One Day of Rest in Seven Act

820 ILCS 140: New Amendments Effective January 1, 2023

Illinois Department of Labor
Overview of NEW & Existing Provisions

• 24 hours of rest within 7 consecutive days
• Additional 20-minute meal break if working a 12-hour shift
• Penalties by employer size per offense
• Poster Requirements
One Day Off Each Week

• Every employee must receive 24 consecutive hours of rest in each calendar week.

• **NEW REQUIREMENT**: Employees must have one day of rest in *every consecutive seven-day period*.

• **Example**: Employee is scheduled to work Wednesday through the following Monday. The employee must have that following Tuesday off, because to work Wednesday through Tuesday is be considered 7 consecutive days.
Meal Break Required

• 20 minutes required within five hours of starting time for all employees required to work 7 1/2 hours or longer.

• NEW/ADD’L Requirements:
  • Employees must have an additional 20-minute meal break if working a 12-hour shift or longer.
  • Reasonable bathroom breaks do not count towards the meal break.
  • If a collective bargaining agreement does not specify meal breaks, ODRISA provisions apply.

EXAMPLE: A worker who is scheduled to work from 8 am to 8 pm must be allowed to take a first meal break before 1 pm; and a second meal break before 6 pm.
ODRISA Exceptions

- Watchmen and security guards
- Employees who work less than 20 hours per week
- Agricultural & Coal Mining employees
- Government employees
- Employees of certain seasonal producers
- Executive, administrative, or professional capacity or outside salesman, per the federal Fair Labor Standards Act.
- Employees for whom work hours, days of work, and rest periods are established through the collective bargaining process.
  - If no agreement exists addressing provisions, ODRISA Applies.
Relaxation of One Day Off Requirement Permit on IDOL website

https://labor.illinois.gov/laws-rules/FLS/ODRISA-PERMIT-APPLICATION.html
Relaxation of One Day Off Requirement (con’t)

Eight Weeks may be granted each year.

Additional weeks may be granted if justified by necessity and a day of rest cannot be remedied by increasing the number of employees or adjusting production schedules.
Employers may request a relaxation of this requirement of the Day Off Requirement. If IDOL grants a relaxation, it requires a statement from the employer demonstrating:

- Written request received prior to the work
- All work must be voluntary
NEW Penalties By Employer Size

Fewer than 25 employees:
Up to $250 per offense AND a penalty to the Department up to $250 per employee per offense.

More than 25 employees:
Up to $500 per offense AND a penalty to the Department up to $500 per worker per offense.

Each day a meal is not provided to an employee AND each 24 hours off within 7 consecutive days is not provided to an employee shall constitute a separate offenses per employee.
Record keeping

Two years retention

Hours worked each day and each week

Start Time, End time and Lunch hours

Open to inspection by IDOL

Illinois Department of Labor
Poster Requirement: Employers must post in a conspicuous place on their premises and made electronically available for remote employees.
Reminder: Minimum Wage Increase to $13 per hour

- $7.80 of Tipped Workers
- $10.50 Youths (under 18) working less than 650 hours per calendar year.
Thank you & Questions

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