



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2939

Introduced 1/31/2024, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

820 ILCS 140/1	from Ch. 48, par. 8a
820 ILCS 140/2	from Ch. 48, par. 8b
820 ILCS 140/3	from Ch. 48, par. 8c
820 ILCS 140/4	from Ch. 48, par. 8d
820 ILCS 140/5	from Ch. 48, par. 8e
820 ILCS 140/5.5 new	
820 ILCS 140/7	from Ch. 48, par. 8g
820 ILCS 140/8	from Ch. 48, par. 8h

Amends the One Day Rest In Seven Act. Provides that the calculation of required rest days does not include any time that the employee is on call. Provides that an employee who voluntarily agrees to work on a day of rest must be paid at his or her regular hourly rate or, if applicable, at the overtime wage rate as required by the Illinois Minimum Wage Law. Provides that every employer shall permit its employees who are scheduled or expected to work (rather than are to work) for 7 1/2 continuous hours at least 20 minutes for a meal period beginning no later than 5 hours after the start of the work period. Provides that any employer, or agent or officer of an employer, has violated the Act if he or she discharges, takes an adverse action against, or in any other manner discriminates against any employee because that employee has exercised a right under the Act. Provides that the Director of Labor may (rather than shall) grant long term and short permits authorizing the employment of persons on days of rest. Makes changes in provisions concerning definitions; posting requirements; recordkeeping; and civil offenses. Makes other changes.

LRB103 38546 SPS 68682 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 One Day Rest In Seven Act is amended by
5 changing Sections 1, 2, 3, 4, 5, 7, and 8 and by adding Section
6 5.5 as follows:

7 (820 ILCS 140/1) (from Ch. 48, par. 8a)

8 Sec. 1. Definition. As used in this Act:

9 ~~The words and phrases mentioned in this section, as used in~~
10 ~~this Act, and in proceedings pursuant hereto shall, unless the~~
11 ~~same be inconsistent with the context, be construed as~~
12 ~~follows:~~

13 "Employer" shall mean a person, partnership, joint stock
14 company or corporation, which employs any person to work,
15 labor or exercise skill in connection with the operation of
16 any business, industry, vocation or occupation.

17 (Source: P.A. 78-917.)

18 (820 ILCS 140/2) (from Ch. 48, par. 8b)

19 Sec. 2. Hours and days of rest in every consecutive
20 seven-day period.

21 (a) Every employer shall allow every employee except those
22 specified in this Section at least twenty-four consecutive

1 hours of rest in every consecutive seven-day period in
2 addition to the regular period of rest allowed at the close of
3 each working day, not including any time that the employee is
4 on call.

5 (a-5) A person employed as a domestic worker, as defined
6 in Section 10 of the Domestic Workers' Bill of Rights Act,
7 shall be allowed at least 24 consecutive hours of rest in every
8 consecutive seven-day period. This subsection (a-5) ~~(a)~~ does
9 not prohibit a domestic worker from voluntarily agreeing to
10 work on such day of rest required by this subsection (a-5) ~~(a)~~
11 if the worker is compensated at the overtime rate for all hours
12 worked on such day of rest. The day of rest authorized under
13 this subsection (a-5) ~~(a)~~ should, whenever possible, coincide
14 with the traditional day reserved by the domestic worker for
15 religious worship.

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

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

19 (2) Employees needed in case of breakdown of machinery
20 or equipment or other emergency requiring the immediate
21 services of experienced and competent labor to prevent
22 injury to person, damage to property, or suspension of
23 necessary operation; and

24 (3) Employees employed in agriculture or coal mining;
25 and

26 (4) Employees engaged in the occupation of canning and

1 processing perishable agricultural products, if such
2 employees are employed by an employer in such occupation
3 on a seasonal basis and for not more than 20 weeks during
4 any calendar year or 12 month period; and

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

7 (6) Employees who are employed in a bona fide ~~bonafide~~
8 executive, administrative, or professional capacity or in
9 the capacity of an outside salesman, as defined in Section
10 12(a)(1) of the federal Fair Labor Standards Act, as
11 amended, and those employed as supervisors as defined in
12 Section 2(11) of the National Labor Relations Act, as
13 amended; and

14 (7) Employees who are employed as crew members of any
15 uninspected towing vessel, as defined by Section 2101(40)
16 of Title 46 of the United States Code, operating in any
17 navigable waters in or along the boundaries of the State
18 of Illinois; and

19 (8) Employees for whom work hours, days of work, and
20 rest periods are established through the collective
21 bargaining process.

22 (Source: P.A. 102-828, eff. 1-1-23; 102-1012, eff. 1-1-23;
23 103-154, eff. 6-30-23.)

24 (820 ILCS 140/3) (from Ch. 48, par. 8c)

25 Sec. 3. (a) Every employer shall permit its employees who

1 are scheduled or expected to work for 7 1/2 continuous hours,
2 except those specified in this Section, at least 20 minutes
3 for a meal period beginning no later than 5 hours after the
4 start of the work period.

5 (b) An employee who works in excess of 7 1/2 continuous
6 hours shall be entitled to an additional 20-minute meal period
7 for every additional 4 1/2 continuous hours the employee is
8 scheduled or expected to be worked.

9 (c) For purposes of this Section, a meal period does not
10 include reasonable time spent using the restroom facilities.

11 (d) Exceptions.

12 (1) This Section does not apply to employees for whom
13 meal periods are established through the collective
14 bargaining process.

15 (2) This Section does not apply to employees who
16 monitor individuals with developmental disabilities or
17 mental illness, or both, and who, in the course of those
18 duties, are required to be on call during an entire 8 hour
19 work period; however, those employees shall be allowed to
20 eat a meal during the 8 hour work period while continuing
21 to monitor those individuals.

22 (3) This Section does not apply to individuals who are
23 employed by a private company and licensed under the
24 Emergency Medical Services (EMS) Systems Act, are required
25 to be on call during an entire 8-hour work period, and are
26 not local government employees; however, those individuals

1 shall be allowed to eat a meal during the 8-hour work
2 period while on call.

3 (Source: P.A. 102-828, eff. 1-1-23.)

4 (820 ILCS 140/4) (from Ch. 48, par. 8d)

5 Sec. 4. Before operating on the first day of the week,
6 which is commonly known as Sunday, every employer shall post
7 in a conspicuous place on the premises, and provide
8 electronically, a schedule containing a list of his employees
9 who are required or allowed to work on Sunday, and designating
10 the day of rest for each. ~~No Anything in this Act to the~~
11 ~~contrary notwithstanding, no~~ employee shall be required to
12 work on the day of rest so designated for that employee ~~him~~.

13 (Source: P.A. 80-1294.)

14 (820 ILCS 140/5) (from Ch. 48, par. 8e)

15 Sec. 5. Every employer shall keep records ~~a time book~~
16 showing the names and addresses of all employees and the hours
17 worked by each of them on each day, and such records ~~time book~~
18 shall be open to inspection at all reasonable hours by the
19 Director of Labor.

20 (Source: P.A. 78-917.)

21 (820 ILCS 140/5.5 new)

22 Sec. 5.5. Retaliation prohibited. Any employer, or agent
23 or officer of an employer has violated this Act if he or she

1 discharges, takes an adverse action against, or in any other
2 manner discriminates against any employee because that
3 employee has:

4 (1) exercised a right under this Act;

5 (2) made a complaint to his or her employer or to the
6 Director or the Director's authorized representative;

7 (3) caused to be instituted or is about to cause to be
8 instituted any proceeding under or related to this Act; or

9 (4) testified or is about to testify in an
10 investigation or proceeding under this Act.

11 (820 ILCS 140/7) (from Ch. 48, par. 8g)

12 Sec. 7. Civil offense.

13 (a) Any employer who violates any provision of this Act,
14 except for Section 8.5, ~~Sections 2, 3, or 3.1~~ shall be guilty
15 of a civil offense, and shall be subject to a civil penalty as
16 follows:

17 (1) For an employer with fewer than 25 employees, a
18 penalty not to exceed \$250 per offense, payable to the
19 Department of Labor, and damages of up to \$250 per
20 offense, payable to the employee or employees affected.

21 (2) For an employer with 25 or more employees, a
22 penalty not to exceed \$500 per offense, payable to the
23 Department of Labor, and damages of up to \$500 per
24 offense, payable to the employee or employees affected.

25 (b) An offense under this Act shall be determined on an

1 individual basis for each employee whose rights are violated.

2 (1) Each week that an employee is found to not have
3 been allowed 24 consecutive hours of rest as required in
4 Section 2 shall constitute a separate offense.

5 (2) Each day that an employee is found not to have been
6 provided a meal period as required in Section 3 shall
7 constitute a separate offense.

8 (3) A violation of Section 8.5 shall constitute a
9 single offense, and is subject to a civil penalty not to
10 exceed \$250 payable to the Department of Labor.

11 (b-5) In determining the amount of a penalty under this
12 Section, the Department may consider the size of the business
13 and the gravity of the violation.

14 (c) The Director of Labor shall enforce this Act in
15 accordance with the Illinois Administrative Procedure Act or
16 may bring an action in any circuit court represented by the
17 Attorney General. The Director of Labor shall have the powers
18 and the parties shall have the rights provided in the Illinois
19 Administrative Procedure Act for contested cases, including,
20 but not limited to, provisions for depositions, subpoena power
21 and procedures, and discovery and protective order procedures.

22 (d) Any funds collected by the Department of Labor under
23 this Act shall be deposited into the Child Labor and Day and
24 Temporary Labor Services Enforcement Fund.

25 (Source: P.A. 102-828, eff. 1-1-23.)

1 (820 ILCS 140/8) (from Ch. 48, par. 8h)

2 Sec. 8. The Director of Labor may ~~shall~~ grant permits
3 authorizing the employment of persons on days of rest
4 designated pursuant to Section 4 of this Act as follows: -

5 (1) Long term permits. The Department may adopt rules
6 allowing employers who have a need, due to business
7 necessity, economic viability, or other specific
8 circumstances, to regularly allow employees to work 7
9 consecutive days on a weekly basis, to apply for an
10 initial permit lasting up to 3 months, and up to 12 months
11 for permit renewal. As a condition of a permit lasting
12 longer than 7 consecutive days, the employer must certify
13 that employees who are allowed to work 7 consecutive days
14 will be paid at the overtime rate or be granted equivalent
15 compensatory time for any work performed on a 7th
16 consecutive day. The employer must inform employees that
17 they are entitled to overtime pay or equivalent
18 compensatory time and maintain records documenting each
19 employee's acknowledgement that they were informed of that
20 right.

21 (2) Single instance permits. The Department may adopt
22 rules allowing employers who have a need, due to business
23 necessity, economic viability, or other special
24 circumstances, to allow an employer to allow one or more
25 employees to work on a designated day of rest. ~~Such~~
26 permits shall not authorize the employment of persons for

1 ~~7 days a week for more than 8 weeks in any one year, unless~~
2 ~~the Director finds that the necessity for employment of~~
3 ~~persons on their designated day of rest cannot be remedied~~
4 ~~by increasing the number of employees or by adjusting~~
5 ~~production schedules.~~

6 The Director of Labor may ~~shall~~ give due consideration to
7 business necessity, ~~and~~ economic viability, or other specific
8 circumstances in granting such permits.

9 (Source: P.A. 80-1294.)