

# “Show Me the Money” Illinois’s New Job Posting Requirements Take Effect January 1

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Illinois is set to join a growing number of jurisdictions, including California, Colorado, New York and Washington (among others), that require employers to include pay and/or benefits information in job postings. House Bill 3129 amends the Illinois Equal Pay Act, 820 ILCS 112/1 *et seq.*, and will require that employers with fifteen (15) or more employees include pay scale and benefits information for posted positions. The new law takes effect January 1, 2025.

## Covered Job Postings

The law applies to job postings for positions that (1) will be physically performed, at least in part, in Illinois or (2) will be physically performed outside of Illinois where the employee will report to a supervisor, office or other work site in Illinois.

## Posting Requirements

Covered job postings must include the “pay scale and benefits” for the position, meaning “the wage or salary, or the wage or salary range, and a general description of the benefits and other compensation, including, but not limited to, bonuses, stock options, or other incentives the employer reasonably expects in good faith to offer for the position.” 820 ILCS 112/5. This information must be “set by reference to any applicable pay scale, the previously determined range for the position, the actual range of others currently holding equivalent positions, or the budgeted amount for the position, as applicable.” *Id.*

If an employer uses a third party to announce, post or publish a job posting, the employer must ensure that the third party has the above pay and benefits information and the third party must include it in the posting.

In addition to public-facing information, employers must also announce, post or otherwise publicize all opportunities for promotion inwardly to all current employees no later than fourteen (14) calendar days after making the external posting, with limited exceptions.

## Recordkeeping

Employers must maintain a record of the job posting and the pay scale and benefits for each position for a minimum of five (5) years, unless the record relates to an ongoing investigation or enforcement action, in which case, the record must be maintained until otherwise authorized by the Illinois Department of Labor or the court.

## Consequences for Noncompliance

Penalties for noncompliance range up to \$10,000 per violation, depending on the nature of the offense.

## Next Steps

With the effective date of the Illinois amendment quickly approaching, employers are encouraged to review their recruiting practices and consult with counsel to establish a plan for compliance. Employers recruiting for positions in multiple states should be particularly diligent, given the legal patchwork governing job posting requirements in different states.

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