



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1631

Introduced 2/22/2007, by Rep. Susana A Mendoza

SYNOPSIS AS INTRODUCED:

820 ILCS 175/20
820 ILCS 175/30

Amends the Day and Temporary Labor Services Act. Provides that a day and temporary labor service agency or a third party client or a contractor or agent of either may charge a fee to transport a day or temporary laborer to or from a designated work site of up to 4% of the straight time daily wages earned for transportation to a work site and 4% of the straight time daily wages earned for transportation from the work site back to the agency's office. Provides that if a third party client's hours of work report that is given to a day and temporary labor service agency for a laborer includes payroll information covering more than one day in the work week, the day and temporary labor service agency may show on the paycheck stub or other approved form the combined number of hours worked for that client in the week rather than the hours worked each day. Provides that a deduction from a day or temporary laborer's wages for transportation is permitted even if the deduction causes the laborer's hourly wage to fall below the State or federal minimum wage if the day or temporary laborer provides a written authorization for the transportation deduction at the time the transportation service is provided.

LRB095 11284 WGH 31846 b

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 5. The Day and Temporary Labor Services Act is
5 amended by changing Sections 20 and 30 as follows:

6 (820 ILCS 175/20)

7 Sec. 20. Transportation.

8 (a) A day and temporary labor service agency or a third
9 party client or a contractor or agent of either may ~~shall~~
10 charge a ~~no~~ fee to transport a day or temporary laborer to or
11 from the designated work site of up to 4% of the straight time
12 daily wages earned for transportation to a work site and 4% of
13 the straight time daily wages earned for transportation from
14 the work site back to the agency's office.

15 (b) A day and temporary labor service agency is responsible
16 for the conduct and performance of any person who transports a
17 day or temporary laborer from the agency to a work site, unless
18 the transporter is: (1) a public mass transportation system as
19 defined in Section 2 of the Local Mass Transit District Act;
20 (2) a common carrier; (3) the day or temporary laborer
21 providing his or her own transportation; or (4) selected
22 exclusively by and at the sole choice of the day or temporary
23 laborer for transportation in a vehicle not owned or operated

1 by the day and temporary labor service agency. If any day and
2 temporary labor service agency provides transportation to a day
3 or temporary laborer or refers a day or temporary laborer as
4 provided in subsection (c), the day and temporary labor service
5 agency may not allow a motor vehicle to be used for the
6 transporting of day or temporary laborers if the agency knows
7 or should know that the motor vehicle used for the
8 transportation of day or temporary laborers is unsafe or not
9 equipped as required by this Act or by any rule adopted under
10 this Act, unless the vehicle is: (1) the property of a public
11 mass transportation system as defined in Section 2 of the Local
12 Mass Transit District Act; (2) the property of a common
13 carrier; (3) the day or temporary laborer's personal vehicle;
14 or (4) a vehicle of a day or temporary laborer used to carpool
15 other day or temporary laborers and which is selected
16 exclusively by and at the sole choice of the day or temporary
17 laborer for transportation.

18 (c) A day and temporary labor service agency may not refer
19 a day or temporary laborer to any person for transportation to
20 a work site unless that person is (1) a public mass
21 transportation system as defined in Section 2 of the Local Mass
22 Transit District Act or (2) providing the transportation for
23 the fee set forth in subsection (a) at no fee. Directing the
24 day or temporary laborer to accept a specific car pool as a
25 condition of work shall be considered a referral by the day and
26 temporary labor service agency. Any mention or discussion of

1 the cost of a car pool shall be considered a referral by the
2 agency. Informing a day or temporary laborer of the
3 availability of a car pool driven by another day or temporary
4 laborer shall not be considered a referral by the agency.

5 (d) Any motor vehicle that is owned or operated by the day
6 and temporary labor service agency or a third party client, or
7 a contractor or agent of either, or to which a day and
8 temporary labor service agency refers a day or temporary
9 laborer, which is used for the transportation of day or
10 temporary laborers shall have proof of financial
11 responsibility as provided for in Chapter 8 of the Illinois
12 Vehicle Code or as required by Department rules. The driver of
13 the vehicle shall hold a valid license to operate motor
14 vehicles in the correct classification and shall be required to
15 produce the license immediately upon demand by the Department,
16 its inspectors or deputies, or any other person authorized to
17 enforce this Act. The Department shall forward a violation of
18 this subsection to the appropriate law enforcement authorities
19 or regulatory agencies, whichever is applicable.

20 (e) No motor vehicle that is owned or operated by the day
21 and temporary labor service agency or a third party client, or
22 a contractor or agent of either, or to which a day and
23 temporary labor service agency refers a day or temporary
24 laborer, which is used for the transportation of day or
25 temporary laborers may be operated if it does not have a seat
26 and a safety belt for each passenger. The Department shall

1 forward a violation of this subsection to the appropriate law
2 enforcement authorities or regulatory agencies, whichever is
3 applicable.

4 (Source: P.A. 94-511, eff. 1-1-06.)

5 (820 ILCS 175/30)

6 Sec. 30. Wage Payment and Notice.

7 (a) At the time of payment of wages, a day and temporary
8 labor service agency shall provide each day or temporary
9 laborer with a detailed itemized statement, on the day or
10 temporary laborer's paycheck stub or on a form approved by the
11 Department, listing the following:

12 (1) the name, address, and telephone number of each
13 third party client at which the day or temporary laborer
14 worked. If this information is provided on the day or
15 temporary laborer's paycheck stub, a code for each third
16 party client may be used so long as the required
17 information for each coded third party client is made
18 available to the day or temporary laborer;

19 (2) the number of hours worked by the day or temporary
20 laborer at each third party client each day during the pay
21 period; however, if the third party client's hours of work
22 report that is given to the day and temporary labor service
23 agency for a laborer includes payroll information covering
24 more than one day in the work week, the day and temporary
25 labor service agency may show on the paycheck stub or other

1 approved form the combined number of hours worked for that
2 client in the week rather than the hours worked each day;

3 (3) the rate of payment for each hour worked, including
4 any premium rate or bonus;

5 (4) the total pay period earnings;

6 (5) all deductions made from the day or temporary
7 laborer's compensation made either by the third party
8 client or by the day and temporary labor service agency,
9 and the purpose for which deductions were made, including
10 for the day or temporary laborer's transportation, food,
11 equipment, withheld income tax, withheld social security
12 payments, and every other deduction; and

13 (6) any additional information required by rules
14 issued by the Department.

15 (a-1) For each day or temporary laborer who is contracted
16 to work a single day, the third party client shall, at the end
17 of the work day, provide such day or temporary laborer with a
18 Work Verification Form, approved by the Department, which shall
19 contain the date, the day or temporary laborer's name, the work
20 location, and the hours worked on that day. Any third party
21 client who violates this subsection (a-1) may be subject to a
22 civil penalty not to exceed \$500 for each violation found by
23 the Department. Such civil penalty may increase to \$2,500 for a
24 second or subsequent violation. For purposes of this subsection
25 (a-1), each violation of this subsection (a-1) for each day or
26 temporary laborer and for each day the violation continues

1 shall constitute a separate and distinct violation.

2 (b) A day and temporary labor service agency shall provide
3 each worker an annual earnings summary within a reasonable time
4 after the preceding calendar year, but in no case later than
5 February 1. A day and temporary labor service agency shall, at
6 the time of each wage payment, give notice to day or temporary
7 laborers of the availability of the annual earnings summary or
8 post such a notice in a conspicuous place in the public
9 reception area.

10 (c) At the request of a day or temporary laborer, a day and
11 temporary labor service agency shall hold the daily wages of
12 the day or temporary laborer and make either weekly, bi-weekly,
13 or semi-monthly payments. The wages shall be paid in a single
14 check, or, at the day or temporary laborer's sole option, by
15 direct deposit or other manner approved by the Department,
16 representing the wages earned during the period, either weekly,
17 bi-weekly, or semi-monthly, designated by the day or temporary
18 laborer in accordance with the Illinois Wage Payment and
19 Collection Act. Vouchers or any other method of payment which
20 is not generally negotiable shall be prohibited as a method of
21 payment of wages. Day and temporary labor service agencies that
22 make daily wage payments shall provide written notification to
23 all day or temporary laborers of the right to request weekly,
24 bi-weekly, or semi-monthly checks. The day and temporary labor
25 service agency may provide this notice by conspicuously posting
26 the notice at the location where the wages are received by the

1 day or temporary laborers.

2 (d) No day and temporary labor service agency shall charge
3 any day or temporary laborer for cashing a check issued by the
4 agency for wages earned by a day or temporary laborer who
5 performed work through that agency.

6 (e) Day or temporary laborers shall be paid no less than
7 the wage rate stated in the notice as provided in Section 10 of
8 this Act for all the work performed on behalf of the third
9 party client in addition to the work listed in the written
10 description.

11 (f) The total amount deducted for meals and ~~and~~ equipment ~~and~~
12 ~~and transportation~~ may not cause a day or temporary laborer's
13 hourly wage to fall below the State or federal minimum wage.
14 Since transportation is for the benefit of the laborer, a
15 deduction for transportation is permitted even if the deduction
16 causes the laborer's hourly wage to fall below the State or
17 federal minimum wage if the day or temporary laborer provides a
18 written authorization for the transportation deduction at the
19 time the transportation service is provided. However, a day and
20 temporary labor service agency may deduct the actual market
21 value of reusable equipment provided to the day or temporary
22 laborer by the day and temporary labor service agency which the
23 day or temporary laborer fails to return, if the day or
24 temporary laborer provides a written authorization for such
25 deduction at the time the deduction is made.

26 (g) A day or temporary laborer who is contracted by a day

1 and temporary labor service agency to work at a third party
2 client's worksite but is not utilized by the third party client
3 shall be paid by the day and temporary labor service agency for
4 a minimum of 4 hours of pay at the agreed upon rate of pay.
5 However, in the event the day and temporary labor service
6 agency contracts the day or temporary laborer to work at
7 another location during the same shift, the day or temporary
8 laborer shall be paid by the day and temporary labor service
9 agency for a minimum of 2 hours of pay at the agreed upon rate
10 of pay.

11 (Source: P.A. 94-511, eff. 1-1-06.)