



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3295

Introduced 2/18/2025, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

820 ILCS 175/40

Amends the Day and Temporary Labor Services Act. Provides that a day and temporary labor service agency may charge a placement fee to a third party client for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency as agreed upon in advance by the day and temporary labor service agency and the third party client. Makes changes to an alternative calculation of a placement fee.

LRB104 09955 SPS 20025 b

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 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
15 for whom a contract for work was effected by the day and
16 temporary labor service agency (i) as agreed upon in advance
17 by the day and temporary labor service agency and the third
18 party client, or (ii) otherwise not to exceed the equivalent
19 of the total daily commission rate the day and temporary labor
20 service agency would have received over a 60-day period from
21 the third party client, reduced by the equivalent of the daily
22 commission rate the day and temporary labor service agency
23 actually ~~would have~~ received for each day the day or temporary

1 laborer has performed work for the third party client ~~the day~~
2 ~~and temporary labor service agency~~ in the preceding 12 months.
3 Days worked for any particular third party client ~~at a day and~~
4 ~~temporary labor service agency~~ in the 12 months preceding
5 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~
6 ~~amendatory Act of the 94th General Assembly~~ shall be included
7 for purposes of calculating the maximum placement fee
8 described in this Section. However, placement of a day or
9 temporary laborer who is contracted by a day and temporary
10 labor service agency to provide skilled labor shall not be
11 subject to any placement fee cap. For purposes of this
12 Section, a day or temporary laborer who performs "skilled
13 labor" shall apply only where the day and temporary labor
14 service agency performs an advanced application process, a
15 screening process, which may include processes such as
16 advanced testing, and a job interview. No fee provided for
17 under this Section may be assessed or collected by the day and
18 temporary labor service agency when the day or temporary
19 laborer is offered permanent work following the suspension or
20 revocation of the day and temporary labor service agency's
21 registration by the Department.

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