

# HB2108



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2108

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - Harry Osterman

#### SYNOPSIS AS INTRODUCED:

820 ILCS 175/40

Amends the Day and Temporary Labor Services Act. Makes a technical change in a Section concerning work restriction.

LRB096 05657 WGH 15723 b

A BILL FOR

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 Section 40 as follows:

6 (820 ILCS 175/40)

7 Sec. 40. Work Restriction. No day and ~~and~~ temporary labor  
8 service agency shall restrict the right of a day or temporary  
9 laborer to accept a permanent position with a third party  
10 client to whom the day or temporary laborer has been referred  
11 for work or restrict the right of such third party client to  
12 offer such employment to a day or temporary laborer. A day and  
13 temporary labor service agency may charge a placement fee to a  
14 third party client for employing a day or temporary laborer for  
15 whom a contract for work was effected by the day and temporary  
16 labor service agency not to exceed the equivalent of the total  
17 daily commission rate the day and temporary labor service  
18 agency would have received over a 60-day period, reduced by the  
19 equivalent of the daily commission rate the day and temporary  
20 labor service agency would have received for each day the day  
21 or temporary laborer has performed work for the day and  
22 temporary labor service agency in the preceding 12 months. Days  
23 worked at a day and temporary labor service agency in the 12

1 months preceding the effective date of this amendatory Act of  
2 the 94th General Assembly shall be included for purposes of  
3 calculating the maximum placement fee described in this  
4 Section. However, placement of a day or temporary laborer who  
5 is contracted by a day and temporary labor service agency to  
6 provide skilled labor shall not be subject to any placement fee  
7 cap. For purposes of this Section, a day or temporary laborer  
8 who performs "skilled labor" shall apply only where the day and  
9 temporary labor service agency performs an advanced  
10 application process, a screening process, which may include  
11 processes such as advanced testing, and a job interview. No fee  
12 provided for under this Section may be assessed or collected by  
13 the day and temporary labor service agency when the day or  
14 temporary laborer is offered permanent work following the  
15 suspension or revocation of the day and temporary labor service  
16 agency's registration by the Department.

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