

A COMPARISON OF DAY LABOR STATUTES
AS OF SEPTEMBER 2005

➤ **ENTITIES COVERED**

Florida	<p>§ 448.20 et seq. <i>Entities Covered</i> § 448.22</p> <p>Labor Pools – business entities that operate a labor hall by contracting w/3rd party users to supply temp day labor; hiring, employing, recruiting, or contracting w/workers to fulfill these temp labor contracts for day labor; fulfilling any contracts for day labor in accordance w/this law. Even if the entity conducts other business.</p>
Georgia	<p>OCGA § 34-10-1 et seq. <i>Entities Covered and/or Defined</i> § 34-10-1</p> <p>Labor Pool - business entity which operates by contracting with other entities or persons to supply them with temporary employees for short-term assignments of casual labor; hiring people to fill these contracts for short-term assignments of casual labor; and employing each individual no longer than the time period required to complete the assignment for which that individual employee was hired, although an individual may be eligible for rehire when additional temporary assignments are available.</p> <p>Work site Employer – is any business entity or employing unit with which a labor pool contracts or otherwise agrees to furnish temporary workers for short term assignments of casual labor.</p>
Illinois	<p>820 ILCS/175 et seq. <i>Entities Covered and/or Defined</i> § 5</p> <p>Day and Temporary Labor Service Agency - is any person or entity engages in the business of employing day or temporary laborers to provide services for a fee to or for any third party employer pursuant to a contract with the day or temporary labor service and the third party employer.</p> <p>Third party client - means any person that contracts with a day or temporary labor service agency for obtaining day or temporary laborers. Does not include professional or clerical work.</p>
Texas	<p>Tex. Lab. Code 92.001 et seq. <i>Entities Covered and/or Defined</i></p> <p>Labor hall - is a central location maintained by a license holder where common workers assemble and are dispatched to work for a user of common workers.</p> <p>Temporary common worker employer - is a person who provides common workers to a user of common workers. This includes a temporary common worker agent or temporary common worker agency.</p>
Arizona	<p>A.R.S. § 23-551 et. seq. <i>Entities Covered and/or Defined</i> A.R.S. § 24-551</p> <p>Day labor service agency – means an entity that provides day laborers to third party employers and that contracts with third party employers for this service.</p> <p>Third party employer - means a person that contracts with a day labor service agency for the employment of day laborers.</p>
New Mexico	<p><i>H.B. 672 Section 2, Definitions</i></p> <p>“Day labor service agency” means an entity including a labor broker or labor pool, that provides day laborers to third-party employers and that charges the third-party employer for the service of providing day laborers.</p> <p>“Third-party employer” means a person that contracts with a day labor service agency for the employment of day laborers.</p>

Appendix to Guide to Drafting Day Labor Legislation - National Employment Law Project

<p>Model Language</p>	<p>DAY LABOR EMPLOYER –For purposes of this Act, the term “day laborer employer” refers to any person or entity that directly or indirectly, through an agent, day labor service agency or any other entity acting in the employer’s interest, engages, suffers or permits a day laborer to work or otherwise exercises control over the wages, hours or working conditions of a day laborer. The term includes day labor service agencies and third party employers as defined in this act.</p> <p>DAY LABOR SERVICE AGENCY—The term “day labor service agency” means any person or entity that recruits, dispatches or otherwise facilitates the employment of day laborers by a third party employer. Day labor service agencies are day labor employers and share all legal obligations placed on day labor employers by this Act. Not-for-profit organizations are not day labor service agencies.</p> <p>THIRD PARTY EMPLOYER --The term “third party employer” refers to a person or entity that suffers or permits a day laborer to work by contracting for personal services with a day labor service agency. Third party employers are day labor employers and share all legal obligations placed on day labor employers.</p>
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➤ **DISCLOSURES REQUIRED**

<p>Georgia (Health and Safety)</p>	<p>OCGA § 34-10-1 et seq. <i>Health and Safety</i> § 34-10-2, § 34-10-3 ➤ Mandatory disclosure Labor pool and work site employer must inform and obtain written consent of any person to be placed in an assignment that involves exposure to hazardous chemicals.</p>
<p>Illinois (Nature and terms of work, Health and Safety, Deductions)</p>	<p>820 ILCS/175 et seq. <i>Notice</i> § 10, 45 ➤ Disclosure mandatory A day labor service agency must provide a statement at time of dispatch with the following: name and nature of the work to be performed; wages offered; destination of the person employed; terms of transportation; whether a meal and equipment are provided, either by the day labor service agency or the third party employer, and the cost of the meal and equipment if any. ➤ Upon request When a day laborer is not placed, s/he can request a confirmation that s/he sought work. ➤ Must post a notice at worksite on provisions of the Act in English and other languages spoken by the workers. Language Access § 10 The Department of labor shall recommend to day labor services that they employ staff that can communicate to day laborers in Spanish, Polish or any other language that is generally used in the locale of the day labor agency.</p>
<p>Texas (Deductions)</p>	<p>Tex. Lab. Code 92.001 et seq. <i>Equitable Expenses</i> § 92.023; § 92.025 ➤ Mandatory disclosure Each license holder must post in a place in open view to the general public in the licensed premises notice of any charge permitted under this chapter that the license holder may assess against a common worker for equipment, tools, transportation, or work related services.</p>

<p>Model Language</p>	<p>DISCLOSURE OF EMPLOYER INFORMATION – At the time of hire, a day labor employer must provide a day laborer with the day labor employer’s phone number and business address NOTIFICATION OF WORKERS COMPENSATION BENEFITS –Day labor service agencies and day labor employers shall provide all day laborers written notice on the first day of employment that contains a statement of the day laborer’s right to worker’s compensation benefits and the insurance carrier name and number. This notice shall be provided in English and any other language that is generally used by workforce serviced by the day labor agency or employed by the employer. NOTIFICATION, CONSENT & DISCLOSURE –The day labor service agency must disclose the risk of exposure to hazardous chemicals or any other unsafe materials or working condition that require the use of safety and protective equipment. WRITTEN CONSENT –Day labor service agencies and day labor employers are required to obtain the informed written consent of any day laborer who will be exposed to hazardous materials.</p>
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➤ **DEDUCTIONS FROM WAGES: EQUIPMENT & CLOTHING**

Florida	<p>§ 448.02 et. seq. <i>Equitable Expenses</i> § 448.24</p> <p>➤ Prohibits fees for safety equipment, clothing and accessories Equipment: Fees for safety equipment, clothing, accessories or any items required by the nature of the work by law, custom or by the 3rd party user are prohibited. Labor pool may charge market value of the item if laborer willfully fails to return it. For items that aren't required by law, custom or the 3rd party, the labor pool may not charge more than the actual cost of the item to the labor pool or market value, whichever is less.</p>
Georgia	<p>O.C.G.A. § 34-10-1 et seq. <i>Equitable Fees</i> § 34-10-2</p> <p>➤ Prohibits fees for equipment to be used on work assignment Labor pools and work site employers are prohibited from charging any fees for supplying any type of equipment to be used by the temporary employee on the work assignment.</p>
Illinois	<p>820 ILCS/175 et seq. <i>Equitable Expenses</i> § 15, <i>Equipment</i> § 25 , <i>Minimum Wage</i> § 30</p> <p>➤ May charge only market value or less for safety equipment, clothing and accessories not returned For any safety equipment, clothing, accessories, or any other items required by the nature of the work, either by law, custom or as a requirement of the third party client, the day labor service agency or the third party client can charge the market value of the item if the day laborer fails to return such items. The day labor service agency may not charge more than market value for any other items the day labor service agency makes available for purchase. May not charge for meals not consumed.</p>
Texas	<p>Tex. Lab. Code 92.001 et seq. <i>Equitable Expenses</i> § 92.025</p> <p>➤ Prohibits charges for safety equipment, clothing, or accessories License holder is prohibited from charging a common worker for: safety equipment, clothing or accessories required by the nature of the work, either by law or custom, or the requirements of the user of common workers; uniforms, special clothing, or other items required by the user of common workers ...</p>

Model Language	<p>SAFETY & PROTECTIVE EQUIPMENT- The day labor service agency or day laborer employer shall provide at no cost to each day laborer any special attire, accessories, tools, safety equipment or other items required by law or custom to perform the work assignment. For any other equipment, clothing, accessories, or any other items the day labor service agency or day laborer employer makes available for purchase, the day laborer shall not be charged more than the actual market value for the item.</p> <p>(1) In the event that the day laborer willfully fails to return equipment provided for a job, the day labor service agency or day laborer employer is not precluded from charging the day laborer the market value of items temporarily provided to the day laborer.</p>
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➤ **DEDUCTIONS FROM WAGES: TRANSPORTATION**

Florida	<p>§ 448.02 et. seq. <i>Equitable Expenses</i> § 448.24 Transportation - Labor pool is prohibited from charging more than a reasonable amount. Labor pool may not charge more than the prevailing rate for public transportation in the geographic area.</p>
Georgia	<p>O.C.G.A. § 34-10-1 et seq. <i>Equitable Fees</i> § 34-10-2 Labor pools and work site employers are prohibited from charging transportation fees from the labor pool to the work assignment.</p>
Illinois	<p>820 ILCS/175 et seq. <i>Equitable Expenses</i> § 15, § 20 Day labor service agency or a third party client, or their contractors or agents, may not charge transportation costs to and from a worksite to a day laborer..</p>
Massachusetts	<p>M.G.L.A. 149 § 159C <i>Equitable Expenses</i> § 159C Transportation - Staffing agencies, work site employers or person acting directly/indirectly in either's interest offering transportation are prohibited from charging employees more than the actual costs of transportation to and from the worksite. The transportation fee cannot exceed 3% of the employee's total daily wages, and can't reduce the employee's total daily wages below the minimum wage earned for that day. If the staffing agency, work site employer or person acting directly/indirectly in either's interest requires the use of such transportation, no fee can be charged. No transportation deductions without written authorization. Written authorization for transportation deductions shall be provided to employee in a language the employee can understand.</p>

Model Language	<p><i>(Complete prohibition of transportation fees)</i></p> <p>TRANSPORTATION FEES--: Day labor employers are prohibited from charging a day laborer for the transportation to and from the worksite or between worksites.</p> <p><i>(Limitation of transportation fees to actual cost)</i></p> <p>TRANSPORTATION FEES--Day labor employers shall charge no more than a reasonable amount to transport a worker to or from the designated worksite or between worksites, but in no event shall the amount exceed the prevailing rate for public transportation in the geographic area.</p>
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➤ **DEDUCTIONS FROM WAGES: CHECK CASHING**

Florida	§ 448.02 et. seq. <i>Form of Payment</i> § 34-10-2 Labor pool is prohibited from charging for directly or indirectly cashing a check.
Arizona	A.R.S. § 23-551 et. seq. <i>Check cashing</i> A.R.S. § 44-1362 (D) Check cashers operating within the offices of a labor pool, or the owner or operator of a labor pool is prohibited from charging a day laborer for cashing a check issued by the labor pool.
Illinois	820 ILCS/175 et seq. <i>Check cashing</i> § 30 No day labor service agency shall charge any day laborer for cashing a check issued by the agency for wages for work performed through that agency.
Texas	Tex. Lab. Code 92.001 et seq. <i>Equitable Expenses</i> , § 92.023 License holder is prohibited from charging a common worker for ... cashing of a check or voucher; or receipt of the worker of earned wages.
New Mexico	HB 672 Sec. 5 Day labor service agency or service operating within a day labor service agency may not charge more than \$2.00 for cash a check, and no fee may be charged unless worker voluntarily chooses after disclosure of options and charges.

Model Language	CHECK CASHING FEES: Day labor agencies shall not directly or indirectly charge a day laborer for cashing a paycheck.
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➤ **DEDUCTIONS FROM WAGES: MEALS**

Florida	§ 448.02 et. seq. <i>Equitable Expenses</i> § 448.24 Meals - Labor pool is prohibited from charging the actual cost of lunch , if lunch is provided at the worksite by the labor pool. Buying lunch may not be a condition of employment.
Illinois	820 ILCS/175 et seq. <i>Equitable Expenses</i> § 15, § 20 Meals - A day labor service agency or a third party employer is prohibited from charging a day laborer more than the actual cost of a meal actually consumed. Purchase of the meal may not be a condition of employment.

Model Language	MEALS- No day laborer employer shall charge a day laborer more than the actual cost of providing a meal. In no case shall a deduction for meals be permitted where; (1) The day laborer does not consume the meal; (2) The day laborer has no realistic opportunity to obtain meals by other means due to the location of the job site and the time permitted for the meal; or (3) The purchase of a meal is a condition of employment.
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➤ **DEDUCTIONS FROM WAGES: EFFECT ON MINIMUM WAGE**

Florida	§ 448.02 et. seq. <i>Equitable Expenses</i> § 448.24 Deductions other than those permitted by federal or state law may not bring the worker's pay below the minimum wage.
Arizona	A.R.S. § 23-551 et. seq. <i>Equitable Expenses</i> A.R.S. § 24-553 No deductions , other than those required by federal or state law, are allowed if they bring the hourly wage below the federal minimum wage.
Illinois	820 ILCS 175 et. Seq. § 30 Deductions for meals, transportation and equipment may not cause wage to fall below State or federal minimum wage.
New Mexico	HB 672, Sec. 4(C) No deductions other than required by federal or state law, that reduce pay below minimum wage.

Model Language	PROHIBITION ON DEDUCTIONS: A day labor employer may not make deductions that bring a day laborer's wages below the federal or state minimum wage.
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➤ **DEDUCTIONS FROM WAGES: CALL IN PAY AND WAIT TIME**

Illinois	820 ILSC 175 et. Seq. § 30 A day laborer who is contracted but not utilized by a third-party client shall receive a minimum of 4 hours pay at the agreed upon rate.
Model Language	WAIT TIME—If a day laborer arrives for employment at the request of a day labor employer, time spent waiting for the employer is wait time compensable at the regular rate of pay.

➤ **DEDUCTIONS FROM WAGES: EQUAL COMPENSATION**

Model Language	WAGE PARITY—A day laborer shall not be paid less than the wage rate paid to permanent employees performing substantially equivalent work, with due consideration given to seniority, experience and skills.
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➤ **RECORDKEEPING REQUIREMENTS**

Texas	Tex. Lab. Code 92.001 et seq. <i>License holder as employer</i> § 92.021 License holder must maintain and make available to a representative of the Department of Licensing and Registration records for each common worker placed: name and address of the worker; hours worked; places where the work was performed; wages paid to the worker; and deductions made from those wages.
Illinois	820 ILCS 175 et seq. § 12(B) Day labor service agency must keep detailed records for three years and make them available for review and copy by the day labor, as well as the agency's record of hours billed to a third party client.
New Mexico	HB 672 Sec. 6 Day labor agency must keep records of payment for all work for one year.

➤ **PAY STATEMENTS**

Florida	§ 448.02 et. seq. <i>Itemized Statements</i> § 448.24 At the time of payment of wages, the labor pool must provide a detailed itemized statement of deductions made from wages. Labor pool must provide worker with an annual earnings summary within a reasonable time period after the end of the preceding calendar year, but no later than February 1 after the end of the preceding calendar year.
Illinois	820 ILCS/175 et seq. <i>Itemized Statements</i> § 30 At the time of payment, a day labor service agency must provide day laborers with a detailed itemized statement of each deduction made from the wages. Day labor service agency must provide an annual earnings summary within a reasonable time after the preceding calendar year, but no later than February 1. A day labor service agency must give notice to all day laborers of the availability of an annual earnings summary at the time of each wage payment, or post a notice in a conspicuous place in the public reception area.
Arizona	A.R.S. § 23-551 et. seq. <i>Itemized Statements</i> A.R.S. § 24-553 At time of payment, the day labor service agency shall provide each day laborer with an itemized statement showing each deduction made.
New Mexico	HB 672 Sec. 4(B) ➤ Mandatory disclosure At time of payment of wages, all deductions must be disclosed in an itemized statement.

Model Language	ITEMIZED WAGE STATEMENTS-At the time of the payment of wages, a day labor service employer shall provide each day laborer with an itemized statement showing in detail each deduction made from the wages. ANNUAL WAGE STATEMENT – A day labor employer shall provide each day laborer an annual earnings summary within a reasonable time after the preceding calendar year, but no later than February 1. A day labor employer shall, at the time of each wage payment, give notice to laborers of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public access areas.
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➤ **PAY INTERVALS AND FORM**

Florida	<p>§ 448.02 et. seq. <i>Form of Payment</i> § 448.24 Labor pool must compensate in cash, or commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount.</p>
Georgia	<p>O.C.G.A. § 34-10-1 et seq. <i>Form of Payment</i> § 34-10-2 Labor pool or work site employer may not pay wages in forms other than cash or check; provided, that any check must be redeemable at full value.</p>
Illinois	<p>820 ILCS/175 et seq. <i>Timely Payments</i> § 30, <i>Form of Payments</i> § 30 At the request of the day laborer, a day labor service agency shall hold daily wages of the day laborer and make either weekly or semi-weekly payments. Wages shall be paid in a single check representing the wages earned during the period, either weekly, bi-weekly or semi-monthly. Vouchers prohibited. Day labor can opt for direct deposit.</p>
Arizona	<p>A.R.S. § 23-551 et. seq. <i>Form of Payment</i> A.R.S. § 24-553 Day labor service agency shall pay in commonly negotiable instruments payable in cash, on demand at a financial institution.</p>

Model Language	<p>NEGOTIABLE TENDER – All wage payments shall be in the form of immediately negotiable tender payable in cash, on demand at a financial institution, and without discount.</p> <p>PAYMENT BY CHECK – Where a day labor service agency or day labor employer pays by check, that check shall be immediately redeemable.</p> <p>PAYMENT SCHEDULES- A day laborer may request a day labor service agency or day labor employer to receive weekly or bi-monthly wages. The wages shall be paid in a single check representing the wages earned during the period for which wage payments are to be made. A day labor service agency or day labor employer that makes daily wage payments shall provide written notification to all day laborers of the right to request weekly or semi-monthly checks. The day laborer service agency may provide such notice by conspicuously posting the notice at the location where the wages are received by the day laborers.</p>
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➤ **LICENSING OR REGISTRATION REQUIREMENTS**

Illinois	820 ILCS/175 et seq. <i>Registration § 45</i> A day labor service agency must register with the Department of Labor. Fees of up to \$1,000 including a separate fee for branch offices of an agency, can be assessed. Department shall adopt rules for violation hearings and penalties.
Texas	Tex. Lab. Code 92.001 et seq. <i>Licensing Requirement § 92.011</i> Temporary common worker employers must be licensed for each location where the person operates.

Model Language	REGISTRATION (a) IN GENERAL- Day labor service agencies shall register with the Secretary in accordance with rules adopted by the Secretary for day labor service agencies and with State departments of labor which require such registration. (b) FEES- The Secretary may assess each day labor service agency a registration fee not exceeding \$1,000, included a separate fee for branch offices or other locations where the agency regularly contracts with day laborers for services..
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➤ **TRANSPORTATION SAFETY REQUIREMENTS**

Florida	§ 448.02 et. seq. <i>Transportation § 448.24</i> Labor pool must insure any motor vehicle owned or operated by the labor hall and used for transportation of workers.
Illinois	820 ILCS/175 et seq. <i>Motor Vehicle Safety § 20</i> Any motor vehicle that is owned or operated by the day labor service agency or third party employer, or a contractor of either, which is used to transport day laborers must have proof of financial responsibility as provided by the Illinois Vehicular Code. Day labor service agency is generally responsible for the conduct and performance of any person who transports day laborers from the agency to the worksite, unless by mass transportation, common carrier, the day laborer's own transportation or a voluntary car pool selected by the day laborer.

Model Language	TRANSPORTATION LIABILITY- A day labor employer or any other employer or agent of the employer that transports a day laborer to or from a designated work site is liable for injuries to a day laborer arising from an accident that occurs while the day laborer is being transported to or from the work site. MOTOR VEHICLE SAFETY – (1) Any motor vehicle that is owned or operated by the day labor employer or any other employer, or a contractor of either, which is used for the transportation of day laborers shall: (a) have proof of financial responsibility as provided for in applicable State insurance laws of the area; (b) be equipped with seats securely fastened to the vehicle; (c) be equipped, if a motor truck, with a railing or other suitable enclosure on
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	<p>the sides and end of the vehicle not less than 46 inches above the floor of the vehicle;</p> <p>(d) and be equipped with steps, stirrups, or other equivalent devices so placed and arranged that the vehicle may be safely mounted and dismounted.</p> <p>(2) Any day labor day labor employer who knows or should know that a motor vehicle used primarily or regularly for the transportation of day laborers is unsafe, or not equipped as required by this Act, or any regulations adopted thereunder, shall not use the motor vehicle for transporting day laborers.</p> <p>(3) The owner or person who rents any motor vehicle used primarily or regularly for the transport of day laborers is responsible for compliance with the motor vehicle requirements of this Act.</p>
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➤ **PLACEMENT FEES**

Florida	<p>§ 448.02 et. seq. <i>Restrictions on Permanent Employment</i> § 448.24 Labor pools are prohibited from restricting the right of a day laborer or third party employer from accepting or offering permanent employment. A labor pool may receive a reasonable placement fee from the third party user.</p>
Arizona	<p>A.R.S. § 23-551 et. seq. <i>Restrictions on Permanent Employment</i> A.R.S. § 25-553 Day labor agency is prohibited from restricting the right of a day laborer or employer to accept or offer a permanent position.</p>
Illinois	<p>820 ILCS/175 et seq. <i>Restrictions on permanent employment</i> § 40 Day labor service agencies may not restrict the right of a day laborer or third party employer to accept or offer a permanent position. A day labor service agency may accept a limited placement fee from a third party employer.</p>
New Mexico	<p>HB 672 Sec. 4(D) and (E) Day labor service agency shall not restrict the right of a day laborer to accept a permanent position, but may collect a placement fee.</p>

Model Language	<p>WORK RESTRICTION- No day labor service agency shall restrict the right of a day laborer to accept a permanent position with a third party employer whom the day laborer is referred for temporary work or restrict the right of such third party employer to offer such employment to a day laborer. This subsection shall be understood to outlaw the charging of fines or additional amounts for making or accepting an offer of employment.</p>
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➤ **REQUIRED FACILITIES AT LABOR POOL**

Florida	<p>§ 448.02 et. seq. <i>Facilities</i> § 448.24 Labor hall must provide: restrooms, drinking water and sufficient seating.</p>
Texas	<p>Tex. Lab. Code 92.001 et seq. <i>Facilities</i> § 92.024 License holder that operates a labor hall must provide adequate facilities that include: restroom facilities for both men and women, drinking water, sufficient seating and access to vending refreshments and food.</p>
Illinois	<p>820 ILCS/175 et seq. <i>Facilities</i> § 35 Each day labor service agency shall provide adequate seating and access to restrooms and water in the public access area of the offices of the agency. The public access area shall be the location for the employment and wage notices required by this act.</p>
Model Language	<p>PUBLIC ACCESS AREA- Each day labor service agency shall provide adequate seating in the public access area of the agency. Employment and wage notices required by this Act shall be posted in the public access area. The public access area shall allow for access to restrooms and water.</p>

➤ **ENFORCEMENT: ADMINISTRATIVE**

Georgia	<p>O.C.G.A. § 34-10-1 et seq. <i>Enforcement</i> § 32-10-3, § 32-10-4 Labor pools or work site employers found in willful violation of this Chapter shall be subject to a fine of no more than \$1000 for each separate violation. Each day during which any violation continues is a separate violation. DOL has enforcement authority.</p>
Illinois	<p>820 ILCS/175 et seq. <i>Enforcement</i> § 50, 70, 75, 85 Department of Labor has authority to deny, suspend or revoke registration of a day labor service agency if warranted by public health or safety concerns of this Act. Department can assess penalties not to exceed \$6,000, with each violation for each worker and each day considered a separate violation. Penalties double for willful violations, and third-party client can be penalized for using the services of an unlicensed day labor service agency.</p>
Model Language	<p>ADMINISTRATIVE SANCTIONS-- (a) Civil Money Penalties for Violations – Any person who commits a violation of this Act or any regulation under this Act shall be assessed a penalty of \$1000 for each violation for each day laborer affected.</p>

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➤ **ENFORCEMENT: CRIMINAL**

Texas	Tex. Lab. Code 92.001 et seq. <i>Enforcement</i> § 92.031 Knowing or intentionally violating this chapter or rules and administrative orders adopted under this chapter is a Class A misdemeanor .
New Mexico	HB 672 Sec. 7 Violations of the act are misdemeanors punishable on a first offense for imprisonment up to one year and fines up to \$1,000, and, on a second offense, by fines from \$250 to \$1,000. Multiple occurrences are treated as separate offenses

➤ **ENFORCEMENT: CIVIL RIGHT OF ACTION**

Florida	§ 448.02 et. seq. <i>Enforcement</i> § 448.25 Aggrieved workers have a private right of action against the labor pool. Worker is entitled to recover actual and consequential damages, or \$1,000 whichever is greater, for each violation, and costs. Remedies under this section are not exclusive and do not preclude the worker from pursuing any other remedy at law or equity.
Georgia	O.C.G.A. § 34-10-1 et seq. <i>Enforcement</i> § 32-10-3, § 32-10-4 Aggrieved persons have a private right of action —can recover actual damages, attorney’s fees, costs and punitive damages where appropriate.
New Mexico	HB 672 Sec. 6(B) For failure to pay wages, liability for wages, plus double damages, costs and attorney fees.
Illinois	820 ILCS 175 § 95 Actions may be maintained by one or more day laborers on behalf of others similarly situated; wages owed plus equal amount as liquidated damages, and, for violations of health and safety or notice provisions, up to \$500, damages for retaliation. In all cases, attorney fees and costs.

Model Language	MAINTENANCE OF CIVIL ACTION BY AGGRIEVED PERSON--Any person aggrieved by a violation of this chapter or any regulation under this chapter by an employer may file suit in any district court of the United States or state court of competent jurisdiction without regard to the citizenship of the parties and without regard to exhaustion of any alternative administrative remedies provided herein. Actions may be brought by one or more day laborers for and on behalf of himself or themselves and other day laborers similarly situated.
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➤ **ENFORCEMENT: WAIVERS**

Florida	§ 448.02 et. seq. <i>No Waiver of rights</i> § 448.24 Labor pools are prohibited from asking or requiring any day laborer to waive the protections of this section.
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Model Language	WAIVER THROUGH CONTRACT—Any agreement between a day laborer and a day labor employer or day labor service agency to waive rights and responsibilities under this Act is void and unenforceable as violative of public policy.
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