

SB2793



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2793

Introduced 1/17/2024, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

820 ILCS 192/10

Amends the Paid Leave for All Workers Act. Provides that the definition of "employee" does not include a worker who is not provided with a regular work schedule by an employer and is directly contracted with the employer to work on an as-needed basis for the express purpose of covering the shifts of full-time employees who are taking leave for vacations, illness, or for any other unforeseen reason.

LRB103 36978 SPS 67092 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 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" has the same application and meaning as that
9 provided in Sections 1 and 2 of the Illinois Wage Payment and
10 Collection Act. "Employee" also includes all domestic workers,
11 and, for the purposes of this Act, domestic workers shall not
12 be excluded as employees under the provisions of item (1),
13 (2), or (3) of Section 2 of the Illinois Wage Payment and
14 Collection Act. "Employee" does not include:

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

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

24 (3) a short-term employee who is employed by an
25 institution of higher education for less than 2
26 consecutive calendar quarters during a calendar year and

1 who does not have a reasonable expectation that they will
2 be rehired by the same employer of the same service in a
3 subsequent calendar year; or -

4 (4) a worker who is not provided with a regular work
5 schedule by an employer and is directly contracted with
6 the employer to work on an as-needed basis for the express
7 purpose of covering the shifts of full-time employees who
8 are taking leave for vacations, illness, or for any other
9 unforeseen reason.

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

16 "Employer" does not include school districts organized
17 under the School Code or park districts organized under the
18 Park District Code.

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

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