



Sen. Martin A. Sandoval

Filed: 5/26/2017

10000HB2802sam002

LRB100 06136 JLS 27107 a

1 AMENDMENT TO HOUSE BILL 2802

2 AMENDMENT NO. _____. Amend House Bill 2802 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Transportation Benefits Program Act.

6 Section 5. Definitions. As used in this Act:

7 "Covered employee" means any person who performs an average
8 of at least 35 hours of work per week for compensation on a
9 full-time basis.

10 "Covered employer" means an employer:

11 (i) that is within: Cook County; Warren Township in
12 Lake County; Grant Township in Lake County; Frankfort
13 Township in Will County; Wheatland Township in Will County;
14 Addison Township; Bloomingdale Township; York Township;
15 Milton Township; Winfield Township; Downers Grove
16 Township; Lisle Township; Naperville Township; Dundee

1 Township; Elgin Township; St. Charles Township; Geneva
2 Township; Batavia Township; Aurora Township; Zion
3 Township; Benton Township; Waukegan Township; Avon
4 Township; Libertyville Township; Shields Township; Vernon
5 Township; West Deerfield Township; Deerfield Township;
6 McHenry Township; Nunda Township; Algonquin Township;
7 DuPage Township; Homer Township; Lockport Township;
8 Plainfield Township; New Lenox Township; Joliet Township;
9 or Troy Township; and

10 (ii) for which an average of 25 or more full-time
11 employees work for compensation in the geographic area
12 specified in item (i).

13 "Employer" means any individual, partnership, association,
14 corporation, limited liability company, government, non-profit
15 organization, or business trust who directly or indirectly, or
16 through an agent or any other person, employs or exercises
17 control over wages, hours, or working conditions of an
18 employee.

19 "Public transit" means any transportation system within
20 the authority and jurisdiction of the Regional Transportation
21 Authority.

22 "Qualified parking" means parking provided to an employee
23 on or near the business premises of the employer or on or near
24 a location from which the employee commutes to work by
25 transportation on public transit. "Qualified parking" does not
26 include parking on or near property used by the employee for

1 residential purposes.

2 "Transit pass" means any pass, token, fare card, voucher,
3 or similar item entitling a person to transportation on public
4 transit.

5 Section 10. Transportation benefits program. All covered
6 employers shall provide a program consistent with 26 U.S.C.
7 132(f) that allows a covered employee to elect to exclude from
8 taxable wages and compensation the employee's commuting costs
9 incurred for the purchase of a transit pass to use public
10 transit or for the purchase of qualified parking, up to a
11 maximum level allowed by federal tax law. A covered employer
12 may comply with this Section by participating in a program
13 offered by the Chicago Transit Authority or the Regional
14 Transportation Authority.

15 This benefit must be offered to all employees starting on
16 the employees' first full pay period after 120 days of
17 employment. All transit agencies shall market the existence of
18 this program and this Act to their riders in order to inform
19 affected employees and their employers.

20 Section 15. Application of Act. Nothing in this Act shall
21 be deemed to interfere with, impede, or in any way diminish the
22 right of employees to bargain collectively with their employers
23 through representatives of their own choosing in order to
24 establish wages or other conditions of work in excess of the

1 applicable minimum standards of the provisions of this Act.
2 Nothing in this Act shall be deemed to affect the validity or
3 change the terms of bona fide collective bargaining agreements
4 in force on the effective date of this Act. After the effective
5 date of this Act, requirements of this Act may be waived in a
6 bona fide collective bargaining agreement, but only if the
7 waiver is set forth explicitly in such agreement in clear and
8 unambiguous terms.

9 Section 99. Effective date. This Act takes effect January
10 1, 2018."