

# EMPLOYMENT LAW SUMMARY

## Illinois Employee Leave Laws - Overview



Illinois employers must provide their employees with certain types of paid and unpaid leave required by state law, in addition to complying with federal leave laws such as the Family and Medical Leave Act (FMLA).

Illinois state law includes following employee leave mandates:

- Voting and election officer leave;
- Jury duty and judicial witness leave;
- Civil air patrol leave;
- Military leave;
- Family military leave;
- Leave for violence victims;
- School visitation leave;
- Blood donation leave;
- Bereavement leave; and
- Employee sick leave.

This Employment Law Summary includes a chart that provides a high-level overview of Illinois' employee leave laws.

### Overview of Employee Leave Laws

TYPE OF LEAVE	REQUIREMENTS
<b>Voting Leave</b>	Leave laws apply to general or special elections and primary elections. For general or special elections, employers must give up to a two-hour paid leave, for eligible employees. Prior notice from employee is required. The employer may specify the hours for which voting leave is permitted, but the employer must allow a two-hour leave if the employee's working hours begin less than two hours after the polls open and end less than two hours before they close. For primary elections, up to a two-hour unpaid leave is permitted, with employer's consent.
<b>Jury Duty and Judicial Witness Leave</b>	Employers must provide unpaid leave to employees summoned to jury duty, if they are legally qualified to serve on a jury. Employees must provide notice within 10 days after summons is issued. Job protections apply to employees taking leave. Employer may not punish or penalize an employee who is a witness to a crime and takes time off from work to testify at a criminal proceeding pursuant to a subpoena. Leave is unpaid.

TYPE OF LEAVE	REQUIREMENTS
<b>Civil Air Patrol Leave</b>	Employers with 15 or more employees must provide unpaid leave to eligible employees who are members of the civil air patrol performing a civil air patrol mission. To be eligible, employee must have been employed by the same employer for at least 12 months and must have at least 1,250 hours of service during the 12-month period before the leave. Amount of leave depends on employer's size, as follows: •Between 15 and 50 employees—Up to 15 days of leave. •More than 50 employees—Up to 30 days of leave. Employers cannot require employees to use up other types of leave before taking civil air patrol leave. Employees must give advance notice of leave, and employers may require certification to verify eligibility for leave. Job protections apply to employees taking leave.
<b>Military Leave</b>	In addition to USERRA, Illinois has the following laws providing employment protections for military service members: • <a href="#">Illinois Service Member Employment and Reemployment Rights Act</a> (ISERRA): Effective Jan. 1, 2019, ISERRA replaces prior state laws in order to consolidate and clarify the employment rights and protections for military members. ISERRA provides service members with the right to take a military leave of absence and protects service members from retaliation. Reemployment rights as provided under federal USERRA apply. Employer notice requirements also apply. • <b>Nondiscrimination:</b> It is unlawful for employers with 15 or more employees to discriminate against employees based on their military status. Separate nondiscrimination provisions apply to members of the National Guard or Reserves.
<b>Family Military Leave</b>	Employers with 15 or more employees must provide eligible employees with unpaid family military leave. To be eligible, an employee must: •Be the spouse, parent, child or grandparent of a person called to military service lasting longer than 30 days; and •Have been employed by the same employer for at least 12 months, and must have worked at least 1,250 hours in the 12-month period before the leave. The maximum amount of leave depends on the employer's size, as follows: •Between 15 and 50 employees—Up to 15 days of leave. •More than 50 employees—Up to 30 days of leave. Before taking family military leave, employees must use up all other types of accrued leave, except sick or disability leave. The number of days provided may be reduced by the number of days the employee receives under the federal FMLA due to a qualifying exigency based on a spouse or child's service. Employees must provide advance notice. Employer may require certification to verify eligibility for leave. Job protections apply to employees taking leave.
<b>Leave for Victims of Violent Crime</b>	Employers must provide unpaid leave for employees who are victims of domestic violence, sexual violence, gender violence, or any other crime of violence (as defined by law) or have a family or household member who is such a victim. Employers are required to post a notice summarizing this type of leave. Eligible employees may take leave to: •Seek medical attention; •Obtain services from a victim services organization; •Obtain counseling; •Participate in safety planning; or •Seek legal assistance. The maximum amount of leave depends on the employer's size, as follows: •Employer with no more than 14 employees – up to four workweeks of leave during any 12-month period. •Between 15 and 49 employees—up to eight workweeks of leave during any 12-month period. •50 or more employees—up to 12 workweeks of leave during any 12-month period. Employers cannot require the substitution of another type of leave, except employees are not entitled to leave that exceeds, or is in addition to, the leave time permitted under the federal FMLA. Employees must provide advance notice of the leave, unless it is not practicable to do so. Employers may require certification to determine eligibility for leave. Job protections apply to employees taking leave.
<b>School Visitation Leave</b>	Employers with <b>50 or more employees</b> must provide leave to eligible employees so that they can attend their children's school conferences, behavioral meetings or academic meetings when the events cannot be rescheduled during non-work hours. To be eligible, an employee must have: •Worked for the employer for at least six consecutive months before making the leave request; and •Been employed on at least a half-time basis during that six-month period. An employer must provide an eligible employee with up to eight hours of school visitation leave per school year, but no more than four hours can be taken on one day. Employers are not required to pay employees for the leave; however, they must make a good faith effort to allow employees to make up the time missed. Before taking school visitation leave, an employee must use of all other accrued leave, except sick or disability leave. Employees must provide advance notice of leave. Employee should submit a verification form to employers following the leave. Job protections apply to employees taking leave.
<b>Blood Donation Leave</b>	Leave requirements apply to employers with <b>more than 50 employees</b> . With employer approval, full-time employees who have been employed for six months or longer are eligible for paid blood donation leave. After obtaining his or her employer's approval, an employee may use up to one hour (or more time if authorized by the employer) to donate blood every 56 days in accordance with appropriate medical standards. Employer may require employee to provide confirmation from the blood bank. Eligible employees cannot be required to use accumulated or future sick or vacation time for the period used to donate blood.

TYPE OF LEAVE	REQUIREMENTS
<p><b>Child Bereavement Leave</b></p>	<p><b>NOTE: Effective Jan. 23, 2023, the Illinois Child Bereavement Act is renamed the Family Bereavement Act, with expanded reasons for leave, as explained below.</b> Employers covered under the federal FMLA (those with <b>50 or more employees</b>) must provide eligible employees with up to two weeks (10 working days) of unpaid bereavement leave due to the loss of a child. Eligible employees are those who suffer the loss of a child (loss of a covered family member and for other reasons detailed below, effective Jan. 1, 2023) and meet the eligibility requirements under the federal FMLA. Leave must be used within 60 days of the employee being notified of the child's/family member's death. Leave may be used to: •Attend the funeral (or alternative funeral) of a child; •Make arrangements necessitated by the death of the child; or •Grieve the death of the child. Effective Jan. 1, 2023, leave may be used to: 1.Attend the funeral or alternative to a funeral of a covered family member; 2.Make arrangements necessitated by the death of the covered family member; 3.Grieve the death of the covered family member; or 4.Be absent from work due to a miscarriage, unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, a failed adoption match or an adoption that is not finalized because it is contested, a failed surrogacy agreement, a diagnosis that negatively impacts pregnancy or fertility, or a stillbirth. If an employee experiences the loss of more than one child/family member during a 12-month period, the employee is entitled to six weeks of leave during the 12-month period. "Child" is defined to include an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis. "Covered family member" means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent. Unless it is not reasonable or practicable, an employee must provide his or her employer with 48 hours' notice of the intention to take leave. Employers may require documentation, such as a death certificate or published obituary. Effective Jan. 1, 2023, for leave resulting from an event listed under category 4, above, reasonable documentation is limited to a form to be provided by the Illinois Department of Labor, to be filled out by a treating health care provider of the employee's spouse, domestic partner or surrogate, or documentation from an adoption or surrogacy organization, as appropriate, certifying that the employee or their spouse or domestic partner has experienced an event listed under category 4. The employer may not require that the employee identify which category of event the leave pertains to. Employees must be permitted to (but may not be required to) substitute any available paid or unpaid leave for bereavement leave. The law does not create a right for an employee to take unpaid leave that exceeds, or is in addition to, unpaid leave provided under the federal FMLA.</p>
<p><b>Employee Sick Leave</b></p>	<p>Illinois does not have a statewide law that requires employers to provide paid sick leave to employees. However, the <a href="#">Employee Sick Leave Act</a> (ESLA) requires Illinois employers that currently provide personal sick leave benefits to employees to permit employees to use available sick leave benefits to care for family members. "Personal sick leave benefits" include any paid or unpaid time available to an employee under an employer's plan or policy to cover an employee's absence from work due to personal illness, injury or medical appointment. Short- and long-term disability benefits (and other comparable insurance policies) are specifically excluded from the definition of personal sick leave benefits. The ESLA requires employers to allow employees to use personal sick leave benefits to care for the employee's child, stepchild, spouse, domestic partner, sibling, parent, parent-in-law, grandchild, grandparent or stepparent, on the same terms that the employee is able to use personal sick leave benefits for his or her own illness or injury. An <a href="#">amendment</a> to the ESLA added a covered family member's "personal care" to the permitted reasons for use of leave. Personal care means helping meet basic medical, hygiene, nutrition and safety needs, and related transportation and emotional support.</p>

SPECIAL NOTE: Please note that the information in the above chart focuses on statewide laws. Cities, towns and counties across the country have also enacted ordinances that require employers to provide leave to employees. Employers must generally comply with local and statewide law that applies.

### More Information

Contact DMA Benefits for more information on employee leave laws in Illinois.

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