

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 Family Illness Sick Leave Act.

6 Section 5. Definitions. As used in this Act:

7 "Child" means a biological, foster, or adopted child, a
8 stepchild, a legal ward, or a child of a person standing in
9 loco parentis.

10 "Employer" means any person employing another under any
11 appointment or contract of hire and includes the State, State
12 agencies and instrumentalities, units of local government,
13 and school districts.

14 "Parent" means a biological, foster, or adoptive parent,
15 a stepparent, or a legal guardian.

16 "Sick leave" means accrued increments of compensated
17 leave provided by an employer to an employee as a benefit of
18 the employment for use by the employee during an absence from
19 the employment for any of the following reasons:

20 (A) The employee is physically or mentally unable
21 to perform his or her duties due to illness, injury, or a
22 medical condition of the employee.

23 (B) The absence is for the purpose of obtaining
24 professional diagnosis or treatment for a medical
25 condition of the employee.

26 (C) The absence is for other medical reasons of the
27 employee, such as pregnancy or obtaining a physical
28 examination.

29 "Sick leave" does not include any benefit provided under
30 an employee welfare benefit plan subject to the federal
31 Employee Retirement Income Security Act of 1974 (Public Law

1 93-406, as amended) and does not include any insurance
2 benefit, workers' compensation benefit, disability benefit,
3 or benefit not payable from the employer's general assets.

4 Section 10. Sick leave; family illness. Any employer who
5 provides sick leave for employees shall permit an employee
6 to use in any calendar year the employee's accrued and
7 available sick leave entitlement, in an amount not less than
8 the sick leave that would be accrued during 6 months at the
9 employee's then current rate of entitlement, to attend to an
10 illness of a child, parent, or spouse of the employee. All
11 conditions and restrictions placed by the employer upon the
12 use by an employee of sick leave also apply to the use by an
13 employee of sick leave to attend to an illness of his or her
14 child, parent, or spouse. This Section does not extend the
15 maximum period of leave to which an employee is entitled
16 under the federal Family and Medical Leave Act of 1993 (29
17 U.S.C. 2606 et seq.), regardless of whether the employee
18 receives sick leave compensation during that leave.

19 Section 15. Violations; remedies.

20 (a) No employer may deny an employee the right to use
21 sick leave or discharge, threaten to discharge, demote,
22 suspend, or in any manner discriminate against an employee
23 for using, or attempting to exercise the right to use, sick
24 leave to attend to an illness of a child, parent, or spouse
25 of the employee.

26 (b) Any employee aggrieved by a violation of this
27 Section shall be entitled to reinstatement and actual damages
28 or one day's pay, whichever is greater, and to appropriate
29 equitable relief.

30 (c) Upon the filing of a complaint by an employee, the
31 Department of Labor shall enforce this Act in under Section
32 20. Alternatively, an employee may bring a civil action for

1 the remedies provided by this Section in the circuit court.
2 If the employee prevails, the court may award reasonable
3 attorney's fees.

4 (d) The rights and remedies specified in this Act are
5 cumulative and nonexclusive and are in addition to any other
6 rights or remedies afforded by contract or under other
7 provisions of law.

8 Section 20. Administrative enforcement. An employee
9 seeking relief under this Act may, within one year after the
10 alleged violation occurs, files a complaint with the Director
11 of Labor. A copy of the complaint shall be sent to the person
12 who allegedly committed the violation, who shall be the
13 respondent. Upon receipt of an complaint, the Director shall
14 cause such investigation to be made as the Director deems
15 appropriate. The investigation shall provide an opportunity
16 for a public hearing at the request of any party to the
17 review to enable the parties to present information relating
18 to the alleged violation. The parties shall be given written
19 notice of the time and place of the hearing at least 5 days
20 before the hearing. Upon receiving the report of the
21 investigation, the Director shall make findings of fact. If
22 the Director finds that a violation did occur, he or she
23 shall issue a decision incorporating his or her findings and
24 requiring the party committing the violation to take such
25 affirmative action to abate the violation as the Director
26 deems appropriate. If the Director finds that there was no
27 violation, the Director shall issue an order denying the
28 application. An order issued by the Director under this
29 Section shall be subject to judicial review under the
30 Administrative Review Law.

31 Section 25. Rules. The Director of Labor shall adopt
32 rules implementing this Act in accordance with the Illinois

1 Administrative Procedure Act.