



Rep. Jay Hoffman

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1 AMENDMENT TO SENATE BILL 193

2 AMENDMENT NO. _____. Amend Senate Bill 193, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (15 ILCS 205/6.3 new)

8 Sec. 6.3. Worker Protection Unit.

9 (a) The General Assembly finds that the welfare and
10 prosperity of all Illinois citizens and businesses requires the
11 establishment of a Unit within the Attorney General's Office
12 dedicated to combat the State's underground economy, which
13 forces its employees to work in unsafe conditions and gives
14 businesses that avoid their tax and labor responsibilities an
15 unfair economic advantage. The Worker Protection Unit shall be
16 focused on protecting the State's workforce to ensure workers

1 are paid properly, guarantee safe workplaces, and allow
2 law-abiding business owners to thrive through healthy and fair
3 competition. Businesses that operate "off-the-books" put a
4 greater burden on taxpayers by hurting the State's ability to
5 provide critical services; compliant businesses cannot compete
6 against those who gain an unfair advantage by evading their
7 responsibilities.

8 (b) There is created within the Office of the Attorney
9 General a Worker Protection Unit, consisting of Assistant
10 Attorneys General appointed by the Attorney General, who
11 together with other staff as deemed necessary by the Attorney
12 General, shall have the power and duty on behalf of the People
13 of the State, as parens patriae on behalf of persons within the
14 State, to intervene in, initiate, enforce, and defend all
15 criminal or civil legal proceedings on matters and violations
16 relating to the Prevailing Wage Act, the Employee
17 Classification Act, the Minimum Wage Law, the Day and Temporary
18 Labor Services Act, and the Wage Payment and Collection Act,
19 whenever the Attorney General determines that such action is
20 necessary to protect the rights and interests of Illinois
21 workers and Illinois businesses.

22 (c) In addition to the investigative and enforcement powers
23 available to the Attorney General under the laws of this State,
24 the Attorney General has the power and authority,
25 notwithstanding and regardless of any proceeding instituted or
26 to be instituted by or before the Illinois Department of Labor,

1 or any other administrative agency, to protect the rights and
2 interests of Illinois workers and Illinois businesses by
3 commencing an action or proceeding in circuit court. Prior to
4 initiating an action, the Attorney General shall conduct an
5 investigation and may: (1) require an individual or entity to
6 file a statement or report in writing under oath or otherwise,
7 as to all information the Attorney General may consider
8 necessary; (2) examine under oath any person alleged to have
9 participated in or with knowledge of the alleged violation; or
10 (3) issue subpoenas or conduct hearings in aid of any
11 investigation.

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

1 (e) Upon the Attorney General's request, the Illinois
2 Department of Labor shall provide any materials or documents
3 already in the Department's possession pertaining to the
4 enforcement of this Section. Nothing in this Section is
5 intended to take away or limit any powers of the Attorney
6 General under common law or other statutory law.

7 (15 ILCS 205/6.4 new)

8 Sec. 6.4. Worker Protection Unit Task Force.

9 (a) There is created a Worker Protection Task Force within
10 the Office of the Illinois Attorney General. The Task Force
11 shall be coordinated by the Office of the Attorney General and
12 be made up of a coalition of State's Attorneys across the State
13 of Illinois to promote a Statewide outreach and enforcement
14 effort to target Illinois' underground economy. The purpose of
15 the Task Force shall be to:

16 (1) create a coalition of State's Attorneys in Illinois
17 dedicated to protecting the State's workforce and
18 law-abiding 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, best
23 practices, and to 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; and

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

14 (c) The Task Force shall elect a chairperson from its
15 membership and shall have the authority to determine its own
16 meeting schedule, hearing schedule, and agendas. Members of the
17 Task Force shall serve without compensation.

18 (d) The Task Force shall submit a report to the Governor
19 and the General Assembly regarding its progress no later than
20 December 1, 2018.

21 (e) This Section is repealed December 1, 2019."