



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3485

Introduced 02/23/05, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

820 ILCS 140/3.1 new

Amends the One Day Rest In Seven Act. Provides that a hotel room attendant shall receive specified break periods. Provides that an employer may not require an employee to work during a break period. Provides that an employer of hotel room attendants shall make available a break room meeting specified requirements. Provides that an employer of hotel room attendants shall keep a complete and accurate record of the break periods. Provides for enforcement and penalties. Effective immediately.

LRB094 09272 WGH 41800 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The One Day Rest In Seven Act is amended by
5 adding Section 3.1 as follows:

6 (820 ILCS 140/3.1 new)

7 Sec. 3.1. Hotel room attendants.

8 (a) As used in this Section, "hotel room attendant" means a
9 person who cleans or puts in order guest rooms in a hotel or
10 other establishment licensed for transient occupancy.

11 (b) Notwithstanding any other provision of law, every hotel
12 room attendant shall receive a minimum of 2 15-minute paid rest
13 breaks and one 30-minute meal period in each workday on which
14 the hotel room attendant works at least 7 hours. An employer
15 may not require any hotel room attendant to work during a break
16 period.

17 (c) Every employer of hotel room attendants shall make
18 available at all times a room on the employer's premises with
19 adequate seating and tables for the purpose of allowing hotel
20 room attendants to enjoy break periods in a clean and
21 comfortable environment. The room shall have clean drinking
22 water provided without charge.

23 (d) Each employer of hotel room attendants shall keep a
24 complete and accurate record of the break periods of its hotel
25 room attendants.

26 (e) An employer who violates this Section shall pay to the
27 hotel room attendant 3 times the hotel room attendant's regular
28 hourly rate of pay for each workday during which the required
29 breaks were not provided.

30 (f) It is unlawful for any employer or an employer's agent
31 or representative to take any action against any person in
32 retaliation for the exercise of rights under this Section. In

1 any civil proceeding brought under this subsection (f), if the
2 plaintiff establishes that he or she was employed by the
3 defendant, exercised rights under this Section, or alleged in
4 good faith that the defendant was not complying with this
5 Section, and was thereafter terminated, demoted, or otherwise
6 penalized by the defendant, then a rebuttable presumption shall
7 arise that the defendant's action was taken in retaliation for
8 the exercise of rights established by this Section. To rebut
9 the presumption, the defendant must prove that the sole reason
10 for the termination, demotion, or penalty was a legitimate
11 business reason.

12 (g) In addition to the remedies provided in Sections 6 and
13 7, a person claiming violation of this Section shall be
14 entitled to all remedies available under law or in equity,
15 including but not limited to damages, back pay, reinstatement,
16 or injunctive relief. Any person terminated in violation of
17 this Section shall recover treble his or her lost normal daily
18 compensation and fringe benefits, together with interest
19 thereon, and any consequential damages suffered by the
20 employee. The court shall award reasonable attorney's fees and
21 costs to a prevailing plaintiff in an enforcement action under
22 this Section.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.