

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

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

August 26, 2016

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.

Meet the Authors



Jody Kahn Mason

Principal
Chicago

312-803-2535
Jody.Mason@jacksonlewis.com



Kathryn Montgomery Moran

Principal and Office Litigation Manager
Chicago

312-803-2511
Kathryn.Moran@jacksonlewis.com

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.

©2016 Jackson Lewis P.C. This Update is provided for informational purposes only. It is not intended as legal advice nor does it create an attorney/client relationship between Jackson Lewis and any readers or recipients. Readers should consult counsel of their own choosing to discuss how these matters relate to their individual circumstances. Reproduction in whole or in part is prohibited without the express written consent of Jackson Lewis.

This Update may be considered attorney advertising in some states. Furthermore, prior results do not guarantee a similar outcome.

Jackson Lewis P.C. represents management exclusively in workplace law and related litigation. Our attorneys are available to assist employers in their compliance efforts and to represent employers in matters before state and federal courts and administrative agencies. For more information, please contact the attorney(s) listed or the Jackson Lewis attorney with whom you regularly work.

Related Articles You May Like

August 11, 2016

Illinois Law Mandates Unpaid Child Bereavement Leave

Illinois employers with at least 50 employees must provide employees who suffered the loss of a child with up to two weeks (10 work days) of unpaid leave under the new Child Bereavement Leave Act. The new law took effect immediately upon Governor Bruce Rauner's signature on July 29, 2016. Covered Employees and Employers... [Read More](#)

June 27, 2016

Chicago City Council Passes Paid Sick Leave Ordinance

Effective July 1, 2017, an amendment to the Chicago Minimum Wage Ordinance (2-25-050) requires employers in the City of Chicago to provide eligible employees up to 40 hours of paid sick leave in each 12-month period of their employment. The Chicago City Council passed the amendment on June 22, 2016. Paid Sick Leave Requirements Who... [Read More](#)

June 16, 2016

Los Angeles Approves Minimum Wage Increases and Mandates Employers to Provide 48 Hours of Paid Sick Leave

Employers in the City of Los Angeles will need to review their current minimum wage and paid sick leave policies to ensure they comply with the new City ordinance increasing the minimum wage and extending paid sick leave benefits to employees working in the City. On June 1, 2016, the Los Angeles City Council voted in favor of... [Read More](#)

Related Practices

**Disability, Leave
and Health
Management**

©2016 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

*Honolulu, Hawai'i is through an affiliation with Jackson Lewis P.C., a Law Corporation