**Section 200.110 Definitions**

In addition to the terms set forth in Section 10 of the Act, all other terms used in this Part shall have the meanings set forth in this Section.

"Accrual" or "accrue" is the practice of accumulating paid time off over a period of time, proportionately to hours worked.

"Act" means the Paid Leave for All Workers Act [820 ILCS 192].

"Administrative Law Judge" means an individual authorized by the Department to determine the merits of claims alleging violations of the Act.

"Aggrieved Employee" means an employee affected by a possible violation of the Act, regardless of whether the employee has filed a claim with the Department.

"Complaint" means a signed document alleging a violation of the Act, accompanied by any supporting documentation required by the Department.

*"Construction industry" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, or adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, waterworks, parking facility, railroad, excavation or other structure, project, development, real property, or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to or fabrication into, any structure, project, development, real property, or improvement herein described of any material or article of merchandise. The definition also includes moving construction-related materials on the job site or to or from the job site, snow plowing, snow removal, and refuse collection.* [820 ILCS 192/10]

"Day" means a calendar day.

*"Department" means the Illinois Department of Labor*, its Director, and the Director's authorized representatives. [820 ILCS 192/110]

*"Domestic work" means housekeeping, house cleaning, home management, nanny services including childcare and child monitoring, caregiving, personal care or home health services for elderly persons or persons with an illness, injury, or disability who require assistance in caring for themselves, laundering, cooking, companion services, chauffeuring; or other household services for members of households or their guests in or about a private home or residence or any other location where the domestic work is performed, as defined by the Domestic Workers' Bill of Rights Act*. [820 ILCS 192/10]

"Domestic worker" means a person, *including independent contractors, sole proprietors, and partnerships,* who performs domestic work. [820 ILCS 192/10]

"Domicile" for purposes of the definition of "employee," means a *true, fixed, and permanent legal home of a person or the place to which the person intends to return even though the person may reside elsewhere. As a further explanation, "a person may have more than one residence but only one domicile".* [625 ILCS 5/1-115.5]

"Employee" means an individual permitted to work in an occupation by an employer and:

whose base of operations, regional office, or headquarters is in Illinois and that employee's work is primarily performed in Illinois, or

if either of the following is true:

The work is primarily performed in Illinois for an employer that performs substantial business in the State, markets its services in the State, or maintains a registered agent within the State of Illinois; or

The work is primarily performed in Illinois and individual is domiciled in Illinois.

For the purposes of this Part, when considering whether work is performed primarily in Illinois, the Department will consider the following factors:

The amount of work performed in Illinois compared to the amount of work performed outside of Illinois;

Whether the work performed inside of Illinois is isolated, temporary, or transitory; and

Whether the work performed outside of Illinois is the of same nature or has the same duties of the work performed in Illinois.

The definition of "employee" does not include the following:

*An employee as defined in the federal Railroad Unemployment Insurance Act (45 U.S.C. 351) or the federal Railway Labor Act (45 U.S.C. 151);*

*A student enrolled in and regularly attending classes in a college or university who is also working less than full-time temporary basis at the same college or university;*

*An employee of a college or university who works for less than 2 consecutive quarters and the employee does not have a reasonable expectation to be rehired by the same employer for the same service in the subsequent calendar year; or*

A bona fide independent contractor except an individual working as a domestic worker *as defined by the Domestic Workers' Bill of Rights Act* and by this Part. [820 ILCS 192/10]

The definition of "employee" includes domestic workers.

"*Employer*" means any individual, sole proprietor, partnership, association, corporation, limited liability company, business trust, employment and labor placement agency where wage payments are made directly or indirectly by the agency or business for work undertaken by employees under hire to a third party pursuant to a contract between the business or agency with the third party, *State or local unit of government, any political subdivision of the State, or any State or local government agency,* including all branches of State government, employing individuals in Illinois, except for the following:

*Public school districts organized under the School Code* [105 ILCS 5]; *and*

*Park districts organized under the Park District Code* [70 ILCS 1205]. [820 ILCS 192/10]

"Foreseeable" means reasonably able to be known or anticipated.

"Frontload" means to *make available the minimum number of hours of paid leave time, subject to pro rata requirements provided in* 820 ILCS 192/15(b)*, to an employee on the first day of employment or the first day of the 12-month period*. [820 ILCS 192/15(c)]

"Independent contractor" means an individual, other than a domestic worker, who:

*has been and will continue to be free from control and direction over the performance of the individual's work, both under the contract of service with the employer and in fact; and*

*performs work that is either outside the usual course of business or is performed outside all of the employer's places of business, unless the employer is in the business of contracting with third parties for the placement of employees; and*

*is in an independently established trade, occupation, profession, or business.* [820 ILCS 115/2]

"Paid leave", "paid leave time", or "paid leave hours" means time off from work for which the employer is required to pay the employee.

"Party" means any employee affected by a possible violation of the Act or any employer whose compliance with the Act is in question.

"Practical" means realistically capable of being accomplished in the actual circumstances.

"Qualifying pre-existing paid leave policy" means a bona fide paid leave policy that an employer has enacted prior to January 1, 2024, that, in practice, satisfies the minimum amount of leave required by subsection 15(a) if the policy offers an employee the option, at the employee's discretion, to take paid leave for any reason.

"Rate of pay" means:

for an employee who is not *engaged in an occupation in which gratuities or commissions have customarily and usually constituted part of remuneration for hire*, an employee's hourly rate of pay; and

for an employee who *is engaged in an occupation in which gratuities or commissions have customarily and usually constituted part of remuneration for hire, the full minimum wage in the jurisdiction where the employee is employed* or the agreed-upon hourly base wage rate, whichever is higher. [820 ILCS 192/5]

"Shared services" means services provided by a domestic worker to more than one employer that are intentionally coordinated by the employers. For example, in the context of childcare services, shared services are commonly referred to as a "nanny share".

"State agency" means all boards, commissions, agencies, institutions, authorities, bodies politic and corporate of the State created by or pursuant to the constitution or statute, of the executive branch of State government.

"Unforeseeable" means not reasonably able to be known or anticipated.

*"Writing" or "Written" means a printed or printable communication in physical or electronic format, including a communication that is transmitted through electronic mail, text message, or a computer system or is otherwise sent or stored electronically.* [820 ILCS 192/10]