

# SB3539



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3539

Introduced 2/9/2024, by Sen. Paul Faraci

### SYNOPSIS AS INTRODUCED:

820 ILCS 192/10

Amends the Paid Leave for All Workers Act. Provides that the definition of "employee" does not include an election judge or a short-term worker hired to oversee and facilitate elections.

LRB103 38692 SPS 68829 b

A BILL FOR

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 Paid Leave for All Workers Act is amended by  
5 changing Section 10 as follows:

6 (820 ILCS 192/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Construction industry" means any constructing, altering,  
9 reconstructing, repairing, rehabilitating, refinishing,  
10 refurbishing, remodeling, remediating, renovating, custom  
11 fabricating, maintenance, landscaping, improving, wrecking,  
12 painting, decorating, demolishing, or adding to or subtracting  
13 from any building, structure, highway, roadway, street,  
14 bridge, alley, sewer, ditch, sewage disposal plant,  
15 waterworks, parking facility, railroad, excavation or other  
16 structure, project, development, real property, or  
17 improvement, or to do any part thereof, whether or not the  
18 performance of the work herein described involves the addition  
19 to or fabrication into, any structure, project, development,  
20 real property, or improvement herein described of any material  
21 or article of merchandise.

22 "Construction industry" also includes moving construction  
23 related materials on the job site or to or from the job site,

1 snow plowing, snow removal, and refuse collection.

2 "Department" means the Illinois Department of Labor.

3 "Domestic work" and "domestic worker" have the same  
4 meanings as defined in Section 10 of the Domestic Workers'  
5 Bill of Rights Act, except that "domestic worker" also  
6 includes independent contractors, sole proprietors, and  
7 partnerships.

8 "Employee" has the same application and meaning as that  
9 provided in Sections 1 and 2 of the Illinois Wage Payment and  
10 Collection Act. "Employee" also includes all domestic workers,  
11 and, for the purposes of this Act, domestic workers shall not  
12 be excluded as employees under the provisions of item (1),  
13 (2), or (3) of Section 2 of the Illinois Wage Payment and  
14 Collection Act. "Employee" does not include:

15 (1) an employee as defined in the federal Railroad  
16 Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the  
17 Railway Labor Act;

18 (2) a student enrolled in and regularly attending  
19 classes in a college or university that is also the  
20 student's employer, and who is employed on a temporary  
21 basis at less than full time at the college or university,  
22 but this exclusion applies only to work performed for that  
23 college or university; ~~or~~

24 (3) a short-term employee who is employed by an  
25 institution of higher education for less than 2  
26 consecutive calendar quarters during a calendar year and

1 who does not have a reasonable expectation that they will  
2 be rehired by the same employer of the same service in a  
3 subsequent calendar year; or -

4 (4) an election judge as described in Article 13 of  
5 the Election Code or a short-term worker hired to oversee  
6 and facilitate elections as described in the Election  
7 Code.

8 "Employer" has the same application and meaning as that  
9 provided in Sections 1 and 2 of the Illinois Wage Payment and  
10 Collection Act, except that for purposes of this Act,  
11 "employer" also means the State and units of local government,  
12 any political subdivision of the State or units of local  
13 government, or any State or local government agency.

14 "Employer" does not include school districts organized  
15 under the School Code or park districts organized under the  
16 Park District Code.

17 "Writing" or "written" means a printed or printable  
18 communication in physical or electronic format, including a  
19 communication that is transmitted through electronic mail,  
20 text message, or a computer system or is otherwise sent or  
21 stored electronically.

22 (Source: P.A. 102-1143, eff. 1-1-24.)