



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2493

Introduced 2/15/2023, by Rep. Aaron M. Ortiz

SYNOPSIS AS INTRODUCED:

820 ILCS 180/15
820 ILCS 180/20

Amends the Victims' Economic Security and Safety Act. Provides that an employee may take unpaid leave from work for specified reasons relating to a family or household member who is killed in a crime of violence. Provides that an employee shall be entitled to a total of not more than 2 workweeks of unpaid leave for specified reasons relating to a family or household member who is killed in a crime of violence, which must be completed within 60 days after the date on which the employee receives notice of the death of the victim. Provides that an employee may satisfy the certification requirement by providing an employer with 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. Makes other changes.

LRB103 28184 SPS 54563 b

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

6 (820 ILCS 180/15)

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

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

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

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

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

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

1 (820 ILCS 180/20)

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

5 (a) Leave requirement.

6 (1) Basis. An employee who is a victim of domestic
7 violence, sexual violence, gender violence, or any other
8 crime of violence or an employee who has a family or
9 household member who is a victim of domestic violence,
10 sexual violence, gender violence, or any other crime of
11 violence whose interests are not adverse to the employee
12 as it relates to the domestic violence, sexual violence,
13 gender violence, or any other crime of violence may take
14 unpaid leave from work if the employee or employee's
15 family or household member is experiencing an incident of
16 domestic violence, sexual violence, gender violence, or
17 any other crime of violence or to address domestic
18 violence, sexual violence, gender violence, or any other
19 crime of violence by:

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

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

1 or household member;

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

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

11 ~~or~~

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

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

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

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

1 (2) Period. Subject to subsection (c) and except as
2 provided in paragraph (4) of this subsection, an employee
3 working for an employer that employs at least 50 employees
4 shall be entitled to a total of 12 workweeks of leave
5 during any 12-month period. Subject to subsection (c) and
6 except as provided in paragraph (4) of this subsection, an
7 employee working for an employer that employs at least 15
8 but not more than 49 employees shall be entitled to a total
9 of 8 workweeks of leave during any 12-month period.
10 Subject to subsection (c) and except as provided in
11 paragraph (4) of this subsection, an employee working for
12 an employer that employs at least one but not more than 14
13 employees shall be entitled to a total of 4 workweeks of
14 leave during any 12-month period. The total number of
15 workweeks to which an employee is entitled shall not
16 decrease during the relevant 12-month period. This Act
17 does not create a right for an employee to take unpaid
18 leave that exceeds the unpaid leave time allowed under, or
19 is in addition to the unpaid leave time permitted by, the
20 federal Family and Medical Leave Act of 1993 (29 U.S.C.
21 2601 et seq.).

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

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

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

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

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

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

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

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

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

17 (c) Certification.

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

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

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

26 The employee shall provide such certification to the

1 employer within a reasonable period after the employer
2 requests certification.

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

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

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

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

23 (C) other corroborating evidence.

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

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

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

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

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

15 (e) Employment and benefits.

16 (1) Restoration to position.

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

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

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

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

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

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

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

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

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

17 (2) Maintenance of health benefits.

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

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

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

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

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

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

19 (C) Certification.

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

1 that reason.

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

5 (I) a sworn statement of the employee;

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

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

15 or

16 (IV) other corroborating evidence.

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

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

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

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

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

7 (f) Prohibited acts.

8 (1) Interference with rights.

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

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

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

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

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

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

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

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

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

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

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

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

25 (Source: P.A. 101-221, eff. 1-1-20; 102-487, eff. 1-1-22;
26 102-890, eff. 5-19-22.)