

Legal Update Article

Amended VESSA Provides Illinois Employees Time Off for Additional Reasons

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Amendments to the Illinois Victims' Economic Security and Safety Act (VESSA) expand leave available to Illinois employees grieving a family member's death arising from a crime of violence.

VESSA applies to all Illinois employers and requires them to provide unpaid leave to employees who are victims of domestic, sexual, or gender violence or crimes of violence (or whose family or household members are victims).

Signed by Governor J.B. Pritzker on July 28, 2023, [HB2493](#) took effect immediately.

Reasons for Leave

Prior to the amendments, VESSA permitted employees to take leave for the following reasons: to seek medical attention or counseling services related to domestic or sexual violence or crimes of violence; to obtain services from a victim services organization; to obtain legal assistance; and to participate in safety planning.

Under the amendments, employees also may take leave: (1) to attend the funeral or alternative to funeral or wake of a family or household member who is killed in a crime of violence; (2) to make arrangements necessitated by the death of a family or

household member who is killed in a crime of violence; or (3) to grieve the death of a family or household member who is killed in a crime of violence.

Documentation for Leave

Pursuant to amended VESSA, if the request for leave relates to a death involving a crime of violence, employees are permitted to submit a death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency documenting that a victim was killed in a crime of violence.

Period of Leave

Under the law, the amount of VESSA leave an employee is entitled to depends on the size of the employer:

- An employee working for an employer with at least 1, but not more than 14, employees is entitled to a total of 4 workweeks of leave during any 12-month period.
- An employee working for an employer with at least 15, but not more than 49, employees is entitled to a total of 8 workweeks of leave during any 12-month period.
- An employee working for an employer with at least 50 employees is entitled to a total of 12 workweeks of leave during any 12-month period.

An employee who takes leave for one of the three new, amended purposes listed above related to death involving crimes of violence is entitled to a total of two workweeks of unpaid leave (10 workdays), which must be completed within 60 days after the employee receives notice of the death of the victim. However, the employee may still be entitled to additional protected time off under VESSA during the same 12-month period for other qualifying reasons.

Exceptions and Overlap With Family Bereavement Leave Act

The Illinois Family Bereavement Leave Act (FBLA) entitles eligible employees to up to two weeks (10 workdays) of unpaid leave time following the death of a covered family member, among other reasons. Employees are entitled to up to six weeks of leave in the event of the death of more than one covered family member in a 12-month period. FBLA covers only employees eligible for federal Family and Medical Leave Act leave, while VESSA covers all Illinois employees.

If an employee is entitled to leave under FBLA, amended VESSA does not create a right for the employee to take bereavement leave that exceeds or is in addition to

leave to which the employee is entitled under FBLA.

If an employee is not entitled to leave under FBLA, leave taken for the three new, amended VESSA purposes described above will be deducted from, and is not in addition to, the total amount of leave time to which an employee is entitled. Leave taken for the amended VESSA purposes described above or leave taken under FBLA will not otherwise limit or diminish the total amount of leave time to which an employee is entitled.

If you have any questions regarding the amendments to VESSA and how to update your policies for compliance with Illinois law, please reach out to a Jackson Lewis attorney.

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