

Illinois Employee Sick Leave Act

The General Assembly has enacted the Employee Sick Leave Act (Public Act 099-0841). Beginning January 1st, 2017, Illinois employers who provide paid sick leave benefits must allow employees to use a portion of those benefits for absences due to an illness, injury, or medical appointment of a family member, including an employee's child, spouse, domestic partner, sibling, parent, parent-in-law, grandchild, grandparent, or stepparent. The Employee Sick Leave Act (Public Act 99-0841) does not mandate an employer to provide paid sick leave. Rather, the law requires employers who do provide personal sick leave benefits for an employee's own use to now allow employees to use a portion of that time on the same terms for their family members.

The Act defines personal sick leave benefits as "time accrued and available to an employee to be used as a result of absence from work due to personal, illness, injury, or medical appointment, but does not include absences from work for which compensation is provided through an employer's plan", such as short and long-term disability plans. Employers can limit an employee's use of personal sick leave benefits for family members to an amount not less than what the employee accrues in six months, or half the employee's yearly sick leave accrual.

An Illinois employer that already has a policy that meets the Act's minimum requirements does not have to change their policy. The Act also does not extend the maximum period of leave to which an employee is entitled under the federal Family and Medical Leave Act of 1993. The Act prohibits employers from retaliating or taking any other adverse actions against employees who exercise their rights, or attempt to do so, under the Employee Sick Leave Act. Aggrieved employees may file a complaint with the Illinois Department of Labor or in state court for violations of the Act.

Since the Act affords rights and remedies in addition to those provided under other laws, employees who work within the city of Chicago also have remedies and rights available to them under the Chicago Minimum Wage Ordinance. The Chicago ordinance details how employers must accrue paid sick leave hours, and mandates carryover of unused accrued sick leave hours. Therefore, employers that are located in Chicago will have to comply with both the Illinois Sick Leave Act and the Chicago Minimum Wage Ordinance.

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