

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 1. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability Act of 1996, Public Law 104-191, or any
22 subsequent amendments thereto, and any regulations
23 promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) ~~(dd)~~ Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information and reports that are required to be
15 submitted to the Department of Labor by registering day and
16 temporary labor service agencies but are exempt from
17 disclosure under subsection (a-1) of Section 45 of the Day
18 and Temporary Labor Services Act.

19 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
20 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
21 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
22 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
23 8-19-16; revised 9-1-16.)

24 Section 5. The Day and Temporary Labor Services Act is
25 amended by changing Sections 10, 20, 30, and 45 and by adding

1 Section 33 as follows:

2 (820 ILCS 175/10)

3 Sec. 10. Employment Notice.

4 (a) Whenever a day and temporary labor service agency
5 agrees to send one or more persons to work as day or temporary
6 laborers, the day and temporary labor service agency shall
7 provide to each day or temporary laborer, at the time of
8 dispatch, a statement containing the following items on a form
9 approved by the Department:

10 (1) the name of the day or temporary laborer;

11 (2) the name and nature of the work to be performed and
12 the types of equipment, protective clothing, and training
13 that are required for the task;

14 (3) the wages offered;

15 (4) the name and address of the destination of each day
16 or temporary laborer;

17 (5) terms of transportation; and

18 (6) whether a meal or equipment, or both, are provided,
19 either by the day and temporary labor service agency or the
20 third party client, and the cost of the meal and equipment,
21 if any.

22 If a day or temporary laborer is assigned to the same
23 assignment for more than one day, the day and temporary labor
24 service agency is required to provide the employment notice
25 only on the first day of the assignment and on any day that any

1 of the terms listed on the employment notice are changed.

2 If the day or temporary laborer is not placed with a third
3 party client or otherwise contracted to work for that day, the
4 day and temporary labor service agency shall, upon request,
5 provide the day and temporary laborer with a confirmation that
6 the day or temporary laborer sought work, signed by an employee
7 of the day and temporary labor service agency, which shall
8 include the name of the agency, the name and address of the day
9 or temporary laborer, and the date and the time that the day or
10 temporary laborer receives the confirmation.

11 (b) No day and temporary labor service agency may send any
12 day or temporary laborer to any place where a strike, a
13 lockout, or other labor trouble exists.

14 (c) The Department shall recommend to day and temporary
15 labor service agencies that those agencies employ personnel who
16 can effectively communicate information required in
17 subsections (a) and (b) to day or temporary laborers in
18 Spanish, Polish, or any other language that is generally
19 understood in the locale of the day and temporary labor service
20 agency.

21 (Source: P.A. 99-78, eff. 7-20-15.)

22 (820 ILCS 175/20)

23 Sec. 20. Transportation.

24 (a) A day and temporary labor service agency or a third
25 party client or a contractor or agent of either shall charge no

1 fee to transport a day or temporary laborer to or from the
2 designated work site.

3 (b) A day and temporary labor service agency is responsible
4 for the conduct and performance of any person who transports a
5 day or temporary laborer from the agency to a work site, unless
6 the transporter is: (1) a public mass transportation system as
7 defined in Section 2 of the Local Mass Transit District Act;
8 (2) a common carrier; (3) the day or temporary laborer
9 providing his or her own transportation; or (4) selected
10 exclusively by and at the sole choice of the day or temporary
11 laborer for transportation in a vehicle not owned or operated
12 by the day and temporary labor service agency. If any day and
13 temporary labor service agency provides transportation to a day
14 or temporary laborer or refers a day or temporary laborer as
15 provided in subsection (c), the day and temporary labor service
16 agency may not allow a motor vehicle to be used for the
17 transporting of day or temporary laborers if the agency knows
18 or should know that the motor vehicle used for the
19 transportation of day or temporary laborers is unsafe or not
20 equipped as required by this Act or by any rule adopted under
21 this Act, unless the vehicle is: (1) the property of a public
22 mass transportation system as defined in Section 2 of the Local
23 Mass Transit District Act; (2) the property of a common
24 carrier; (3) the day or temporary laborer's personal vehicle;
25 or (4) a vehicle of a day or temporary laborer used to carpool
26 other day or temporary laborers and which is selected

1 exclusively by and at the sole choice of the day or temporary
2 laborer for transportation.

3 (c) A day and temporary labor service agency may not refer
4 a day or temporary laborer to any person for transportation to
5 a work site unless that person is (1) a public mass
6 transportation system as defined in Section 2 of the Local Mass
7 Transit District Act or (2) providing the transportation at no
8 fee. Directing the day or temporary laborer to accept a
9 specific car pool as a condition of work shall be considered a
10 referral by the day and temporary labor service agency. Any
11 mention or discussion of the cost of a car pool shall be
12 considered a referral by the agency. Informing a day or
13 temporary laborer of the availability of a car pool driven by
14 another day or temporary laborer shall not be considered a
15 referral by the agency.

16 (d) Any motor vehicle that is owned or operated by the day
17 and temporary labor service agency or a third party client, or
18 a contractor or agent of either, or to which a day and
19 temporary labor service agency refers a day or temporary
20 laborer, which is used for the transportation of day or
21 temporary laborers shall have proof of financial
22 responsibility as provided for in Chapter 8 of the Illinois
23 Vehicle Code or as required by Department rules. The driver of
24 the vehicle shall hold a valid license to operate motor
25 vehicles in the correct classification and shall be required to
26 produce the license immediately upon demand by the Department,

1 its inspectors or deputies, or any other person authorized to
2 enforce this Act. The Department shall forward a violation of
3 this subsection to the appropriate law enforcement authorities
4 or regulatory agencies, whichever is applicable.

5 (e) No motor vehicle that is owned or operated by the day
6 and temporary labor service agency or a third party client, or
7 a contractor or agent of either, or to which a day and
8 temporary labor service agency refers a day or temporary
9 laborer, which is used for the transportation of day or
10 temporary laborers may be operated if it does not have a seat
11 and a safety belt for each passenger. The Department shall
12 forward a violation of this subsection to the appropriate law
13 enforcement authorities or regulatory agencies, whichever is
14 applicable.

15 (f) If the day or temporary laborer is provided
16 transportation from the point of application to the worksite by
17 the hiring labor service agency operating pursuant to this Act,
18 the day or temporary laborer shall also be provided
19 transportation back to the point of application, unless the day
20 or temporary laborer advises or agrees prior to leaving for the
21 place of employment to obtain alternative transportation after
22 the work shift is completed.

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

24 (820 ILCS 175/30)

25 Sec. 30. Wage Payment and Notice.

1 (a) At the time of payment of wages, a day and temporary
2 labor service agency shall provide each day or temporary
3 laborer with a detailed itemized statement, on the day or
4 temporary laborer's paycheck stub or on a form approved by the
5 Department, listing the following:

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

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

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

1 (4) the total pay period earnings;

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

9 (6) any additional information required by rules
10 issued by the Department.

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

24 (b) A day and temporary labor service agency shall provide
25 each worker an annual earnings summary within a reasonable time
26 after the preceding calendar year, but in no case later than

1 February 1. A day and temporary labor service agency shall, at
2 the time of each wage payment, give notice to day or temporary
3 laborers of the availability of the annual earnings summary or
4 post such a notice in a conspicuous place in the public
5 reception area.

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

24 (d) No day and temporary labor service agency shall charge
25 any day or temporary laborer for cashing a check issued by the
26 agency for wages earned by a day or temporary laborer who

1 performed work through that agency. No day and temporary labor
2 service agency or third party client shall charge any day or
3 temporary laborer for the expense of conducting any consumer
4 report, as that term is defined in the Fair Credit Reporting
5 Act, 15 U.S.C. 1681a(d), any criminal background check of any
6 kind, or any drug test of any kind.

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

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

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

1 agency contracts the day or temporary laborer to work at
2 another location during the same shift, the day or temporary
3 laborer shall be paid by the day and temporary labor service
4 agency for a minimum of 2 hours of pay at the agreed upon rate
5 of pay.

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

22 (Source: P.A. 95-499, eff. 8-28-07; 96-1185, eff. 7-22-10.)

23 (820 ILCS 175/33 new)

24 Sec. 33. Permanent placement. A day and temporary labor
25 service shall attempt to place a current temporary laborer into

1 a permanent position with a client when the client informs the
2 agency of its plan to hire a permanent employee for a position
3 like the positions for which employees are being provided by
4 the agency at the same work location.

5 (820 ILCS 175/45)

6 Sec. 45. Registration; Department of Labor.

7 (a) A day and temporary labor service agency which is
8 located, operates or transacts business within this State shall
9 register with the Department of Labor in accordance with rules
10 adopted by the Department for day and temporary labor service
11 agencies and shall be subject to this Act and any rules adopted
12 under this Act. Each day and temporary labor service agency
13 shall provide proof of an employer account number issued by the
14 Department of Employment Security for the payment of
15 unemployment insurance contributions as required under the
16 Unemployment Insurance Act, and proof of valid workers'
17 compensation insurance in effect at the time of registration
18 covering all of its employees. If, at any time, a day and
19 temporary labor service agency's workers' compensation
20 insurance coverage lapses, the agency shall have an affirmative
21 duty to report the lapse of such coverage to the Department and
22 the agency's registration shall be suspended until the agency's
23 workers' compensation insurance is reinstated. The Department
24 may assess each day and temporary labor service agency a
25 non-refundable registration fee not exceeding \$1,000 per year

1 per agency and a non-refundable fee not to exceed \$250 for each
2 branch office or other location where the agency regularly
3 contracts with day or temporary laborers for services. The fee
4 may be paid by check , or ~~or~~ money order , or the State
5 Treasurer's E-Pay program or any successor program, and the
6 Department may not refuse to accept a check on the basis that
7 it is not a certified check or a cashier's check. The
8 Department may charge an additional fee to be paid by a day and
9 temporary labor service agency if the agency, or any person on
10 the agency's behalf, issues or delivers a check to the
11 Department that is not honored by the financial institution
12 upon which it is drawn. The Department shall also adopt rules
13 for violation hearings and penalties for violations of this Act
14 or the Department's rules in conjunction with the penalties set
15 forth in this Act.

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

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

13 (b) It is a violation of this Act to operate a day and
14 temporary labor service agency without first registering with
15 the Department in accordance with subsection (a) of this
16 Section. The Department shall create and maintain at regular
17 intervals on its website, accessible to the public: (1) a list
18 of all registered day and temporary labor service agencies in
19 the State whose registration is in good standing; (2) a list of
20 day and temporary labor service agencies in the State whose
21 registration has been suspended, including the reason for the
22 suspension, the date the suspension was initiated, and the
23 date, if known, the suspension is to be lifted; and (3) a list
24 of day and temporary labor service agencies in the State whose
25 registration has been revoked, including the reason for the
26 revocation and the date the registration was revoked. The

1 Department has the authority to assess a penalty against any
2 day and temporary labor service agency that fails to register
3 with the Department of Labor in accordance with this Act or any
4 rules adopted under this Act of \$500 for each violation. Each
5 day during which a day and temporary labor service agency
6 operates without registering with the Department shall be a
7 separate and distinct violation of this Act.

8 (c) An applicant is not eligible to register to operate a
9 day and temporary labor service agency under this Act if the
10 applicant or any of its officers, directors, partners, or
11 managers or any owner of 25% or greater beneficial interest:

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

17 (2) is under the age of 18.

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

1 and temporary labor service agency.

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