



Rep. Lilian Jiménez

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10400HB3249ham001

LRB104 11020 SPS 25088 a

1 AMENDMENT TO HOUSE BILL 3249

2 AMENDMENT NO. _____. Amend House Bill 3249 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Right
5 to Sit at Work Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Labor.

8 "Employee" has the same application and meaning as that
9 provided in Sections 1 and 2 of the Illinois Wage Payment and
10 Collection Act.

11 "Employer" has the same application and meaning as that
12 provided in Sections 1 and 2 of the Illinois Wage Payment and
13 Collection Act.

14 Section 10. Employee protections.

15 (a) An employer shall provide a suitable seat to an

1 employee when the nature of the employee's work reasonably
2 allows for seated work.

3 (b) On and after the effective date of this Act, an
4 employer shall not design a work space to require standing if
5 the work space could reasonably be designed to allow seated
6 work.

7 Section 15. Notice. Within 30 days after the effective
8 date of this Act, an employer shall post and keep posted a
9 notice of employee rights under this Act where employee
10 notices are customarily placed.

11 Section 20. Right of action. An aggrieved employee may
12 bring a civil action to enforce any provision of this Act no
13 later than one year after the date of the alleged violation,
14 without exhausting all administrative remedies. A civil action
15 may be brought by one or more employees for and on behalf of
16 themselves and other employees similarly situated. The court
17 may award a prevailing employee all appropriate relief,
18 including injunctive relief, reinstatement to the employee's
19 former position or an equivalent position, back pay,
20 reestablishment of any employee benefits, including seniority,
21 to which the employee would otherwise have been eligible if
22 the violation had not occurred, and any other appropriate
23 relief as deemed necessary by the court to make the employee
24 whole. The court shall award a prevailing employee reasonable

1 attorney's fees and costs.

2 Section 25. Informal resolution by the Department.

3 (a) An employee may file a complaint with the Department
4 alleging a violation of Section 10 or Section 15 by submitting
5 a completed form in a manner prescribed by the Department.

6 (b) A complaint alleging a violation of Section 10 or
7 Section 15 shall be reviewed by the Department to determine
8 whether it has jurisdiction over the matter and whether there
9 is cause for the Department to attempt to informally resolve
10 the complaint by conference, conciliation, or persuasion. The
11 Department may attempt to informally resolve the complaint or
12 otherwise notify the complainant that the Department does not
13 have jurisdiction over the matter or that there is not cause
14 for the Department to attempt informal resolution.

15 (c) If the Department fails to resolve the complaint, or
16 the Department certifies in writing that it is unlikely to
17 resolve the complaint for any reason, an employee maintains
18 the right to commence an action in the court to enforce the
19 provisions of this Act in accordance with Section 20.".