



Rep. Shane Cultra

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LRB095 11284 WGH 35555 a

1 AMENDMENT TO HOUSE BILL 1631

2 AMENDMENT NO. _____. Amend House Bill 1631, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Day and Temporary Labor Services Act is
6 amended by changing Sections 5, 12, and 30 as follows:

7 (820 ILCS 175/5)

8 Sec. 5. Definitions. As used in this Act:

9 "Day or temporary laborer" means a natural person who
10 contracts for employment with a day and temporary labor service
11 agency.

12 "Day and temporary labor" means work performed by a day or
13 temporary laborer at a third party client, the duration of
14 which may be specific or undefined, pursuant to a contract
15 between a day and temporary labor service agency and a third
16 party client ~~labor or employment that is occasional or~~

1 ~~irregular at which a person is employed for not longer than the~~
2 ~~time period required to complete the assignment for which the~~
3 ~~person was hired and where wage payments are made directly or~~
4 ~~indirectly by the day and temporary labor service agency or the~~
5 ~~third party client for work undertaken by day or temporary~~
6 ~~laborers pursuant to a contract between the day and temporary~~
7 ~~labor service agency with the third party client. "Day and~~
8 temporary labor" does not include labor or employment of a
9 professional or clerical nature.

10 "Day and temporary labor service agency" means any person
11 or entity engaged in the business of employing day or temporary
12 laborers to provide services, for a fee, to or for any third
13 party client pursuant to a contract with the day and temporary
14 labor service agency and the third party client.

15 "Department" means the Department of Labor.

16 "Third party client" means any person that contracts with a
17 day and temporary labor service agency for obtaining day or
18 temporary laborers.

19 "Person" means every natural person, firm, partnership,
20 co-partnership, limited liability company, corporation,
21 association, business trust, or other legal entity, or its
22 legal representatives, agents, or assigns.

23 (Source: P.A. 94-511, eff. 1-1-06.)

24 (820 ILCS 175/12)

25 Sec. 12. Recordkeeping.

1 (a) Whenever a day and temporary labor service agency sends
2 one or more persons to work as day or temporary laborers, the
3 day and temporary labor service agency shall keep the following
4 records relating to that transaction:

5 (1) the name, address and telephone number of each
6 third party client, including each worksite, to which day
7 or temporary laborers were sent by the agency and the date
8 of the transaction;

9 (2) for each day or temporary laborer: the name and
10 address, the specific location sent to work, the type of
11 work performed, the number of hours worked on a daily
12 basis, the hourly rate of pay and the date sent. The third
13 party client shall remit this information to the day and
14 temporary labor service agency no later than 7 days
15 following the last day worked in that work week by the day
16 or temporary laborer; provided that failure to receive the
17 information from the third party client is no defense to
18 the recordkeeping requirement of this Section;

19 (3) the name and title of the individual or individuals
20 at each third party client's place of business responsible
21 for the transaction;

22 (4) any specific qualifications or attributes of a day
23 or temporary laborer, requested by each third party client;

24 (5) copies of all contracts, if any, with the third
25 party client and copies of all invoices for the third party
26 client;

1 (6) copies of all employment notices provided in
2 accordance with subsection (a) of Section 10;

3 (7) deductions to be made from each day or temporary
4 laborer's compensation made by either the third party
5 client or by the day and temporary labor service agency for
6 the day or temporary laborer's transportation, food,
7 equipment, withheld income tax, withheld social security
8 payments and every other deduction;

9 (8) verification of the actual cost of any equipment or
10 meal charged to a day or temporary laborer;

11 (9) the race and gender of each day or temporary
12 laborer sent by the day and temporary labor service agency,
13 as provided by the day or temporary laborer; and

14 (10) any additional information required by rules
15 issued by the Department.

16 (b) The day and temporary labor service agency shall
17 maintain all records under this Section for a period of 3 years
18 from their creation. The records shall be open to inspection by
19 the Department during normal business hours. Records described
20 in paragraphs (1), (2), (3), (6), (7), and (8) of subsection
21 (a) shall be available for review or copying by that day or
22 temporary laborer during normal business hours within 5 days
23 following a written request. In addition, a day and temporary
24 labor service agency shall make records related to the number
25 of hours billed to a third party client for that individual day
26 or temporary laborer's hours of work available for review or

1 copying during normal business hours within 5 days following a
2 written request. The day and temporary labor service agency
3 shall make forms, in duplicate, for such requests available to
4 day or temporary laborers at the dispatch office. The day or
5 temporary laborer shall be given a copy of the request form. It
6 is a violation of this Section to make any false, inaccurate or
7 incomplete entry into any record required by this Section, or
8 to delete required information from any such record.

9 (Source: P.A. 94-511, eff. 1-1-06.)

10 (820 ILCS 175/30)

11 Sec. 30. Wage Payment and Notice.

12 (a) At the time of payment of wages, a day and temporary
13 labor service agency shall provide each day or temporary
14 laborer with a detailed itemized statement, on the day or
15 temporary laborer's paycheck stub or on a form approved by the
16 Department, listing the following:

17 (1) the name, address, and telephone number of each
18 third party client at which the day or temporary laborer
19 worked. If this information is provided on the day or
20 temporary laborer's paycheck stub, a code for each third
21 party client may be used so long as the required
22 information for each coded third party client is made
23 available to the day or temporary laborer;

24 (2) the number of hours worked by the day or temporary
25 laborer at each third party client each day during the pay

1 period as reported to a day or temporary labor service
2 agency by each third party client; however, if the third
3 party client's hours of work report that is given to the
4 day and temporary labor service agency for a laborer
5 includes payroll information covering more than one day in
6 the work week, the day and temporary labor service agency
7 may show on the paycheck stub or other approved form the
8 combined number of hours worked for that client in the week
9 rather than the hours worked each day;

10 (3) the rate of payment for each hour worked, including
11 any premium rate or bonus;

12 (4) the total pay period earnings;

13 (5) all deductions made from the day or temporary
14 laborer's compensation made either by the third party
15 client or by the day and temporary labor service agency,
16 and the purpose for which deductions were made, including
17 for the day or temporary laborer's transportation, food,
18 equipment, withheld income tax, withheld social security
19 payments, and every other deduction; and

20 (6) any additional information required by rules
21 issued by the Department.

22 (a-1) For each day or temporary laborer who is contracted
23 to work a single day, the third party client shall, at the end
24 of the work day, provide such day or temporary laborer with a
25 Work Verification Form, approved by the Department, which shall
26 contain the date, the day or temporary laborer's name, the work

1 location, and the hours worked on that day. Any third party
2 client who violates this subsection (a-1) may be subject to a
3 civil penalty not to exceed \$500 for each violation found by
4 the Department. Such civil penalty may increase to \$2,500 for a
5 second or subsequent violation. For purposes of this subsection
6 (a-1), each violation of this subsection (a-1) for each day or
7 temporary laborer and for each day the violation continues
8 shall constitute a separate and distinct violation.

9 (b) A day and temporary labor service agency shall provide
10 each worker an annual earnings summary within a reasonable time
11 after the preceding calendar year, but in no case later than
12 February 1. A day and temporary labor service agency shall, at
13 the time of each wage payment, give notice to day or temporary
14 laborers of the availability of the annual earnings summary or
15 post such a notice in a conspicuous place in the public
16 reception area.

17 (c) At the request of a day or temporary laborer, a day and
18 temporary labor service agency shall hold the daily wages of
19 the day or temporary laborer and make either weekly, bi-weekly,
20 or semi-monthly payments. The wages shall be paid in a single
21 check, or, at the day or temporary laborer's sole option, by
22 direct deposit or other manner approved by the Department,
23 representing the wages earned during the period, either weekly,
24 bi-weekly, or semi-monthly, designated by the day or temporary
25 laborer in accordance with the Illinois Wage Payment and
26 Collection Act. Vouchers or any other method of payment which

1 is not generally negotiable shall be prohibited as a method of
2 payment of wages. Day and temporary labor service agencies that
3 make daily wage payments shall provide written notification to
4 all day or temporary laborers of the right to request weekly,
5 bi-weekly, or semi-monthly checks. The day and temporary labor
6 service agency may provide this notice by conspicuously posting
7 the notice at the location where the wages are received by the
8 day or temporary laborers.

9 (d) No day and temporary labor service agency shall charge
10 any day or temporary laborer for cashing a check issued by the
11 agency for wages earned by a day or temporary laborer who
12 performed work through that agency.

13 (e) Day or temporary laborers shall be paid no less than
14 the wage rate stated in the notice as provided in Section 10 of
15 this Act for all the work performed on behalf of the third
16 party client in addition to the work listed in the written
17 description.

18 (f) The total amount deducted for meals, equipment, and
19 transportation may not cause a day or temporary laborer's
20 hourly wage to fall below the State or federal minimum wage.
21 However, a day and temporary labor service agency may deduct
22 the actual market value of reusable equipment provided to the
23 day or temporary laborer by the day and temporary labor service
24 agency which the day or temporary laborer fails to return, if
25 the day or temporary laborer provides a written authorization
26 for such deduction at the time the deduction is made.

1 (g) A day or temporary laborer who is contracted by a day
2 and temporary labor service agency to work at a third party
3 client's worksite but is not utilized by the third party client
4 shall be paid by the day and temporary labor service agency for
5 a minimum of 4 hours of pay at the agreed upon rate of pay.
6 However, in the event the day and temporary labor service
7 agency contracts the day or temporary laborer to work at
8 another location during the same shift, the day or temporary
9 laborer shall be paid by the day and temporary labor service
10 agency for a minimum of 2 hours of pay at the agreed upon rate
11 of pay.

12 (Source: P.A. 94-511, eff. 1-1-06.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."