

insights

TYPES NOT MAPPED YET November 14, 2023 | TTR not mapped yet | Susan M. Lorenc

Updates to the Illinois Day and Temporary Labor Services Act

I'm happy to share a bit of good news ... late last week, the Illinois General Assembly passed HB 3641, which proposes to delay the start of the 90-day calculation period of the equal pay component of the recently amended Illinois Day and Temporary Labor Services Act ("IDTLA"). Specifically, the bill adds language that "[t]he calculation of the 90 calendar days may not begin until April 1, 2024."

It is important to note that this amendment, if signed into law by Gov. Pritzker, extends the timeline for compliance with the IDTLA's equal pay and benefits provision only. It does not, however, impact the other requirements of the law, including to placement fee restrictions, required safety training, labor issue disclosures, and recordkeeping requirements.

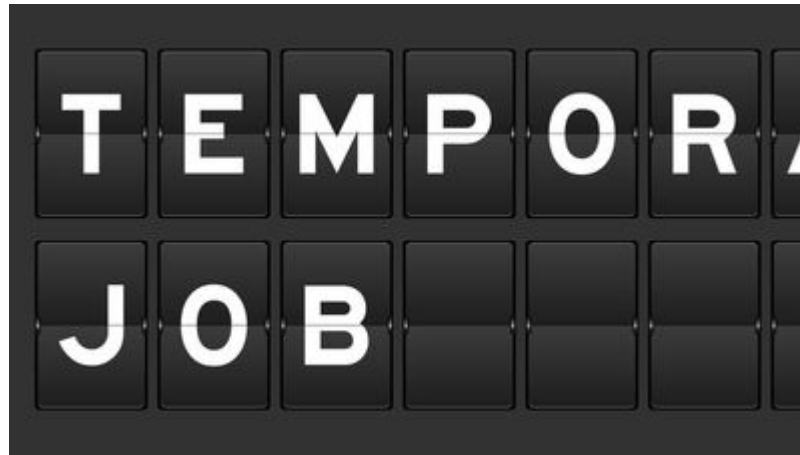
Moreover, the IDOL's FAQs on the IDTLA (pardon the excessive acronyms!) were recently updated to clarify *when* the 90-day clock started ticking and *how* we calculate the 90 days: after August 5, 2023, and every day worked (regardless of the number of hours worked).

The FAQs can be found here: <https://labor.illinois.gov/faqs/day-temp-labor-faq.html>.

6. Are temporary laborers ever entitled to the same benefits as directly hired employees, and what benefits are included?

Yes, if a day or temporary laborer works for more than 90 calendar days in a 12-month period at a worksite for a third-party client employer, then the laborer should receive at the least the same wages and benefits as an equivalent employee directly hired by the third-party employer at the same worksite... The 90-day count starts from August 5, 2023, the day after the effective date of the amendments, and includes only days worked by a day or temporary laborer for the third-party client within a 12-month period, not simply the total duration of the contract or assignment...

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