



Rep. Jay Hoffman

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LRB101 05417 RJF 58106 a

1 AMENDMENT TO HOUSE BILL 358

2 AMENDMENT NO. _____. Amend House Bill 358 by replacing
3 everything after the enacting clause with the following:

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 combatting businesses that underpay their
12 employees, force their employees to work in unsafe conditions,
13 and gain an unfair economic advantage by avoiding their tax and
14 labor responsibilities. 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

1 law-abiding business owners to thrive through healthy and fair
2 competition. Businesses that violate the State's worker
3 protection laws put a greater burden on taxpayers by hurting
4 the State's ability to provide critical services; compliant
5 businesses cannot compete against those who gain an unfair
6 advantage by evading their responsibilities.

7 (b) There is created within the Office of the Attorney
8 General a Worker Protection Unit, consisting of Assistant
9 Attorneys General appointed by the Attorney General, who,
10 together with other staff as deemed necessary by the Attorney
11 General, shall have the power and duty on behalf of persons
12 within this State, to intervene in, initiate, and enforce all
13 legal proceedings on matters related to the payment of wages,
14 the safety of the workplace, and fair employment practices,
15 including, without limitation, the provisions of the
16 Prevailing Wage Act, the Employee Classification Act, the
17 Minimum Wage Law, the Day and Temporary Labor Services Act, or
18 the Wage Payment and Collection Act, whenever the Attorney
19 General determines that such action is necessary to protect the
20 rights and interests of Illinois workers and Illinois
21 businesses.

22 (c) Prior to initiating an action, the Attorney General
23 shall conduct an investigation and may: (1) require an
24 individual or entity to file a statement or report in writing
25 under oath or otherwise, as to all information the Attorney
26 General may consider necessary; (2) examine under oath any

1 person alleged to have participated in or with knowledge of the
2 alleged violation; or (3) issue subpoenas or conduct hearings
3 in aid of any 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 violated the Prevailing Wage Act, the
13 Employee Classification Act, the Minimum Wage Law, the Day and
14 Temporary Labor Services Act, the Wage Payment and Collection
15 Act, or any other law related to the payment of wages, the
16 safety of the workplace, or fair employment practices, in a sum
17 not to exceed the maximum amount of any civil penalty
18 prescribed by law. Neither the State nor an aggrieved
19 individual may recover monetary relief, including civil
20 penalties, in more than one proceeding related to the same
21 violation.

22 (e) Upon the Attorney General's request, the Illinois
23 Department of Labor shall provide any materials or documents
24 already in the Department's possession pertaining to the
25 enforcement of this Section. The Office of the Attorney General
26 may use information obtained under this Section, including

1 information that is designated as and that qualifies for
2 confidential treatment, which information the Attorney
3 General's Office shall maintain as confidential, for law
4 enforcement purposes only, which information may be shared with
5 other law enforcement officials. Nothing in this Section is
6 intended to take away or limit any powers of the Attorney
7 General under common law or other statutory law.

8 (15 ILCS 205/6.4 new)

9 Sec. 6.4. Worker Protection Unit Task Force.

10 (a) There is created a Worker Protection Task Force within
11 the Office of the Illinois Attorney General. The Task Force
12 shall be coordinated by the Office of the Attorney General to
13 promote a statewide outreach and enforcement effort to target
14 businesses that violate the State's worker protection laws. The
15 purpose of the Task Force shall be to:

16 (1) create a coalition in Illinois dedicated to
17 protecting the State's workforce and law-abiding
18 businesses;

19 (2) facilitate the timely sharing of information
20 between Task Force members relating to suspected worker
21 exploitation;

22 (3) promote the refinement of targeting methods and
23 best practices, and develop strategies to systemically
24 investigate worker exploitation; and

25 (4) work cooperatively with labor and community

1 organizations, businesses and business coalitions, and
2 other advocacy groups to increase public awareness on the
3 underground economy in an effort to promote fairness,
4 combat discrimination, and protect the welfare of the
5 State.

6 (b) The Task Force shall consist of:

7 (1) the Illinois Attorney General;

8 (2) Assistant Attorneys General, assigned at the
9 discretion of the Illinois Attorney General;

10 (3) three elected State's Attorneys of Illinois, or
11 their designees, selected by the Attorney General;

12 (4) the Director of Labor or his or her designee;

13 (5) the Director of Employment Security or his or her
14 designee;

15 (6) the Director of Human Rights or his or her
16 designee; and

17 (7) the chairperson of the Illinois Workers'
18 Compensation Commission or his or her designee.

19 (c) The Task Force shall elect a chairperson from its
20 membership and shall have the authority to determine its own
21 meeting schedule, hearing schedule, and agendas. Members of the
22 Task Force shall serve without compensation.

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

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