

AMENDMENT TO ONE DAY OF REST IN SEVEN ACT

To: ICRMT Members
From: O'Halloran Kosoff Geitner & Cook, LLC
Re: Amendment to One Day of Rest in Seven Act
Date: June 6, 2022

[Public Act 102-0828](#) was recently signed into law by Governor Pritzker and becomes effective on January 1, 2023. The law makes changes to the One Day of Rest in Seven Act (ODRISA). Under ODRISA's current provisions, most employees are entitled to one 24-hour period of rest in a calendar week. The amendment provides that most employees will now be entitled to one day of rest in every consecutive 7-day period. The change provides a greater benefit to employees. Under the current version, which speaks in terms of a "calendar week," an employee could potentially be scheduled off on Sunday of the first calendar week and Saturday of the second calendar week, meaning that the employee would have to work 12 consecutive days before getting a day off. The amendment eliminates this potential by requiring a day off in every consecutive 7-day period.

The amended law also provides greater benefits to employees with respect to meal breaks. ODRISA currently grants a 20-minute meal break to employees who work 7 ½ hours. The amended law allows for an additional 20-minute break for each additional 4 ½ continuous hours worked and states that a meal period does not include reasonable time to use the restroom.

The possible penalties for violating ODRISA will also increase. Civil penalties in the current version are capped at \$100 per offense. When the amendment goes into effect, employers can be liable (based on the number of employees) for penalties ranging from \$250 to \$500 per offense. In addition, employees will also be entitled to damages of \$250 per offense (if the employer has fewer than 25 employees) or \$500 per offense (if the employer has more than 25 employees).

Employers will also be required to post a notice regarding ODRISA in a conspicuous place on its premises. If the employer has employees who do not regularly report to a physical workspace, the notice must also be provided by email or on a website. The Illinois Department of Labor is expected to release a notice which includes the new provisions in the coming months.

Employers should examine their policies on scheduling and meal breaks to ensure compliance with the amendment to ODRISA before the law goes into effect on January 1, 2023.