

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
5 Mandatory Overtime Limitation Act.

6 Section 5. Legislative findings and declaration of
7 policy. The purpose of this Act is to reduce excessive
8 amounts of mandatory overtime which increase stresses on
9 family life, jeopardize the health and safety of employees,
10 and undermine the effectiveness of workplace operations.

11 The General Assembly finds that a growing number of
12 Illinois families include 2 working parents or only one
13 custodial parent. These parents often face a daily challenge
14 to balance the demands of their work lives and those of their
15 families. Working a full-time job requires complex child care
16 arrangements or juggling of schedules between spouses. Child
17 care providers or school schedules offer very little
18 flexibility.

19 The General Assembly finds that many employers do not
20 respect the schedules which employees are assigned to work,
21 but instead frequently impose requirements for mandatory
22 overtime with little or no advance notice. Such imposed
23 overtime can prevent employees from picking up children at
24 school or child care centers or require that they leave
25 children home unsupervised. Employees who refuse to work this
26 overtime because of concern for their children's well-being
27 face discipline or discharge.

28 The General Assembly finds that mandatory overtime can
29 also take a toll on the health and safety of employees.
30 Employees who work excessive amounts of overtime often suffer
31 from sleep deprivation and stress-related disorders. This

1 places their own health at risk. It also jeopardizes their
2 coworkers and the quality of the work that they are
3 performing.

4 Section 10. Definitions. As used in this Act:

5 "Employer" means all private and public employers,
6 including the State and political subdivisions of the State.

7 "Overtime" means the hours worked in excess of 48 hours
8 in a week or 12 hours in a 24 hour period.

9 Section 15. Limits on mandatory overtime. If an employee
10 has worked 48 hours in a week, an employer may not require
11 the employee to work additional overtime during that week. If
12 an employee has worked 12 hours in a 24 hour period, an
13 employer may not require the employee to work additional
14 overtime during that 24 hour period. Any additional overtime
15 shall be on a voluntary basis.

16 Section 20. Exceptions. This Act does not apply to:

17 (1) Work performed in response to an emergency
18 declared by the Governor under the laws of the State.

19 (2) An employee who performs essential services for
20 the public. For purposes of this paragraph (2),
21 "essential services" means those services that are basic
22 or indispensable and are provided to the public as a
23 whole, including, but not limited to, utility service,
24 snowplowing, road maintenance, and telecommunications
25 service.

26 (3) An employee whose work is necessary to protect
27 the public health or safety, when the excess overtime is
28 required outside the normal course of business.

29 Any employee who falls under any of these exceptions and
30 who has worked 48 hours in a week or 12 hours in a 24 hour
31 period and who is mandated to work additional overtime by his

1 or her employer during that week or 24 hour period shall be
2 paid at twice his or her regular hourly rate.

3 Section 25. Refusal to work mandatory overtime. The
4 refusal of any employee to accept mandatory overtime may not
5 be grounds for discrimination, dismissal, discharge,
6 retaliation, or an employment decision adverse to the
7 employee.

8 Section 99. Effective Date. This Act takes effect upon
9 becoming law.