

Legal Update

Brought to you by: DMA Benefits

Illinois Expands Employee Bereavement Leave Requirement

Illinois has [amended](#) the state's Child Bereavement Act and renamed it the Family Bereavement Leave Act. The amendments provide additional reasons for bereavement leave, including the deaths of employees' family members and reasons relating to failed pregnancies, fertility treatments and adoptions. The changes take effect Jan. 1, 2023.

Covered Employers and Employees

As before the amendments, the law applies to covered employers and eligible employees under the federal Family and Medical Leave Act, which generally applies to private employers with 50 or more employees.

Reasons for Leave

Employees may take up to 10 work days of unpaid bereavement leave 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; an unsuccessful round of intrauterine insemination or 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.

"Covered family member" means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent.

Employers may require reasonable documentation for leave, but restrictions apply to documentation requirements for category 4 reasons (above).

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. © 2022 Zywave, Inc. All rights reserved.



Highlights

- Amendments to the Illinois Child Bereavement Act expand the reasons for employee bereavement leave.
- Leave may now be taken for the death of an employee's covered family member, not just a child.
- The amendments also added miscarriage and stillbirth as well as failed adoption, surrogacy and fertility treatments to the qualifying reasons for leave.

Illinois bereavement leave applies to employers and employees covered by the FMLA.