

Legal Update

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Illinois Passes Paid Leave for All Workers Act

The Illinois legislature has passed the [Paid Leave for All Workers Act](#) (the Act), which requires employers to provide most employees with at least five days of paid leave per year for any reason. Gov. J.B. Pritzker is expected to sign the measure. The bill was passed Jan. 10, 2023, and if signed into law, it will take effect **Jan. 1, 2024**.

Paid Leave Requirement

Key features of the Act's paid leave entitlement include the following:

- **Accrual and waiting period:** Employees must accrue one hour of paid leave for every 40 hours worked, up to a minimum of **40 hours** of leave per 12-month period. Leave may be used after **90 days** of employment.
- **Carryover and frontloading:** Employers that frontload leave are not required to allow employees to carry over unused leave into the next year. Other employers must permit carryover of leave.
- **Verification:** Employers may **not** require employees to provide a reason, documentation or certification for leave.
- **Rate of pay:** Employees' regular rate of pay applies during leave. Tipped or commissioned employees must be paid at least the minimum wage.

Employers may require seven days' advance notice of foreseeable leave if that policy is in writing. Employers must post a notice about the law, and they must retain paid leave records for three years.

Exemptions

The law **does not** apply to school or park districts, short-term employees of higher education institutions, temporary part-time student workers in higher education, collectively bargained construction or delivery workers, certain railroad workers or employers covered by a municipal or county paid leave law in effect on Jan. 1, 2024.

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Highlights

- The paid leave requirement applies to all employers and employees in Illinois, with limited exceptions.
- Employer plans providing the same amount of leave under the same conditions as required by the Act will satisfy its mandate.
- Violations are punishable by penalties of up to \$2,500 as well as civil damages and equitable remedies.

The Act does not apply to employers that provide paid leave under a municipal or county ordinance.