

Employment Law Summary

Employee Leave Laws—Overview



Because You're Different

Illinois employers must provide their employees with certain types of paid and unpaid leave required by state law, in addition to complying with federal leave laws not addressed here, such as the Family and Medical Leave Act (FMLA).

Illinois state law includes the following employee leave mandates:

- Paid leave for any reason (effective Jan. 1, 2024)
- Voting and election officer leave;
- Jury duty and judicial witness leave;
- Civil air patrol leave;
- Military leave;
- Family military leave;
- Leave for violence victims;
- School visitation leave;
- Blood and organ donation leave;
- Family bereavement and child extended bereavement leave; and
- Employee sick leave.

The chart below provides a high-level overview of Illinois employee leave laws.

Overview of Employee Leave Laws

Type of Leave	Requirements
Paid Leave for any Reason	<p>Effective Jan. 1, 2024, the Illinois Paid Leave for All Workers Act requires covered employers to provide eligible employees with one hour of paid leave for every 40 hours worked, up to 40 hours per year. The leave may be used for any reason, and employers may not request a reason or verification for the leave.</p> <p>The requirement applies to all employers except public schools, public park districts and employers that provide leave under a local paid leave law. Note that Cook County and Chicago have local paid leave laws. If a locality has opted out of the local law, however, employers within the locality must provide leave under the state law.</p> <p>All employees are eligible except short-term employees of higher education institutions, temporary part-time student workers in higher education, collectively bargained construction or delivery workers and certain railroad workers.</p> <p>Employers may limit employees' accrual of paid leave for any reason to 40 hours per year, and they may prohibit employees' use of paid leave during their first 90 days of employment.</p>

Type of Leave	Requirements
Voting Leave	Employers must provide employees with up to two hours of paid leave to vote in a general or special election or an election where propositions are submitted for a vote. The employer may specify the hours during which the employee may take leave to vote. To qualify for two hours of voting leave, the employee's working hours must begin less than two hours after the polls open and end less than two hours before the polls close. An employee must apply for the leave with the employer prior to the day of the election.
Jury Duty and Judicial Witness Leave	Employers must provide unpaid leave to employees summoned to jury duty if they are legally qualified to serve on a jury. Employees must provide notice within 10 days after the summons is issued. An employer may not punish or penalize an employee who is a witness to a crime and takes unpaid time off from work to testify at a criminal proceeding pursuant to a subpoena.
Civil Air Patrol Leave	<p>Employers with 15 or more employees must provide unpaid leave to eligible employees who are members of the civil air patrol performing a civil air patrol mission. To be eligible, employees must have been employed by the same employer for at least 12 months and must have at least 1,250 hours of service during the 12-month period before the leave. The amount of leave depends on employer's size, as follows:</p> <ul style="list-style-type: none"> • Between 15 and 50 employees—Up to 15 days of leave. • More than 50 employees—Up to 30 days of leave. <p>Employers cannot require employees to exhaust other types of leave before taking civil air patrol leave. Employees must give advance notice of the leave, and employers may require certification to verify eligibility for the leave.</p>
Military Leave	<p>In addition to protections under USERRA, the Illinois Service Member Employment and Reemployment Rights Act (ISERRA) provides service members with the right to take a military leave of absence and protects them from discrimination and retaliation. Service members include members of the armed forces of the U.S., the National Guard of any state or territory, and the State Guard. ISERRA also applies to members of the Military Auxiliary Radio System, United States Coast Guard Reserve, Civil Air Patrol and the Merchant Marines when performing official duties in support of an emergency, as well as employees absent from employment to receive medical care by the Department of Defense for a condition, injury or illness sustained while they were engaged in military service.</p> <p>Military service is protected if it is active or reserve, and includes state active duty. Reemployment rights as provided under federal USERRA apply to service members covered under ISERRA. Continuation of health insurance provisions apply. Employer notice requirements also apply.</p> <p>In addition, it is unlawful for employers with 15 or more employees to discriminate against employees based on their military status. Separate nondiscrimination provisions apply to members of the National Guard or Reserves.</p>
Family Military Leave	<p>Employers with 15 or more employees must provide eligible employees with unpaid family military leave. To be eligible, an employee must:</p> <ul style="list-style-type: none"> • Be the spouse, parent, child or grandparent of a person called to military service lasting longer than 30 days; and • Have been employed by the same employer for at least 12 months, and have worked at least 1,250 hours in the 12-month period before the leave. <p>The maximum amount of leave depends on the employer's size, as follows:</p> <ul style="list-style-type: none"> • Between 15 and 50 employees—Up to 15 days of leave. • More than 50 employees—Up to 30 days of leave. <p>Before taking family military leave, employees must exhaust all other types of accrued leave, except sick or disability leave. The number of days provided may be reduced by the number of days the employee receives under the federal FMLA due to a qualifying exigency based on a spouse or child's service. Employees must provide advance notice. Employers may require certification to verify eligibility for leave. Job protections apply.</p>

Type of Leave	Requirements
<p>Leave for Victims of Violent Crime</p>	<p>Employers must provide unpaid leave for employees who are victims of domestic violence, sexual violence, gender violence, or any other crime of violence (as defined by law) or have a family or household member who is such a victim. Employers are required to post a notice summarizing this type of leave. Eligible employees may take leave to:</p> <ul style="list-style-type: none"> • Seek medical attention; • Obtain services from a victim services organization; • Obtain counseling; • Participate in safety planning; or • Seek legal assistance. <p>The maximum amount of leave depends on the employer’s size, as follows:</p> <ul style="list-style-type: none"> • Employer with no more than 14 employees – up to four workweeks of leave during any 12-month period. • Between 15 and 49 employees—up to eight workweeks of leave during any 12-month period. • 50 or more employees—up to 12 workweeks of leave during any 12-month period. <p>Effective Jan. 1, 2024, employers must also allow two weeks of unpaid bereavement leave to employees whose family or household members are killed during a violent crime. Leave must be completed within 60 days of the worker learning of the death. Employers cannot require the substitution of another type of leave, except employees are not entitled to leave that exceeds, or is in addition to, the leave time permitted under the federal FMLA. Employees must provide advance notice of the leave, unless it is not practicable to do so. Employers may require certification to determine eligibility for leave. Job protections apply to employees taking leave.</p>
<p>School Visitation Leave</p>	<p>Employers with 50 or more employees must provide leave to eligible employees to attend their children’s school conferences or behavioral or academic meetings when the events cannot be rescheduled during nonwork hours. To be eligible, an employee must have:</p> <ul style="list-style-type: none"> • Worked for the employer for at least six consecutive months before making the leave request; and • Been employed on at least a half-time basis during that six-month period. <p>Employers must provide eligible employees with up to eight hours of school visitation leave per school year, but no more than four hours can be taken on one day. Employers are not required to pay employees for the leave; however, they must make a good faith effort to allow employees to make up the time missed.</p> <p>Before taking school visitation leave, an employee must use all other accrued leave, except sick or disability leave. Employees must provide advance notice of leave.</p> <p>Employees should submit a verification form to employers following the leave. Job protections apply to employees taking leave.</p>
<p>Blood and Organ Donation Leave</p>	<p>With employer approval, full-time employees who have been employed for six months or longer are eligible for paid blood and organ donation leave. Leave requirements apply to employers with more than 50 employees. The mandate covers units of local government, boards of election commissioners and private employers in Illinois.</p> <p>After obtaining employer approval, an employee may use up to one hour (or more if authorized by the employer) to donate blood every 56 days, in accordance with appropriate medical standards. With employer approval, employees may take 10 days of leave in any 12-month period to donate an organ.</p> <p>Employers may require employees to provide confirmation of blood donation from a blood bank.</p> <p>Eligible employees cannot be required to use accumulated or future sick or vacation time for the period used to donate blood.</p>
<p>Family Bereavement</p>	<p>Family bereavement leave: Employers covered under the federal FMLA (those</p>

with **50 or more employees**) must provide eligible employees with up to two weeks (10 working days) of unpaid bereavement leave due to the loss of a family member, and for reasons relating to family planning.

Eligible employees are those who suffer a qualifying loss and meet the eligibility requirements under the federal FMLA. Leave must be used within 60 days of the employee being notified of the child's/family member's death.

Leave may be used to:

1. Attend the funeral or alternative of a covered family member;
2. Make arrangements necessitated by the death of the covered family member;
3. Grieve the death of the covered family member; or
4. Be absent from work due to a miscarriage, unsuccessful round of intrauterine insemination or assisted reproductive technology procedure, failed adoption match or adoption that is not finalized because it is contested, failed surrogacy agreement, diagnosis that negatively impacts pregnancy or fertility, or a stillbirth.

If an employee experiences the loss of more than one family member during a 12-month period, the employee is entitled to six weeks of leave during the 12-month period.

"Covered family member" means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent.

Unless it is not reasonable or practicable, an employee must provide their employer with 48 hours' notice of the intention to take leave.

Employers may require documentation, such as a death certificate or published obituary. For leave resulting from an event listed under category 4, above, reasonable documentation is limited to a form to be provided by the Illinois Department of Labor, to be filled out by a treating health care provider of the employee's spouse, domestic partner or surrogate, or documentation from an adoption or surrogacy organization certifying that the employee or their spouse or domestic partner has experienced an event listed under category 4. The employer may not require that the employee identify which category of event the leave pertains to.

Employees must be permitted (but not required) to substitute any available paid or unpaid leave for bereavement leave.

The law does **not** create a right for an employee to take unpaid leave that exceeds, or is in addition to, unpaid leave provided under the federal FMLA.

Child extended bereavement leave: Effective Jan. 1, 2024, employers with at least 50 employees in Illinois must provide unpaid, job-protected leave for employees whose children die by suicide or homicide. Employees are eligible if they have worked for their employer for at least two weeks. The law does not cover employees of the state of Illinois unless they are not otherwise eligible for family responsibility leave or an unpaid leave of absence. Employees may not

Type of Leave	Requirements
	<p>take family bereavement leave and extended child bereavement leave for the death of the same person.</p> <p>Employers with more than 250 employees must provide up to 12 weeks of leave, while employers with 50-249 employees are only required to provide up to six weeks of leave. The leave must be taken within one year after the employee notifies their employer of the loss of their child. Employers may require reasonable advance notice of the leave and reasonable documentation that includes the cause of death. Leave may be taken intermittently in increments of at least four hours.</p>
<p>Employee Sick Leave</p>	<p>Illinois does not have a statewide law that requires employers to provide paid sick leave to employees (although see entry above for paid leave for any reason, effective Jan. 1, 2024). However, the Employee Sick Leave Act (ESLA) requires Illinois employers that currently provide personal sick leave benefits to employees to permit employees to use available sick leave benefits to care for family members.</p> <p>“Personal sick leave benefits” include any paid or unpaid time available to an employee under an employer’s plan or policy to cover an employee’s absence from work due to personal illness, injury or medical appointment. Short- and long-term disability benefits (and other comparable insurance policies) are specifically excluded from the definition of personal sick leave benefits. The ESLA requires employers to allow employees to use personal sick leave benefits to care for the employee’s child, stepchild, spouse, domestic partner, sibling, parent, parent-in-law, grandchild, grandparent or stepparent, on the same terms that the employee is able to use personal sick leave benefits for his or her own illness or injury. Personal sick leave benefits must also be allowed to be used for a covered family member’s “personal care.” Personal care means helping meet basic medical, hygiene, nutrition and safety needs, and related transportation and emotional support.</p>

SPECIAL NOTE: Please note that the information in the above chart focuses on statewide laws. Cities, towns and counties across the country have also enacted ordinances that require employers to provide leave to employees (including Chicago and Cook County). Employers must generally comply with local and statewide law that applies.

More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in Illinois.

Provided By Heffernan Insurance Brokers

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