

Employee Sick Leave Act FAQs

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1. What is the Employee Sick Leave Act?

The Employee Sick Leave Act (Public Act 99-0841) (the "Act") is a State law requiring employers to allow employees to use at least a portion of the sick leave time that is already available to them, under certain existing employer policies, to care for certain relatives. The Act requires employers to allow employees to use such time "for absences due to an illness, injury, or medical appointment of the employee's child, spouse, [domestic partner], sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury."

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2. What type of sick leave benefits does the Act require employers to allow employees to use to care for a relative?

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 specifies that that term “does not include absences from work for which compensation is provided through an employer’s plan.”

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3. How much personal sick leave time may an employee use to care for a relative?

An employer may limit the use of sick time to care for a relative as described in the Act “to an amount not less than the personal sick leave that would be accrued during 6 months at the employee’s then current rate of entitlement.” Employers may allow more than that amount of time if they so choose.

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4. Does the Act require an employer that does not otherwise provide personal sick leave benefits to employees (and is not required by law to do so) required to provide any new benefits as a result of the Act?

No. The Act only requires employers to allow employees to use personal sick leave benefits that the employees otherwise would have to care for a relative as described in the Act.

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5. Does an employer who has a paid time off policy that allows employees to use paid leave time to care for relatives need to modify that policy as a result of the Act?

No—as long as the policy provides at least as much time to care for a sick relative as the Act requires, and allows employees to use that time to care for any of the family members specified in the Act.

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6. Can an employer retaliate against an employee for taking leave to care for a relative?

No. The law prohibits retaliation against an employee who uses personal sick leave benefits to care for a relative as described above. Furthermore, an employer may not discriminate against an employee for filing a complaint alleging a violation of the Act with the Department of Labor.

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7. How can an employee file a complaint alleging a violation of the Act?

An employee who believes his or her employer has violated the Act by not allowing him or her to use personal sick leave benefits in the manner described in the Act may file a complaint with the Department of Labor. Click here for a [**complaint form**](#)

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8. Has the Department of Labor issued any administrative rules relating to the Employee Sick Leave Act?

No, the Department has not issued any administrative rules, and currently does not plan to do so.

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9. When does the Act take effect?

The Act takes effect on January 1, 2017.
