receive their wages on the same day they are earned, but in no case more than 24 hours later.

FINAL COMPENSATION — Every employer must, if possible, pay final compensation to a worker who quits, or is discharged or laid off, at the time of separation, but in no case later than the worker's next regularly scheduled payday.

MEDIUM OF PAY — Workers' wages must be paid (1) in lawful U.S. currency, (2) by check, redeemable upon demand and without discount at a bank or comparable institution readily available to the employee, (3) by direct deposit to a bank account of the employee's choosing, or (4) by a payroll card that meets strict state-prescribed requirements.

DEDUCTIONS — With very narrow exceptions, employers may not make wage deductions unless such deductions are required by law, intended for the benefit of the employee, executed in response to a valid wage assignment or wage deduction order, or made with the express written consent of the employee.

PAY STATEMENTS — Every employer is required to furnish each worker with an itemized statement of deductions made from the worker's pay for each pay period.

RECORDKEEPING — Employers must keep a record of the names and addresses of all employees and of the wages paid each payday.

DISCLOSURES AND POSTING — Employers must notify each worker, at the time of hiring, as to the rate of pay and the time and place of payment. Whenever any such condition changes, the worker must be notified thereof in advance. Employers must also keep posted at each regular place of business, at a location easily accessible to the workforce, one or more notices indicating the regular paydays and the place and time of payment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2810)*. It is the duty of the Department to monitor employer compliance with the Act and to institute penalty actions when violations are documented. A worker who has not been paid all or any part of wages earned may file a claim with the Department, which must investigate the circumstances of the case and advise the claimant of its findings. The Department is authorized to accept assignment of wage claims and prosecute collection actions for persons financially unable to do so when such claims appear valid and enforceable in the courts.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — A worker with a claim for unpaid wages may take legal action to collect the claim directly, using private counsel or a public legal service provider.