



Sen. Celina Villanueva

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10200SB3146sam001

LRB102 23984 SPS 35562 a

1 AMENDMENT TO SENATE BILL 3146

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3146 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The One Day Rest In Seven Act is amended by  
5 changing Sections 2, 3, and 7, adding Section 8.5, and  
6 renumbering Section 9 as follows:

7 (820 ILCS 140/2) (from Ch. 48, par. 8b)

8 Sec. 2. Hours and days of rest in every calendar week.

9 (a) Every employer shall allow every employee except those  
10 specified in this Section at least twenty-four consecutive  
11 hours of rest in every consecutive seven-day period ~~calendar~~  
12 ~~week~~ in addition to the regular period of rest allowed at the  
13 close of each working day.

14 A person employed as a domestic worker, as defined in  
15 Section 10 of the Domestic Workers' Bill of Rights Act, shall  
16 be allowed at least 24 consecutive hours of rest in every

1 consecutive seven-day period ~~calendar week~~. This subsection  
2 (a) does not prohibit a domestic worker from voluntarily  
3 agreeing to work on such day of rest required by this  
4 subsection (a) if the worker is compensated at the overtime  
5 rate for all hours worked on such day of rest. The day of rest  
6 authorized under this subsection (a) should, whenever  
7 possible, coincide with the traditional day reserved by the  
8 domestic worker for religious worship.

9 (b) Subsection (a) does not apply to the following:

10 (1) Part-time employees whose total work hours for one  
11 employer during a calendar week do not exceed 20; and

12 (2) Employees needed in case of breakdown of machinery  
13 or equipment or other emergency requiring the immediate  
14 services of experienced and competent labor to prevent  
15 injury to person, damage to property, or suspension of  
16 necessary operation; and

17 (3) Employees employed in agriculture or coal mining;  
18 and

19 (4) Employees engaged in the occupation of canning and  
20 processing perishable agricultural products, if such  
21 employees are employed by an employer in such occupation  
22 on a seasonal basis and for not more than 20 weeks during  
23 any calendar year or 12 month period; and

24 (5) Employees employed as watchmen or security guards;  
25 and

26 (6) Employees who are employed in a bonafide

1 executive, administrative, or professional capacity or in  
2 the capacity of an outside salesman, as defined in Section  
3 12 (a) (1) of the federal Fair Labor Standards Act, as  
4 amended, and those employed as supervisors as defined in  
5 Section 2 (11) of the National Labor Relations Act, as  
6 amended; and

7 (7) Employees who are employed as crew members of any  
8 uninspected towing vessel, as defined by Section 2101(40)  
9 of Title 46 of the United States Code, operating in any  
10 navigable waters in or along the boundaries of the State  
11 of Illinois.

12 (Source: P.A. 99-758, eff. 1-1-17.)

13 (820 ILCS 140/3) (from Ch. 48, par. 8c)

14 Sec. 3. Every employer shall permit its employees who are  
15 to work for 7 1/2 continuous hours ~~or longer~~, except those  
16 specified in this Section, at least 20 minutes for a meal  
17 period beginning no later than 5 hours after the start of the  
18 work period. An employee who works in excess of 7 1/2  
19 continuous hours shall be entitled to an additional 20-minute  
20 meal period for every additional 4 1/2 continuous hours  
21 worked. For purposes of this Section, a meal period does not  
22 include reasonable time spent using the restroom facilities.

23 This Section does not apply to employees for whom meal  
24 periods are established through the collective bargaining  
25 process.

1           This Section does not apply to employees who monitor  
2 individuals with developmental disabilities or mental illness,  
3 or both, and who, in the course of those duties, are required  
4 to be on call during an entire 8 hour work period; however,  
5 those employees shall be allowed to eat a meal during the 8  
6 hour work period while continuing to monitor those  
7 individuals.

8           This Section does not apply to individuals who are  
9 employed by a private company and licensed under the Emergency  
10 Medical Services (EMS) Systems Act, are required to be on call  
11 during an entire 8-hour work period, and are not local  
12 government employees; however, those individuals shall be  
13 allowed to eat a meal during the 8-hour work period while on  
14 call.

15           (Source: P.A. 100-1067, eff. 8-24-18.)

16           (820 ILCS 140/7) (from Ch. 48, par. 8g)

17           Sec. 7. Civil offense.

18           (a) Any employer who violates any of the provisions of  
19 this Act, shall be guilty of a civil ~~petty~~ offense, and shall  
20 be subject to a civil penalty of up to \$500 per offense,  
21 payable to the Department of Labor, and damages of up to \$500  
22 per offense, payable to the employee or employees affected.  
23 Each employee whose rights are violated under this Act shall  
24 constitute a separate offense. Each week that an employee is  
25 found to not have been allowed 24 consecutive hours of rest as

1 required in Section 2 shall constitute a separate offense.  
2 Each day that an employee is found not to have been provided a  
3 meal period as required in Section 3 shall constitute a  
4 separate offense ~~fined for each offense in a sum of not less~~  
5 ~~than \$25 nor more than \$100.~~

6 (b) The Director of Labor shall enforce this Act in  
7 accordance with the Illinois Administrative Procedure Act. The  
8 Director of Labor shall have the powers and the parties shall  
9 have the rights provided in the Illinois Administrative  
10 Procedure Act for contested cases, including, but not limited  
11 to, provisions for depositions, subpoena power and procedures,  
12 and discovery and protective order procedures.

13 (c) Any Funds collected by the Department of Labor under  
14 this Act shall be deposited into the Child Labor and Day and  
15 Temporary Labor Services Enforcement Fund.

16 (Source: P.A. 77-2418.)

17 (820 ILCS 140/8.5 new)

18 Sec. 8.5. Notification.

19 (a) Every employer covered by this Act shall post and keep  
20 posted, in one or more conspicuous places on the premises of  
21 the employer where notices to employees are customarily  
22 posted, a notice, to be provided by the Director of Labor,  
23 summarizing the requirements of this Act and information  
24 pertaining to the filing of a complaint. The Director of Labor  
25 shall provide copies of summaries and rules to employers upon

1 request without charge.

2 (b) An employer with employees who do not regularly report  
3 to a physical workplace, and instead work remotely or travel  
4 for work, shall also provide the notice by email to its  
5 employees or on a website, regularly used by the employer to  
6 communicate work-related information, that all employees are  
7 able to regularly access, freely and without interference.

8 (c) Failure to provide notice as required by this Section  
9 shall be deemed a violation of this Act.

10 (820 ILCS 140/9) (from Ch. 48, par. 8i)

11 Sec. 0.01 ~~9~~. Short title. This Act may be cited as the One  
12 Day Rest In Seven Act.

13 (Source: P.A. 86-1324)".