

For questions, call Timothy R. Rabel  
(312) 540-7074



[www.querrey.com](http://www.querrey.com)<sup>®</sup>

© 2024 Querrey & Harrow, Ltd. All rights reserved.

## ILLINOIS LAW MANUAL

### CHAPTER XVII EMPLOYMENT LAW

#### F. WAGE AND HOUR REQUIREMENTS

Another area of employment law that affects many employers' daily operations involves wage and hour restrictions. Apart from the traditional minimum wage and overtime laws with which most employers are familiar, there are two more obscure requirements about which Illinois employers should be aware.

##### 1. Meal Breaks

Under Illinois law, most hourly employees who are scheduled to work 7½ continuous hours or more MUST take at least a 20-minute meal break beginning no later than 5 hours after they begin work. 820 ILCS 140/3. A covered employee may not voluntarily forego a required lunch break, not even in an effort to make up for missed hours.

As a result, in the case of a receptionist, for example, who normally works from 8 a.m. to 5 p.m., he may not make up time by working through lunch in order to leave early at 4 p.m. to attend a parent-teacher conference without violating Illinois law. At a minimum, he must take at least a 20-minute lunch break beginning no later than 1 p.m. that day. Similarly, a waitress who works the breakfast and lunch shift from 6 a.m. to 2:30 p.m. is required to take her 20-minute lunch break beginning no later than 11:00 a.m. To avoid having her take her break right in the middle of the lunch rush, a prudent employer will make sure that she takes her break as soon as the breakfast crowd thins out.

##### 2. Child Labor Laws

Both state (820 ILCS 205) and federal (29 C.F.R. § 570.31 et seq.) laws limit the hours and types of work minors under the age of 18 may work. Whichever law is more restrictive applies.

With certain limited exceptions, 12- and 13-year-olds can officiate youth sports activities, and 13-year-olds can babysit and caddy (but may NOT mow lawns or perform other yard work at a country club). For example, businesses may not employ children under the age of 14. Even then, an employer who wants to employ minors between the ages of 14 and 16 must meet a number of administrative and other requirements imposed by Illinois and federal law. Illinois, for example, requires that such employers post a copy of the state's Child Labor Act at the workplace, keep a register of such employees, and obtain appropriate certificates of employment.

State and federal laws also limit the hours these minors may work. From Labor Day through until June 1, they may work between the hours of 7:00 a.m. and 7:00 p.m.; from June 1 through Labor Day, those hours may be extended to 9:00 p.m. These time limits are strictly enforced, and a minor who clocks out 5 minutes late because he dawdled on his way to the time clock still can expose his employer to

a child labor violation. It is the employer's responsibility to ensure that these employees leave their work stations in time to clock out and leave by 7:00 p.m. sharp (or 9:00 p.m. during summers and vacations).

Also, when school is in session, minors between 14 and 16 years of age cannot work more than 3 hours per day or more than 18 hours per week under federal law, and the total hours in school and at work combined cannot exceed 8 per day under Illinois law. When school is not in session (i.e., summers and vacations), these children cannot work more than 8 hours per day nor more than 40 hours per week under federal law. Children between the ages of 16 and 18 have many fewer work restrictions, although federal law still

prohibits their employment in certain hazardous occupations. Those jobs that typically pose the biggest trap for unwitting employers are those involving driving of a motor vehicle or use of certain power tools, such as meat processing and slicing machines, punch presses, bakery dough machines and paper balers, all of which are off-limits for 16- and 17-year-olds. Federal law strictly prohibits work involving such equipment, as well as work in a variety of other areas, including work in mines, in logging camps, or involving exposure to radioactive materials. Prosecution of child labor violations has long been a priority for the U.S. Department of Labor and prudent employers are well-advised to comply with these restrictions.