

# Stricter Requirements Added to Illinois One Day Rest in Seven Act

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On May 13, 2022, Illinois Governor J.B. Pritzker signed into law [Senate Bill 3146](#) (the “Amendment”), amending the One Day Rest In Seven Act (“ODRISA”). The Amendment will go into effect on January 1, 2023.

## **Rest Days**

The Amendment, once effective, will require employers to provide non-exempt employees with one 24-hour day of rest in every consecutive seven-day period.

ODRISA, as it currently stands, only requires employers to provide non-exempt employees with one day of rest within each calendar week (Sunday through Saturday).

Thus, under the current version of the law, an employer can schedule an employee to work more than seven consecutive days. For instance, an employer could schedule an employee to work the Monday of Week One through the Friday of Week Two (twelve consecutive days), and still comply with the law. This will change once the Amendment becomes effective: a non-exempt employee must receive a day off within each consecutive seven-day period, regardless of where these days fall within the calendar week.

## **Meal Periods**

The Amendment creates new requirements regarding employee meal breaks.

As ODRISA currently stands, employees are entitled to a 20-minute unpaid meal break for every 7.5 hours worked, to be provided within the first five hours of the 7.5 hour working period. However, the Amendment provides that after the first 7.5 hours of work, employees are entitled to an additional 20-minute unpaid meal break for each additional 4.5 hours worked. In effect, this means employees who work 12 hours (7.5 hours plus 4.5 hours) will be entitled to two 20-minute meal periods, whereas prior to the Amendment, employees would not be eligible for a second meal break unless they worked 15 hours (7.5 hours plus 7.5 hours).

## **Notice Requirement**

The Amendment requires that employers notify their employees about their rights under ODRISA. A notice reflecting the amended law will be provided by the Illinois Department of Labor.

## **Penalties**

The Amendment increases the penalties for ODRISA violations.

Currently, ODRISA violations are considered petty offenses, punishable by fine of up to \$100 per offense. Under the Amendment, ODRISA violations will be considered civil offenses, with fines up to \$250 per offense for employers with less than 25 employees, and fines up to \$500 per offense for employers with 25 employees or more. An “offense” is determined on an individual basis for each employee whose rights are violated, and include each week an employee is not allowed 24 hours of rest within a seven-day period, and each day that an employee is not provided a required meal period.

Employers will also be required to pay damages to affected employees of up to \$250 per offense for employers with less than 25 employees, and damages up to \$500 per offense for employers with 25 or more employees. The Amendment, however, does not create a private right of action for employee recovery under ODRISA.

## **Employer Takeaways**

Employers should revisit their scheduling and meal policies accordingly to ensure compliance with the Amendment by January 1, 2023.

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