



Sen. Linda Holmes

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LRB096 20318 WGH 38016 a

1 AMENDMENT TO SENATE BILL 3644

2 AMENDMENT NO. _____. Amend Senate Bill 3644 on page 1, by
3 replacing line 5 with the following:

4 "amended by changing Sections 2 and 14 as follows:

5 (820 ILCS 115/2) (from Ch. 48, par. 39m-2)

6 Sec. 2. For all employees, other than separated employees,
7 "wages" shall be defined as any compensation owed an employee
8 by an employer pursuant to an employment contract or agreement
9 between the 2 parties, whether the amount is determined on a
10 time, task, piece, or any other basis of calculation. Payments
11 to separated employees shall be termed "final compensation" and
12 shall be defined as wages, salaries, earned commissions, earned
13 bonuses, and the monetary equivalent of earned vacation and
14 earned holidays, and any other compensation owed the employee
15 by the employer pursuant to an employment contract or agreement
16 between the 2 parties. Where an employer is legally committed
17 through a collective bargaining agreement or otherwise to make

1 contributions to an employee benefit, trust or fund on the
2 basis of a certain amount per hour, day, week or other period
3 of time, the amount due from the employer to such employee
4 benefit, trust, or fund shall be defined as "wage supplements",
5 subject to the wage collection provisions of this Act.

6 As used in this Act, the term "employer" shall include any
7 individual, partnership, association, corporation, limited
8 liability company, business trust, employment and labor
9 placement agencies where wage payments are made directly or
10 indirectly by the agency or business for work undertaken by
11 employees under hire to a third party pursuant to a contract
12 between the business or agency with the third party, or any
13 person or group of persons acting directly or indirectly in the
14 interest of an employer in relation to an employee, for which
15 one or more persons is gainfully employed.

16 As used in this Act, the term "employee" shall include any
17 individual permitted to work by an employer in an occupation,
18 but shall not include any individual:

19 (1) who has been and will continue to be free from
20 control and direction over the performance of his work,
21 both under his contract of service with his employer and in
22 fact; and

23 (2) who performs work which is either outside the usual
24 course of business or is performed outside all of the
25 places of business of the employer unless the employer is
26 in the business of contracting with third parties for the

1 placement of employees; and

2 (3) who is in an independently established trade,
3 occupation, profession or business.

4 For purposes of this Act, the term "employee" does not
5 include a licensee under the Real Estate License Act of 2000
6 when performing licensed activities.

7 (Source: P.A. 94-1025, eff. 7-14-06.)".