



Rep. Mary E. Flowers

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1 AMENDMENT TO HOUSE BILL 1102

2 AMENDMENT NO. _____. Amend House Bill 1102 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Paid
5 Family Leave Insurance Program Act.

6 Section 5. Declaration of policy and intent.

7 (a) Many employees do not have access to family and
8 medical leave programs, and those who do may not be in a
9 financial position to take family or medical leave that is
10 unpaid, and employer-paid benefits meet only a relatively
11 small part of this need. It is the public policy of this State
12 to protect working families against the economic hardship
13 caused by the need to take time off from work to care for
14 themselves or family members who are suffering from serious
15 illness or to care for a newborn or a newly adopted child.

16 Moreover, many women are single mothers or the primary

1 breadwinners for their families. If any of these women take
2 unpaid maternity leave, their families and Illinois suffer.

3 The United States is the only industrialized nation in the
4 world that does not have a mandatory workplace-based program
5 for such income support.

6 It is therefore desirable and necessary to develop systems
7 that help families adapt to the competing interests of work
8 and home and that not only benefit workers but also benefit
9 employers by reducing employee turnover and increasing worker
10 productivity.

11 (b) It is the intent of the General Assembly to create a
12 paid family leave program to relieve the serious menace to the
13 health, morals, and welfare of Illinois families, to increase
14 workplace productivity, and to alleviate the enormous and
15 growing stress on working families of balancing the demands of
16 work and family needs.

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

18 "Assisted reproduction" means a method of achieving a
19 pregnancy through the handling of human oocytes, sperm,
20 zygotes, or embryos for the purpose of establishing a
21 pregnancy. "Assisted reproduction" includes, but is not
22 limited to, methods of artificial insemination, in vitro
23 fertilization, embryo transfer, zygote transfer, embryo
24 biopsy, preimplantation genetic diagnosis, embryo
25 cryopreservation, oocyte, gamete, zygote, and embryo donation,

1 and gestational surrogacy.

2 "Average weekly wage" means the amount derived by dividing
3 by 12 an employee's total earnings, including wages,
4 gratuities, bonuses, commissions, and any other compensation
5 that constitutes remuneration, earned during the quarter with
6 the highest earnings in the applicable benefit year, or the
7 amount derived by dividing by 12 an employee's total earnings,
8 including wages, gratuities, bonuses, commissions, and any
9 other compensation that constitutes remuneration, to fulfill a
10 contract for a covered business entity, earned in the quarter
11 with the highest earnings in the applicable benefit year, or
12 for individuals not currently employed or under contract, the
13 amount derived by dividing by 12 an individual's total
14 earnings, including wages, gratuities, bonuses, commissions,
15 and any other compensation that constitutes remuneration,
16 earned during the quarter with the highest earnings earned in
17 the 4 quarters prior to the last day of employment or the end
18 of the contract.

19 "Base hours" means the hours of work for which an employee
20 receives compensation. "Base hours" includes overtime hours
21 for which the employee is paid additional or overtime
22 compensation and hours for which the employee receives
23 workers' compensation benefits. "Base hours" also includes
24 hours an employee would have worked except for having been in
25 military service. At the option of the employer, "base hours"
26 may include hours for which the employee receives other types

1 of compensation, such as administrative, personal, vacation,
2 or paid leave.

3 "Care" includes, but is not limited to, physical care,
4 emotional support, visitation, arranging for a change in care,
5 assistance with essential daily living matters, and personal
6 attendant services.

7 "Child" means a biological, adopted, or foster child,
8 stepchild, or legal ward of an eligible employee, child of a
9 spouse of the eligible employee, child of a legal parent, or
10 child of a civil union partner of the eligible employee, who is
11 less than 18 years of age or is 18 years of age or older, but
12 incapable of self-care because of a mental or physical
13 impairment.

14 "Civil union" means a civil union as defined in the
15 Illinois Religious Freedom Protection and Civil Union Act.

16 "Consecutive leave" means leave that is taken without
17 interruption based upon an employee's regular work schedule
18 and does not include breaks in employment in which an employee
19 is not regularly scheduled to work.

20 "Covered business entity" means a business or trade that
21 contracts with one or more individuals for services and is
22 required to report the payment of services to such individuals
23 on IRS Form 1099-MISC or IRS Form 1099-K for more than 25% of
24 its Illinois workforce. Such individuals are included in the
25 covered business entity's workforce if the contracts for
26 services include, but are not limited to, oral or written

1 contracts, and services arranged through application software
2 designed to run on smartphones and other mobile devices and
3 software designed to run inside a web browser.

4 "Day and temporary labor service agency" has the meaning
5 set forth in Section 5 of the Day and Temporary Labor Services
6 Act.

7 "Department" means the Department of Employment Security.

8 "Director" means the Director of Employment Security.

9 "Domestic violence" has the same meaning as provided in
10 Section 103 of the Illinois Domestic Violence Act.

11 "Domestic worker" has the meaning set forth in Section 10
12 of the Domestic Workers' Bill of Rights Act.

13 "Eligible employee" means an employee, other than an
14 employee of the State of Illinois, its political subdivisions,
15 or instrumentalities, employed in the State of Illinois for 12
16 months or more who has worked 1,200 or more base hours during
17 the preceding 12-month period. An employee is considered to be
18 employed in the State of Illinois if:

19 (A) the employee works in Illinois; or

20 (B) the employee routinely performs some work in
21 Illinois and the employee's base of operations or the
22 place from which the work is directed and controlled is in
23 Illinois.

24 "Eligible employee" includes domestic workers.

25 "Employer" means any partnership, association, trust,
26 estate, joint-stock company, insurance company, or

1 corporation, whether domestic or foreign, or the receiver,
2 trustee in bankruptcy, trustee, or person that has in its
3 employ one or more employees performing services for it within
4 this State. "Employer" also includes any employer subject to
5 the Unemployment Insurance Act, except the State, its
6 political subdivisions, and any instrumentality of the State.
7 "Employer" includes a day and temporary labor service agency
8 that provides employees on a temporary basis to its customers
9 and its customers.

10 "Family member" means an eligible employee's child,
11 spouse, party to a civil union, parent, or any other
12 individual related by blood or whose close relationship with
13 the employee is the equivalent of a family relationship.

14 "Family leave benefits" means any payments that are
15 payable to an eligible employee for all or part of a period of
16 paid family leave.

17 "Health care provider" means any person licensed under
18 federal, State, or local law or the laws of a foreign nation to
19 provide health care services or any other person who has been
20 authorized to provide health care by a licensed health care
21 provider.

22 "Intermittent leave" means a non-consecutive leave
23 consisting of intervals, each of which is at least one, but
24 fewer than 12, weeks within a consecutive 12-month period.

25 "Legal Parent" means the parent of a child listed on the
26 certificate of birth.

1 "Medical procedure" means a course of action intended to
2 achieve a result in the delivery of healthcare.

3 "Miscarriage" means the loss of a pregnancy before 20
4 weeks of gestation.

5 "Paid family leave" means leave taken by an eligible
6 employee from work with an employer:

7 (A) to participate in the providing of care, including
8 physical or psychological care, for the employee or a
9 family member of the eligible employee made necessary by a
10 serious health condition or medical procedure of the
11 family member;

12 (B) to be with a child during the first 12 months after
13 the child's birth, if the employee, the employee's spouse,
14 or the party to a civil union with the employee, is a
15 biological parent of the child, or the first 12 months
16 after the placement of the child for adoption or foster
17 care with the employee;

18 (C) for the employee's own serious health condition
19 including stillbirth or miscarriage;

20 (D) for the employee's own reproductive health care;

21 (E) as a result of the employee being subjected to
22 domestic violence; or

23 (F) because of any qualifying exigency as interpreted
24 under the Family and Medical Leave Act of 1993 (29 U.S.C.
25 2612(a) (1) (E) and 29 CFR 825.126) arising out of the fact
26 that the spouse, party to a civil union, child, parent of

1 the employee, or any other individual related by blood or
2 whose close relationship with the employee is equivalent
3 to a family relationship is on active duty (or has been
4 notified of an impending call or order to active duty) in
5 the armed forces as of the United States.

6 "Paid family leave" does not include any period of time
7 during which an eligible employee is paid benefits pursuant to
8 the Workers' Compensation Act or the Unemployment Insurance
9 Act because the employee is unable to perform the duties of the
10 employee's employment due to the employee's own disability.

11 "Parent of an eligible employee" means a biological
12 parent, foster parent, adoptive parent, or stepparent of the
13 eligible employee or a person who was a legal guardian of, or
14 who stood in loco parentis to, the eligible employee when the
15 eligible employee was a child.

16 "Placement for adoption" means the time when an eligible
17 employee adopts a child or becomes responsible for a child
18 pending adoption by the eligible employee.

19 "Reproductive health care" means health care offered,
20 arranged, or furnished for the purpose of preventing
21 pregnancy, terminating a pregnancy, managing pregnancy loss,
22 or improving maternal health and birth outcomes. "Reproductive
23 health care" includes, but is not limited to, contraception,
24 sterilization, preconception care, assisted reproduction,
25 maternity care, abortion care, and counseling regarding
26 reproductive health care.

1 "Self-employed individual" means an individual who
2 receives self-employment income as defined in Section 1402(b)
3 of the Internal Revenue Code. "Self-employed individual" also
4 includes independent contractors, sole proprietors, and
5 partnerships who engage in domestic work as defined in Section
6 10 of the Domestic Workers' Bill of Rights Act.

7 "Serious health condition" means an illness, injury,
8 impairment, or physical or mental condition that requires
9 inpatient care in a hospital, hospice, or residential medical
10 care facility or continuing medical treatment or continuing
11 supervision by a health care provider.

12 "Stillbirth" means the loss of a pregnancy at 20 weeks of
13 gestation or later.

14 "12-month period" means, with respect to an employee who
15 establishes a valid claim for paid family leave benefits
16 during a period of paid family leave, the 365 consecutive days
17 that begin with the first day that the employee first
18 establishes the claim.

19 Section 15. Paid family leave program.

20 (a) The Department shall establish and administer a paid
21 family leave program.

22 (b) The Department shall establish procedures and forms
23 for filing claims for benefits under this Act.

24 (c) The Department shall use information sharing and
25 integration technology to facilitate the disclosure of

1 relevant information or records by the Department of
2 Employment Security.

3 (d) Information contained in the files and records
4 pertaining to an employee under this Act is confidential and
5 not open to public inspection, other than to public employees
6 in the performance of their official duties. An employer must
7 keep at its place of business records of employment from which
8 the information needed by the Department for purposes of this
9 Act may be obtained. The records shall at all times be open to
10 the inspection of the Department pursuant to rules adopted by
11 the Department.

12 (e) The Department shall develop and implement an outreach
13 program to ensure that individuals who may be eligible to
14 receive family leave benefits under this Act are made aware of
15 these benefits. Outreach information shall explain, in an easy
16 to understand format, eligibility requirements, the claims
17 process, weekly benefit amounts, maximum benefits payable,
18 notice requirements, reinstatement and nondiscrimination
19 rights, confidentiality, and coordination of leave under this
20 Act and other laws, collective bargaining agreements, and
21 employer policies. Outreach information shall be available in
22 English and in languages other than English that are spoken as
23 a primary language by a significant portion of the State's
24 population, as determined by the Department.

25 (f) Any local, county, or municipal ordinance that
26 provides for paid family and medical leave enacted or amended

1 on or after the effective date of this Act must comply with the
2 requirements of this Act.

3 Section 20. Eligibility for benefits.

4 (a) The Department may require that a claim for family
5 leave benefits under this Section be supported by a
6 certification issued by a health care provider who is
7 providing care to the employee or the employee's family member
8 if applicable.

9 (b) An employee is not eligible for family leave benefits
10 under this Section for any week for which the employee
11 receives any paid leave from their employer. If an employer
12 provides paid leave, the employee may elect whether first to
13 use the paid leave or to receive family leave benefits under
14 this Section. An employee may not be required to use paid leave
15 to which the employee is entitled before receiving family
16 leave benefits under this Section.

17 (c) This Section does not limit an employee's right to
18 take leave from employment under other laws or employer
19 policy.

20 (d) The eligibility of an employee for benefits is not
21 affected by a strike or lockout at the factory, establishment,
22 or other premises at which the employee is or was last
23 employed.

24 (e) An employee who has received benefits under this
25 Section may not lose any other employment benefits, including

1 seniority or pension rights, accrued before the date that paid
2 family leave commenced. However, this Section does not entitle
3 an employee to accrue employment benefits during a period of
4 paid family leave or to a right, benefit, or position of
5 employment other than a right, benefit, or position to which
6 the employee would have been entitled had the employee not
7 taken paid family leave.

8 (f) Nothing in this Act shall be deemed to interfere with,
9 impede, or in any way diminish the right of employees to
10 bargain collectively with their employers through
11 representatives of their own choosing in order to establish
12 wages or other conditions of work in excess of the applicable
13 minimum standards established in this Act. The paid family
14 leave requirements of this Act may be waived in a bona fide
15 collective bargaining agreement, but only if the waiver is set
16 forth explicitly in such agreement in clear and unambiguous
17 terms.

18 (g) Nothing in this Act shall be deemed to affect the
19 validity or change the terms of bona fide collective
20 bargaining agreements in force on the effective date of this
21 Act. After that date, requirements of this Act may be waived in
22 a bona fide collective bargaining agreement, but only if the
23 waiver is set forth explicitly in such agreement in clear and
24 unambiguous terms.

25 (h) This Section does not create a continuing entitlement
26 or contractual right.

1 (i) Nothing in the Section shall limit the eligibility of
2 an employee for benefits upon the change of employment as long
3 as the employee remains an eligible employee.

4 Section 25. Self-employed benefits.

5 (a) A self-employed individual or individual who contracts
6 to perform services with a covered business entity may elect
7 to be covered under this Act. The self-employed individual or
8 individual who contracts to perform services with a covered
9 business entity must file a notice of election in writing with
10 the Department and contribute to the State Benefits Fund as
11 described in Section 35. The self-employed individual or
12 individual who contracts to perform services with a covered
13 business entity must agree to supply any information
14 concerning taxable income that the Department deems necessary.

15 (b) A self-employed individual who has elected to be
16 covered or an individual who has elected to be covered and who
17 contracts to perform services with a covered business entity
18 may terminate coverage by filing written notice with the
19 Department at such times as the Director prescribes by rule,
20 including at the time of a change in the employment status of
21 the self-employed individual or individual who contracts to
22 perform services with a covered business entity employment
23 status. The termination may not take effect sooner than 30
24 days after the notice is filed.

25 (c) A self-employed individual who has elected to be

1 covered or an individual who has elected to be covered and who
2 contracts to perform services with a covered business entity
3 may terminate coverage on the date of the filing of a voluntary
4 or involuntary bankruptcy petition. The selective coverage of
5 a self-employed individual or individual who contracts to
6 perform services with a covered business entity terminates on
7 the date the self-employed individual or individual who
8 contracts to perform services with a covered business entity
9 provides to the Department documentation to support the
10 bankruptcy petition filing of the self-employed individual or
11 individual who contracts to perform services with a covered
12 business entity and files written notice with the Director. At
13 any time thereafter, the self-employed individual or
14 individual who contracts to perform services with a covered
15 business entity may re-elect coverage under this Section.

16 Section 30. Disqualification from benefits.

17 (a) An employee is disqualified from family leave benefits
18 under this Act if the employee:

19 (1) willfully makes a false statement to obtain
20 benefits; or

21 (2) seeks benefits based on a serious health condition
22 that resulted from the employee's commission of a felony.

23 (b) A disqualification for family leave benefits is for a
24 period of 2 years, and commences on the first day of the
25 calendar week in which the employee filed a claim for benefits

1 under this Act. An employee who is disqualified for benefits
2 is liable to the Department for a penalty in an amount equal to
3 15% of the amount of benefits received by the employee.

4 Section 35. State Benefits Fund.

5 (a) The State Benefits Fund is created as a special fund in
6 the State treasury. Moneys in the Fund may be used for the
7 payment of family leave benefits and for the administration of
8 this Act. All interest and other earnings that accrue from
9 investment of moneys in the Fund shall be credited to the Fund.

10 (b) An employer shall retain from all employees a payroll
11 premium deduction in the amount of 0.3% of wages as defined in
12 subsection (b) of Section 235 of the Unemployment Insurance
13 Act. The Department shall provide for the collection of this
14 payroll premium deduction by rule. The amount of the payroll
15 premium imposed under this Section, less refunds authorized by
16 this Act, and all assessments and penalties collected under
17 this Act shall be deposited into and credited to the Fund.
18 Nothing in this Act shall be construed to prohibit an employer
19 from providing additional voluntary employer contributions
20 toward the cost of benefits provided under this Act. These
21 voluntary contributions may be in addition to employee payroll
22 deductions or used to replace in whole or in part employee
23 payroll deductions. Voluntary employer contributions may
24 result in eligibility to apply for any established Paid Family
25 Medical Leave tax credit.

1 (c) A separate account, to be known as the Administration
2 Account, shall be maintained in the Fund. An amount determined
3 by the Department sufficient for proper administration, not to
4 exceed, however, 0.1% of wages as defined in this Section,
5 shall be credited to the Administration Account. The expenses
6 of the Department in administering the Fund and its accounts
7 shall be charged against the Administration Account. The costs
8 of administration of this Act shall be charged to the
9 Administration Account.

10 (d) A separate account, to be known as the Family Leave
11 Benefits Account, shall be maintained in the Fund. The account
12 shall be charged with all benefit payments. Prior to July 1 of
13 each calendar year, the Department shall determine the average
14 rate of interest and other earnings on all investments of the
15 Fund for the preceding calendar year. If there is an
16 accumulated deficit in the Family Leave Benefits Account in
17 excess of \$200,000 at the end of any calendar year after
18 interest and other earnings have been credited as provided in
19 this Section, the Department shall determine the ratio of the
20 deficit to the total of all taxable wages paid during the
21 preceding calendar year and shall increase the employee
22 payroll premium for the next calendar year. In no event shall
23 such increase exceed .01%. Once the accumulated deficit has
24 been cured, the employee payroll premium shall be reduced to
25 the premium outlined in (b) and (c) of this Section.

26 (e) A board of trustees, consisting of the State

1 Treasurer, the Secretary of State, the Director of Labor, the
2 Director of Employment Security, and the State Comptroller, is
3 hereby created. The board shall invest and reinvest all moneys
4 in the Fund in excess of its cash requirements in obligations
5 legal for savings banks.

6 (f) The Department may adjust rates, not to exceed the
7 amount established in subsection (b) of this Section, for the
8 collection of premiums pursuant to subsection (b) of this
9 Section. The Department shall set rates for premiums in a
10 manner that minimizes the volatility of the rates assessed and
11 so that at the end of the period for which the rates are
12 effective, the cash balance shall be an amount approximating
13 12 months of projected expenditures from the Fund, considering
14 the functions and duties of the Department under this Act.

15 Section 40. Compensation for family leave.

16 (a) An eligible employee's weekly benefit rate shall be
17 two-thirds of his or her average weekly wage, subject to a
18 maximum of the Statewide average weekly wage paid to workers
19 by employers, as determined pursuant to Section 401 of the
20 Unemployment Insurance Act, provided that the employee's
21 benefit rate shall be computed to the next lower multiple of \$1
22 if not already a multiple thereof. The amount of benefits for
23 each day of paid family leave for which benefits are payable
24 shall be one-seventh of the corresponding weekly benefit
25 amount, provided that the total benefits for a fractional part

1 of a week shall be computed to the next lower multiple of \$1 if
2 not already a multiple thereof.

3 (b) With respect to any period of paid family leave and
4 while an individual is an eligible employee, family benefits
5 not in excess of the eligible employee's maximum benefits
6 shall be payable with respect to the first day of leave taken
7 after the first one-week period following the commencement of
8 the period of paid family leave and each subsequent day of paid
9 family leave during that period of paid family leave; and if
10 benefits become payable on any day after the first 3 weeks in
11 which leave is taken, then benefits shall also be payable with
12 respect to any leave taken during the first one-week period in
13 which leave is taken. The maximum total benefits payable to
14 any eligible employee commencing on or after the effective
15 date of this Act shall be 12 times the eligible employee's
16 weekly benefit amount or one-third of his or her total wages in
17 his or her base year, whichever is the lesser; provided that
18 the maximum amount shall be computed in the next lower
19 multiple of \$1 if not already a multiple thereof.

20 (c) All of the family leave benefits paid to an eligible
21 employee during a period of paid family leave with respect to
22 any one birth or adoption shall be for a single continuous
23 period of time, except that the employer of the eligible
24 employee may permit the eligible employee to receive the paid
25 family leave benefits during non-consecutive weeks in a manner
26 mutually agreed to by the employer and the eligible employee

1 and disclosed to the Department by the employer.

2 (d) Nothing in this Act shall be construed to prohibit the
3 establishment by an employer, without approval by the
4 Department, of a supplementary plan or plans providing for the
5 payment to employees, or to any class or classes of employees,
6 of benefits in addition to the benefits provided by this Act or
7 to prohibit the collection or receipt of additional voluntary
8 contributions from employees toward the cost of the additional
9 benefits. The rights, duties, and responsibilities of all
10 interested parties under the supplementary plans shall be
11 unaffected by any provision of this Act.

12 Section 45. Paid family leave; duration. An eligible
13 employee may take 12 weeks of paid family leave within any
14 12-month period in order to provide care made necessary by
15 reasons identified in Section 10. An eligible employee may
16 take paid family leave on an intermittent schedule in which
17 all of the leave authorized under this Act is not taken
18 sequentially.

19 Section 50. Employer equivalent plans.

20 (a) An employer may apply to the Department for approval
21 of an employer-offered benefit plan that provides family and
22 medical leave insurance benefits to the employer's employees.

23 (b) An employer that seeks approval of a plan shall submit
24 an application to the Department in the form and manner

1 prescribed by the Department by rule, accompanied by an
2 application fee not to exceed \$250.

3 (c) The Department shall review and approve an application
4 for a plan if the Director finds that:

5 (1) the plan is made available to all employees who
6 have been continuously employed with an employer and meet
7 the definition of eligible employee under Section 10 of
8 this Act; and

9 (2) the benefits afforded to employees covered under
10 the plan are equal to or greater than the weekly benefits
11 and the duration of leave that an eligible employee would
12 qualify for under this Act.

13 (d) An employee covered under an employer plan is not
14 subject to the requirements of this Act and not required to
15 make the contributions pursuant to Section 35.

16 (e) An employer may assume all or a part of the costs
17 related to a plan approved under this Section.

18 (f) If an employer assumes only part of the costs, the
19 employer may deduct employee contributions from the wages of
20 employees to finance the costs related to the plan, except
21 that any contribution amounts deducted may not exceed the
22 amount that an eligible employee would otherwise be required
23 to contribute under Section 35.

24 (g) Employee contributions received or retained by an
25 employer under this subsection must be used for plan expenses
26 and are not considered to be a part of an employer's assets for

1 any purpose.

2 (h) An employee who takes leave pursuant to a plan
3 approved under this section shall provide notice to an
4 employer of such leave in the same manner as provided in
5 Section 80 of this Act.

6 (i) An employer that offers a plan approved under this
7 Section shall:

8 (1) maintain all reports, information and records
9 relating to the plan, including payroll and account
10 records that document employee contributions and expenses,
11 in the manner established by the Director by rule; and

12 (2) provide written notice to employees that includes:

13 (A) information about benefits available under the
14 approved plan, including the duration of leave;

15 (B) the process for filing a claim to receive
16 benefits under the plan;

17 (C) the process for employee deductions used to
18 finance the costs of the plan, if any;

19 (D) the right to job protection and benefits
20 continuation, if applicable; and

21 (E) a statement that discrimination and
22 retaliatory actions against an employee for inquiring
23 about the family and medical leave insurance program
24 established under this Act, giving notification of
25 leave under the program, taking leave under the
26 program, or claiming family and medical leave

1 insurance benefits are prohibited.

2 (j) An employer may be subjected to penalties under
3 Section 70 where they fail to maintain an approved equivalency
4 plan or provide benefits to employees under an approved
5 equivalency plan that are inconsistent with this Act.

6 Section 55. Annual reports; contents.

7 (a) The Department shall issue and make available to the
8 public, not later than June 1, 2026 and June 1 of each
9 subsequent year, annual reports providing data on family leave
10 benefits including separate data for each of the paid family
11 leave category outlined in Section 10 of this Act. The reports
12 shall include, for each category of claims, the number of
13 workers receiving the benefits, the amount of benefits paid,
14 the average duration of benefits, the average weekly benefit,
15 and any reported amount of paid leave, vacation, or other
16 fully paid time which resulted in reduced benefit duration.
17 The report shall provide data by gender and by any other
18 demographic factors determined to be relevant by the
19 Department. The reports shall also provide, for all family
20 leave benefits, the total costs of benefits and the total cost
21 of administration, the portion of benefits for claims during
22 paid family leave, and the total revenues from employer
23 assessments, where applicable; employee assessments; and other
24 sources. Any and all data made available to the public shall be
25 de-identified and anonymized.

1 (b) The Department may, in its discretion, conduct surveys
2 and other research regarding, and include in the annual
3 reports descriptions and evaluations of the impact and
4 potential future impact of the costs and benefits resulting
5 from the provisions of this Act for:

6 (1) employees and their families, including surveys
7 and evaluations of what portion of the total number of
8 employees taking leave would not have taken leave, or
9 would have taken less leave, without the availability of
10 benefits; what portion of employees return to work after
11 receiving benefits and what portion are not permitted to
12 return to work; and what portion of employees who are
13 eligible for benefits do not claim or receive them and why
14 they do not;

15 (2) employers, including benefits such as reduced
16 training and other costs related to reduced turnover of
17 personnel, and increased affordability of paid family
18 leave through the State, with special attention given to
19 small businesses; and

20 (3) the public, including savings caused by any
21 reduction in the number of people receiving public
22 assistance.

23 (c) The total amount of any expenses that the Department
24 determines are necessary to carry out its duties pursuant to
25 this Section shall be charged to the Administration Account of
26 the Fund.

1 Section 60. Hearings. A person aggrieved by a decision of
2 the Department under this Act may request a hearing. The
3 Department shall adopt rules governing hearings and the
4 issuance of final orders under this Act in accordance with the
5 provisions of the Illinois Administrative Procedure Act. All
6 final administrative decisions of the Department under this
7 Act are subject to judicial review under the Administrative
8 Review Law.

9 Section 65. Prohibited acts.

10 (a) No employer, temporary employment agency, employment
11 agency, employee organization, or other person shall
12 discharge, expel, or otherwise discriminate against a person
13 because the person has filed or communicated to the employer
14 an intent to file a claim, a complaint, or an appeal or has
15 testified or is about to testify or has assisted in any
16 proceeding, under this Act, at any time.

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

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

5 Section 70. Penalties.

6 (a) A person who makes a false statement or
7 representation, knowing it to be false, or increase any paid
8 family leave benefit during a period of paid family leave,
9 either for himself or herself or for any other person, shall be
10 liable for a civil penalty of \$250 to be paid to the
11 Department. Each such false statement or representation shall
12 constitute a separate offense. Upon refusal to pay such civil
13 penalty, the civil penalty shall be recovered in a civil
14 action by the Attorney General on behalf the Department in the
15 name of the State of Illinois. If, in any case in which
16 liability for the payment of a civil penalty has been
17 determined, any person who has received any benefits under
18 this Act by reason of the making of such false statements or
19 representations shall not be entitled to any benefits under
20 this Act for any leave occurring prior to the time he or she
21 has discharged his or her liability to pay the civil penalty.

22 (b) A person, employing unit, employer, or entity who
23 willfully violates any provision of this Act or any rule
24 adopted under this Act for which a civil penalty is neither
25 prescribed in this Act nor provided by any other applicable

1 law shall be subject to a civil penalty of \$500 to be paid to
2 the Department. Upon the refusal to pay such civil penalty,
3 the civil penalty shall be recovered in a civil action by the
4 Attorney General on behalf of the Department in the name of the
5 State of Illinois.

6 (c) A person, employing unit, employer, or entity
7 violating any provision of this Section with intent to defraud
8 the Department is guilty of a Class C misdemeanor. The fine
9 upon conviction shall be payable to the Fund. Any penalties
10 imposed by this subsection shall be in addition to those
11 otherwise prescribed in this Section.

12 Section 75. Leave and employment protection.

13 (a) During a period in which an employee receives family
14 leave benefits under this Act, the employee is entitled to
15 paid family leave and, at the established ending date of
16 leave, to be restored to a position of employment with the
17 employer from whom leave was taken as provided under
18 subsection (b).

19 (b) Except as provided in subsection (f), an employee who
20 receives family leave benefits under this Act for the intended
21 purpose of the paid family leave is entitled, on return from
22 the leave:

23 (1) to be restored by the employer to the position of
24 employment held by the employee when the paid family leave
25 commenced; or

1 (2) to be restored to an equivalent position with
2 equivalent employment benefits, pay, and other terms and
3 conditions of employment at the employee's workplace
4 immediately prior to when the paid family leave commenced.

5 (c) The taking of paid family leave under this Act may not
6 result in the loss of any employment benefits accrued before
7 the date on which the paid family leave commenced.

8 (d) Nothing in this Section entitles a restored employee
9 to:

10 (1) the accrual of any seniority or employment
11 benefits during any period of paid family leave; or

12 (2) any right, benefit, or position of employment
13 other than any right, benefit, or position to which the
14 employee would have been entitled to had the employee not
15 taken the paid family leave.

16 (e) Nothing in this Section prohibits an employer from
17 requiring an employee on paid family leave to report
18 periodically to the employer on the status and intention of
19 the employee to return to work.

20 (f) During any period an employee takes paid family leave
21 under this Act, if the employer provides insurance for
22 employees, the employer shall maintain coverage for the
23 employee and any family member under any group health plan for
24 the duration of such leave at no less than the level and
25 conditions of coverage that would have been provided if the
26 employee had not taken the leave. The employer shall notify

1 the employee that the employee is still responsible for paying
2 the employee's share of the cost of the health care coverage,
3 if any.

4 Section 80. Notice to employer.

5 (a) If the necessity for paid family leave for the birth or
6 placement of a child is foreseeable based on an expected birth
7 or placement, the employee shall provide the employer with not
8 less than 30 days' notice, before the date the leave is to
9 begin, of the employee's intention to take leave for the birth
10 or placement of a child, except that if the date of the birth
11 or placement requires leave to begin in less than 30 days, the
12 employee shall provide such notice as is practicable.

13 (b) If the necessity for paid family leave for an
14 employee's, a family member's serious health condition,
15 employee's own medical procedure or the employee's own
16 reproductive health care is foreseeable based on planned
17 medical treatment, the employee:

18 (1) must make a reasonable effort to schedule the
19 treatment so as not to disrupt unduly the operations of
20 the employer; and

21 (2) must provide the employer with not less than 30
22 days' notice, before the date the leave is to begin, of the
23 employee's intention to take leave, except that if the
24 date of the treatment requires leave to begin in less than
25 30 days, the employee must provide such notice as is

1 practicable.

2 Section 85. Employment by same employer. If spouses who
3 are entitled to leave under this Act are employed by the same
4 employer, the employer may require that the spouses not take
5 more than 6 weeks of such leave concurrently.

6 Section 90. Coordination of leave.

7 (a) Paid family leave taken under this Act must be taken
8 concurrently with any leave taken under the federal Family and
9 Medical Leave Act of 1993, collective bargaining agreement, or
10 any local county or municipal ordinance.

11 (b) An employer may require that paid family leave taken
12 under this Act be taken concurrently or otherwise coordinated
13 with leave allowed under the terms of a collective bargaining
14 agreement, local county or municipal ordinance, or employer
15 policy. The employer must give their employees written notice
16 of this requirement. In adopting rules, the Department shall
17 maintain consistency with the regulations adopted to implement
18 the federal Family and Medical Leave Act of 1993 to the extent
19 such regulations are not in conflict with this Act.

20 Section 95. Rules. The Department shall adopt any rules
21 necessary to implement the provisions of this Act.

22 Section 100. Authority to contract. The Department may

1 contract or enter into interagency agreements with other State
2 agencies for the initial administration of the Paid Family
3 Leave Program.

4 Section 900. The State Finance Act is amended by adding
5 Section 5.990 as follows:

6 (30 ILCS 105/5.990 new)

7 Sec. 5.990. The State Benefits Fund.

8 Section 999. Effective date. This Act takes effect upon
9 becoming law, except that Section 35 becomes effective June 1,
10 2024, and Sections 40 and 45 become effective June 1, 2025."