

1 AN ACT concerning day labor services.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 5.306 as follows:

6 (30 ILCS 105/5.306) (from Ch. 127, par. 141.306)
7 Sec. 5.306. The Child Labor and Day Labor Enforcement
8 Fund.
9 (Source: P.A. 87-139; 87-895.)

10 Section 10. The Day Labor Services Act is amended by
11 changing Section 45 and by adding Sections 55, 60, 65, 70,
12 75, and 80 as follows:

13 (820 ILCS 175/45)
14 Sec. 45. Registration; Department of Labor. A day labor
15 service agency shall register with the Department of Labor in
16 accordance with rules adopted by the Department for day labor
17 service agencies that operate within the State. The
18 Department may assess each agency a non-refundable
19 registration fee not exceeding \$250 per year. The Department
20 shall also adopt rules for violation hearings and penalties
21 for violations of this Act or the Department's rules in
22 conjunction with the fines and penalties set forth in this
23 Act. The Department shall cause to be posted in each agency
24 a notice which informs the public of a toll-free telephone
25 number for day laborers and the public to file wage dispute
26 complaints and other alleged violations by day labor service
27 agencies.
28 (Source: P.A. 91-579, eff. 1-1-00.)

1 (820 ILCS 175/55 new)

2 Sec. 55. Enforcement. It shall be the duty of the
3 Department to enforce the provisions of this Act. The
4 Department shall have the power to conduct investigations in
5 connection with the administration and enforcement of this
6 Act and any investigator with the Department shall be
7 authorized to visit and inspect, at all reasonable times, any
8 places covered by this Act. The Department shall conduct
9 hearings in accordance with the Illinois Administrative
10 Procedure Act, as amended, upon written complaint by an
11 investigator of the Department or any interested person of a
12 violation of the Act. After the hearing, if supported by the
13 evidence, the Department may (i) issue and cause to be served
14 on any party an order to cease and desist from further
15 violation of the Act, (ii) take affirmative or other action
16 as deemed reasonable to eliminate the effect of the
17 violation, (iii) deny, suspend, or revoke any registration
18 under this Act, and (iv) determine the amount of any civil
19 penalty allowed by the Act. The Director of Labor or his or
20 her representative may compel, by subpoena, the attendance
21 and testimony of witnesses and the production of books,
22 payrolls, records, papers, and other evidence in any
23 investigation or hearing and may administer oaths to
24 witnesses.

25 (820 ILCS 175/60 new)

26 Sec. 60. Review under Administrative Review Law. Any
27 party to a proceeding under this Act may apply for and obtain
28 judicial review of an order of the Department entered under
29 this Act in accordance with the provisions of the
30 Administrative Review Law, as amended, and the Department in
31 proceedings under the Act may obtain an order from the court
32 for the enforcement of its order.

1 (820 ILCS 175/65 new)

2 Sec. 65. Contempt. Whenever it appears that any day
3 labor service agency has violated a valid order of the
4 Department issued under this Act, the Director of Labor may
5 commence an action and obtain from the court an order
6 commanding the day labor service agency to obey the order of
7 the Department or be adjudged guilty of contempt of court and
8 punished accordingly.

9 (820 ILCS 175/70 new)

10 Sec. 70. Fines; penalties. A day labor service agency
11 that violates any of the provisions of this Act or any rule
12 adopted by the Department shall be subject to a civil penalty
13 not to exceed \$5,000 for each violation. In determining the
14 amount of the penalty, the Director shall consider the
15 appropriateness of the penalty to the size of the business of
16 the day labor service agency charged and the gravity of the
17 violation. The amount of the penalty, when finally determined
18 may be:

19 (1) Recovered in a civil action brought by the Director
20 of Labor in any circuit court. In this litigation, the
21 Director of Labor shall be represented by the Attorney
22 General.

23 (2) Ordered by the court, in action brought for
24 violation under this Act, to be paid to the Director of
25 Labor.

26 Any administrative determination by the Department as to
27 the amount of each penalty shall be final unless reviewed as
28 provided in Section 60 of this Act.

29 (820 ILCS 175/75 new)

30 Sec. 75. Willful violations. Whoever willfully violates
31 any of the provisions of this Act or any rule adopted under
32 this Act, or whoever obstructs the Department of Labor, its

1 inspectors or deputies, or any other person authorized to
2 inspect places of employment under this Act shall be guilty
3 of a Class A misdemeanor. Each day during which a violation
4 of this Act continues shall constitute a separate and
5 distinct offense, and the employment of any person in
6 violation of the Act shall, with respect to each person so
7 employed, constitute a separate and distinct offense.
8 Whenever, in the opinion of the Department, a violation of
9 the Act has occurred, the Department shall report the
10 violation to the Attorney General of this State who shall
11 prosecute all reported violations.

12 (820 ILCS 175/80 new)

13 Sec. 80. Child Labor and Day Labor Enforcement Fund. All
14 moneys received as fees and civil penalties under this Act
15 shall be deposited into the Child Labor and Day Labor
16 Enforcement Fund and may be used for activities or purposes
17 related to the enforcement of this Act or for the activities
18 or purposes related to the enforcement of the Child Labor
19 Law.

20 Section 15. The Child Labor Law is amended by changing
21 Section 17.3 as follows:

22 (820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

23 Sec. 17.3. Any employer who violates any of the
24 provisions of this Act or any rule or regulation issued under
25 the Act shall be subject to a civil penalty of not to exceed
26 \$5,000 for each such violation. In determining the amount of
27 such penalty, the appropriateness of such penalty to the size
28 of the business of the employer charged and the gravity of
29 the violation shall be considered. The amount of such
30 penalty, when finally determined, may be

31 (1) recovered in a civil action brought by the

1 Director of Labor in any circuit court, in which
2 litigation the Director of Labor shall be represented by
3 the Attorney General;

4 (2) ordered by the court, in an action brought for
5 violation under Section 19, to be paid to the Director of
6 Labor.

7 Any administrative determination by the Department of
8 Labor of the amount of each penalty shall be final unless
9 reviewed as provided in Section 17.1 of this Act.

10 Civil penalties recovered under this Section shall be
11 paid into the Child Labor and Day Labor Enforcement Fund, a
12 special fund which is hereby created in the State treasury.
13 Moneys ~~Monies~~ in the Fund may ~~shall~~ be used, subject to
14 appropriation, for exemplary programs, demonstration
15 projects, and other activities or purposes related to the
16 enforcement of this Act or for the activities or purposes
17 related to the enforcement of the Day Labor Services Act.

18 (Source: P.A. 87-139; 88-365.)

19 Section 99. Effective date. This Act takes effect
20 January 1, 2003.