



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3744

Introduced 2/5/2026, by Sen. Dale Fowler

#### SYNOPSIS AS INTRODUCED:

820 ILCS 175/2  
820 ILCS 175/2a new  
820 ILCS 175/5  
820 ILCS 175/5a new  
820 ILCS 175/11  
820 ILCS 175/30  
820 ILCS 175/30a new  
820 ILCS 175/42  
820 ILCS 175/45  
820 ILCS 175/45a new  
820 ILCS 175/50  
820 ILCS 175/50a new  
820 ILCS 175/55  
820 ILCS 175/55a new  
820 ILCS 175/67  
820 ILCS 175/70  
820 ILCS 175/70a new  
820 ILCS 175/85  
820 ILCS 175/85a new

Amends the Day and Temporary Labor Services Act by restoring certain provisions of the Act to the form in which they existed before their amendment by Public Act 103-427 through December 31, 2027. Makes the amendatory provisions to the Act that were made by Public Act 103-427 operative on and after January 1, 2028. Effective immediately.

LRB104 18602 SPS 32045 b

1 AN ACT concerning employment.

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

4 Section 5. The Day and Temporary Labor Services Act is  
5 amended by changing Sections 2, 5, 11, 30, 42, 45, 50, 55, 67,  
6 70, and 85 and by adding Sections 2a, 5a, 30a, 45a, 50a, 55a,  
7 70a, and 85a as follows:

8 (820 ILCS 175/2)

9 Sec. 2. Legislative findings.

10 (a) The General Assembly finds as follows:

11 Since the passage of this Act, the number of workers who  
12 work as day or temporary laborers in Illinois has risen from  
13 approximately 300,000 to more than 650,000 according to data  
14 collected by the Department of Labor.

15 Since the passage of this Act, the number of day labor and  
16 temporary labor service agencies registered in Illinois has  
17 risen from approximately 150 with 600 branch offices to over  
18 300 with over 800 branch offices. In addition, there still  
19 exists a significant, though unknown, number of unregistered  
20 day labor and temporary labor service agencies that operate  
21 outside the radar of law enforcement.

22 Recent studies and a survey of low-wage day or temporary  
23 laborers themselves have consistently found that as a group,

1 they are particularly vulnerable to abuse of their labor  
2 rights, including unpaid wages, failure to pay for all hours  
3 worked, minimum wage and overtime violations, and unlawful  
4 deductions from pay for meals, transportation, equipment, and  
5 other items.

6 Current law is inadequate to protect the labor and  
7 employment rights of these workers.

8 At the same time, in Illinois and in other states,  
9 democratically run nonprofit day labor centers, which charge  
10 no fee for their services, have been established to provide an  
11 alternative for day or temporary laborers to solicit work on  
12 street corners. These centers are not subject to this Act.

13 (b) This Section is inoperative through December 31, 2027.  
14 This Section is operative on and after January 1, 2028.

15 (Source: P.A. 103-437, eff. 8-4-23.)

16 (820 ILCS 175/2a new)

17 Sec. 2a. Legislative findings.

18 (a) The General Assembly finds as follows:

19 Over 300,000 workers work as day or temporary laborers in  
20 Illinois.

21 Approximately 150 day labor and temporary labor service  
22 agencies with nearly 600 branch offices are licensed  
23 throughout Illinois. In addition, there is a large, though  
24 unknown, number of unlicensed day labor and temporary labor  
25 service agencies that operate outside the radar of law

1 enforcement.

2 Recent studies and a survey of low-wage day or temporary  
3 laborers themselves finds that as a group, they are  
4 particularly vulnerable to abuse of their labor rights,  
5 including unpaid wages, failure to pay for all hours worked,  
6 minimum wage and overtime violations, and unlawful deductions  
7 from pay for meals, transportation, equipment, and other  
8 items.

9 Current law is inadequate to protect the labor and  
10 employment rights of these workers.

11 At the same time, in Illinois and in other states,  
12 democratically run nonprofit day labor centers, which charge  
13 no fee for their services, have been established to provide an  
14 alternative for day or temporary laborers to solicit work on  
15 street corners. These centers are not subject to this Act.

16 (b) This Section is repealed on January 1, 2028.

17 (820 ILCS 175/5)

18 Sec. 5. Definitions.

19 (a) As used in this Act:

20 "Applicant" means a natural person who seeks a work  
21 assignment at a day and temporary labor service agency.

22 "Day or temporary laborer" means a natural person who  
23 contracts for employment with a day and temporary labor  
24 service agency.

25 "Day and temporary labor" means work performed by a day or

1 temporary laborer at a third party client, the duration of  
2 which may be specific or undefined, pursuant to a contract or  
3 understanding between the day and temporary labor service  
4 agency and the third party client. "Day and temporary labor"  
5 does not include labor or employment of a professional or  
6 clerical nature.

7 "Day and temporary labor service agency" means any person  
8 or entity engaged in the business of employing day or  
9 temporary laborers to provide services, for a fee, to or for  
10 any third party client pursuant to a contract with the day and  
11 temporary labor service agency and the third party client.  
12 "Day and temporary labor service agency" does not include a  
13 person or entity who employs laborers that require specialized  
14 training or education, including, but not limited to, machine  
15 operators, machine maintenance technicians, or quality  
16 technicians. "Day and temporary labor service agency" does not  
17 include a staffing and recruiting agency.

18 "Department" means the Department of Labor.

19 "Interested party" means an organization that monitors or  
20 is attentive to compliance with public or worker safety laws,  
21 wage and hour requirements, or other statutory requirements.

22 "Labor dispute" means any controversy concerning wages,  
23 hours, terms, or conditions of employment.

24 "Third party client" means any person that contracts with  
25 a day and temporary labor service agency for obtaining day or  
26 temporary laborers.

1 "Person" means every natural person, firm, partnership,  
2 co-partnership, limited liability company, corporation,  
3 association, business trust, or other legal entity, or its  
4 legal representatives, agents, or assigns.

5 "Staffing and recruiting agency" means any person or  
6 entity that recruits, screens, interviews, and assesses  
7 individuals for project, contract-to-hire, and direct hire  
8 positions.

9 (b) This Section is inoperative through December 31, 2027.

10 This Section is operative on and after January 1, 2028.

11 (Source: P.A. 103-437, eff. 8-4-23; 103-1030, eff. 8-9-24.)

12 (820 ILCS 175/5a new)

13 Sec. 5a. Definitions.

14 (a) As used in this Act:

15 "Day or temporary laborer" means a natural person who  
16 contracts for employment with a day and temporary labor  
17 service agency.

18 "Day and temporary labor" means work performed by a day or  
19 temporary laborer at a third party client, the duration of  
20 which may be specific or undefined, pursuant to a contract or  
21 understanding between the day and temporary labor service  
22 agency and the third party client. "Day and temporary labor"  
23 does not include labor or employment of a professional or  
24 clerical nature.

25 "Day and temporary labor service agency" means any person

1 or entity engaged in the business of employing day or  
2 temporary laborers to provide services, for a fee, to or for  
3 any third party client pursuant to a contract with the day and  
4 temporary labor service agency and the third party client.

5 "Department" means the Department of Labor.

6 "Third party client" means any person that contracts with  
7 a day and temporary labor service agency for obtaining day or  
8 temporary laborers.

9 "Person" means every natural person, firm, partnership,  
10 co-partnership, limited liability company, corporation,  
11 association, business trust, or other legal entity, or its  
12 legal representatives, agents, or assigns.

13 (b) This Section is repealed on January 1, 2028.

14 (820 ILCS 175/11)

15 Sec. 11. Right to refuse assignment to a labor dispute.

16 (a) No day and temporary labor service agency may send a  
17 day or temporary laborer to a place where a strike, lockout, or  
18 work stoppage exists because of a labor dispute or where a  
19 picket, bannering, or handbilling exists because of a labor  
20 dispute without providing, at or before the time of dispatch,  
21 a statement, in writing and in a language that the day and  
22 temporary laborer understands, informing the day or temporary  
23 laborer of the labor dispute and the day or temporary  
24 laborer's right to refuse the assignment without prejudice to  
25 receiving another assignment.

1           (b) The failure by a day and temporary labor service  
2 agency to provide any of the information required by this  
3 Section shall constitute a notice violation under Section 95.  
4 The failure of a day and temporary labor service agency to  
5 provide each piece of information required by this Section at  
6 each time it is required by this Section shall constitute a  
7 separate and distinct notice violation. If a day and temporary  
8 labor service agency claims that it has provided a notice as  
9 required under this Section electronically, the day and  
10 temporary labor service agency shall bear the burden of  
11 showing that the notice was provided if there is a dispute.

12           (c) This Section is inoperative through December 31, 2027.  
13 This Section is operative on and after January 1, 2028.

14 (Source: P.A. 103-437, eff. 8-4-23; 103-1030, eff. 8-9-24.)

15 (820 ILCS 175/30)

16 Sec. 30. Wage payment and notice.

17           (a) At the time of payment of wages, a day and temporary  
18 labor service agency shall provide each day or temporary  
19 laborer with a detailed itemized statement, on the day or  
20 temporary laborer's paycheck stub or on a form approved by the  
21 Department, listing the following:

22           (1) the name, address, and telephone number of each  
23 third party client at which the day or temporary laborer  
24 worked. If this information is provided on the day or  
25 temporary laborer's paycheck stub, a code for each third

1 party client may be used so long as the required  
2 information for each coded third party client is made  
3 available to the day or temporary laborer;

4 (2) the number of hours worked by the day or temporary  
5 laborer at each third party client each day during the pay  
6 period. If the day or temporary laborer is assigned to  
7 work at the same work site of the same third party client  
8 for multiple days in the same work week, the day and  
9 temporary labor service agency may record a summary of  
10 hours worked at that third party client's worksite so long  
11 as the first and last day of that work week are identified  
12 as well. The term "hours worked" has the meaning ascribed  
13 to that term in 56 Ill. Adm. Code 210.110 and in accordance  
14 with all applicable rules or court interpretations under  
15 56 Ill. Adm. Code 210.110;

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

18 (4) the total pay period earnings;

19 (5) all deductions made from the day or temporary  
20 laborer's compensation made either by the third party  
21 client or by the day and temporary labor service agency,  
22 and the purpose for which deductions were made, including  
23 for the day or temporary laborer's transportation, food,  
24 equipment, withheld income tax, withheld social security  
25 payments, and every other deduction; and

26 (6) any additional information required by rules

1 issued by the Department.

2 (a-1) For each day or temporary laborer who is contracted  
3 to work a single day, the third party client shall, at the end  
4 of the work day, provide such day or temporary laborer with a  
5 Work Verification Form, approved by the Department, which  
6 shall contain the date, the day or temporary laborer's name,  
7 the work location, and the hours worked on that day. Any third  
8 party client who violates this subsection (a-1) may be subject  
9 to a civil penalty of not less than \$100 and not more than  
10 \$1,500 for each violation found by the Department. Such civil  
11 penalty shall increase to not less than \$500 and not more than  
12 \$7,500 for a second or subsequent violation. For purposes of  
13 this subsection (a-1), each violation of this subsection (a-1)  
14 for each day or temporary laborer and for each day the  
15 violation continues shall constitute a separate and distinct  
16 violation.

17 (b) A day and temporary labor service agency shall provide  
18 each worker an annual earnings summary within a reasonable  
19 time after the preceding calendar year, but in no case later  
20 than February 1. A day and temporary labor service agency  
21 shall, at the time of each wage payment, give notice to day or  
22 temporary laborers of the availability of the annual earnings  
23 summary or post such a notice in a conspicuous place in the  
24 public reception area.

25 (c) At the request of a day or temporary laborer, a day and  
26 temporary labor service agency shall hold the daily wages of

1 the day or temporary laborer and make either weekly,  
2 bi-weekly, or semi-monthly payments. The wages shall be paid  
3 in a single check, or, at the day or temporary laborer's sole  
4 option, by direct deposit or other manner approved by the  
5 Department, representing the wages earned during the period,  
6 either weekly, bi-weekly, or semi-monthly, designated by the  
7 day or temporary laborer in accordance with the Illinois Wage  
8 Payment and Collection Act. Vouchers or any other method of  
9 payment which is not generally negotiable shall be prohibited  
10 as a method of payment of wages. Day and temporary labor  
11 service agencies that make daily wage payments shall provide  
12 written notification to all day or temporary laborers of the  
13 right to request weekly, bi-weekly, or semi-monthly checks.  
14 The day and temporary labor service agency may provide this  
15 notice by conspicuously posting the notice at the location  
16 where the wages are received by the day or temporary laborers.

17 (d) No day and temporary labor service agency shall charge  
18 any day or temporary laborer for cashing a check issued by the  
19 agency for wages earned by a day or temporary laborer who  
20 performed work through that agency. No day and temporary labor  
21 service agency or third party client shall charge any day or  
22 temporary laborer for the expense of conducting any consumer  
23 report, as that term is defined in the Fair Credit Reporting  
24 Act, 15 U.S.C. 1681a(d), any criminal background check of any  
25 kind, or any drug test of any kind.

26 (e) Day or temporary laborers shall be paid no less than

1 the wage rate stated in the notice as provided in Section 10 of  
2 this Act for all the work performed on behalf of the third  
3 party client in addition to the work listed in the written  
4 description.

5 (f) The total amount deducted for meals, equipment, and  
6 transportation may not cause a day or temporary laborer's  
7 hourly wage to fall below the State or federal minimum wage.  
8 However, a day and temporary labor service agency may deduct  
9 the actual market value of reusable equipment provided to the  
10 day or temporary laborer by the day and temporary labor  
11 service agency which the day or temporary laborer fails to  
12 return, if the day or temporary laborer provides a written  
13 authorization for such deduction at the time the deduction is  
14 made.

15 (g) A day or temporary laborer who is contracted by a day  
16 and temporary labor service agency to work at a third party  
17 client's worksite but is not utilized by the third party  
18 client shall be paid by the day and temporary labor service  
19 agency for a minimum of 4 hours of pay at the agreed upon rate  
20 of pay. However, in the event the day and temporary labor  
21 service agency contracts the day or temporary laborer to work  
22 at another location during the same shift, the day or  
23 temporary laborer shall be paid by the day and temporary labor  
24 service agency for a minimum of 2 hours of pay at the agreed  
25 upon rate of pay.

26 (h) A third party client is required to pay wages and

1 related payroll taxes to a licensed day and temporary labor  
2 service agency for services performed by the day or temporary  
3 laborer for the third party client according to payment terms  
4 outlined on invoices, service agreements, or stated terms  
5 provided by the day and temporary labor service agency. A  
6 third party client who fails to comply with this subsection  
7 (h) is subject to the penalties provided in Section 70 of this  
8 Act. The Department shall review a complaint filed by a  
9 licensed day and temporary labor agency. The Department shall  
10 review the payroll and accounting records of the day and  
11 temporary labor service agency and the third party client for  
12 the period in which the violation of this Act is alleged to  
13 have occurred to determine if wages and payroll taxes have  
14 been paid to the agency and that the day or temporary laborer  
15 has been paid the wages owed him or her.

16 (i) This Section is inoperative through December 31, 2027.

17 This Section is operative on and after January 1, 2028.

18 (Source: P.A. 103-437, eff. 8-4-23.)

19 (820 ILCS 175/30a new)

20 Sec. 30a. Wage Payment and Notice.

21 (a) At the time of payment of wages, a day and temporary  
22 labor service agency shall provide each day or temporary  
23 laborer with a detailed itemized statement, on the day or  
24 temporary laborer's paycheck stub or on a form approved by the  
25 Department, listing the following:

1           (1) the name, address, and telephone number of each  
2           third party client at which the day or temporary laborer  
3           worked. If this information is provided on the day or  
4           temporary laborer's paycheck stub, a code for each third  
5           party client may be used so long as the required  
6           information for each coded third party client is made  
7           available to the day or temporary laborer;

8           (2) the number of hours worked by the day or temporary  
9           laborer at each third party client each day during the pay  
10           period. If the day or temporary laborer is assigned to  
11           work at the same work site of the same third party client  
12           for multiple days in the same work week, the day and  
13           temporary labor service agency may record a summary of  
14           hours worked at that third party client's worksite so long  
15           as the first and last day of that work week are identified  
16           as well. The term "hours worked" has the meaning ascribed  
17           to that term in 56 Ill. Adm. Code 210.110 and in accordance  
18           with all applicable rules or court interpretations under  
19           56 Ill. Adm. Code 210.110;

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

22           (4) the total pay period earnings;

23           (5) all deductions made from the day or temporary  
24           laborer's compensation made either by the third party  
25           client or by the day and temporary labor service agency,  
26           and the purpose for which deductions were made, including

1 for the day or temporary laborer's transportation, food,  
2 equipment, withheld income tax, withheld social security  
3 payments, and every other deduction; and

4 (6) any additional information required by rules  
5 issued by the Department.

6 (a-1) For each day or temporary laborer who is contracted  
7 to work a single day, the third party client shall, at the end  
8 of the work day, provide such day or temporary laborer with a  
9 Work Verification Form, approved by the Department, which  
10 shall contain the date, the day or temporary laborer's name,  
11 the work location, and the hours worked on that day. Any third  
12 party client who violates this subsection (a-1) may be subject  
13 to a civil penalty not to exceed \$500 for each violation found  
14 by the Department. Such civil penalty may increase to \$2,500  
15 for a second or subsequent violation. For purposes of this  
16 subsection (a-1), each violation of this subsection (a-1) for  
17 each day or temporary laborer and for each day the violation  
18 continues shall constitute a separate and distinct violation.

19 (b) A day and temporary labor service agency shall provide  
20 each worker an annual earnings summary within a reasonable  
21 time after the preceding calendar year, but in no case later  
22 than February 1. A day and temporary labor service agency  
23 shall, at the time of each wage payment, give notice to day or  
24 temporary laborers of the availability of the annual earnings  
25 summary or post such a notice in a conspicuous place in the  
26 public reception area.

1       (c) At the request of a day or temporary laborer, a day and  
2 temporary labor service agency shall hold the daily wages of  
3 the day or temporary laborer and make either weekly,  
4 bi-weekly, or semi-monthly payments. The wages shall be paid  
5 in a single check, or, at the day or temporary laborer's sole  
6 option, by direct deposit or other manner approved by the  
7 Department, representing the wages earned during the period,  
8 either weekly, bi-weekly, or semi-monthly, designated by the  
9 day or temporary laborer in accordance with the Illinois Wage  
10 Payment and Collection Act. Vouchers or any other method of  
11 payment which is not generally negotiable shall be prohibited  
12 as a method of payment of wages. Day and temporary labor  
13 service agencies that make daily wage payments shall provide  
14 written notification to all day or temporary laborers of the  
15 right to request weekly, bi-weekly, or semi-monthly checks.  
16 The day and temporary labor service agency may provide this  
17 notice by conspicuously posting the notice at the location  
18 where the wages are received by the day or temporary laborers.

19       (d) No day and temporary labor service agency shall charge  
20 any day or temporary laborer for cashing a check issued by the  
21 agency for wages earned by a day or temporary laborer who  
22 performed work through that agency. No day and temporary labor  
23 service agency or third party client shall charge any day or  
24 temporary laborer for the expense of conducting any consumer  
25 report, as that term is defined in the Fair Credit Reporting  
26 Act, 15 U.S.C. 1681a(d), any criminal background check of any

1 kind, or any drug test of any kind.

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

7 (f) The total amount deducted for meals, equipment, and  
8 transportation may not cause a day or temporary laborer's  
9 hourly wage to fall below the State or federal minimum wage.  
10 However, a day and temporary labor service agency may deduct  
11 the actual market value of reusable equipment provided to the  
12 day or temporary laborer by the day and temporary labor  
13 service agency which the day or temporary laborer fails to  
14 return, if the day or temporary laborer provides a written  
15 authorization for such deduction at the time the deduction is  
16 made.

17 (g) A day or temporary laborer who is contracted by a day  
18 and temporary labor service agency to work at a third party  
19 client's worksite but is not utilized by the third party  
20 client shall be paid by the day and temporary labor service  
21 agency for a minimum of 4 hours of pay at the agreed upon rate  
22 of pay. However, in the event the day and temporary labor  
23 service agency contracts the day or temporary laborer to work  
24 at another location during the same shift, the day or  
25 temporary laborer shall be paid by the day and temporary labor  
26 service agency for a minimum of 2 hours of pay at the agreed

1 upon rate of pay.

2 (h) A third party client is required to pay wages and  
3 related payroll taxes to a licensed day and temporary labor  
4 service agency for services performed by the day or temporary  
5 laborer for the third party client according to payment terms  
6 outlined on invoices, service agreements, or stated terms  
7 provided by the day and temporary labor service agency. A  
8 third party client who fails to comply with this subsection  
9 (h) is subject to the penalties provided in Section 70 of this  
10 Act. The Department shall review a complaint filed by a  
11 licensed day and temporary labor agency. The Department shall  
12 review the payroll and accounting records of the day and  
13 temporary labor service agency and the third party client for  
14 the period in which the violation of this Act is alleged to  
15 have occurred to determine if wages and payroll taxes have  
16 been paid to the agency and that the day or temporary laborer  
17 has been paid the wages owed him or her.

18 (i) This Section is repealed on January 1, 2028.

19 (820 ILCS 175/42)

20 Sec. 42. Equal pay for equal work.

21 (a) A day and temporary labor service agency shall pay a  
22 day or temporary laborer who is assigned to work and performs  
23 work at the same third party client for more than 720 hours  
24 within a 12-month period, beginning on or after April 1, 2024,  
25 in accordance with one of the following methods:

1           (1) Third party client employee compensation as a  
2 basis for compensation. The day or temporary laborer shall  
3 be paid as follows:

4           (A) if there is a directly hired comparator  
5 employee of the third party client with the same or  
6 substantially similar level of seniority at the  
7 company and performing the same or substantially  
8 similar work on jobs the performance of which requires  
9 substantially similar skill, effort, and  
10 responsibility, and that are performed under similar  
11 working conditions, not less than the straight-time  
12 hourly rate of pay or hourly equivalent of the lowest  
13 paid directly hired comparator employee of the third  
14 party client who is entitled to overtime under the  
15 Fair Labor Standards Act of 1938, as amended, with the  
16 same or substantially similar level of seniority at  
17 the company and performing the same or substantially  
18 similar work on jobs the performance of which requires  
19 substantially similar skill, effort, and  
20 responsibility, and that are performed under similar  
21 working conditions; or

22           (B) if there is not a directly hired comparator  
23 employee of the third party client, not less than the  
24 straight-time hourly rate of pay or hourly equivalent  
25 of the lowest paid directly hired employee of the  
26 third party client who is entitled to overtime under

1 the Fair Labor Standards Act of 1938, as amended, with  
2 the closest level of seniority at the third party  
3 client.

4 (2) Bureau of Labor Statistics data as a basis for  
5 compensation. At the sole discretion of the third party  
6 client, the day or temporary laborer shall be paid as  
7 follows:

8 (A) if a day or temporary laborer has been  
9 assigned to work and performs work at the same third  
10 party client for more than 720 hours within a 12-month  
11 period, not less than the median base hourly rate, or  
12 hourly equivalent if paid on a salary basis, of  
13 workers working in the same or a substantially similar  
14 job classification, as reflected in the detail level  
15 of the most recent Standard Occupational  
16 Classification System published by the United States  
17 Department of Labor's Bureau of Labor Statistics, in  
18 the same metropolitan area or non-metropolitan area of  
19 Illinois where the work is performed, as reflected in  
20 the most recent Occupational Employment and Wage  
21 Statistics Survey, or any successor publication,  
22 published by the United States Department of Labor's  
23 Bureau of Labor Statistics; or

24 (B) if a day or temporary laborer has been  
25 assigned to work and performs work at the same third  
26 party client for more than 4,160 hours within a

1 48-month period, not less than the 75th percentile  
2 base hourly rate, or hourly equivalent if paid on a  
3 salary basis, of workers working in the same or  
4 substantially similar job classification, as reflected  
5 in the detail level of the most recent Standard  
6 Occupational Classification System published by the  
7 United States Department of Labor's Bureau of Labor  
8 Statistics, in the same metropolitan area or  
9 non-metropolitan area of Illinois where the work is  
10 performed, as reflected in the most recent  
11 Occupational Employment and Wage Statistics Survey, or  
12 any successor publication, published by the United  
13 States Department of Labor's Bureau of Labor  
14 Statistics.

15 The Department shall provide on its website a link to  
16 the publications specified in this paragraph and a link to  
17 the United States Department of Labor's guidance on  
18 determining standard occupational classifications.

19 (b) (Blank). ~~A day and temporary labor agency shall~~  
20 ~~provide a day or temporary laborer who is assigned to work and~~  
21 ~~performs work at the same third party client for more than 720~~  
22 ~~hours within a 12-month period, beginning on or after April 1,~~  
23 ~~2024, substantially similar benefits to the job classification~~  
24 ~~of employees performing the same or substantially similar work~~  
25 ~~on jobs and performed under similar working conditions. A day~~  
26 ~~and temporary labor service agency may pay the hourly average~~

1 ~~cash equivalent of the actual cost of the benefits the third~~  
2 ~~party client provides the applicable directly hired employees~~  
3 ~~in lieu of benefits required under this subsection.~~

4 (c) Upon request, a third party client to which a day or  
5 temporary laborer has been assigned to work and performed work  
6 for more than 720 hours within a 12-month period or 4,160 hours  
7 within a 48-month period shall be obligated to timely provide  
8 the day and temporary labor service agency with all necessary  
9 information related to job duties, working conditions, pay,  
10 and seniority, ~~and benefits~~ it provides to the applicable  
11 classification of directly hired employees necessary for the  
12 day and temporary labor service agency to comply with this  
13 Section. Upon receipt of the accurate and complete information  
14 described in this subsection from the third party client, it  
15 shall be the responsibility and duty of the day and temporary  
16 labor service agency to calculate and determine the  
17 straight-time hourly rate of pay ~~and the benefits~~ it shall  
18 offer to the day or temporary laborer, ~~including any cash~~  
19 ~~equivalent~~. The failure by a third party client to provide any  
20 of the information required under this Section shall  
21 constitute a notice violation by the third party client under  
22 Section 95. For purposes of this Section, the day and  
23 temporary labor service agency shall be considered a person  
24 aggrieved as described in Section 95.

25 (d) For purposes of this Section, "seniority" means the  
26 number of calendar months a day or temporary laborer has been

1 assigned to and worked at the third party client compared to  
2 the number of calendar months a directly hired comparator  
3 employee has been employed by the third party client.

4 (e) This Section is inoperative through December 31, 2027.  
5 This Section is operative on and after January 1, 2028.

6 (Source: P.A. 103-437, eff. 8-4-23; 103-564, eff. 11-17-23;  
7 103-1030, eff. 8-9-24.)

8 (820 ILCS 175/45)

9 Sec. 45. Registration; Department of Labor.

10 (a) A day and temporary labor service agency which is  
11 located, operates or transacts business within this State  
12 shall register with the Department of Labor in accordance with  
13 rules adopted by the Department for day and temporary labor  
14 service agencies and shall be subject to this Act and any rules  
15 adopted under this Act. Each day and temporary labor service  
16 agency shall provide proof of an employer account number  
17 issued by the Department of Employment Security for the  
18 payment of unemployment insurance contributions as required  
19 under the Unemployment Insurance Act, and proof of valid  
20 workers' compensation insurance in effect at the time of  
21 registration covering all of its employees. If, at any time, a  
22 day and temporary labor service agency's workers' compensation  
23 insurance coverage lapses, the agency shall have an  
24 affirmative duty to report the lapse of such coverage to the  
25 Department and the agency's registration shall be suspended

1 until the agency's workers' compensation insurance is  
2 reinstated. The Department may assess each day and temporary  
3 labor service agency a non-refundable registration fee not  
4 exceeding \$3,000 per year per agency and a non-refundable fee  
5 not to exceed \$750 for each branch office or other location  
6 where the agency regularly contracts with day or temporary  
7 laborers for services. The fee may be paid by check, money  
8 order, or the State Treasurer's E-Pay program or any successor  
9 program, and the Department may not refuse to accept a check on  
10 the basis that it is not a certified check or a cashier's  
11 check. The Department may charge an additional fee to be paid  
12 by a day and temporary labor service agency if the agency, or  
13 any person on the agency's behalf, issues or delivers a check  
14 to the Department that is not honored by the financial  
15 institution upon which it is drawn. The Department shall also  
16 adopt rules for violation hearings and penalties for  
17 violations of this Act or the Department's rules in  
18 conjunction with the penalties set forth in this Act.

19 (a-1) At the time of registration with the Department of  
20 Labor each year, the day and temporary labor service agency  
21 shall submit to the Department of Labor a report containing  
22 the information identified in paragraph (9) of subsection (a)  
23 of Section 12, broken down by branch office, in the aggregate  
24 for all day or temporary laborers assigned within Illinois and  
25 subject to this Act during the preceding year. This  
26 information shall be submitted on a form created by the

1 Department of Labor. The Department of Labor shall aggregate  
2 the information submitted by all registering day and temporary  
3 labor service agencies by removing identifying data and shall  
4 have the information available to the public only on a  
5 municipal and county basis. As used in this paragraph,  
6 "identifying data" means any and all information that: (i)  
7 provides specific information on individual worker identity;  
8 (ii) identifies the service agency in any manner; and (iii)  
9 identifies clients utilizing the day and temporary labor  
10 service agency or any other information that can be traced  
11 back to any specific registering day and temporary labor  
12 service agency or its client. The information and reports  
13 submitted to the Department of Labor under this subsection by  
14 the registering day and temporary labor service agencies are  
15 exempt from inspection and copying under Section 7.5 of the  
16 Freedom of Information Act.

17 (b) It is a violation of this Act to operate a day and  
18 temporary labor service agency without first registering with  
19 the Department in accordance with subsection (a) of this  
20 Section. The Department shall create and maintain at regular  
21 intervals on its website, accessible to the public: (1) a list  
22 of all registered day and temporary labor service agencies in  
23 the State whose registration is in good standing; (2) a list of  
24 day and temporary labor service agencies in the State whose  
25 registration has been suspended, including the reason for the  
26 suspension, the date the suspension was initiated, and the

1 date, if known, the suspension is to be lifted; and (3) a list  
2 of day and temporary labor service agencies in the State whose  
3 registration has been revoked, including the reason for the  
4 revocation and the date the registration was revoked. The  
5 Department has the authority to assess a penalty against any  
6 day and temporary labor service agency that fails to register  
7 with the Department of Labor in accordance with this Act or any  
8 rules adopted under this Act of \$500 for each violation. Each  
9 day during which a day and temporary labor service agency  
10 operates without registering with the Department shall be a  
11 separate and distinct violation of this Act.

12 (c) A day and temporary labor service agency applying for  
13 registration with the Department is not eligible to register  
14 to operate a day and temporary labor service agency under this  
15 Act if the day and temporary labor service agency applying for  
16 registration with the Department or any of its officers,  
17 directors, partners, or managers or any owner of 25% or  
18 greater beneficial interest:

19 (1) has been involved, as owner, officer, director,  
20 partner, or manager, of any day and temporary labor  
21 service agency whose registration has been revoked or has  
22 been suspended without being reinstated within the 5 years  
23 immediately preceding the filing of the application; or

24 (2) is under the age of 18.

25 (d) Every agency shall post and keep posted at each  
26 location, in a position easily accessible to all day or

1 temporary laborers, notices as supplied and required by the  
2 Department containing a copy or summary of the provisions of  
3 the Act and a notice which informs the public of a toll-free  
4 telephone number for day or temporary laborers and the public  
5 to file wage dispute complaints and other alleged violations  
6 by day and temporary labor service agencies. Every day and  
7 temporary labor service agency employing day or temporary  
8 laborers who communicate with the day and temporary labor  
9 service agency by electronic communication shall also provide  
10 all required notices by email to its day or temporary laborers  
11 or on a website, regularly used by the employer to communicate  
12 work-related information, that all day or temporary laborers  
13 are able to regularly access, freely and without interference.  
14 Such notices shall be in English and any other language  
15 generally understood in the locale of the day and temporary  
16 labor service agency.

17 (e) This Section is inoperative through December 31, 2027.

18 This Section is operative on and after January 1, 2028.

19 (Source: P.A. 103-201, eff. 1-1-24; 103-437, eff. 8-4-23;  
20 103-605, eff. 7-1-24; 103-1030, eff. 8-9-24.)

21 (820 ILCS 175/45a new)

22 Sec. 45a. Registration; Department of Labor.

23 (a) A day and temporary labor service agency which is  
24 located, operates, or transacts business within this State  
25 shall register with the Department of Labor in accordance with

1 rules adopted by the Department for day and temporary labor  
2 service agencies and shall be subject to this Act and any rules  
3 adopted under this Act. Each day and temporary labor service  
4 agency shall provide proof of an employer account number  
5 issued by the Department of Employment Security for the  
6 payment of unemployment insurance contributions as required  
7 under the Unemployment Insurance Act, and proof of valid  
8 workers' compensation insurance in effect at the time of  
9 registration covering all of its employees. If, at any time, a  
10 day and temporary labor service agency's workers' compensation  
11 insurance coverage lapses, the agency shall have an  
12 affirmative duty to report the lapse of such coverage to the  
13 Department and the agency's registration shall be suspended  
14 until the agency's workers' compensation insurance is  
15 reinstated. The Department may assess each day and temporary  
16 labor service agency a non-refundable registration fee not  
17 exceeding \$1,000 per year per agency and a non-refundable fee  
18 not to exceed \$250 for each branch office or other location  
19 where the agency regularly contracts with day or temporary  
20 laborers for services. The fee may be paid by check, money  
21 order, or the State Treasurer's E-Pay program or any successor  
22 program, and the Department may not refuse to accept a check on  
23 the basis that it is not a certified check or a cashier's  
24 check. The Department may charge an additional fee to be paid  
25 by a day and temporary labor service agency if the agency, or  
26 any person on the agency's behalf, issues or delivers a check

1 to the Department that is not honored by the financial  
2 institution upon which it is drawn. The Department shall also  
3 adopt rules for violation hearings and penalties for  
4 violations of this Act or the Department's rules in  
5 conjunction with the penalties set forth in this Act.

6 (a-1) At the time of registration with the Department of  
7 Labor each year, the day and temporary labor service agency  
8 shall submit to the Department of Labor a report containing  
9 the information identified in paragraph (9) of subsection (a)  
10 of Section 12, broken down by branch office, in the aggregate  
11 for all day or temporary laborers assigned within Illinois and  
12 subject to this Act during the preceding year. This  
13 information shall be submitted on a form created by the  
14 Department of Labor. The Department of Labor shall aggregate  
15 the information submitted by all registering day and temporary  
16 labor service agencies by removing identifying data and shall  
17 have the information available to the public only on a  
18 municipal and county basis. As used in this paragraph,  
19 "identifying data" means any and all information that: (i)  
20 provides specific information on individual worker identity;  
21 (ii) identifies the service agency in any manner; and (iii)  
22 identifies clients utilizing the day and temporary labor  
23 service agency or any other information that can be traced  
24 back to any specific registering day and temporary labor  
25 service agency or its client. The information and reports  
26 submitted to the Department of Labor under this subsection by

1 the registering day and temporary labor service agencies are  
2 exempt from inspection and copying under Section 7.5 of the  
3 Freedom of Information Act.

4 (b) It is a violation of this Act to operate a day and  
5 temporary labor service agency without first registering with  
6 the Department in accordance with subsection (a) of this  
7 Section. The Department shall create and maintain at regular  
8 intervals on its website, accessible to the public: (1) a list  
9 of all registered day and temporary labor service agencies in  
10 the State whose registration is in good standing; (2) a list of  
11 day and temporary labor service agencies in the State whose  
12 registration has been suspended, including the reason for the  
13 suspension, the date the suspension was initiated, and the  
14 date, if known, the suspension is to be lifted; and (3) a list  
15 of day and temporary labor service agencies in the State whose  
16 registration has been revoked, including the reason for the  
17 revocation and the date the registration was revoked. The  
18 Department has the authority to assess a penalty against any  
19 day and temporary labor service agency that fails to register  
20 with the Department of Labor in accordance with this Act or any  
21 rules adopted under this Act of \$500 for each violation. Each  
22 day during which a day and temporary labor service agency  
23 operates without registering with the Department shall be a  
24 separate and distinct violation of this Act.

25 (c) An applicant is not eligible to register to operate a  
26 day and temporary labor service agency under this Act if the

1 applicant or any of its officers, directors, partners, or  
2 managers or any owner of 25% or greater beneficial interest:

3 (1) has been involved, as owner, officer, director,  
4 partner, or manager, of any day and temporary labor  
5 service agency whose registration has been revoked or has  
6 been suspended without being reinstated within the 5 years  
7 immediately preceding the filing of the application; or

8 (2) is under the age of 18.

9 (d) Every agency shall post and keep posted at each  
10 location, in a position easily accessible to all employees,  
11 notices as supplied and required by the Department containing  
12 a copy or summary of the provisions of the Act and a notice  
13 which informs the public of a toll-free telephone number for  
14 day or temporary laborers and the public to file wage dispute  
15 complaints and other alleged violations by day and temporary  
16 labor service agencies. Such notices shall be in English or  
17 any other language generally understood in the locale of the  
18 day and temporary labor service agency.

19 (e) This Section is repealed on January 1, 2028.

20 (820 ILCS 175/50)

21 Sec. 50. Violations.

22 (a) The Department shall have the authority to deny,  
23 suspend, or revoke the registration of a day and temporary  
24 labor service agency if warranted by public health and safety  
25 concerns or violations of this Act. The Attorney General,

1 pursuant to its authority under Section 6.3 of the Attorney  
2 General Act, may request that a circuit court suspend or  
3 revoke the registration of a day and temporary labor service  
4 agency when warranted by public health concern or violations  
5 of this Act. The Attorney General shall provide notice to the  
6 Director prior to requesting the suspension or revocation of  
7 the registration of a day and temporary labor service agency.

8 (b) This Section is inoperative through December 31, 2027.

9 This Section is operative on and after January 1, 2028.

10 (Source: P.A. 103-437, eff. 8-4-23.)

11 (820 ILCS 175/50a new)

12 Sec. 50a. Violations.

13 (a) The Department shall have the authority to deny,  
14 suspend, or revoke the registration of a day and temporary  
15 labor service agency if warranted by public health and safety  
16 concerns or violations of this Act.

17 (b) This Section is repealed on January 1, 2028.

18 (820 ILCS 175/55)

19 Sec. 55. Enforcement by the Department.

20 (a) It shall be the duty of the Department to enforce the  
21 provisions of this Act when, in the Department's judgment,  
22 there is cause and sufficient resources for investigation. The  
23 Department shall have the power to conduct investigations in  
24 connection with the administration and enforcement of this Act

1 and any investigator with the Department shall be authorized  
2 to visit and inspect, at all reasonable times, any places  
3 covered by this Act and shall be authorized to inspect, at all  
4 reasonable times, contracts for the employment of all day or  
5 temporary laborers entered into by a third party client if the  
6 Department has received a complaint indicating that the third  
7 party client may have contracted with a day and temporary  
8 labor service agency that is not registered under this Act.  
9 The Department shall conduct hearings in accordance with the  
10 Illinois Administrative Procedure Act upon written complaint  
11 by an investigator of the Department or any interested person  
12 of a violation of the Act. After the hearing, if supported by  
13 the evidence, the Department may (i) issue and cause to be  
14 served on any party an order to cease and desist from further  
15 violation of the Act, (ii) take affirmative or other action as  
16 deemed reasonable to eliminate the effect of the violation,  
17 (iii) deny, suspend, or revoke any registration under this  
18 Act, and (iv) determine the amount of any civil penalty  
19 allowed by the Act. The Director of Labor or his or her  
20 representative may compel, by subpoena, the attendance and  
21 testimony of witnesses and the production of books, payrolls,  
22 records, papers, and other evidence in any investigation or  
23 hearing and may administer oaths to witnesses. Nothing in this  
24 Act applies to labor or employment of a clerical or  
25 professional nature.

26 (b) This Section is inoperative through December 31, 2027.

1 This Section is operative on and after January 1, 2028.

2 (Source: P.A. 103-437, eff. 8-4-23; 103-1030, eff. 8-9-24.)

3 (820 ILCS 175/55a new)

4 Sec. 55a. Enforcement.

5 (a) It shall be the duty of the Department to enforce the  
6 provisions of this Act. The Department shall have the power to  
7 conduct investigations in connection with the administration  
8 and enforcement of this Act and any investigator with the  
9 Department shall be authorized to visit and inspect, at all  
10 reasonable times, any places covered by this Act and shall be  
11 authorized to inspect, at all reasonable times, contracts for  
12 the employment of all day or temporary laborers entered into  
13 by a third party client if the Department has received a  
14 complaint indicating that the third party client may have  
15 contracted with a day and temporary labor service agency that  
16 is not registered under this Act. The Department shall conduct  
17 hearings in accordance with the Illinois Administrative  
18 Procedure Act upon written complaint by an investigator of the  
19 Department or any interested person of a violation of the Act.  
20 After the hearing, if supported by the evidence, the  
21 Department may (i) issue and cause to be served on any party an  
22 order to cease and desist from further violation of the Act,  
23 (ii) take affirmative or other action as deemed reasonable to  
24 eliminate the effect of the violation, (iii) deny, suspend, or  
25 revoke any registration under this Act, and (iv) determine the

1 amount of any civil penalty allowed by the Act. The Director of  
2 Labor or his or her representative may compel, by subpoena,  
3 the attendance and testimony of witnesses and the production  
4 of books, payrolls, records, papers, and other evidence in any  
5 investigation or hearing and may administer oaths to  
6 witnesses. Nothing in this Act applies to labor or employment  
7 of a clerical or professional nature.

8 (b) This Section is repealed on January 1, 2028.

9 (820 ILCS 175/67)

10 Sec. 67. Action for civil penalties brought by an  
11 interested party.

12 (a) Upon a reasonable belief that a day and temporary  
13 labor service agency or a third party client covered by this  
14 Act is in violation of any part of this Act, an interested  
15 party may initiate a civil action in the county where the  
16 alleged offenses occurred or where any party to the action  
17 resides, asserting that a violation of the Act has occurred,  
18 pursuant to the following sequence of events:

19 (1) The interested party submits to the Department of  
20 Labor a complaint describing the violation and naming the  
21 day or temporary labor service agency or third party  
22 client alleged to have violated this Act.

23 (2) The Department sends notice of complaint to the  
24 named parties alleged to have violated this Act and the  
25 interested party. The named parties may either contest the

1           alleged violation or cure the alleged violation.

2           (3) The named parties contest or cure the alleged  
3 violation within 30 days after the receipt of the notice  
4 of complaint or, if the named party does not respond  
5 within 30 days, the Department issues a notice of right to  
6 sue to the interested party as described in paragraph (4).

7           (4) The Department issues a notice of right to sue to  
8 the interested party, if one or more of the following has  
9 occurred:

10           (i) the named party has cured the alleged  
11 violation to the satisfaction of the Director;

12           (ii) the Director has determined that the  
13 allegation is unjustified or that the Department does  
14 not have jurisdiction over the matter or the parties;  
15 or

16           (iii) the Director has determined that the  
17 allegation is justified or has not made a  
18 determination, and either has decided not to exercise  
19 jurisdiction over the matter or has concluded  
20 administrative enforcement of the matter.

21           (b) If within 180 days after service of the notice of  
22 complaint to the parties, the Department has not (i) resolved  
23 the contest and cure period, (ii) with the mutual agreement of  
24 the parties, extended the time for the named party to cure the  
25 violation and resolve the complaint, or (iii) issued a right  
26 to sue letter, the interested party may initiate a civil

1 action for penalties. The parties may extend the 180-day  
2 period by mutual agreement. The limitations period for the  
3 interested party to bring an action for the alleged violation  
4 of the Act shall be tolled for the 180-day period and for the  
5 period of any mutually agreed extensions. At the end of the  
6 180-day period, or any mutually agreed extensions, the  
7 Department shall issue a right to sue letter to the interested  
8 party.

9 (c) Any claim or action filed under this Section must be  
10 made within 3 years of the alleged conduct resulting in the  
11 complaint plus any period for which the limitations period has  
12 been tolled.

13 (d) In an action brought pursuant to this Section, an  
14 interested party may recover against the covered entity any  
15 statutory penalties set forth in Section 70 and injunctive  
16 relief. An interested party who prevails in a civil action  
17 shall receive 10% of any statutory penalties assessed, plus  
18 any attorneys' fees and expenses in bringing the action. The  
19 remaining 90% of any statutory penalties assessed shall be  
20 deposited into the Child Labor and Day and Temporary Labor  
21 Services Enforcement Fund and shall be used exclusively for  
22 the purposes set forth in Section 75 of the Child Labor Law of  
23 2024.

24 (e) This Section is inoperative through December 31, 2027.  
25 This Section is operative on and after January 1, 2028.

26 (Source: P.A. 103-437, eff. 8-4-23; 103-721, eff. 1-1-25.)

1 (820 ILCS 175/70)

2 Sec. 70. Penalties.

3 (a) A day and temporary labor service agency or third  
4 party client that violates any of the provisions of this Act or  
5 any rule adopted under this Act shall be subject to a civil  
6 penalty of not less than \$100 and not more than \$18,000 for  
7 violations found in the first audit by the Department or  
8 determined by a court in a civil action brought by an  
9 interested party, or determined by a court in a civil action  
10 brought by the Attorney General pursuant to its authority  
11 under Section 6.3 of the Attorney General Act. Following a  
12 first audit or civil action, a day and temporary labor service  
13 agency or third party client shall be subject to a civil  
14 penalty of not less than \$250 and not more than \$7,500 for each  
15 repeat violation found by the Department or circuit court  
16 within 3 years. For purposes of this subsection, each  
17 violation of this Act for each day or temporary laborer and for  
18 each day the violation continues shall constitute a separate  
19 and distinct violation. In determining the amount of a  
20 penalty, the Director or circuit court shall consider the  
21 appropriateness of the penalty to the day and temporary labor  
22 service agency or third party client charged, upon the  
23 determination of the gravity of the violations. For any  
24 violation determined by the Department or circuit court to be  
25 willful which is within 3 years of an earlier violation, the

1 Department may revoke the registration of the violator, if the  
2 violator is a day and temporary labor service agency. The  
3 amount of the penalty, when finally determined, may be:

4 (1) Recovered in a civil action brought by the  
5 Director of Labor in any circuit court. In this  
6 litigation, the Director of Labor shall be represented by  
7 the Attorney General.

8 (2) Ordered by the court, in an action brought by any  
9 party, including the Attorney General pursuant to its  
10 authority under Section 6.3 of the Attorney General Act,  
11 for a violation under this Act, to be paid to the Director  
12 of Labor.

13 (b) The Department shall adopt rules for violation  
14 hearings and penalties for violations of this Act or the  
15 Department's rules in conjunction with the penalties set forth  
16 in this Act.

17 Any administrative determination by the Department as to  
18 the amount of each penalty shall be final unless reviewed as  
19 provided in Section 60 of this Act.

20 (c) This Section is inoperative through December 31, 2027.  
21 This Section is operative on and after January 1, 2028.

22 (Source: P.A. 103-437, eff. 8-4-23.)

23 (820 ILCS 175/70a new)

24 Sec. 70a. Penalties.

25 (a) A day and temporary labor service agency or third

1 party client that violates any of the provisions of this Act or  
2 any rule adopted under this Act shall be subject to a civil  
3 penalty not to exceed \$6,000 for violations found in the first  
4 audit by the Department. Following a first audit, a day and  
5 temporary labor service agency or third party client shall be  
6 subject to a civil penalty not to exceed \$2,500 for each repeat  
7 violation found by the Department within 3 years. For purposes  
8 of this subsection, each violation of this Act for each day or  
9 temporary laborer and for each day the violation continues  
10 shall constitute a separate and distinct violation. In  
11 determining the amount of a penalty, the Director shall  
12 consider the appropriateness of the penalty to the day and  
13 temporary labor service agency or third party client charged,  
14 upon the determination of the gravity of the violations. For  
15 any violation determined by the Department to be willful which  
16 is within 3 years of an earlier violation, the Department may  
17 revoke the registration of the violator, if the violator is a  
18 day and temporary labor service agency. The amount of the  
19 penalty, when finally determined, may be:

20 (1) Recovered in a civil action brought by the  
21 Director of Labor in any circuit court. In this  
22 litigation, the Director of Labor shall be represented by  
23 the Attorney General.

24 (2) Ordered by the court, in an action brought by any  
25 party for a violation under this Act, to be paid to the  
26 Director of Labor.

1       (b) The Department shall adopt rules for violation  
2 hearings and penalties for violations of this Act or the  
3 Department's rules in conjunction with the penalties set forth  
4 in this Act.

5       (c) This Section is repealed on January 1, 2028.

6       (820 ILCS 175/85)

7       Sec. 85. Third party clients.

8       (a) It is a violation of this Act for a third party client  
9 to enter into a contract for the employment of day or temporary  
10 laborers with any day and temporary labor service agency not  
11 registered under Section 45 of this Act. A third party client  
12 has a duty to verify a day and temporary labor service agency's  
13 status with the Department before entering into a contract  
14 with such an agency, and on March 1 and September 1 of each  
15 year. A day and temporary labor service agency shall be  
16 required to provide each of its third party clients with proof  
17 of valid registration issued by the Department at the time of  
18 entering into a contract. A day and temporary labor service  
19 agency shall be required to notify, both by telephone and in  
20 writing, each day or temporary laborer it employs and each  
21 third party client with whom it has a contract within 24 hours  
22 of any denial, suspension, or revocation of its registration  
23 by the Department. All contracts between any day and temporary  
24 labor service agency and any third party client shall be  
25 considered null and void from the date any such denial,

1 suspension, or revocation of registration becomes effective  
2 and until such time as the day and temporary labor service  
3 agency becomes registered and considered in good standing by  
4 the Department as provided in Section 50 and Section 55. Upon  
5 request, the Department shall provide to a third party client  
6 a list of entities registered as day and temporary labor  
7 service agencies. The Department shall provide on the Internet  
8 a list of entities registered as day and temporary labor  
9 service agencies. A third party client may rely on information  
10 provided by the Department or maintained on the Department's  
11 website pursuant to Section 45 of this Act and shall be held  
12 harmless if such information maintained or provided by the  
13 Department was inaccurate. Any third party client that  
14 violates this provision of the Act is subject to a civil  
15 penalty of not less than \$100 and not to exceed \$1,500. Each  
16 day during which a third party client contracts with a day and  
17 temporary labor service agency not registered under Section 45  
18 of this Act shall constitute a separate and distinct offense.

19 (b) If a third party client leases or contracts with a day  
20 and temporary service agency for the services of a day or  
21 temporary laborer, the third party client shall share all  
22 legal responsibility and liability for the payment of wages  
23 under the Illinois Wage Payment and Collection Act and the  
24 Minimum Wage Law.

25 (c) Before the assignment of an employee to a worksite  
26 employer, a day and temporary labor service agency must notify

1 a day or temporary laborer of any safety and health training  
2 that the day and temporary labor service agency or the third  
3 party client are responsible for providing to the day or  
4 temporary laborer, including any training required by the  
5 Occupational Health and Safety Administration.†

6 ~~(1) inquire about the client company's safety and~~  
7 ~~health practices and hazards at the actual workplace where~~  
8 ~~the day or temporary laborer will be working to assess the~~  
9 ~~safety conditions, workers tasks, and the client company's~~  
10 ~~safety program; these activities are required at the start~~  
11 ~~of any contract to place day or temporary laborers and may~~  
12 ~~include visiting the client company's actual worksite. If,~~  
13 ~~during the inquiry or anytime during the period of the~~  
14 ~~contract, the day and temporary labor service agency~~  
15 ~~becomes aware of existing job hazards that are not~~  
16 ~~mitigated by the client company, the day and temporary~~  
17 ~~labor service agency must make the client company aware,~~  
18 ~~urge the client company to correct it, and document these~~  
19 ~~efforts, otherwise the day and temporary labor service~~  
20 ~~agency must remove the day or temporary laborers from the~~  
21 ~~client company's worksite;~~

22 ~~(2) provide training to the day or temporary laborer~~  
23 ~~for general awareness safety training for recognized~~  
24 ~~industry hazards the day or temporary laborer may~~  
25 ~~encounter at the client company's worksite. Industry~~  
26 ~~hazard training must be completed, in the preferred~~

1 ~~language of the day or temporary laborer, and must be~~  
2 ~~provided at no expense to the day or temporary laborer.~~  
3 ~~The training date and training content must be maintained~~  
4 ~~by the day and temporary staffing agency and provided to~~  
5 ~~the day or temporary laborer;~~

6 ~~(3) transmit a general description of the training~~  
7 ~~program including topics covered to the client company,~~  
8 ~~whether electronically or on paper, at the start of the~~  
9 ~~contract with the client company;~~

10 ~~(4) provide the Department's hotline number for the~~  
11 ~~employee to call to report safety hazards and concerns as~~  
12 ~~part of the employment materials provided to the day or~~  
13 ~~temporary laborer; and~~

14 ~~(5) inform the day or temporary laborer who the day or~~  
15 ~~temporary laborer should report safety concerns to at the~~  
16 ~~workplace.~~

17 Nothing in this Section shall diminish any existing client  
18 company or a day and temporary labor service agency's  
19 responsibility as an employer to provide a place of employment  
20 free from recognized hazards or to otherwise comply with other  
21 health and safety or employment laws. The client company and  
22 the day and temporary labor service agency are responsible for  
23 compliance with this Section and the rules adopted under this  
24 Section.

25 (d) Before the day or temporary laborer engages in work  
26 for a client company, the client company must:

1           (1) document and inform the day and temporary labor  
2 service agency about anticipated job hazards likely  
3 encountered by the day or temporary laborer;

4           (2) review the safety and health awareness training  
5 provided by the day and temporary labor service agency to  
6 determine if it addresses recognized hazards for the  
7 client company's industry;

8           (3) provide specific training tailored to the  
9 particular hazards at the client company's worksite  
10 consistent with training requirements provided for in  
11 standards, guidances, or best practices issued by the  
12 federal Occupational Safety and Health Administration; and

13           (4) document and maintain records of site-specific  
14 training and provide confirmation that the training  
15 occurred to the day and temporary labor service agency  
16 within 3 business days of providing the training.

17           (e) If the client company changes the job tasks or work  
18 location and new hazards may be encountered, the client  
19 company must:

20           (1) inform both the day and temporary labor service  
21 agency and the day or temporary laborer; and

22           (2) inform both the day and temporary labor service  
23 agency staffing agency and the day or temporary laborer of  
24 job hazards not previously covered before the day or  
25 temporary laborer undertakes the new tasks and update  
26 personal protective equipment and training for the new job

1 tasks consistent with training requirements provided for  
2 in standards, guidances, or best practices issued by the  
3 federal Occupational Safety and Health Administration, if  
4 necessary.

5 (f) A day and temporary labor service agency or day or  
6 temporary laborer may refuse a new job task at the worksite  
7 when the task has not been reviewed or if the day or temporary  
8 laborer has not had appropriate training to do the new task.

9 (g) A client company that supervises a day or temporary  
10 laborer must provide worksite specific training to the day or  
11 temporary laborer and must allow a day and temporary labor  
12 service agency to visit any worksite where the day or  
13 temporary laborer works or will be working to observe and  
14 confirm the client company's training and information related  
15 to the worksite's job tasks, safety and health practices, and  
16 hazards.

17 (h) This Section is inoperative through December 31, 2027.  
18 This Section is operative on and after January 1, 2028.

19 (Source: P.A. 103-437, eff. 8-4-23; 103-1030, eff. 8-9-24.)

20 (820 ILCS 175/85a new)

21 Sec. 85a. Third party clients.

22 (a) It is a violation of this Act for a third party client  
23 to enter into a contract for the employment of day or temporary  
24 laborers with any day and temporary labor service agency not  
25 registered under Section 45 of this Act. A third party client

1 has a duty to verify a day and temporary labor service agency's  
2 status with the Department before entering into a contract  
3 with such an agency, and on March 1 and September 1 of each  
4 year. A day and temporary labor service agency shall be  
5 required to provide each of its third party clients with proof  
6 of valid registration issued by the Department at the time of  
7 entering into a contract. A day and temporary labor service  
8 agency shall be required to notify, both by telephone and in  
9 writing, each day or temporary laborer it employs and each  
10 third party client with whom it has a contract within 24 hours  
11 of any denial, suspension, or revocation of its registration  
12 by the Department. All contracts between any day and temporary  
13 labor service agency and any third party client shall be  
14 considered null and void from the date any such denial,  
15 suspension, or revocation of registration becomes effective  
16 and until the day and temporary labor service agency becomes  
17 registered and considered in good standing by the Department  
18 as provided in Section 50 and Section 55. Upon request, the  
19 Department shall provide to a third party client a list of  
20 entities registered as day and temporary labor service  
21 agencies. The Department shall provide on the Internet a list  
22 of entities registered as day and temporary labor service  
23 agencies. A third party client may rely on information  
24 provided by the Department or maintained on the Department's  
25 website pursuant to Section 45 of this Act and shall be held  
26 harmless if such information maintained or provided by the

1 Department was inaccurate. Any third party client that  
2 violates this provision of the Act is subject to a civil  
3 penalty not to exceed \$500. Each day during which a third party  
4 client contracts with a day and temporary labor service agency  
5 not registered under Section 45 of this Act shall constitute a  
6 separate and distinct offense.

7 (b) If a third party client leases or contracts with a day  
8 and temporary service agency for the services of a day or  
9 temporary laborer, the third party client shall share all  
10 legal responsibility and liability for the payment of wages  
11 under the Illinois Wage Payment and Collection Act and the  
12 Minimum Wage Law.

13 (c) This Section is repealed on January 1, 2028.

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