

HB4888



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4888

Introduced 2/7/2024, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

820 ILCS 90/15

Amends the Illinois Freedom to Work Act. Provides that a covenant not to compete or a covenant not to solicit is not enforceable if it restricts an employee's ability to exercise his or her rights under federal law.

LRB103 35619 SPS 65693 b

A BILL FOR

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 Illinois Freedom to Work Act is amended by
5 changing Section 15 as follows:

6 (820 ILCS 90/15)

7 Sec. 15. Enforceability of a covenant not to compete or a
8 covenant not to solicit.

9 (a) A covenant not to compete or a covenant not to solicit
10 is illegal and void unless (1) the employee receives adequate
11 consideration, (2) the covenant is ancillary to a valid
12 employment relationship, (3) the covenant is no greater than
13 is required for the protection of a legitimate business
14 interest of the employer, (4) the covenant does not impose
15 undue hardship on the employee, and (5) the covenant is not
16 injurious to the public.

17 (b) A covenant not to compete or a covenant not to solicit
18 is not enforceable if it restricts an employee's ability to
19 exercise his or her rights under federal law.

20 (Source: P.A. 102-358, eff. 1-1-22.)