

1 AN ACT in relation to conditions of 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 Flex-time Rights Act.

6 Section 5. Policy. The General Assembly finds that
7 employees occasionally have legitimate needs to leave their
8 places of employment during work hours. The intent of this
9 Act is to ensure that employees are able to obtain needed
10 time away from work of up to 24 hours per year.

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

12 (a) "Employee" means a person who performs services for
13 hire for an employer for:

14 (1) at least 6 consecutive months immediately
15 preceding a request for leave under this Act; and

16 (2) an average number of hours per week equal to at
17 least one-half the full-time equivalent position in the
18 employer's job classification, as defined by the
19 employer's personnel policies or practices or in
20 accordance with a collective bargaining agreement, in
21 effect during the immediately preceding 6 months.

22 "Employee" includes all individuals meeting the above
23 criteria but does not include an independent contractor.

24 (b) "Employer" means any individual, partnership,
25 association, business trust, person, or entity for whom 25 or
26 more persons are gainfully employed in Illinois.

27 (c) "Director" means the Director of Labor.

28 (d) "Flex-time leave" means the employee leave provided
29 by Section 15 of this Act.

1 Section 15. Flex-time leave.

2 (a) An employer must grant an employee leave of up to a
3 total of 24 hours during any calendar year. An employer may
4 require that not more than 4 hours of this leave be taken by
5 an employee on any one day. No leave may be taken by an
6 employee of an employer that is subject to this Act unless
7 the employee has exhausted all accrued vacation leave,
8 personal leave, compensatory leave, and any other leave
9 except sick leave, disability leave, and other leave mandated
10 by federal or State law.

11 (b) An employee shall provide an employer with a written
12 request for leave at least 7 days in advance of the time the
13 employee plans to take the leave. In emergency situations, an
14 employee shall provide the request for leave at least 24
15 hours in advance. The employee must consult with the
16 employer to schedule the leave so as not to unduly disrupt
17 the operations of the employer.

18 (c) Nothing in this Act requires that the leave be paid.

19 (d) If an employer offers its employees personal or
20 compensatory leave of at least 3 days per year, the employer
21 is exempt from the provisions of this Act.

22 Section 20. Compensation. An employee who utilizes or
23 seeks to utilize the rights afforded by this Act may choose
24 the opportunity to make up the time so taken as guaranteed by
25 this Act on a different day or shift as directed by the
26 employer. An employee who exercises his or her rights under
27 this Act shall not be required to make up the time taken, but
28 if the employee does not make up the time taken, the employee
29 shall not be compensated for the time taken. An employee who
30 does make up the time taken shall be paid at the same rate as
31 is paid for normal working time. An employer shall make a
32 good faith effort to permit an employee to make up the time
33 taken for the purposes of this Act. If no reasonable

1 opportunity exists for the employee to make up the time
2 taken, the employee shall not be paid for the time. A
3 reasonable opportunity to make up the time taken does not
4 include the scheduling of make-up time in a manner that would
5 require the payment of wages on an overtime basis.
6 Notwithstanding any other provision of this Section, if
7 unpaid leave under this Act conflicts with the unreduced
8 compensation requirement for exempt employees under the
9 federal Fair Labor Standards Act, an employer may require an
10 employee to make up the leave hours within the same pay
11 period.

12 Section 25. Notification. Employers shall conspicuously
13 post notification of the requirements of this Act in each of
14 their workplaces, in a format approved by the Director of
15 Labor. The Director shall provide a notification form to
16 every employer who so requests, for which the Director may
17 charge a fee equal to the cost of producing and providing the
18 form.

19 Section 30. Administration; enforcement.

20 (a) The Director shall be responsible for the
21 administration and enforcement of this Act.

22 (b) The Director shall promulgate rules to implement the
23 provisions of this Act.

24 (c) If an employee alleges that he or she has been
25 denied his or her rights under this Act, he or she may file a
26 charge with the Director of Labor. The Director shall
27 investigate the complaint and shall have authority to issue
28 subpoenas. The Director shall attempt to resolve the charge
29 by a conference, conciliation, or persuasion. If the
30 complaint is not so resolved, the Director may commence an
31 action in the circuit court to enforce the provisions of this
32 Act including an action to compel compliance. The circuit

1 court for the county in which the complainant resides or in
2 which the complainant is employed shall have jurisdiction in
3 such actions.

4 (d) If an employer violates this Act, an employee may
5 commence an action in the circuit court to enforce the
6 provisions of this Act, including actions to compel
7 compliance, if efforts to resolve the employee's complaint
8 concerning the violation by conference, conciliation, or
9 persuasion pursuant to subsection (c) have failed and the
10 Director has not commenced an action in circuit court to
11 redress such violation. The circuit court for the county in
12 which the complainant resides or in which the complainant is
13 employed shall have jurisdiction in such actions.

14 (e) Failure to comply with an order of the court may be
15 punished as contempt. In addition, the court shall award an
16 employee prevailing in an action pursuant to this Act the
17 following damages:

18 (1) Actual damages plus costs.

19 (2) For each willful and knowing violation of this
20 Act, \$200 plus costs and reasonable attorney's fees.

21 (f) Any employer or his or her agent who violates any
22 provision of this Act is guilty of a Class B misdemeanor.

23 (g) Any employer or his or her agent who discharges or
24 in any other manner discriminates against an employee because
25 that employee has exercised any right under this Act, or has
26 made a complaint concerning an alleged violation of this Act
27 to the employer or the Director, or has caused to be
28 instituted or is about to cause to be instituted any
29 proceeding under or related to this Act, or because that
30 employee has testified or otherwise provided information in
31 connection with any investigation or proceeding under this
32 Act, is guilty of a Class B misdemeanor.

33 Section 35. School Visitation Rights Act. The leave

1 granted under this Act shall be in addition to any leave
2 granted under the School Visitation Rights Act.