

## <u>ILLINOIS EMPLOYERS WILL BE REQUIRED TO INCLUDE</u> WAGE RANGES AND BENEFITS IN JOB POSTINGS BEGINNING IN 2025

On August 11, 2023, Illinois Governor J.B. Pritzker signed House Bill 3129 into law, creating new requirements for pay transparency in the workplace. The bill amends the Illinois Equal Pay Act of 2003 by requiring employers to post the wage or salary range and description of benefits for all job postings beginning January 1, 2025. This new law follows several other states that have adopted similar requirements in recent years.

The new pay transparency requirements will apply to all employers with at least 15 workers, and to all job postings that will be physically performed in the State of Illinois, as well as any out-of-state positions that will report to a supervisor or office in Illinois. The law covers any "position in any specific job posting," which is not defined by the statute but should be read broadly to include any type of publicly-shared or disseminated posting or notice regarding a job vacancy or hiring opportunity.

Beginning in 2025, all covered job postings must list the wages or salary for the position (or a range of wages/salaries), as well as "benefits and other compensation," which includes "bonuses, stock options, or other incentives." The pay scale listed in the posting may be based on the pay scale previously established for the position, the actual range of pay for other employees who hold that position, or the budgeted amount for the position. In their postings, employers can rely on hyperlinks to publicly-available websites that include this information. If a third party is used to post or publicize a job opening, that third party will also be liable for failing to include pay and benefit information, unless it can show that the employer failed to provide such information.

HB 3129 specifically states that it does not create any obligation for employers to make a job posting, so employers that fill positions entirely through word of mouth or internally will not necessarily need to adopt new

practices. However, for any "external job posting," the Bill creates a new requirement that the employer must announce or post "all opportunities for promotion" internally to all current employees within 14 days of the external job posting. The Illinois Department of Labor is tasked with investigating complaints filed by "any person that claims to be aggrieved by a violation" of the new pay transparency rules, and it can impose increasing amounts of fines against non-complaint employers.

ASHER, GITTLER & D'ALBA, LTD. 200 West Jackson Boulevard, Suite 720 Chicago, IL 60606 – 312.263.1500 www.ulaw.com

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