

American Staffing Association

277 South Washington Street, Suite 200 ■ Alexandria, VA 22314-3675



703.253.2020

703.253.2053 fax

asa@americanstaffing.net

americanstaffing.net

VIA ELECTRONIC SUBMISSION

June 28, 2023

The Honorable J.B. Pritzker
Governor, State of Illinois
Office of the Governor
401 S. Spring St.
Springfield, IL 62704

Re: Delay of enforcement of Equal Pay Provisions of House Bill 2862

Dear Governor Pritzker:

The American Staffing Association (ASA) represents temporary staffing agencies throughout the U.S., including those in Illinois. The temporary staffing industry plays a critical role in the Illinois economy, employing over 855,000 temporary and contract workers in 2021.

The amendments made by HB 2862 to the Illinois Day and Temporary Labor Act are scheduled to go into effect on July 1, but staffing agencies have no reasonable way of knowing how to comply, especially with the new equal pay provisions set forth in 820 ILCS 175/42.

The equal pay provisions require staffing agencies to pay their temporary employees the same pay and benefits as their clients' employees with the "same level of seniority" and who perform "the same or substantially similar work on jobs the performance of which requires substantially similar skill, effort, and responsibility and that are performed under similar working conditions." Terms like "same level of seniority," and "substantially similar" are undefined in the statute and are vague and subjective. Nor are "benefits" defined, which could mean health care, paid leave, retirement, and other things like free parking or transportation. These terms must be clarified to enable staffing agencies to comply with the law.

To ensure that affected staffing agencies understand the criteria the state will use in implementing the equal pay provisions, we request that enforcement of those provisions be stayed until final regulations are issued by the Department of Labor after public notice and an opportunity for affected agencies to comment.

Delaying enforcement of those provisions is essential to ensuring that staffing agencies know what their obligations are and can update their policies and practices to comply with the law.

Respectfully,

A handwritten signature in blue ink that reads 'Toby Malara'.

Toby Malara, Esq.
Vice President, Government Relations