



Rep. Robyn Gabel

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1 AMENDMENT TO HOUSE BILL 927

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 927 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Illinois Family Care Provider Act.

6 Section 5. Findings and purpose.

7 (a) Findings. The General Assembly finds that:

8 (1) the number of households in Illinois in which  
9 working grandparents have primary responsibility for the  
10 care of grandchildren is significant; currently, almost  
11 100,000 grandparents are responsible for the care of  
12 grandchildren living with them, and of these, 68% are under  
13 the age of 60;

14 (2) in Illinois, over 230,000 children under the age of  
15 18 live in homes with grandparents as the householders;

16 (3) the number of households in which grandchildren

1 have primary responsibility for the care of grandparents  
2 and other family members is significant; in fact,  
3 grandchildren comprise 8% of informal caregivers  
4 nationally;

5 (4) it is important for the family unit that  
6 grandparents and grandchildren be able to participate in  
7 the care of family members who have serious health  
8 conditions; and

9 (5) the lack of employment policies to accommodate  
10 working caregivers, including employees caring for  
11 grandchildren or grandparents, can force individuals to  
12 choose between job security and caregiving  
13 responsibilities.

14 (b) Purpose. It is the purpose of this Act that all  
15 employers required to comply with the Family and Medical Leave  
16 Act of 1993, 29 U.S.C. 2601, et seq., shall include  
17 grandparents and grandchildren as "eligible employees" for  
18 leave for the birth or adoption of a grandchild in order for a  
19 grandparent to care for such grandchild; because of the  
20 placement of a grandchild with the grandparent for adoption or  
21 foster care; and in order for the grandparent to care for the  
22 grandchild if such grandchild has a serious health condition or  
23 the grandchild to care for the grandparent if such grandparent  
24 has a serious health condition.

25 Section 10. Definitions. In this Act:

1 "Eligible employee" means any person who may be permitted,  
2 required, or directed by an employer in consideration of direct  
3 or indirect gain or profit to engage in any employment.

4 "Employee" does include an independent contractor.

5 "Employee" includes an employee of a covered employer who  
6 has been employed by the same employer for at least 12 months  
7 and has been employed for at least 1,250 hours of service  
8 during the 12-month period immediately preceding the  
9 commencement of the leave.

10 "Employee benefits" means all benefits, other than salary  
11 and wages, provided or made available to employees by an  
12 employer and includes group life insurance, health insurance,  
13 disability insurance, and pensions, regardless of whether  
14 benefits are provided by a policy or practice of an employer.

15 "Employer" means (1) any person, partnership, corporation,  
16 association, or other business entity; and (2) the State of  
17 Illinois, municipalities, and other units of local government.

18 "Grandparent" means a biological, adopted, or foster  
19 grandparent or step grandparent of an employee.

20 "Grandchild" means a biological, adopted, or foster  
21 grandchild or step grandchild of an employee who is:

22 (a) under 18 years of age; or

23 (b) 18 years of age or older and incapable of self-care  
24 because of a mental or physical disability.

25 Section 15. Family leave requirement.

1           (a) Subject to the conditions set forth in this Section, an  
2 employer that employs more than 50 employees shall provide up  
3 to 12 weeks of unpaid family medical leave to an employee  
4 during any 12-month period for one or more of the following:  
5 the birth or adoption of a grandchild in order for the employee  
6 to care for such grandchild; because of the placement of a  
7 grandchild with the employee for adoption or foster care; or in  
8 order for the employee to care for a grandchild if such  
9 grandchild has a serious health condition or the employee to  
10 care for a grandparent if such grandparent has a serious health  
11 condition.

12           (b) The employee shall give at least 14 days' notice of the  
13 intended date upon which the family medical leave will commence  
14 if the leave will consist of 5 or more consecutive work days.  
15 When able, the employee shall consult with the employer to  
16 schedule the leave so as to not unduly disrupt the operations  
17 of the employer. Employees taking family medical leave for less  
18 than 5 consecutive days shall give the employer such advanced  
19 notice as is practical.

20           (c) An employee shall not take leave as provided under this  
21 Act unless he or she has exhausted all accrued vacation leave,  
22 personal leave, compensatory leave, and any other leave that  
23 may be granted to the employee, except sick leave and  
24 disability leave.

25           Section 20. Employee benefits protection.

1           (a) Any employee who exercises the right to family medical  
2 leave under this Act, upon expiration of the leave, shall be  
3 entitled to be restored by the employer to the position held by  
4 the employee when the leave commenced or to a position with  
5 equivalent seniority status, employee benefits, pay, and other  
6 terms and conditions of employment. This Section does not apply  
7 if the employer proves that the employee was not restored as  
8 provided in this Section because of conditions unrelated to the  
9 employee's exercise of rights under this Act.

10           (b) During any family medical leave taken under this Act,  
11 the employer shall continue employee benefits at the employer's  
12 expense.

13           Section 25. Effect on existing employee benefits.

14           (a) Taking family medical leave under this Act shall not  
15 result in the loss of any employee benefit accrued before the  
16 date on which the leave commenced.

17           (b) Nothing in this Act shall be construed to affect an  
18 employer's obligation to comply with any collective bargaining  
19 agreement or employee benefit plan that provides greater leave  
20 rights to employees than the rights provided under this Act.

21           (c) The family medical leave rights provided under this Act  
22 shall not be diminished by any collective bargaining agreement  
23 or employee benefit plan.

24           (d) Nothing in this Act shall be construed to affect or  
25 diminish the contract rights or seniority status of any other

1 employee of any employer covered under this Act.

2 Section 30. Prohibited acts.

3 (a) An employer shall not interfere with, restrain, or deny  
4 the exercise or the attempt to exercise any right provided  
5 under this Act.

6 (b) An employer shall not discharge, fine, suspend, expel,  
7 discipline, or in any other manner discriminate against any  
8 employee that exercises any right provided under this Act.

9 (c) An employer shall not discharge, fine, suspend, expel,  
10 discipline, or in any other manner discriminate against any  
11 employee for opposing any practice made unlawful by this Act.

12 Section 35. Enforcement. This Act shall be enforced by the  
13 Illinois Department of Labor. A civil action may be brought in  
14 the circuit court having jurisdiction by an employee to enforce  
15 this Act. The circuit court may enjoin any act or practice that  
16 violates or may violate this Act and may order any other  
17 equitable relief that is necessary and appropriate to redress  
18 the violation or to enforce this Act.

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."