



Rep. Will Guzzardi

Filed: 4/4/2016

09900HB3554ham002

LRB099 10266 JLS 46497 a

1 AMENDMENT TO HOUSE BILL 3554

2 AMENDMENT NO. _____. Amend House Bill 3554, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Wage Payment and Collection Act is
6 amended by adding Section 11.5 as follows:

7 (820 ILCS 115/11.5 new)

8 Sec. 11.5. Departmental wage recovery; remittance to
9 aggrieved employee.

10 (a) Upon the recovery of unpaid wages, wage supplements, or
11 final compensation from an employer that has violated this Act,
12 the Department shall make a good faith search to find the
13 aggrieved employee and to remit to the aggrieved employee the
14 amount recovered no later than 120 days after the recovery. If
15 after conducting a good faith search for the aggrieved employee
16 the Department is unable to find the aggrieved employee, the

1 Department shall deposit the amount recovered into the
2 Department of Labor Special State Trust Fund on the first
3 business day after 120 days after the recovery. The amounts
4 deposited into the Department of Labor Special State Trust Fund
5 must remain available for remittance to the aggrieved employee
6 for 5 years after the date of the deposit.

7 The Department may demonstrate a good faith effort through
8 documented attempts to contact the aggrieved employee entitled
9 to the funds through mail correspondence, email
10 correspondence, and telephonic communications. The Department
11 shall search for additional addresses and telephone numbers for
12 the aggrieved employee if those available to the Department do
13 not result in contact with the aggrieved employee.

14 During each year that the recovered amounts remain in the
15 Department of Labor Special State Trust Fund, the Department
16 must make a good faith effort to locate the aggrieved employee.

17 (b) Aggrieved employees who attempt to recover wages that
18 have been deposited into the Department of Labor Special State
19 Trust Fund within 5 years after the deposit of the recovered
20 amounts shall be deemed vendors for purposes of receiving a
21 State issued check or direct deposit for the amounts due to
22 them. As used in this subsection, "vendor" has the meaning
23 ascribed to that term in subsection (f) of Section 9.03 of the
24 State Comptroller Act. Any funds derived from the recovery of
25 unpaid wages, wage supplements, or final compensation from an
26 employer that violates this Act that remain in the Department

1 of Labor Special State Trust Fund after 5 years shall be
2 deposited into the Wage Theft Enforcement Fund.

3 (c) The Comptroller shall accept an aggrieved employee's
4 individual taxpayer identification number issued by the
5 Internal Revenue Service as a form of identification equally
6 acceptable to a social security number for purposes of making
7 the vendor payment."