

Illinois Excludes Employees Subject to CBA Provisions from ‘One Day Rest in Seven’ Requirements

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Illinois had amended its “One Day Rest in Seven” Act (ODRISA) to impose additional meal period, day of rest, and notice requirements on employers, and to significantly increase the potential civil penalties for violations of the Act (see our article, [Illinois Amends ‘One Day Rest in Seven’ Law, With Significant Revisions](#)). A companion bill to these amendments, signed by Governor J.B. Pritzker on May 27, 2022, adds to the list of employees exempt from the law’s day-of-rest requirements those “for whom work hours, days of work, and rest periods are established through the collective bargaining process.”

Since its original enactment, ODRISA has exempted from its day-of-rest requirements certain categories of employees, including but not limited to individuals employed in a “bona fide executive, administrative, or professional capacity or in the capacity of an outside salesman” as defined under the Fair Labor Standards Act (FLSA); “supervisors,” as defined under the National Labor Relations Act (NLRA); and part-time employees who work 20 or fewer hours in a calendar week. The most recent amendment adds to this list employees subject to collective bargaining and tracks ODRISA’s existing language concerning meal periods, which provides that the meal period requirement “does not apply to employees for whom meal periods are established through the collective bargaining process.” For those employers with employees represented by a labor organization, this amendment may provide a basis to exempt bargained-for employees from the day-of-rest requirement. As with the other recent ODRISA amendments, the CBA exemption becomes effective on January 1, 2023.

If you have any questions about ODRISA, its amendments, or any other Illinois wage and hour law, please contact one of the authors of this article or another Jackson Lewis attorney.

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