

1 AN ACT concerning health care.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Short title. This Act may be cited as the Nursing and
5 Hospital Worker Protection Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Employee" means any individual permitted to work by an
8 employer in an occupation, including both individuals hired
9 directly by the company and those hired pursuant to a
10 contract with an outside entity, such as a staffing agency.

11 "Employer" means any person or entity licensed under the
12 Hospital Licensing Act, or the parent or holding company of
13 such person or entity, who directly or indirectly, or through
14 an agent or any other person, employs or exercises control
15 over the wages, hours, or working conditions of any person.

16 "Health System" means a company (i) that is non-profit or
17 for-profit, religious or non-religious and (ii) that owns,
18 operates, or controls more than 2 hospitals.

19 "Hospital" means an entity licensed under the Hospital
20 Licensing Act

21 "Nurse" means a person licensed as a registered nurse or
22 registered professional nurse under the Nursing and Advanced
23 Practice Nursing Act.

24 "Violation" means a finding by a court, governmental
25 commission, or neutral arbiter that wage and hour laws or
26 regulations were violated.

27 "Wage and hour laws or regulations" means any State or
28 federal law that regulates the hours and wages paid or worked
29 by registered nurses.

30 Section 10. Limits on mandatory overtime. A nurse may not

1 be disciplined, discriminated against, dismissed, discharged
2 or retaliated against, or made subject to any other adverse
3 employment decision for refusing to work more than 12
4 consecutive hours a day or 40 hours per week. A nurse may be
5 disciplined for refusing mandatory overtime in the case of an
6 unforeseen emergency when overtime is required as a last
7 resort to ensure patient safety. A nurse who is mandated to
8 work more than 12 consecutive hours, as permitted by this
9 Section, must be allowed at least 24 consecutive hours of
10 off-duty time immediately following the worked overtime.

11 Section 15. Wage and hour provisions for registered
12 nurses.

13 (a) Any employer that is a health system as defined in
14 this Act and commits more than 500 violations of wage and
15 hour laws or regulations for registered nurses within a
16 3-year period shall be fined up to 5% of gross hospital
17 patient revenues.

18 (b) The fine monies shall be allocated to the Department
19 of Public Health for nursing scholarships awarded pursuant to
20 the Nursing Education Scholarship Law in addition to any
21 other funds set aside and appropriated for that purpose.

22 (c) The Attorney General shall determine if 500
23 violations were committed and set the penalty based on the
24 severity of the violations.

25 Section 20. Rest periods. A hospital employee must
26 receive a 30-minute meal period and 2 15-minute rest periods
27 for every 5 hours of work. Pursuant to mutual consent by the
28 employer and the employee, an employee may (i) waive a
29 30-minute meal period if the day's work will be completed in
30 no more than 6 hours or (ii) may waive the second of 2
31 30-minute meal periods when the day's work will be completed
32 in no more than 12 hours and the first 30-minute meal period

1 was not waived.

2 When an employer fails to provide a meal or rest period
3 in accordance with the applicable provisions of this Act, the
4 employer shall pay the employee one additional hour of pay at
5 the employee's regular rate of compensation for each workday
6 that the meal or rest period is not provided.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.