

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, 12, and 30 as follows:

6 (820 ILCS 175/5)

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

8 "Day or temporary laborer" means a natural person who
9 contracts for employment with a day and temporary labor service
10 agency.

11 "Day and temporary labor" means work performed by a day or
12 temporary laborer at a third party client, the duration of
13 which may be specific or undefined, pursuant to a contract or
14 understanding between the day and temporary labor service
15 agency and the third party client ~~labor or employment that is~~
16 ~~occasional or irregular at which a person is employed for not~~
17 ~~longer than the time period required to complete the assignment~~
18 ~~for which the person was hired and where wage payments are made~~
19 ~~directly or indirectly by the day and temporary labor service~~
20 ~~agency or the third party client for work undertaken by day or~~
21 ~~temporary laborers pursuant to a contract between the day and~~
22 ~~temporary labor service agency with the third party client.~~

23 "Day and temporary labor" does not include labor or employment

1 of a professional or clerical nature.

2 "Day and temporary labor service agency" means any person
3 or entity engaged in the business of employing day or temporary
4 laborers to provide services, for a fee, to or for any third
5 party client pursuant to a contract with the day and temporary
6 labor service agency and the third party client.

7 "Department" means the Department of Labor.

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

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

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

16 (820 ILCS 175/12)

17 Sec. 12. Recordkeeping.

18 (a) Whenever a day and temporary labor service agency sends
19 one or more persons to work as day or temporary laborers, the
20 day and temporary labor service agency shall keep the following
21 records relating to that transaction:

22 (1) the name, address and telephone number of each
23 third party client, including each worksite, to which day
24 or temporary laborers were sent by the agency and the date
25 of the transaction;

1 (2) for each day or temporary laborer: the name and
2 address, the specific location sent to work, the type of
3 work performed, the number of hours worked, the hourly rate
4 of pay and the date sent. The term "hours worked" has the
5 meaning ascribed to that term in 56 Ill. Adm. Code 210.110
6 and in accordance with all applicable rules or court
7 interpretations under 56 Ill. Adm. Code 210.110. The third
8 party client shall be required to remit all information
9 required under this subsection to the day and temporary
10 labor service agency no later than 7 days following the
11 last day of the work week worked by the day or temporary
12 laborer. Failure of a third party client to remit such
13 information to a day and temporary labor service agency
14 shall not be a defense to the recordkeeping requirement of
15 this Section;

16 (3) the name and title of the individual or individuals
17 at each third party client's place of business responsible
18 for the transaction;

19 (4) any specific qualifications or attributes of a day
20 or temporary laborer, requested by each third party client;

21 (5) copies of all contracts, if any, with the third
22 party client and copies of all invoices for the third party
23 client;

24 (6) copies of all employment notices provided in
25 accordance with subsection (a) of Section 10;

26 (7) deductions to be made from each day or temporary

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

6 (8) verification of the actual cost of any equipment or
7 meal charged to a day or temporary laborer;

8 (9) the race and gender of each day or temporary
9 laborer sent by the day and temporary labor service agency,
10 as provided by the day or temporary laborer; and

11 (10) any additional information required by rules
12 issued by the Department.

13 (b) The day and temporary labor service agency shall
14 maintain all records under this Section for a period of 3 years
15 from their creation. The records shall be open to inspection by
16 the Department during normal business hours. Records described
17 in paragraphs (1), (2), (3), (6), (7), and (8) of subsection
18 (a) shall be available for review or copying by that day or
19 temporary laborer during normal business hours within 5 days
20 following a written request. In addition, a day and temporary
21 labor service agency shall make records related to the number
22 of hours billed to a third party client for that individual day
23 or temporary laborer's hours of work available for review or
24 copying during normal business hours within 5 days following a
25 written request. The day and temporary labor service agency
26 shall make forms, in duplicate, for such requests available to

1 day or temporary laborers at the dispatch office. The day or
2 temporary laborer shall be given a copy of the request form. It
3 is a violation of this Section to make any false, inaccurate or
4 incomplete entry into any record required by this Section, or
5 to delete required information from any such record. Failure by
6 the third party client to remit time records to the day and
7 temporary labor service agency as provided in paragraph (a) (2)
8 shall constitute a notice violation by a third party client
9 under Section 95 of this Act unless the third party client has
10 been precluded from submitting such time records for reasons
11 beyond its control. A failure by the third party client to
12 provide time records in accordance with this subsection (b)
13 shall not be a notice violation and shall not be the basis for
14 a suit or other action under Section 95 of this Act against the
15 day and temporary labor service agency.

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

17 (820 ILCS 175/30)

18 Sec. 30. Wage Payment and Notice.

19 (a) At the time of payment of wages, a day and temporary
20 labor service agency shall provide each day or temporary
21 laborer with a detailed itemized statement, on the day or
22 temporary laborer's paycheck stub or on a form approved by the
23 Department, listing the following:

24 (1) the name, address, and telephone number of each
25 third party client at which the day or temporary laborer

1 worked. If this information is provided on the day or
2 temporary laborer's paycheck stub, a code for each third
3 party client may be used so long as the required
4 information for each coded third party client is made
5 available to the day or temporary laborer;

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

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

20 (4) the total pay period earnings;

21 (5) all deductions made from the day or temporary
22 laborer's compensation made either by the third party
23 client or by the day and temporary labor service agency,
24 and the purpose for which deductions were made, including
25 for the day or temporary laborer's transportation, food,
26 equipment, withheld income tax, withheld social security

1 payments, and every other deduction; and

2 (6) any additional information required by rules
3 issued by the Department.

4 (a-1) For each day or temporary laborer who is contracted
5 to work a single day, the third party client shall, at the end
6 of the work day, provide such day or temporary laborer with a
7 Work Verification Form, approved by the Department, which shall
8 contain the date, the day or temporary laborer's name, the work
9 location, and the hours worked on that day. Any third party
10 client who violates this subsection (a-1) may be subject to a
11 civil penalty not to exceed \$500 for each violation found by
12 the Department. Such civil penalty may increase to \$2,500 for a
13 second or subsequent violation. For purposes of this subsection
14 (a-1), each violation of this subsection (a-1) for each day or
15 temporary laborer and for each day the violation continues
16 shall constitute a separate and distinct violation.

17 (b) A day and temporary labor service agency shall provide
18 each worker an annual earnings summary within a reasonable time
19 after the preceding calendar year, but in no case later than
20 February 1. A day and temporary labor service agency shall, at
21 the time of each wage payment, give notice to day or temporary
22 laborers of the availability of the annual earnings summary or
23 post such a notice in a conspicuous place in the public
24 reception area.

25 (c) At the request of a day or temporary laborer, a day and
26 temporary labor service agency shall hold the daily wages of

1 the day or temporary laborer and make either weekly, bi-weekly,
2 or semi-monthly payments. The wages shall be paid in a single
3 check, or, at the day or temporary laborer's sole option, by
4 direct deposit or other manner approved by the Department,
5 representing the wages earned during the period, either weekly,
6 bi-weekly, or semi-monthly, designated by the day or temporary
7 laborer in accordance with the Illinois Wage Payment and
8 Collection Act. Vouchers or any other method of payment which
9 is not generally negotiable shall be prohibited as a method of
10 payment of wages. Day and temporary labor service agencies that
11 make daily wage payments shall provide written notification to
12 all day or temporary laborers of the right to request weekly,
13 bi-weekly, or semi-monthly checks. The day and temporary labor
14 service agency may provide this notice by conspicuously posting
15 the notice at the location where the wages are received by the
16 day or temporary laborers.

17 (d) No day and temporary labor service agency shall charge
18 any day or temporary laborer for cashing a check issued by the
19 agency for wages earned by a day or temporary laborer who
20 performed work through that agency.

21 (e) Day or temporary laborers shall be paid no less than
22 the wage rate stated in the notice as provided in Section 10 of
23 this Act for all the work performed on behalf of the third
24 party client in addition to the work listed in the written
25 description.

26 (f) The total amount deducted for meals, equipment, and

1 transportation may not cause a day or temporary laborer's
2 hourly wage to fall below the State or federal minimum wage.
3 However, a day and temporary labor service agency may deduct
4 the actual market value of reusable equipment provided to the
5 day or temporary laborer by the day and temporary labor service
6 agency which the day or temporary laborer fails to return, if
7 the day or temporary laborer provides a written authorization
8 for such deduction at the time the deduction is made.

9 (g) A day or temporary laborer who is contracted by a day
10 and temporary labor service agency to work at a third party
11 client's worksite but is not utilized by the third party client
12 shall be paid by the day and temporary labor service agency for
13 a minimum of 4 hours of pay at the agreed upon rate of pay.
14 However, in the event the day and temporary labor service
15 agency contracts the day or temporary laborer to work at
16 another location during the same shift, the day or temporary
17 laborer shall be paid by the day and temporary labor service
18 agency for a minimum of 2 hours of pay at the agreed upon rate
19 of pay.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.