

1 AN ACT concerning regulation.

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, 30, 45, 50, 55, 70, and 85  
6 and by adding Sections 11, 42, and 67 as follows:

7 (820 ILCS 175/2)

8 Sec. 2. Legislative Findings. The General Assembly finds  
9 as follows:

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

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

23 Recent studies and a survey of low-wage day or temporary

1 laborers themselves have consistently found ~~finds~~ that as a  
2 group, they are particularly vulnerable to abuse of their  
3 labor rights, including unpaid wages, failure to pay for all  
4 hours worked, minimum wage and overtime violations, and  
5 unlawful deductions ~~deduction~~ from pay for meals,  
6 transportation, equipment, and other items.

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

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

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

15 (820 ILCS 175/5)

16 Sec. 5. Definitions. As used in this Act:

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

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

1 clerical nature.

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

7 "Department" means the Department of Labor.

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

11 "Third party client" means any person that contracts with  
12 a day and temporary labor service agency for obtaining day or  
13 temporary laborers.

14 "Person" means every natural person, firm, partnership,  
15 co-partnership, limited liability company, corporation,  
16 association, business trust, or other legal entity, or its  
17 legal representatives, agents, or assigns.

18 (Source: P.A. 94-511, eff. 1-1-06; 95-499, eff. 8-28-07.)

19 (820 ILCS 175/11 new)

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

21 (a) No day and temporary labor service agency may send a  
22 day or temporary laborer to a place where a strike, a lockout,  
23 or other labor trouble exists without providing, at or before  
24 the time of dispatch, a statement, in writing and in a language  
25 that the day and temporary laborer understands, informing the

1 day or temporary laborer of the labor dispute and the day or  
2 temporary laborer's right to refuse the assignment without  
3 prejudice to receiving another assignment.

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

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 ~~to exceed \$500~~ for each violation found by the  
11 Department. Such civil penalty shall ~~may~~ increase to not less  
12 than \$500 and not more than \$7,500 ~~\$2,500~~ for a second or  
13 subsequent violation. For purposes of this subsection (a-1),  
14 each violation of this subsection (a-1) for each day or  
15 temporary laborer and for each day the violation continues  
16 shall constitute a separate and distinct 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 (Source: P.A. 100-517, eff. 6-1-18.)

17 (820 ILCS 175/42 new)

18 Sec. 42. Equal pay for equal work. A day or temporary  
19 laborer who is assigned to work at a third party client for  
20 more than 90 calendar days shall be paid not less than the rate  
21 of pay and equivalent benefits as the lowest paid directly  
22 hired employee of the third party client with the same level of  
23 seniority at the company and performing the same or  
24 substantially similar work on jobs the performance of which  
25 requires substantially similar skill, effort, and

1 responsibility, and that are performed under similar working  
2 conditions. If there is not a directly hired comparative  
3 employee of the third party client, the day or temporary  
4 laborer shall be paid not less than the rate of pay and  
5 equivalent benefits of the lowest paid direct hired employee  
6 of the company with the closest level of seniority at the  
7 company. A day and temporary labor service agency may pay the  
8 hourly cash equivalent of the actual cost benefits in lieu of  
9 benefits required under this Section. Upon request, a third  
10 party client to which a day or temporary laborer has been  
11 assigned for more than 90 calendar days shall be obligated to  
12 timely provide the day and temporary labor service agency with  
13 all necessary information related to job duties, pay, and  
14 benefits of directly hired employees necessary for the day and  
15 temporary labor service agency to comply with this Section.  
16 The failure by a third party client to provide any of the  
17 information required under this Section shall constitute a  
18 notice violation by the third party client under Section 95.  
19 For purposes of this Section, the day and temporary labor  
20 service agency shall be considered a person aggrieved as  
21 described in Section 95.

22 (820 ILCS 175/45)

23 Sec. 45. Registration; Department of Labor.

24 (a) A day and temporary labor service agency which is  
25 located, operates or transacts business within this State

1 shall register with the Department of Labor in accordance with  
2 rules adopted by the Department for day and temporary labor  
3 service agencies and shall be subject to this Act and any rules  
4 adopted under this Act. Each day and temporary labor service  
5 agency shall provide proof of an employer account number  
6 issued by the Department of Employment Security for the  
7 payment of unemployment insurance contributions as required  
8 under the Unemployment Insurance Act, and proof of valid  
9 workers' compensation insurance in effect at the time of  
10 registration covering all of its employees. If, at any time, a  
11 day and temporary labor service agency's workers' compensation  
12 insurance coverage lapses, the agency shall have an  
13 affirmative duty to report the lapse of such coverage to the  
14 Department and the agency's registration shall be suspended  
15 until the agency's workers' compensation insurance is  
16 reinstated. The Department may assess each day and temporary  
17 labor service agency a non-refundable registration fee not  
18 exceeding \$3,000 ~~\$1,000~~ per year per agency and a  
19 non-refundable fee not to exceed \$750 ~~\$250~~ for each branch  
20 office or other location where the agency regularly contracts  
21 with day or temporary laborers for services. The fee may be  
22 paid by check, money order, or the State Treasurer's E-Pay  
23 program or any successor program, and the Department may not  
24 refuse to accept a check on the basis that it is not a  
25 certified check or a cashier's check. The Department may  
26 charge an additional fee to be paid by a day and temporary

1 labor service agency if the agency, or any person on the  
2 agency's behalf, issues or delivers a check to the Department  
3 that is not honored by the financial institution upon which it  
4 is drawn. The Department shall also adopt rules for violation  
5 hearings and penalties for violations of this Act or the  
6 Department's rules in conjunction with the penalties set forth  
7 in this Act.

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

1 service agency or its client. The information and reports  
2 submitted to the Department of Labor under this subsection by  
3 the registering day and temporary labor service agencies are  
4 exempt from inspection and copying under Section 7.5 of the  
5 Freedom of Information Act.

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

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

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

10 (2) is under the age of 18.

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

21 (Source: P.A. 100-517, eff. 6-1-18.)

22 (820 ILCS 175/50)

23 Sec. 50. Violations. The Department shall have the  
24 authority to deny, suspend, or revoke the registration of a  
25 day and temporary labor service agency if warranted by public

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

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

11 (820 ILCS 175/55)

12 Sec. 55. Enforcement by the Department.

13 It shall be the duty of the Department to enforce the  
14 provisions of this Act. The Department shall have the power to  
15 conduct investigations in connection with the administration  
16 and enforcement of this Act and any investigator with the  
17 Department shall be authorized to visit and inspect, at all  
18 reasonable times, any places covered by this Act and shall be  
19 authorized to inspect, at all reasonable times, contracts for  
20 the employment of all day or temporary laborers entered into  
21 by a third party client if the Department has received a  
22 complaint indicating that the third party client may have  
23 contracted with a day and temporary labor service agency that  
24 is not registered under this Act. The Department shall conduct  
25 hearings in accordance with the Illinois Administrative

1 Procedure Act upon written complaint by an investigator of the  
2 Department or any interested person of a violation of the Act.  
3 After the hearing, if supported by the evidence, the  
4 Department may (i) issue and cause to be served on any party an  
5 order to cease and desist from further violation of the Act,  
6 (ii) take affirmative or other action as deemed reasonable to  
7 eliminate the effect of the violation, (iii) deny, suspend, or  
8 revoke any registration under this Act, and (iv) determine the  
9 amount of any civil penalty allowed by the Act. The Director of  
10 Labor or his or her representative may compel, by subpoena,  
11 the attendance and testimony of witnesses and the production  
12 of books, payrolls, records, papers, and other evidence in any  
13 investigation or hearing and may administer oaths to  
14 witnesses. Nothing in this Act applies to labor or employment  
15 of a clerical or professional nature.

16 (Source: P.A. 93-441, eff. 1-1-04; 94-511, eff. 1-1-06.)

17 (820 ILCS 175/67 new)

18 Sec. 67. Action for civil penalties brought by an  
19 interested party.

20 (a) Upon a reasonable belief that a day and temporary  
21 labor service agency or a third party client covered by this  
22 Act is in violation of any part of this Act, an interested  
23 party may initiate a civil action in the county where the  
24 alleged offenses occurred or where any party to the action  
25 resides, asserting that a violation of the Act has occurred,



1 pursuant to the following sequence of events:

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

6 (2) The Department sends notice of complaint to the  
7 named parties alleged to have violated this Act and the  
8 interested party. The named parties may either contest the  
9 alleged violation or cure the alleged violation.

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

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

18 (i) the named party has cured the alleged  
19 violation to the satisfaction of the Director;

20 (ii) the Director has determined that the  
21 allegation is unjustified or that the Department does  
22 not have jurisdiction over the matter or the parties;  
23 or

24 (iii) the Director has determined that the  
25 allegation is justified or has not made a  
26 determination, and either has decided not to exercise

1           jurisdiction over the matter or has concluded  
2           administrative enforcement of the matter.

3           (b) If within 180 days after service of the notice of  
4           complaint to the parties, the Department has not (i) resolved  
5           the contest and cure period, (ii) with the mutual agreement of  
6           the parties, extended the time for the named party to cure the  
7           violation and resolve the complaint, or (iii) issued a right  
8           to sue letter, the interested party may initiate a civil  
9           action for penalties. The parties may extend the 180-day  
10           period by mutual agreement. The limitations period for the  
11           interested party to bring an action for the alleged violation  
12           of the Act shall be tolled for the 180-day period and for the  
13           period of any mutually agreed extensions. At the end of the  
14           180-day period, or any mutually agreed extensions, the  
15           Department shall issue a right to sue letter to the interested  
16           party.

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

21           (d) In an action brought pursuant to this Section, an  
22           interested party may recover against the covered entity any  
23           statutory penalties set forth in Section 70 and injunctive  
24           relief. An interested party who prevails in a civil action  
25           shall receive 10% of any statutory penalties assessed, plus  
26           any attorneys' fees and expenses in bringing the action. The

1 remaining 90% of any statutory penalties assessed shall be  
2 deposited into the Child Labor and Day and Temporary Labor  
3 Services Enforcement Fund and shall be used exclusively for  
4 the purposes set forth in Section 17.3 of the Child Labor Law.

5 (820 ILCS 175/70)

6 Sec. 70. Penalties.

7 (a) A day and temporary labor service agency or third  
8 party client that violates any of the provisions of this Act or  
9 any rule adopted under this Act shall be subject to a civil  
10 penalty of not less than \$100 and not more than \$18,000 ~~to~~  
11 ~~exceed \$6,000~~ for violations found in the first audit by the  
12 Department or determined by a court in a civil action brought  
13 by an interested party, or determined by a court in a civil  
14 action brought by the Attorney General pursuant to its  
15 authority under Section 6.3 of the Attorney General Act.  
16 Following a first audit or civil action, a day and temporary  
17 labor service agency or third party client shall be subject to  
18 a civil penalty of not less than \$250 and not more than \$7,500  
19 ~~to exceed \$2,500~~ for each repeat violation found by the  
20 Department or circuit court within 3 years. For purposes of  
21 this subsection, each violation of this Act for each day or  
22 temporary laborer and for each day the violation continues  
23 shall constitute a separate and distinct violation. In  
24 determining the amount of a penalty, the Director or circuit  
25 court shall consider the appropriateness of the penalty to the

1 day and temporary labor service agency or third party client  
2 charged, upon the determination of the gravity of the  
3 violations. For any violation determined by the Department or  
4 circuit court to be willful which is within 3 years of an  
5 earlier violation, the Department may revoke the registration  
6 of the violator, if the violator is a day and temporary labor  
7 service agency. The amount of the penalty, when finally  
8 determined, may be:

9 (1) Recovered in a civil action brought by the  
10 Director of Labor in any circuit court. In this  
11 litigation, the Director of Labor shall be represented by  
12 the Attorney General.

13 (2) Ordered by the court, in an action brought by any  
14 party, including the Attorney General pursuant to its  
15 authority under Section 6.3 of the Attorney General Act,  
16 for a violation under this Act, to be paid to the Director  
17 of Labor.

18 (b) The Department shall adopt rules for violation  
19 hearings and penalties for violations of this Act or the  
20 Department's rules in conjunction with the penalties set forth  
21 in this Act.

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

25 (Source: P.A. 96-1185, eff. 7-22-10.)

1 (820 ILCS 175/85)

2 Sec. 85. Third party clients.

3 (a) It is a violation of this Act for a third party client  
4 to enter into a contract for the employment of day or temporary  
5 laborers with any day and temporary labor service agency not  
6 registered under Section 45 of this Act. A third party client  
7 has a duty to verify a day and temporary labor service agency's  
8 status with the Department before entering into a contract  
9 with such an agency, and on March 1 and September 1 of each  
10 year. A day and temporary labor service agency shall be  
11 required to provide each of its third party clients with proof  
12 of valid registration issued by the Department at the time of  
13 entering into a contract. A day and temporary labor service  
14 agency shall be required to notify, both by telephone and in  
15 writing, each day or temporary laborer it employs and each  
16 third party client with whom it has a contract within 24 hours  
17 of any denial, suspension, or revocation of its registration  
18 by the Department. All contracts between any day and temporary  
19 labor service agency and any third party client shall be  
20 considered null and void from the date any such denial,  
21 suspension, or revocation of registration becomes effective  
22 and until such time as the day and temporary labor service  
23 agency becomes registered and considered in good standing by  
24 the Department as provided in Section 50 and Section 55. Upon  
25 request, the Department shall provide to a third party client  
26 a list of entities registered as day and temporary labor

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

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

20 (c) Before the assignment of an employee to a worksite  
21 employer, a day and temporary labor service agency must:

22 (1) inquire about the client company's safety and  
23 health practices and hazards at the actual workplace where  
24 the day or temporary laborer will be working to assess the  
25 safety conditions, workers tasks, and the client company's  
26 safety program; these activities are required at the start

1 of any contract to place day or temporary laborers and may  
2 include visiting the client company's actual worksite. If,  
3 during the inquiry or anytime during the period of the  
4 contract, the day and temporary labor service agency  
5 becomes aware of existing job hazards that are not  
6 mitigated by the client company, the day and temporary  
7 labor service agency must make the client company aware,  
8 urge the client company to correct it, and document these  
9 efforts, otherwise the day and temporary labor service  
10 agency must remove the day or temporary laborers from the  
11 client company's worksite;

12 (2) provide training to the day or temporary laborer  
13 for general awareness safety training for recognized  
14 industry hazards the day or temporary laborer may  
15 encounter at the client company's worksite. Industry  
16 hazard training must be completed, in the preferred  
17 language of the day or temporary laborer, and must be  
18 provided at no expense to the day or temporary laborer.  
19 The training date and training content must be maintained  
20 by the day and temporary staffing agency and provided to  
21 the day or temporary laborer;

22 (3) transmit a general description of the training  
23 program including topics covered to the client company,  
24 whether electronically or on paper, at the start of the  
25 contract with the client company;

26 (4) provide the Department's hotline number for the

1 employee to call to report safety hazards and concerns as  
2 part of the employment materials provided to the day or  
3 temporary laborer; and

4 (5) inform the day or temporary laborer who the day or  
5 temporary laborer should report safety concerns to at the  
6 workplace.

7 Nothing in this Section shall diminish any existing client  
8 company or a day and temporary labor service agency's  
9 responsibility as an employer to provide a place of employment  
10 free from recognized hazards or to otherwise comply with other  
11 health and safety or employment laws. The client company and  
12 the day and temporary labor service agency are responsible for  
13 compliance with this Section and the rules adopted under this  
14 Section.

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

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

20 (2) review the safety and health awareness training  
21 provided by the day and temporary labor service agency to  
22 determine if it addresses recognized hazards for the  
23 client company's industry;

24 (3) provide specific training tailored to the  
25 particular hazards at the client company's worksite; and

26 (4) document and maintain records of site-specific



1       training and provide confirmation that the training  
2       occurred to the day and temporary labor service agency  
3       within 3 business days of providing the training.

4       (e) If the client company changes the job tasks or work  
5       location and new hazards may be encountered, the client  
6       company must:

7               (1) inform both the day and temporary labor service  
8               agency and the day or temporary laborer; and

9               (2) inform both the day and temporary labor service  
10              agency staffing agency and the day or temporary laborer of  
11              job hazards not previously covered before the day or  
12              temporary laborer undertakes the new tasks and update  
13              personal protective equipment and training for the new job  
14              tasks, if necessary.

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

19              (g) A client company that supervises a day or temporary  
20              laborer must provide worksite specific training to the day or  
21              temporary laborer and must allow a day and temporary labor  
22              service agency to visit any worksite where the day or  
23              temporary laborer works or will be working to observe and  
24              confirm the client company's training and information related  
25              to the worksite's job tasks, safety and health practices, and  
26              hazards.

1 (Source: P.A. 93-441, eff. 1-1-04; 94-511, eff. 1-1-06.)

2 Section 99. Effective date. This Act takes effect July 1,  
3 2023.