



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5570

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Employee Paid Health Care Time Act. Provides that employees shall accrue paid health care time at a rate of not less than one hour for every 22 hours worked for an employer with 50 or more employees and at a rate of one hour for every 40 hours worked for an employer with fewer than 50 employees. Sets forth purposes for which paid health care time may be used. Applies to employers employing one or more individuals. Defines terms.

LRB098 17571 JLS 52681 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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
5 Employee Paid Health Care Time Act.

6 Section 5. Definitions. In this Act:

7 "Director" means the Director of Labor.

8 "Employee" means an individual permitted to work by an
9 employer.

10 "Employer" means an individual, organization, governmental
11 body, partnership, association, corporation, limited liability
12 company, or other entity doing business in or operating within
13 this State that employs one or more individuals.

14 Section 10. Paid health care time.

15 (a) An employee of a company with 50 or more employees
16 shall accrue not less than one hour of paid health care time
17 for every 22 hours worked. An employee of a company with fewer
18 than 50 employees shall accrue not less than one hour of paid
19 health care time for every 40 hours worked. In the absence of a
20 more generous paid health care time plan, an employer may:

21 (1) limit the amount of paid health care time accrued
22 to a maximum of 56 hours in a 12-month period;

1 (2) limit to 40 hours the number of hours in the
2 workweek for which full-time employees not subject to the
3 overtime provisions of the Federal Fair Labor Standards Act
4 (29 U.S.C. § 213(a)(1)) may accrue paid health care time;
5 or

6 (3) incorporate paid health care time within a
7 complement of paid leave for its employees that provides no
8 less than the minimum required by this Section.

9 (b) Paid health care time shall be compensated at the same
10 hourly rate and with the same benefits, including health care
11 benefits, as the employee normally earns for hours worked.
12 Service or tipped employees shall be compensated at an amount
13 that is not less than the minimum wage required for non-service
14 or non-tipped employees under the Minimum Wage Law.

15 (c) An employee may use paid health care time for any of
16 the following reasons:

17 (1) The employee is ill or injured.

18 (2) The employee obtains professional diagnostic,
19 preventive, routine, or therapeutic health care.

20 (3) The employee cares for a sick or injured child,
21 parent, parent-in-law, grandparent, spouse, domestic
22 partner, stepchild, foster child, or ward of the employee
23 who lives with the employee, including helping that
24 individual obtain diagnostic, preventive, routine, or
25 therapeutic health treatment.

26 (d) Unless an employer and its employees agree to paid

1 health care time provisions more generous to employees with
2 respect to accrual rates and maximum hours:

3 (1) An employee shall use paid health care time in the
4 smallest time increment that the employer's payroll system
5 uses to account for other absences, when the employee's
6 absence is shorter than a normal workday.

7 (2) Paid health care time that is accrued but unused
8 shall be carried over to the next year, but an employee may
9 use no more than 56 hours of paid health care in any one
10 year, unless the employer provides a more generous
11 allotment.

12 (3) Upon separation from employment, an employee shall
13 not be entitled to payment for unused paid health care time
14 unless agreed upon by the employer.

15 (4) At the employer's discretion, an employee may
16 borrow paid health care time before the time is actually
17 accrued.

18 (5) An employee who is rehired within 12 months after a
19 separation from employment shall retain paid health care
20 time accrued but unused at the time of separation.

21 (e) An employer with a paid health care time policy that is
22 comparable to or more generous than the paid health care time
23 provided under this Section is not required to provide
24 additional paid health care time.

25 (f) An employer may not require an employee to look for or
26 provide a replacement worker for the time during which the

1 employee uses or is expected to use paid health care time.

2 (g) An employer may require an employee planning to take
3 paid health care time to:

4 (1) make reasonable efforts to avoid having to do so
5 for routine or preventive health care; or

6 (2) notify the employer as soon as practical by
7 providing an explanation of the reason for taking paid
8 health care time and for the expected duration of the
9 employee's absence.

10 (h) An employer may require certification from a health
11 care provider to verify the need for paid health care time when
12 the employee is absent or plans to be absent for more than 3
13 consecutive workdays.

14 If the reason that the employee has been absent for more
15 than 3 consecutive workdays is due to domestic violence, sexual
16 assault, or stalking, the employee may provide certification by
17 means of a sworn statement from the employee or law enforcement
18 or court records or other documentation from an attorney or
19 legal advisor, member of the clergy, or health care provider.
20 An employer receiving information relating to domestic
21 violence, sexual assault, or stalking shall not disclose the
22 information unless the employee has consented in writing to the
23 disclosure. If the employer is required by law to disclose this
24 information, the employer shall notify the employee at the time
25 the notice or request for disclosure is received by the
26 employer and prior to disclosure.

1 The employee shall provide the certification no later than
2 30 days after it is requested by the employer. The employer
3 shall pay the cost of or reimburse the employee for any
4 out-of-pocket costs related to providing this certification.

5 (i) An employer shall post notice of the provisions of this
6 Act in a form provided by the Director in a place conspicuous
7 to employees at the employer's place of business.