

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Six Day Week Law
- 2) Code Citation: 56 Ill. Adm. Code 220
- 3)

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|-------------------------|---------------------------|
| <u>Section Numbers:</u> | <u>Emergency Actions:</u> |
| 220.300 | Amendment |
| 220.400 | Amendment |
| 220.500 | Amendment |
- 4) Statutory Authority: 820 ILCS 140
- 5) Effective Date of Emergency Rules: March 20, 2020
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020 terminates, whichever occurs first.
- 7) Date Filed with the Index Department: March 20, 2020
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Due to COVID-19 outbreak, employers are looking for employees to work 7 days or more to keep up with customer demand.
- 10) A Complete Description of the Subjects and Issues Involved: Under 820 ILCS 140, an employer cannot force an employee to work 7 days or more without a rest. These emergency rules would provide for an employer to seek volunteers amongst their employees to work 7 days or more. The employer would need to notify the Illinois Department of Labor.
- 11) Are there any rulemakings pending this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 13) Information and questions regarding this emergency amendment shall be directed to:

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The full text of the Emergency Amendments begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 220
SIX DAY WEEK LAW

SUBPART A: DEFINITIONS

- Section
- 220.100 Definition of the Act
- 220.105 Director
- 220.110 Year
- 220.115 Week
- 220.120 Permit
- 220.125 Defining the word required in the phrase "no employee shall be required to work",
Section 4 of the Act, (Illinois Revised Statutes, 1977, Chapter 48, Section 8d)
- 220.130 Employee
- 220.135 Time Book
- 220.140 Agriculture
- 220.145 Emergency under Section 2 of the Act, (Illinois Revised Statutes, 1977, Chapter
48, Section 8b(2))

SUBPART B: LENGTH AND NUMBER OF PERMITS

- Section
- 220.200 Permits

SUBPART C: RESPONSIBILITIES OF EMPLOYERS

- Section
- 220.300 Written ~~Requests~~requests for ~~Permits~~permits
EMERGENCY
- 220.305 Telephone requests for permits
- 220.310 Record of permits

SUBPART D: RESPONSIBILITIES OF THE DIRECTOR

Section

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220.400 Notice to the [Employer](#)~~employer~~
EMERGENCY

SUBPART E: TIMELINE OF EMPLOYER REQUESTS

Section
220.500 Written [Request](#)~~request~~ for [Permits](#)~~permits~~
EMERGENCY

220.505 Telephonic requests

SUBPART F: CANCELLATION OF PERMIT

Section
220.600 Procedure

SUBPART G: POSTING OF SCHEDULES

Section
220.700 Deadline for posting

SUBPART H: MEAL PERIOD

Section
220.800 Employees working in excess of 7½ hours continuously

SUBPART I: VIOLATIONS: AN EMPLOYER SHALL BE CITED FOR VIOLATIONS OF THE ACT AS FOLLOWS:

Section
220.900 Failure to provide the required day of rest
220.905 Meal Period
220.910 Posting of Schedule
220.915 Non-voluntary work
220.920 Time Records
220.925 Permits
220.930 Inspection of permits

SUBPART J: APPLICABILITY OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

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Section
220.1000 Denial, suspension or revocation of permits

SUBPART K: HEARING PROCESS

Section
220.1100 Procedure and timetable

AUTHORITY: Implementing and authorized by the One Day Rest In Seven Act [820 ILCS 140].

SOURCE: Adopted at 2 Ill. Reg. 6, p. 38, effective January 31, 1979; codified at 8 Ill. Reg. 18478; emergency amendment at 44 Ill. Reg. 5775, effective March 20, 2020, for a maximum of 150 days.

SUBPART C: RESPONSIBILITIES OF EMPLOYERS

Section 220.300 Written ~~Requests~~requests for ~~Permits~~permits
EMERGENCY

- a) An employer desiring a licensing shall submit to the Director in written form a request for each permit, unless the licensing is attributable to Coronavirus Disease 2019 (COVID-19). ~~The~~Such request shall contain the following:
- 1a) A statement that all employees involved are in fact volunteers.
 - 2b) The anticipated number and skills of ~~thosesaid~~ employees.
 - 3e) Number of days covered by the permit, including inclusive dates and hourly times starting on Sunday.
 - 4d) A statement that no person possessing skills in subsection (b) ~~above~~ is laid off.
- b) An employer desiring a licensing attributable to COVID-19 shall submit to the Director in written form a request for a permit that shall contain the following:

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- 1) A statement that the employer will only utilize employees that are in fact volunteers.
- 2) The anticipated number of those employees.
- 3) Each location where the work will be performed.
- 4) The duration of the permit.
- 5) A statement describing how the need is attributable to COVID-19.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 5775, effective March 20, 2020, for a maximum of 150 days)

SUBPART D: RESPONSIBILITIES OF THE DIRECTOR

**Section 220.400 Notice to the Employer~~employer~~
EMERGENCY**

The Director shall, upon granting a permit, forward to the employer a written confirmation of ~~the~~such permit containing the information in Section 220.300(a)(3). If the permit sought is attributable to COVID-19 under Section 220.300(b), the permit shall be deemed granted if the employer is not contacted by the Department within 2 business days after submitting the written request.~~(e)~~

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 5775, effective March 20, 2020, for a maximum of 150 days)

SUBPART E: TIMELINESS OF EMPLOYER REQUESTS

**Section 220.500 Written Request~~request~~ for Permits~~permits~~
EMERGENCY**

A letter requesting a ~~permits~~same must be received by the Director not later than the Friday preceding the first effective day of the permit, unless the employer seeking the employment of persons on days of rest designated pursuant to Section 4 of the One Day Rest In Seven Act [820 ILCS 140] is seeking the authorization attributable to COVID-19. If such a need exists, the employer shall submit as soon possible a letter requesting authorization as required by Section 220.300(b).

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(Source: Amended by emergency rulemaking at 44 Ill. Reg. 5775, effective March 20, 2020, for a maximum of 150 days)