



Rep. Lawrence Walsh, Jr.

**Filed: 5/24/2017**

10000SB1978ham001

LRB100 07374 KTG 26855 a

1 AMENDMENT TO SENATE BILL 1978

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1978 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Employee Misclassification Referral System Act.

6 Section 5. Employee misclassification referral system. The  
7 Department of Labor shall create an online employee  
8 misclassification referral system on its website. The employee  
9 misclassification referral system shall use one form that  
10 contains all the necessary information required for employee  
11 misclassification complaints to the Department of Employment  
12 Security, the Illinois Workers' Compensation Commission, the  
13 Department of Revenue, and the Department of Labor. The  
14 employee misclassification referral system shall refer  
15 complaints to the appropriate agency or agencies based on the  
16 information supplied by the individual, agency, or business

1 making the complaint.

2       Upon completion of an investigation that was instigated due  
3 to a referral through the employee misclassification referral  
4 system, the agency, except for the Department of Employment  
5 Security, shall report back to the Department of Labor whether  
6 a misclassification of employees has occurred. That result  
7 shall be shared with the individual, agency, or business that  
8 filed the complaint and the results shall be maintained in the  
9 employee misclassification referral system and available for  
10 review by any agency that regulates or licenses the employer  
11 that was the subject of the investigation.

12       The Department of Labor website shall also include links  
13 for the filing of complaints with the Internal Revenue Service  
14 and the Social Security Administration.

15       Section 10. Agency website information. The Department of  
16 Employment Security, the Illinois Workers' Compensation  
17 Commission, the Department of Revenue, the Department of Labor,  
18 and any other agency that regulates or licenses businesses  
19 shall put on its website, in a relevant and conspicuous place,  
20 a description provided by the Department of Labor and a link to  
21 the employee misclassification referral system.

22       Agency staff, upon hearing a complaint of employee  
23 misclassification, shall direct the person making the  
24 complaint to the employee misclassification referral system or  
25 may make the complaint on behalf of that person.

1           Section 15. Rulemaking. The Department of Labor may adopt  
2 rules to implement the requirements of this Act.

3           Section 30. The Home Health, Home Services, and Home  
4 Nursing Agency Licensing Act is amended by changing Section 8  
5 as follows:

6           (210 ILCS 55/8) (from Ch. 111 1/2, par. 2808)

7           Sec. 8. An application for a license may be denied for any  
8 of the following reasons:

9           (a) failure to meet the minimum standards prescribed by  
10 the Department pursuant to Section 6;

11           (b) satisfactory evidence that the moral character of  
12 the applicant or supervisor of the agency is not reputable.  
13 In determining moral character, the Department may take  
14 into consideration any convictions of the applicant or  
15 supervisor but such convictions shall not operate as a bar  
16 to licensing;

17           (c) lack of personnel qualified by training and  
18 experience to properly perform the function of a home  
19 health agency;

20           (d) insufficient financial or other resources to  
21 operate and conduct a home health, home services, or home  
22 nursing agency in accordance with the requirements of this  
23 Act and the minimum standards, rules and regulations

1 promulgated thereunder; or -

2 (e) a finding from the Department of Employment  
3 Security of a violation of Section 1400 or 1400.2 of the  
4 Unemployment Insurance Act or a finding from the Illinois  
5 Workers' Compensation Commission of a violation of  
6 subsection (d) of Section 4 of the Workers' Compensation  
7 Act.

8 (Source: P.A. 94-379, eff. 1-1-06.)".