

AN ACT concerning employment.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The One Day Rest In Seven Act is amended by changing Sections 2, 3, and 7, adding Section 8.5, and renumbering Section 9 as follows:

(820 ILCS 140/2) (from Ch. 48, par. 8b)

Sec. 2. Hours and days of rest in every calendar week.

(a) Every employer shall allow every employee except those specified in this Section at least twenty-four consecutive hours of rest in every consecutive seven-day period ~~calendar week~~ in addition to the regular period of rest allowed at the close of each working day.

A person employed as a domestic worker, as defined in Section 10 of the Domestic Workers' Bill of Rights Act, shall be allowed at least 24 consecutive hours of rest in every consecutive seven-day period ~~calendar week~~. This subsection (a) does not prohibit a domestic worker from voluntarily agreeing to work on such day of rest required by this subsection (a) if the worker is compensated at the overtime rate for all hours worked on such day of rest. The day of rest authorized under this subsection (a) should, whenever possible, coincide with the traditional day reserved by the

domestic worker for religious worship.

(b) Subsection (a) does not apply to the following:

(1) Part-time employees whose total work hours for one employer during a calendar week do not exceed 20; and

(2) Employees needed in case of breakdown of machinery or equipment or other emergency requiring the immediate services of experienced and competent labor to prevent injury to person, damage to property, or suspension of necessary operation; and

(3) Employees employed in agriculture or coal mining; and

(4) Employees engaged in the occupation of canning and processing perishable agricultural products, if such employees are employed by an employer in such occupation on a seasonal basis and for not more than 20 weeks during any calendar year or 12 month period; and

(5) Employees employed as watchmen or security guards; and

(6) Employees who are employed in a bonafide executive, administrative, or professional capacity or in the capacity of an outside salesman, as defined in Section 12 (a) (1) of the federal Fair Labor Standards Act, as amended, and those employed as supervisors as defined in Section 2 (11) of the National Labor Relations Act, as amended; and

(7) Employees who are employed as crew members of any

uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois.

(Source: P.A. 99-758, eff. 1-1-17.)

(820 ILCS 140/3) (from Ch. 48, par. 8c)

Sec. 3. Every employer shall permit its employees who are to work for 7 1/2 continuous hours ~~or longer~~, except those specified in this Section, at least 20 minutes for a meal period beginning no later than 5 hours after the start of the work period. An employee who works in excess of 7 1/2 continuous hours shall be entitled to an additional 20-minute meal period for every additional 4 1/2 continuous hours worked. For purposes of this Section, a meal period does not include reasonable time spent using the restroom facilities.

This Section does not apply to employees for whom meal periods are established through the collective bargaining process.

This Section does not apply to employees who monitor individuals with developmental disabilities or mental illness, or both, and who, in the course of those duties, are required to be on call during an entire 8 hour work period; however, those employees shall be allowed to eat a meal during the 8 hour work period while continuing to monitor those individuals.

This Section does not apply to individuals who are employed by a private company and licensed under the Emergency Medical Services (EMS) Systems Act, are required to be on call during an entire 8-hour work period, and are not local government employees; however, those individuals shall be allowed to eat a meal during the 8-hour work period while on call.

(Source: P.A. 100-1067, eff. 8-24-18.)

(820 ILCS 140/7) (from Ch. 48, par. 8g)

Sec. 7. Civil offense.

(a) Any employer who violates Sections 2, 3, or 3.1 ~~any of the provisions of this Act,~~ shall be guilty of a civil ~~petty~~ offense, and shall be subject to a civil penalty as follows: ~~finned for each offense in a sum of not less than \$25 nor more than \$100.~~

(1) For an employer with fewer than 25 employees, a penalty not to exceed \$250 per offense, payable to the Department of Labor, and damages of up to \$250 per offense, payable to the employee or employees affected.

(2) For an employer with 25 or more employees, a penalty not to exceed \$500 per offense, payable to the Department of Labor, and damages of up to \$500 per offense, payable to the employee or employees affected.

(b) An offense under this Act shall be determined on an individual basis for each employee whose rights are violated.

(1) Each week that an employee is found to not have been allowed 24 consecutive hours of rest as required in Section 2 shall constitute a separate offense.

(2) Each day that an employee is found not to have been provided a meal period as required in Section 3 shall constitute a separate offense.

(3) A violation of Section 8.5 shall constitute a single offense, and is subject to a civil penalty not to exceed \$250 payable to the Department of Labor.

(c) The Director of Labor shall enforce this Act in accordance with the Illinois Administrative Procedure Act. The Director of Labor shall have the powers and the parties shall have the rights provided in the Illinois Administrative Procedure Act for contested cases, including, but not limited to, provisions for depositions, subpoena power and procedures, and discovery and protective order procedures.

(d) Any funds collected by the Department of Labor under this Act shall be deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund.

(Source: P.A. 77-2418.)

(820 ILCS 140/8.5 new)

Sec. 8.5. Notification.

(a) Every employer covered by this Act shall post and keep posted, in one or more conspicuous places on the premises of the employer where notices to employees are customarily

posted, a notice, to be provided by the Director of Labor, summarizing the requirements of this Act and information pertaining to the filing of a complaint. The Director of Labor shall provide copies of summaries and rules to employers upon request without charge.

(b) An employer with employees who do not regularly report to a physical workplace, and instead work remotely or travel for work, shall also provide the notice by email to its employees or on a website, regularly used by the employer to communicate work-related information, that all employees are able to regularly access, freely and without interference.

(c) Failure to provide notice as required by this Section shall be deemed a violation of this Act.

(820 ILCS 140/9) (from Ch. 48, par. 8i)

Sec. 0.01 ~~9~~. Short title. This Act may be cited as the One Day Rest In Seven Act.

(Source: P.A. 86-1324)