



Sen. Paul Faraci

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10300SB0507sam001

LRB103 02959 SPS 76636 a

1 AMENDMENT TO SENATE BILL 507

2 AMENDMENT NO. _____. Amend Senate Bill 507 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Freedom to Work Act is amended by
5 changing Section 10 as follows:

6 (820 ILCS 90/10)

7 (Text of Section before amendment by P.A. 103-915 and
8 103-921)

9 Sec. 10. Prohibiting covenants not to compete and
10 covenants not to solicit.

11 (a) No employer shall enter into a covenant not to compete
12 with any employee unless the employee's actual or expected
13 annualized rate of earnings exceeds \$75,000 per year. This
14 amount shall increase to \$80,000 per year beginning on January
15 1, 2027, \$85,000 per year beginning on January 1, 2032, and
16 \$90,000 per year beginning on January 1, 2037. A covenant not

1 to compete entered into in violation of this subsection is
2 void and unenforceable.

3 (b) No employer shall enter into a covenant not to solicit
4 with any employee unless the employee's actual or expected
5 annualized rate of earnings exceeds \$45,000 per year. This
6 amount shall increase to \$47,500 per year beginning on January
7 1, 2027, \$50,000 per year beginning on January 1, 2032, and
8 \$52,500 per year beginning on January 1, 2037. A covenant not
9 to solicit entered into in violation of this subsection is
10 void and unenforceable.

11 (c) No employer shall enter into a covenant not to compete
12 or a covenant not to solicit with any employee who an employer
13 terminates or furloughs or lays off as the result of business
14 circumstances or governmental orders related to the COVID-19
15 pandemic or under circumstances that are similar to the
16 COVID-19 pandemic, unless enforcement of the covenant not to
17 compete includes compensation equivalent to the employee's
18 base salary at the time of termination for the period of
19 enforcement minus compensation earned through subsequent
20 employment during the period of enforcement. A covenant not to
21 compete or a covenant not to solicit entered into in violation
22 of this subsection is void and unenforceable.

23 (d) A covenant not to compete is void and illegal with
24 respect to individuals covered by a collective bargaining
25 agreement under the Illinois Public Labor Relations Act or the
26 Illinois Educational Labor Relations Act and individuals

1 employed in construction. This subsection (d) does not apply
2 to construction employees who primarily perform management,
3 engineering or architectural, design, or sales functions for
4 the employer or who are shareholders, partners, or owners in
5 any capacity of the employer.

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

7 (Text of Section after amendment by P.A. 103-915 and
8 103-921)

9 Sec. 10. Prohibiting covenants not to compete and
10 covenants not to solicit.

11 (a) No employer shall enter into a covenant not to compete
12 with any employee unless the employee's actual or expected
13 annualized rate of earnings exceeds \$75,000 per year. This
14 amount shall increase to \$80,000 per year beginning on January
15 1, 2027, \$85,000 per year beginning on January 1, 2032, and
16 \$90,000 per year beginning on January 1, 2037. A covenant not
17 to compete entered into in violation of this subsection is
18 void and unenforceable.

19 (b) No employer shall enter into a covenant not to solicit
20 with any employee unless the employee's actual or expected
21 annualized rate of earnings exceeds \$45,000 per year. This
22 amount shall increase to \$47,500 per year beginning on January
23 1, 2027, \$50,000 per year beginning on January 1, 2032, and
24 \$52,500 per year beginning on January 1, 2037. A covenant not
25 to solicit entered into in violation of this subsection is

1 void and unenforceable.

2 (c) No employer shall enter into a covenant not to compete
3 or a covenant not to solicit with any employee who an employer
4 terminates or furloughs or lays off as the result of business
5 circumstances or governmental orders related to the COVID-19
6 pandemic or under circumstances that are similar to the
7 COVID-19 pandemic, unless enforcement of the covenant not to
8 compete includes compensation equivalent to the employee's
9 base salary at the time of termination for the period of
10 enforcement minus compensation earned through subsequent
11 employment during the period of enforcement. A covenant not to
12 compete or a covenant not to solicit entered into in violation
13 of this subsection is void and unenforceable.

14 (d) A covenant not to compete is void and illegal with
15 respect to individuals covered by a collective bargaining
16 agreement under the Illinois Public Labor Relations Act or the
17 Illinois Educational Labor Relations Act.

18 (e) A covenant not to compete or a covenant not to solicit
19 is void and illegal with respect to individuals employed in
20 construction, regardless of whether an individual is covered
21 by a collective bargaining agreement. This subsection (e) does
22 not apply to construction employees who primarily perform
23 management, engineering or architectural, design, or sales
24 functions for the employer or who are shareholders, partners,
25 or owners in any capacity of the employer.

26 (f) ~~(e)~~ Any covenant not to compete or covenant not to

1 solicit entered into after January 1, 2025 (the effective date
2 of Public Act 103-915) ~~this amendatory Act of the 103rd~~
3 ~~General Assembly~~ shall not be enforceable with respect to the
4 provision of mental health services to veterans and first
5 responders by any licensed mental health professional in this
6 State if the enforcement of the covenant not to compete or
7 covenant not to solicit is likely to result in an increase in
8 cost or difficulty for any veteran or first responder seeking
9 mental health services.

10 For the purpose of this subsection:

11 "First responders" means any persons who are currently or
12 formerly employed as: (i) emergency medical services
13 personnel, as defined in the Emergency Medical Services (EMS)
14 Systems Act, (ii) firefighters, and (iii) law enforcement
15 officers.

16 "Licensed mental health professional" means a person
17 licensed under the Clinical Psychologist Licensing Act, the
18 Clinical Social Work and Social Work Practice Act, the
19 Marriage and Family Therapy Licensing Act, the Nurse Practice
20 Act, or the Professional Counselor and Clinical Professional
21 Counselor Licensing and Practice Act.

22 (Source: P.A. 102-358, eff. 1-1-22; 103-915, eff. 1-1-25;
23 103-921, eff. 1-1-25; revised 10-10-24.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.

6 Section 99. Effective date. This Act takes effect January
7 1, 2025.".