



Sen. Antonio Munoz

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LRB095 05017 WGH 32917 a

1 AMENDMENT TO SENATE BILL 1314

2 AMENDMENT NO. _____. Amend Senate Bill 1314 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Day and Temporary Labor Services Act is
5 amended by changing Section 30 as follows:

6 (820 ILCS 175/30)

7 Sec. 30. Wage Payment and Notice.

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

13 (1) the name, address, and telephone number of each
14 third party client at which the day or temporary laborer
15 worked. If this information is provided on the day or
16 temporary laborer's paycheck stub, a code for each third

1 party client may be used so long as the required
2 information for each coded third party client is made
3 available to the day or temporary laborer;

4 (2) the number of hours worked by the day or temporary
5 laborer at each third party client each day during the pay
6 period; however, if the third party client's hours of work
7 report that is given to the day and temporary labor service
8 agency for a laborer includes payroll information covering
9 more than one day in the work week, the day and temporary
10 labor service agency may show on the paycheck stub or other
11 approved form the combined number of hours worked for that
12 client in the week rather than the hours worked each day;

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

15 (4) the total pay period earnings;

16 (5) all deductions made from the day or temporary
17 laborer's compensation made either by the third party
18 client or by the day and temporary labor service agency,
19 and the purpose for which deductions were made, including
20 for the day or temporary laborer's transportation, food,
21 equipment, withheld income tax, withheld social security
22 payments, and every other deduction; and

23 (6) any additional information required by rules
24 issued by the Department.

25 (a-1) For each day or temporary laborer who is contracted
26 to work a single day, the third party client shall, at the end

1 of the work day, provide such day or temporary laborer with a
2 Work Verification Form, approved by the Department, which shall
3 contain the date, the day or temporary laborer's name, the work
4 location, and the hours worked on that day. Any third party
5 client who violates this subsection (a-1) may be subject to a
6 civil penalty not to exceed \$500 for each violation found by
7 the Department. Such civil penalty may increase to \$2,500 for a
8 second or subsequent violation. For purposes of this subsection
9 (a-1), each violation of this subsection (a-1) for each day or
10 temporary laborer and for each day the violation continues
11 shall constitute a separate and distinct violation.

12 (b) A day and temporary labor service agency shall provide
13 each worker an annual earnings summary within a reasonable time
14 after the preceding calendar year, but in no case later than
15 February 1. A day and temporary labor service agency shall, at
16 the time of each wage payment, give notice to day or temporary
17 laborers of the availability of the annual earnings summary or
18 post such a notice in a conspicuous place in the public
19 reception area.

20 (c) At the request of a day or temporary laborer, a day and
21 temporary labor service agency shall hold the daily wages of
22 the day or temporary laborer and make either weekly, bi-weekly,
23 or semi-monthly payments. The wages shall be paid in a single
24 check, or, at the day or temporary laborer's sole option, by
25 direct deposit or other manner approved by the Department,
26 representing the wages earned during the period, either weekly,

1 bi-weekly, or semi-monthly, designated by the day or temporary
2 laborer in accordance with the Illinois Wage Payment and
3 Collection Act. Vouchers or any other method of payment which
4 is not generally negotiable shall be prohibited as a method of
5 payment of wages. Day and temporary labor service agencies that
6 make daily wage payments shall provide written notification to
7 all day or temporary laborers of the right to request weekly,
8 bi-weekly, or semi-monthly checks. The day and temporary labor
9 service agency may provide this notice by conspicuously posting
10 the notice at the location where the wages are received by the
11 day or temporary laborers.

12 (d) No day and temporary labor service agency shall charge
13 any day or temporary laborer for cashing a check issued by the
14 agency for wages earned by a day or temporary laborer who
15 performed work through that agency.

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

21 (f) The total amount deducted for meals, equipment, and
22 transportation may not cause a day or temporary laborer's
23 hourly wage to fall below the State or federal minimum wage.
24 However, a day and temporary labor service agency may deduct
25 the actual market value of reusable equipment provided to the
26 day or temporary laborer by the day and temporary labor service

1 agency which the day or temporary laborer fails to return, if
2 the day or temporary laborer provides a written authorization
3 for such deduction at the time the deduction is made.

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

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