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Governor Pritzker Signs DTLSA Amendment Delaying Equal Pay and Benefits Provision



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On November 17, 2023, Gov. J.B. Pritzker signed HB3641, which delays the start date for the calculation of the 90 calendar days under the new equal pay and benefit section of the Illinois Day and Temporary Labor Services Act (DTLSA). Now, staffing agencies will not have to pay equal pay and benefits to temporary employees until they have actually worked for a third-party client more than 90 workdays after April 1, 2024.

Equal Pay and Benefits

As we have previously written in this [blog post](#), the DTLSA was amended on August 4, 2023, to require temporary workers assigned to work at a third-party client for more than 90 calendar days to be paid not less than the rate of pay and equivalent benefits as the third-party client's lowest-paid, directly hired employee with the same level of seniority at the company who is performing the same or substantially similar work. In early November 2023, the legislature voted to postpone the start date until April 1, 2024, and employers have been awaiting Gov. Pritzker's signature (see blog post [here](#)).

The Upshot

Companies and staffing agencies who use the services of day and temporary laborers now have much-needed leeway to implement the equal pay and benefits section of the DTLSA.

Note: This amendment does not impact any other provision under the DTLSA.

The amendments to the DTLSA are complicated and addressing them will require careful thought and planning. If your company uses temporary workers from a staffing agency, we encourage you to contact us promptly.

If you have any questions or want more information about the amendments to the Illinois Day and Temporary Labor Services Act, please contact a member of Gould & Ratner's [Human Resources and Employment Law Practice](#).