



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2413

Introduced 2/7/2025, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7
30 ILCS 105/5.1030 new

Creates the Paid Family and Medical Leave Insurance Program Act. Creates the Division of Paid Family and Medical Leave within the Department of Labor. Requires the Division to establish and administer a paid family and medical leave insurance program that provides benefits to employees. Provides that the program shall be administered by the Deputy Director of the Division. Sets forth eligibility requirements for benefits under the Act. Provides that a self-employed individual may elect to be covered under the Act. Contains provisions concerning disqualification from benefits; compensation for leave; the amount and duration of benefits; payments for benefits under the Paid Family and Medical Leave Insurance Program Fund; employer equivalent plans; annual reports by the Department; hearings; penalties; notice; the coordination of leave provided under the Act with leave allowed under the federal Family and Medical Leave Act of 1993, a collective bargaining agreement, or any local county or municipal ordinance; rulemaking; and other matters. Amends the State Finance Act. Creates the Paid Family and Medical Leave Insurance Program Fund. Amends the Freedom of Information Act. Exempts certain documents collected by the Division of Paid Family and Medical Leave from the Act's disclosure requirements. Effective immediately.

LRB104 11015 SPS 21097 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 1. Short title. This Act may be cited as the Paid
5 Family and Medical Leave Insurance Program Act.

6 Section 5. Declaration of policy and intent.

7 (a) Many employees do not have access to family and
8 medical leave programs. Those who do may not be in a financial
9 position to take family and medical leave that is unpaid, and
10 employer-paid benefits that are available may meet only a
11 relatively small part of this need. Therefore, it is the
12 public policy of this State to protect working families
13 against the economic hardship caused by the need to take time
14 off from work for reasons such as caring for themselves or
15 family members who are suffering from serious illness or
16 caring for a newborn or a newly adopted child. Moreover, many
17 women are single mothers or the primary breadwinners for their
18 families. If any of these women take unpaid maternity leave,
19 their families and Illinois suffer. However, the United States
20 is the only industrialized nation in the world that does not
21 have a mandatory workplace-based program for such income
22 support. It is, therefore, desirable and necessary to develop
23 systems that help families adapt to the competing interests of

1 work and home and that not only benefit workers but also
2 benefit employers by reducing employee turnover and increasing
3 worker productivity.

4 (b) It is the intent of the General Assembly to create a
5 paid family and medical leave insurance program to relieve
6 this serious menace to the health, morals, and welfare of
7 Illinois families, to increase workplace productivity, and to
8 alleviate the enormous and growing stress on working families
9 of balancing the demands of work and family needs.

10 Section 10. Definitions. As used in this Act:

11 "Assisted reproduction" means a method of achieving a
12 pregnancy through the handling of human oocytes, sperm,
13 zygotes, or embryos for the purpose of establishing a
14 pregnancy. "Assisted reproduction" includes, but is not
15 limited to, methods of artificial insemination, in vitro
16 fertilization, embryo transfer, zygote transfer, embryo
17 biopsy, preimplantation genetic diagnosis, embryo
18 cryopreservation, oocyte donation, gamete donation, zygote
19 donation, embryo donation, and gestational surrogacy.

20 "Average weekly wage" means one-thirteenth of the wages
21 paid during the quarter with the highest earnings earned in
22 the 4 quarters prior to the last day before taking paid family
23 and medical leave. For purposes of calculating average weekly
24 wage, "wages" include, but are not limited to, salary,
25 earnings, gratuities, bonuses, commissions, and any other

1 compensation that constitutes remuneration as determined by
2 the Department by rule.

3 "Care" includes, but is not limited to, physical care,
4 emotional support, visitation, arranging for a change in care,
5 assistance with essential daily living matters, and personal
6 attendant services.

7 "Child" means a biological, adopted, or foster child,
8 stepchild, or ward of a covered individual, a child of a spouse
9 of the covered individual, a child of a parent, a child of a
10 civil union partner of the covered individual, or a person
11 whose close relationship with the covered individual is the
12 equivalent of a family relationship.

13 "Civil union" has the meaning set forth in Section 10 of
14 the Illinois Religious Freedom Protection and Civil Union Act.

15 "Consecutive leave" means leave that is taken without
16 interruption based upon an employee's regular work schedule
17 and does not include breaks in employment in which an employee
18 is not regularly scheduled to work.

19 "Construction industry" means any constructing, altering,
20 reconstructing, repairing, rehabilitating, refinishing,
21 refurbishing, remodeling, remediating, renovating, custom
22 fabricating, maintenance, landscaping, improving, wrecking,
23 painting, decorating, demolishing, or adding to or subtracting
24 from any building, structure, highway, roadway, street,
25 bridge, alley, sewer, ditch, sewage disposal plant,
26 waterworks, parking facility, railroad, excavation or other

1 structure, project, development, real property, or
2 improvement, or to do any part thereof, whether the
3 performance of the work herein described involves the addition
4 to or fabrication into, any structure, project, development,
5 real property, or improvement herein described of any material
6 or article of merchandise. "Construction industry" also
7 includes moving construction related materials on the job site
8 or to or from the job site, snow plowing, snow removal, and
9 refuse collection.

10 "Covered individual" means either an employee who meets
11 the financial eligibility requirements described in subsection
12 (f) of Section 20 or a self-employed individual who has
13 elected coverage under Section 25 and who is seeking or has
14 been approved for paid family and medical leave benefits under
15 this Act.

16 "Day and temporary labor service agency" has the meaning
17 set forth in Section 5 of the Day and Temporary Labor Services
18 Act.

19 "Department" means the Department of Labor.

20 "Director" means the Director of Labor.

21 "Deputy Director" means the Deputy Director of the
22 Division of the Paid Family and Medical Leave Insurance
23 Program.

24 "Division" means the Division of Paid Family and Medical
25 Leave.

26 "Domestic violence" has the same meaning as provided in

1 Section 103 of the Illinois Domestic Violence Act of 1986.

2 "Domestic work" has the meaning set forth in Section 10 of
3 the Domestic Workers' Bill of Rights Act.

4 "Domestic worker" has the meaning set forth in Section 10
5 of the Domestic Workers' Bill of Rights Act. "Domestic worker"
6 also includes independent contractors, sole proprietors, and
7 partnerships who engage in domestic work.

8 "Employee" means an individual who is or has been employed
9 by any combination of employers in the State of Illinois. An
10 employee is considered to be employed in the State of Illinois
11 if the employee works in Illinois or the employee routinely
12 performs some work in Illinois and the employee's base of
13 operations or the place from which the work is directed and
14 controlled is in Illinois. "Employee" includes domestic
15 workers. "Employee" does not include an employee as defined in
16 the federal Railroad Unemployment Insurance Act (45 U.S.C. 351
17 et seq.) or the Federal Employers' Liability Act (45 U.S.C. 51
18 et seq.).

19 "Employ" means to suffer or permit to work.

20 "Employer" means any person, partnership, association,
21 trust, estate, joint-stock company, insurance company, or
22 corporation, whether domestic or foreign, or the receiver,
23 trustee in bankruptcy, or trustee that has in its employ one or
24 more employees performing services for it within this State.
25 "Employer" includes any employer subject to the Unemployment
26 Insurance Act. "Employer" also includes a day and temporary

1 labor service agency that provides employees on a temporary
2 basis to its customers.

3 "Employment benefits" means all benefits provided or made
4 available to employees by an employer, including, but not
5 limited to, life insurance, health insurance, disability
6 insurance, sick leave, annual or vacation leave, paid time
7 off, paid or unpaid leave, educational benefits, pensions, and
8 any other employment benefit required by federal, State, or
9 local law.

10 "Family member" means an employee's child, spouse, party
11 to a civil union, parent, or any other individual related by
12 blood, marriage, or civil union or whose close relationship
13 with the employee is the equivalent of a family relationship.

14 "Family and medical leave benefits" means any payments
15 that are payable to a covered individual for all or part of a
16 period of paid family and medical leave.

17 "Health care provider" means any person licensed under
18 federal, State, or local law to provide health care services
19 or any other person who has been authorized to provide health
20 care by a licensed health care provider or any other
21 individual determined by the Department to be capable of
22 providing health care services.

23 "Interested party" means an organization that monitors or
24 is attentive to compliance with public or worker safety laws,
25 wage and hour requirements, or other statutory requirements.

26 "Intermittent leave" means a nonconsecutive leave

1 consisting of a minimum interval of no more than 2 hours, as
2 set by the Department, within a consecutive 12-month period
3 that begins with the first day that the covered individual
4 first establishes the claim.

5 "Medical procedure" means a course of action intended to
6 achieve a result in the delivery of health care.

7 "Miscarriage" means the loss of a pregnancy before 20
8 weeks of gestation.

9 "Parent" means a biological parent, foster parent,
10 adoptive parent, or stepparent, or a person who was a legal
11 guardian of, or who stood in loco parentis to, an individual
12 when the individual was a child, or any other person whose
13 close association with the individual is the equivalent of a
14 parent.

15 "Placement for adoption" means the time when an individual
16 adopts a child or becomes a caregiver for a child pending
17 adoption by an individual.

18 "Reproductive health care" means health care offered,
19 arranged, or furnished for the purpose of preventing
20 pregnancy, terminating a pregnancy, managing pregnancy loss,
21 or improving maternal health and birth outcomes. "Reproductive
22 health care" includes, but is not limited to, contraception,
23 sterilization, preconception care, assisted reproduction,
24 maternity care, abortion care, and counseling regarding
25 reproductive health care.

26 "Self-employed individual" means an individual who

1 receives self-employment income as defined in Section 1402(b)
2 of the Internal Revenue Code.

3 "Serious health condition" means an illness, injury,
4 impairment, or physical or mental condition that requires
5 inpatient care in a hospital, hospice, or residential medical
6 care facility or continuing medical treatment or continuing
7 supervision by a health care provider.

8 "Sexual assault" means any conduct proscribed by: (i)
9 Article 11 of the Criminal Code of 2012, except Sections 11-35
10 and 11-45; or (ii) Section 12-13, 12-14, 12-14.1, 12-15, or
11 12-16 of the Criminal Code of 2012.

12 "Stalking" means any conduct proscribed by Section 12-7.3,
13 12-7.4, or 12-7.5 of the Criminal Code of 2012.

14 "Statewide average weekly wage" means the wage determined
15 by the Department of Employment Security pursuant to paragraph
16 (2) of subsection (B) of Part (I) of Section 401 of the
17 Unemployment Insurance Act.

18 "Stillbirth" means the loss of a pregnancy at 20 weeks of
19 gestation or later.

20 "Victim" means an individual who has been subjected to
21 domestic or sexual violence.

22 "Victim services organization" means a nonprofit,
23 nongovernmental organization that provides assistance to
24 victims of domestic or sexual violence, including rape crisis
25 centers, organizations carrying out a domestic violence
26 program, organizations operating a shelter or providing

1 counseling services, or a legal services organization or other
2 organization providing assistance through the legal process.

3 "Wages" means any remuneration owed an individual as a
4 result of employment, an employment contract or agreement
5 between 2 or more parties or a contract for services, whether
6 paid directly or indirectly, including, but not limited to,
7 salaries, commissions, gratuities, stock options, and bonuses,
8 and reasonable cash value of board, rent, housing, lodging,
9 payment in kind and all remuneration paid in any medium other
10 than cash, and whether the amount is determined on a time,
11 task, piece, or any other basis of calculation.

12 "Weekly benefit amount" means the amount of wage
13 replacement paid to a covered individual on a weekly basis
14 while the covered individual is on paid family and medical
15 leave as provided in Section 40.

16 Section 15. Division of Paid Family and Medical Leave.

17 (a) There is created a Division of Paid Family and Medical
18 Leave within the Department of Labor under the supervision and
19 control of the Director.

20 (b) The Department shall name a Deputy Director of the
21 Division of Paid Family and Medical Leave and hire other
22 persons as necessary to discharge the requirements of this
23 Act. The Deputy Director shall have the powers delegated to
24 him or her by the Director, in addition to the powers set forth
25 in this Act.

1 (c) The Department shall establish procedures and forms
2 for filing claims for benefits under this Act.

3 (d) The Department shall use information sharing and
4 integration technology to facilitate the disclosure of
5 relevant information or records by the Department.

6 (e) Information contained in the files and records
7 pertaining to an employee, self-employed individual, or any
8 other individual who submits files and records under this Act
9 is confidential and not open to public inspection under the
10 Freedom of Information Act, other than to public employees in
11 the performance of their official duties. An employer must
12 keep at its place of business records of employment from which
13 the information needed by the Department for purposes of this
14 Act may be obtained. The records shall at all times be open to
15 the inspection of the Department in accordance with rules
16 adopted by the Department.

17 (f) The Division shall develop and implement an outreach
18 program to ensure that individuals who may be eligible to
19 receive paid family and medical leave benefits under this Act
20 are made aware of these benefits. Outreach information shall
21 explain, in an easy-to-understand format, eligibility
22 requirements, the claims process, weekly benefit amounts,
23 maximum benefits payable, notice requirements, reinstatement
24 and nondiscrimination rights, confidentiality, and
25 coordination of leave under this Act and other laws,
26 collective bargaining agreements, and employer policies.

1 Outreach information shall be available in English and in
2 languages other than English that are spoken as a primary
3 language by a significant portion of the State's population,
4 as determined by the Department.

5 (g) Any local, county, or municipal ordinance or policy
6 that provides for paid family and medical leave benefits for
7 the employees of that local unit of government, or any workers
8 or employers within its jurisdiction, must comply with the
9 requirements of this Act or provide benefits, rights, and
10 remedies that are greater than or equal to the benefits,
11 rights, and remedies afforded under this Act.

12 Section 17. Claims for paid family and medical leave. A
13 claim for paid family and medical leave may be taken by a
14 covered individual from work:

15 (1) to participate in the providing of care, including
16 physical or psychological care, for a family member which
17 was made necessary by a serious health condition or
18 medical procedure of the family member;

19 (2) to be with a child during the first 12 months after
20 the child's birth if the covered individual is a family
21 member of the child, the first 12 months after the
22 placement of the child for adoption or foster care with
23 the covered individual, the first 12 months after the
24 child becomes a ward, the first 12 months after in loco
25 parentis status of the child is acquired, or the first 12

1 months after the establishment of parentage under the
2 Illinois Parentage Act of 2015 if the child is 17 years of
3 age or younger. As used in this paragraph, "child" also
4 includes any individual who is less than 18 years of age or
5 any individual who is 18 years of age or older but is
6 incapable of self-care because of medical needs or a
7 mental or physical impairment;

8 (3) for the covered individual's own serious health
9 condition, including, but not limited to, stillbirth or
10 miscarriage or other conditions in connection with
11 pregnancy, recovery from childbirth, related conditions
12 even though the covered individual does not receive
13 treatment from a health care provider during the absence,
14 including, but not limited to, absence due to morning
15 sickness, a physical limitation arising from pregnancy, or
16 exposure to chemicals or hazardous material that may be
17 harmful, or any other related condition;

18 (4) for the covered individual's own reproductive
19 health care;

20 (5) because the covered individual's or the covered
21 individual's family member is the victim of domestic or
22 sexual violence and the covered individual requests leave
23 because the victim is: (i) experiencing or has experienced
24 an incident of or ongoing domestic or sexual violence;
25 (ii) seeking medical attention for, or recovering from,
26 physical, emotional, or psychological injuries caused by

1 domestic or sexual violence; (iii) obtaining services from
2 a victim services organization; (iv) obtaining
3 psychological or other counseling; (v) participating in
4 safety planning, temporarily or permanently relocating, or
5 taking other actions to increase the safety of the victim
6 or the victim's family members from future domestic or
7 sexual violence to ensure safety or economic security; or
8 (vi) seeking legal assistance or remedies to ensure the
9 health and safety of the victim or the victim's family
10 members, including preparing for or participating in any
11 civil or criminal legal proceeding related to or derived
12 from domestic or sexual violence; and

13 (6) because of any qualifying exigency as interpreted
14 under the Family and Medical Leave Act of 1993 (29 U.S.C.
15 2612(a)(1)(E) and 29 CFR 825.126) arising out of the fact
16 that a family member is on active duty in the Armed Forces
17 of the United States.

18 As used in this Act, "paid family and medical leave" does
19 not include any period of time during which a covered
20 individual is paid benefits under the Workers' Compensation
21 Act, the Workers' Occupational Diseases Act, or the
22 Unemployment Insurance Act because the covered individual is
23 unable to perform the duties of the covered individual's
24 employment due to the covered individual's own disability.

25 Section 20. Eligibility for benefits; certification.

1 (a) The Department may require that a claim for paid
2 family and medical leave benefits under this Section be
3 supported by a certification.

4 (1) For a claim for paid family and medical leave
5 under paragraph (1) or (3) of Section 17, the
6 certification shall be sufficient if it is issued by a
7 health care provider of the covered individual's choosing
8 who is providing care to the covered individual or the
9 covered individual's family member, as applicable, and the
10 need for intermittent leave, if applicable; however, the
11 Department may require suitable alternative documentation
12 where it is impractical or impossible to acquire
13 certification from a health care provider.

14 (2) For a claim under paragraph (2) or (4) of Section
15 17, leave shall be granted without certification.

16 (3) For a claim under paragraph (5) of Section 17, any
17 one of the following documents is acceptable for
18 certification and only one of the documents shall be
19 required: a police report, a court document, a document
20 issued by a healthcare provider, or a signed statement
21 from an attorney, a member of the clergy, or a victim
22 services organization or advocate. It is up to the covered
23 individual to determine which documentation to submit. If
24 documentation has been submitted, the Department or the
25 employer shall not request or require any other
26 documentation if the reason for the initial or subsequent

1 claim for paid family and medical leave is related to the
2 same incident of violence or the same perpetrator of the
3 violence. The Department may require alternative
4 documentation where it is impractical or impossible to
5 acquire certification from the listed documents in this
6 paragraph.

7 (4) For a claim under paragraph (6) of Section 17, one
8 of the following documents is acceptable for
9 certification: a copy of the family member's active duty
10 orders, other documentation issued by the U.S. Armed
11 Forces, or other documentation permitted by the
12 Department.

13 (b) If an employer provides paid or unpaid leave, the
14 employee may elect whether first to use the paid or unpaid
15 leave or to receive paid family and medical leave benefits
16 under this Act. An employee may not be required to use paid or
17 unpaid leave provided by the employer if leave is provided by
18 federal, State, or local law.

19 (c) This Section does not limit an employee's right to
20 take leave from employment under other laws or employer
21 policy.

22 (d) The eligibility of an individual for benefits is not
23 affected by a strike or lockout at the factory, establishment,
24 or other premises at which the individual is or was last
25 employed.

26 (e) An employee who has received benefits under this

1 Section may not lose any other employment benefits, including
2 seniority or pension rights, accrued before the date that paid
3 family and medical leave commenced. This Section does not
4 entitle an employee to accrue employment benefits during a
5 period of paid family and medical leave or to a right, benefit,
6 or position of employment other than a right, benefit, or
7 position to which the employee would have been entitled had
8 the employee not taken paid family and medical leave.

9 (f) Subject to the requirements of this Act, an individual
10 shall be eligible to receive benefits under this Act if that
11 individual has been paid during the individual's base period
12 wages equal to not less than \$1,600, provided that the
13 individual has been paid wages equal to at least \$440 during
14 that part of the individual's base period which does not
15 include the calendar quarter in which the wages paid to the
16 individual were highest. "Base period" means the first 4 of
17 the last 5 completed calendar quarters immediately preceding
18 the Sunday immediately preceding the first day that family and
19 medical leave under this Act commences for the covered
20 individual. If an individual is not eligible to receive paid
21 family and medical leave benefits or an individual's weekly
22 benefit amount would be lower using the base period, a base
23 period consisting of the last 4 completed quarters immediately
24 preceding the Sunday immediately preceding the first day that
25 paid family and medical leave under this Act commences shall
26 be used to establish eligibility or a higher weekly benefit

1 amount for the covered individual.

2 (g) Nothing in this Act shall be deemed to interfere with,
3 impede, or in any way diminish the right of individuals to
4 bargain collectively with their employers through
5 representatives of their own choosing in order to establish
6 wages or other conditions of work in excess of the applicable
7 minimum standards established in this Act. The paid family and
8 medical leave requirements of this Act may be waived in a bona
9 fide collective bargaining agreement, but only if the waiver
10 is set forth explicitly in the agreement in clear and
11 unambiguous terms and the employer offers an approved
12 equivalent plan under Section 50.

13 (h) Nothing in this Act shall be deemed to affect the
14 validity or change the terms of bona fide collective
15 bargaining agreements in force on the effective date of this
16 Act. After that date, the requirements of this Act may be
17 waived in a bona fide collective bargaining agreement, but
18 only in accordance with subsection (g).

19 (i) This Section does not create a continuing entitlement
20 or contractual right.

21 (j) Nothing in the Section shall limit the eligibility of
22 an employee for benefits upon the change of employment as long
23 as the employee remains an employee or has been employed by any
24 employer in the State of Illinois within the 2 quarters
25 preceding his or her submission of a claim for paid family and
26 medical leave.

1 Section 25. Self-employed benefits.

2 (a) For benefits payable beginning January 1, 2028, any
3 self-employed individual may elect to be covered under this
4 Act. The self-employed individual must file a notice of
5 election in writing with the Department and contribute to the
6 Paid Family and Medical Leave Insurance Program Fund as
7 described in Section 35. The self-employed individual must
8 agree to supply any information concerning taxable income that
9 the Department deems necessary. After the election is
10 processed by the Department, the self-employed individual must
11 begin submitting payroll deductions as an employee and an
12 employer required under Section 35 for a minimum period of 3
13 years. In order to be eligible to receive benefits under this
14 Act, the self-employed individual must satisfy the financial
15 eligibility requirements of subsection (f) of Section 20 and
16 have submitted payroll deductions as an employee as required
17 under Section 35 for a minimum of 3 months preceding any claim
18 for leave under this Act.

19 (b) A self-employed individual who has elected to be
20 covered may terminate coverage by filing written notice with
21 the Department as prescribed by rule only upon a bona fide
22 change in the employment status of the self-employed
23 individual or as described under subsection (c). The
24 termination may not take effect sooner than 30 days after the
25 notice is filed and may not be filed while the self-employed

1 individual is on leave approved under this Act. If termination
2 is permitted, the Department may waive the requirements in
3 subsection (a) that a self-employed individual submit payroll
4 deductions as an employee and employer for a minimum period of
5 3 years. Once a self-employed individual terminates coverage,
6 the individual shall be disqualified from seeking another
7 election of coverage as a self-employed individual for a
8 period of 2 years unless he or she can demonstrate a bona fide
9 change in employment status resulting in the need for a
10 subsequent election within those 2 years.

11 (c) A self-employed individual who has elected to be
12 covered may terminate coverage based upon the filing of a
13 voluntary or involuntary bankruptcy petition. The elective
14 coverage of a self-employed individual terminates on the date
15 the self-employed individual provides written notice and
16 documentation to the Department to support the bankruptcy
17 petition filing of the self-employed individual.

18 Section 30. Disqualification from benefits.

19 (a) A covered individual is disqualified from paid family
20 and medical leave benefits under this Act if the covered
21 individual willfully makes a false statement to obtain
22 benefits.

23 (b) A disqualification for paid family and medical leave
24 benefits is for a period of 2 years, and commences on the first
25 day of the calendar week in which the covered individual filed

1 a claim for benefits under this Act. A covered individual who
2 is disqualified for benefits is liable to the Department for a
3 penalty in an amount equal to 15% of the amount of benefits
4 received by the covered individual.

5 Section 35. Paid Family and Medical Leave Insurance
6 Program Fund.

7 (a) The Paid Family and Medical Leave Insurance Program
8 Fund is created as a special fund in the State treasury. The
9 Fund shall be separated into 2 accounts, one for the
10 administration of this Act and one for the payment of paid
11 family and medical leave benefits under this Act. All interest
12 that accrues on moneys in the Fund shall be credited to the
13 Fund. Nothing in this Act shall be construed to prohibit an
14 employer from providing additional voluntary employer
15 contributions toward the cost of benefits provided under this
16 Act. These voluntary contributions may be in addition to
17 employee payroll deductions or used to replace in whole or in
18 part employee payroll deductions.

19 (b) The Department shall by rule provide for the
20 collection of premium contributions. The amount of the premium
21 contribution imposed under this Section, less refunds
22 authorized by this Act, and all assessments and penalties
23 collected under this Act shall be deposited into and credited
24 to the Fund.

25 (1) Beginning January 1, 2027, the combined premium

1 contribution shall be 1.12% of wages.

2 (2) At no time shall the combined premium contribution
3 be greater than 1.25% of wages.

4 (3) Beginning January 1, 2027, an employer shall
5 retain from all employees a payroll premium deduction in
6 the amount of 40% of the total premium contribution amount
7 established by the actuarial analysis as a percentage of
8 wages for all employees and an employer with 25 or more
9 employees shall pay the remaining 60% of the premium
10 contribution.

11 (4) Beginning January 1, 2029, an employer shall
12 retain from all employees a payroll premium deduction in
13 the amount of 40% of the total premium contribution amount
14 established by the actuarial analysis as a percentage of
15 wages for all employees and an employer with one or more
16 employees shall pay the remaining 60% of the premium
17 contribution. No employee shall be required to pay a
18 higher percentage premium than any other employee.

19 (5) Beginning January 1, 2028, and each calendar year
20 thereafter, not later than October 1 of the prior year,
21 the Department shall set the premium contribution rate for
22 the coming calendar year at the rate necessary to obtain a
23 total amount of contributions equal to 135% of the
24 benefits paid during the previous fiscal year plus an
25 amount equal to 100% of the cost of administration of the
26 payment of those benefits during the previous fiscal year,

1 less the amount of net assets remaining in the Fund as of
2 June 30 of the current calendar year.

3 (6) Premium contributions shall not be assessed on the
4 first \$15,000 of a covered individual's wages.

5 (7) Premium contributions shall not be assessed on a
6 covered individual's wages that exceed \$352,200 or 2 times
7 the Social Security contribution and benefit base, as
8 determined under 42 U.S.C. 430, whichever is greater.

9 (c) A Paid Family and Medical Leave Insurance Program
10 Advisory Board is established as an advisory board to the
11 Department of Labor. The Advisory Board shall advise the
12 Department in planning for, implementing, and evaluating the
13 Paid Family and Medical Leave Insurance Program to ensure that
14 all eligible Illinois workers can afford to participate in the
15 program and take leave as necessary, while considering the
16 impact on Illinois employers. The Advisory Board shall
17 continuously evaluate the program to determine what barriers
18 to access or other inequities may exist within its
19 administration, including evaluating program uptake to ensure
20 low-income and middle-income workers are participating in the
21 program. The Advisory Board shall make recommendations for
22 improvements to the program, as appropriate, including, but
23 not limited to, the appropriate and sustainable number of
24 weeks of leave allowed, the rates of wage replacement and
25 premium contributions, and any recommended wage exemptions or
26 caps.

1 (d) The Advisory Board shall include and represent the
2 diversity of workers, business, self-employed individuals, and
3 advocacy organizations in Illinois. No later than January 1,
4 2027, the Governor shall appoint, with the advice and consent
5 of the Senate, members to the Advisory Board as follows:

6 (1) 4 employees of businesses in this State or members
7 of an organization representing employees in this State;

8 (2) 4 owners of businesses in this State; and

9 (3) one member of the public who resides in this
10 State.

11 (e) The Director shall annually, on or before March 1,
12 report in writing to the Advisory Board concerning the
13 deposits into and expenditures from this State's account in
14 the Paid Family and Medical Leave Insurance Program Fund. The
15 Advisory Board shall meet at least once per quarter. The
16 Advisory Board shall hold time for public comment at every
17 meeting. The members shall serve without compensation but are
18 entitled to reimbursement for travel expenses.

19 (f) The Department may adjust rates, not to exceed the
20 amount established in subsection (b), for the collection of
21 premiums as described in subsection (c). The Department shall
22 set rates for premiums and deductions in a manner that
23 minimizes the volatility of the rates assessed and so that at
24 the end of the period for which the rates are effective, the
25 cash balance shall be an amount approximating 12 months of
26 projected expenditures from the Fund, considering the

1 functions and duties of the Department under this Act.

2 Section 40. Compensation for paid family and medical
3 leave.

4 (a) A covered individual's weekly benefit rate shall be
5 90% of his or her average weekly wage, subject to a maximum of
6 the statewide average weekly wage paid to workers by
7 employers; however, the covered individual's benefit rate
8 shall be computed to the next lower multiple of \$1 if not
9 already a multiple thereof. The amount of benefits for each
10 day of paid family and medical leave for which benefits are
11 payable shall be one-fifth of the corresponding weekly benefit
12 amount; however, the total benefits for a fractional part of a
13 week shall be computed to the next lower multiple of \$1 if not
14 already a multiple thereof. The first payment of benefits must
15 be made to a covered individual within 14 calendar days after
16 the claim is filed and there is sufficient information to
17 approve at least one week of benefits; subsequent payments
18 must be made no later than semi-monthly thereafter.

19 (b) With respect to any period of paid family and medical
20 leave and while an individual is a covered individual, family
21 and medical leave benefits not in excess of the covered
22 individual's maximum benefits shall be payable with respect to
23 the first day of leave taken. The maximum total benefits
24 payable to any covered individual within a covered base year
25 shall be 18 times the covered individual's weekly benefit

1 amount; however, the maximum amount shall be computed in the
2 next lower multiple of \$1 if not already a multiple thereof.

3 (c) The maximum weekly benefit for family and medical
4 leave that occurs on or after January 1, 2028 shall be \$1,200.
5 By September 30, 2029, and by September 30 of each year
6 thereafter, the maximum weekly benefit shall be adjusted to
7 the State average weekly wage. The adjusted maximum weekly
8 benefit amount takes effect on the following January 1.

9 (d) Nothing in this Act shall be construed to prohibit the
10 establishment by an employer, without approval by the
11 Department, of a supplementary plan or plans providing for the
12 payment to employees, or to any class or classes of employees,
13 of benefits in addition to the benefits provided by this Act or
14 to prohibit the collection or receipt of voluntary
15 contributions from employees toward the cost of the additional
16 benefits. However, no employee shall be asked or required to
17 contribute to any plan or plans, even on a voluntary basis, if
18 the employee is not able to use or access the benefits for
19 which they are contributing from the plan or plans. The
20 rights, duties, and responsibilities of all interested parties
21 under the supplementary plans shall be unaffected by any
22 provision of this Act.

23 Section 45. Paid family and medical leave; duration.

24 (a) Beginning January 1, 2028, a covered individual may
25 take 18 weeks of paid family and medical leave within any

1 12-month period that begins with the first day that the
2 covered employee first establishes the claim in order to
3 provide care made necessary by reasons identified in Section
4 17. A covered individual may take paid family and medical
5 leave on an intermittent schedule in which all leave
6 authorized under this Act is not taken sequentially. A covered
7 individual may take up to an additional 9 weeks of paid family
8 and medical leave within any 12-month period that begins with
9 the first day that the covered individual first establishes
10 the claim for which the covered individual is eligible for
11 leave taken in connection with pregnancy, recovery from
12 childbirth, related conditions, or if the child of the covered
13 individual was a patient in the neonatal intensive care unit.

14 (b) The taking of leave intermittently or on a medically
15 necessary periodic schedule under this Section shall not
16 result in a reduction in the total amount of leave to which the
17 covered individual is entitled under this Act.

18 Section 50. Employer equivalent plans.

19 (a) An employer, whether a private sector or public sector
20 employer, may apply to the Division for approval of an
21 employer-offered benefit plan that provides family and medical
22 leave benefits to the employer's employees. In order to be
23 approved, an employer-offered plan must confer all same
24 rights, protections, and benefits provided to covered
25 individuals under this Act, including, but not limited to, the

1 bases for leave, the duration of leave, the wage replacement
2 rate, and the ability to appeal a denial for a claim for
3 benefits. The equivalent plan shall not discriminate against
4 any employee based on their wage or other compensation or the
5 employee's job category or position.

6 (b) If the plan is in the form of a third party that
7 provides for insurance, the forms of the policy must be issued
8 by an insurer approved by the State.

9 (c) An employer that seeks approval of a plan shall submit
10 an application to the Division in the form and manner and by
11 the date prescribed by the Department by rule, accompanied by
12 an application fee. The application fee shall be no less than
13 \$250 and no more than \$1,000. The Department shall establish
14 the criteria for the cost of application fees over \$250,
15 including, but not limited to, the number of the employees,
16 employer earnings, and the time and resources the Department
17 expends to assess employer-offered plans. An employer shall
18 reapply for approval from the Division annually or whenever
19 the employee's plan changes. The reapplication fee shall be no
20 less than \$150 and no more than \$1,000. The Department shall
21 establish the criteria for the cost of reapplication fees over
22 \$150, including, but not limited to, the number of employees,
23 employer earnings, the time and resources the Department
24 expends to assess reapplication of employer-offered plans, and
25 the extent of changes to the plan.

26 (d) The Division shall review and approve an application

1 for a plan if the Deputy Director finds that:

2 (1) the plan is made available to all employees who
3 have been employed with an employer and meet the
4 definition of employee;

5 (2) the benefits and rights afforded to employees
6 covered under the plan are equal to or greater than the
7 benefits and rights that an employee would qualify for
8 under this Act; and

9 (3) the plan does not require an employee or
10 prospective employee, as a condition of employment, to
11 execute or renew a contract, agreement, clause, covenant,
12 waiver, or other document that prohibits or attempts to
13 prohibit employees from making statements or disclosures
14 regarding an employer's equivalency plan, as long as the
15 statements or disclosures are not known to be false by the
16 employee or prospective employee. No contract, agreement,
17 clause, covenant, waiver, or other document shall
18 prohibit, prevent, or otherwise restrict an employee,
19 prospective employee, or former employee from reporting
20 any allegations of unlawful conduct under this Act and
21 participating in any investigation or hearings conducted
22 by the Department or any court.

23 If the plan is in the form of self-insurance, the employer
24 must furnish a bond to the Department with a surety company
25 authorized to transact business in this State in the form,
26 amount, and manner required by the Department.

1 (e) Once an application is approved, beginning January 1
2 of the following year, neither the employer nor an employee
3 covered under an employer plan is subject to the requirements
4 of this Act or required to make the contributions or
5 deductions as described in Section 35.

6 (f) An employer shall assume all costs related to a plan
7 approved under this Section and shall not deduct contributions
8 from the wages of employees or in any manner have employees pay
9 for the plan.

10 (g) An employer that offers a plan approved under this
11 Section shall:

12 (1) maintain all reports, information, and records
13 relating to the plan, including payroll and account
14 records that document employee contributions and expenses,
15 in the manner established by the Department by rule; and

16 (2) provide written notice annually to employees that
17 includes:

18 (A) information about benefits available under the
19 approved plan, including the duration of leave;

20 (B) the process for filing a claim to receive
21 benefits under the plan;

22 (C) the right to job protection and benefits
23 continuation; and

24 (D) a statement that discrimination and
25 retaliatory actions against an employee for inquiring
26 about the paid family and medical leave insurance

1 program established under this Act, giving
2 notification of leave under the program, taking leave
3 under the program, or claiming paid family and medical
4 leave benefits are prohibited.

5 (h) Each quarter, employers who have received approval for
6 an employer-offered plan under this Section must report to the
7 Division the number of claims for benefits the employer
8 received, the number of claims that were denied and the bases
9 for those denials, and the number of claims that were
10 approved. In addition, for all denials and approvals of
11 claims, employers shall report the number of denials and
12 approvals as distributed by gender, race, ethnicity, wages,
13 and any other demographic factors determined to be relevant by
14 the Department.

15 (i) The Division may investigate an employer-offered plan
16 approved under this Section for violations of this Act based
17 upon a complaint submitted by an employee subject to the plan,
18 an interested party, or evidence of a pattern and practice of
19 denials based upon the date submitted by the employer in
20 subsection (h) of this Section.

21 (j) Where the Division finds an employer-offered plan has
22 been administered inconsistently with its approval, the
23 Department may withdraw approval for an employer-offered plan
24 granted under this Section. An employer who has had its
25 approval for an employer-offered plan withdrawn under this
26 Section shall be subject to an additional penalty contribution

1 rate equivalent to 50% of the standard contribution rate
2 assigned to an employer under Section 35 for a period of time
3 to be determined by the Department, not to exceed 2 years.
4 Causes for plan termination shall include, but not be limited
5 to, the following:

6 (1) failure to pay benefits to eligible employees;

7 (2) failure to pay benefits timely and in a manner
8 consistent with this Act;

9 (3) failure to maintain reports and provide notice
10 under subsection (g) or submit the required data under
11 subsection (h) or comply with other compliance
12 requirements as required by the Deputy Director or the
13 Department by rule; or

14 (4) failure to comply with this Act or the rules
15 adopted in accordance with this Act.

16 (k) An employer may be subjected to penalties under
17 Section 70 if the employer fails to maintain an approved
18 equivalency plan or provide benefits to employees under an
19 approved equivalency plan that are inconsistent with this Act.

20 (l) An interested party or person aggrieved by a violation
21 of this Section by an employer may file suit in circuit court
22 in the county where the alleged offense occurred or where any
23 person who is party to the action resides, without regard to
24 exhaustion of any alternative administrative remedies provided
25 in this Act. Actions may be brought by one or more persons for
26 and on behalf of themselves and other persons similarly

1 situated. A person whose rights have been violated under this
2 Section by an employer is entitled to collect:

3 (1) the amount of any wages, salary, employment
4 benefits, or other compensation denied or lost to the
5 person by reason of the violation, plus an equal amount in
6 liquidated damages;

7 (2) compensatory damages and an amount up to \$500 for
8 each violation of this Act or any rule adopted under this
9 Act;

10 (3) in the case of unlawful retaliation, all legal or
11 equitable relief as may be appropriate; and

12 (4) attorney's fees and costs.

13 The right of an interested party or aggrieved person to
14 bring an action under this Section terminates upon the passing
15 of 3 years from the date of the alleged violation or, for a
16 series of violations, the last date in which a violation
17 occurred. This limitations period is tolled if an employer has
18 deterred a person's exercise of rights under this Section.

19 Section 55. Annual reports; contents.

20 (a) The Department shall issue and make available to the
21 public, not later than January 1, 2029 and each January 1
22 thereafter, annual reports providing data on paid family and
23 medical leave benefits, whether provided through the
24 State-operated program or through employer equivalent plans as
25 described in Section 50, including separate data for each of

1 the paid family and medical leave categories described in
2 Section 17. The reports shall include, for each category of
3 claims, the number of workers receiving the benefits, the
4 amount of benefits paid, the average duration of benefits, the
5 average weekly benefit, and any reported amount of paid leave,
6 vacation, or other fully paid time which resulted in reduced
7 benefit duration. The reports shall provide data by gender,
8 race, ethnicity, wages, and any other demographic factors
9 determined to be relevant by the Department. The reports shall
10 also provide for: (i) all family and medical leave benefits,
11 the total costs of benefits and the total cost of
12 administration, the portion of benefits for claims during paid
13 family and medical leave, and the total revenues from employer
14 premium contributions, where applicable; (ii) employee
15 assessments; and (iii) other sources. Any and all data made
16 available to the public shall be de-identified and anonymized.

17 (b) The Division may, in its discretion, conduct surveys
18 and other research regarding, and include in the annual
19 reports descriptions and evaluations of, the impact and
20 potential future impact of the costs and benefits resulting
21 from the provisions of this Act for:

22 (1) employees and their families, including surveys
23 and evaluations of what portion of the total number of
24 employees taking leave would not have taken leave, or
25 would have taken less leave, without the availability of
26 benefits; what portion of employees return to work after

1 receiving benefits and what portion are not permitted to
2 return to work; and what portion of employees who are
3 eligible for benefits do not claim or receive them and why
4 they do not;

5 (2) employers, including benefits such as reduced
6 training and other costs related to reduced turnover of
7 personnel, and increased affordability of paid family and
8 medical leave as provided pursuant to this Act, with
9 special attention given to small businesses; and

10 (3) the public, including savings caused by any
11 reduction in the number of people receiving public
12 assistance.

13 (c) The total amount of any expenses that the Department
14 determines are necessary to carry out its duties described in
15 this Section shall be charged to the administration account of
16 the Fund.

17 Section 60. Hearings. A person aggrieved by a decision of
18 the Department under this Act may request a hearing. The
19 Department shall adopt rules governing hearings and the
20 issuance of final orders under this Act in accordance with the
21 Illinois Administrative Procedure Act. All final
22 administrative decisions of the Department under this Act are
23 subject to judicial review under the Administrative Review
24 Law.

1 Section 65. Prohibited acts; enforcement.

2 (a) No employer, day and temporary labor service agency,
3 employee organization, or other person shall discharge, expel,
4 or otherwise retaliate or discriminate against an individual
5 because the individual has requested paid family and medical
6 leave, attempted to claim paid family and medical leave
7 benefits, taken paid family and medical leave, filed or
8 communicated to the employer an intent to file a claim, a
9 complaint, or an appeal, or has testified or is about to
10 testify or has assisted in any proceeding, under this Act, at
11 any time or the individual has spoken to any other individual
12 for any reason about paid family and medical leave.

13 (b) A person aggrieved by a violation of subsection (a)
14 may file suit in circuit court in the county where the alleged
15 offense occurred or where any person who is party to the action
16 resides without regard to exhaustion of any alternative
17 administrative remedies provided in this Act. Any employer
18 that violates subsection (a) shall be liable to the individual
19 who is affected by the violation for damages equal to the sum
20 of disciplining, or counting paid leave under a no-fault
21 attendance policy. Retaliation shall subject an employer to
22 civil penalties under this Act as follows:

23 (1) the amount of:

24 (A) any wages, salary, employment benefits, or
25 other compensation denied or lost to the individual by
26 reason of the violation; or

1 (B) in a case in which wages, salary, employment
2 benefits, or other compensation have not been denied
3 or lost to the individual, any actual monetary losses
4 sustained by the individual as a direct violation,
5 such as the cost of providing care, up to a sum equal
6 to 60 calendar days of wages or salary for the
7 individual; and

8 (2) the interest on the amount described under
9 subparagraph (A) of paragraph (1) calculated at the
10 prevailing rate; and

11 (3) an additional amount as liquidated damages equal
12 to the sum of the amount described in paragraph (1) and the
13 interest described in paragraph (2), except if a person
14 who has violated subsection (a) proves to the satisfaction
15 of the court that the act or omission was in good faith and
16 that the person had reasonable grounds for believing that
17 the act or omission was not a violation of subsection (a),
18 the court may, in the discretion of the court, reduce the
19 amount of the liability to the amount and interest
20 determined under subparagraph (A) or (B) of paragraph (1),
21 respectively.

22 In addition, a court may order equitable relief as may be
23 appropriate, including employment, reinstatement, promotion,
24 and reinstatement of a contract for services.

25 (c) An action to recover the damages or obtain equitable
26 relief under subsection (a) may be maintained against any

1 person in any court on behalf of:

2 (1) the aggrieved individual; or

3 (2) the aggrieved individual or other individuals
4 similarly situated.

5 (d) The court in an action shall, in addition to any
6 judgment awarded to the covered individual, allow reasonable
7 attorney's fees, reasonable expert witness fees, and other
8 costs of the action to be paid by the defendant.

9 (e) The right under subsection (c) to bring an action by or
10 on behalf of any individual shall terminate:

11 (1) on the filing of a complaint by the Department in
12 an action in which restraint is sought of any further
13 delay in the payment of the amount described in paragraph
14 (1) of subsection (b) to the individual by the person
15 responsible under subsection (a) for the payment; or

16 (2) on the filing of a complaint by the Department in
17 an action under subsection (f) in which a recovery is
18 sought of the damages described in paragraph (1) of
19 subsection (b) owing to the individual by the person
20 liable under subsection (a).

21 (f) Actions brought by the Department.

22 (1) The Department may bring an action in any court to
23 recover the damages described in paragraph (1) of
24 subsection (b).

25 (2) Any sums recovered under paragraph (1) shall be
26 held in a special deposit account and shall be paid, on

1 order of the Department, directly to each individual
2 affected. Any sums not paid to an individual because of an
3 inability to do so within a period of 3 years shall be
4 deposited into the Fund.

5 (3) An action may be brought under this subsection not
6 later than 3 years after the date of the last event
7 constituting the alleged violation for which the action is
8 brought.

9 (4) An action brought by the Department under this
10 subsection shall be considered to be commenced on the date
11 when the complaint is filed.

12 (5) The Department may bring an action to restrain
13 violations of subsection (a), including the restraint of
14 any withholding of payment of wages, salary, employment
15 benefits, or other compensation, plus interest, found by
16 the court to be due to the individual, or to award other
17 equitable relief as may be appropriate, including
18 employment, reinstatement, and promotion.

19 (g) Actions brought by an interested party.

20 (1) Upon a reasonable belief that an employer, day and
21 temporary labor service agency, employee organization, or
22 other person covered by this Act committed a violation of
23 subsection (a), an interested party may initiate a civil
24 action in the county where the alleged offenses occurred
25 or where any party to the action resides, asserting that a
26 violation of subsection (a) has occurred, subject to the

1 following:

2 (A) the interested party submits to the Department
3 a complaint describing the violation and naming the
4 employer or entity alleged to have violated subsection
5 (a);

6 (B) the Department sends notice of the complaint
7 to the named parties alleged to have violated
8 subsection (a), the person or persons alleged to have
9 been aggrieved, and the interested party, and provides
10 the named parties the option to contest the alleged
11 violation or cure the alleged violation; and

12 (C) the named parties contest or cure the
13 violation within 30 days after receipt of the notice
14 of the complaint or, if the named party does not
15 respond within 30 days, the Department issues a notice
16 of right to sue to the interested party in accordance
17 with paragraph (2).

18 (2) The Department shall issue a notice of right to
19 sue to the interested party, if one or more of the
20 following has occurred:

21 (A) the named party or parties have cured the
22 alleged violation to the satisfaction of the Director;

23 (B) the Director has determined that the
24 allegation is unjustified or that the Department does
25 not have jurisdiction over the matter or the parties;
26 or

1 (C) the Director has determined that the
2 allegation is justified or has not made a
3 determination and has decided not to exercise
4 jurisdiction over the matter or has concluded
5 administrative enforcement of the matter.

6 (3) If, within 180 days after service of the notice of
7 complaint to the parties, the Department has not (i)
8 resolved the contest and cure period, (ii) with the mutual
9 agreement of the parties, extended the time for the named
10 party to cure the violation and resolve the complaint, or
11 (iii) issued a right to sue letter, the interested party
12 may initiate a civil action for penalties. The parties may
13 extend the 180-day period by mutual agreement. The
14 limitations period for the interested party to bring an
15 action for the alleged violation of the subsection (a)
16 shall be tolled for the 180-day period and for the period
17 of any mutually agreed extensions. At the end of the
18 180-day period, or any mutually agreed extensions, the
19 Department shall issue a right to sue letter to the
20 interested party.

21 (4) Any claim or action filed under this Section must
22 be made within 3 years of the alleged conduct resulting in
23 the complaint plus any period for which the limitations
24 period has been tolled.

25 (5) In an action brought under this Section, an
26 interested party may recover against the employer, day and

1 temporary labor service agency, employee organization, or
2 other person any statutory penalties provided for in
3 Section 70 and injunctive relief. An interested party who
4 prevails in a civil action shall receive 10% of any
5 statutory penalties assessed plus any attorney's fees and
6 expenses in bringing the action. The remaining 90% of any
7 statutory penalties assessed shall be deposited into the
8 Paid Family and Medical Leave Insurance Program Fund and
9 shall be used exclusively for the purposes of
10 administration of this Act.

11 Section 70. Penalties.

12 (a) A person who makes a false statement or
13 representation, knowing it to be false, to increase any paid
14 family and medical leave benefit during a period of paid
15 family and medical leave, either for himself or herself or for
16 any other person, shall be liable for a civil penalty of \$250
17 to be paid to the Department. Each false statement or
18 representation shall constitute a separate offense. Upon
19 refusal to pay the civil penalty, the civil penalty shall be
20 recovered in a civil action by the Attorney General on behalf
21 of the Department in the name of the State of Illinois. If, in
22 any case in which liability for the payment of a civil penalty
23 has been determined, any person who has received any benefits
24 under this Act by reason of the making of false statements or
25 representations shall not be entitled to any benefits under

1 this Act for any leave occurring prior to the time he or she
2 has discharged his or her liability to pay the civil penalty.

3 (b) A person, employing unit, employer, or entity that
4 willfully violates any provision of this Act or any rule
5 adopted under this Act for which a civil penalty is neither
6 prescribed in this Act nor provided by any other applicable
7 law shall be subject to a civil penalty of \$2,500, and an
8 additional civil penalty not to exceed \$1,000 for each month
9 during which the violation continues, to be paid to the
10 Department. Upon the refusal to pay the civil penalty, the
11 civil penalty shall be recovered in a civil action by the
12 Attorney General on behalf of the Department in the name of the
13 State of Illinois.

14 Section 75. Leave and employment protection.

15 (a) During any consecutive, intermittent, or medically
16 necessary periodic leave period in which an employee receives
17 paid family and medical leave benefits under this Act, the
18 employee is entitled to paid family and medical leave and, at
19 the established ending date of leave, to be restored to a
20 position of employment with the employer from whom leave was
21 taken as provided under subsection (b). The requirements of
22 this subsection may be waived in a bona fide collective
23 bargaining agreement covering individuals in the construction
24 industry.

25 (b) Except as provided in subsection (f), an employee who

1 receives family and medical leave benefits under this Act for
2 the intended purpose of the paid family and medical leave is
3 entitled, on return from the leave:

4 (1) to be restored by the employer to the position of
5 employment held by the employee when the paid family and
6 medical leave commenced; or

7 (2) to be restored to an equivalent position with
8 equivalent employment benefits, pay, and other terms and
9 conditions of employment at the employee's workplace
10 immediately prior to when the paid family and medical
11 leave commenced.

12 (c) The taking of paid family and medical leave under this
13 Act may not result in the loss of any employment benefits
14 accrued before the date on which the paid family and medical
15 leave commenced.

16 (d) Nothing in this Section entitles a restored employee
17 to:

18 (1) the accrual of any seniority or employment
19 benefits during any period of paid family and medical
20 leave; or

21 (2) any right, benefit, or position of employment
22 other than any right, benefit, or position to which the
23 employee would have been entitled to if the employee not
24 taken the paid family and medical leave.

25 (e) During any period an employee takes paid family and
26 medical leave under this Act, if the employer provides

1 insurance for employees, the employer shall maintain coverage
2 for the employee and any family member under any group health
3 plan for the duration of leave at no less than the level and
4 conditions of coverage that would have been provided if the
5 employee had not taken the leave. If the employer and employee
6 share the cost of the existing health benefits, the employee
7 may remain responsible for the employee's share of the cost.
8 However, the employer shall notify the employee that the
9 employee is still responsible for paying the employee's share
10 of the cost of the health care coverage, if any. The
11 requirements of this subsection may be waived in a bona fide
12 collective bargaining agreement covering individuals in the
13 construction industry where the collective bargaining
14 agreement requires employers to contribute to a multi-employer
15 health plan.

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

20 Section 80. Notice to employer.

21 (a) If the necessity for paid family and medical leave is
22 foreseeable, the employee shall provide the employer with not
23 less than 30 days' notice, before the date the leave is to
24 begin, of the employee's intention to take leave.

25 (b) If the necessity for paid family and medical leave is

1 not foreseeable or requires leave to begin in less than 30
2 days, the employee shall provide notice as is practicable.

3 Section 85. Employment by the same employer. If spouses
4 who are entitled to leave under this Act are employed by the
5 same employer and that employer has fewer than 10 employees,
6 the employer may require that the spouses not take more than 6
7 weeks of leave concurrently, with the following exceptions:

8 (1) the employee is seeking to take leave under this
9 Act for his or her own serious medical condition;

10 (2) the employee is seeking to take leave under this
11 Act to participate in the providing of care to a spouse who
12 is employed by the same employer; or

13 (3) the employee is seeking to take leave under this
14 Act to participate in the providing of care to a child the
15 employee shares with his or her spouse who is employed by
16 the same employer.

17 Section 90. Coordination of leave. Paid family and medical
18 leave taken under this Act must be taken concurrently with any
19 leave taken under the federal Family and Medical Leave Act of
20 1993 or a collective bargaining agreement. The employer must
21 give its employees written notice of this requirement.

22 Section 95. Rules. The Department shall adopt any rules
23 necessary to implement the provisions of this Act.

1 Section 100. Authority to enter into interagency
2 agreements.

3 (a) The Department may enter into interagency agreements
4 with other State agencies for the initial administration of
5 the Paid Family and Medical Leave Insurance Program.

6 (b) This Section is repealed on January 1, 2033.

7 Section 105. Pregnancy; effect of other State law. No
8 individual shall suffer any repercussion under any Illinois
9 law, rule, or policy for any decisions the covered individual
10 is authorized to make under this Act regarding leave related
11 to pregnancy, recovery from childbirth, care of a child, or
12 related conditions.

13 Section 110. Program benefits; taxable income. Paid family
14 and medical leave benefits received under the provisions of
15 this Act shall not be taxed by the State of Illinois under the
16 Illinois Income Tax Act or in any other manner and shall not be
17 taxed by any unit of government within Illinois.

18 Section 115. Advance payment of premiums for State
19 employees.

20 (a) On the effective date of this Act, or as soon as
21 possible thereafter, the State Comptroller and the State
22 Treasurer, at the direction of the Governor, shall transfer

1 funds from the General Revenue Fund to the Paid Family and
2 Medical Leave Insurance Program Fund. The money is an advance
3 payment of premiums for State employee coverage that the State
4 is required to pay under Section 35. The advance payment of
5 premiums shall be used by the Department for the initial
6 administration of the Paid Family and Medical Leave Insurance
7 Program.

8 (b) On or before June 30, 2026, the Division shall
9 determine the manner in which the State will receive a credit
10 for the advance payment of premiums it has paid under this
11 Section for premiums it is required to pay under Section 35.

12 (c) On January 1, 2027, and on July 1 of each year
13 thereafter, the Director shall submit a report of the amount
14 of remaining credit the State can receive for premiums it is
15 required to pay to the State Treasurer, the Director of the
16 Office of Management and Budget, the Director of Central
17 Management Services, and the General Assembly.

18 (d) The advance payment of premiums by the State under
19 this Section shall not constitute or become an indebtedness, a
20 debt, or a liability of the State.

21 Section 900. The Freedom of Information Act is amended by
22 changing Section 7 as follows:

23 (5 ILCS 140/7)

24 Sec. 7. Exemptions.

1 (1) When a request is made to inspect or copy a public
2 record that contains information that is exempt from
3 disclosure under this Section, but also contains information
4 that is not exempt from disclosure, the public body may elect
5 to redact the information that is exempt. The public body
6 shall make the remaining information available for inspection
7 and copying. Subject to this requirement, the following shall
8 be exempt from inspection and copying:

9 (a) Information specifically prohibited from
10 disclosure by federal or State law or rules and
11 regulations implementing federal or State law.

12 (b) Private information, unless disclosure is required
13 by another provision of this Act, a State or federal law,
14 or a court order.

15 (b-5) Files, documents, and other data or databases
16 maintained by one or more law enforcement agencies and
17 specifically designed to provide information to one or
18 more law enforcement agencies regarding the physical or
19 mental status of one or more individual subjects.

20 (c) Personal information contained within public
21 records, the disclosure of which would constitute a
22 clearly unwarranted invasion of personal privacy, unless
23 the disclosure is consented to in writing by the
24 individual subjects of the information. "Unwarranted
25 invasion of personal privacy" means the disclosure of
26 information that is highly personal or objectionable to a

1 reasonable person and in which the subject's right to
2 privacy outweighs any legitimate public interest in
3 obtaining the information. The disclosure of information
4 that bears on the public duties of public employees and
5 officials shall not be considered an invasion of personal
6 privacy.

7 (d) Records in the possession of any public body
8 created in the course of administrative enforcement
9 proceedings, and any law enforcement or correctional
10 agency for law enforcement purposes, but only to the
11 extent that disclosure would:

12 (i) interfere with pending or actually and
13 reasonably contemplated law enforcement proceedings
14 conducted by any law enforcement or correctional
15 agency that is the recipient of the request;

16 (ii) interfere with active administrative
17 enforcement proceedings conducted by the public body
18 that is the recipient of the request;

19 (iii) create a substantial likelihood that a
20 person will be deprived of a fair trial or an impartial
21 hearing;

22 (iv) unavoidably disclose the identity of a
23 confidential source, confidential information
24 furnished only by the confidential source, or persons
25 who file complaints with or provide information to
26 administrative, investigative, law enforcement, or

1 penal agencies; except that the identities of
2 witnesses to traffic crashes, traffic crash reports,
3 and rescue reports shall be provided by agencies of
4 local government, except when disclosure would
5 interfere with an active criminal investigation
6 conducted by the agency that is the recipient of the
7 request;

8 (v) disclose unique or specialized investigative
9 techniques other than those generally used and known
10 or disclose internal documents of correctional
11 agencies related to detection, observation, or
12 investigation of incidents of crime or misconduct, and
13 disclosure would result in demonstrable harm to the
14 agency or public body that is the recipient of the
15 request;

16 (vi) endanger the life or physical safety of law
17 enforcement personnel or any other person; or

18 (vii) obstruct an ongoing criminal investigation
19 by the agency that is the recipient of the request.

20 (d-5) A law enforcement record created for law
21 enforcement purposes and contained in a shared electronic
22 record management system if the law enforcement agency
23 that is the recipient of the request did not create the
24 record, did not participate in or have a role in any of the
25 events which are the subject of the record, and only has
26 access to the record through the shared electronic record

1 management system.

2 (d-6) Records contained in the Officer Professional
3 Conduct Database under Section 9.2 of the Illinois Police
4 Training Act, except to the extent authorized under that
5 Section. This includes the documents supplied to the
6 Illinois Law Enforcement Training Standards Board from the
7 Illinois State Police and Illinois State Police Merit
8 Board.

9 (d-7) Information gathered or records created from the
10 use of automatic license plate readers in connection with
11 Section 2-130 of the Illinois Vehicle Code.

12 (e) Records that relate to or affect the security of
13 correctional institutions and detention facilities.

14 (e-5) Records requested by persons committed to the
15 Department of Corrections, Department of Human Services
16 Division of Mental Health, or a county jail if those
17 materials are available in the library of the correctional
18 institution or facility or jail where the inmate is
19 confined.

20 (e-6) Records requested by persons committed to the
21 Department of Corrections, Department of Human Services
22 Division of Mental Health, or a county jail if those
23 materials include records from staff members' personnel
24 files, staff rosters, or other staffing assignment
25 information.

26 (e-7) Records requested by persons committed to the

1 Department of Corrections or Department of Human Services
2 Division of Mental Health if those materials are available
3 through an administrative request to the Department of
4 Corrections or Department of Human Services Division of
5 Mental Health.

6 (e-8) Records requested by a person committed to the
7 Department of Corrections, Department of Human Services
8 Division of Mental Health, or a county jail, the
9 disclosure of which would result in the risk of harm to any
10 person or the risk of an escape from a jail or correctional
11 institution or facility.

12 (e-9) Records requested by a person in a county jail
13 or committed to the Department of Corrections or
14 Department of Human Services Division of Mental Health,
15 containing personal information pertaining to the person's
16 victim or the victim's family, including, but not limited
17 to, a victim's home address, home telephone number, work
18 or school address, work telephone number, social security
19 number, or any other identifying information, except as
20 may be relevant to a requester's current or potential case
21 or claim.

22 (e-10) Law enforcement records of other persons
23 requested by a person committed to the Department of
24 Corrections, Department of Human Services Division of
25 Mental Health, or a county jail, including, but not
26 limited to, arrest and booking records, mug shots, and

1 crime scene photographs, except as these records may be
2 relevant to the requester's current or potential case or
3 claim.

4 (f) Preliminary drafts, notes, recommendations,
5 memoranda, and other records in which opinions are
6 expressed, or policies or actions are formulated, except
7 that a specific record or relevant portion of a record
8 shall not be exempt when the record is publicly cited and
9 identified by the head of the public body. The exemption
10 provided in this paragraph (f) extends to all those
11 records of officers and agencies of the General Assembly
12 that pertain to the preparation of legislative documents.

13 (g) Trade secrets and commercial or financial
14 information obtained from a person or business where the
15 trade secrets or commercial or financial information are
16 furnished under a claim that they are proprietary,
17 privileged, or confidential, and that disclosure of the
18 trade secrets or commercial or financial information would
19 cause competitive harm to the person or business, and only
20 insofar as the claim directly applies to the records
21 requested.

22 The information included under this exemption includes
23 all trade secrets and commercial or financial information
24 obtained by a public body, including a public pension
25 fund, from a private equity fund or a privately held
26 company within the investment portfolio of a private

1 equity fund as a result of either investing or evaluating
2 a potential investment of public funds in a private equity
3 fund. The exemption contained in this item does not apply
4 to the aggregate financial performance information of a
5 private equity fund, nor to the identity of the fund's
6 managers or general partners. The exemption contained in
7 this item does not apply to the identity of a privately
8 held company within the investment portfolio of a private
9 equity fund, unless the disclosure of the identity of a
10 privately held company may cause competitive harm.

11 Nothing contained in this paragraph (g) shall be
12 construed to prevent a person or business from consenting
13 to disclosure.

14 (h) Proposals and bids for any contract, grant, or
15 agreement, including information which if it were
16 disclosed would frustrate procurement or give an advantage
17 to any person proposing to enter into a contractor
18 agreement with the body, until an award or final selection
19 is made. Information prepared by or for the body in
20 preparation of a bid solicitation shall be exempt until an
21 award or final selection is made.

22 (i) Valuable formulae, computer geographic systems,
23 designs, drawings, and research data obtained or produced
24 by any public body when disclosure could reasonably be
25 expected to produce private gain or public loss. The
26 exemption for "computer geographic systems" provided in

1 this paragraph (i) does not extend to requests made by
2 news media as defined in Section 2 of this Act when the
3 requested information is not otherwise exempt and the only
4 purpose of the request is to access and disseminate
5 information regarding the health, safety, welfare, or
6 legal rights of the general public.

7 (j) The following information pertaining to
8 educational matters:

9 (i) test questions, scoring keys, and other
10 examination data used to administer an academic
11 examination;

12 (ii) information received by a primary or
13 secondary school, college, or university under its
14 procedures for the evaluation of faculty members by
15 their academic peers;

16 (iii) information concerning a school or
17 university's adjudication of student disciplinary
18 cases, but only to the extent that disclosure would
19 unavoidably reveal the identity of the student; and

20 (iv) course materials or research materials used
21 by faculty members.

22 (k) Architects' plans, engineers' technical
23 submissions, and other construction related technical
24 documents for projects not constructed or developed in
25 whole or in part with public funds and the same for
26 projects constructed or developed with public funds,

1 including, but not limited to, power generating and
2 distribution stations and other transmission and
3 distribution facilities, water treatment facilities,
4 airport facilities, sport stadiums, convention centers,
5 and all government owned, operated, or occupied buildings,
6 but only to the extent that disclosure would compromise
7 security.

8 (l) Minutes of meetings of public bodies closed to the
9 public as provided in the Open Meetings Act until the
10 public body makes the minutes available to the public
11 under Section 2.06 of the Open Meetings Act.

12 (m) Communications between a public body and an
13 attorney or auditor representing the public body that
14 would not be subject to discovery in litigation, and
15 materials prepared or compiled by or for a public body in
16 anticipation of a criminal, civil, or administrative
17 proceeding upon the request of an attorney advising the
18 public body, and materials prepared or compiled with
19 respect to internal audits of public bodies.

20 (n) Records relating to a public body's adjudication
21 of employee grievances or disciplinary cases; however,
22 this exemption shall not extend to the final outcome of
23 cases in which discipline is imposed.

24 (o) Administrative or technical information associated
25 with automated data processing operations, including, but
26 not limited to, software, operating protocols, computer

1 program abstracts, file layouts, source listings, object
2 modules, load modules, user guides, documentation
3 pertaining to all logical and physical design of
4 computerized systems, employee manuals, and any other
5 information that, if disclosed, would jeopardize the
6 security of the system or its data or the security of
7 materials exempt under this Section.

8 (p) Records relating to collective negotiating matters
9 between public bodies and their employees or
10 representatives, except that any final contract or
11 agreement shall be subject to inspection and copying.

12 (q) Test questions, scoring keys, and other
13 examination data used to determine the qualifications of
14 an applicant for a license or employment.

15 (r) The records, documents, and information relating
16 to real estate purchase negotiations until those
17 negotiations have been completed or otherwise terminated.
18 With regard to a parcel involved in a pending or actually
19 and reasonably contemplated eminent domain proceeding
20 under the Eminent Domain Act, records, documents, and
21 information relating to that parcel shall be exempt except
22 as may be allowed under discovery rules adopted by the
23 Illinois Supreme Court. The records, documents, and
24 information relating to a real estate sale shall be exempt
25 until a sale is consummated.

26 (s) Any and all proprietary information and records

1 related to the operation of an intergovernmental risk
2 management association or self-insurance pool or jointly
3 self-administered health and accident cooperative or pool.
4 Insurance or self-insurance (including any
5 intergovernmental risk management association or
6 self-insurance pool) claims, loss or risk management
7 information, records, data, advice, or communications.

8 (t) Information contained in or related to
9 examination, operating, or condition reports prepared by,
10 on behalf of, or for the use of a public body responsible
11 for the regulation or supervision of financial
12 institutions, insurance companies, or pharmacy benefit
13 managers, unless disclosure is otherwise required by State
14 law.

15 (u) Information that would disclose or might lead to
16 the disclosure of secret or confidential information,
17 codes, algorithms, programs, or private keys intended to
18 be used to create electronic signatures under the Uniform
19 Electronic Transactions Act.

20 (v) Vulnerability assessments, security measures, and
21 response policies or plans that are designed to identify,
22 prevent, or respond to potential attacks upon a
23 community's population or systems, facilities, or
24 installations, but only to the extent that disclosure
25 could reasonably be expected to expose the vulnerability
26 or jeopardize the effectiveness of the measures, policies,

1 or plans, or the safety of the personnel who implement
2 them or the public. Information exempt under this item may
3 include such things as details pertaining to the
4 mobilization or deployment of personnel or equipment, to
5 the operation of communication systems or protocols, to
6 cybersecurity vulnerabilities, or to tactical operations.

7 (w) (Blank).

8 (x) Maps and other records regarding the location or
9 security of generation, transmission, distribution,
10 storage, gathering, treatment, or switching facilities
11 owned by a utility, by a power generator, or by the
12 Illinois Power Agency.

13 (y) Information contained in or related to proposals,
14 bids, or negotiations related to electric power
15 procurement under Section 1-75 of the Illinois Power
16 Agency Act and Section 16-111.5 of the Public Utilities
17 Act that is determined to be confidential and proprietary
18 by the Illinois Power Agency or by the Illinois Commerce
19 Commission.

20 (z) Information about students exempted from
21 disclosure under Section 10-20.38 or 34-18.29 of the
22 School Code, and information about undergraduate students
23 enrolled at an institution of higher education exempted
24 from disclosure under Section 25 of the Illinois Credit
25 Card Marketing Act of 2009.

26 (aa) Information the disclosure of which is exempted

1 under the Viatical Settlements Act of 2009.

2 (bb) Records and information provided to a mortality
3 review team and records maintained by a mortality review
4 team appointed under the Department of Juvenile Justice
5 Mortality Review Team Act.

6 (cc) Information regarding interments, entombments, or
7 inurnments of human remains that are submitted to the
8 Cemetery Oversight Database under the Cemetery Care Act or
9 the Cemetery Oversight Act, whichever is applicable.

10 (dd) Correspondence and records (i) that may not be
11 disclosed under Section 11-9 of the Illinois Public Aid
12 Code or (ii) that pertain to appeals under Section 11-8 of
13 the Illinois Public Aid Code.

14 (ee) The names, addresses, or other personal
15 information of persons who are minors and are also
16 participants and registrants in programs of park
17 districts, forest preserve districts, conservation
18 districts, recreation agencies, and special recreation
19 associations.

20 (ff) The names, addresses, or other personal
21 information of participants and registrants in programs of
22 park districts, forest preserve districts, conservation
23 districts, recreation agencies, and special recreation
24 associations where such programs are targeted primarily to
25 minors.

26 (gg) Confidential information described in Section

1 1-100 of the Illinois Independent Tax Tribunal Act of
2 2012.

3 (hh) The report submitted to the State Board of
4 Education by the School Security and Standards Task Force
5 under item (8) of subsection (d) of Section 2-3.160 of the
6 School Code and any information contained in that report.

7 (ii) Records requested by persons committed to or
8 detained by the Department of Human Services under the
9 Sexually Violent Persons Commitment Act or committed to
10 the Department of Corrections under the Sexually Dangerous
11 Persons Act if those materials: (i) are available in the
12 library of the facility where the individual is confined;
13 (ii) include records from staff members' personnel files,
14 staff rosters, or other staffing assignment information;
15 or (iii) are available through an administrative request
16 to the Department of Human Services or the Department of
17 Corrections.

18 (jj) Confidential information described in Section
19 5-535 of the Civil Administrative Code of Illinois.

20 (kk) The public body's credit card numbers, debit card
21 numbers, bank account numbers, Federal Employer
22 Identification Number, security code numbers, passwords,
23 and similar account information, the disclosure of which
24 could result in identity theft or impression or defrauding
25 of a governmental entity or a person.

26 (ll) Records concerning the work of the threat

1 assessment team of a school district, including, but not
2 limited to, any threat assessment procedure under the
3 School Safety Drill Act and any information contained in
4 the procedure.

5 (mm) Information prohibited from being disclosed under
6 subsections (a) and (b) of Section 15 of the Student
7 Confidential Reporting Act.

8 (nn) Proprietary information submitted to the
9 Environmental Protection Agency under the Drug Take-Back
10 Act.

11 (oo) Records described in subsection (f) of Section
12 3-5-1 of the Unified Code of Corrections.

13 (pp) Any and all information regarding burials,
14 interments, or entombments of human remains as required to
15 be reported to the Department of Natural Resources
16 pursuant either to the Archaeological and Paleontological
17 Resources Protection Act or the Human Remains Protection
18 Act.

19 (qq) Reports described in subsection (e) of Section
20 16-15 of the Abortion Care Clinical Training Program Act.

21 (rr) Information obtained by a certified local health
22 department under the Access to Public Health Data Act.

23 (ss) For a request directed to a public body that is
24 also a HIPAA-covered entity, all information that is
25 protected health information, including demographic
26 information, that may be contained within or extracted

1 from any record held by the public body in compliance with
2 State and federal medical privacy laws and regulations,
3 including, but not limited to, the Health Insurance
4 Portability and Accountability Act and its regulations, 45
5 CFR Parts 160 and 164. As used in this paragraph,
6 "HIPAA-covered entity" has the meaning given to the term
7 "covered entity" in 45 CFR 160.103 and "protected health
8 information" has the meaning given to that term in 45 CFR
9 160.103.

10 (tt) Proposals or bids submitted by engineering
11 consultants in response to requests for proposal or other
12 competitive bidding requests by the Department of
13 Transportation or the Illinois Toll Highway Authority.

14 (uu) Confidential information described in subsection
15 (e) of Section 15 of the Paid Family and Medical Leave
16 Insurance Program Act.

17 (1.5) Any information exempt from disclosure under the
18 Judicial Privacy Act shall be redacted from public records
19 prior to disclosure under this Act.

20 (2) A public record that is not in the possession of a
21 public body but is in the possession of a party with whom the
22 agency has contracted to perform a governmental function on
23 behalf of the public body, and that directly relates to the
24 governmental function and is not otherwise exempt under this
25 Act, shall be considered a public record of the public body,
26 for purposes of this Act.

1 (3) This Section does not authorize withholding of
2 information or limit the availability of records to the
3 public, except as stated in this Section or otherwise provided
4 in this Act.

5 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
6 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
7 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
8 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
9 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
10 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
11 eff. 7-1-24; 103-865, eff. 1-1-25.)

12 Section 905. The State Finance Act is amended by adding
13 Section 5.1030 as follows:

14 (30 ILCS 105/5.1030 new)

15 Sec. 5.1030. The Paid Family and Medical Leave Insurance
16 Program Fund.

17 Section 999. Effective date. This Act takes effect upon
18 becoming law.