



Rep. Margaret Croke

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LRB103 39000 SPS 72901 a

1 AMENDMENT TO SENATE BILL 3180

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3180 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The One Day Rest In Seven Act is amended by  
5 changing Section 7 and by adding Section 5.5 as follows:

6 (820 ILCS 140/5.5 new)

7 Sec. 5.5. Retaliation prohibited. An employer, or agent or  
8 officer of an employer, violates this Act if he or she  
9 discharges, takes an adverse action against, or in any other  
10 manner discriminates against any employee because that  
11 employee has:

12 (1) exercised a right under this Act;

13 (2) made a complaint to his or her employer or to the  
14 Director or the Director's authorized representative;

15 (3) caused to be instituted or is about to cause to be  
16 instituted any proceeding under or related to this Act; or

1           (4) testified or is about to testify in an  
2           investigation or proceeding under this Act.

3           (820 ILCS 140/7) (from Ch. 48, par. 8g)  
4           Sec. 7. Civil offense.

5           (a) Any employer who violates Sections 2, 3, or 3.1 shall  
6           be guilty of a civil offense, and shall be subject to a civil  
7           penalty as follows:

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

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

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

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

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

24               (3) A violation of Section 8.5 shall constitute a  
25                single offense, and is subject to a civil penalty not to

1 exceed \$250 payable to the Department of Labor.

2 (4) An employee who has been unlawfully retaliated  
3 against in violation of Section 5.5 shall be entitled to  
4 recover, through a claim filed with the Department, all  
5 legal and equitable relief as may be appropriate.

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

13 (d) Penalties and fees under this Section may be assessed  
14 by the Department and recovered in a civil action brought by  
15 the Department in any circuit court or in any administrative  
16 adjudicative proceeding under this Act. In any such civil  
17 action under this Act, the Department shall be represented by  
18 the Attorney General. Any funds collected by the Department of  
19 Labor under this Act shall be deposited into the Child Labor  
20 and Day and Temporary Labor Services Enforcement Fund.

21 (Source: P.A. 102-828, eff. 1-1-23.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."