

AN ACT concerning employment.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Employee Misclassification Referral System Act.

Section 5. Employee misclassification referral system. The Department of Labor shall create an online employee misclassification referral system on its website. The employee misclassification referral system shall use one form that contains all the necessary information required for employee misclassification complaints to the Department of Employment Security, the Illinois Workers' Compensation Commission, the Department of Revenue, and the Department of Labor. The employee misclassification referral system shall refer complaints to the appropriate agency or agencies based on the information supplied by the individual making the complaint. Anonymous and third-party complaints shall not be accepted by the employee misclassification referral system.

Upon completion of an investigation that was initiated through the employee misclassification referral system, the investigating agency, except for the Department of Employment Security, shall report to the Department of Labor any determination of an employee misclassification. That result

shall be shared with the employer and the individual who filed the complaint. The Department of Labor shall also maintain in the employee misclassification referral system, and make accessible for review by any agency that regulates or licenses the employer that was the subject of the investigation, the results of a determination of employee misclassification and all appeals and administrative reviews.

The Department of Labor website shall also include links for the filing of complaints with the Internal Revenue Service and the Social Security Administration.

Section 10. Agency website information. The Department of Employment Security, the Illinois Workers' Compensation Commission, the Department of Revenue, the Department of Labor, and any other agency that regulates or licenses businesses shall put on its website, in a relevant and conspicuous place, a description of the purpose of the employee misclassification referral system provided by the Department of Labor and a link to the employee misclassification referral system.

An agency, upon receiving a complaint of employee misclassification, shall direct the individual making the complaint to the employee misclassification referral system or may make the complaint on behalf of that individual.

Section 15. Rulemaking. The Department of Labor may adopt rules to implement the requirements of this Act.

Section 30. The Home Health, Home Services, and Home Nursing Agency Licensing Act is amended by changing Section 8 as follows:

(210 ILCS 55/8) (from Ch. 111 1/2, par. 2808)

Sec. 8. An application for a license may be denied for any of the following reasons:

(a) failure to meet the minimum standards prescribed by the Department pursuant to Section 6;

(b) satisfactory evidence that the moral character of the applicant or supervisor of the agency is not reputable. In determining moral character, the Department may take into consideration any convictions of the applicant or supervisor but such convictions shall not operate as a bar to licensing;

(c) lack of personnel qualified by training and experience to properly perform the function of a home health agency;

(d) insufficient financial or other resources to operate and conduct a home health, home services, or home nursing agency in accordance with the requirements of this Act and the minimum standards, rules and regulations promulgated thereunder; or -

(e) a final determination, that includes exhaustion of all available appeal and administrative review rights, of a

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violation of Section 1400 or 1400.2 of the Unemployment
Insurance Act or subsection (d) of Section 4 of the
Workers' Compensation Act.

(Source: P.A. 94-379, eff. 1-1-06.)