Publications

New Illinois Employee Sick Leave Act Mandates Greater Flexibility on Use of Leave Benefits

By **Jody Kahn Mason** and **Kathryn Montgomery Moran**

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The Illinois Employee Sick Leave Act (Public Act 99-0841) requires Illinois employers who provide personal sick leave benefits to their employees to allow employees to take such leave for absences due to the illness, injury, or medical appointment of the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. The leave must be granted on the same terms under which the employee is able to use sick leave benefits for his or her own illness or injury. The Act goes into effect on January 1, 2017.

Who Is Covered?

All Illinois employers who provide personal sick leave benefits to their employees are covered by the Act. The Act defines "personal sick leave benefits" to include time accrued and available to employees to be used for absences related to personal illness, injury, or medical appointments.

If my company does not already provide personal sick leave benefits to our employees, are we now required to do so?

No. The Act does not require employers to adopt sick leave policies if they do not already have them in place. However, under the Chicago Paid Sick Leave Ordinance, passed on June 22, 2016, many employers in the City of Chicago will be required to provide eligible employees with paid sick leave benefits beginning July 1, 2017. (See our article, Chicago City Council Passes Paid Sick Leave Ordinance.)

Can employers restrict the use of personal sick leave benefits for the care of family members?

Employers may limit the use of sick leave benefits for absences due to the illness, injury, or medical appointment of a family member to an amount that is not less than the amount of personal sick leave the employee would accrue during six months at the employee's current accrual rate. In other words, employers may restrict employees from using more than half of their yearly sick leave benefits for the care of family members. Additionally, the Act states that it does not extend the maximum amount of leave to which an employee may be entitled under the federal Family and Medical Leave Act of 1993.

What if my company already provides employees with leave to care for family members?

Employers who have paid time off policies that provide leave benefits for the care of family members as required by the Act are not required to modify such policies.

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Are there any other requirements under the Act?

Employers are prohibited from denying employees the right to use personal sick leave benefits for the care of specified family members in accordance with the Act. In addition, it is unlawful for employers to discharge, threaten to discharge, demote, suspend, or discriminate against employees for using sick leave benefits, attempting to exercise their rights to use sick leave benefits, filing a complaint with the Illinois Department of Labor, alleging a violation of the Act, cooperating in an investigation or prosecution of the Act, or opposing any policy, practice or act that is prohibited by the Act.

Please contact Jackson Lewis with any questions about the Act or other workplace requirements.

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