



Rep. Maurice A. West, II

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10400HB5208ham002

LRB104 19697 SPS 36715 a

1 AMENDMENT TO HOUSE BILL 5208

2 AMENDMENT NO. _____. Amend House Bill 5208, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. This Act may be referred to as the Zachary's
6 Parent Protection Act.

7 Section 5. The Family Bereavement Leave Act is amended by
8 changing Sections 1, 5, 10, 15, 20, 25, 30 and 35 and by adding
9 Sections 3, 12, and 14 as follows:

10 (820 ILCS 154/1)

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

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

14 (820 ILCS 154/3 new)

1 Sec. 3. Findings; legislative intent; construction. The
2 General Assembly finds and declares that:

3 (1) the General Assembly first enacted this Act as the
4 Child Bereavement Leave Act through Public Act 99-703,
5 effective July 29, 2016;

6 (2) the General Assembly broadened the protections
7 provided in this Act through Public Act 102-1050,
8 effective June 9, 2022, and renamed it the Family
9 Bereavement Leave Act;

10 (3) the General Assembly subsequently enacted the
11 Child Extended Bereavement Leave Act as a separate Act
12 through Public Act 103-466, effective August 4, 2023;

13 (4) these statutory protections for workers grieving
14 the loss of a loved one were made possible by the efforts
15 of parent advocates who championed their passage; and

16 (5) this Act, which may be cited as the Bereavement
17 Leave Act, is established to provide for comprehensive and
18 effective administration and enforcement of these
19 statutory protections in a single Act.

20 (820 ILCS 154/5)

21 Sec. 5. Definitions. In this Act:

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

1 sexual intercourse.

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

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

9 "Department" means the Department of Labor.

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

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

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

21 ~~"Department" means the Department of Labor.~~

22 "Employee" means any individual permitted to work by an
23 employer in an occupation. "Employee" does not include any
24 individual:

25 (1) who has been and will continue to be free from
26 control and direction over the performance of the

1 employee's work, both under the employee's contract of
2 service with the employer and in fact;

3 (2) who performs work which is either outside the
4 usual course of business or is performed outside all of
5 the places of business of the employer unless the employer
6 is in the business of contracting with third parties for
7 the placement of employees; and

8 (3) who is in an independently established trade,
9 occupation, profession, or business ~~eligible employee, as~~
10 ~~defined by Section 101(2) of the federal Family and~~
11 ~~Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).~~

12 "Employer" means any individual, sole proprietor,
13 partnership, association, corporation, limited liability
14 company, business trust, or employment and labor placement
15 agency where wage payments are made directly or indirectly by
16 the business or agency for work undertaken by employees under
17 hire to a third party who employs at least one employee.

18 "Employer" does not include the federal government or an
19 agency of the federal government ~~employer, as defined by~~
20 ~~Section 101(4) of the federal Family and Medical Leave Act of~~
21 ~~1993 (29 U.S.C. 2601 et seq.).~~

22 "Pregnancy or adoption related event" means: (i) a
23 miscarriage; (ii) an unsuccessful round of intrauterine
24 insemination or of an assisted reproductive technology
25 procedure; (iii) a failed adoption match or an adoption that
26 is not finalized because it is contested by another party;

1 (iv) a failed surrogacy agreement; (v) a diagnosis that
2 negatively impacts pregnancy or fertility; or (vi) a
3 stillbirth.

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

5 (820 ILCS 154/10)

6 Sec. 10. Family bereavement ~~Bereavement~~ leave.

7 (a) In addition to the bereavement leave afforded in
8 Sections 12 and 14, all ~~All~~ employees shall be entitled to use
9 an amount ~~a maximum of 2 weeks (10 work days)~~ of unpaid
10 bereavement leave to, in accordance with the time limits set
11 forth in subsection (a-5):

12 (1) attend the funeral or alternative to a funeral of
13 a covered family member;

14 (2) make arrangements necessitated by the death of the
15 covered family member;

16 (3) grieve the death of the covered family member; or

17 (4) be absent from work due to a pregnancy or adoption
18 related event ~~(i) a miscarriage; (ii) an unsuccessful~~
19 round of intrauterine insemination or of an assisted
20 reproductive technology procedure; ~~(iii) a failed adoption~~
21 match or an adoption that is not finalized because it is
22 contested by another party; ~~(iv) a failed surrogacy~~
23 agreement; ~~(v) a diagnosis that negatively impacts~~
24 pregnancy or fertility; or ~~(vi) a stillbirth.~~

25 (a-5) An employee of an employer who employs fewer than 50

1 employees is entitled to use a maximum of 5 days of unpaid
2 bereavement leave provided for in subsection (a) during any
3 12-month period. An employee of an employer who employs 50 or
4 more employees is entitled to use a maximum of 10 days of
5 unpaid bereavement leave provided for in subsection (a) during
6 any 12-month period.

7 (b) Bereavement leave under subsection (a) of this Section
8 must be taken ~~completed~~ within 60 days after the date on which
9 the employee receives notice of the death of the covered
10 family member or the date on which an event listed under
11 paragraph (4) of subsection (a) occurs. Bereavement leave
12 under this Section may be taken in a single continuous period
13 or intermittently in increments of no less than 4 hours.

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

18 (d) (Blank). ~~An employer may, but is not required to,~~
19 ~~require reasonable documentation. Documentation may include a~~
20 ~~death certificate, a published obituary, or written~~
21 ~~verification of death, burial, or memorial services from a~~
22 ~~mortuary, funeral home, burial society, crematorium, religious~~
23 ~~institution, or government agency. For leave resulting from an~~
24 ~~event listed under paragraph (4) of subsection (a), reasonable~~
25 ~~documentation shall include a form, to be provided by the~~
26 ~~Department, to be filled out by a health care practitioner who~~

1 ~~has treated the employee or the employee's spouse or domestic~~
2 ~~partner, or surrogate, for an event listed under paragraph (4)~~
3 ~~of subsection (a), or documentation from the adoption or~~
4 ~~surrogacy organization that the employee worked with related~~
5 ~~to an event listed under paragraph (4) of subsection (a),~~
6 ~~certifying that the employee or his or her spouse or domestic~~
7 ~~partner has experienced an event listed under paragraph (4) of~~
8 ~~subsection (a). The employer may not require that the employee~~
9 ~~identify which category of event the leave pertains to as a~~
10 ~~condition of exercising rights under this Act.~~

11 (e) In the event of the death of more than one covered
12 family member in a 12-month period, an employee is entitled to
13 a maximum of up to a total of 6 weeks of bereavement leave
14 during the 12-month period. ~~This Act does not create a right~~
15 ~~for an employee to take unpaid leave that exceeds the unpaid~~
16 ~~leave time allowed under, or is in addition to the unpaid leave~~
17 ~~time permitted by, the federal Family and Medical Leave Act of~~
18 ~~1993 (29 U.S.C. 2601 et seq.).~~

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

20 (820 ILCS 154/12 new)

21 Sec. 12. Child extended bereavement leave.

22 (a) In addition to the bereavement leave afforded under
23 Sections 10 and 14:

24 (1) An employee of an employer who employs fewer than
25 50 employees is entitled to use a maximum of 3 workweeks of

1 unpaid bereavement leave during any 12-month period if the
2 employee experiences the loss of a child.

3 (2) An employee of an employer who employs 50 or more
4 employees but fewer than 250 employees is entitled to use
5 a maximum of 6 workweeks of unpaid bereavement leave
6 during any 12-month period if the employee experiences the
7 loss of a child.

8 (3) An employee of an employer who employs 250 or more
9 employees is entitled to use a maximum of 12 workweeks of
10 unpaid bereavement leave during any 12-month period if the
11 employee experiences the loss of a child.

12 (b) This Section does not apply to employees of the State,
13 except for employees who are not otherwise eligible for family
14 responsibility leave or a leave of absence without pay.

15 (c) Bereavement leave under this Section may be taken in a
16 single continuous period or intermittently in increments of no
17 less than 4 hours. Bereavement leave under this Section must
18 be taken within 12 months after the employee notifies the
19 employer of the loss covered under this Section.

20 (820 ILCS 154/14 new)

21 Sec. 14. General bereavement leave.

22 (a) In addition to the bereavement leave afforded in
23 Sections 10 and 12, all employees shall be entitled to use a
24 maximum of 3 days of unpaid bereavement leave during any
25 12-month period to:

1 (1) attend the funeral or alternative to a funeral of
2 any person; or

3 (2) make arrangements necessitated by the death of any
4 person.

5 (b) Bereavement leave under this Section may be taken in a
6 single continuous period or intermittently in increments of no
7 less than 4 hours, but leave must be taken within 60 calendar
8 days after the employee notifies the employer of the loss
9 covered under this Section.

10 (c) If more than one death occurs that qualifies a person
11 to take leave under this Section during any 12-month period,
12 an employee is entitled to a maximum of 3 days of unpaid
13 bereavement leave during the 12-month period under this
14 Section.

15 (d) This Section does not apply to employees of the State,
16 except for employees who are otherwise not eligible for family
17 responsibility leave or a leave of absence without pay.

18 (820 ILCS 154/15)

19 Sec. 15. Existing leave usable for bereavement and family
20 reasons.

21 (a) An employee who is entitled to take paid or unpaid
22 leave (including family, medical, sick, annual, personal, or
23 similar leave) from employment, pursuant to federal, State, or
24 local law, a collective bargaining agreement, or an employment
25 benefits program or plan may elect to substitute any period of

1 such leave for an equivalent period of leave provided under
2 Section 10.

3 (b) The bereavement leave provided under this Act is in
4 addition to the unpaid leave time allowed under the federal
5 Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

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

7 (820 ILCS 154/20)

8 Sec. 20. Employer ~~Unlawful employer~~ practices.

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

15 Exercising rights under this Act includes using or
16 requesting to use bereavement leave under this Act, filing an
17 action or instituting or causing to be instituted any
18 proceeding under or related to this Act; providing or agreeing
19 to provide any information in connection with any inquiry or
20 proceeding relating to any right provided under this Act; or
21 testifying to or agreeing to testify in any inquiry or
22 proceeding relating to any right provided under this Act.

23 (b) An employer may require that an employee provide the
24 employer with at least 48 hours of advance notice of the
25 employee's intention to take bereavement leave, unless

1 providing the notice is not foreseeable, reasonable, and
2 practicable.

3 (c) An employer may, but is not required to, require
4 reasonable documentation for the use of any form of leave
5 afforded under this Act as follows:

6 (1) For a leave event related to the death of a covered
7 family member under paragraphs (1), (2), and (3) of
8 subsection (a) of Section 10, reasonable documentation
9 shall include a death certificate, a published obituary,
10 or written verification of death, burial, or memorial
11 services from a mortuary, funeral home, burial society,
12 crematorium, religious institution, or government agency.

13 (2) For a leave event related to a pregnancy or
14 adoption related event under paragraph (4) of subsection
15 (a) of Section 10, reasonable documentation shall include
16 a form, to be provided by the Department, to be filled out
17 by a health care practitioner who has treated the employee
18 or the employee's spouse or domestic partner, or
19 surrogate, for an event listed under paragraph (4) of
20 subsection (a) of Section 10, or documentation from the
21 adoption or surrogacy organization that the employee
22 worked with related to an event listed under paragraph (4)
23 of subsection (a) of Section 10, certifying that the
24 employee or the employee's spouse or domestic partner has
25 experienced an event listed under paragraph (4) of
26 subsection (a) of Section 10. The employer may not require

1 that the employee identify which category of pregnancy or
2 adoption related event the leave pertains to as a
3 condition of exercising rights under this Act.

4 (3) For a leave event related to the death of a child
5 under Section 12, reasonable documentation shall include a
6 death certificate, a published obituary, or written
7 verification of death, burial, or memorial services from a
8 mortuary, funeral home, burial society, crematorium,
9 religious institution, or government agency.

10 (4) For a leave event related to the death of any other
11 person under Section 14, reasonable documentation shall
12 include a death certificate, a published obituary, or
13 written verification of death, burial, or memorial
14 services from a mortuary, funeral home, burial society,
15 crematorium, religious institution, or government agency.

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

17 (820 ILCS 154/25)

18 Sec. 25. Department responsibilities.

19 (a) The Department shall administer and enforce this Act
20 and adopt rules under the Illinois Administrative Procedure
21 Act for the purpose of this Act. The Department shall review
22 complaints to determine whether there is cause for
23 investigation. The Department shall have the powers and the
24 parties shall have the rights provided in the Illinois
25 Administrative Procedure Act for contested cases. The

1 Department shall have the power to conduct investigations in
2 connection with the administration and enforcement of this
3 Act, including the power to conduct depositions and discovery
4 and to issue subpoenas. If the Department finds cause to
5 believe that this Act has been violated, the Department shall
6 notify the parties in writing and the matter shall be referred
7 to an Administrative Law Judge to schedule a formal hearing in
8 accordance with hearing procedures established by rule.

9 (b) The Department is authorized to impose civil penalties
10 prescribed in Section 30 in administrative proceedings that
11 comply with the Illinois Administrative Procedure Act and to
12 supervise the payment of the unpaid wages and damages owing to
13 the employee or employees under this Act. The Department may
14 bring any legal action necessary to recover the amount of
15 unpaid wages, damages, and penalties, and the employer shall
16 be required to pay the costs. Any sums recovered by the
17 Department on behalf of an employee under this Act shall be
18 paid to the employee or employees affected. However, 20% of
19 any penalty collected from the employer for a violation of
20 this Act shall be deposited into the Paid Leave for All Workers
21 ~~Child Labor and Day and Temporary Labor Services Enforcement~~
22 Fund.

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

25 (Source: P.A. 104-2, eff. 6-16-25.)

1 (820 ILCS 154/30)

2 Sec. 30. Enforcement.

3 (a) Except as provided in subsection (c), an ~~An~~ employee
4 who believes his or her rights under this Act or any rule
5 adopted under this Act have been violated may, within 60 days
6 after the date of the last event constituting the alleged
7 violation for which the action is brought, file a complaint
8 with the Department or file a civil action.

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

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

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

15 (c) A civil action may be brought in the circuit court by
16 an employee against an employer who employs 50 or more
17 employees to enforce this Act. The circuit court may enjoin
18 any act or practice that violates or may violate this Act and
19 may order any other equitable relief that is necessary and
20 appropriate to redress the violation or to enforce the Act.

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

22 (820 ILCS 154/35)

23 Sec. 35. Use of other bereavement leave ~~Other law.~~ An
24 employee who uses unpaid bereavement leave under Section 10,
25 12, or 14 may not use unpaid bereavement leave under a

1 different Section for the death of the same person. ~~A person~~
2 ~~who uses leave under the Child Extended Bereavement Leave Act~~
3 ~~because of the death of a child may not take leave under this~~
4 ~~Act because of the death of the same child.~~

5 (Source: P.A. 103-466, eff. 1-1-24.)

6 (820 ILCS 156/Act rep.)

7 Section 10. The Child Extended Bereavement Leave Act is
8 repealed.

9 Section 15. The Victims' Economic Security and Safety Act
10 is amended by changing Section 20 as follows:

11 (820 ILCS 180/20)

12 Sec. 20. Entitlement to leave due to domestic violence,
13 sexual violence, gender violence, or any other crime of
14 violence.

15 (a) Leave requirement.

16 (1) Basis. An employee who is a victim of domestic
17 violence, sexual violence, gender violence, or any other
18 crime of violence or an employee who has a family or
19 household member who is a victim of domestic violence,
20 sexual violence, gender violence, or any other crime of
21 violence whose interests are not adverse to the employee
22 as it relates to the domestic violence, sexual violence,
23 gender violence, or any other crime of violence may take

1 unpaid leave from work if the employee or employee's
2 family or household member is experiencing an incident of
3 domestic violence, sexual violence, gender violence, or
4 any other crime of violence or to address domestic
5 violence, sexual violence, gender violence, or any other
6 crime of violence by:

7 (A) seeking medical attention for, or recovering
8 from, physical or psychological injuries caused by
9 domestic violence, sexual violence, gender violence,
10 or any other crime of violence to the employee or the
11 employee's family or household member;

12 (B) obtaining services from a victim services
13 organization for the employee or the employee's family
14 or household member;

15 (C) obtaining psychological or other counseling
16 for the employee or the employee's family or household
17 member;

18 (D) participating in safety planning, temporarily
19 or permanently relocating, or taking other actions to
20 increase the safety of the employee or the employee's
21 family or household member from future domestic
22 violence, sexual violence, gender violence, or any
23 other crime of violence or ensure economic security;

24 (E) seeking legal assistance or remedies to ensure
25 the health and safety of the employee or the
26 employee's family or household member, including

1 preparing for or participating in any civil, criminal,
2 or military legal proceeding related to or derived
3 from domestic violence, sexual violence, gender
4 violence, or any other crime of violence;

5 (F) attending the funeral or alternative to a
6 funeral or wake of a family or household member who is
7 killed in a crime of violence;

8 (G) making arrangements necessitated by the death
9 of a family or household member who is killed in a
10 crime of violence; or

11 (H) grieving the death of a family or household
12 member who is killed in a crime of violence.

13 (2) Period. Subject to subsection (c) and except as
14 provided in paragraph (4) of this subsection, an employee
15 working for an employer that employs at least 50 employees
16 shall be entitled to a total of 12 workweeks of leave
17 during any 12-month period. Subject to subsection (c) and
18 except as provided in paragraph (4) of this subsection, an
19 employee working for an employer that employs at least 15
20 but not more than 49 employees shall be entitled to a total
21 of 8 workweeks of leave during any 12-month period.
22 Subject to subsection (c) and except as provided in
23 paragraph (4) of this subsection, an employee working for
24 an employer that employs at least one but not more than 14
25 employees shall be entitled to a total of 4 workweeks of
26 leave during any 12-month period. The total number of

1 workweeks to which an employee is entitled shall not
2 decrease during the relevant 12-month period. This Act
3 does not create a right for an employee to take unpaid
4 leave that exceeds the unpaid leave time allowed under, or
5 is in addition to the unpaid leave time permitted by, the
6 federal Family and Medical Leave Act of 1993 (29 U.S.C.
7 2601 et seq.).

8 (3) Schedule. Leave described in paragraph (1) may be
9 taken consecutively, intermittently, or on a reduced work
10 schedule.

11 (4) Exceptions. An employee shall be entitled to use a
12 cumulative total of not more than 2 workweeks (10 work
13 days) of unpaid leave for the purposes described in
14 subparagraph ~~subparagraphs~~ (F), (G), or (H) of paragraph
15 (1), which must be completed within 60 days after the date
16 on which the employee receives notice of the death of the
17 victim, and is subject to the following:

18 (A) Except as provided in paragraph ~~subparagraph~~
19 (2), if an employee is also entitled to take ~~taken~~
20 unpaid bereavement leave under the ~~Family~~ Bereavement
21 Leave Act as a result of the death of the victim, this
22 Act does not create a right for the employee to take
23 unpaid bereavement leave that exceeds, or is in
24 addition to, the unpaid bereavement leave the employee
25 is entitled to take under the ~~Family~~ Bereavement Leave
26 Act.

1 (B) If an employee is also entitled to take unpaid
2 bereavement leave under the ~~Family~~ Bereavement Leave
3 Act as a result of the death of the victim, leave taken
4 under this Act for the purposes described in
5 subparagraph ~~subparagraphs~~ (F), (G), or (H) of
6 paragraph (1) or leave taken under the ~~Family~~
7 Bereavement Leave Act shall be in addition to, and
8 shall not diminish, the total amount of leave time an
9 employee is entitled to under paragraph (2).

10 (C) If an employee is not entitled to unpaid
11 bereavement leave under the ~~Family~~ Bereavement Leave
12 Act as a result of the death of the victim, leave taken
13 for the purposes described in subparagraph
14 ~~subparagraphs~~ (F), (G), or (H) of paragraph (1) shall
15 be deducted from, and is not in addition to, the total
16 amount of leave time an employee is entitled to under
17 paragraph (2).

18 (D) Leave taken for the purposes described in
19 subparagraph ~~subparagraphs~~ (F), (G), or (H) of
20 paragraph (1) shall not otherwise limit or diminish
21 the total amount of leave time an employee is entitled
22 to take under paragraph (2).

23 (b) Notice. The employee shall provide the employer with
24 at least 48 hours' advance notice of the employee's intention
25 to take the leave, unless providing such notice is not
26 practicable. When an unscheduled absence occurs, the employer

1 may not take any action against the employee if the employee,
2 upon request of the employer and within a reasonable period
3 after the absence, provides certification under subsection
4 (c).

5 (c) Certification.

6 (1) In general. The employer may require the employee
7 to provide certification to the employer that:

8 (A) the employee or the employee's family or
9 household member is a victim of domestic violence,
10 sexual violence, gender violence, or any other crime
11 of violence; and

12 (B) the leave is for one of the purposes
13 enumerated in paragraph (1) of subsection (a) ~~(a)(1)~~.

14 The employee shall provide such certification to the
15 employer within a reasonable period after the employer
16 requests certification.

17 (2) Contents. An employee may satisfy the
18 certification requirement of paragraph (1) by providing to
19 the employer a sworn statement of the employee, and if the
20 employee has possession of such document, the employee
21 shall provide one of the following documents:

22 (A) documentation from an employee, agent, or
23 volunteer of a victim services organization, an
24 attorney, a member of the clergy, or a medical or other
25 professional from whom the employee or the employee's
26 family or household member has sought assistance in

1 addressing domestic violence, sexual violence, gender
2 violence, or any other crime of violence and the
3 effects of the violence;

4 (B) a police, court, or military record;

5 (B-5) a death certificate, published obituary, or
6 written verification of death, burial, or memorial
7 services from a mortuary, funeral home, burial
8 society, crematorium, religious institution, or
9 government agency, documenting that a victim was
10 killed in a crime of violence; or

11 (C) other corroborating evidence.

12 The employee shall choose which document to submit,
13 and the employer shall not request or require more than
14 one document to be submitted during the same 12-month
15 period leave is requested or taken if the reason for leave
16 is related to the same incident or incidents of violence
17 or the same perpetrator or perpetrators of the violence.

18 (d) Confidentiality. All information provided to the
19 employer pursuant to subsection (b) or (c), including a
20 statement of the employee or any other documentation, record,
21 or corroborating evidence, and the fact that the employee has
22 requested or obtained leave pursuant to this Section, shall be
23 retained in the strictest confidence by the employer, except
24 to the extent that disclosure is:

25 (1) requested or consented to in writing by the
26 employee; or

1 (2) otherwise required by applicable federal or State
2 law.

3 (e) Employment and benefits.

4 (1) Restoration to position.

5 (A) In general. Any employee who takes leave under
6 this Section for the intended purpose of the leave
7 shall be entitled, on return from such leave:

8 (i) to be restored by the employer to the
9 position of employment held by the employee when
10 the leave commenced; or

11 (ii) to be restored to an equivalent position
12 with equivalent employment benefits, pay, and
13 other terms and conditions of employment.

14 (B) Loss of benefits. The taking of leave under
15 this Section shall not result in the loss of any
16 employment benefit accrued prior to the date on which
17 the leave commenced.

18 (C) Limitations. Nothing in this subsection shall
19 be construed to entitle any restored employee to:

20 (i) the accrual of any seniority or employment
21 benefits during any period of leave; or

22 (ii) any right, benefit, or position of
23 employment other than any right, benefit, or
24 position to which the employee would have been
25 entitled had the employee not taken the leave.

26 (D) Construction. Nothing in this paragraph shall

1 be construed to prohibit an employer from requiring an
2 employee on leave under this Section to report
3 periodically to the employer on the status and
4 intention of the employee to return to work.

5 (2) Maintenance of health benefits.

6 (A) Coverage. Except as provided in subparagraph
7 (B), during any period that an employee takes leave
8 under this Section, the employer shall maintain
9 coverage for the employee and any family or household
10 member under any group health plan for the duration of
11 such leave at the level and under the conditions
12 coverage would have been provided if the employee had
13 continued in employment continuously for the duration
14 of such leave.

15 (B) Failure to return from leave. The employer may
16 recover the premium that the employer paid for
17 maintaining coverage for the employee and the
18 employee's family or household member under such group
19 health plan during any period of leave under this
20 Section if:

21 (i) the employee fails to return from leave
22 under this Section after the period of leave to
23 which the employee is entitled has expired; and

24 (ii) the employee fails to return to work for
25 a reason other than:

26 (I) the continuation, recurrence, or onset

1 of domestic violence, sexual violence, gender
2 violence, or any other crime of violence that
3 entitles the employee to leave pursuant to
4 this Section; or

5 (II) other circumstances beyond the
6 control of the employee.

7 (C) Certification.

8 (i) Issuance. An employer may require an
9 employee who claims that the employee is unable to
10 return to work because of a reason described in
11 subclause (I) or (II) of clause (ii) of
12 subparagraph (B) ~~(B)(ii)~~ to provide, within a
13 reasonable period after making the claim,
14 certification to the employer that the employee is
15 unable to return to work because of that reason.

16 (ii) Contents. An employee may satisfy the
17 certification requirement of clause (i) by
18 providing to the employer:

19 (I) a sworn statement of the employee;

20 (II) documentation from an employee,
21 agent, or volunteer of a victim services
22 organization, an attorney, a member of the
23 clergy, or a medical or other professional
24 from whom the employee has sought assistance
25 in addressing domestic violence, sexual
26 violence, gender violence, or any other crime

1 of violence and the effects of that violence;

2 (III) a police, court, or military record;

3 or

4 (IV) other corroborating evidence.

5 The employee shall choose which document to
6 submit, and the employer shall not request or require
7 more than one document to be submitted.

8 (D) Confidentiality. All information provided to
9 the employer pursuant to subparagraph (C), including a
10 statement of the employee or any other documentation,
11 record, or corroborating evidence, and the fact that
12 the employee is not returning to work because of a
13 reason described in subclause (I) or (II) of clause
14 (ii) of subparagraph (B) ~~(B)(ii)~~ shall be retained in
15 the strictest confidence by the employer, except to
16 the extent that disclosure is:

17 (i) requested or consented to in writing by
18 the employee; or

19 (ii) otherwise required by applicable federal
20 or State law.

21 (f) Prohibited acts.

22 (1) Interference with rights.

23 (A) Exercise of rights. It shall be unlawful for
24 any employer to interfere with, restrain, or deny the
25 exercise of or the attempt to exercise any right
26 provided under this Section.

1 (B) Employer discrimination. It shall be unlawful
2 for any employer to discharge or harass any
3 individual, or otherwise discriminate against any
4 individual with respect to compensation, terms,
5 conditions, or privileges of employment of the
6 individual (including retaliation in any form or
7 manner) because the individual:

8 (i) exercised any right provided under this
9 Section; or

10 (ii) opposed any practice made unlawful by
11 this Section.

12 (C) Public agency sanctions. It shall be unlawful
13 for any public agency to deny, reduce, or terminate
14 the benefits of, otherwise sanction, or harass any
15 individual, or otherwise discriminate against any
16 individual with respect to the amount, terms, or
17 conditions of public assistance of the individual
18 (including retaliation in any form or manner) because
19 the individual:

20 (i) exercised any right provided under this
21 Section; or

22 (ii) opposed any practice made unlawful by
23 this Section.

24 (2) Interference with proceedings or inquiries. It
25 shall be unlawful for any person to discharge or in any
26 other manner discriminate (as described in subparagraph

1 (B) or (C) of paragraph (1)) against any individual
2 because such individual:

3 (A) has filed any charge, or has instituted or
4 caused to be instituted any proceeding, under or
5 related to this Section;

6 (B) has given, or is about to give, any
7 information in connection with any inquiry or
8 proceeding relating to any right provided under this
9 Section; or

10 (C) has testified, or is about to testify, in any
11 inquiry or proceeding relating to any right provided
12 under this Section.

13 (Source: P.A. 102-487, eff. 1-1-22; 102-890, eff. 5-19-22;
14 103-314, eff. 1-1-24; revised 7-10-25.)

15 Section 20. The Child Labor Law of 2024 is amended by
16 changing Section 75 as follows:

17 (820 ILCS 206/75)

18 Sec. 75. Civil penalties.

19 (a) Any person employing, allowing, or permitting a minor
20 to work who violates any of the provisions of this Act or any
21 rule adopted under the Act shall be subject to civil penalties
22 as follows:

23 (1) if a minor dies while working for an employer who
24 is found by the Department to have been employing,

1 allowing, or permitting the minor to work in violation of
2 this Act, the employer is subject to a penalty not to
3 exceed \$60,000, payable to the Department;

4 (2) if a minor receives an illness or an injury that is
5 required to be reported to the Department under Section 35
6 while working for an employer who is found by the
7 Department to have been employing, allowing, or permitting
8 the minor to work in violation of this Act, the employer is
9 subject to a penalty not to exceed \$30,000, payable to the
10 Department;

11 (3) an employer who employs, allows, or permits a
12 minor to work in violation of Section 40 shall be subject
13 to a penalty not to exceed \$15,000, payable to the
14 Department;

15 (4) an employer who fails to post or provide the
16 required notice under subsection (g) of Section 35 shall
17 be subject to a penalty not to exceed \$500, payable to the
18 Department; and

19 (5) an employer who commits any other violation of
20 this Act shall be subject to a penalty not to exceed
21 \$10,000, payable to the Department.

22 In determining the amount of the penalty, the
23 appropriateness of the penalty to the size of the business of
24 the employer charged and the gravity of the violation shall be
25 considered.

26 Each day during which any violation of this Act continues

1 shall constitute a separate and distinct offense, and the
2 employment of any minor in violation of the Act shall, with
3 respect to each minor so employed, constitute a separate and
4 distinct offense.

5 (b) Any administrative determination by the Department of
6 the amount of each penalty shall be final unless reviewed as
7 provided in Section 70.

8 (c) The amount of the penalty, when finally determined,
9 may be recovered in a civil action brought by the Director in
10 any circuit court, in which litigation the Director shall be
11 represented by the Attorney General. In an action brought by
12 the Department, the Department may request, and the Court may
13 impose on a defendant employer, an additional civil penalty of
14 up to an amount equal to the penalties assessed by the
15 Department to be distributed to an impacted minor. In an
16 action concerning multiple minors, any such penalty imposed by
17 the Court shall be distributed equally among the minors
18 employed in violation of this Act by the defendant employer.

19 (d) Penalties recovered under this Section shall be paid
20 by certified check, money order, or by an electronic payment
21 system designated by the Department, and deposited into the
22 Child Labor and Day and Temporary Labor Services Enforcement
23 Fund, a special fund in the State treasury. Moneys in the Fund
24 shall be used, subject to appropriation, for exemplary
25 programs, demonstration projects, and other activities or
26 purposes related to the enforcement of this Act, and for the

1 activities or purposes related to the enforcement of the Day
2 and Temporary Labor Services Act, the Private Employment
3 Agency Act, ~~or~~ the Right to Privacy in the Workplace Act, ~~for~~
4 ~~the activities or purposes related to the enforcement of the~~
5 Job Opportunities for Qualified Applicants Act, and ~~for the~~
6 ~~activities or purposes related to the enforcement of the~~
7 Family Bereavement Leave Act.

8 (Source: P.A. 103-721, eff. 1-1-25; 104-2, eff. 6-16-25;
9 104-455, eff. 12-12-25; revised 1-8-26.)".