

Changing the landscape of temporary worker use in Illinois

By SCOTT CRUZ
Greensfelder, Hemker & Gale, P.C.

On Aug. 4, 2023, Governor J.B. Pritzker signed into law amendments to the Day and Temporary Labor Services Act (the Act), which governs staffing companies and their third-party clients. The amendments became effective immediately. On Aug. 7, 2023, the Illinois Department of Labor (IDOL) filed emergency rules (effective immediately) and proposed permanent rules to implement the amendments. The emergency rules are in place for at least 150 days, or once the proposed permanent rules are adopted, following a 45-day public comment period set to expire on Oct. 2, 2023, whichever comes first.

Laborers’ right to refuse a placement if there is a labor dispute

Staffing companies cannot send a laborer to a client’s workplace if there is “a strike, a lockout, or other labor dispute” occurring at the time of the placement, unless the staffing company provides the laborer with appropriate notice in writing at or before the time of placement and in a language the

laborer understands. The notice must inform the laborer of the labor dispute and the right to refuse that assignment without prejudice to receiving another assignment. “Labor dispute” means “any controversy concerning wages, hours, terms or conditions of employment.” Clients must notify a staffing agency if a labor dispute exists at the location where the laborer is or will be working.

Equal pay for equal work

Upon request from a staffing company, the client to which the laborer has been assigned for more than 90 calendar days within any 12-month period (consecutively or intermittently) is required to timely provide the staffing company with all necessary information related to job duties, pay, and benefits of a comparable directly hired employee of the client. This is necessary for the staffing company to comply with the Act’s requirements of paying that laborer not less than the rate of pay and equivalent benefits as the client’s lowest-paid directly hired employee who has the same level of seniority and is performing the same or substantially similar work on jobs requiring

substantially similar skill, effort, and responsibility under similar working conditions.

Ninety calendar days means days the laborer actually goes to the client’s worksite to work. “Benefits” means health care, vision, dental, life insurance, retirement, leave (paid and unpaid), other similar employee benefits, and other employee benefits as required by state and federal law. A staffing company may pay the hourly cash equivalent of the actual cost benefits in lieu of providing the benefits, unless prohibited by state or federal law. If there is no comparable employee, the staffing company must pay the laborer not less than the rate of pay and equivalent benefits of the client’s lowest-paid directly hired employee with the closest level of seniority to the laborer.

Safety, health practice and hazard disclosures, and training responsibilities

Prior to a laborer going to a client’s worksite, the client must notify the staffing company of all its safety and health practices and disclose all known hazards at the worksite. This is necessary because the staffing company is required to provide

safety training before a laborer’s first day at a client’s worksite. The training has to cover all existing job hazards at the worksite known to the client or the staffing company. Clients also are required to provide training to the laborers tailored to the particular hazards at the worksite and their tasks.

Increased fees and penalties

Staffing companies and their clients are subject to civil penalties between \$100 and \$18,000 for violations, and between \$250 and \$7,500 for each repeat violation. Each violation constitutes a separate and distinct violation for each day the violation continues or for each laborer who is aggrieved.

Civil litigation initiated by an ‘interested party’

There is now a private right of action for any “interested parties” who have a “reasonable belief” that a staffing company and/or client has violated the Act in the preceding three years. An “interested party” is “an organization that monitors or is attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements.” Prior to filing a lawsuit, the interested party must first submit a complaint with the IDOL and obtain a notice of right to sue letter. Violations cured at the IDOL stage appear to prohibit an interested party from filing a lawsuit.

Because the amendments change the temporary worker landscape, staffing companies and their clients must take immediate steps to address compliance and should not attempt to navigate these new obligations without assistance of legal counsel. For example, for companies that use temporary labor, under a joint employment theory, they can be legally liable to the laborers if based on the staffing company’s actions, and sued by the laborers in a class action. Most template staffing company agreements are drafted to favor solely the staffing company. Thus, it is strongly recommended that companies have legal counsel review such agreements to reduce risk, limit their liability and provide other benefits that generally are ignored in staffing company template agreements.

• *Scott Cruz is an Employment & Labor Officer at Greensfelder, Hemker & Gale, P.C. He may be reached at scruz@greensfelder.com.*

Businesses are benefiting from Ameren Illinois’ Energy Efficiency Program

Annual business symposium, featuring latest technologies, takes place Oct. 11. Registration is open now

The Ameren Illinois Energy Efficiency Program has been helping our state transition into a more affordable and cleaner future. The program strives to help customers find ways to improve comfort, manage usage and reduce costs. Local businesses are benefiting from offerings and incentives through the program. So far in 2023, the program has saved businesses in Illinois over \$6 million in energy savings. And in 2022, the program gave more than \$65 million in incentives to help customers make their homes and workplaces more energy efficient. Tridan International located in Danville is one example of a company benefiting from Ameren Illinois’ energy efficiency programs. The company upgraded its lighting to LED light fixtures and will save approxi-

mately \$10,000 a year on its utility bill. “We have more light with 40% less fixtures on our ceiling, what can’t be measured in lumens is the impact it has on our people,” said Ursula Bongiovanni, president and CEO of Tridan International. “I started out with an energy advisor who got us in touch with the contractors, who put the estimates together. The whole process was very simple and easy.” The energy efficiency program provided approximately \$18,000 in incentives which covered 55% of the material and installation cost of the project. Business incentives and offerings are available year-round. There are several types of programs including:

- Small Business Direct Install
- Contractor Support

- Instant Incentives
- Business Online Store

Businesses can visit amerenillinois-savings.com/business to find the program that would be the best fit for them. Non-profit organizations and municipalities may also take advantage of programs. **Businesses should register now for the annual Ameren Illinois Business Symposium** The Ameren Illinois Energy Efficiency Program is hosting its annual business symposium, beginning at 7:30 a.m. on Wednesday, Oct. 11 at the Crowne Plaza in Springfield. Business owners attending will learn about the latest technologies and connect with energy professionals. Registration is open: amerenillinoisavings.com/symposium. ■

Bank of Madison County’s new downtown Edwardsville facility brings market president ‘full circle’

By MELISSA CROCKETT MESKE
macmeske@ibjonline.com

Bank of Madison County, a division of Bank of Belleville, recently celebrated the highly anticipated grand opening of its new Downtown Edwardsville location at 119 S. Main Street. Located in the heart of Edwardsville, this new location represents a significant step forward in delivering unparalleled banking services to the community. The event also marked a unique occasion for Bank of Madison County Market President Paul Abert, a seasoned industry veteran and a familiar name in banking and Edwardsville. Abert shared his personal connection, saying, “This opportunity personally is very special to me as I started my career 30 years ago on Main Street in Edwardsville. Now, at this pivotal point in my career, I’m proud to be part of bringing banking back to Main Street.” True to Bank of Belleville’s unwavering commitment to sustainability and innovation, the new location embodies the ‘reuse and renew’ ethos that has become central to the bank’s mission. Ron Stephens, CEO and president of Bank of Belleville, emphasized this commitment, stating, “Bank of Madison County marks a milestone in our pursuit of

sustainability and innovation. Through the rejuvenation of this historic, art-deco building and our incorporation of solar panels and geothermal energy, we are resolutely dedicated to paving the way for a greener future.” Chief Operating Officer Jennifer Warren also conveyed her enthusiasm for bringing a comprehensive range of services to Edwardsville, also her hometown: “As a resident of Edwardsville and a dedicated community banker, I’m happy to see life on this part of Main Street again! I’m very proud to have played a small part in helping to preserve one of Edwardsville’s few Art Deco buildings. I’m excited to see a true community bank in downtown again and look forward to serving the greater Madison County area. I’m a firm believer that local economies benefit from the presence of community banks.” The bank was made possible through the dedicated efforts of local general contractor Plocher Construction and the creative vision of Hurford Architects. Together, they synergized modern convenience with the architectural heritage, culminating in a space that embodies the bank’s values. Bank of Madison County’s new location provides a comprehensive suite of services for both consumer and commercial clients. The offerings range from a variety of deposit



Bank of Madison County’s new downtown Edwardsville location at 119 S. Main Street incorporates a distinctive architecture in its drive-thru design. (Courtesy Bank of Madison County)

and lending options to online banking, remote deposits, and tailored lending solutions. It is a community-focused financial institution dedicated to providing a range of comprehensive banking services while prioritizing sustainability and innovation. With deep roots in Edwardsville, the bank aims to build lasting relationships and empower individuals and businesses with personalized financial solutions. To learn more, visit online at www.bankofmadisoncounty.com or call (618) 656-2882.. Since its inception in 2005, as Bank of

Belleville, they have grown to over \$450 million in asset size and made a significant impact on the local economy through the funding of projects, creation of jobs, and the use of local service providers. Its same philosophy, expertise, and financial strength is consistently evident at each of its regional banks: Bank of Madison County, Bank of Clinton County and Bank of Monroe County. In each location, the dedicated 65+ team members have been noted for the experience and passion they bring to their work and to day-to-day operations. ■