



Sen. Robert Peters

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10300HB2862sam001

LRB103 03414 SPS 61640 a

1 AMENDMENT TO HOUSE BILL 2862

2 AMENDMENT NO. _____. Amend House Bill 2862 by replacing
3 everything after the enacting clause with the following:

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

1 offices to over 300 with over 800 branch offices ~~with nearly~~
2 ~~600 branch offices are licensed throughout Illinois.~~ In
3 addition, there still exists ~~is~~ a significant ~~large~~, though
4 unknown, number of unregistered ~~unlicensed~~ day labor and
5 temporary labor service agencies that operate outside the
6 radar of law enforcement.

7 Recent studies and a survey of low-wage day or temporary
8 laborers themselves have consistently found ~~finds~~ that as a
9 group, they are particularly vulnerable to abuse of their
10 labor rights, including unpaid wages, failure to pay for all
11 hours worked, minimum wage and overtime violations, and
12 unlawful deductions ~~deduction~~ from pay for meals,
13 transportation, equipment, and other items.

14 Current law is inadequate to protect the labor and
15 employment rights of these workers.

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

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

22 (820 ILCS 175/5)

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

24 "Day or temporary laborer" means a natural person who
25 contracts for employment with a day and temporary labor

1 service agency.

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

9 "Day and temporary labor service agency" means any person
10 or entity engaged in the business of employing day or
11 temporary laborers to provide services, for a fee, to or for
12 any third party client pursuant to a contract with the day and
13 temporary labor service agency and the third party client.

14 "Department" means the Department of Labor.

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

18 "Third party client" means any person that contracts with
19 a day and temporary labor service agency for obtaining day or
20 temporary laborers.

21 "Person" means every natural person, firm, partnership,
22 co-partnership, limited liability company, corporation,
23 association, business trust, or other legal entity, or its
24 legal representatives, agents, or assigns.

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

1 (820 ILCS 175/11 new)

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

3 (a) No day and temporary labor service agency may send a
4 day or temporary laborer to a place where a strike, a lockout,
5 or other labor trouble exists without providing, at or before
6 the time of dispatch, a statement, in writing and in a language
7 that the day and temporary laborer understands, informing the
8 day or temporary laborer of the labor dispute and the day or
9 temporary laborer's right to refuse the assignment without
10 prejudice to receiving another assignment.

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

22 (820 ILCS 175/30)

23 Sec. 30. Wage Payment and Notice.

24 (a) At the time of payment of wages, a day and temporary
25 labor service agency shall provide each day or temporary

1 laborer with a detailed itemized statement, on the day or
2 temporary laborer's paycheck stub or on a form approved by the
3 Department, listing the following:

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

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

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

25 (4) the total pay period earnings;

26 (5) all deductions made from the day or temporary

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

7 (6) any additional information required by rules
8 issued by the Department.

9 (a-1) For each day or temporary laborer who is contracted
10 to work a single day, the third party client shall, at the end
11 of the work day, provide such day or temporary laborer with a
12 Work Verification Form, approved by the Department, which
13 shall contain the date, the day or temporary laborer's name,
14 the work location, and the hours worked on that day. Any third
15 party client who violates this subsection (a-1) may be subject
16 to a civil penalty of not less than \$100 and not more than
17 \$1,500 ~~to exceed \$500~~ for each violation found by the
18 Department. Such civil penalty shall ~~may~~ increase to not less
19 than \$500 and not more than \$7,500 ~~\$2,500~~ for a second or
20 subsequent violation. For purposes of this subsection (a-1),
21 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
26 time after the preceding calendar year, but in no case later

1 than February 1. A day and temporary labor service agency
2 shall, at the time of each wage payment, give notice to day or
3 temporary laborers of the availability of the annual earnings
4 summary or post such a notice in a conspicuous place in the
5 public 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,
9 bi-weekly, or semi-monthly payments. The wages shall be paid
10 in a single check, or, at the day or temporary laborer's sole
11 option, by direct deposit or other manner approved by the
12 Department, representing the wages earned during the period,
13 either weekly, bi-weekly, or semi-monthly, designated by the
14 day or temporary laborer in accordance with the Illinois Wage
15 Payment and Collection Act. Vouchers or any other method of
16 payment which is not generally negotiable shall be prohibited
17 as a method of payment of wages. Day and temporary labor
18 service agencies that make daily wage payments shall provide
19 written notification to all day or temporary laborers of the
20 right to request weekly, bi-weekly, or semi-monthly checks.
21 The day and temporary labor service agency may provide this
22 notice by conspicuously posting the notice at the location
23 where the wages are received by the 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
18 service agency which the day or temporary laborer fails to
19 return, if the day or temporary laborer provides a written
20 authorization for such deduction at the time the deduction is
21 made.

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

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

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

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

24 (820 ILCS 175/42 new)

25 Sec. 42. Equal pay for equal work. A day or temporary

1 laborer who is assigned to work at a third party client for
2 more than 60 calendar days shall be paid not less than the rate
3 of pay and equivalent benefits as the lowest paid directly
4 hired employee of the third party client with the same level of
5 seniority at the company and performing the same or
6 substantially similar work on jobs the performance of which
7 requires substantially similar skill, effort, and
8 responsibility, and that are performed under similar working
9 conditions. If there is not a directly hired comparative
10 employee of the third party client, the day or temporary
11 laborer shall be paid not less than the rate of pay and
12 equivalent benefits of the lowest paid direct hired employee
13 of the company with the closest level of seniority at the
14 company. A day and temporary labor service agency may pay the
15 hourly cash equivalent of the actual cost benefits in lieu of
16 benefits required under this Section. Upon request, a third
17 party client to which a day or temporary laborer has been
18 assigned for more than 60 calendar days shall be obligated to
19 timely provide the day and temporary labor service agency with
20 all necessary information related to job duties, pay, and
21 benefits of directly hired employees necessary for the day and
22 temporary labor service agency to comply with this Section.
23 The failure by a third party client to provide any of the
24 information required under this Section shall constitute a
25 notice violation by the third party client under Section 95.
26 For purposes of this Section, the day and temporary labor

1 service agency shall be considered a person aggrieved as
2 described in Section 95.

3 (820 ILCS 175/45)

4 Sec. 45. Registration; Department of Labor.

5 (a) A day and temporary labor service agency which is
6 located, operates or transacts business within this State
7 shall register with the Department of Labor in accordance with
8 rules adopted by the Department for day and temporary labor
9 service agencies and shall be subject to this Act and any rules
10 adopted under this Act. Each day and temporary labor service
11 agency shall provide proof of an employer account number
12 issued by the Department of Employment Security for the
13 payment of unemployment insurance contributions as required
14 under the Unemployment Insurance Act, and proof of valid
15 workers' compensation insurance in effect at the time of
16 registration covering all of its employees. If, at any time, a
17 day and temporary labor service agency's workers' compensation
18 insurance coverage lapses, the agency shall have an
19 affirmative duty to report the lapse of such coverage to the
20 Department and the agency's registration shall be suspended
21 until the agency's workers' compensation insurance is
22 reinstated. The Department may assess each day and temporary
23 labor service agency a non-refundable registration fee not
24 exceeding \$3,000 ~~\$1,000~~ per year per agency and a
25 non-refundable fee not to exceed \$750 ~~\$250~~ for each branch

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

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

1 municipal and county basis. As used in this paragraph,
2 "identifying data" means any and all information that: (i)
3 provides specific information on individual worker identity;
4 (ii) identifies the service agency in any manner; and (iii)
5 identifies clients utilizing the day and temporary labor
6 service agency or any other information that can be traced
7 back to any specific registering day and temporary labor
8 service agency or its client. The information and reports
9 submitted to the Department of Labor under this subsection by
10 the registering day and temporary labor service agencies are
11 exempt from inspection and copying under Section 7.5 of the
12 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
14 service agency whose registration has been revoked or has
15 been 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
21 a copy or summary of the provisions of the Act and a notice
22 which informs the public of a toll-free telephone number for
23 day or 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
26 any other language generally understood in the locale of the

1 day and temporary labor service agency.

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

3 (820 ILCS 175/50)

4 Sec. 50. Violations. The Department shall have the
5 authority to deny, suspend, or revoke the registration of a
6 day and temporary labor service agency if warranted by public
7 health and safety concerns or violations of this Act. The
8 Attorney General, pursuant to its authority under Section 6.3
9 of the Attorney General Act, may request that a circuit court
10 suspend or revoke the registration of a day and temporary
11 labor service agency when warranted by public health concern
12 or violations of this Act. The Attorney General shall provide
13 notice to the Director prior to requesting the suspension or
14 revocation of the registration of a day and temporary labor
15 service agency.

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

17 (820 ILCS 175/55)

18 Sec. 55. Enforcement by the Department.

19 It shall be the duty of the Department to enforce the
20 provisions of this Act. The Department shall have the power to
21 conduct investigations in connection with the administration
22 and enforcement of this Act and any investigator with the
23 Department shall be authorized to visit and inspect, at all
24 reasonable times, any places covered by this Act and shall be

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

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

24 (820 ILCS 175/67 new)

25 Sec. 67. Action for civil penalties brought by an

1 interested party.

2 (a) Upon a reasonable belief that a day and temporary
3 labor service agency or a third party client covered by this
4 Act is in violation of any part of this Act, an interested
5 party may initiate a civil action in the county where the
6 alleged offenses occurred or where any party to the action
7 resides, asserting that a violation of the Act has occurred,
8 pursuant to the following sequence of events:

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

13 (2) The Department sends notice of complaint to the
14 named parties alleged to have violated this Act and the
15 interested party. The named parties may either contest the
16 alleged violation or cure the alleged violation.

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

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

25 (i) the named party has cured the alleged
26 violation to the satisfaction of the Director;

1 (ii) the Director has determined that the
2 allegation is unjustified or that the Department does
3 not have jurisdiction over the matter or the parties;
4 or

5 (iii) the Director has determined that the
6 allegation is justified or has not made a
7 determination, and either has decided not to exercise
8 jurisdiction over the matter or has concluded
9 administrative enforcement of the matter.

10 (b) If within 180 days after service of the notice of
11 complaint to the parties, the Department has not (i) resolved
12 the contest and cure period, (ii) with the mutual agreement of
13 the parties, extended the time for the named party to cure the
14 violation and resolve the complaint, or (iii) issued a right
15 to sue letter, the interested party may initiate a civil
16 action for penalties. The parties may extend the 180-day
17 period by mutual agreement. The limitations period for the
18 interested party to bring an action for the alleged violation
19 of the Act shall be tolled for the 180-day period and for the
20 period of any mutually agreed extensions. At the end of the
21 180-day period, or any mutually agreed extensions, the
22 Department shall issue a right to sue letter to the interested
23 party.

24 (c) Any claim or action filed under this Section must be
25 made within 3 years of the alleged conduct resulting in the
26 complaint plus any period for which the limitations period has

1 been tolled.

2 (d) In an action brought pursuant to this Section, an
3 interested party may recover against the covered entity any
4 statutory penalties set forth in Section 70 and injunctive
5 relief. An interested party who prevails in a civil action
6 shall receive 10% of any statutory penalties assessed, plus
7 any attorneys' fees and expenses in bringing the action. The
8 remaining 90% of any statutory penalties assessed shall be
9 deposited into the Child Labor and Day and Temporary Labor
10 Services Enforcement Fund and shall be used exclusively for
11 the purposes set forth in Section 17.3 of the Child Labor Law.

12 (820 ILCS 175/70)

13 Sec. 70. Penalties.

14 (a) A day and temporary labor service agency or third
15 party client that violates any of the provisions of this Act or
16 any rule adopted under this Act shall be subject to a civil
17 penalty of not less than \$100 and not more than \$18,000 ~~to~~
18 ~~exceed \$6,000~~ for violations found in the first audit by the
19 Department or determined by a court in a civil action brought
20 by an interested party, or determined by a court in a civil
21 action brought by the Attorney General pursuant to its
22 authority under Section 6.3 of the Attorney General Act.
23 Following a first audit or civil action, a day and temporary
24 labor service agency or third party client shall be subject to
25 a civil penalty of not less than \$250 and not more than \$7,500

1 ~~to exceed \$2,500~~ for each repeat violation found by the
2 Department or circuit court within 3 years. For purposes of
3 this subsection, each violation of this Act for each day or
4 temporary laborer and for each day the violation continues
5 shall constitute a separate and distinct violation. In
6 determining the amount of a penalty, the Director or circuit
7 court shall consider the appropriateness of the penalty to the
8 day and temporary labor service agency or third party client
9 charged, upon the determination of the gravity of the
10 violations. For any violation determined by the Department or
11 circuit court to be willful which is within 3 years of an
12 earlier violation, the Department may revoke the registration
13 of the violator, if the violator is a day and temporary labor
14 service agency. The amount of the penalty, when finally
15 determined, may be:

16 (1) Recovered in a civil action brought by the
17 Director of Labor in any circuit court. In this
18 litigation, the Director of Labor shall be represented by
19 the Attorney General.

20 (2) Ordered by the court, in an action brought by any
21 party, including the Attorney General pursuant to its
22 authority under Section 6.3 of the Attorney General Act,
23 for a violation under this Act, to be paid to the Director
24 of Labor.

25 (b) The Department shall adopt rules for violation
26 hearings and penalties for violations of this Act or the

1 Department's rules in conjunction with the penalties set forth
2 in this Act.

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

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

7 (820 ILCS 175/85)

8 Sec. 85. Third party clients.

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

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

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

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

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

19 (2) provide training to the day or temporary laborer
20 for general awareness safety training for recognized
21 industry hazards the day or temporary laborer may
22 encounter at the client company's worksite. Industry
23 hazard training must be completed, in the preferred
24 language of the day or temporary laborer, and must be
25 provided at no expense to the day or temporary laborer.
26 The training date and training content must be maintained

1 by the day and temporary staffing agency and provided to
2 the day or temporary laborer;

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

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

11 (5) inform the day or temporary laborer who the day or
12 temporary laborer should report safety concerns to at the
13 workplace.

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

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

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

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

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

7 (4) document and maintain records of site-specific
8 training and provide confirmation that the training
9 occurred to the day and temporary labor service agency
10 within 3 business days of providing the training.

11 (e) If the client company changes the job tasks or work
12 location and new hazards may be encountered, the client
13 company must:

14 (1) inform both the day and temporary labor service
15 agency and the day or temporary laborer; and

16 (2) inform both the day and temporary labor service
17 agency staffing agency and the day or temporary laborer of
18 job hazards not previously covered before the day or
19 temporary laborer undertakes the new tasks and update
20 personal protective equipment and training for the new job
21 tasks, if necessary.

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

26 (g) A client company that supervises a day or temporary

1 laborer must provide worksite specific training to the day or
2 temporary laborer and must allow a day and temporary labor
3 service agency to visit any worksite where the day or
4 temporary laborer works or will be working to observe and
5 confirm the client company's training and information related
6 to the worksite's job tasks, safety and health practices, and
7 hazards.

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

9 Section 99. Effective date. This Act takes effect July 1,
10 2023."