

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 Leave for All Workers Act.

6 Section 5. Findings; legislative intent; construction.

7 (a) The General Assembly finds that it is in the public  
8 policy interests of the State for all working Illinoisans to  
9 have some paid leave from work to maintain their health and  
10 well-being, care for their families, or use for any other  
11 reason of their choosing.

12 (b) It is the intent of the General Assembly by enacting  
13 this Act:

14 (1) To establish a minimum paid leave standard for all  
15 workers in Illinois.

16 (2) To provide employment security and economic  
17 security for employees who need to use paid time off from  
18 work for any reason.

19 (3) To safeguard the welfare, health, safety, and  
20 prosperity of the people of Illinois.

21 (4) To ensure that an employee not be denied use of  
22 leave for noncompliance with leave notification policies  
23 if the employer has not provided a written copy of its

1 notification policy to the employee.

2 In order to effectuate this intent, the provisions of this  
3 Act shall be liberally construed in favor of providing workers  
4 with the greatest amount of paid time off from work and  
5 employment security.

6 (c) Nothing in this Act shall be construed to discourage  
7 employers from adopting or retaining paid sick leave, paid  
8 vacation, paid holidays, or any other paid time off or paid  
9 leave policy more generous than policies that comply with the  
10 requirements of this Act. Nothing in this Act shall be  
11 construed to discourage or prohibit an employer from allowing  
12 the use of paid leave at an earlier date than this Act  
13 requires.

14 Unless otherwise provided in a collective bargaining  
15 agreement, nothing in this Act shall be construed to waive or  
16 otherwise limit an employee's right to final compensation for  
17 any type of leave promised to be paid under a contract of  
18 employment or employment policy and earned by the employee  
19 pursuant to the Illinois Wage Payment and Collection Act.

20 Section 10. Definitions. As used in this Act:

21 "Construction industry" means any constructing, altering,  
22 reconstructing, repairing, rehabilitating, refinishing,  
23 refurbishing, remodeling, remediating, renovating, custom  
24 fabricating, maintenance, landscaping, improving, wrecking,  
25 painting, decorating, demolishing, or adding to or subtracting

1 from any building, structure, highway, roadway, street,  
2 bridge, alley, sewer, ditch, sewage disposal plant,  
3 waterworks, parking facility, railroad, excavation or other  
4 structure, project, development, real property, or  
5 improvement, or to do any part thereof, whether or not the  
6 performance of the work herein described involves the addition  
7 to or fabrication into, any structure, project, development,  
8 real property, or improvement herein described of any material  
9 or article of merchandise.

10 "Construction industry" also includes moving construction  
11 related materials on the job site or to or from the job site,  
12 snow plowing, snow removal, and refuse collection.

13 "Department" means the Illinois Department of Labor.

14 "Domestic work" and "domestic worker" have the same  
15 meanings as defined in Section 10 of the Domestic Workers'  
16 Bill of Rights Act, except that "domestic worker" also  
17 includes independent contractors, sole proprietors, and  
18 partnerships.

19 "Employee" has the same application and meaning as that  
20 provided in Sections 1 and 2 of the Illinois Wage Payment and  
21 Collection Act. "Employee" also includes all domestic workers,  
22 and, for the purposes of this Act, domestic workers shall not  
23 be excluded as employees under the provisions of item (1),  
24 (2), or (3) of Section 2 of the Illinois Wage Payment and  
25 Collection Act. "Employee" does not include:

26 (1) an employee as defined in the federal Railroad

1 Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the  
2 Railway Labor Act;

3 (2) a student enrolled in and regularly attending  
4 classes in a college or university that is also the  
5 student's employer, and who is employed on a temporary  
6 basis at less than full time at the college or university,  
7 but this exclusion applies only to work performed for that  
8 college or university; or

9 (3) a short-term employee who is employed by an  
10 institution of higher education for less than 2  
11 consecutive calendar quarters during a calendar year and  
12 who does not have a reasonable expectation that they will  
13 be rehired by the same employer of the same service in a  
14 subsequent calendar year.

15 "Employer" has the same application and meaning as that  
16 provided in Sections 1 and 2 of the Illinois Wage Payment and  
17 Collection Act, except that for purposes of this Act,  
18 "employer" also means the State and units of local government,  
19 any political subdivision of the State or units of local  
20 government, or any State or local government agency.

21 "Employer" does not include school districts organized  
22 under the School Code or park districts organized under the  
23 Park District Code.

24 "Writing" or "written" means a printed or printable  
25 communication in physical or electronic format, including a  
26 communication that is transmitted through electronic mail,

1 text message, or a computer system or is otherwise sent or  
2 stored electronically.

3 Section 15. Provision of paid leave.

4 (a) An employee who works in Illinois is entitled to earn  
5 and use up to a minimum of 40 hours of paid leave during a  
6 12-month period or a pro rata number of hours of paid leave  
7 under the provisions of subsection (b). The paid leave may be  
8 used by the employee for any purpose as long as the paid leave  
9 is taken in accordance with the provisions of this Act.

10 (b) Paid leave under this Act shall accrue at the rate of  
11 one hour of paid leave for every 40 hours worked up to a  
12 minimum of 40 hours of paid leave or such greater amount if the  
13 employer provides more than 40 hours. Employees who are exempt  
14 from the overtime requirements of the federal Fair Labor  
15 Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40  
16 hours in each workweek for purposes of paid leave accrual  
17 unless their regular workweek is less than 40 hours, in which  
18 case paid leave accrues based on that regular workweek.  
19 Employees shall determine how much paid leave they need to  
20 use, however employers may set a reasonable minimum increment  
21 for the use of paid leave not to exceed 2 hours per day. If an  
22 employee's scheduled workday is less than 2 hours day, the  
23 employee's scheduled workday shall be used to determine the  
24 amount of paid leave.

25 (c) An employer may make available the minimum number of

1 hours of paid leave, subject to pro rata requirements provided  
2 in subsection (b), to an employee on the first day of  
3 employment or the first day of the 12-month period. Employers  
4 that provide the minimum number of hours of paid leave to an  
5 employee on the first day of employment or the first day of the  
6 12-month period are not required to carryover paid leave from  
7 12-month period to 12-month period and may require employees  
8 to use all paid leave prior to the end of the benefit period or  
9 forfeit the unused paid leave. However, under no circumstances  
10 shall an employee be credited with paid leave that is less than  
11 what the employee would have accrued under subsections (a) and  
12 (g) of this Section.

13 (d) The 12-month period may be any consecutive 12-month  
14 period designated by the employer in writing at the time of  
15 hire. Changes to the 12-month period may be made by the  
16 employer if notice is given to employees in writing prior to  
17 the change and the change does not reduce the eligible accrual  
18 rate and paid leave available to the employee. If the employer  
19 changes the designated 12-month period, the employer shall  
20 provide the employee with documentation of the balance of  
21 hours worked, paid leave accrued and taken, and the remaining  
22 paid leave balance.

23 (e) Paid leave under this Act may be taken by an employee  
24 for any reason of the employee's choosing. An employee is not  
25 required to provide an employer a reason for the leave and may  
26 not be required to provide documentation or certification as

1 proof or in support of the leave. An employee may choose  
2 whether to use paid leave provided under this Act prior to  
3 using any other leave provided by the employer or State law.

4 (f) Employees shall be paid their hourly rate of pay for  
5 paid leave. However, employees engaged in an occupation in  
6 which gratuities or commissions have customarily and usually  
7 constituted and have been recognized as part of the  
8 remuneration for hire purposes shall be paid by their employer  
9 at least the full minimum wage in the jurisdiction in which  
10 they are employed when paid leave is taken. This wage shall be  
11 treated as the employee's regular rate of pay for purposes of  
12 this Act.

13 (g) Paid leave under this Act shall begin to accrue at the  
14 commencement of employment or on the effective date of this  
15 Act, whichever is later. Employees shall be entitled to begin  
16 using paid leave 90 days following commencement of their  
17 employment or 90 days following the effective date of this  
18 Act, whichever is later.

19 (h) Paid leave under this Act shall be provided upon the  
20 oral or written request of an employee in accordance with the  
21 employer's reasonable paid leave policy notification  
22 requirements which may include the following:

23 (1) If use of paid leave under this Act is  
24 foreseeable, the employer may require the employee to  
25 provide 7 calendar days' notice before the date the leave  
26 is to begin.

1           (2) If paid leave under this Act is not foreseeable,  
2           the employee shall provide such notice as soon as is  
3           practicable after the employee is aware of the necessity  
4           of the leave. An employer that requires notice of paid  
5           leave under this Act when the leave is not foreseeable  
6           shall provide a written policy that contains procedures  
7           for the employee to provide notice.

8           (3) Employers shall provide employees with written  
9           notice of the paid leave policy notification requirements  
10          in this Section in the manner provided in Section 20 for  
11          notice and posting and within 5 calendar days of any  
12          change to the employer's reasonable paid leave policy  
13          notification requirements.

14          (4) An employer may not require, as a condition of  
15          providing paid leave under this Act, that the employee  
16          search for or find a replacement worker to cover the hours  
17          during which the employee takes paid leave.

18          (i) Except as provided in subsection (c), paid leave under  
19          this Act shall carry over annually to the extent not used by  
20          the employee, provided that nothing in this Act shall be  
21          construed to require an employer to provide more than 40 hours  
22          of paid leave for an employee in the 12-month period unless the  
23          employer agrees to do so.

24          (j) Nothing in this Section or any other Illinois law or  
25          rule shall be construed as requiring financial or other  
26          payment to an employee from an employer upon the employee's



1 termination, resignation, retirement, or other separation from  
2 employment for paid leave accrued under this Act that has not  
3 been used. Nothing in this Section or any other Illinois law or  
4 rule shall be construed as requiring financial or other  
5 reimbursements to an employee from an employer for unused paid  
6 leave under this Act at the end of the benefit year or any  
7 other time.

8 (k) If an employee is transferred to a separate division,  
9 entity, or location, but remains employed by the same  
10 employer, the employee is entitled to all paid leave accrued  
11 at the prior division, entity, or location and is entitled to  
12 use all paid leave as provided in this Section. If there is a  
13 separation from employment and the employee is rehired within  
14 12 months of separation by the same employer, previously  
15 accrued paid leave that had not been used by the employee shall  
16 be reinstated. The employee shall be entitled to use accrued  
17 paid leave at the commencement of employment following a  
18 separation from employment of 12 months or less.

19 (l) Paid leave under this Act shall not be charged or  
20 otherwise credited to an employee's paid time off bank or  
21 employee account unless the employer's policy permits such a  
22 credit. If the paid leave under this Act is credited to an  
23 employee's paid time off bank or employee vacation account  
24 then any unused paid leave shall be paid to the employee upon  
25 the employee's termination, resignation, retirement, or other  
26 separation to the same extent as vacation time under existing

1 Illinois law or rule. Nothing in this Act shall be construed to  
2 waive or otherwise limit an employee's right to final  
3 compensation for promised and earned, but unpaid vacation time  
4 or paid time off, as provided under the Illinois Wage Payment  
5 and Collection Act and rules. Employers shall provide  
6 employees with written notice of changes to the employer's  
7 vacation time, paid time off, or other paid leave policies  
8 that affect an employee's right to final compensation for such  
9 leave.

10 (m) During any period an employee takes leave under this  
11 Act, the employer shall maintain coverage for the employee and  
12 any family member under any group health plan for the duration  
13 of such leave at no less than the level and conditions of  
14 coverage that would have been provided if the employee had not  
15 taken the leave. The employer shall notify the employee that  
16 the employee is still responsible for paying the employee's  
17 share of the cost of the health care coverage, if any.

18 (n) Nothing in this Act shall be deemed to interfere with,  
19 impede, or in any way diminish the right of employees to  
20 bargain collectively with their employers through  
21 representatives of their own choosing in order to establish  
22 wages or other conditions of work in excess of the applicable  
23 minimum standards established in this Act. The paid leave  
24 requirements of this Act may be waived in a bona fide  
25 collective bargaining agreement, but only if the waiver is set  
26 forth explicitly in such agreement in clear and unambiguous

1 terms.

2 Nothing in this Act shall be deemed to affect the validity  
3 or change the terms of bona fide collective bargaining  
4 agreements in effect on January 1, 2024. After that date,  
5 requirements of this Act may be waived in a bona fide  
6 collective bargaining agreement, but only if the waiver is set  
7 forth explicitly in such agreement in clear and unambiguous  
8 terms.

9 In no event shall this Act apply to any employee working in  
10 the construction industry who is covered by a bona fide  
11 collective bargaining agreement, nor shall this Act apply to  
12 any employee who is covered by a bona fide collective  
13 bargaining agreement with an employer that provides services  
14 nationally and internationally of delivery, pickup, and  
15 transportation of parcels, documents, and freight.

16 Notwithstanding the provisions of this subsection, nothing  
17 in this Act shall be deemed to affect the validity or change  
18 the terms of a bona fide collective bargaining agreement  
19 applying to an employee who is employed by a State agency that  
20 is in effect on July 1, 2024. After that date, requirements of  
21 this Act may be waived in a bona fide collective bargaining  
22 agreement, but only if the waiver is set forth explicitly in  
23 such agreement in clear and unambiguous terms. As used in this  
24 subsection, "State agency" has the same meaning as set forth  
25 in Section 4 of the Forms Notice Act.

26 (o) An agreement by an employee to waive his or her rights

1 under this Act is void as against public policy.

2 (p) The provisions of this Act shall not apply to any  
3 employer that is covered by a municipal or county ordinance  
4 that is in effect on the effective date of this Act that  
5 requires employers to give any form of paid leave to their  
6 employees, including paid sick leave or paid leave.  
7 Notwithstanding the provisions of this subsection, any  
8 employer that is not required to provide paid leave to its  
9 employees, including paid sick leave or paid leave, under a  
10 municipal or county ordinance that is in effect on the  
11 effective date of this Act shall be subject to the provisions  
12 of this Act if the employer would be required to provide paid  
13 leave under this Act to its employees.

14 Any local ordinance that provides paid leave, including  
15 paid sick leave or paid leave, enacted or amended after the  
16 effective date of this Act must comply with the requirements  
17 of this Act or provide benefits, rights, and remedies that are  
18 greater than or equal to the benefits, rights, and remedies  
19 afforded under this Act.

20 An employer in a municipality or county that enacts or  
21 amends a local ordinance that provides paid leave, including  
22 paid sick leave or paid leave, after the effective date of this  
23 Act shall only comply with the local ordinance or ordinances  
24 so long as the benefits, rights, and remedies are greater than  
25 or equal to the benefits, rights, and remedies afforded under  
26 this Act.

1 Section 20. Related employer responsibilities.

2 (a) An employer subject to this Act shall make and  
3 preserve records documenting hours worked, paid leave accrued  
4 and taken, and remaining paid leave balance for each employee  
5 for a period of not less than 3 years and shall allow the  
6 Department access to such records, at reasonable times during  
7 business hours, to monitor compliance with the requirements of  
8 this Act. In addition, the records shall be preserved for the  
9 duration of any claim pending pursuant to Section 35. An  
10 employer that provides paid leave on an accrual basis pursuant  
11 to subsection (b) of Section 15 shall provide notice of the  
12 amount of paid leave accrued or used by an employee upon  
13 request by the employee in accordance with the employer's  
14 reasonable paid leave policy notification provisions. An  
15 employer that fails to comply with this subsection is in  
16 violation of the Act and subject to the civil penalties  
17 established in Section 35.

18 (b) An employer who provides any type of paid leave policy  
19 that satisfies the minimum amount of leave required by  
20 subsection (a) of Section 15 is not required to modify the  
21 policy if the policy offers an employee the option, at the  
22 employee's discretion, to take paid leave for any reason.  
23 Nothing in this Act shall be construed as requiring financial  
24 or other reimbursements to an employee from an employer for  
25 unused paid leave under this Act. Nothing in this Act shall be

1 construed to discourage an employer from adopting a paid leave  
2 policy more generous than the requirements of this Act.

3 (c) For domestic workers, if an employer requires evidence  
4 of hours worked for other employers to confirm that the  
5 domestic worker has worked or is scheduled to work 8 or more  
6 hours in the aggregate for any relevant workweek, a signed  
7 statement by the domestic worker stating that he or she has  
8 performed or is scheduled to perform domestic work for 8 or  
9 more hours in the aggregate for any relevant workweek shall  
10 satisfy any documentation requirements of hours worked under  
11 the Domestic Workers' Bill of Rights Act and this Act. Such  
12 employer shall not require more than one signed statement in a  
13 calendar quarter if the hours the domestic worker has  
14 performed or is scheduled to perform domestic work have not  
15 decreased to less than 8 hours in the aggregate in any relevant  
16 workweek in that calendar quarter. An employer that requires  
17 evidence of hours worked must give the domestic worker written  
18 notice of such request and allow no fewer than 7 days or until  
19 the next scheduled workday, whichever is greater, for the  
20 domestic worker to comply with the request. The employer may  
21 not deny paid leave pending submission of the signed  
22 statement.

23 (d) An employer shall post and keep posted in a  
24 conspicuous place on the premises of the employer where  
25 notices to employees are customarily posted, and include it in  
26 a written document, or written employee manual or policy if

1 the employer has one, a notice, to be prepared by the  
2 Department, summarizing the requirements of this Act and  
3 information pertaining to the filing of a charge upon  
4 commencement of an employee's employment or 90 days following  
5 the effective date of this Act, whichever is later. If an  
6 employer's workforce is comprised of a significant portion of  
7 workers who are not literate in English, the employer shall  
8 notify the Department and a notice in the appropriate language  
9 shall be prepared by the Department. Employees may also  
10 request that the Department provide a notice in languages  
11 other than English, which the employer must post in accordance  
12 with this subsection. An employer who violates this subsection  
13 shall be fined a civil penalty of \$500 for the first audit  
14 violation and \$1,000 for any subsequent audit violation.

15 (e) No employer shall interfere with, deny, or change an  
16 employee's work days or hours to avoid providing eligible paid  
17 leave time to an employee.

18 Section 25. Retaliation. It is unlawful for any employer  
19 to threaten to take or to take any adverse action against an  
20 employee because the employee (1) exercises rights or attempts  
21 to exercise rights under this Act, (2) opposes practices which  
22 the employee believes to be in violation of this Act, or (3)  
23 supports the exercise of rights of another under this Act. It  
24 is unlawful for any employer to consider the use of paid leave  
25 by an employee as a negative factor in any employment action

1 that involves evaluating, promoting, disciplining, or counting  
2 paid leave under a no-fault attendance policy. Such  
3 retaliation shall subject an employer to civil penalties  
4 pursuant to this Act.

5 An employee who has been unlawfully retaliated against  
6 shall also be entitled to recover through a claim filed with  
7 the Department, all legal and equitable relief as may be  
8 appropriate.

9 Section 30. Department responsibilities.

10 (a) The Department shall administer and enforce this Act.  
11 The Department has the powers and the parties have the rights  
12 provided in the Illinois Administrative Procedure Act for  
13 contested cases.

14 (b) An employee may file a complaint with the Department  
15 alleging violations of the Act within 3 years after the  
16 alleged violation. An employer that violates this Act is  
17 liable to any affected employee for damages in the form of the  
18 actual underpayment, compensatory damages, and a penalty of  
19 not less than \$500 and no more than \$1,000. Employees shall  
20 also be entitled to such equitable relief as may be  
21 appropriate, in addition to reasonable attorney's fees;  
22 reasonable expert witness fees, and other costs of the action,  
23 which shall be paid by the employer to the employee.

24 (c) The Department has the power to conduct investigations  
25 in connection with the administration and enforcement of this



1 Act, including the power to conduct depositions and discovery  
2 and to issue subpoenas. If the Department finds cause to  
3 believe that this Act has been violated, the Department shall  
4 notify the parties in writing, and the matter shall be  
5 referred to an Administrative Law Judge to schedule a formal  
6 hearing in accordance with hearing procedures established by  
7 rule. Administrative decisions shall be reviewed under the  
8 Administrative Review Law.

9 (d) The Department is authorized to impose civil penalties  
10 prescribed in Section 35 for any violation of this Act.

11 (e) The Department is authorized to collect and supervise  
12 the payment of any damages awarded pursuant to Section 25 and  
13 subsection (b) of this Section to an employee or employees  
14 under this Act. Any sums recovered by the Department on behalf  
15 of an employee or employees under this Act shall be paid to the  
16 employee or employees affected. The Department is not  
17 authorized to collect and supervise the payment of any awarded  
18 attorney's fees. Those fees shall be subject to collection by  
19 the attorney awarded such fees.

20 (f) The Attorney General may bring an action to enforce  
21 the collection of any awards made under this Act.

22 (g) The Department shall adopt rules necessary to  
23 administer and enforce this Act.

24 Section 35. Penalties and enforcement. An employer that  
25 violates this Act or any rule adopted under this Act shall be

1 subject to a civil penalty of \$2,500 for each separate  
2 offense. An offense means any violation of this Act with the  
3 exception of a violation of the notice requirement in  
4 subsection (c) of Section 20. Any penalties collected from an  
5 employer under this Section or under subsection (d) of Section  
6 20 for violations of this Act shall be deposited into the Paid  
7 Leave for All Workers Fund, a special fund created in the State  
8 treasury that is dedicated to enforcing this Act.

9 Section 95. The State Finance Act is amended by adding  
10 Section 5.990 as follows:

11 (30 ILCS 105/5.990 new)

12 Sec. 5.990. The Paid Leave for All Workers Fund.

13 Section 97. Severability. The provisions of this Act are  
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 99. Effective date. This Act takes effect January  
16 1, 2024.