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EMPLOYMENT (820 ILCS 154/) Family Bereavement Leave Act.

(820 ILCS 154/1)

Sec. 1. Short title. This Act may be cited as the Family Bereavement Leave Act.

(Source: P.A. 102-1050, eff. 1-1-23.)

(820 ILCS 154/5)

Sec. 5. Definitions. In this Act:

"Assisted reproduction" means a method of achieving a pregnancy through an artificial insemination or an embryo transfer and includes gamete and embryo donation. "Assisted reproduction" does not include any pregnancy achieved through sexual intercourse.

"Child" means an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

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

"Department" means the Department of Labor.

"Domestic partner", used with respect to an unmarried employee, includes:

(1) the person recognized as the domestic partner of the employee under any domestic partnership or civil union law of a state or political subdivision of a state; or

(2) an unmarried adult person who is in a committed, personal relationship with the employee, who is not a domestic partner as described in paragraph (1) to or in such a relationship with any other person, and who is designated to the employee's employer by such employee as that employee's domestic partner.

"Department" means the Department of Labor.

"Employee" means eligible employee, as defined by Section 101(2) of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

"Employer" means employer, as defined by Section 101(4) of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(Source: P.A. 102-1050, eff. 1-1-23.)

(820 ILCS 154/10)

Sec. 10. Bereavement leave.

(a) All employees shall be entitled to use a maximum of 2 weeks (10 work days) of unpaid bereavement leave to:

(1) attend the funeral or alternative to a funeral 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 (i) a miscarriage; (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure; (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party; (iv) a failed surrogacy agreement; (v) a diagnosis that negatively impacts pregnancy or fertility; or (vi) a stillbirth.

(b) Bereavement leave under subsection (a) of this Section must be completed within 60 days after the date on which the employee receives notice of the death of the covered family member or the date on which an event listed under paragraph (4) of subsection (a) occurs.

(c) An employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take bereavement leave, unless providing such notice is not reasonable and practicable.

(d) An employer may, but is not required to, require reasonable documentation. Documentation may include a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency. For leave resulting from an event listed under paragraph (4) of subsection (a), reasonable documentation shall include a form, to be provided by the Department, to be filled out by a health care practitioner who has treated the employee or the employee's spouse or domestic partner, or surrogate, for an event listed under paragraph (4) of subsection (a), or documentation from the adoption or surrogacy organization that the employee worked with related to an event listed under paragraph (4) of subsection (a), certifying that the employee or his or her spouse or domestic partner has experienced an event listed under paragraph (4) of subsection (a). The employer may not require that the employee identify which category of event the leave pertains to as a condition of exercising rights under this Act.

(e) In the event of the death of more than one covered family member in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period. This Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(Source: P.A. 102-1050, eff. 1-1-23.)

(820 ILCS 154/15)

Sec. 15. Existing leave usable for bereavement. An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to federal, State, or local law, a collective bargaining agreement, or an employment benefits program or plan may elect to substitute any period of such leave for an equivalent period of leave provided under Section 10.

(Source: P.A. 99-703, eff. 7-29-16.)

(820 ILCS 154/20)

Sec. 20. Unlawful employer practices. It is unlawful for any employer to take any adverse action against an employee because the employee (1) exercises rights or attempts to exercise rights under this Act, (2) opposes practices which such employee believes to be in violation of this Act, or (3) supports the exercise of rights of another under this Act.

Exercising rights under this Act includes filing an action or instituting or causing to be instituted any proceeding under

or related to this Act; providing or agreeing to provide any information in connection with any inquiry or proceeding relating to any right provided under this Act; or testifying to or agreeing to testify in any inquiry or proceeding relating to any right provided under this Act.

(Source: P.A. 99-703, eff. 7-29-16.)

(820 ILCS 154/25)

Sec. 25. Department responsibilities.

(a) The Department shall administer and enforce this Act and adopt rules under the Illinois Administrative Procedure Act for the purpose of this Act. The Department shall have the powers and the parties shall have the rights provided in the Illinois Administrative Procedure Act for contested cases. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act, including the power to conduct depositions and discovery and to issue subpoenas. If the Department finds cause to believe that this Act has been violated, the Department shall notify the parties in writing and the matter shall be referred to an Administrative Law Judge to schedule a formal hearing in accordance with hearing procedures established by rule.

(b) The Department is authorized to impose civil penalties prescribed in Section 30 in administrative proceedings that comply with the Illinois Administrative Procedure Act and to supervise the payment of the unpaid wages and damages owing to the employee or employees under this Act. The Department may bring any legal action necessary to recover the amount of unpaid wages, damages, and penalties, and the employer shall be required to pay the costs. Any sums recovered by the Department on behalf of an employee under this Act shall be paid to the employee or employees affected. However, 20% of any penalty collected from the employer for a violation of this Act shall be deposited into the Child Bereavement Fund, a special fund created in the State treasury, and used for the enforcement of this Act.

(c) The Attorney General may bring an action to enforce the collection of any civil penalty imposed under this Act.

(Source: P.A. 99-703, eff. 7-29-16.)

(820 ILCS 154/30)

Sec. 30. Enforcement.

(a) An employee who believes his or her rights under this Act or any rule adopted under this Act have been violated may, within 60 days after the date of the last event constituting the alleged violation for which the action is brought, file a complaint with the Department or file a civil action.

(b) An employer that violates any provision of this Act or any rule adopted under this Act is subject to a civil penalty for each employee affected as follows:

(1) first offense, a civil penalty not to exceed \$500;

(2) second or subsequent offense, a civil penalty not to exceed \$1,000.

(c) A civil action may be brought in the circuit court by an employee to enforce this Act. The circuit court may enjoin any act or practice that violates or may violate this Act and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce the Act.

(Source: P.A. 99-703, eff. 7-29-16.)

(820 ILCS 154/95)

Sec. 95. (Amendatory provisions; text omitted).

(Source: P.A. 99-703, eff. 7-29-16; text omitted.)

(820 ILCS 154/99)

Sec. 99. Effective date. This Act takes effect upon becoming law.

(Source: P.A. 99-703, eff. 7-29-16.)