



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5768

Introduced 11/16/2022, by Rep. Frances Ann Hurley - Angelica Guerrero-Cuellar - Michael Kelly - Kelly M. Burke, Katie Stuart, et al.

SYNOPSIS AS INTRODUCED:

820 ILCS 140/1

from Ch. 48, par. 8a

820 ILCS 140/2

from Ch. 48, par. 8b

Amends the One Day Rest In Seven Act. Provides that in addition to the rest periods required under a specified provision of the Act, a law enforcement agency shall allow a law enforcement officer at least 24 consecutive hours of rest in either every consecutive 60-hour period or every calendar week, except while a disaster proclamation by the Governor is in effect.

LRB102 28158 RJT 39965 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 and 2 as follows:

6 (820 ILCS 140/1) (from Ch. 48, par. 8a)

7 Sec. 1. The words and phrases mentioned in this section,
8 as used in this Act, and in proceedings pursuant hereto shall,
9 unless the same be inconsistent with the context, be construed
10 as follows:

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

15 "Law enforcement agency" means all State agencies with law
16 enforcement officers, county sheriff's offices, municipal,
17 special district, college, unit of local government police
18 departments, or any other entity authorized by law to employ
19 peace officers or exercise police authority and who is
20 primarily responsible for the prevention or detection of crime
21 and the enforcement of the laws of this State.

22 "Law enforcement officer" means any person employed by a
23 State, county, municipality, special district, college, unit

1 of government, or any other entity authorized by law to employ
2 peace officers or exercise police authority and who is
3 primarily responsible for the prevention or detection of crime
4 and the enforcement of the laws of this State.

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

6 (820 ILCS 140/2) (from Ch. 48, par. 8b)

7 Sec. 2. Hours and days of rest in every calendar week.

8 (a) Every employer shall allow every employee except those
9 specified in this Section at least twenty-four consecutive
10 hours of rest in every calendar week in addition to the regular
11 period of rest allowed at the close of each working day.

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

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

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

25 (2) Employees needed in case of breakdown of machinery

1 or equipment or other emergency requiring the immediate
2 services of experienced and competent labor to prevent
3 injury to person, damage to property, or suspension of
4 necessary operation; and

5 (3) Employees employed in agriculture or coal mining;
6 and

7 (4) Employees engaged in the occupation of canning and
8 processing perishable agricultural products, if such
9 employees are employed by an employer in such occupation
10 on a seasonal basis and for not more than 20 weeks during
11 any calendar year or 12 month period; and

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

14 (6) Employees who are employed in a bonafide
15 executive, administrative, or professional capacity or in
16 the capacity of an outside salesman, as defined in Section
17 12 (a) (1) of the federal Fair Labor Standards Act, as
18 amended, and those employed as supervisors as defined in
19 Section 2 (11) of the National Labor Relations Act, as
20 amended; and

21 (7) Employees who are employed as crew members of any
22 uninspected towing vessel, as defined by Section 2101(40)
23 of Title 46 of the United States Code, operating in any
24 navigable waters in or along the boundaries of the State
25 of Illinois.

26 (c) In addition to the rest periods required under

1 subsection (a), a law enforcement agency shall allow a law
2 enforcement officer at least 24 consecutive hours of rest in
3 either every consecutive 60-hour period or every calendar
4 week. This subsection (c) does not apply while a disaster
5 proclamation by the Governor is in effect.

6 (Source: P.A. 99-758, eff. 1-1-17.)