



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0358

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

15 ILCS 205/6.3 new
15 ILCS 205/6.4 new

Amends the Attorney General Act. Creates the Worker Protection Unit within the Office of the Illinois Attorney General to intervene in, initiate, enforce, and defend all criminal or civil legal proceedings on matters and violations relating to specified statutes. Provides further powers and requirements of the Attorney General in the Worker Protection Unit. Creates the Worker Protection Task Force. Provides for the purposes and composition of the Task Force. Provides that the Task Force shall submit a report to the Governor and the General Assembly regarding its progress no later than December 1, 2020. Repeals the Task Force December 1, 2021.

LRB101 05417 RJF 50431 b

1 AN ACT concerning State government.

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

4 Section 5. The Attorney General Act is amended by adding
5 Sections 6.3 and 6.4 as follows:

6 (15 ILCS 205/6.3 new)

7 Sec. 6.3. Worker Protection Unit.

8 (a) The General Assembly finds that the welfare and
9 prosperity of all Illinois citizens and businesses requires the
10 establishment of a Unit within the Attorney General's Office
11 dedicated to combat the State's underground economy, which
12 forces its employees to work in unsafe conditions and gives
13 businesses that avoid their tax and labor responsibilities an
14 unfair economic advantage. The Worker Protection Unit shall be
15 focused on protecting the State's workforce to ensure workers
16 are paid properly, guarantee safe workplaces, and allow
17 law-abiding business owners to thrive through healthy and fair
18 competition. Businesses that operate "off-the-books" put a
19 greater burden on taxpayers by hurting the State's ability to
20 provide critical services; compliant businesses cannot compete
21 against those who gain an unfair advantage by evading their
22 responsibilities.

23 (b) There is created within the Office of the Attorney

1 General a Worker Protection Unit, consisting of Assistant
2 Attorneys General appointed by the Attorney General, who,
3 together with other staff as deemed necessary by the Attorney
4 General, shall have the power and duty on behalf of the People
5 of the State, as parens patriae on behalf of persons within the
6 State, to intervene in, initiate, enforce, and defend all
7 criminal or civil legal proceedings on matters and violations
8 relating to the Prevailing Wage Act, the Employee
9 Classification Act, the Minimum Wage Law, the Day and Temporary
10 Labor Services Act, or the Wage Payment and Collection Act,
11 whenever the Attorney General determines that such action is
12 necessary to protect the rights and interests of Illinois
13 workers and Illinois businesses.

14 (c) In addition to the investigative and enforcement powers
15 available to the Attorney General under the laws of this State,
16 the Attorney General has the power and authority,
17 notwithstanding and regardless of any proceeding instituted or
18 to be instituted by or before the Illinois Department of Labor,
19 or any other administrative agency, to protect the rights and
20 interests of Illinois workers and Illinois businesses by
21 commencing an action or proceeding in circuit court. Prior to
22 initiating an action, the Attorney General shall conduct an
23 investigation and may: (1) require an individual or entity to
24 file a statement or report in writing under oath or otherwise,
25 as to all information the Attorney General may consider
26 necessary; (2) examine under oath any person alleged to have

1 participated in or with knowledge of the alleged violation; or
2 (3) issue subpoenas or conduct hearings in aid of any
3 investigation.

4 (d) In an action brought under this Section, the Attorney
5 General may obtain, as a remedy, monetary damages to the State,
6 restitution, and equitable relief, including any permanent or
7 preliminary injunction, temporary restraining order, or other
8 order, including an order enjoining the defendant from engaging
9 in a violation, or order any action as may be appropriate. In
10 addition, the Attorney General may request and the court may
11 impose a civil penalty against any person or entity found by
12 the court to have engaged in a violation of the Prevailing Wage
13 Act, the Employee Classification Act, the Minimum Wage Law, the
14 Day and Temporary Labor Services Act, or the Wage Payment and
15 Collection Act, in a sum not to exceed the civil penalty
16 provided in the respective Act that was violated. An aggrieved
17 individual may not recover monetary relief in more than one
18 proceeding.

19 (e) Upon the Attorney General's request, the Illinois
20 Department of Labor shall provide any materials or documents
21 already in the Department's possession pertaining to the
22 enforcement of this Section. Nothing in this Section is
23 intended to take away or limit any powers of the Attorney
24 General under common law or other statutory law.

1 Sec. 6.4. Worker Protection Unit Task Force.

2 (a) There is created a Worker Protection Task Force within
3 the Office of the Illinois Attorney General. The Task Force
4 shall be coordinated by the Office of the Attorney General and
5 be made up of a coalition of State's Attorneys across the State
6 of Illinois to promote a statewide outreach and enforcement
7 effort to target Illinois' underground economy. The purpose of
8 the Task Force shall be to:

9 (1) create a coalition of State's Attorneys in Illinois
10 dedicated to protecting the State's workforce and
11 law-abiding businesses;

12 (2) facilitate the timely sharing of information
13 between Task Force members relating to suspected worker
14 exploitation;

15 (3) promote the refinement of targeting methods, best
16 practices, and to develop strategies to systemically
17 investigate worker exploitation; and

18 (4) work cooperatively with labor and community
19 organizations, businesses and business coalitions, and
20 other advocacy groups to increase public awareness on the
21 underground economy in an effort to promote fairness,
22 combat discrimination, and protect the welfare of the
23 State.

24 (b) The Task Force shall consist of:

25 (1) the Illinois Attorney General;

26 (2) Assistant Attorneys General, assigned at the

1 discretion of the Illinois Attorney General; and

2 (3) elected State's Attorneys of Illinois, or a
3 designee as may be appointed by each State's Attorney who
4 is a member of the Task Force to act as his or her
5 representative.

6 (c) The Task Force shall elect a chairperson from its
7 membership and shall have the authority to determine its own
8 meeting schedule, hearing schedule, and agendas. Members of the
9 Task Force shall serve without compensation.

10 (d) The Task Force shall submit a report to the Governor
11 and the General Assembly regarding its progress no later than
12 December 1, 2020.

13 (e) This Section is repealed December 1, 2021.