



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2034

Introduced 2/9/2023, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

New Act
820 ILCS 154/35 new

Child Extended Bereavement Leave Act. Provides that the Act may be referred to as Zachary's Parent Protection Act. Provides that an employee of a large employer that employs 250 or more full-time employees is entitled to use a maximum of 12 weeks of unpaid leave if the employee experiences the loss of a child by suicide or homicide. Provides that an employee of a small employer that employs at least 50 but fewer than 250 full-time employees is entitled to use a maximum of 6 weeks of unpaid leave if the employee experiences the loss of a child by suicide or homicide. Provides that leave may be taken in a single continuous period or intermittently in increments of no less than 4 hours, but leave must be completed within one year after the employee notifies the employer of the loss. Permits an employer to require reasonable advance notice of the employee's intention to leave and reasonable documentation. Provides that an employee who takes leave under the Act is entitled to be restored to the position of employment held by the employee when the leave commenced or to be restored to an equivalent position. Provides that nothing in the Act shall be construed to entitle any restored employee the accrual of any seniority or employment benefits during any period of leave. Provides that the Act does not extend the maximum period of leave to which an employee is entitled under the federal Family and Medical Leave Act of 1993 or under any other paid or unpaid leave provided under federal, State or local law, a collective bargaining agreement, or an employment benefits program or plan. Prohibits an employer from taking any adverse action against an employee who exercises his or her rights under the Act. Requires the Department of Labor to enforce the Act. Provides that a person who uses leave under either the Child Bereavement Leave Act or the Child Extended Bereavement Leave Act may not take leave under the other Act, and amends the Child Bereavement Leave Act accordingly.

LRB103 30739 KTG 57217 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; references to Act.

5 (a) This Act may be cited as the Child Extended
6 Bereavement Leave Act.

7 (b) This Act may be referred to as Zachary's Parent
8 Protection Act.

9 Section 5. Definitions. In this Act:

10 "Child" means an employee's biological, adopted, or foster
11 child, a stepchild, a legal ward, or a child of a person
12 standing in loco parentis.

13 "Department" means the Department of Labor.

14 "Employee" means a full-time employee of a large employer
15 or a small employer who has worked for that employer for at
16 least 2 weeks; however, "employee" does not include a salaried
17 employee who is among the highest paid 10% of the employees
18 employed by the employer.

19 "Employer" means a large employer or a small employer.

20 "Large employer" means a person or entity, other than the
21 federal government or an agency of the federal government,
22 that employs 250 or more employees on a full-time basis in
23 Illinois.

1 "Small employer" means a person or entity, other than the
2 federal government or an agency of the federal government,
3 that employs at least 50 but fewer than 250 employees on a
4 full-time basis in Illinois.

5 Section 10. Leave.

6 (a) An employee of a large employer is entitled to use a
7 maximum of 12 weeks of unpaid leave if the employee
8 experiences the loss of a child by suicide or homicide.

9 (b) An employee of a small employer is entitled to use a
10 maximum of 6 weeks of unpaid leave if the employee experiences
11 the loss of a child by suicide or homicide.

12 (c) Leave under subsection (a) or (b) may be taken in a
13 single continuous period or intermittently in increments of no
14 less than 4 hours, but leave must be completed within one year
15 after the employee notifies the employer of the loss.

16 (d) An employer may require reasonable advance notice of
17 the employee's intention to take leave, unless providing such
18 notice is not reasonable and practicable.

19 (e) An employer may require reasonable documentation.
20 Documentation may include a death certificate, a published
21 obituary, or written verification of death, burial, or
22 memorial services from a mortuary, funeral home, burial
23 society, crematorium, religious institution, or government
24 agency. An employer may require that the documentation include
25 the cause of death.

1 Section 15. Existing leave usable for bereavement. An
2 employee who is entitled to take paid or unpaid leave
3 (including family, medical, sick, annual, personal, or similar
4 leave) from employment, pursuant to federal, State, or local
5 law, a collective bargaining agreement, or an employment
6 benefits program or plan may elect to substitute any period of
7 such leave for an equivalent period of leave provided under
8 this Act.

9 Section 20. Protections.

10 (a) An employee who takes leave under this Act is
11 entitled, on return from such leave:

12 (1) to be restored by the employer to the position of
13 employment held by the employee when the leave commenced;

14 or

15 (2) to be restored to an equivalent position with
16 equivalent employment benefits, pay, and other terms and
17 conditions of employment.

18 (b) The taking of leave under this Act shall not result in
19 the loss of any employment benefit accrued prior to the date on
20 which the leave commenced.

21 (c) Nothing in this Act shall be construed to entitle any
22 restored employee to:

23 (1) the accrual of any seniority or employment
24 benefits during any period of leave; or

1 (2) any right, benefit, or position of employment
2 other than any right, benefit, or position to which the
3 employee would have been entitled had the employee not
4 taken the leave.

5 Section 25. Unlawful employer practices.

6 (a) It is unlawful for any employer to take any adverse
7 action against an employee because the employee:

8 (1) exercises rights or attempts to exercise rights
9 under this Act;

10 (2) opposes practices which such employee believes to
11 be in violation of this Act; or

12 (3) supports the exercise of rights of another under
13 this Act.

14 (b) Exercising rights under this Act includes:

15 (1) filing an action or instituting or causing to be
16 instituted any proceeding under or related to this Act;

17 (2) providing or agreeing to provide any information
18 in connection with any inquiry or proceeding relating to
19 any right provided under this Act; or

20 (3) testifying to or agreeing to testify in any
21 inquiry or proceeding relating to any right provided under
22 this Act.

23 Section 30. Department responsibilities.

24 (a) The Department shall administer and enforce this Act

1 and adopt rules under the Illinois Administrative Procedure
2 Act for the administration and enforcement of this Act. The
3 Department has the powers and the parties have the rights
4 provided in the Illinois Administrative Procedure Act for
5 contested cases. The Department has the power to conduct
6 investigations in connection with the administration and
7 enforcement of this Act, including the power to conduct
8 depositions and discovery and to issue subpoenas. If the
9 Department finds cause to believe that this Act has been
10 violated, the Department shall notify the parties in writing
11 and the matter shall be referred to an Administrative Law
12 Judge to schedule a formal hearing in accordance with hearing
13 procedures established by rule.

14 (b) The Department is authorized to impose civil penalties
15 in administrative proceedings that comply with the Illinois
16 Administrative Procedure Act and to supervise the payment of
17 the unpaid wages and damages owing to the employee or
18 employees under this Act. The Department may bring any legal
19 action necessary to recover the amount of unpaid wages,
20 damages, and penalties, and the employer shall be required to
21 pay the costs. Any sums recovered by the Department on behalf
22 of an employee under this Act shall be paid to the employee or
23 employees affected.

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

1 Section 35. Enforcement.

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

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

10 (1) for a first offense, a civil penalty not to exceed
11 \$500;

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

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

19 Section 40. Use of other leave laws. This Act does not
20 extend the maximum period of leave to which an employee is
21 entitled under the federal Family and Medical Leave Act of
22 1993 or under any other paid or unpaid leave provided under
23 federal, State or local law, a collective bargaining
24 agreement, or an employment benefits program or plan.

1 Section 90. The Child Bereavement Leave Act is amended by
2 adding Section 35 as follows:

3 (820 ILCS 154/35 new)

4 Sec. 35. Other law. A person who uses leave under the Child
5 Extended Bereavement Leave Act because of the death of a child
6 may not take leave under this Act because of the death of the
7 same child.