



Rep. Lawrence Walsh, Jr.

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LRB100 07374 KTG 27106 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 making the complaint.

1 Anonymous and third-party complaints shall not be accepted by
2 the employee misclassification referral system.

3 Upon completion of an investigation that was initiated
4 through the employee misclassification referral system, the
5 investigating agency, except for the Department of Employment
6 Security, shall report to the Department of Labor any
7 determination of an employee misclassification. That result
8 shall be shared with the employer and the individual who filed
9 the complaint. The Department of Labor shall also maintain in
10 the employee misclassification referral system, and make
11 accessible for review by any agency that regulates or licenses
12 the employer that was the subject of the investigation, the
13 results of a determination of employee misclassification and
14 all appeals and administrative reviews.

15 The Department of Labor website shall also include links
16 for the filing of complaints with the Internal Revenue Service
17 and the Social Security Administration.

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

1 An agency, upon receiving a complaint of employee
2 misclassification, shall direct the individual making the
3 complaint to the employee misclassification referral system or
4 may make the complaint on behalf of that individual.

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

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

10 (210 ILCS 55/8) (from Ch. 111 1/2, par. 2808)

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

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

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

21 (c) lack of personnel qualified by training and
22 experience to properly perform the function of a home
23 health agency;

1 (d) insufficient financial or other resources to
2 operate and conduct a home health, home services, or home
3 nursing agency in accordance with the requirements of this
4 Act and the minimum standards, rules and regulations
5 promulgated thereunder; or -

6 (e) a final determination, that includes exhaustion of
7 all available appeal and administrative review rights, of a
8 violation of Section 1400 or 1400.2 of the Unemployment
9 Insurance Act or subsection (d) of Section 4 of the
10 Workers' Compensation Act.

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