

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. "Employee" does not include full-time employees  
17 of the State of Illinois, except for those employees who are  
18 not otherwise eligible for family responsibility leave or a  
19 leave of absence without pay.

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

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

1 Illinois.

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

6 Section 10. Leave.

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

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

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

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

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

1 the cause of death.

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

10 Section 20. Protections.

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

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

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

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

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

24 (1) the accrual of any seniority or employment

1 benefits during any period of leave; or

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

6 Section 25. Unlawful employer practices.

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

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

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

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

15 (b) Exercising rights under this Act includes:

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

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

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

24 Section 30. Department responsibilities.

1           (a) The Department shall administer and enforce this Act  
2 and adopt rules under the Illinois Administrative Procedure  
3 Act for the administration and enforcement of this Act. The  
4 Department has the powers and the parties have the rights  
5 provided in the Illinois Administrative Procedure Act for  
6 contested cases. The Department has the power to conduct  
7 investigations in connection with the administration and  
8 enforcement of this Act, including the power to conduct  
9 depositions and discovery and to issue subpoenas. After  
10 concluding its investigation, the Director shall notify all  
11 parties of the determination. The Director shall issue a  
12 notice of violation when the investigation has established  
13 that a violation of any part of this Act occurred or is  
14 occurring. The Department shall serve notice on the parties by  
15 certified U.S. mail, postage prepaid, return receipt  
16 requested, addressed to the last known address of the parties.  
17 Within 20 days after the date of service, a party may request a  
18 hearing by certified mail or personal delivery to the  
19 Department. Hearings shall be conducted pursuant to the  
20 provisions of Article 10 of the Illinois Administrative  
21 Procedure Act and the Department's rules of procedure in  
22 administrative hearings set forth in 56 Ill. Adm. Code 120.

23           (b) The Department is authorized to impose civil penalties  
24 in administrative proceedings that comply with the Illinois  
25 Administrative Procedure Act and to supervise the payment of  
26 the unpaid wages and damages owing to the employee or

1 employees under this Act. The Department may bring any legal  
2 action necessary to recover the amount of unpaid wages,  
3 damages, and penalties, and the employer shall be required to  
4 pay the costs. Any sums recovered by the Department on behalf  
5 of an employee under this Act shall be paid to the employee or  
6 employees affected.

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

9 Section 35. Enforcement.

10 (a) An employee who believes his or her rights under this  
11 Act or any rule adopted under this Act have been violated may,  
12 within one year after the date of the last event constituting  
13 the alleged violation for which the action is brought, file a  
14 complaint with the Department or file a civil action.

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

18 (1) for a first offense, a civil penalty not to exceed  
19 \$500;

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

22 (c) A civil action may be brought in the circuit court by  
23 an employee to enforce this Act. The circuit court may enjoin  
24 any act or practice that violates or may violate this Act and  
25 may order any other equitable relief that is necessary and

1 appropriate to redress the violation or to enforce the Act.

2 Section 40. Use of other leave laws. This Act does not  
3 extend the maximum period of leave to which an employee is  
4 entitled under the federal Family and Medical Leave Act of  
5 1993 or under any other paid or unpaid leave provided under  
6 federal, State or local law, a collective bargaining  
7 agreement, or an employment benefits program or plan.

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

10 (820 ILCS 154/35 new)

11 Sec. 35. Other law. A person who uses leave under the Child  
12 Extended Bereavement Leave Act because of the death of a child  
13 may not take leave under this Act because of the death of the  
14 same child.