



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1530

Introduced 1/31/2023, by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.990 new

Creates the Family and Medical Leave Insurance Program Act. Requires the Department of Employment Security to establish and administer a Family and Medical Leave Insurance Program that provides family and medical leave insurance benefits to eligible employees. Sets forth eligibility requirements for benefits under the Act. Contains provisions concerning disqualification from benefits; premium payments; the amount and duration of benefits; the recovery of erroneous payments; hearings; defaulted premium payments; elective coverage; employment protection; coordination of family and medical leave; defined terms; and other matters. Amends the State Finance Act. Creates the Family and Medical Leave Insurance Account Fund. Provides phase-in periods for the collection of money and making of claims for benefits under the Act. Effective January 1, 2024.

LRB103 26031 SPS 52386 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 Family  
5 and Medical Leave Insurance Act.

6 Section 5. Declaration of policy and intent. Many workers  
7 do not have access to family and medical leave programs, those  
8 who do may not be in a financial position to take family or  
9 medical leave that is unpaid, and employer-paid benefits meet  
10 only a relatively small part of this need. It is the public  
11 policy of this State to protect working individuals and their  
12 families against the economic hardship caused by the need to  
13 take time off from work to care for themselves or family  
14 members who are suffering from a serious illness, for a  
15 newborn or a newly adopted or foster child, for pregnancy and  
16 related conditions, for the health and caregiving needs of  
17 military families, or to cope with domestic and sexual  
18 violence.

19 The disparities for access to and the need for leave cut  
20 across income and other demographics. Higher income workers  
21 have greater access to paid leave than lower income workers;  
22 women workers have higher rates of unmet need for leave than  
23 men; Black, Asian American, Pacific Islander, and Native

1 American workers have higher rates of unmet need for leave  
2 than white workers; and Hispanic workers are less likely than  
3 non-Hispanic workers to have access to paid leave in the first  
4 place.

5 Moreover, in 73% of all Illinois households with children,  
6 more than 2,000,000 homes, all parents have paying jobs.  
7 Illinois mothers are key family breadwinners in 84% of black  
8 families, 49% of Latinx families, and 48% of white families.  
9 While women make up half of the workforce, they are  
10 responsible for the majority of unpaid family household and  
11 care work, which has a significant impact on their health and  
12 well-being. Maintaining an attachment to the workforce is  
13 vital to women's economic stability; an employment gap of just  
14 one year leads to a 39% decrease in annual earnings, and that  
15 disparity increases over time. With the demographic shift  
16 toward an aging population, the need for family caregiving  
17 continues to grow. In less than 15 years, the share of the  
18 State's population of individuals aged 65 and over will grow  
19 by one-third. If any of these women take unpaid leave, her  
20 whole family, and Illinois, suffers.

21 The United States is the only industrialized nation in the  
22 world that does not have a mandatory workplace-based program  
23 for such income support. The negative economic impact on  
24 families and our economy is real. A U.S. Department of Labor  
25 report indicates if women participated in the labor force at  
26 the same rate as women in countries with paid leave, our

1 economy would benefit from more than \$500 billion in  
2 additional economic activity.

3 Providing parents and caregivers with paid leave from work  
4 to care for their infants and young children is critical to the  
5 healthy development of children and families. Attentive and  
6 consistent relationships between very young children and their  
7 families help children develop the ability to learn, to form  
8 positive relationships, and to exercise self-control. Without  
9 paid family and medical leave, most families are forced to  
10 choose between caring for their children and their economic  
11 security.

12 The majority of Illinois small business owners and  
13 entrepreneurs support a State-administered paid family and  
14 medical leave program as it ensures economic security,  
15 strengthens business recruitment and retention of employees,  
16 and mitigates the loss of income for small business owners,  
17 which comprise over 90% of businesses in the United States,  
18 including the self-employed and businesses with under 10  
19 employees.

20 It is therefore desirable and necessary to develop systems  
21 that help individuals and families adapt to the competing  
22 interests of work and home, which not only benefit workers,  
23 but also benefit employers by reducing employee turnover and  
24 increasing worker productivity.

25 It is the intent of the General Assembly to create a family  
26 and medical leave program to relieve the serious menace to

1 health, morals, and welfare of Illinois families, to increase  
2 workplace productivity, and to alleviate the enormous and  
3 growing stress on working families of balancing the demands of  
4 work and family needs. It is the intent of the General Assembly  
5 that this Act shall be liberally construed in favor of  
6 providing workers with the greatest amount of paid family and  
7 medical leave coverage, benefits, and employment security.

8 Section 10. Definitions. In this Act:

9 (1) "Average weekly wage" means the amount derived by  
10 dividing by 12 an employee's total earnings, including wages,  
11 gratuities, bonuses, commissions, and any other compensation  
12 that constitutes remuneration, earned during the quarter with  
13 the highest earnings in the applicable benefit year, or the  
14 amount derived by dividing by 12 an employee's total earnings,  
15 including wages, gratuities, bonuses, commissions, and any  
16 other compensation that constitutes remuneration, to fulfill a  
17 contract for a covered business entity, earned in the quarter  
18 with the highest earnings in the applicable benefit year, or  
19 for individuals not currently employed or under contract, the  
20 amount derived by dividing by 12 of an individual's total  
21 earnings, including wages, gratuities, bonuses, commissions,  
22 and any other compensation that constitutes remuneration,  
23 earned during the quarter with the highest earnings earned in  
24 the 4 quarters prior to the last day of employment or end of  
25 contract.

1           (2) "Benefit year" means the period of 52 consecutive  
2 weeks beginning on the Sunday immediately preceding the first  
3 day that family and medical leave under this Act commences for  
4 the covered individual.

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

9           (4) "Child" means a biological, adopted, or foster child,  
10 a stepchild, grandchild, or legal ward, or a child for whom an  
11 employee stands in loco parentis, a person to whom the  
12 employee stood in loco parentis when the person was a minor  
13 child, a child of the spouse of an employee, or a child of a  
14 party to a civil union or legal guardianship, or any other  
15 individual whose close association with the employee is the  
16 equivalent of a child as determined by the employee,  
17 regardless of age or dependency status.

18           (5) "Civil union" means a civil union as defined in the  
19 Illinois Religious Freedom Protection and Civil Union Act.

20           (6) "Consecutive leave" means leave that is taken without  
21 interruption based upon an employee's regular work schedule or  
22 contract and does not include breaks in employment in which an  
23 employee is not regularly scheduled to work. For example, when  
24 an employee is normally scheduled to work from September  
25 through June and is not scheduled to work during July and  
26 August, a leave taken continuously during May, June, and

1 September shall be considered a consecutive leave.

2 (7) "Contributions" or "premiums" means the payments made  
3 by an employer, a covered business entity, or a self-employed  
4 individual to the Family and Medical Leave Insurance Fund, as  
5 required by this Act.

6 (8) "Covered business entity" means a business or trade  
7 that contracts with one or more individuals for services and  
8 is required to report the payment of services to such  
9 individuals on IRS Form 1099-MISC or IRS Form 1099-K for more  
10 than 25% of its Illinois workforce. Such individuals are  
11 included in the covered business entity's workforce if the  
12 contracts for services include, but are not limited to, oral  
13 or written contracts, and services arranged through  
14 application software designed to run on smartphones and other  
15 mobile devices and software designed to run inside a web  
16 browser. Covered business entities and individuals who  
17 contract for services with covered business entities are  
18 considered employers or employees where the context dictates.

19 (9) "Covered individual" means either:

20 (A) an individual who is or has been employed by any  
21 combination of employers in the State of Illinois and  
22 meets the financial eligibility requirements of subsection  
23 (f) of Section 20;

24 (B) a self-employed individual who has: (i) elected  
25 coverage under Section 25 and (ii) reported earnings to  
26 the Illinois Department of Revenue from self-employment

1 that meet the financial eligibility requirements of  
2 subsection (f) of Section 20, as if the individual were an  
3 employee;

4 (C) an individual who contracts for services with a  
5 covered business entity;

6 (D) a domestic worker; or

7 (E) a former employee, self-employed individual,  
8 individual who contracts for services with a covered  
9 business entity, or a domestic worker, and has:

10 (i) met the financial eligibility requirements of  
11 subsection (f) of Section 20 at the time of separation  
12 from employment or the end of a contract; and

13 (ii) been separated from employment or the end of  
14 a contract for not more than 52 weeks at the start of  
15 the family or medical leave taken by the former  
16 employee, self-employed individual, individual who  
17 contracts for services with a covered business entity,  
18 or is a domestic worker.

19 A covered individual is considered to be employed in the  
20 State of Illinois if: (i) the individual works in Illinois;  
21 (ii) the individual performs some work in Illinois and the  
22 employer's base of operations or the place from which the work  
23 is directed and controlled is in Illinois; or (iii) the base of  
24 operations or place from which the work is directed or  
25 controlled is not in any state in which some part of the work  
26 is performed, but the individual's residence is in this State.



1           (10) "Department" means the Department of Employment  
2 Security.

3           (11) "Director" means the Director of Employment Security  
4 and any transaction or exercise of authority by the Director  
5 shall be deemed to be performed by the Department.

6           (12) "Domestic or sexual violence" means domestic  
7 violence, sexual assault, or stalking.

8           (13) "Domestic violence" means abuse, as defined in  
9 Section 103 of the Illinois Domestic Violence Act of 1986, by a  
10 family or household member, as defined in Section 103 of the  
11 Illinois Domestic Violence Act of 1986, or as defined in this  
12 Act.

13           (14) "Domestic worker" has the meaning set forth in  
14 Section 10 of the Domestic Workers' Bill of Rights. "Domestic  
15 worker" also includes independent contractors, sole  
16 proprietors, and partnerships who engage in "domestic work",  
17 as defined in Section 10 of the Domestic Workers' Bill of  
18 Rights Act.

19           (14) "Employ" means to suffer or permit to work.

20           (15) "Employee" means any individual or person who works  
21 for an employer for wage, remuneration, or other compensation,  
22 and works any number of hours, whether full-time or part-time  
23 or on a temporary or contingent basis, and any individual who  
24 contracts for services with a covered business entity or is a  
25 domestic worker. Except for individuals or persons that  
26 contract for services with a covered business entity or

1 domestic workers who contract for services, "employee" does  
2 not include any individual:

3 (A) who has been and will continue to be free from  
4 control and direction over the performance of the  
5 individual's work, both under the individual's contract of  
6 service with the individual's employer and in fact; and

7 (B) who performs work which is either outside the  
8 usual course of business or is performed outside all of  
9 the places of business of the employer unless the employer  
10 is in the business of contracting with third parties for  
11 the placement of employees; and

12 (C) who is in an independently established trade,  
13 occupation, profession or business.

14 (16) "Employer" means any individual, person, partnership,  
15 association, limited liability company, trust, estate,  
16 joint-stock company, insurance company, employment and labor  
17 placement agency, or business where wages are made directly or  
18 indirectly by the agency or business for work undertaken by  
19 the employee under hire to a third party pursuant to a contract  
20 between the agency or business with the third party, or  
21 corporation, whether domestic or foreign, or the receiver,  
22 trustee in bankruptcy, trustee, or person that has in its  
23 employ one or more employees performing services for it.  
24 "Employer" also includes any employer subject to the  
25 Unemployment Insurance Act and any business or trade defined  
26 as a covered business entity in this Act. All employees

1 performing services within this State for any employing unit  
2 that maintains 2 or more separate establishments within this  
3 State shall be deemed to be employed by a single employing unit  
4 for all purposes of this Act.

5 (17) "Employment benefits" means all benefits provided or  
6 made available to employees by an employer, including, but not  
7 limited to, life insurance, health insurance, disability  
8 insurance, sick leave, annual or vacation leave, paid time  
9 off, educational benefits, and pensions.

10 (18) "Family member" means an employee's child, spouse or  
11 party to a civil union or legal guardianship, parent,  
12 grandparent, grandchild, sibling, or any other individual  
13 related by blood, marriage, or civil union, or whose close  
14 relationship with the employee is the equivalent of a family  
15 relationship as determined by the employee.

16 (19) "Family and medical leave" means leave taken by a  
17 covered individual:

18 (A) to participate in the providing of care for a  
19 family member of the covered individual made necessary by  
20 a serious health condition of the family member;

21 (B) to be with a child during the first 12 months after  
22 the child's birth, the first 12 months after the placement  
23 of the child for adoption or foster care, the first 12  
24 months after the child becomes a legal ward, or the first  
25 12 months after in loco parentis status of the child is  
26 acquired;

1 (C) for the covered individual's own serious health  
2 condition, including, but not limited to, conditions in  
3 connection with pregnancy, recovery from childbirth,  
4 related conditions even though the covered individual does  
5 not receive treatment from a health care provider during  
6 the absence, including, but not limited to, absence due to  
7 morning sickness, a physical limitation arising from  
8 pregnancy, or exposure to chemicals or hazardous material  
9 that may be harmful, or any related condition;

10 (D) because of any qualifying exigency arising out of  
11 the fact that a family member is on active duty (or has  
12 been notified of an impending call or order to active  
13 duty) in the Armed Forces of the United States;

14 (E) because the covered individual's or the covered  
15 individual's family member is the victim of domestic or  
16 sexual violence and the covered individual requests leave  
17 because the victim is: (i) experiencing or has experienced  
18 an incident of or ongoing domestic or sexual violence;  
19 (ii) seeking medical attention for, or recovering from,  
20 physical, emotional, or psychological injuries caused by  
21 domestic or sexual violence; (iii) obtaining services from  
22 a victim services organization; (iv) obtaining  
23 psychological or other counseling; (v) participating in  
24 safety planning, temporarily or permanently relocating, or  
25 taking other actions to increase the safety of the victim  
26 or the victim's family members from future domestic or

1 sexual violence to ensure safety or economic security; or  
2 (vi) seeking legal assistance or remedies to ensure the  
3 health and safety of the victim or the victim's family  
4 members, including preparing for or participating in any  
5 civil or criminal legal proceeding related to or derived  
6 from domestic or sexual violence;

7 (F) when a public health emergency or other disaster,  
8 as defined in the Disaster Relief Act or Section 11 of the  
9 Illinois Emergency Management Agency Act, has been  
10 declared by a municipal, State, or federal official, and  
11 until 10 weeks following the official termination or  
12 suspension of the public health emergency or other  
13 disaster, leave under this Act shall be implemented. Such  
14 leave shall be provided for any reason related to a public  
15 health emergency or other disaster, including, but not  
16 limited to:

17 (i) the covered individual is subject to an  
18 individual or general federal, State, or local  
19 quarantine or isolation order related to a public  
20 health emergency or other disaster;

21 (ii) the covered individual has been advised by a  
22 health care provider to self-quarantine, or is  
23 otherwise under quarantine, including self-imposed  
24 quarantine, due to concerns related to a public health  
25 emergency or other disaster;

26 (iii) the employee is experiencing symptoms

1 related to a public health emergency or other disaster  
2 and is seeking a medical diagnosis;

3 (iv) the covered individual is seeking preventive  
4 care or other care or treatment related to a public  
5 health emergency or other disaster;

6 (v) the covered individual is caring for a family  
7 member who is subject to an order described in clause  
8 (i), has been advised as described in clause (ii), is  
9 experiencing symptoms or seeking preventive care as  
10 described in clause (iii) or clause (iv), or whose  
11 caregiving facility or caregiver is partially or  
12 completely unavailable due to precautions related to a  
13 public health emergency or other disaster;

14 (vi) the covered individual is caring for a child  
15 of such covered individual if the school or place of  
16 the care of the child has been partially or completely  
17 closed, or the child care provider of such child is  
18 partially or completely unavailable due to precautions  
19 related to a public health emergency or other  
20 disaster, including when the school or place of care  
21 is (I) is physically closed but providing virtual  
22 learning instruction; (II) requires or makes optional  
23 virtual learning instruction; or (III) requires or  
24 makes available a hybrid of in-person and virtual  
25 learning instruction models;

26 (vii) the covered individual is experiencing any

1 other substantially similar condition specified by a  
2 federal, State, or local government public health or  
3 other official;

4 (viii) the covered individual's hours of work have  
5 been reduced, the covered individual has been  
6 furloughed, the covered individual has been terminated  
7 from employment, or the covered individual's contract  
8 for services has terminated; or

9 (ix) the employer is not following the recommended  
10 health and safety guidance issued by a federal, State,  
11 or local public official related to a public health  
12 emergency or other disaster; or

13 (G) To care for a child if the child's school or place  
14 of care has been partially or completely closed or if the  
15 childcare provider is partially or completely unavailable  
16 to provide for the child's well-being.

17 "Family and medical leave" does not include any period of  
18 time during which a covered individual is paid benefits  
19 pursuant to the Workers' Compensation Act because the covered  
20 individual is unable to perform the duties of the covered  
21 individual's employment due to the covered individual's own  
22 disability or paid benefits pursuant to the Unemployment  
23 Insurance Act.

24 (20) "Family and medical leave benefits" means any  
25 payments that are payable to an individual for all or part of a  
26 period of family and medical leave.

1           (21) "Health care provider" means any person licensed  
2 under federal, State, or local law, or the laws of a foreign  
3 nation, to provide health care services, any other person who  
4 has been authorized to provide health care by a licensed  
5 health care provider, or any other individual determined by  
6 the Department to be capable of providing health care  
7 services.

8           (22) "Intermittent leave" means a nonconsecutive leave  
9 consisting of intervals, each of which is at least one day  
10 within a consecutive 12-month period.

11           (23) "Parent" means a biological parent, foster parent,  
12 adoptive parent, stepparent, or parent-in-law of the covered  
13 individual or a person who is or was a legal guardian of, or  
14 who stood in loco parentis to, the covered individual when the  
15 covered individual was a child, or any other individual whose  
16 close association with the covered individual is the  
17 equivalent of a parent as determined by the covered  
18 individual.

19           (24) "Placement for adoption" means the time when a  
20 covered individual adopts a child or becomes responsible for a  
21 child pending adoption by the covered individual or the  
22 covered individual's family member.

23           (25) "Qualifying exigency" means a need arising out of a  
24 covered individual's family member's active duty service or  
25 notice of an impending call or order to active duty in the  
26 Armed Forces, including, but not limited to, providing for the



1 care or other needs of the military member's family member,  
2 making financial or legal arrangements for the military  
3 member, attending counseling, attending military events or  
4 ceremonies, spending time with the military member during a  
5 rest and recuperation leave or following return from  
6 deployment or making arrangements following the death of the  
7 military member. "Armed Forces" includes the Army, Navy, Air  
8 Force, Marine Corps, Coast Guard, and National Guard or  
9 Reserves.

10 (26) "Self-employed individual" means a sole proprietor  
11 that meets the specifications under the definition of the term  
12 "employee", a member of a limited liability company or limited  
13 liability partnership, or an individual who resides in  
14 Illinois and whose net profit or loss from a business is  
15 required to be reported to the Illinois Department of Revenue.

16 (27) "Serious health condition" means an illness, injury,  
17 impairment, or physical or mental condition that requires  
18 inpatient care in a hospital, hospice, or residential medical  
19 care facility or continuing medical treatment, counseling, or  
20 continuing supervision by a health care provider or victim  
21 services organization. "Serious health condition" includes,  
22 but is not limited to, conditions in connection with  
23 pregnancy, recovery from childbirth, or any related condition.

24 (28) "Sexual assault" means any conduct proscribed by: (i)  
25 Article 11 of the Criminal Code of 2012 except Sections 11-35  
26 and 11-45; or (ii) Sections 12-13, 12-14, 12-14.1, 12-15, and

1 12-16 of the Criminal Code of 2012.

2 (29) "Stalking" means any conduct proscribed by the  
3 Criminal Code of 2012 in Sections 12-7.3, 12-7.4, and 12-7.5.

4 (30) "Statewide average weekly wage" means the wage  
5 determined by the Department of Employment Security pursuant  
6 to paragraph 2 of subsection B of Section 401 of the  
7 Unemployment Insurance Act.

8 (31) "12-month period" means, with respect to an employee  
9 who establishes a valid claim for family and medical leave  
10 benefits during a period of family and medical leave, the 365  
11 consecutive days that begin with the first day that the  
12 employee first establishes the claim.

13 (32) "Fund" means the Family and Medical Leave Insurance  
14 Fund established in Section 35.

15 (33) "Victim" or "survivor" means an individual who has  
16 been subjected to domestic or sexual violence.

17 (34) "Victim services organization" means a nonprofit,  
18 nongovernmental organization that provides assistance to  
19 victims of domestic or sexual violence, including rape crisis  
20 centers, organizations carrying out a domestic violence  
21 program, organizations operating a shelter or providing  
22 counseling services, or a legal services organization or other  
23 organization providing assistance through the legal process.

24 (35) "Wages" means any remuneration owed an individual  
25 pursuant to employment, an employment contract or agreement  
26 between 2 or more parties or a contract for services with a

1 covered business entity, whether paid directly or indirectly,  
2 including, but not limited to, salaries, commissions,  
3 gratuities, and bonuses, and reasonable cash value of board,  
4 rent, housing, lodging, payment in kind and all remuneration  
5 paid in any medium other than cash, and whether the amount is  
6 determined on a time, task, piece, or any other basis of  
7 calculation.

8 (36) "Weekly benefit amount" means the amount of wage  
9 replacement paid to a covered individual on a weekly basis  
10 while the covered individual is on family and medical leave,  
11 as provided in Section 40.

12 Section 15. Family and medical leave insurance program.

13 (a) The Department shall establish and administer a family  
14 and medical leave insurance program.

15 (b) The Department shall establish procedures and forms  
16 for filing claims for benefits under this Act.

17 (c) The Department shall use information sharing and  
18 integration technology to facilitate the disclosure of  
19 relevant information or records by the Department.

20 (d) Information contained in the files and records  
21 pertaining to an employee, an individual who contracts for  
22 services with a covered business entity, a self-employed  
23 individual, any covered individual under this Act, or a family  
24 member of such individual is confidential and not open to  
25 inspection other than by public employees in the performance

1 of their official duties. However, the employee, an individual  
2 who contracts for services with a covered business entity, a  
3 self-employed individual, a covered individual, or an  
4 authorized representative of an employee, an individual who  
5 contracts for services with a covered business entity,  
6 self-employed individual, or covered individual may review the  
7 records or receive specific information from the records on  
8 the presentation of the signed authorization of the employee,  
9 individual who contracts for services with a covered business  
10 entity, the self-employed individual, or the covered  
11 individual. An employer, covered business entity, or the  
12 employer's or covered business entity's duly authorized  
13 representative may review the records of an employee employed  
14 by the employer, individual who contracts for services with a  
15 covered business entity, or self-employed individual in  
16 connection with a pending claim, with the exception of any  
17 protected health information provided to the Department by an  
18 entity covered by the Health Insurance Portability and  
19 Accountability Act or information related to a use of leave  
20 authorized under paragraph (E) of item (19) of Section 10. At  
21 the Department's discretion, other persons may review records  
22 when such persons are rendering assistance to the Department  
23 at any stage of the proceedings on any matter pertaining to the  
24 administration of this Act. An employer and a covered business  
25 entity must keep at its place of business for not less than 5  
26 years from the date of a request for leave records from which

1 the information needed by the Department for purposes of this  
2 Act may be obtained. The records shall at all times be open to  
3 the inspection of the Department pursuant to rules adopted by  
4 the Department. An employer or covered business entity subject  
5 to any provision of this Act shall make and preserve records  
6 that document the name, address, and occupation of each  
7 employee, individual who contracts for services with a covered  
8 business entity, or domestic worker, the wages and any other  
9 compensation paid, benefits provided, and contract for  
10 services for each employee, individual with a contract for  
11 services with a covered business entity, or domestic worker,  
12 and any other information the Director may by rule deem  
13 necessary and appropriate for enforcement of this Act. An  
14 employer or covered business entity subject to any provision  
15 of this Act shall preserve those records for a period of not  
16 less than 5 years and shall make reports from the records as  
17 prescribed by rule or order of the Director, unless the  
18 records relate to an ongoing investigation or enforcement  
19 action under this Act, in which case the records must be  
20 maintained until their destruction is authorized by the  
21 Department or by court order.

22 (e) The Department shall develop and implement an outreach  
23 program to ensure that individuals who may be eligible to  
24 receive family and medical leave benefits under this Act are  
25 made aware of these benefits. Outreach information shall  
26 explain, in an easy-to-understand format, eligibility

1 requirements, the claims process, weekly benefit amounts,  
2 maximum benefits payable, notice requirements, reinstatement  
3 and nondiscrimination rights, confidentiality, and  
4 coordination of leave under this Act and other laws,  
5 collective bargaining agreements, and employer and covered  
6 business entity policies. Outreach information shall be  
7 available in English, Spanish, Polish, Russian, Tagalog,  
8 Mandarin, and in other languages that are spoken as a primary  
9 language by a significant portion of the State's population,  
10 as determined by the Department.

11 (f) An employee, individual who contracts for services  
12 with a covered business entity, or domestic worker may make a  
13 claim for benefits under this Act on and after January 1 of the  
14 year one year after the Department begins collecting employer  
15 and covered business entity premium contributions under this  
16 Act.

17 Section 20. Eligibility for benefits.

18 (a) The Department may require that a claim for family and  
19 medical leave benefits under this Act be supported by a  
20 certification. For a claim for family and medical leave under  
21 paragraph (A), (B), or (C) of item (19) of Section 10, the  
22 certification shall be issued by a health care provider of the  
23 employee's, the individual who contracts for services for a  
24 covered business entity's, or the covered individual's  
25 choosing who is providing care to the employee or the

1 employee's family member if applicable or the individual who  
2 contracts for services with a covered business entity or such  
3 individual's family member if applicable, or covered  
4 individual or the covered individual's family member, however,  
5 for a claim under paragraph (C) for leave for conditions in  
6 connection with pregnancy, recovery after childbirth, or any  
7 related conditions, leave shall be granted even though the  
8 covered individual does not receive treatment from a health  
9 care provider during the absence. For a claim for family and  
10 medical leave because of a qualifying exigency under paragraph  
11 (D), documentation shall be sufficient if it includes: (i) a  
12 copy of the family member's active duty orders; (ii) other  
13 documentation issued by the Armed Forces; or (iii) other  
14 documentation permitted by the Department. For a claim for  
15 family and medical leave under paragraph (E) of item (19) of  
16 Section 10, any one of the following is acceptable for  
17 certification, and only one of the following documents shall  
18 be required: a police report, court document, document issued  
19 by a healthcare provider, or a signed statement from an  
20 attorney, a member of the clergy, or a victim services  
21 organization or advocate. It is up to the employee, individual  
22 who contracts for services with a covered business entity, or  
23 covered individual to determine which documentation to submit.  
24 If documentation has been submitted, the Department or the  
25 employer or covered business entity shall not request or  
26 require any other documentation if the reason for the initial

1 or subsequent claims for family and medical leave is related  
2 to the same incident of violence or the same perpetrator of the  
3 violence. For leave under paragraphs (F) and (G) of item (19)  
4 of Section 10, a statement signed by the covered individual is  
5 acceptable documentation for certification.

6 (b) The eligibility for benefits of an employee, an  
7 individual who contracts with a covered business entity, or a  
8 domestic worker is not affected by a strike or lockout at the  
9 factory, establishment, or other premises at which the  
10 employee is or was last employed.

11 (c) An employee, individual who contracts for services  
12 with a covered business entity, or domestic worker who has  
13 received benefits under this Act may not lose any other  
14 employment benefits, including seniority or pension rights,  
15 accrued before the date that family and medical leave  
16 commenced. The employer or covered business entity shall  
17 maintain during any period of family and medical leave taken  
18 the health benefits of the employee and, if applicable, the  
19 dependents of the employee, the individual who contracts for  
20 services with a covered business entity, or the domestic  
21 worker in force at the time a request for family and medical  
22 leave was made, for the duration of such leave as if the  
23 employee, individual who contracts for services with a covered  
24 business entity, or domestic worker had continued to work from  
25 the date the employee, individual who contracts for services  
26 with a covered business entity, or domestic worker commenced



1 the family and medical leave until the date the employee,  
2 individual who contracts for services with a covered business  
3 entity, or domestic worker returns to work. However, this  
4 Section does not entitle an employee, individual who contracts  
5 for services with a covered business entity, or domestic  
6 worker to accrue employment benefits during a period of family  
7 and medical leave or to a right, benefit, or position of  
8 employment other than a right, benefit, or position to which  
9 the employee, individual who contract for services with a  
10 covered business entity, or domestic worker would have been  
11 entitled had the employee, individual who contracts for  
12 services with a covered business entity, or domestic worker  
13 not taken family and medical leave.

14 (d) This Act does not diminish an employer's or covered  
15 business entity's obligation to comply with a collective  
16 bargaining agreement or an employment benefits program or plan  
17 that provides greater benefits to employees, individuals who  
18 contract for services with a covered business entity, or  
19 domestic workers than the benefits provided under this Act.

20 (e) An agreement by an employee, individual who contracts  
21 for services with a covered business entity, or domestic  
22 worker to waive the rights of the employee, individual who  
23 contracts for services with a covered business entity, or  
24 domestic worker under this Section is void as contrary to  
25 public policy. The benefits under this Act may not be  
26 diminished by a collective bargaining agreement or another

1 employment benefits program or plan entered into or renewed  
2 after the effective date of this Act.

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

22 Section 25. Elective coverage; self-employed.

23 (a) For benefits payable beginning January 1, 2025, any  
24 self-employed person, including a sole proprietor, independent  
25 contractor, partner, or joint venturer, who has

1 self-employment income for work performed in Illinois in  
2 accordance with the definition of covered individual under  
3 item (9) of Section 10 may elect coverage for an initial period  
4 of not less than 3 years and subsequent periods of not less  
5 than one year immediately following a period of coverage.  
6 Those electing coverage under this Act are responsible for  
7 payment of 100% of all premiums assessed to any employer under  
8 this Act. The self-employed person must file a notice of  
9 election in writing with the Department in a manner as  
10 required by the Department by rule.

11 (b) A self-employed person who has elected coverage may  
12 withdraw from coverage within 30 days after the end of each  
13 period of coverage, or at such other times as the Department  
14 may adopt by rule, by filing a notice of withdrawal in writing  
15 with the Department, such withdrawal to take effect not sooner  
16 than 30 days after the filing the notice with the Department.

17 (c) The Department may cancel elective coverage if the  
18 self-employed person fails to make required payments or file  
19 reports. The Department may collect due and unpaid premiums  
20 and may levy additional premiums for the remainder of the  
21 period of coverage. The cancellation shall be effective no  
22 later than 30 days after the date of the notice in writing  
23 advising the self-employed person of the cancellation.

24 (d) Those electing coverage are considered employees or  
25 employers where the context dictates.

26 (e) In this Section, "independent contractor" means an

1 individual excluded from employment under the definition of  
2 "employee" under Section 10.

3 Section 30. Disqualification from benefits.

4 (a) An employee is disqualified from family and medical  
5 leave benefits under this Act if the employee:

6 (1) willfully makes a false statement or  
7 misrepresentation regarding a material fact or willfully  
8 fails to disclose a material fact to obtain benefits; or

9 (2) seeks benefits based on a serious health condition  
10 that resulted from the employee's commission of a felony.

11 (b) A disqualification for family and medical leave  
12 benefits is for a period of 2 years and commences on the first  
13 day of the calendar week in which the employee filed a claim  
14 for benefits under this Act.

15 An employee who is disqualified for benefits is liable to  
16 the Department for a penalty of 15% of the amount of benefits  
17 received by the employee in addition to the total amount of  
18 benefits received.

19 Section 35. Family and Medical Leave Insurance Fund.

20 (a) The Family and Medical Leave Insurance Fund is created  
21 as a special fund in the State treasury. Money in the Fund may  
22 be used for the payment of family and medical leave benefits  
23 and for the administration of this Act. All interest and other  
24 earnings that accrue from investment of money in the Fund

1 shall be credited to the Fund.

2 (b) An employer and a covered business entity shall pay a  
3 premium contribution in the amount of 0.73% of wages for all  
4 employees and individuals who contract for services with a  
5 covered business entity. The Department shall by rule provide  
6 for the collection of the employer's premium contribution. The  
7 amount of the employer's premium contribution imposed under  
8 this Section, less refunds authorized by this Act, and all  
9 assessments and penalties collected under this Act shall be  
10 deposited into and credited to the Fund.

11 (c) A separate account, to be known as the Family and  
12 Medical Leave Insurance Administration Account, shall be  
13 maintained in the Fund. An amount determined by the Department  
14 sufficient for proper administration, not to exceed 0.05% of  
15 additional employer and covered business entity premium  
16 contributions as defined in this Section, shall be collected  
17 and credited to the Administration Account. The expenses of  
18 the Department in administering the Fund and its accounts  
19 shall be charged against the Administration Account. The costs  
20 of administration of this Act shall be charged to the  
21 Administration Account.

22 (d) A separate account, to be known as the Family and  
23 Medical Leave Benefits Account, shall be maintained in the  
24 Fund. The account shall be charged with all benefit payments.

25 (e) The Department may adjust rates for the collection of  
26 premiums pursuant to subsection (b) of this Section. The

1 Department shall set rates for premiums in a manner that  
2 minimizes the volatility of the rates assessed and so that at  
3 the end of the period for which the rates are effective, the  
4 cash balance shall be an amount approximating 125% of 12  
5 months of projected expenditures from the Fund, considering  
6 the functions and duties of the Department under this Act.

7 (f) An employer or covered business entity required to pay  
8 premium contributions under this Section shall make and file a  
9 report of amounts due under this Section upon a combined  
10 report form prescribed by the Department. The report shall be  
11 filed with the Department at the times and in the manner  
12 prescribed by the Department.

13 (g) If the employer or covered business entity is a  
14 temporary employment agency that provides employees or  
15 individuals who contract for services with a covered business  
16 entity on a temporary basis to its customers, the temporary  
17 employment agency is considered a joint employer with its  
18 customers for purposes of this Act.

19 (h) When an employer or covered business entity goes out  
20 of business or sells out, exchanges, or otherwise disposes of  
21 the business or stock of goods, any premiums payable under  
22 this Section are immediately due and payable, and the employer  
23 or covered business entity shall, within 10 days thereafter,  
24 pay the premiums due. A person who becomes a successor to the  
25 business is liable for the full amount of the premiums and  
26 shall withhold from the purchase price a sum sufficient to pay

1 any premiums due from the employer until the employer produces  
2 a receipt from the Department showing payment in full of any  
3 premiums due or a certificate that no premium is due. If the  
4 premiums are not paid by the employer or covered business  
5 entity within 10 days after the date of the sale, exchange, or  
6 disposal, the successor is liable for the payment of the full  
7 amount of the premiums. The successor's payment of the  
8 premiums are, to the extent of the payment, a payment upon the  
9 purchase price, and if the payment is greater in amount than  
10 the purchase price, the amount of the difference is a debt due  
11 the successor from the employer or covered business entity. A  
12 successor is not liable for any premiums due from the person  
13 from whom the successor has acquired a business or stock of  
14 goods if the successor gives written notice to the Department  
15 of the acquisition and no assessment is issued by the  
16 Department within one year after receipt of the notice against  
17 the former operator of the business.

18 (i) This Section is inoperative before January 1, 2025. At  
19 that time, the Department shall begin collecting the amounts  
20 due under this Section.

21 Section 40. Weekly benefit for family and medical leave.

22 (a) An individual's weekly benefit rate shall be  
23 determined as follows: if the average weekly wage to the  
24 employee, individual who contracts for services with a covered  
25 business entity, or domestic worker is (a) 50% or less of the

1 statewide average weekly wage, the weekly benefit for the  
2 employee, individual with a contract for services with a  
3 covered business entity, or domestic worker is 90% of the  
4 average weekly wage of the employee, individual with a  
5 contract for services with a covered business entity, or  
6 domestic worker or (b) greater than 50% of the statewide  
7 average weekly wage, the weekly benefit for the employee,  
8 individual with a contract for services with a covered  
9 business entity, or domestic worker is the sum of: (i) 90% of  
10 the average weekly wage of the employee, individual with a  
11 contract for services with a covered business entity, or  
12 domestic worker up to 50% of the statewide average weekly  
13 wage; and (ii) 50% of the average weekly wage of the employee,  
14 individual with a contract for services with a covered  
15 business entity, or domestic worker that is greater than 50%  
16 of the statewide average weekly wage. The benefit rate shall  
17 be computed to the next lower multiple of \$1 if not already a  
18 multiple thereof. The amount of benefits for each day of  
19 family and medical leave for which benefits are payable shall  
20 be one-seventh of the corresponding weekly benefit amount;  
21 provided that the total benefits for a fractional part of a  
22 week shall be computed to the next lower multiple of \$1 if not  
23 already a multiple thereof.

24 (b) The maximum weekly benefit for family and medical  
25 leave that occurs on or after January 1, 2024 shall be \$1,200.  
26 By September 30, 2026, and by each subsequent September 30th,



1 the maximum weekly benefit shall be adjusted to 90% of the  
2 State average weekly wage. The adjusted maximum weekly benefit  
3 amount takes effect on the following January 1st.

4 (c) With respect to any period of family and medical leave  
5 taken by a covered individual, family and medical leave  
6 insurance benefits not in excess of the covered individual's  
7 maximum benefits shall be payable with respect to the first  
8 day of family and medical leave taken and each subsequent day  
9 of family and medical leave during that period of family and  
10 medical leave. The maximum total benefits payable to any  
11 covered individual commencing on or after the effective date  
12 of this Act shall be 26 times the weekly benefit amount for an  
13 employee, individual with a contract for services with a  
14 covered business entity, or domestic worker in the applicable  
15 benefit year, except for individuals taking leave pursuant to  
16 paragraph (C) of item (19) of Section 10 for conditions in  
17 connection with pregnancy, recovery from childbirth, or any  
18 related condition where the maximum total benefits payable to  
19 any covered individual shall be 52 times the employee's weekly  
20 benefit amount in the applicable benefit year, provided that  
21 the maximum amount shall be computed in the next lower  
22 multiple of \$1 if not already a multiple thereof.

23 (d) The first payment of benefits must be made to a covered  
24 individual within 14 calendar days after the claim is filed  
25 and there is sufficient information to approve at least one  
26 week of benefits; subsequent payments must be made no later

1 than semi-monthly thereafter.

2 Nothing in this Act shall be construed to prohibit the  
3 establishment by an employer or a covered business entity,  
4 without approval by the Department, of a supplementary plan or  
5 plans providing for the payment to employees, individuals with  
6 a contract for services with a covered business entity, or  
7 domestic workers or to any class or classes of employees,  
8 individuals with a contract for services with a covered  
9 business entity, or domestic workers, of benefits in addition  
10 to the benefits provided by this Act. The rights, duties, and  
11 responsibilities of all interested parties under the  
12 supplementary plans shall be unaffected by any provision of  
13 this Act.

14 Section 45. Family and medical leave; duration. A covered  
15 individual may take up to 26 weeks of family and medical leave  
16 within any 12-month period for reasons identified in  
17 paragraphs (A), (B), (C), (D), and (E) of item (19) of Section  
18 10. However, a covered individual may take up to an additional  
19 26 weeks of family and medical leave within any 12-month  
20 period for which the covered individual is eligible for leave  
21 under paragraph (C) of item (19) of Section 10 taken in  
22 connection with pregnancy, recovery from childbirth, or  
23 related conditions. A covered individual may take family and  
24 medical leave consecutively or on an intermittent schedule in  
25 which all of the leave authorized under this Act is not taken

1 sequentially.

2 Section 50. Annual reports; contents.

3 (a) The Department shall issue and make available to the  
4 public, not later than July 1, 2026 and July 1 of each  
5 subsequent year, annual reports providing data on family and  
6 medical leave benefits claims including separate data for each  
7 of the following categories of claims: the employee's,  
8 individual with a contract for services with a covered  
9 business entity's, or domestic worker's own serious illness;  
10 care of newborn children; care of newly adopted and fostered  
11 children; care of seriously ill family members; because of  
12 family members on active duty in the Armed Forces; for  
13 domestic or sexual violence, and for conditions in connection  
14 with pregnancy, recovering from childbirth, or related  
15 conditions. The reports shall include, for each category of  
16 claims, the number of individuals receiving the benefits, the  
17 amount of benefits paid, the average duration of benefits, and  
18 the average weekly benefit. The report shall provide data by  
19 gender, race, ethnicity, income, and any other demographic  
20 factors determined to be relevant by the Department. The  
21 reports shall also provide, for all family and medical leave  
22 benefits, the total costs of benefits and the total cost of  
23 administration, the portion of benefits for claims during  
24 family and medical leave, and the total revenues from employer  
25 or covered business entity premium contributions and

1 assessments, where applicable; and other sources.

2 (b) The Department may, in its discretion, conduct surveys  
3 and other research regarding, and include in the annual  
4 reports descriptions and evaluations of the impact and  
5 potential future impact of the costs and benefits resulting  
6 from this Act for:

7 (1) employees and their families, including surveys  
8 and evaluations of what portion of the total number of  
9 employees taking family and medical leave would not have  
10 taken leave, or would have taken less leave, without the  
11 availability of benefits; what portion of employees return  
12 to work after receiving benefits and what portion are not  
13 permitted to return to work; and what portion of employees  
14 who are eligible for benefits do not claim or receive them  
15 and why they do not;

16 (2) employers, including benefits such as reduced  
17 training and other costs related to reduced turnover of  
18 personnel, and increased affordability of family and  
19 medical leave through the State, with special attention  
20 given to small businesses; and

21 (3) the public, including savings caused by any  
22 reduction in the number of people receiving public  
23 assistance.

24 (c) The total amount of any expenses that the Department  
25 determines are necessary to carry out its duties pursuant to  
26 this Section shall be charged to the Administration Account of

1 the Fund.

2 Section 55. Prohibited acts; enforcement.

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

13 (b) Any employer or covered business entity who violates  
14 subsection (a) shall be liable to the individual employed by  
15 or contracted for services with such a person who is affected  
16 by the violation for damages equal to the sum of:

17 (1) the amount of:

18 (A) any wages, salary, employment benefits, or  
19 other compensation denied or lost to such individual  
20 by reason of the violation; or

21 (B) in a case in which wages, salary, employment  
22 benefits, or other compensation have not been denied  
23 or lost to the individual, any actual monetary losses  
24 sustained by the individual as a direct violation,  
25 such as the cost of providing care, up to a sum equal

1 to 60 calendar days of wages or salary for the  
2 individual; and

3 (2) the interest on the amount described under  
4 paragraph (A) of item (1) calculated at the prevailing  
5 rate; and

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

17 In addition, a court may order such equitable relief as  
18 may be appropriate, including employment, reinstatement,  
19 promotion, and reinstatement of a contract for services.

20 (c) An action to recover the damages or obtain equitable  
21 relief subsection (a) may be maintained against any person in  
22 any court on behalf of:

23 (1) the individual; or

24 (2) the individual or other individuals similarly  
25 situated.

26 (d) The court in such an action shall, in addition to any

1 judgment awarded to the covered individual, allow reasonable  
2 attorney's fees, reasonable expert witness fees, and other  
3 costs of the action to be paid by the defendant.

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

6 (1) on the filing of a complaint by the Department in  
7 an action in which restraint is sought of any further  
8 delay in the payment of the amount described in item (1) of  
9 subsection (b) to such individual by the person  
10 responsible under subsection (a) for the payment; or

11 (2) on the filing of a complaint by the Department in  
12 an action under subsection (f) in which a recovery is  
13 sought of the damages described in item (1) of subsection  
14 (b) owing to an individual by a person liable under  
15 subsection (a).

16 (f) Action by the Department.

17 (1) The Department may bring an action in any court to  
18 recover the damages described in item (1) of subsection  
19 (b).

20 (2) Any sums recovered under item (1) of this  
21 subsection shall be held in a special deposit account and  
22 shall be paid, on order of the Department, directly to  
23 each individual affected. Any such sums not paid to an  
24 individual because of inability to do so within a period  
25 of 3 years shall be deposited into the Fund.

26 (3) An action may be brought under this subsection not

1 later than 3 years after the date of the last event  
2 constituting the alleged violation for which the action is  
3 brought.

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

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

14 (g) A person aggrieved by a decision of the Department  
15 under this Act may request a hearing. The Department shall  
16 adopt rules governing hearings and the issuance of final  
17 orders under this Act in accordance with the Illinois  
18 Administrative Procedure Act. All final administrative  
19 decisions of the Department under this Act are subject to  
20 judicial review under the Administrative Review Law.

21 Section 60. Penalties.

22 (a) A person who makes a false statement or  
23 representation, knowing it to be false, or knowingly fails to  
24 disclose a material fact to obtain or increase any family and  
25 medical leave benefit during a period of family and medical



1 leave, either for themselves or for any other person, shall be  
2 liable for a civil penalty of \$250 to be paid to the Fund. Each  
3 such false statement or representation or failure to disclose  
4 a material fact shall constitute a separate offense. Upon  
5 refusal to pay such a civil penalty, the civil penalty shall be  
6 recovered in a civil action by the Attorney General on behalf  
7 of the Department in the name of the State of Illinois. If, in  
8 any case in which liability for the payment of a civil penalty  
9 has been determined, any person who has received any benefits  
10 under this Act by reason of the making of such false statements  
11 or representations or failure to disclose a material fact  
12 shall not be entitled to any benefits under this Act for any  
13 leave occurring prior to the time he or she has discharged his  
14 or her liability to pay the civil penalty.

15 (b) A person who willfully violates any provision of this  
16 Act or any rule adopted under this Act for which a civil  
17 penalty is neither prescribed by this Act nor provided by any  
18 other applicable law shall be subject to a civil penalty of  
19 \$500 to be paid to the Fund. Upon the refusal to pay such a  
20 civil penalty, the civil penalty shall be recovered in a civil  
21 action by the Attorney General on behalf of the Department in  
22 the name of the State of Illinois.

23 Section 65. Leave and employment protection.

24 (a) During a period in which an employee, individual who  
25 contracts for services with a covered business entity, or

1 domestic worker receives family and medical leave benefits  
2 under this Act, the employee, individual who contracts for  
3 services with a covered business entity, or domestic worker is  
4 entitled to family and medical leave and, at the established  
5 ending date of leave, to be restored to a position of  
6 employment or restoration of the contract for services with  
7 the employer or covered business entity from whom leave was  
8 taken as provided under subsection (b).

9 (b) Except as provided in subsection (d), an employee,  
10 individual with a contract for services with a covered  
11 business entity, or domestic worker who receives family and  
12 medical leave benefits under this Act for the intended purpose  
13 of the family and medical leave is entitled, on return from the  
14 leave:

15 (1) to be restored by the employer to the position of  
16 employment held by the employee, restored by the covered  
17 business entity to the contract for services, or restored  
18 to the position of employment or the contract for services  
19 for domestic workers when the family and medical leave  
20 commenced; or

21 (2) to be restored to an equivalent position or  
22 contract with equivalent employment benefits, pay, and  
23 other terms and conditions of employment or contract at a  
24 workplace within the same or a geographically proximate  
25 work site (such as one that does not involve a significant  
26 increase in commuting time or distance) when the family

1 and medical leave commenced.

2 (c) The taking of family and medical leave under this Act  
3 may not result in the loss of any employment or contract  
4 benefits accrued before the date on which the family and  
5 medical leave commenced.

6 (d) Nothing in this Section entitles a restored employee,  
7 individual who contracts for services with a covered business  
8 entity, or domestic worker to:

9 (1) the accrual of any seniority or employment  
10 benefits during any period of family and medical leave; or

11 (2) any right, benefit, or position of employment  
12 other than any right, benefit, or position to which the  
13 employee would have been entitled had the employee not  
14 taken the family and medical leave.

15 (e) Nothing in this Section prohibits an employer from  
16 requiring an employee, individual who contracts for services  
17 with a covered business entity, or domestic worker on family  
18 and medical leave to report periodically, but no more than  
19 twice every 4 weeks of leave, to the employer, covered  
20 business entity on the status and intention of the employee,  
21 individual with a contract for services, or domestic worker to  
22 return to work.

23 Section 70. Pregnancy; effect of other State law. No  
24 individual shall suffer any repercussion under any Illinois  
25 law, rule, or policy for any decisions the covered individual

1 is authorized to make under this Act regarding leave related  
2 to pregnancy, recovery from childbirth, or related conditions.

3 Section 75. Notice to employer or covered business entity.  
4 If the necessity for family and medical leave for any reason  
5 under item (19) of Section 10 is foreseeable, the employee,  
6 individual with a contract for services with a covered  
7 business entity, or domestic worker shall provide the employer  
8 or covered business entity with not less than 30 days' notice,  
9 before the date the leave is to begin, of the intention of the  
10 employee, individual with a contract for services with a  
11 covered business entity to take leave, except that if the  
12 expected date requires leave to begin in less than 30 days, the  
13 employee, individual with a contract for services with a  
14 covered business entity, or domestic worker shall provide such  
15 notice as is practical.

16 Section 80. Employment by same employer or covered  
17 business entity. The right of an employee, individual who  
18 contracts for services with a covered business entity, or  
19 domestic worker to leave under this Act shall not be altered or  
20 abridged by access to leave of any other employee, individual  
21 who contracts for services with a covered business entity, or  
22 domestic worker.

23 Section 85. Coordination of leave. Family and medical

1 leave taken under this Act must be taken concurrently with any  
2 leave taken under the federal Family and Medical Leave Act of  
3 1993, if applicable.

4 Section 90. Notice. Every employer and covered business  
5 entity covered by this Act shall post and keep posted, in a  
6 conspicuous place on the premises of the employer or covered  
7 business entity where notices to employees are customarily  
8 posted, a notice, to be prepared or approved by the Director of  
9 Employment Security, summarizing the requirements of this Act  
10 and information pertaining to the filing of a charge. Every  
11 employer and covered business entity shall also provide such  
12 notice to employees, individuals with contracts for services  
13 with a covered business entity, and domestic workers through  
14 electronic transmission to the employee, individual with a  
15 contract for services with the covered business entity, or  
16 domestic worker. The Director shall furnish copies of  
17 summaries and rules to the employers and covered business  
18 entities upon request without charge. Any employer or covered  
19 business entity that fails to post the required notice or  
20 transmit such notice may not rely on this Act to claim that the  
21 employee, individual with a contract for services with a  
22 covered business entity, or domestic worker failed to inform  
23 the employer or covered business entity that the employee,  
24 individual with a contract for services with a covered  
25 business entity, or domestic worker wanted or was eligible for

1 leave under this Act.

2 Section 95. Rules. The Department may adopt any rules  
3 necessary to implement this Act.

4 Section 105. Severability. The provisions of this Act are  
5 severable under Section 1.31 of the Statute on Statutes.

6 Section 900. The State Finance Act is amended by adding  
7 Section 5.990 as follows:

8 (30 ILCS 105/5.990 new)

9 Sec. 5.990. The Family and Medical Leave Insurance Fund.

10 Section 999. Effective date. This Act takes effect January  
11 1, 2024.