

# HB3094



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3094

Introduced 2/18/2025, by Rep. Theresa Mah

### SYNOPSIS AS INTRODUCED:

820 ILCS 63/5  
820 ILCS 63/20

Amends the Transportation Benefits Program Act. Provides that the Act does not apply to a covered employer in the construction industry with respect to employees with whom the covered employer has entered into a bona fide collective bargaining agreement. Makes changes to definitions.

LRB104 10989 SPS 21071 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 Transportation Benefits Program Act is  
5 amended by changing Sections 5 and 20 as follows:

6 (820 ILCS 63/5)

7 Sec. 5. 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, and adding to or  
13 subtracting from any building, structure, highway, roadway,  
14 street, bridge, alley, sewer, ditch, sewage disposal plant,  
15 water works, parking facility, railroad, excavation or other  
16 structure, project, development, or real property or  
17 improvement, or any part thereof, whether or not the  
18 performance of the work involves the addition to, or  
19 fabrication into, any structure, project, development, or real  
20 property or improvement of any material or article of  
21 merchandise. "Construction industry" also includes moving  
22 construction-related materials on the job site to or from the  
23 job site, snow plowing, snow removal, and refuse collection.

1 "Covered employee" means any person who is employed by a  
2 covered employer ~~performs an average of at least 35 hours of~~  
3 ~~work per week for compensation on a full-time basis.~~

4 "Covered employer" means any individual, partnership,  
5 association, corporation, limited liability company,  
6 government, non-profit organization, or business trust that  
7 directly or indirectly, or through an agent or any other  
8 person, employs or exercises control over wages, hours, or  
9 working conditions of an employee, and that:

10 (1) is located in: Cook County; Warren Township in  
11 Lake County; Grant Township in Lake County; Frankfort  
12 Township in Will County; Wheatland Township in Will  
13 County; Addison Township; Bloomingdale Township; York  
14 Township; Milton Township; Winfield Township; Downers  
15 Grove Township; Lisle Township; Naperville Township;  
16 Dundee Township; Elgin Township; St. Charles Township;  
17 Geneva Township; Batavia Township; Aurora Township; Zion  
18 Township; Benton Township; Waukegan Township; Avon  
19 Township; Libertyville Township; Shields Township; Vernon  
20 Township; West Deerfield Township; Deerfield Township;  
21 McHenry Township; Nunda Township; Algonquin Township;  
22 DuPage Township; Homer Township; Lockport Township;  
23 Plainfield Township; New Lenox Township; Joliet Township;  
24 or Troy Township; and

25 (2) employs 50 or more covered employees in a  
26 geographic area specified in paragraph (1) at an address

1           that is located within one mile of fixed-route transit  
2           service.

3           "Public transit" means any transportation system within  
4           the authority and jurisdiction of the Regional Transportation  
5           Authority.

6           "Transit pass" means any pass, token, fare card, voucher,  
7           or similar item entitling a person to transportation on public  
8           transit.

9           (Source: P.A. 103-291, eff. 1-1-24.)

10           (820 ILCS 63/20)

11           Sec. 20. Application of Act.

12           (a) Nothing in this Act shall be deemed to interfere with,  
13           impede, or in any way diminish the right of employees to  
14           bargain collectively with their employers through  
15           representatives of their own choosing in order to establish  
16           wages or other conditions of work in excess of the applicable  
17           minimum standards of the provisions of this Act. Nothing in  
18           this Act shall be deemed to affect the validity or change the  
19           terms of bona fide collective bargaining agreements in force  
20           on the effective date of this Act. After the effective date of  
21           this Act, requirements of this Act may be waived in a bona fide  
22           collective bargaining agreement, but only if the waiver is set  
23           forth explicitly in such agreement in clear and unambiguous  
24           terms.

25           (b) This Act does not apply to a covered employer in the

1 construction industry with respect to employees with whom the  
2 covered employer has entered into a bona fide collective  
3 bargaining agreement.

4 (Source: P.A. 103-291, eff. 1-1-24.)