



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5384

Introduced 1/31/2022, by Rep. Edgar Gonzalez, Jr.

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.970 new

Creates the Workplace Communication and Safety Act. Provides that it is unlawful for any employer to prohibit the use or possession of a mobile communications device by an employee at the employee's workplace. Provides that the Director of Labor shall administer and enforce the provisions of the Act. Provides that the Department of Labor has the power to conduct investigations in connection with the administration and enforcement of the Act. Provides that employers who violate any provision of the Act or any rule adopted pursuant to the Act are subject to a civil penalty. Creates the Workplace Communication and Safety Fund as a special fund in the State Treasury. Provides that civil penalties recovered under the Act shall be paid into the Fund. Amends the State Finance Act making conforming changes.

LRB102 23068 SPS 32224 b

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 Workplace Communication and Safety Act.

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

7 "Department" means the Department of Labor.

8 "Director" means the Director of Labor.

9 "Employee" means any individual permitted to work by an
10 employer.

11 "Employer" means an individual, partnership, corporation,
12 association, business, trust, person, or entity for whom
13 employees are gainfully employed in Illinois and the State of
14 Illinois, a State officer, a department or agency of the
15 State, a unit of local government, and a school district.

16 "Mobile communications device" means a portable, wireless
17 telecommunications device utilized for the transmission or
18 reception of voice or cellular data.

19 Section 10. Prohibited activities.

20 (a) It is unlawful for any employer to prohibit the use or
21 possession of a mobile communications device by an employee at
22 the employee's workplace.

1 (b) Nothing in this Act shall be construed to conflict
2 with the National Labor Relations Act and decisions thereunder
3 by the National Labor Relations Board.

4 Section 15. Administration and enforcement.

5 (a) The Director or his or her authorized representative
6 shall administer and enforce the provisions of this Act.

7 (b) The Director may issue rules and regulations necessary
8 to administer and enforce the provisions of this Act.

9 (c) An employee or former employee may file a complaint
10 with the Department alleging a violation of this Act by
11 submitting a signed, completed complaint form.

12 (d) The Department has the power to conduct investigations
13 in connection with the administration and enforcement of this
14 Act and the authorized officers and employees of the
15 Department are authorized to investigate and gather data
16 regarding conditions and practices of employment in any
17 industry subject to this Act and may enter and inspect such
18 places and such records at reasonable times during regular
19 business hours, question the employees and investigate the
20 facts, conditions, practices, or matters as he or she may deem
21 necessary or appropriate to determine whether any employer has
22 violated any provision of this Act or which may aid in the
23 enforcement of this Act.

24 Section 20. Violations. Employers who violate any

1 provision of this Act or any rule adopted pursuant to the Act
2 are subject to a civil penalty as follows:

- 3 (1) First offense, a fine not to exceed \$500;
4 (2) Second offense, a fine not to exceed \$2,500; and
5 (3) Third offense, a fine not to exceed \$5,000.

6 Section 25. Workplace Communication and Safety Fund. There
7 is created in the State Treasury a special fund to be known as
8 the Workplace Communication and Safety Fund. Civil penalties
9 recovered under this Act shall be paid into the Workplace
10 Communication and Safety Fund. Moneys in the Fund may be used,
11 subject to appropriation, for the performance of any function
12 pertaining to the exercise of the duties of the Department,
13 including, but not limited to, enforcement of this Act.

14 Section 30. The State Finance Act is amended by adding
15 Section 5.970 as follows:

16 (30 ILCS 105/5.970 new)

17 Sec. 5.970. The Workplace Communication and Safety Fund.