



ILLINOIS DEPARTMENT OF LABOR

JB PRITZKER
GOVERNOR

JANE R. FLANAGAN
DIRECTOR

Date: July 1, 2023

To: Honorable Members of the Illinois General Assembly

From: Jane Flanagan, Director, Illinois Department of Labor

Re: Data Governance and Organization to Support Equity and Racial Justice Act Section 20-15(a) Report

This report is submitted pursuant to the provisions of Section 20-15(a) of the Data Governance and Organization to Support Equity and Racial Justice Act ("the Act") (20 ILCS 65/20-1). The Act requires the Illinois Department of Labor to report statistical data on the racial, ethnic, age, sex, disability status, sexual orientation, gender identity, and primary or preferred language demographics of program participants for each major program the Illinois Department of Labor administers.

Introduction

In the first Annual March Data Governance and Organization to Support Equity and Racial Justice Act Report, Illinois Department of Labor identified the following "major programs" and corresponding participant populations for analysis:

- *Fair Labor Standards: Wage Payment and Collection Act Enforcement Program*
- *Conciliation and Mediation Division: Prevailing Wage- Certified Payroll*

The Illinois Department of Labor will provide statistical data where available for each of demographic dispositions enumerated in the Act: race, age, sex, disability status, sexual orientation, gender identity and primary or preferred language.

[Section 20-15(e) of the Act states "if the Board or Department is unable to begin reporting the data required by subsection (a) by July 1, 2022, the Board or the Department shall state the reasons for the delay under the reporting requirements." As of the date of this report the Illinois Department of Labor was unable to collect information regarding disability status, age, sexual orientation, gender identity, Middle Eastern/North African, or primary/preferred language for the Prevailing Wage – Certified Payroll program because that information is not required to be included with certified transcripts of payroll.]

The Prevailing Wage Act requires contractors subject to the Act to file certified transcripts of payroll (CTPs) for all workers employed on a project for each month the project is ongoing. (820 ILCS 130/5(a)(2)). Since 2019, CTPs are required to be filed electronically with IDOL by submitting them to an online database portal ("payroll portal") on IDOL's website. *Id.* CTPs are statutorily required payroll records that contain hourly pay information, as well as personal information about each employee that would typically be found on a paystub.

The Prevailing Wage Act specifically requires CTPs to include the gender, race, ethnicity, and veteran status of each worker listed on a CTP; these three data points are the only demographic data required to

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be included with CTPs. (820 ILCS 130/5(a)(1)). IDOL is unable to collect information regarding disability status, age, sexual orientation, gender identity, Middle Eastern/North African, or primary/preferred language for the Prevailing Wage – Certified Payroll program because that information is not statutorily required to be included on CTPs. As such, it would likely require amendment to the Prevailing Wage Act and/or administrative rulemaking to amend the standardized CTP form and require the contractors, labor organizations, and payroll processing companies that typically complete and submit CTPs to collect more detailed demographic information consistent with ERJA.

Change Management Efforts and Potential Challenges

As mentioned in the above Section II.1, IDOL is continuing to work on collecting demographic data for wage claims. IDOL has implemented this data collection change cautiously, out of concern that asking demographic questions may chill or dissuade some workers from filing a claim. As such, IDOL has made these data categories optional on its wage claim form and many workers filing wage claims choose not to answer the questions regarding their demographic background.

As of April 2022, the Department has begun collecting demographic and wage data from large employers in Illinois. The authority to do so is granted under the Equal Pay Act of 2003 (820 ILCS 112/11), which was amended to require such data collection in 2021. (P.A. 01-0656). We do not yet have a complete data set; the new Equal Pay Act data is a potential source of information to be added next year.

Methodology

The information contained in this report is based solely on the data provided by program participants and collected by programming personal for the various major programs. The data provided by program participants has not been audited for completeness and quality, therefore, no baseline for comparison has been established.

For the purpose of this report, program participants are defined as: any individual who received program services or interventions directly from State agency staff, contractors, or grantees. The program participants count is the number of distinct individuals that have been identified as program participants regardless of demographic category.

This document is meant to act as a dictionary of definitions for terms and information gathering as it relates to the Equity and Racial Justice Act implementation plan. Provide a brief narrative detailing the methodology for data collection for each program or demographic disposition. Identify the “date pulled,” explain where information beyond what the statute requires has been collected/reported, and other pertinent information to provide context to the raw data provided in the next section.

- *Fair Labor Standards: Wage Payment and Collection Act Enforcement Program*
 - a. *The collection of this data is done through the wage claim application. The claimant is given an optional page to fill out to provide demographic to us. The data window of time is from July 1, 2022, to June 13, 2023.*
- *Conciliation and Mediation Division: Prevailing Wage- Certified Payroll*
 - a. *The collection of this data is done when construction contractors on public works projects file their certified payrolls with IDOL monthly. This must be done by the 15th of every month. The Prevailing Wage Act (820 ILCS 130) specifies the information we must collect. The time period for this data is July 1, 2022, to June 13, 2023.*

Race and Ethnicity

The Act provides that Illinois Department of Labor “shall use the same racial and ethnic classifications for each program.” 20 ILCS 65/20-15(a). The enumerated classifications are:

- (1) American Indian and Alaska Native alone.
- (2) Asian alone.
- (3) Black or African American alone.
- (4) Hispanic or Latino of any race.
- (5) Native Hawaiian and Other Pacific Islander alone.
- (6) White alone.
- (7) Some other race alone.
- (8) Two or more races.

Id. The Act further allows for Illinois Department of Labor to “further define the racial and ethnic categories[.]” *Id.* Provide a narrative explaining if the agency currently uses additional racial and ethnic categories.

Act further States that if a program administered by the Board or the Department is subject to federal reporting requirements that include the collection and public reporting of statistical data on the racial and ethnic demographics of program participants, the Department may maintain the same racial and ethnic classifications used under the federal requirements if such classifications differ from the classifications listed in subsection (a).

As the Department is required to comply with federal reporting requirements for its Individuals filing a claim under the Illinois Minimum Wage Act and Wage Payment and Collection Act, the Department has provided information relating to the following categories in its report.

Race

Ethnicity

Age

Sex

Disability Status

Sexual orientation

Gender Identity

Primary or preferred language

Statistical Data

1. ***Fair Labor Standards: Wage Payment and Collection Act Enforcement Program***

Race



- American Indian/Alaskan Native
- Respondent Did Not Answer
- African American/Black
- White/European American
- Asian/Asian American
- Native Hawaiian and Other Pacific Islander
- Some Other Race Alone
- Two or More Races
- Middle Eastern/North African
- No Race Specified
- Prefer Not to Answer

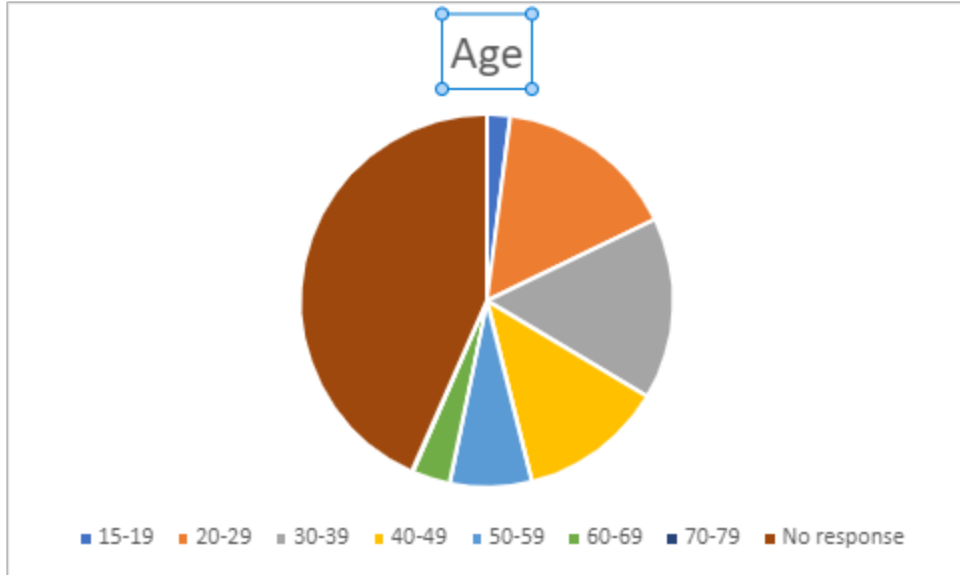
Program Participants	American Indian/Alaska Native	Asian/Asian American	African American/Black	Native Hawaiian and Other Pacific Islander	Middle Eastern/North African	White/European American	Some Other Race Alone	Two or More Races	No Race Specified	Prefer not to answer	Respondent did not answer
2320	29	88	495	x	24	1078	44	111	99	221	125

Ethnicity

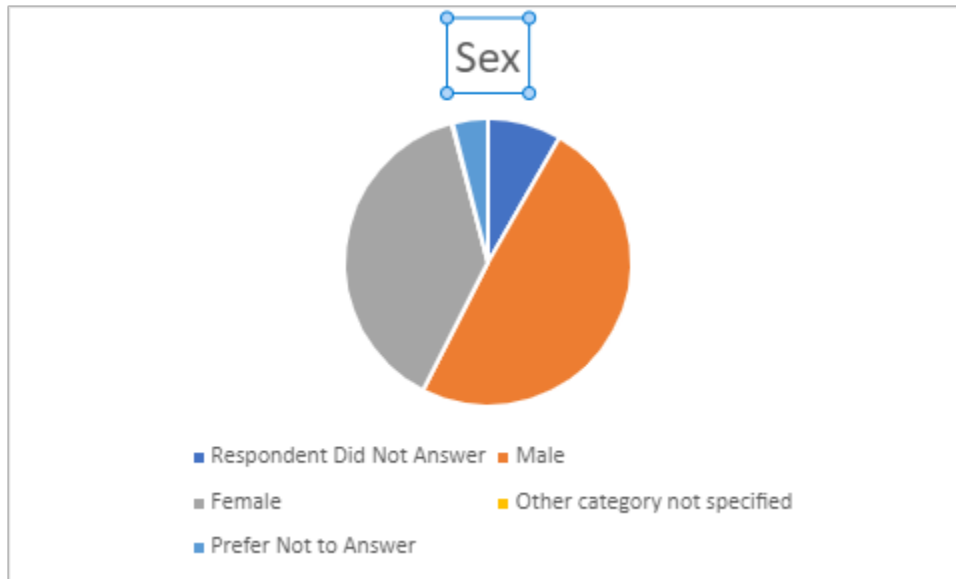


- Is the individual a descendant of the peoples who inhabited the Americas prior to European colonization?
- Respondent Did Not Answer
- Other category not specified
- Prefer not to answer
- Latina/Latino/Latinx/Hispanic

Program Participants	Descendant of the peoples who inhabited the Americas prior to European colonization	Latina/Latino/Latinx/Hispanic	Other category not specified	Prefer not to answer	Did Not Answer
2320	42	337	840	764	337



Program Participants	15-19	20-29	30-39	40-49	50-59	60-69	70-79	No response
2320	46	363	362	288	163	75	X	996



Program Participants	Female	Male	Other Category	Did not answer	Prefer not to answer
2320	891	1141	X	193	92

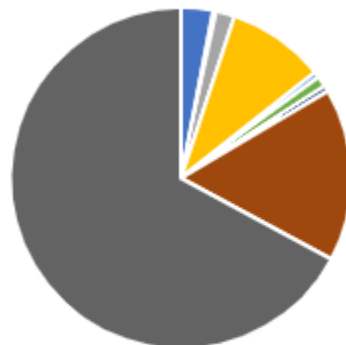
Disability



■ Respondent Did Not Answer ■ Yes ■ Prefer Not to Answer ■ No

Program Participants	Yes	No	Did not answer	Prefer not to answer
2320	174	1865	144	137

Sexual Orientation



■ Bisexual ■ Questioning and/or unsure ■ Gay
 ■ Respondent Did Not Answer ■ Queer ■ Other category not specified
 ■ Lesbian ■ Prefer not to answer ■ Straight (heterosexual)

Program Participants	Bisexual	Questioning/Unsure	Gay	Straight	Lesbian	Queer	Other Category not specified	Prefer not to answer	No response
2320	71	X	42	1558	13	13	24	379	215

Gender Identity



- Woman
- Man
- Respondent Did Not Answer
- Non-binary, gender non-conforming
- Prefer not to answer

Program Participants	Woman	Man	Non-binary, gender non-conforming	Did not answer	Prefer not to answer
2320	910	1181	17	136	76

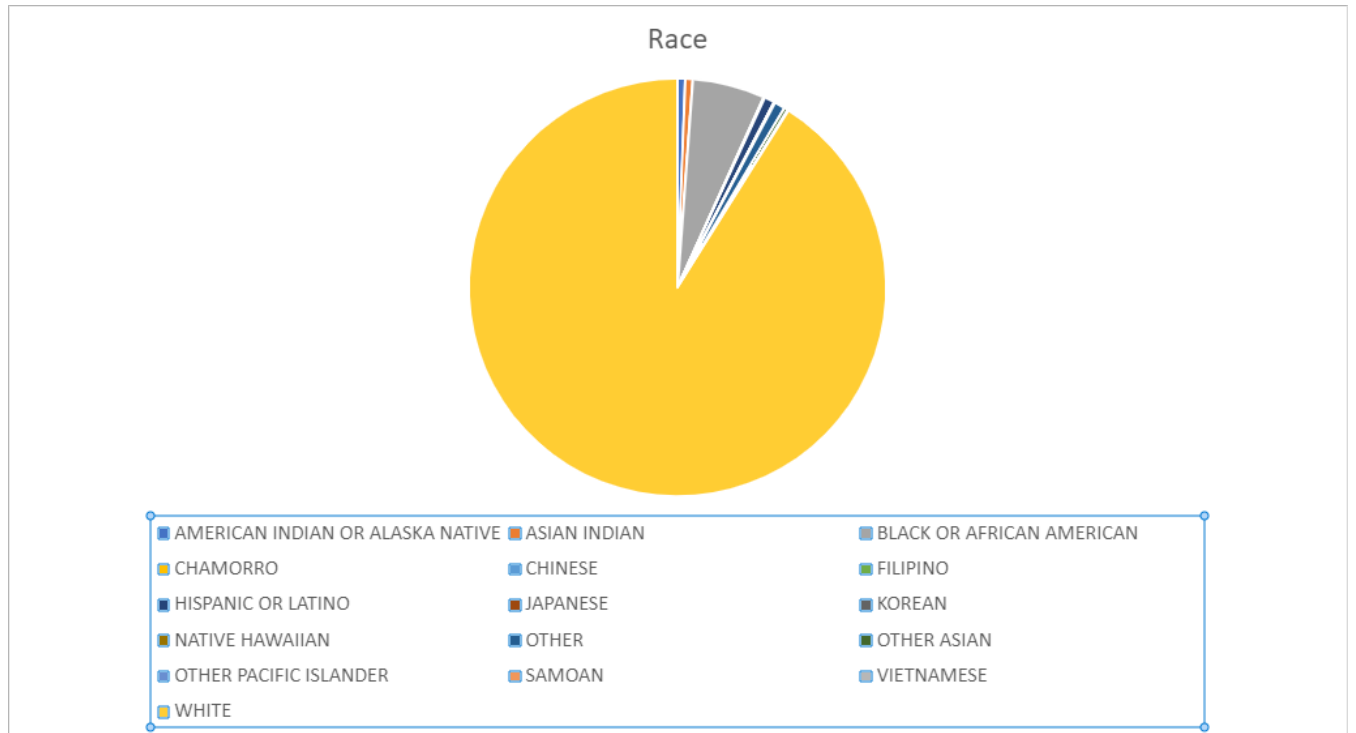
Primary/Preferred Language



- English Primary Language
- Tagalog (Including Filipino)
- Respondent Did Not Answer
- Hindi
- Other category not specified
- Spanish
- Chinese (including Mandarin, Cantonese)
- Polish
- Prefer not to answer
- Arabic

Program Participants	English	Spanish	Tagalog (Filipino)	Hindi	Arabic	Polish	Chinese (Mandarin, Cantonese)	Other Category not specified	Prefer not to answer	No response
2320	1982	92	X	X	X	14	X	47	36	133

2. *Conciliation and Mediation Division: Prevailing Wage- Certified Payroll*



AMERICAN INDIAN OR ALASKA NATIVE	254
ASIAN INDIAN	249
BLACK OR AFRICAN AMERICAN	2434
CHAMORRO	X
CHINESE	16
FILIPINO	18
HISPANIC OR LATINO	338
JAPANESE	X
KOREAN	X
NATIVE HAWAIIAN	27
OTHER	350
OTHER ASIAN	128
OTHER PACIFIC ISLANDER	20
SAMOAN	X
VIETNAMESE	X
WHITE	39413

Ethnicity

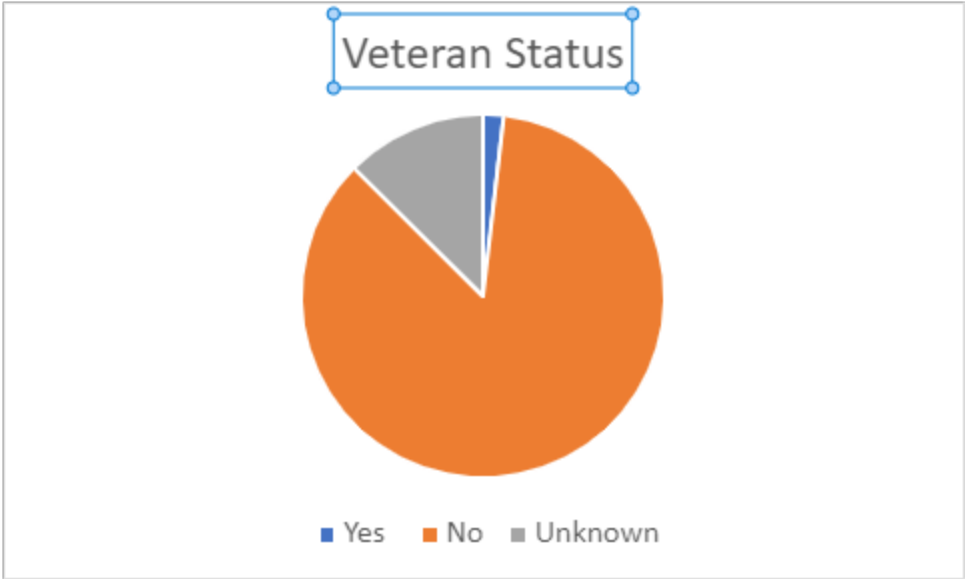


Hispanic or Latino	Not Hispanic or Latino
22903	45149

Gender



Male	Female
61562	1897



Yes	No	Unknown
1180	54306	7973

Conclusion

This report is transmitted on behalf of Jane Flanagan, Director, Illinois Department of Labor. For additional copies of this report or more specific information, please contact Elizabeth Guerrero, Director of External Affairs & Community Engagement, Illinois Department of Labor. Phone: 773.909.3975 E-mail: Elizabeth.Guerrero@illinois.gov.