

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 1. Short title. This Act may be cited as the State  
5 Facility Overtime Act.

6 Section 5. Definitions.

7 "State facility" includes all Department of Human Services  
8 operated residential facilities including State mental health  
9 hospitals, State developmental centers, treatment and  
10 detention facilities for sexually violent persons, and State  
11 residential schools for the deaf and visually impaired; all  
12 Department of Veterans Affairs operated homes; all Department  
13 of Corrections operated correctional centers, work camps, boot  
14 camps, and adult transition centers; all Department of Juvenile  
15 Justice operated youth centers and boot camps; and any other  
16 State facility under the jurisdiction of these State agencies  
17 that operates on a 24-hour basis.

18 "Mandatory overtime" means work in excess of an agreed  
19 upon, predetermined, and regularly scheduled daily work shift,  
20 not to exceed 40 hours per week, assigned to an employee  
21 without the employee's consent.

22 "Employee" means an individual employed by a State facility  
23 who is covered by a collective bargaining agreement.

1 "Director" means the Director, or designee of the Director,  
2 of the State agency responsible for the operation of the State  
3 facility or his or her agent.

4 "Department" means the Department of Labor and its agents.

5 Section 10. Legislative intent. The General Assembly finds  
6 that years of staff cuts at State facilities such as prisons,  
7 developmental and mental health centers, youth centers, and  
8 veterans homes have created deplorable working conditions  
9 including excessive overtime. Many State facilities routinely  
10 use mandatory overtime to cover staff vacancies. This is  
11 frequently on top of work schedules that are already in excess  
12 of 40 hours per week. Excessive overtime is driving many  
13 dedicated employees out of State service, exacerbating the  
14 short staffing crisis. This impacts employee health, welfare,  
15 and safety, as well as the ability of staff to deliver  
16 necessary services.

17 Section 15. Ban on mandatory overtime. A Director shall not  
18 require an employee to accept work in excess of an agreed-upon,  
19 predetermined, and regularly scheduled daily work shift, not to  
20 exceed 40 hours per week.

21 Section 20. Exceptions.

22 (a) The acceptance by any employee of work in excess of an  
23 agreed-upon, predetermined, and regularly scheduled daily work

1 shift, not to exceed 40 hours per week, shall be strictly  
2 voluntary and the refusal of any employee to accept such  
3 overtime work shall not be grounds for discrimination,  
4 dismissal, discharge, or any other penalty or employment  
5 decision adverse to the employee.

6 (b) This Act shall not apply in the event of any declared  
7 national or State emergency or a disaster or other catastrophic  
8 event that substantially affects or increases the need for  
9 State services.

10 Section 25. Posting of Act and rules. Every Director  
11 subject to any provision of this Act or any rules issued under  
12 this Act shall keep a summary of this Act approved by the  
13 Department, and copies of any applicable rules issued under  
14 this Act, or a summary of those rules, posted in a conspicuous  
15 and accessible place in or about the premises wherever any  
16 person subject to this Act is employed.

17 Section 30. Investigation and enforcement. An employee or  
18 the employee's collective bargaining representative may bring  
19 a complaint to the Illinois Department of Labor if the employee  
20 believes that the employee's Director is in violation of this  
21 Act. The Department shall conduct an investigation of the  
22 complaint. When an investigation results in a finding that the  
23 employee suffered discrimination, dismissal, discharge, or any  
24 other penalty or employment decision adverse to the employee as

1 a result of refusing overtime, the Department has the authority  
2 to make that employee whole. The Department shall adopt  
3 administrative rules it deems appropriate to carry out the  
4 purposes of this Act.

5 Section 35. Construction and applicability. Nothing in  
6 this Act shall be construed to impair or negate the ability of  
7 collective bargaining representatives of employees subject to  
8 this Act from negotiating procedures and remedies that provide  
9 to those covered employees rights that are additional to those  
10 in this Act. Nothing in this Act shall be construed to limit  
11 the enforcement of a collective bargaining arbitrator's  
12 finding of a violation of this Act.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.