

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 2, 3, and 7, adding Section 8.5, and
6 renumbering Section 9 as follows:

7 (820 ILCS 140/2) (from Ch. 48, par. 8b)

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

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

14 A person employed as a domestic worker, as defined in
15 Section 10 of the Domestic Workers' Bill of Rights Act, shall
16 be allowed at least 24 consecutive hours of rest in every
17 consecutive seven-day period ~~calendar week~~. This subsection

18 (a) does not prohibit a domestic worker from voluntarily
19 agreeing to work on such day of rest required by this
20 subsection (a) if the worker is compensated at the overtime
21 rate for all hours worked on such day of rest. The day of rest
22 authorized under this subsection (a) should, whenever
23 possible, coincide with the traditional day reserved by the

1 domestic worker for religious worship.

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

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

5 (2) Employees needed in case of breakdown of machinery
6 or equipment or other emergency requiring the immediate
7 services of experienced and competent labor to prevent
8 injury to person, damage to property, or suspension of
9 necessary operation; and

10 (3) Employees employed in agriculture or coal mining;
11 and

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

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

19 (6) Employees who are employed in a bonafide
20 executive, administrative, or professional capacity or in
21 the capacity of an outside salesman, as defined in Section
22 12 (a) (1) of the federal Fair Labor Standards Act, as
23 amended, and those employed as supervisors as defined in
24 Section 2 (11) of the National Labor Relations Act, as
25 amended; and

26 (7) Employees who are employed as crew members of any

1 uninspected towing vessel, as defined by Section 2101(40)
2 of Title 46 of the United States Code, operating in any
3 navigable waters in or along the boundaries of the State
4 of Illinois.

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

6 (820 ILCS 140/3) (from Ch. 48, par. 8c)

7 Sec. 3. Every employer shall permit its employees who are
8 to work for 7 1/2 continuous hours ~~or longer~~, except those
9 specified in this Section, at least 20 minutes for a meal
10 period beginning no later than 5 hours after the start of the
11 work period. An employee who works in excess of 7 1/2
12 continuous hours shall be entitled to an additional 20-minute
13 meal period for every additional 4 1/2 continuous hours
14 worked. For purposes of this Section, a meal period does not
15 include reasonable time spent using the restroom facilities.

16 This Section does not apply to employees for whom meal
17 periods are established through the collective bargaining
18 process.

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

1 This Section does not apply to individuals who are
2 employed by a private company and licensed under the Emergency
3 Medical Services (EMS) Systems Act, are required to be on call
4 during an entire 8-hour work period, and are not local
5 government employees; however, those individuals shall be
6 allowed to eat a meal during the 8-hour work period while on
7 call.

8 (Source: P.A. 100-1067, eff. 8-24-18.)

9 (820 ILCS 140/7) (from Ch. 48, par. 8g)

10 Sec. 7. Civil offense.

11 (a) Any employer who violates Sections 2, 3, or 3.1 ~~any of~~
12 ~~the provisions of this Act,~~ shall be guilty of a civil petty
13 offense, and shall be subject to a civil penalty as follows:
14 ~~fined for each offense in a sum of not less than \$25 nor more~~
15 ~~than \$100.~~

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

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

24 (b) An offense under this Act shall be determined on an
25 individual basis for each employee whose rights are violated.

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

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

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

10 (c) The Director of Labor shall enforce this Act in
11 accordance with the Illinois Administrative Procedure Act. The
12 Director of Labor shall have the powers and the parties shall
13 have the rights provided in the Illinois Administrative
14 Procedure Act for contested cases, including, but not limited
15 to, provisions for depositions, subpoena power and procedures,
16 and discovery and protective order procedures.

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

20 (Source: P.A. 77-2418.)

21 (820 ILCS 140/8.5 new)

22 Sec. 8.5. Notification.

23 (a) Every employer covered by this Act shall post and keep
24 posted, in one or more conspicuous places on the premises of
25 the employer where notices to employees are customarily

1 posted, a notice, to be provided by the Director of Labor,
2 summarizing the requirements of this Act and information
3 pertaining to the filing of a complaint. The Director of Labor
4 shall provide copies of summaries and rules to employers upon
5 request without charge.

6 (b) An employer with employees who do not regularly report
7 to a physical workplace, and instead work remotely or travel
8 for work, shall also provide the notice by email to its
9 employees or on a website, regularly used by the employer to
10 communicate work-related information, that all employees are
11 able to regularly access, freely and without interference.

12 (c) Failure to provide notice as required by this Section
13 shall be deemed a violation of this Act.

14 (820 ILCS 140/9) (from Ch. 48, par. 8i)

15 Sec. 0.01 ~~9~~. Short title. This Act may be cited as the One
16 Day Rest In Seven Act.

17 (Source: P.A. 86-1324)