



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB2525

Introduced 2/26/2007, by Rep. Michael J. Madigan - Barbara Flynn Currie - Harry Osterman

SYNOPSIS AS INTRODUCED:

820 ILCS 175/75

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

LRB095 03404 WGH 23408 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 75 as follows:

6 (820 ILCS 175/75)

7 Sec. 75. Willful violations.

8 (a) Whoever willfully violates any of the ~~the~~ provisions of
9 this Act or any rule adopted under this Act, or whoever
10 obstructs the Department of Labor, its inspectors or deputies,
11 or any other person authorized to inspect places of employment
12 under this Act shall be liable for penalties up to double the
13 statutory amount.

14 (b) Whoever willfully violates any of the provisions of
15 this Act or any rule adopted under this Act which results in an
16 underpayment to a day or temporary laborer shall be liable to
17 the Department for up to 20% of the day and temporary labor
18 service agency's or the third party client's total underpayment
19 and shall also be liable to the employee for punitive damages
20 in the amount of 2% of the amount of any such underpayments for
21 each month following the date of payment during which the
22 underpayments remain unpaid.

23 (c) The Director may promulgate rules for the collection of

1 these penalties. The penalty shall be imposed in cases in which
2 a day and temporary labor service agency's or a third party
3 client's conduct is proven by a preponderance of the evidence
4 to be willful. The penalty may be recovered in a civil action
5 brought by the Director of Labor in any circuit court. In any
6 such action, the Director of Labor shall be represented by the
7 Attorney General.

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