

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Day and Temporary Labor Services Act is
5 amended by changing Sections 5, 10, 11, 42, 45, and 85 as
6 follows:

7 (820 ILCS 175/5)

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

9 "Applicant" means a natural person who seeks a work
10 assignment at a day and temporary labor service agency.

11 "Day or temporary laborer" means a natural person who
12 contracts for employment with a day and temporary labor
13 service agency.

14 "Day and temporary labor" means work performed by a day or
15 temporary laborer at a third party client, the duration of
16 which may be specific or undefined, pursuant to a contract or
17 understanding between the day and temporary labor service
18 agency and the third party client. "Day and temporary labor"
19 does not include labor or employment of a professional or
20 clerical nature.

21 "Day and temporary labor service agency" means any person
22 or entity engaged in the business of employing day or
23 temporary laborers to provide services, for a fee, to or for

1 any third party client pursuant to a contract with the day and
2 temporary labor service agency and the third party client.

3 "Department" means the Department of Labor.

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

7 "Labor dispute" means any controversy concerning wages,
8 hours, terms, or conditions of employment.

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

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

16 (Source: P.A. 103-437, eff. 8-4-23.)

17 (820 ILCS 175/10)

18 Sec. 10. Employment notice and application receipt.

19 ~~Notice.~~

20 (a) Employment notice. Whenever a day and temporary labor
21 service agency agrees to send one or more persons to work as
22 day or temporary laborers, the day and temporary labor service
23 agency shall provide to each day or temporary laborer, at the
24 time of dispatch, a statement containing the following items
25 on a form approved by the Department:

- 1 (1) the name of the day or temporary laborer;
- 2 (2) the name and nature of the work to be performed and
- 3 the types of equipment, protective clothing, and training
- 4 that are required for the task;
- 5 (3) the wages offered;
- 6 (4) the name and address of the destination of each
- 7 day or temporary laborer;
- 8 (5) terms of transportation; and
- 9 (6) whether a meal or equipment, or both, are
- 10 provided, either by the day and temporary labor service
- 11 agency or the third party client, and the cost of the meal
- 12 and equipment, if any.

13 If a day or temporary laborer is assigned to the same
14 assignment for more than one day, the day and temporary labor
15 service agency is required to provide the employment notice
16 only on the first day of the assignment and on any day that any
17 of the terms listed on the employment notice are changed.

18 If the day or temporary laborer is not placed with a third
19 party client or otherwise contracted to work for that day, the
20 day and temporary labor service agency shall, upon request,
21 provide the day and temporary laborer with a confirmation that
22 the day or temporary laborer sought work, signed by an
23 employee of the day and temporary labor service agency, which
24 shall include the name of the agency, the name and address of
25 the day or temporary laborer, and the date and the time that
26 the day or temporary laborer receives the confirmation.

1 (b) (Blank). ~~No day and temporary labor service agency~~
2 ~~may send any day or temporary laborer to any place where a~~
3 ~~strike, a lockout, or other labor trouble exists.~~

4 (b-5) Application receipt. If an applicant seeks a work
5 assignment as a day or temporary laborer with a day and
6 temporary labor service agency, including in-person, online,
7 or through an app-based system, and is not placed with a third
8 party client or otherwise contracted to work for that day by
9 the day and temporary labor service agency, the day and
10 temporary labor service agency shall provide the applicant
11 with a confirmation that the applicant sought work, signed by
12 an employee of the day and temporary labor service agency, on a
13 form approved by the Department, that shall include:

14 (1) the name and location of the day and temporary
15 labor service agency and branch office;

16 (2) the name and address of the applicant;

17 (3) the date and the time that the applicant sought
18 the work assignment;

19 (4) the manner in which the applicant sought the work
20 assignment; and

21 (5) the specific work sites or type of jobs sought by
22 the applicant, if applicable.

23 (c) The Department shall recommend to day and temporary
24 labor service agencies that those agencies employ personnel
25 who can effectively communicate information required in
26 subsections (a) and (b-5) ~~(b)~~ to day or temporary laborers in

1 Spanish, Polish, or any other language that is generally
2 understood in the locale of the day and temporary labor
3 service agency.

4 (Source: P.A. 99-78, eff. 7-20-15; 100-517, eff. 6-1-18.)

5 (820 ILCS 175/11)

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

7 (a) No day and temporary labor service agency may send a
8 day or temporary laborer to a place where a strike, ~~a~~ lockout,
9 or work stoppage ~~other labor trouble~~ exists because of a labor
10 dispute or where a picket, bannering, handbilling, or other
11 job action exists because of a labor dispute without
12 providing, at or before the time of dispatch, a statement, in
13 writing and in a language that the day and temporary laborer
14 understands, informing the day or temporary laborer of the
15 labor dispute and the day or temporary laborer's right to
16 refuse the assignment without prejudice to receiving another
17 assignment. This Section shall not apply to any strike,
18 lockout, or other work stoppage or any picket, bannering,
19 handbilling, or other job action, that has been ruled unlawful
20 by any court or government agency authorized to make that
21 determination.

22 (b) The failure by a day and temporary labor service
23 agency to provide any of the information required by this
24 Section shall constitute a notice violation under Section 95.
25 The failure of a day and temporary labor service agency to

1 provide each piece of information required by this Section at
2 each time it is required by this Section shall constitute a
3 separate and distinct notice violation. If a day and temporary
4 labor service agency claims that it has provided a notice as
5 required under this Section electronically, the day and
6 temporary labor service agency shall bear the burden of
7 showing that the notice was provided if there is a dispute.

8 (Source: P.A. 103-437, eff. 8-4-23.)

9 (820 ILCS 175/42)

10 Sec. 42. Equal pay for equal work.

11 (a) Beginning on and after April 1, 2024, a day or
12 temporary laborer who is assigned to work and performs work at
13 a third party client for more than 90 calendar days within a
14 12-month period shall be paid as follows: ~~not less than the~~
15 ~~rate of pay and equivalent benefits as the lowest paid~~

16 (1) if there is a directly hired comparator employee
17 of the third party client with the same or substantially
18 similar level of seniority at the company and performing
19 the same or substantially similar work on jobs the
20 performance of which requires substantially similar skill,
21 effort, and responsibility, and that are performed under
22 similar working conditions:

23 (A) not less than the straight-time hourly rate of
24 pay or hourly equivalent of the lowest paid directly
25 hired comparator employee of the third party client

1 who is entitled to overtime under the Fair Labor
2 Standards Act, of 1938, as amended, with the same or
3 substantially similar level of seniority at the
4 company and performing the same or substantially
5 similar work on jobs the performance of which requires
6 substantially similar skill, effort, and
7 responsibility, and that are performed under similar
8 working conditions; and

9 (B) substantially similar benefits to the job
10 classification of employees performing the same or
11 substantially similar work on jobs and performed under
12 similar working conditions. A day and temporary labor
13 service agency may pay the hourly average cash
14 equivalent of the actual cost of the benefits the
15 third party client provides the applicable directly
16 hired employees in lieu of benefits required under
17 this paragraph; or-

18 (2) if ~~if~~ there is not a directly hired comparator
19 ~~comparative~~ employee of the third party client, the day or
20 temporary laborer shall be paid:

21 (A) not less than the straight-time hourly rate of
22 pay or hourly ~~and~~ equivalent ~~benefits~~ of the lowest
23 paid directly ~~direct~~ hired employee of the third party
24 client who is entitled to overtime under the Fair
25 Labor Standards Act of 1938, as amended, ~~company~~ with
26 the closest level of seniority at the third party

1 client; and company.

2 (B) substantially similar benefits of the
3 classification of employees performing the same or
4 substantially similar work on jobs. A day and
5 temporary labor service agency may pay the hourly cash
6 equivalent of the actual cost of the benefits the
7 third party client provides the applicable directly
8 hired employees in lieu of benefits required under
9 this paragraph Section.

10 (b) The payment of equivalent pay and substantially
11 similar benefits as required by subsections (a) shall not be
12 required if the applicable direct hire comparator employees
13 are covered by a valid collective bargaining agreement in
14 effect on April 1, 2024 during the period covered by that
15 current collective bargaining agreement. Thereafter, payment
16 of substantially similar benefits to a day or temporary
17 laborer as required by subparagraph (B) of paragraph (1) of
18 subsection (a) and subparagraph (B) of paragraph (2) of
19 subsection (a) shall not be required if the applicable direct
20 hire comparator employees are covered by a valid collective
21 bargaining agreement during any period covered by the
22 collective bargaining agreement.

23 (c) Upon request, a third party client to which a day or
24 temporary laborer has been assigned for more than 90 calendar
25 days shall be obligated to timely provide the day and
26 temporary labor service agency with all necessary information

1 related to job duties, working conditions, pay, and benefits
2 it provides to the applicable classification of directly hired
3 employees necessary for the day and temporary labor service
4 agency to comply with this Section. Upon receipt of the
5 accurate and complete information described in this subsection
6 from the third party client, it shall be the responsibility
7 and duty of the day and temporary labor service agency to
8 calculate and determine the straight-time hourly rate of pay
9 and the benefits it shall offer to the day or temporary
10 laborer, including any cash equivalent. The failure by a third
11 party client to provide any of the information required under
12 this Section shall constitute a notice violation by the third
13 party client under Section 95. For purposes of this Section,
14 the day and temporary labor service agency shall be considered
15 a person aggrieved as described in Section 95. ~~For the~~
16 ~~purposes of this Section, the calculation of the 90 calendar~~
17 ~~days may not begin until April 1, 2024.~~

18 (d) For the purposes of this Section, "seniority" means
19 the number of months a day or temporary laborer has been
20 assigned to the third party client compared to the number of
21 months a directly hired comparator employee has been employed
22 by the third party client.

23 (Source: P.A. 103-437, eff. 8-4-23; 103-564, eff. 11-17-23.)

24 (820 ILCS 175/45)

25 Sec. 45. Registration; Department of Labor.

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

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

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

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

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

1 separate and distinct violation of this Act.

2 (c) A day and temporary labor service agency applying for
3 registration with the Department ~~An applicant~~ is not eligible
4 to register to operate a day and temporary labor service
5 agency under this Act if the day and temporary labor service
6 agency applying for registration with the Department ~~applicant~~
7 or any of its officers, directors, partners, or managers or
8 any owner of 25% or greater beneficial interest:

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

14 (2) is under the age of 18.

15 (d) Every agency shall post and keep posted at each
16 location, in a position easily accessible to all day or
17 temporary laborers ~~s~~, notices as supplied and required by the
18 Department containing a copy or summary of the provisions of
19 the Act and a notice which informs the public of a toll-free
20 telephone number for day or temporary laborers and the public
21 to file wage dispute complaints and other alleged violations
22 by day and temporary labor service agencies. Every day and
23 temporary labor service agency employing day or temporary
24 laborers who communicate with the day and temporary labor
25 service agency by electronic communication shall also provide
26 all required notices by email to its day or temporary laborers

1 or on a website, regularly used by the employer to communicate
2 work-related information, that all day or temporary laborers
3 are able to regularly access, freely and without interference.
4 Such notices shall be in English and any other language
5 generally understood in the locale of the day and temporary
6 labor service agency.

7 (Source: P.A. 103-201, eff. 1-1-24; 103-437, eff. 8-4-23;
8 revised 12-15-23.)

9 (820 ILCS 175/85)

10 Sec. 85. Third party clients.

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

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

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

1 Minimum Wage Law.

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

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

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

1 The training date and training content must be maintained
2 by the day and temporary staffing agency and provided to
3 the day or temporary laborer;

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

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

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

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

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

25 (1) document and inform the day and temporary labor
26 service agency about anticipated job hazards likely

1 encountered by the day or temporary laborer;

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

6 (3) provide specific training tailored to the
7 particular hazards at the client company's worksite
8 consistent with training requirements provided for in
9 standards, guidances, or best practices issued by the
10 federal Occupational Safety and Health Administration; and

11 (4) document and maintain records of site-specific
12 training and provide confirmation that the training
13 occurred to the day and temporary labor service agency
14 within 3 business days of providing the training.

15 (e) If the client company changes the job tasks or work
16 location and new hazards may be encountered, the client
17 company must:

18 (1) inform both the day and temporary labor service
19 agency and the day or temporary laborer; and

20 (2) inform both the day and temporary labor service
21 agency staffing agency and the day or temporary laborer of
22 job hazards not previously covered before the day or
23 temporary laborer undertakes the new tasks and update
24 personal protective equipment and training for the new job
25 tasks consistent with training requirements provided for
26 in standards, guidances, or best practices issued by the

1 federal Occupational Safety and Health Administration, if
2 necessary.

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

7 (g) A client company that supervises a day or temporary
8 laborer must provide worksite specific training to the day or
9 temporary laborer and must allow a day and temporary labor
10 service agency to visit any worksite where the day or
11 temporary laborer works or will be working to observe and
12 confirm the client company's training and information related
13 to the worksite's job tasks, safety and health practices, and
14 hazards.

15 (Source: P.A. 103-437, eff. 8-4-23.)

16 Section 99. Effective date. This Act takes effect April 1,
17 2024.