



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3433

Introduced 2/22/2021, by Rep. Bob Morgan

SYNOPSIS AS INTRODUCED:

New Act

Creates the Paid Family Leave Program Act. Directs the Department of Employment Security to create a paid family leave program. Provides for premium contributions by both employees and employers. Provides that employees may take paid leave from employment for medical reasons on behalf of themselves and to provide care for family members with a serious medical condition. Allows for paid leave to bond with newborn and newly adopted children. Establishes computation of benefit amounts and contributions by employees and employers toward the cost of the program. Contains provisions regarding the administration of the program. Defines terms.

LRB102 11290 JLS 16623 b

FISCAL NOTE ACT
MAY APPLY

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 Paid
5 Family Leave Program Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Employment Security.

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

10 "Employer" means an individual, partnership, corporation,
11 association, business, trust, person, or entity for whom
12 employees are gainfully employed in Illinois and includes the
13 State of Illinois, any state officer, department, or agency,
14 any unit of local government, and any school district.

15 Section 10. Paid family leave program.

16 (a) The Department shall establish and administer a
17 program that makes it possible for employees in Illinois to
18 take paid leave from employment for medical reasons on behalf
19 of themselves and to provide care for family members with a
20 serious medical condition. The program shall also provide for
21 paid leave to bond with newborn and newly adopted children.

22 (b) The Department shall collect, manage, and distribute

1 premium proceeds from any fund created under this Act.

2 (c) The Department shall report annually to the General
3 Assembly regarding the effectiveness and financial condition
4 of the program established under this Act.

5 (d) The Department shall develop a process for application
6 and for verification of leave with employers. The system shall
7 provide that the Department shall make a determination on the
8 validity of a claim within 14 days after receiving the claim
9 and notify the applicant of the Department's determination
10 within 24 hours after the determination is made. Denial of an
11 application shall be in writing. The Department shall
12 establish an appeal process that complies with the Illinois
13 Administrative Procedure Act.

14 (e) The Department shall adopt and enforce rules necessary
15 for the implementation of this Act. The rules shall, at a
16 minimum, establish penalties for fraudulent claims and
17 noncompliance with the Act and rules. The rules shall also
18 provide for back pay and other relief if an employee is damaged
19 by an employer's violation of the program requirements.

20 (f) The program must comply with all provisions of this
21 Act.

22 Section 15. Application process. The Department shall
23 create and publicize the application process for the paid
24 family leave program.

1 Section 20. Minimum requirements. The program must, at a
2 minimum, provide for the payment of premiums by persons
3 eligible for the program. In addition to other requirements
4 established by the Department, an eligible person must have
5 been continuously employed and paying premiums for 3
6 consecutive months before collecting benefits.

7 Section 25. Cooperation with employers.

8 (a) The Department shall work with employers having more
9 than 50 employees to establish a mechanism for collecting
10 family leave premiums.

11 (b) Employees and employers shall share the cost of the
12 program. Employees shall contribute 0.26% of their wages. An
13 employee's contribution shall not apply to wages in excess of
14 \$134,900 per year. Employers shall contribute a percentage of
15 employees' wages as determined by rule. The employer
16 contribution shall be at least 0.10% but not more than 0.75% of
17 the employee's wages. An employer's contribution shall not
18 apply to an employee's wages in excess of \$35,300 per year.

19 Section 30. Benefit amount calculation. The benefit amount
20 under this Act shall be based upon the employee's average
21 weekly income. The benefit shall be calculated by dividing the
22 employee's gross income for the 12 months before making
23 application for leave by the number of weeks the employee
24 worked during that 12-month period.

1 Section 35. Leave additional to other benefits. Leave
2 available under the program shall be in addition to any sick
3 leave otherwise available to the employee. Leave under this
4 Act must be provided in addition to any leave otherwise
5 available under the employer's leave policy.

6 Section 40. Return to work. Upon return to work after a
7 leave subject to this Act, an employee must be restored to the
8 position held before taking leave or provided a position with
9 benefits, wages, and terms equal to or better than the
10 employee's prior position.

11 Section 45. Disclosure of reason for leave prohibited.

12 (a) An employer may not disclose any information about
13 employees' need for leave related to their health, a family
14 member's health, domestic abuse, or sexual assault or
15 harassment case related to an employee's need for leave.

16 (b) An employer may not require employees to disclose the
17 information specified in subsection (a) as a condition of
18 using paid leave.