

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

EMPLOYMENT (820 ILCS 191/) Employee Sick Leave Act.

(820 ILCS 191/1)

Sec. 1. Short title. This Act may be cited as the Employee Sick Leave Act.

(Source: P.A. 99-841, eff. 1-1-17.)

(820 ILCS 191/5)

Sec. 5. Definitions. In this Act:

"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.

"Personal care" means activities to ensure that a covered family member's basic medical, hygiene, nutritional, or safety needs are met, or to provide transportation to medical appointments, for a covered family member who is unable to meet those needs himself or herself. "Personal care" also means being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care.

"Personal sick leave benefits" means any paid or unpaid time available to an employee as provided through an employment benefit plan or paid time off policy to be used as a result of absence from work due to personal illness, injury, medical appointment, or for personal care of a covered family member. An employment benefit plan or paid time off policy does not include long term disability, short term disability, an insurance policy, or other comparable benefit plan or policy.

(Source: P.A. 102-4, eff. 4-27-21.)

(820 ILCS 191/10)

Sec. 10. Use of leave; limitations.

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness, injury, or medical appointment of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, or for personal care of a covered family member on the same terms upon which the employee is able to use personal sick leave benefits for the employee's own illness or injury. An employer may request written verification of the employee's absence from a health care professional if such verification is required under the employer's employment benefit plan or paid time off policy.

(b) An employer may limit the use of personal sick leave benefits provided by the employer for absences due to an illness, injury, medical appointment, or personal care of the employee's covered family member to an amount not less than the personal sick leave that would be earned or accrued during 6 months at the employee's then current rate of entitlement. For employers who base personal sick leave benefits on an employee's years of service instead of annual or monthly accrual, such

employer may limit the amount of sick leave to be used under this Act to half of the employee's maximum annual grant.

(c) An employer who provides personal sick leave benefits or a paid time off policy that would otherwise provide benefits as required under subsections (a) and (b) shall not be required to modify such benefits.

(Source: P.A. 102-4, eff. 4-27-21.)

(820 ILCS 191/15)

Sec. 15. Rights and remedies. The rights and remedies specified in this Act are in addition to any other rights or remedies afforded by contract or under other provisions of law. This Act does not prevent an employer from providing greater sick leave benefits than are provided for under this Act. This Act does not extend the maximum period of leave to which an employee is entitled under the federal Family and Medical Leave Act of 1993, regardless of whether the employee receives sick leave compensation during that leave.

(Source: P.A. 99-841, eff. 1-1-17.)

(820 ILCS 191/20)

Sec. 20. Retaliation prohibited. An employer shall not deny an employee the right to use personal sick leave benefits in accordance with this Act or discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using personal sick leave benefits, attempting to exercise the right to use personal sick leave benefits, filing a complaint with the Illinois Department of Labor or alleging a violation of this Act, cooperating in an investigation or prosecution of an alleged violation of this Act, or opposing any policy or practice or act that is prohibited by this Act. Nothing in this Section prohibits an employer from applying the terms and conditions set forth in the employment benefit plan or paid time off policy applicable to personal sick leave benefits.

(Source: P.A. 99-841, eff. 1-1-17; 99-921, eff. 1-13-17.)

(820 ILCS 191/21)

Sec. 21. Employments exempted from coverage.

(a) This Act does not apply to an employer or employee as defined in either the federal Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the Federal Employers' Liability Act, United States Code, Title 45, Sections 51 through 60, or other comparable federal law.

(b) Nothing in this Act shall be construed to invalidate, diminish, or otherwise interfere with any collective bargaining agreement nor shall it be construed to invalidate, diminish, or otherwise interfere with any party's power to collectively bargain such an agreement. The rights afforded under this Act serve as the minimum standard in a negotiated collective bargaining agreement.

(c) This Act does not apply to any other employment expressly exempted under rules adopted by the Department as necessary to implement this Act in accordance with applicable State and federal law.

(Source: P.A. 102-678, eff. 12-10-21; 102-817, eff. 1-1-23.)

(820 ILCS 191/25)

Sec. 25. Rules. The Department may adopt rules to implement this Act.

(Source: P.A. 99-841, eff. 1-1-17; 99-921, eff. 1-13-17.)

(820 ILCS 191/99)

Sec. 99. Effective date. This Act takes effect on January 1,

2017.

(Source: P.A. 99-841, eff. 1-1-17.)