



Rep. Carol Ammons

Filed: 4/24/2017

10000HB0690ham003

LRB100 00003 JLS 25489 a

1 AMENDMENT TO HOUSE BILL 690

2 AMENDMENT NO. _____. Amend House Bill 690, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (5 ILCS 140/7.5)

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

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

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

1 (c) Applications, related documents, and medical
2 records received by the Experimental Organ Transplantation
3 Procedures Board and any and all documents or other records
4 prepared by the Experimental Organ Transplantation
5 Procedures Board or its staff relating to applications it
6 has received.

7 (d) Information and records held by the Department of
8 Public Health and its authorized representatives relating
9 to known or suspected cases of sexually transmissible
10 disease or any information the disclosure of which is
11 restricted under the Illinois Sexually Transmissible
12 Disease Control Act.

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

15 (f) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
20 Tuition Act.

21 (h) Information the disclosure of which is exempted
22 under the State Officials and Employees Ethics Act, and
23 records of any lawfully created State or local inspector
24 general's office that would be exempt if created or
25 obtained by an Executive Inspector General's office under
26 that Act.

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

5 (j) Information and data concerning the distribution
6 of surcharge moneys collected and remitted by wireless
7 carriers under the Wireless Emergency Telephone Safety
8 Act.

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

13 (l) Records and information provided to a residential
14 health care facility resident sexual assault and death
15 review team or the Executive Council under the Abuse
16 Prevention Review Team Act.

17 (m) Information provided to the predatory lending
18 database created pursuant to Article 3 of the Residential
19 Real Property Disclosure Act, except to the extent
20 authorized under that Article.

21 (n) Defense budgets and petitions for certification of
22 compensation and expenses for court appointed trial
23 counsel as provided under Sections 10 and 15 of the Capital
24 Crimes Litigation Act. This subsection (n) shall apply
25 until the conclusion of the trial of the case, even if the
26 prosecution chooses not to pursue the death penalty prior

1 to trial or sentencing.

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

5 (p) Security portions of system safety program plans,
6 investigation reports, surveys, schedules, lists, data, or
7 information compiled, collected, or prepared by or for the
8 Regional Transportation Authority under Section 2.11 of
9 the Regional Transportation Authority Act or the St. Clair
10 County Transit District under the Bi-State Transit Safety
11 Act.

12 (q) Information prohibited from being disclosed by the
13 Personnel Records Review Act.

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

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

18 (t) All identified or deidentified health information
19 in the form of health data or medical records contained in,
20 stored in, submitted to, transferred by, or released from
21 the Illinois Health Information Exchange, and identified
22 or deidentified health information in the form of health
23 data and medical records of the Illinois Health Information
24 Exchange in the possession of the Illinois Health
25 Information Exchange Authority due to its administration
26 of the Illinois Health Information Exchange. The terms

1 "identified" and "deidentified" shall be given the same
2 meaning as in the Health Insurance Portability and
3 Accountability Act of 1996, Public Law 104-191, or any
4 subsequent amendments thereto, and any regulations
5 promulgated thereunder.

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

8 (v) Names and information of people who have applied
9 for or received Firearm Owner's Identification Cards under
10 the Firearm Owners Identification Card Act or applied for
11 or received a concealed carry license under the Firearm
12 Concealed Carry Act, unless otherwise authorized by the
13 Firearm Concealed Carry Act; and databases under the
14 Firearm Concealed Carry Act, records of the Concealed Carry
15 Licensing Review Board under the Firearm Concealed Carry
16 Act, and law enforcement agency objections under the
17 Firearm Concealed Carry Act.

18 (w) Personally identifiable information which is
19 exempted from disclosure under subsection (g) of Section
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure
22 under Section 5-1014.3 of the Counties Code or Section
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult
25 Protective Services Act and its predecessor enabling
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding
2 against any caregiver of a verified and substantiated
3 decision of abuse, neglect, or financial exploitation of an
4 eligible adult maintained in the Registry established
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality
7 review team or the Illinois Fatality Review Team Advisory
8 Council under Section 15 of the Adult Protective Services
9 Act.

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

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

14 (cc) Recordings made under the Law Enforcement
15 Officer-Worn Body Camera Act, except to the extent
16 authorized under that Act.

17 (dd) Information that is prohibited from being
18 disclosed under Section 45 of the Condominium and Common
19 Interest Community Ombudsperson Act.

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

22 (ff) Information and reports that are required to be
23 submitted to the Department of Labor by registering day and
24 temporary labor service agencies but are exempt from
25 disclosure under subsection (a-1) of Section 45 of the Day
26 and Temporary Labor Services Act.

1 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
2 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
3 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
4 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
5 8-19-16; revised 9-1-16.)

6 Section 5. The Day and Temporary Labor Services Act is
7 amended by changing Sections 10, 20, 30, and 45 and by adding
8 Section 33 as follows:

9 (820 ILCS 175/10)

10 Sec. 10. Employment Notice.

11 (a) Whenever a day and temporary labor service agency
12 agrees to send one or more persons to work as day or temporary
13 laborers, the day and temporary labor service agency shall
14 provide to each day or temporary laborer, at the time of
15 dispatch, a statement containing the following items on a form
16 approved by the Department:

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

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

21 (3) the wages offered;

22 (4) the name and address of the destination of each day
23 or temporary laborer;

24 (5) terms of transportation; and

1 (6) whether a meal or equipment, or both, are provided,
2 either by the day and temporary labor service agency or the
3 third party client, and the cost of the meal and equipment,
4 if any.

5 If a day or temporary laborer is assigned to the same
6 assignment for more than one day, the day and temporary labor
7 service agency is required to provide the employment notice
8 only on the first day of the assignment and on any day that any
9 of the terms listed on the employment notice are changed.

10 If the day or temporary laborer is not placed with a third
11 party client or otherwise contracted to work for that day, the
12 day and temporary labor service agency shall, upon request,
13 provide the day and temporary laborer with a confirmation that
14 the day or temporary laborer sought work, signed by an employee
15 of the day and temporary labor service agency, which shall
16 include the name of the agency, the name and address of the day
17 or temporary laborer, and the date and the time that the day or
18 temporary laborer receives the confirmation.

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

22 (c) The Department shall recommend to day and temporary
23 labor service agencies that those agencies employ personnel who
24 can effectively communicate information required in
25 subsections (a) and (b) to day or temporary laborers in
26 Spanish, Polish, or any other language that is generally

1 understood in the locale of the day and temporary labor service
2 agency.

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

4 (820 ILCS 175/20)

5 Sec. 20. Transportation.

6 (a) A day and temporary labor service agency or a third
7 party client or a contractor or agent of either shall charge no
8 fee to transport a day or temporary laborer to or from the
9 designated work site.

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

1 transportation of day or temporary laborers is unsafe or not
2 equipped as required by this Act or by any rule adopted under
3 this Act, unless the vehicle is: (1) the property of a public
4 mass transportation system as defined in Section 2 of the Local
5 Mass Transit District Act; (2) the property of a common
6 carrier; (3) the day or temporary laborer's personal vehicle;
7 or (4) a vehicle of a day or temporary laborer used to carpool
8 other day or temporary laborers and which is selected
9 exclusively by and at the sole choice of the day or temporary
10 laborer for transportation.

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

24 (d) Any motor vehicle that is owned or operated by the day
25 and temporary labor service agency or a third party client, or
26 a contractor or agent of either, or to which a day and

1 temporary labor service agency refers a day or temporary
2 laborer, which is used for the transportation of day or
3 temporary laborers shall have proof of financial
4 responsibility as provided for in Chapter 8 of the Illinois
5 Vehicle Code or as required by Department rules. The driver of
6 the vehicle shall hold a valid license to operate motor
7 vehicles in the correct classification and shall be required to
8 produce the license immediately upon demand by the Department,
9 its inspectors or deputies, or any other person authorized to
10 enforce this Act. The Department shall forward a violation of
11 this subsection to the appropriate law enforcement authorities
12 or regulatory agencies, whichever is applicable.

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

23 (f) If the day or temporary laborer is provided
24 transportation from the point of application to the worksite by
25 the hiring labor service agency operating pursuant to this Act,
26 the day or temporary laborer shall also be provided

1 transportation back to the point of application, unless the day
2 or temporary laborer advises or agrees prior to leaving for the
3 place of employment to obtain alternative transportation after
4 the work shift is completed.

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

6 (820 ILCS 175/30)

7 Sec. 30. Wage Payment and Notice.

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

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

20 (2) the number of hours worked by the day or temporary
21 laborer at each third party client each day during the pay
22 period. If the day or temporary laborer is assigned to work
23 at the same work site of the same third party client for
24 multiple days in the same work week, the day and temporary
25 labor service agency may record a summary of hours worked

1 at that third party client's worksite so long as the first
2 and last day of that work week are identified as well. The
3 term "hours worked" has the meaning ascribed to that term
4 in 56 Ill. Adm. Code 210.110 and in accordance with all
5 applicable rules or court interpretations under 56 Ill.
6 Adm. Code 210.110;

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

9 (4) the total pay period earnings;

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

17 (6) any additional information required by rules
18 issued by the Department.

19 (a-1) For each day or temporary laborer who is contracted
20 to work a single day, the third party client shall, at the end
21 of the work day, provide such day or temporary laborer with a
22 Work Verification Form, approved by the Department, which shall
23 contain the date, the day or temporary laborer's name, the work
24 location, and the hours worked on that day. Any third party
25 client who violates this subsection (a-1) may be subject to a
26 civil penalty not to exceed \$500 for each violation found by

1 the Department. Such civil penalty may increase to \$2,500 for a
2 second or subsequent violation. For purposes of this subsection
3 (a-1), each violation of this subsection (a-1) for each day or
4 temporary laborer and for each day the violation continues
5 shall constitute a separate and distinct violation.

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

14 (c) At the request of a day or temporary laborer, a day and
15 temporary labor service agency shall hold the daily wages of
16 the day or temporary laborer and make either weekly, bi-weekly,
17 or semi-monthly payments. The wages shall be paid in a single
18 check, or, at the day or temporary laborer's sole option, by
19 direct deposit or other manner approved by the Department,
20 representing the wages earned during the period, either weekly,
21 bi-weekly, or semi-monthly, designated by the day or temporary
22 laborer in accordance with the Illinois Wage Payment and
23 Collection Act. Vouchers or any other method of payment which
24 is not generally negotiable shall be prohibited as a method of
25 payment of wages. Day and temporary labor service agencies that
26 make daily wage payments shall provide written notification to

1 all day or temporary laborers of the right to request weekly,
2 bi-weekly, or semi-monthly checks. The day and temporary labor
3 service agency may provide this notice by conspicuously posting
4 the notice at the location where the wages are received by the
5 day or temporary laborers.

6 (d) No day and temporary labor service agency shall charge
7 any day or temporary laborer for cashing a check issued by the
8 agency for wages earned by a day or temporary laborer who
9 performed work through that agency. No day and temporary labor
10 service agency or third party client shall charge any day or
11 temporary laborer for the expense of conducting any consumer
12 report, as that term is defined in the Fair Credit Reporting
13 Act, 15 U.S.C. 1681a(d), any criminal background check of any
14 kind, or any drug test of any kind.

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

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

1 the day or temporary laborer provides a written authorization
2 for such deduction at the time the deduction is made.

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

14 (h) A third party client is required to pay wages and
15 related payroll taxes to a licensed day and temporary labor
16 service agency for services performed by the day or temporary
17 laborer for the third party client according to payment terms
18 outlined on invoices, service agreements, or stated terms
19 provided by the day and temporary labor service agency. A third
20 party client who fails to comply with this subsection (h) is
21 subject to the penalties provided in Section 70 of this Act.
22 The Department shall review a complaint filed by a licensed day
23 and temporary labor agency. The Department shall review the
24 payroll and accounting records of the day and temporary labor
25 service agency and the third party client for the period in
26 which the violation of this Act is alleged to have occurred to

1 determine if wages and payroll taxes have been paid to the
2 agency and that the day or temporary laborer has been paid the
3 wages owed him or her.

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

5 (820 ILCS 175/33 new)

6 Sec. 33. Permanent placement. A day and temporary labor
7 service shall attempt to place a current temporary laborer into
8 a permanent position with a client when the client informs the
9 agency of its plan to hire a permanent employee for a position
10 like the positions for which employees are being provided by
11 the agency at the same work location.

12 (820 ILCS 175/45)

13 Sec. 45. Registration; Department of Labor.

14 (a) A day and temporary labor service agency which is
15 located, operates or transacts business within this State shall
16 register with the Department of Labor in accordance with rules
17 adopted by the Department for day and temporary labor service
18 agencies and shall be subject to this Act and any rules adopted
19 under this Act. Each day and temporary labor service agency
20 shall provide proof of an employer account number issued by the
21 Department of Employment Security for the payment of
22 unemployment insurance contributions as required under the
23 Unemployment Insurance Act, and proof of valid workers'
24 compensation insurance in effect at the time of registration

1 covering all of its employees. If, at any time, a day and
2 temporary labor service agency's workers' compensation
3 insurance coverage lapses, the agency shall have an affirmative
4 duty to report the lapse of such coverage to the Department and
5 the agency's registration shall be suspended until the agency's
6 workers' compensation insurance is reinstated. The Department
7 may assess each day and temporary labor service agency a
8 non-refundable registration fee not exceeding \$1,000 per year
9 per agency and a non-refundable fee not to exceed \$250 for each
10 branch office or other location where the agency regularly
11 contracts with day or temporary laborers for services. The fee
12 may be paid by check or money order and the Department may not
13 refuse to accept a check on the basis that it is not a
14 certified check or a cashier's check. The Department may charge
15 an additional fee to be paid by a day and temporary labor
16 service agency if the agency, or any person on the agency's
17 behalf, issues or delivers a check to the Department that is
18 not honored by the financial institution upon which it is
19 drawn. The Department shall also adopt rules for violation
20 hearings and penalties for violations of this Act or the
21 Department's rules in conjunction with the penalties set forth
22 in this Act.

23 (a-1) At the time of registration with the Department of
24 Labor each year, the day and temporary labor service agency
25 shall submit to the Department of Labor a report containing the
26 information identified in paragraph (9) of subsection (a) of

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

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

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

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

19 (1) has been involved, as owner, officer, director,
20 partner, or manager, of any day and temporary labor service
21 agency whose registration has been revoked or has been
22 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 employees,

1 notices as supplied and required by the Department containing a
2 copy or summary of the provisions of the Act and a notice which
3 informs the public of a toll-free telephone number for day or
4 temporary laborers and the public to file wage dispute
5 complaints and other alleged violations by day and temporary
6 labor service agencies. Such notices shall be in English or any
7 other language generally understood in the locale of the day
8 and temporary labor service agency.

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