



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3161

Introduced 1/12/2022, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

820 ILCS 205/3

from Ch. 48, par. 31.3

820 ILCS 205/8.1

from Ch. 48, par. 31.8-1

Amends the Child Labor Law. Provides that minors under 16 years of age working as child performers shall be permitted to work until 10 p.m. without seeking a waiver from the Department of Labor. Provides that an employer may apply to the Director of Labor, or his or her authorized representative, for a waiver permitting a minor to work outside of the hours allowed by the Act if specified criteria are satisfied.

LRB102 23338 SPS 32504 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 Child Labor Law is amended by changing
5 Sections 3 and 8.1 as follows:

6 (820 ILCS 205/3) (from Ch. 48, par. 31.3)

7 Sec. 3. Except as hereinafter provided, no minor under 16
8 years of age shall be employed, permitted, or allowed to work
9 in any gainful occupation mentioned in Section 1 of this Act
10 for more than 6 consecutive days in any one week, or more than
11 48 hours in any one week, or more than 8 hours in any one day,
12 or be so employed, permitted or allowed to work between 7 p.m.
13 and 7 a.m. from Labor Day until June 1 or between 9 p.m. and 7
14 a.m. from June 1 until Labor Day. Minors working as child
15 performers under the provisions of Section 8.1 shall be
16 permitted to work until 10 p.m.

17 The hours of work of minors under the age of 16 years
18 employed outside of school hours shall not exceed 3 a day on
19 days when school is in session, nor shall the combined hours of
20 work outside and in school exceed a total of 8 a day; except
21 that a minor under the age of 16 may work both Saturday and
22 Sunday for not more than 8 hours each day if the following
23 conditions are met: (1) the minor does not work outside school

1 more than 6 consecutive days in any one week, and (2) the
2 number of hours worked by the minor outside school in any week
3 does not exceed 24.

4 A minor 14 or more years of age who is employed in a
5 recreational or educational activity by a park district,
6 not-for-profit youth club, or municipal parks and recreation
7 department while school is in session may work up to 3 hours
8 per school day twice a week no later than 9 p.m. if the number
9 of hours worked by the minor outside school in any week does
10 not exceed 24 or between 10 p.m. and 7 a.m. during that school
11 district's summer vacation, or if the school district operates
12 on a 12 month basis, the period during which school is not in
13 session for the minor.

14 (Source: P.A. 92-592, eff. 6-27-02.)

15 (820 ILCS 205/8.1) (from Ch. 48, par. 31.8-1)

16 Sec. 8.1. (a) Notwithstanding the provisions of this Act,
17 minors under 16 years of age may be employed as models, or as
18 performers on live or pre-recorded radio or television, or in
19 motion pictures, or in other entertainment-related
20 performances, subject to reasonable conditions to be imposed
21 by rule of the Department of Labor. ~~This Section shall not~~
22 ~~apply to employment covered under Section 8 of this Act.~~

23 (b) Notwithstanding the provisions of this Act, an
24 employer who employs a minor under 16 years of age in a
25 television, motion picture, or related entertainment

1 production may allow the minor to work until 10 p.m. without
2 seeking a waiver from the Department of Labor. An employer may
3 apply to the Director of Labor, or his or her authorized
4 representative, for a ~~special~~ waiver permitting a minor to
5 work outside of the hours allowed by this Act. ~~from that~~
6 portion of Section 3 of this Act that prohibits the employment
7 of a minor under 16 years of age between 7 p.m. and 7 a.m. from
8 Labor Day to June 1 or between 9 p.m. and 7 a.m. from June 1
9 until Labor Day.

10 (1) A waiver request for a minor to work until 12:30
11 a.m. or between 5 a.m. and 7 a.m. shall be granted if the
12 Director, or his or her authorized representative, is
13 satisfied that:

14 (A) the employment will not be detrimental to the
15 health or welfare of the minor;

16 (B) the minor will be supervised adequately;

17 (C) the education of the minor will not be
18 neglected; and

19 (D) the total number of hours to be worked that day
20 and week is not over the limits established in this Act
21 or any rules adopted under this Act.

22 (2) A waiver request for a minor to work between 12:30
23 a.m. and 5 a.m. may be granted if the Director, or his or
24 her authorized representative, is satisfied that:

25 (A) the employment will not be detrimental to the
26 health or welfare of the minor;

1 (B) the minor will be supervised adequately;

2 (C) the education of the minor will not be
3 neglected;

4 (D) the total number of hours to be worked that day
5 and week is not over the limits established in this Act
6 or any rules adopted under this Act;

7 (E) the minor will have an appropriate opportunity
8 for rest the following day;

9 (F) the work must be performed at those times and
10 cannot be done during regular work hours; and

11 (G) the request was received by the Department at
12 least 48 hours prior to the hours requested to be
13 worked.

14 (c) An employer applying for the waiver shall submit to
15 the Director of Labor, or his or her authorized
16 representative, a completed application on the form that the
17 Director of Labor provides. ~~The Director of Labor, or his or~~
18 ~~her authorized representative, shall issue the waiver if,~~
19 ~~after investigation, he or she is satisfied that (i) the~~
20 ~~employment will not be detrimental to the health or welfare of~~
21 ~~the minor, (ii) the minor will be supervised adequately, and~~
22 ~~(iii) the education of the minor will not be neglected.~~ The
23 waiver shall contain signatures that show the consent of a
24 parent or legal guardian of the minor, the employer, and an
25 authorized representative of a collective bargaining unit if a
26 collective bargaining unit represents the minor upon

1 employment. The Department of Labor shall promulgate and
2 publish all necessary rules for the enforcement of this
3 Section, in accordance with the Illinois Administrative
4 Procedure Act, within 60 days after the effective date of this
5 amendatory Act of 1994.

6 (Source: P.A. 88-594, eff. 8-26-94.)