

Illinois Day and Temporary Labor Services Act

In response to the rising number of day and temporary laborers, Illinois recently passed the Day and Temporary Labor Services Act. The law not only licenses day and temporary labor services agencies but also imposes obligations on employers that use such workers.

The law defines “day and temporary labor” as “labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired ... where wage payments are made directly or indirectly by the ... agency” or the employer.

Employers as well as agencies must maintain employment records showing each worker’s name, address, work location, hours worked, rate of pay and date of work. You must also keep copies of all contracts for day or temporary labor for three years.

No surcharges

The law also prohibits employers and agencies from imposing surcharges on meals and transportation to the work site. You can charge day workers only the actual cost of those items. And, employers and agencies must provide complete pay stubs to day workers, including rate of pay and explanations for all deductions.

If you use day laborers, you must complete an Illinois Department of Labor Work Verification Form *for each workday* for each worker. Violators are subject to \$500 fines for first offenses, rising to \$2,500 for subsequent offenses.

All day and temporary labor agencies operating in the state must register with the Illinois Department of Labor. If you accept workers from these agencies, you have a duty to check with the department on the agency’s registration whenever you enter into a contract, as well as on March 1 and Sept. 1 every year.

Agencies must notify employers within 24 hours if their registration is revoked or lapses.

Caution: Illinois law holds employers and agencies jointly responsible for wage payments to day and temporary workers. If an agency fails to pay workers, the responsibility reverts to you, even if you already paid the agency for the work performed.

The Fair Labor Standards Division of the Illinois Department of Labor administers the law. For further details, go to www.state.il.us/agency/idol/.

*Excerpted from Illinois’ 10 Most Critical Employment Laws, a special bonus report available to subscribers of HR Specialist: **Illinois Employment Law**.*