



Sen. John F. Curran

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LRB101 07505 RJF 58104 a

1 AMENDMENT TO SENATE BILL 161

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 161 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Attorney General Act is amended by adding  
5 Sections 6.3 and 6.4 as follows:

6 (15 ILCS 205/6.3 new)

7 Sec. 6.3. Worker Protection Unit.

8 (a) The General Assembly finds that the welfare and  
9 prosperity of all Illinois citizens and businesses requires the  
10 establishment of a Unit within the Attorney General's Office  
11 dedicated to combatting businesses that underpay their  
12 employees, force their employees to work in unsafe conditions,  
13 and gain an unfair economic advantage by avoiding their tax and  
14 labor responsibilities. The Worker Protection Unit shall be  
15 focused on protecting the State's workforce to ensure workers  
16 are paid properly, guarantee safe workplaces, and allow

1 law-abiding business owners to thrive through healthy and fair  
2 competition. Businesses that violate the State's worker  
3 protection laws put a greater burden on taxpayers by hurting  
4 the State's ability to provide critical services; compliant  
5 businesses cannot compete against those who gain an unfair  
6 advantage by evading their responsibilities.

7 (b) There is created within the Office of the Attorney  
8 General a Worker Protection Unit, consisting of Assistant  
9 Attorneys General appointed by the Attorney General, who,  
10 together with other staff as deemed necessary by the Attorney  
11 General, shall have the power and duty on behalf of persons  
12 within this State, to intervene in, initiate, and enforce all  
13 legal proceedings on matters related to the payment of wages,  
14 the safety of the workplace, and fair employment practices,  
15 including, without limitation, the provisions of the  
16 Prevailing Wage Act, the Employee Classification Act, the  
17 Minimum Wage Law, the Day and Temporary Labor Services Act, or  
18 the Wage Payment and Collection Act, whenever the Attorney  
19 General determines that such action is necessary to protect the  
20 rights and interests of Illinois workers and Illinois  
21 businesses.

22 (c) Prior to initiating an action, the Attorney General  
23 shall conduct an investigation and may: (1) require an  
24 individual or entity to file a statement or report in writing  
25 under oath or otherwise, as to all information the Attorney  
26 General may consider necessary; (2) examine under oath any

1 person alleged to have participated in or with knowledge of the  
2 alleged violation; or (3) issue subpoenas or conduct hearings  
3 in aid of any investigation.

4 (d) In an action brought under this Section, the Attorney  
5 General may obtain, as a remedy, monetary damages to the State,  
6 restitution, and equitable relief, including any permanent or  
7 preliminary injunction, temporary restraining order, or other  
8 order, including an order enjoining the defendant from engaging  
9 in a violation, or order any action as may be appropriate. In  
10 addition, the Attorney General may request and the court may  
11 impose a civil penalty against any person or entity found by  
12 the court to have violated the Prevailing Wage Act, the  
13 Employee Classification Act, the Minimum Wage Law, the Day and  
14 Temporary Labor Services Act, the Wage Payment and Collection  
15 Act, or any other law related to the payment of wages, the  
16 safety of the workplace, or fair employment practices, in a sum  
17 not to exceed the maximum amount of any civil penalty  
18 prescribed by law. Neither the State nor an aggrieved  
19 individual may recover monetary relief, including civil  
20 penalties, in more than one proceeding related to the same  
21 violation.

22 (e) Upon the Attorney General's request, the Illinois  
23 Department of Labor shall provide any materials or documents  
24 already in the Department's possession pertaining to the  
25 enforcement of this Section. The Office of the Attorney General  
26 may use information obtained under this Section, including

1 information that is designated as and that qualifies for  
2 confidential treatment, which information the Attorney  
3 General's Office shall maintain as confidential, for law  
4 enforcement purposes only, which information may be shared with  
5 other law enforcement officials. Nothing in this Section is  
6 intended to take away or limit any powers of the Attorney  
7 General under common law or other statutory law.

8 (15 ILCS 205/6.4 new)

9 Sec. 6.4. Worker Protection Unit Task Force.

10 (a) There is created a Worker Protection Task Force within  
11 the Office of the Illinois Attorney General. The Task Force  
12 shall be coordinated by the Office of the Attorney General to  
13 promote a statewide outreach and enforcement effort to target  
14 businesses that violate the State's worker protection laws. The  
15 purpose of the Task Force shall be to:

16 (1) create a coalition in Illinois dedicated to  
17 protecting the State's workforce and law-abiding  
18 businesses;

19 (2) facilitate the timely sharing of information  
20 between Task Force members relating to suspected worker  
21 exploitation;

22 (3) promote the refinement of targeting methods and  
23 best practices, and develop strategies to systemically  
24 investigate worker exploitation; and

25 (4) work cooperatively with labor and community

1 organizations, businesses and business coalitions, and  
2 other advocacy groups to increase public awareness on the  
3 underground economy in an effort to promote fairness,  
4 combat discrimination, and protect the welfare of the  
5 State.

6 (b) The Task Force shall consist of:

7 (1) the Illinois Attorney General;

8 (2) Assistant Attorneys General, assigned at the  
9 discretion of the Illinois Attorney General;

10 (3) three elected State's Attorneys of Illinois, or  
11 their designees, selected by the Attorney General;

12 (4) the Director of Labor or his or her designee;

13 (5) the Director of Employment Security or his or her  
14 designee;

15 (6) the Director of Human Rights or his or her  
16 designee; and

17 (7) the chairperson of the Illinois Workers'  
18 Compensation Commission or his or her designee.

19 (c) The Task Force shall elect a chairperson from its  
20 membership and shall have the authority to determine its own  
21 meeting schedule, hearing schedule, and agendas. Members of the  
22 Task Force shall serve without compensation.

23 (d) The Task Force shall submit a report to the Governor  
24 and the General Assembly regarding its progress no later than  
25 December 1, 2020.

26 (e) This Section is repealed December 1, 2021."