



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5159

Introduced 2/9/2024, by Rep. Tony M. McCombie

#### SYNOPSIS AS INTRODUCED:

820 ILCS 192/10

Amends the Paid Leave for All Workers Act. Provides that the definition of "employee" means an individual who (i) meets the definition of "employee" in specified provisions of the Illinois Wage Payment and Collection Act and (ii) works at least 130 hours for an employer over a period of at least 90 days.

LRB103 39441 SPS 69634 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 Paid Leave for All Workers Act is amended by  
5 changing Section 10 as follows:

6 (820 ILCS 192/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Construction industry" means any constructing, altering,  
9 reconstructing, repairing, rehabilitating, refinishing,  
10 refurbishing, remodeling, remediating, renovating, custom  
11 fabricating, maintenance, landscaping, improving, wrecking,  
12 painting, decorating, demolishing, or adding to or subtracting  
13 from any building, structure, highway, roadway, street,  
14 bridge, alley, sewer, ditch, sewage disposal plant,  
15 waterworks, parking facility, railroad, excavation or other  
16 structure, project, development, real property, or  
17 improvement, or to do any part thereof, whether or not the  
18 performance of the work herein described involves the addition  
19 to or fabrication into, any structure, project, development,  
20 real property, or improvement herein described of any material  
21 or article of merchandise.

22 "Construction industry" also includes moving construction  
23 related materials on the job site or to or from the job site,

1 snow plowing, snow removal, and refuse collection.

2 "Department" means the Illinois Department of Labor.

3 "Domestic work" and "domestic worker" have the same  
4 meanings as defined in Section 10 of the Domestic Workers'  
5 Bill of Rights Act, except that "domestic worker" also  
6 includes independent contractors, sole proprietors, and  
7 partnerships.

8 "Employee" means an individual who (i) meets the  
9 definition of "employee" ~~has the same application and meaning~~  
10 as that provided in Sections 1 and 2 of the Illinois Wage  
11 Payment and Collection Act and (ii) works at least 130 hours  
12 for an employer over a period of at least 90 days. "Employee"  
13 also includes all domestic workers, and, for the purposes of  
14 this Act, domestic workers shall not be excluded as employees  
15 under the provisions of item (1), (2), or (3) of Section 2 of  
16 the Illinois Wage Payment and Collection Act. "Employee" does  
17 not include:

18 (1) an employee as defined in the federal Railroad  
19 Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the  
20 Railway Labor Act;

21 (2) a student enrolled in and regularly attending  
22 classes in a college or university that is also the  
23 student's employer, and who is employed on a temporary  
24 basis at less than full time at the college or university,  
25 but this exclusion applies only to work performed for that  
26 college or university; or

1           (3) a short-term employee who is employed by an  
2           institution of higher education for less than 2  
3           consecutive calendar quarters during a calendar year and  
4           who does not have a reasonable expectation that they will  
5           be rehired by the same employer of the same service in a  
6           subsequent calendar year.

7           "Employer" has the same application and meaning as that  
8           provided in Sections 1 and 2 of the Illinois Wage Payment and  
9           Collection Act, except that for purposes of this Act,  
10          "employer" also means the State and units of local government,  
11          any political subdivision of the State or units of local  
12          government, or any State or local government agency.

13          "Employer" does not include school districts organized  
14          under the School Code or park districts organized under the  
15          Park District Code.

16          "Writing" or "written" means a printed or printable  
17          communication in physical or electronic format, including a  
18          communication that is transmitted through electronic mail,  
19          text message, or a computer system or is otherwise sent or  
20          stored electronically.

21          (Source: P.A. 102-1143, eff. 1-1-24.)