

AN ACT concerning employment.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Victims' Economic Security and Safety Act is amended by changing Sections 15 and 20 as follows:

(820 ILCS 180/15)

Sec. 15. Purposes. The purposes of this Act are:

(1) to promote the State's interest in reducing domestic violence, dating violence, sexual assault, gender violence, ~~and~~ stalking, and any crime of violence by enabling victims of domestic violence, sexual violence, ~~or~~ gender violence, or any crime of violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic violence, sexual violence, ~~or~~ gender violence, or any crime of violence, and to reduce the devastating economic consequences of domestic violence, sexual violence, ~~or~~ gender violence, or any crime of violence to employers and employees;

(2) to address the failure of existing laws to protect the employment rights of employees who are victims of domestic violence, sexual violence, ~~or~~ gender violence, or any crime of violence and employees with a family or

household member who is a victim of domestic violence, sexual violence, ~~or~~ gender violence, or any crime of violence by protecting the civil and economic rights of those employees, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(3) to accomplish the purposes described in paragraphs (1) and (2) by (A) entitling employed victims of domestic violence, sexual violence, ~~or~~ gender violence, or any crime of violence and employees with a family or household member who is a victim of domestic violence, sexual violence, ~~or~~ gender violence, or any crime of violence to take unpaid leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from their employers for the employee or the family or household member who is a victim; and (B) prohibiting employers from discriminating against any employee who is a victim of domestic violence, sexual violence, ~~or~~ gender violence, or any crime of violence or any employee who has a family or household member who is a victim of domestic violence, sexual violence, ~~or~~ gender violence, or any crime of violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

(Source: P.A. 101-221, eff. 1-1-20.)

(820 ILCS 180/20)

Sec. 20. Entitlement to leave due to domestic violence, sexual violence, gender violence, or any other crime of violence.

(a) Leave requirement.

(1) Basis. An employee who is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence or an employee who has a family or household member who is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence whose interests are not adverse to the employee as it relates to the domestic violence, sexual violence, gender violence, or any other crime of violence may take unpaid leave from work if the employee or employee's family or household member is experiencing an incident of domestic violence, sexual violence, gender violence, or any other crime of violence or to address domestic violence, sexual violence, gender violence, or any other crime of violence by:

(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic violence, sexual violence, gender violence, or any other crime of violence to the employee or the employee's family or household member;

(B) obtaining services from a victim services organization for the employee or the employee's family

or household member;

(C) obtaining psychological or other counseling for the employee or the employee's family or household member;

(D) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic violence, sexual violence, gender violence, or any other crime of violence or ensure economic security;
~~or~~

(E) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil, criminal, or military legal proceeding related to or derived from domestic violence, sexual violence, gender violence, or any other crime of violence;~~;~~

(F) attending the funeral or alternative to a funeral or wake of a family or household member who is killed in a crime of violence;

(G) making arrangements necessitated by the death of a family or household member who is killed in a crime of violence; or

(H) grieving the death of a family or household member who is killed in a crime of violence.

(2) Period. Subject to subsection (c) and except as provided in paragraph (4) of this subsection, an employee working for an employer that employs at least 50 employees shall be entitled to a total of 12 workweeks of leave during any 12-month period. Subject to subsection (c) and except as provided in paragraph (4) of this subsection, an employee working for an employer that employs at least 15 but not more than 49 employees shall be entitled to a total of 8 workweeks of leave during any 12-month period. Subject to subsection (c) and except as provided in paragraph (4) of this subsection, an employee working for an employer that employs at least one but not more than 14 employees shall be entitled to a total of 4 workweeks of leave during any 12-month period. The total number of workweeks to which an employee is entitled shall not decrease during the relevant 12-month period. This Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) Schedule. Leave described in paragraph (1) may be taken consecutively, intermittently, or on a reduced work schedule.

(4) Exceptions. An employee shall be entitled to use a cumulative total of not more than 2 workweeks (10 work

days) of unpaid leave for the purposes described in subparagraphs (F), (G), or (H) of paragraph (1), which must be completed within 60 days after the date on which the employee receives notice of the death of the victim, and is subject to the following:

(A) Except as provided in subparagraph (2), if an employee is also entitled to taken unpaid bereavement leave under the Family Bereavement Leave Act as a result of the death of the victim, this Act does not create a right for the employee to take unpaid bereavement leave that exceeds, or is in addition to, the unpaid bereavement leave the employee is entitled to take under the Family Bereavement Leave Act.

(B) If an employee is also entitled to take unpaid bereavement leave under the Family Bereavement Leave Act as a result of the death of the victim, leave taken under this Act for the purposes described in subparagraphs (F), (G), or (H) of paragraph (1) or leave taken under the Family Bereavement Leave Act shall be in addition to, and shall not diminish, the total amount of leave time an employee is entitled to under paragraph (2).

(C) If an employee is not entitled to unpaid bereavement leave under the Family Bereavement Leave Act as a result of the death of the victim, leave taken for the purposes described in subparagraphs (F), (G),

or (H) of paragraph (1) shall be deducted from, and is not in addition to, the total amount of leave time an employee is entitled to under paragraph (2).

(D) Leave taken for the purposes described in subparagraphs (F), (G), or (H) of paragraph (1) shall not otherwise limit or diminish the total amount of leave time an employee is entitled to take under paragraph (2).

(b) Notice. The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. When an unscheduled absence occurs, the employer may not take any action against the employee if the employee, upon request of the employer and within a reasonable period after the absence, provides certification under subsection (c).

(c) Certification.

(1) In general. The employer may require the employee to provide certification to the employer that:

(A) the employee or the employee's family or household member is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence; and

(B) the leave is for one of the purposes enumerated in paragraph (a) (1).

The employee shall provide such certification to the

employer within a reasonable period after the employer requests certification.

(2) Contents. An employee may satisfy the certification requirement of paragraph (1) by providing to the employer a sworn statement of the employee, and if the employee has possession of such document, the employee shall provide one of the following documents:

(A) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence, sexual violence, gender violence, or any other crime of violence and the effects of the violence;

(B) a police, court, or military record; ~~or~~

(B-5) a death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency, documenting that a victim was killed in a crime of violence; or

(C) other corroborating evidence.

The employee shall choose which document to submit, and the employer shall not request or require more than one document to be submitted during the same 12-month

period leave is requested or taken if the reason for leave is related to the same incident or incidents of violence or the same perpetrator or perpetrators of the violence.

(d) Confidentiality. All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this Section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

(1) requested or consented to in writing by the employee; or

(2) otherwise required by applicable federal or State law.

(e) Employment and benefits.

(1) Restoration to position.

(A) In general. Any employee who takes leave under this Section for the intended purpose of the leave shall be entitled, on return from such leave:

(i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(B) Loss of benefits. The taking of leave under

this Section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(C) Limitations. Nothing in this subsection shall be construed to entitle any restored employee to:

(i) the accrual of any seniority or employment benefits during any period of leave; or

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

(D) Construction. Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this Section to report periodically to the employer on the status and intention of the employee to return to work.

(2) Maintenance of health benefits.

(A) Coverage. Except as provided in subparagraph (B), during any period that an employee takes leave under this Section, the employer shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(B) Failure to return from leave. The employer may recover the premium that the employer paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this Section if:

(i) the employee fails to return from leave under this Section after the period of leave to which the employee is entitled has expired; and

(ii) the employee fails to return to work for a reason other than:

(I) the continuation, recurrence, or onset of domestic violence, sexual violence, gender violence, or any other crime of violence that entitles the employee to leave pursuant to this Section; or

(II) other circumstances beyond the control of the employee.

(C) Certification.

(i) Issuance. An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of

that reason.

(ii) Contents. An employee may satisfy the certification requirement of clause (i) by providing to the employer:

(I) a sworn statement of the employee;

(II) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic violence, sexual violence, gender violence, or any other crime of violence and the effects of that violence;

(III) a police, court, or military record;

or

(IV) other corroborating evidence.

The employee shall choose which document to submit, and the employer shall not request or require more than one document to be submitted.

(D) Confidentiality. All information provided to the employer pursuant to subparagraph (C), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) shall be retained in the

strictest confidence by the employer, except to the extent that disclosure is:

(i) requested or consented to in writing by the employee; or

(ii) otherwise required by applicable federal or State law.

(f) Prohibited acts.

(1) Interference with rights.

(A) Exercise of rights. It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this Section.

(B) Employer discrimination. It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual:

(i) exercised any right provided under this Section; or

(ii) opposed any practice made unlawful by this Section.

(C) Public agency sanctions. It shall be unlawful for any public agency to deny, reduce, or terminate the benefits of, otherwise sanction, or harass any

individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner) because the individual:

(i) exercised any right provided under this Section; or

(ii) opposed any practice made unlawful by this Section.

(2) Interference with proceedings or inquiries. It shall be unlawful for any person to discharge or in any other manner discriminate (as described in subparagraph (B) or (C) of paragraph (1)) against any individual because such individual:

(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Section.

(Source: P.A. 101-221, eff. 1-1-20; 102-487, eff. 1-1-22; 102-890, eff. 5-19-22.)