

Illinois Amends Family Bereavement Leave Act to Provide Extended Child Bereavement Leave

By Julia P. Argentieri on August 8, 2023

Illinois passed a new law that will extend the amount of unpaid leave that employees are entitled to for certain categories of child bereavement. The **Child Extended Bereavement Leave Act (CEBLA)**, which was signed into law by Governor J.B. Pritzker on August 4, 2023 and will take effect on January 1, 2024, will require covered Illinois employers with 50 or more employees to allow additional amounts of unpaid leave to employees who suffer the loss of a child due to homicide or suicide. Originally enacted in 2016, the Child Bereavement Leave Act was **previously amended** January 1, 2023, and renamed as the Family Bereavement Leave Act (FBLA) to expand the definition of family members covered and also include fertility-related losses in the acceptable reasons for use of FBLA.

Impacted Employers

The CEBLA creates new requirements for Illinois employers with 50 or more full-time employees. Employers in Illinois with between 50 and 249 full-time employees will be required to provide 6 weeks of unpaid leave to employees who lose a child to homicide or suicide. Employers with more than 250 full-time employees must provide 12 weeks of unpaid leave to affected employees.

Requirements and Definitions

Before being entitled to CEBLA leave, employees must have worked for their employer for at least two weeks. Employees must take CEBLA leave within one year from when they notify their employer of their child's death. Leave can be taken either in a single continuous period or intermittently in increments of no less than four hours. If an employee takes unpaid leave under

the CEBLA, however, they cannot also seek additional unpaid leave under the FBLA relating to the same bereavement.

Employers can require reasonable advance notice and documentation from employees intending to take CEBLA leave. Required documentation can be in the form of a death certificate, published obituary, or other written verification of death. An employer can also require that the documentation states the child's cause of death.

The CEBLA defines a "child" to include biological, adopted, foster, and stepchildren, as well as legal wards and children of people legally serving in place of a parent (*in loco parentis*).

When returning from bereavement leave, employees are entitled to the position they held when the leave began. If that position has been filled or is no longer available, returning employees are entitled to an equivalent position with equivalent pay, benefits, and job responsibilities.

It should be noted, the Act does not extend the maximum leave entitled under the Family Medical Leave Act (FMLA) or any other federal, state, or local act. Additionally, if an employee is part of a workplace governed by a collective bargaining agreement (CBA), this Act does not extend any leave entitled through that CBA.

The Illinois Victims' Economic Security and Safety Act (VESSA) was also recently amended to expand leave available to employees grieving a family member's death arising from a crime of violence. Employers operating in Illinois should carefully review the CEBLA and VESSA in conjunction with their policies and practices related to bereavement leave. Jackson Lewis attorneys are available to answer inquiries and assist with these and other workplace issues.