

1 AN ACT concerning employment.

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

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

19 Upon completion of an investigation that was initiated
20 through the employee misclassification referral system, the
21 investigating agency, except for the Department of Employment
22 Security, shall report to the Department of Labor any
23 determination of an employee misclassification. That result

1 shall be shared with the employer and the individual who filed
2 the complaint. The Department of Labor shall also maintain in
3 the employee misclassification referral system, and make
4 accessible for review by any agency that regulates or licenses
5 the employer that was the subject of the investigation, the
6 results of a determination of employee misclassification and
7 all appeals and administrative reviews.

8 The Department of Labor website shall also include links
9 for the filing of complaints with the Internal Revenue Service
10 and the Social Security Administration.

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

19 An agency, upon receiving a complaint of employee
20 misclassification, shall direct the individual making the
21 complaint to the employee misclassification referral system or
22 may make the complaint on behalf of that individual.

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

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

4 (210 ILCS 55/8) (from Ch. 111 1/2, par. 2808)

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

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

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

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

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

23 (e) a final determination, that includes exhaustion of
24 all available appeal and administrative review rights, of a

1 violation of Section 1400 or 1400.2 of the Unemployment
2 Insurance Act or subsection (d) of Section 4 of the
3 Workers' Compensation Act.

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