



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2069

Introduced 2/6/2025, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

820 ILCS 192/10
820 ILCS 192/15
820 ILCS 192/40 new

Amends the Paid Leave for All Workers Act. Provides that a public safety agency may, in lieu of paid leave, pay a first responder that is employed by the public safety agency the equivalent of the first responder's hourly rate of pay multiplied by the number of hours of paid leave that the first responder is entitled to under the Act. Provides that a first responder is eligible for the payment if the first responder has been continuously employed by the public safety agency for at least 60 days. Provides that the payment shall be paid to a first responder in its entirety once per calendar year. Provides for notice requirements. Makes conforming changes. Defines "first responder" and "public safety agency".

LRB104 10276 SPS 20350 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Paid Leave for All Workers Act is amended by
5 changing Sections 10 and 15 and by adding Section 40 as
6 follows:

7 (820 ILCS 192/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Construction industry" means any constructing, altering,
10 reconstructing, repairing, rehabilitating, refinishing,
11 refurbishing, remodeling, remediating, renovating, custom
12 fabricating, maintenance, landscaping, improving, wrecking,
13 painting, decorating, demolishing, or adding to or subtracting
14 from any building, structure, highway, roadway, street,
15 bridge, alley, sewer, ditch, sewage disposal plant,
16 waterworks, parking facility, railroad, excavation or other
17 structure, project, development, real property, or
18 improvement, or to do any part thereof, whether or not the
19 performance of the work herein described involves the addition
20 to or fabrication into, any structure, project, development,
21 real property, or improvement herein described of any material
22 or article of merchandise.

23 "Construction industry" also includes moving construction

1 related materials on the job site or to or from the job site,
2 snow plowing, snow removal, and refuse collection.

3 "Department" means the Illinois Department of Labor.

4 "Domestic work" and "domestic worker" have the same
5 meanings as defined in Section 10 of the Domestic Workers'
6 Bill of Rights Act, except that "domestic worker" also
7 includes independent contractors, sole proprietors, and
8 partnerships.

9 "Employee" has the same application and meaning as that
10 provided in Sections 1 and 2 of the Illinois Wage Payment and
11 Collection Act. "Employee" also includes all domestic workers,
12 and, for the purposes of this Act, domestic workers shall not
13 be excluded as employees under the provisions of item (1),
14 (2), or (3) of Section 2 of the Illinois Wage Payment and
15 Collection Act. "Employee" does not include:

16 (1) an employee as defined in the federal Railroad
17 Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the
18 Railway Labor Act;

19 (2) a student enrolled in and regularly attending
20 classes in a college or university that is also the
21 student's employer, and who is employed on a temporary
22 basis at less than full time at the college or university,
23 but this exclusion applies only to work performed for that
24 college or university; or

25 (3) a short-term employee who is employed by an
26 institution of higher education for less than 2

1 consecutive calendar quarters during a calendar year and
2 who does not have a reasonable expectation that they will
3 be rehired by the same employer of the same service in a
4 subsequent calendar year.

5 "Employer" has the same application and meaning as that
6 provided in Sections 1 and 2 of the Illinois Wage Payment and
7 Collection Act, except that for purposes of this Act,
8 "employer" also means the State and units of local government,
9 any political subdivision of the State or units of local
10 government, or any State or local government agency.

11 "Employer" does not include school districts organized
12 under the School Code or park districts organized under the
13 Park District Code.

14 "First responder" means a law enforcement officer,
15 firefighter, emergency medical services personnel as defined
16 in Section 3.5 of the Emergency Medical Services (EMS) Systems
17 Act, or public safety telecommunicator as defined in Section 2
18 of the Emergency Telephone Systems Act.

19 "Public safety agency" means any unit of local government
20 or special purpose district within the State which has
21 authority to provide firefighting, police, or other emergency
22 services.

23 "Writing" or "written" means a printed or printable
24 communication in physical or electronic format, including a
25 communication that is transmitted through electronic mail,
26 text message, or a computer system or is otherwise sent or

1 stored electronically.

2 (Source: P.A. 102-1143, eff. 1-1-24.)

3 (820 ILCS 192/15)

4 Sec. 15. Provision of paid leave.

5 (a) Except as provided under Section 40, an ~~An~~ employee
6 who works in Illinois is entitled to earn and use up to a
7 minimum of 40 hours of paid leave during a 12-month period or a
8 pro rata number of hours of paid leave under the provisions of
9 subsection (b). The paid leave may be used by the employee for
10 any purpose as long as the paid leave is taken in accordance
11 with the provisions of this Act.

12 (b) Paid leave under this Act shall accrue at the rate of
13 one hour of paid leave for every 40 hours worked up to a
14 minimum of 40 hours of paid leave or such greater amount if the
15 employer provides more than 40 hours. Employees who are exempt
16 from the overtime requirements of the federal Fair Labor
17 Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40
18 hours in each workweek for purposes of paid leave accrual
19 unless their regular workweek is less than 40 hours, in which
20 case paid leave accrues based on that regular workweek.
21 Employees shall determine how much paid leave they need to
22 use; ~~it~~ however, ~~l~~ employers may set a reasonable minimum
23 increment for the use of paid leave not to exceed 2 hours per
24 day. If an employee's scheduled workday is less than 2 hours
25 per day, the employee's scheduled workday shall be used to

1 determine the amount of paid leave.

2 (c) An employer may make available the minimum number of
3 hours of paid leave, subject to pro rata requirements provided
4 in subsection (b), to an employee on the first day of
5 employment or the first day of the 12-month period. Employers
6 that provide the minimum number of hours of paid leave to an
7 employee on the first day of employment or the first day of the
8 12-month period are not required to carry over ~~carryover~~ paid
9 leave from 12-month period to 12-month period and may require
10 employees to use all paid leave prior to the end of the benefit
11 period or forfeit the unused paid leave. However, under no
12 circumstances shall an employee be credited with paid leave
13 that is less than what the employee would have accrued under
14 subsections (a) and (g) of this Section.

15 (d) The 12-month period may be any consecutive 12-month
16 period designated by the employer in writing at the time of
17 hire. Changes to the 12-month period may be made by the
18 employer if notice is given to employees in writing prior to
19 the change and the change does not reduce the eligible accrual
20 rate and paid leave available to the employee. If the employer
21 changes the designated 12-month period, the employer shall
22 provide the employee with documentation of the balance of
23 hours worked, paid leave accrued and taken, and the remaining
24 paid leave balance.

25 (e) Paid leave under this Act may be taken by an employee
26 for any reason of the employee's choosing. An employee is not

1 required to provide an employer a reason for the leave and may
2 not be required to provide documentation or certification as
3 proof or in support of the leave. An employee may choose
4 whether to use paid leave provided under this Act prior to
5 using any other leave provided by the employer or State law.

6 (f) Employees shall be paid their hourly rate of pay for
7 paid leave. However, employees engaged in an occupation in
8 which gratuities or commissions have customarily and usually
9 constituted and have been recognized as part of the
10 remuneration for hire purposes shall be paid by their employer
11 at least the full minimum wage in the jurisdiction in which
12 they are employed when paid leave is taken. This wage shall be
13 treated as the employee's regular rate of pay for purposes of
14 this Act.

15 (g) Paid leave under this Act shall begin to accrue at the
16 commencement of employment or on the effective date of this
17 Act, whichever is later. Employees shall be entitled to begin
18 using paid leave 90 days following commencement of their
19 employment or 90 days following the effective date of this
20 Act, whichever is later.

21 (h) Paid leave under this Act shall be provided upon the
22 oral or written request of an employee in accordance with the
23 employer's reasonable paid leave policy notification
24 requirements which may include the following:

25 (1) If use of paid leave under this Act is
26 foreseeable, the employer may require the employee to

1 provide 7 calendar days' notice before the date the leave
2 is to begin.

3 (2) If paid leave under this Act is not foreseeable,
4 the employee shall provide such notice as soon as is
5 practicable after the employee is aware of the necessity
6 of the leave. An employer that requires notice of paid
7 leave under this Act when the leave is not foreseeable
8 shall provide a written policy that contains procedures
9 for the employee to provide notice.

10 (3) Employers shall provide employees with written
11 notice of the paid leave policy notification requirements
12 in this Section in the manner provided in Section 20 for
13 notice and posting and within 5 calendar days of any
14 change to the employer's reasonable paid leave policy
15 notification requirements.

16 (4) An employer may not require, as a condition of
17 providing paid leave under this Act, that the employee
18 search for or find a replacement worker to cover the hours
19 during which the employee takes paid leave.

20 (i) Except as provided in subsection (c), paid leave under
21 this Act shall carry over annually to the extent not used by
22 the employee, provided that nothing in this Act shall be
23 construed to require an employer to provide more than 40 hours
24 of paid leave for an employee in the 12-month period unless the
25 employer agrees to do so.

26 (j) Nothing in this Section or any other Illinois law or

1 rule shall be construed as requiring financial or other
2 payment to an employee from an employer upon the employee's
3 termination, resignation, retirement, or other separation from
4 employment for paid leave accrued under this Act that has not
5 been used. Nothing in this Section or any other Illinois law or
6 rule shall be construed as requiring financial or other
7 reimbursements to an employee from an employer for unused paid
8 leave under this Act at the end of the benefit year or any
9 other time.

10 (k) If an employee is transferred to a separate division,
11 entity, or location, but remains employed by the same
12 employer, the employee is entitled to all paid leave accrued
13 at the prior division, entity, or location and is entitled to
14 use all paid leave as provided in this Section. If there is a
15 separation from employment and the employee is rehired within
16 12 months of separation by the same employer, previously
17 accrued paid leave that had not been used by the employee shall
18 be reinstated. The employee shall be entitled to use accrued
19 paid leave at the commencement of employment following a
20 separation from employment of 12 months or less.

21 (l) Paid leave under this Act shall not be charged or
22 otherwise credited to an employee's paid time off bank or
23 employee account unless the employer's policy permits such a
24 credit. If the paid leave under this Act is credited to an
25 employee's paid time off bank or employee vacation account
26 then any unused paid leave shall be paid to the employee upon

1 the employee's termination, resignation, retirement, or other
2 separation to the same extent as vacation time under existing
3 Illinois law or rule. Nothing in this Act shall be construed to
4 waive or otherwise limit an employee's right to final
5 compensation for promised and earned, but unpaid vacation time
6 or paid time off, as provided under the Illinois Wage Payment
7 and Collection Act and rules. Employers shall provide
8 employees with written notice of changes to the employer's
9 vacation time, paid time off, or other paid leave policies
10 that affect an employee's right to final compensation for such
11 leave.

12 (m) During any period an employee takes leave under this
13 Act, the employer shall maintain coverage for the employee and
14 any family member under any group health plan for the duration
15 of such leave at no less than the level and conditions of
16 coverage that would have been provided if the employee had not
17 taken the leave. The employer shall notify the employee that
18 the employee is still responsible for paying the employee's
19 share of the cost of the health care coverage, if any.

20 (n) Nothing in this Act shall be deemed to interfere with,
21 impede, or in any way diminish the right of employees to
22 bargain collectively with their employers through
23 representatives of their own choosing in order to establish
24 wages or other conditions of work in excess of the applicable
25 minimum standards established in this Act. The paid leave
26 requirements of this Act may be waived in a bona fide

1 collective bargaining agreement, but only if the waiver is set
2 forth explicitly in such agreement in clear and unambiguous
3 terms.

4 Nothing in this Act shall be deemed to affect the validity
5 or change the terms of bona fide collective bargaining
6 agreements in effect on January 1, 2024. After that date,
7 requirements of this Act may be waived in a bona fide
8 collective bargaining agreement, but only if the waiver is set
9 forth explicitly in such agreement in clear and unambiguous
10 terms.

11 In no event shall this Act apply to any employee working in
12 the construction industry who is covered by a bona fide
13 collective bargaining agreement, nor shall this Act apply to
14 any employee who is covered by a bona fide collective
15 bargaining agreement with an employer that provides services
16 nationally and internationally of delivery, pickup, and
17 transportation of parcels, documents, and freight.

18 Notwithstanding the provisions of this subsection, nothing
19 in this Act shall be deemed to affect the validity or change
20 the terms of a bona fide collective bargaining agreement
21 applying to an employee who is employed by a State agency that
22 is in effect on July 1, 2024. After that date, requirements of
23 this Act may be waived in a bona fide collective bargaining
24 agreement, but only if the waiver is set forth explicitly in
25 such agreement in clear and unambiguous terms. As used in this
26 subsection, "State agency" has the same meaning as set forth

1 in Section 4 of the Forms Notice Act.

2 (o) An agreement by an employee to waive his or her rights
3 under this Act is void as against public policy.

4 (p) The provisions of this Act shall not apply to any
5 employer that is covered by a municipal or county ordinance
6 that is in effect on the effective date of this Act that
7 requires employers to give any form of paid leave to their
8 employees, including paid sick leave or paid leave.
9 Notwithstanding the provisions of this subsection, any
10 employer that is not required to provide paid leave to its
11 employees, including paid sick leave or paid leave, under a
12 municipal or county ordinance that is in effect on the
13 effective date of this Act shall be subject to the provisions
14 of this Act if the employer would be required to provide paid
15 leave under this Act to its employees.

16 Any local ordinance that provides paid leave, including
17 paid sick leave or paid leave, enacted or amended after the
18 effective date of this Act must comply with the requirements
19 of this Act or provide benefits, rights, and remedies that are
20 greater than or equal to the benefits, rights, and remedies
21 afforded under this Act.

22 An employer in a municipality or county that enacts or
23 amends a local ordinance that provides paid leave, including
24 paid sick leave or paid leave, after the effective date of this
25 Act shall only comply with the local ordinance or ordinances
26 so long as the benefits, rights, and remedies are greater than

1 or equal to the benefits, rights, and remedies afforded under
2 this Act.

3 (Source: P.A. 102-1143, eff. 1-1-24; 103-605, eff. 7-1-24;
4 revised 10-23-24.)

5 (820 ILCS 192/40 new)

6 Sec. 40. Exception for first responders.

7 (a) A public safety agency may, in lieu of the paid leave
8 provided for in Section 15, pay a first responder that is
9 employed by the public safety agency the equivalent of the
10 first responder's hourly rate of pay multiplied by the number
11 of hours of paid leave that the first responder is entitled to
12 under Section 15. A first responder is eligible for this
13 payment if the first responder has been continuously employed
14 by the public safety agency for at least 60 days. A payment
15 under this subsection shall be paid to a first responder in its
16 entirety once per calendar year.

17 (b) Upon hiring a first responder, a public safety agency
18 shall provide notice to the first responder of the public
19 safety agency's payment-in-lieu-of-leave policy. A public
20 safety agency shall provide all currently employed first
21 responders with notice at least 30 days before the public
22 safety agency makes a change to its payment-in-lieu-of-leave
23 policy, after which the first responder shall stop accruing
24 paid leave time and be entitled to the payment described in
25 subsection (a). For any paid leave that a first responder has

1 accrued prior to a public safety agency's decision to change
2 its payment-in-lieu-of-leave policy, the first responder shall
3 have the option to either use that paid leave or convert it to
4 an hourly benefit payment to be paid in addition to the base
5 payment described in subsection (a).

6 (c) The provisions of this Section do not affect an
7 employee's eligibility for any other leave provided by State
8 or federal law.