

Employment Alert

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Employee Rights Expanded Under Amendment To Illinois Wage Payment & Collection Act

On Friday, July 30, 2010, Illinois Governor Pat Quinn signed legislation amending the Illinois Wage Payment and Collection Act (WPCA). These amendments, which take effect on January 1, 2011, give employees greater substantive protections and allow employees to immediately take their wage dispute to court without waiting for the Illinois Department of Labor (IDOL) to investigate and attempt to resolve their claims.

Key changes to the WPCA include:

- Employees may file a lawsuit in Illinois Circuit Court without first presenting the wage claim to the IDOL for investigation;
- Successful claimants may recover attorney's fees and costs from their employer;
- WPCA claims may be brought as class action lawsuits;
- A newly created IDOL adjudication process applies to small claims under \$3,000.00;
- An employer's agents, including supervisors and managers, are subject to individual liability if they "knowingly permit" their employer to violate the WPCA (previously only owners or officers could be held liable);
- Employees who have exercised their rights under the WPCA may sue employers for retaliation; and
- Repeat offenders face a felony conviction punishable by up to three years in prison.

This new legislation is likely to lead to increased WPCA litigation in Illinois, as plaintiffs' attorneys are drawn to the promise of large fee awards and lucrative class action litigation. For a copy of the WPCA amendments or more information, please contact Paul Garry, Jake Rubinstein or another MBT Labor and Employment attorney.

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