



Rep. Marcus C. Evans, Jr.

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10300SB1996ham004

LRB103 28652 SPS 62290 a

1 AMENDMENT TO SENATE BILL 1996

2 AMENDMENT NO. _____. Amend Senate Bill 1996 by replacing
3 everything after the enacting clause with the following:

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

6 (820 ILCS 192/10)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

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

10 "Construction industry" means any constructing, altering,
11 reconstructing, repairing, rehabilitating, refinishing,
12 refurbishing, remodeling, remediating, renovating, custom
13 fabricating, maintenance, landscaping, improving, wrecking,
14 painting, decorating, demolishing, or adding to or subtracting
15 from any building, structure, highway, roadway, street,
16 bridge, alley, sewer, ditch, sewage disposal plant,

1 waterworks, parking facility, railroad, excavation or other
2 structure, project, development, real property, or
3 improvement, or to do any part thereof, whether or not the
4 performance of the work herein described involves the addition
5 to or fabrication into, any structure, project, development,
6 real property, or improvement herein described of any material
7 or article of merchandise.

8 "Construction industry" also includes moving construction
9 related materials on the job site or to or from the job site,
10 snow plowing, snow removal, and refuse collection.

11 "Department" means the Illinois Department of Labor.

12 "Domestic work" and "domestic worker" have the same
13 meanings as defined in Section 10 of the Domestic Workers'
14 Bill of Rights Act, except that "domestic worker" also
15 includes independent contractors, sole proprietors, and
16 partnerships.

17 "Employee" has the same application and meaning as that
18 provided in Sections 1 and 2 of the Illinois Wage Payment and
19 Collection Act. "Employee" also includes all domestic workers,
20 and, for the purposes of this Act, domestic workers shall not
21 be excluded as employees under the provisions of item (1),
22 (2), or (3) of Section 2 of the Illinois Wage Payment and
23 Collection Act. "Employee" does not include:

24 (1) an employee as defined in the federal Railroad
25 Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the
26 Federal Employers' Liability Act (45 U.S.C. 51 et seq.)

1 ~~the Railway Labor Act;~~

2 (2) a student enrolled in and regularly attending
3 classes in a college or university that is also the
4 student's employer, and who is employed on a temporary
5 basis at less than full time at the college or university,
6 but this exclusion applies only to work performed for that
7 college or university; or

8 (3) a short-term employee who is employed by an
9 institution of higher education for less than 2
10 consecutive calendar quarters during a calendar year and
11 who does not have a reasonable expectation that they will
12 be rehired by the same employer of the same service in a
13 subsequent calendar year.

14 "Employer" has the same application and meaning as that
15 provided in Sections 1 and 2 of the Illinois Wage Payment and
16 Collection Act, except that for purposes of this Act,
17 "employer" also means the State and units of local government,
18 any political subdivision of the State or units of local
19 government, or any State or local government agency.

20 "Employer" does not include school districts organized
21 under the School Code or park districts organized under the
22 Park District Code.

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

1 stored electronically.

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

3 (820 ILCS 192/15)

4 (This Section may contain text from a Public Act with a
5 delayed effective date)

6 Sec. 15. Provision of paid leave.

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

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

1 employee's scheduled workday shall be used to determine the
2 amount of paid leave.

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

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

26 (e) Paid leave under this Act may be taken by an employee

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

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

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

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

26 (1) If use of paid leave under this Act is

1 foreseeable, the employer may require the employee to
2 provide 7 calendar days' notice before the date the leave
3 is to begin.

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

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

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

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

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

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

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

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

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

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

1 requirements of this Act may be waived in a bona fide
2 collective bargaining agreement, but only if the waiver is set
3 forth explicitly in such agreement in clear and unambiguous
4 terms.

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

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

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

1 subsection, "State agency" has the same meaning as set forth
2 in Section 4 of the Forms Notice Act.

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

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

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

23 An employer in a municipality or county that enacts or
24 amends a local ordinance that provides paid leave, including
25 paid sick leave or paid leave, after the effective date of this
26 Act shall only comply with the local ordinance or ordinances

1 so long as the benefits, rights, and remedies are greater than
2 or equal to the benefits, rights, and remedies afforded under
3 this Act.

4 (Source: P.A. 102-1143, eff. 1-1-24; revised 3-16-23.)".