



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2217

Introduced 2/10/2023, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.990 new

Creates the Paid Family Leave Insurance Program Act. Requires the Department of Employment Security to establish and administer a Family Leave Insurance Program that provides family leave insurance benefits to eligible employees. Sets forth eligibility requirements for benefits under the Act. Provides that a self-employed individual may elect to be covered under the Act. Contains provisions concerning disqualification from benefits; compensation for family leave; the amount and duration of benefits; employer equivalent plans; an annual report by the Department; hearings; penalties; notice; the coordination of family leave; and rules. Amends the State Finance Act. Creates the State Benefits Fund. Effective immediately, except that provisions concerning the State Benefits Fund take effect June 1, 2024 and provisions concerning the amount and duration of paid family leave take effect June 1, 2025.

LRB103 30689 SPS 57160 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 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
17 breadwinners for their families. If any of these women take
18 unpaid maternity leave, their families and Illinois suffer.

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

22 It is therefore desirable and necessary to develop systems
23 that help families adapt to the competing interests of work

1 and home and that not only benefit workers but also benefit
2 employers by reducing employee turnover and increasing worker
3 productivity.

4 (b) It is the intent of the General Assembly to create a
5 paid family leave program to relieve the serious menace to the
6 health, morals, and welfare of Illinois families, to increase
7 workplace productivity, and to alleviate the enormous and
8 growing stress on working families of balancing the demands of
9 work and family needs.

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

11 "Assisted reproduction" means a method of achieving a
12 pregnancy through the handling of human oocytes, sperm,
13 zygotes, or embryos for the purpose of establishing a
14 pregnancy. "Assisted reproduction" includes, but is not
15 limited to, methods of artificial insemination, in vitro
16 fertilization, embryo transfer, zygote transfer, embryo
17 biopsy, preimplantation genetic diagnosis, embryo
18 cryopreservation, oocyte, gamete, zygote, and embryo donation,
19 and gestational surrogacy.

20 "Average weekly wage" means the amount derived by dividing
21 by 12 an employee's total earnings, including wages,
22 gratuities, bonuses, commissions, and any other compensation
23 that constitutes remuneration, earned during the quarter with
24 the highest earnings in the applicable benefit year, or the
25 amount derived by dividing by 12 an employee's total earnings,

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

12 "Base hours" means the hours of work for which an employee
13 receives compensation. "Base hours" includes overtime hours
14 for which the employee is paid additional or overtime
15 compensation and hours for which the employee receives
16 workers' compensation benefits. "Base hours" also includes
17 hours an employee would have worked except for having been in
18 military service. At the option of the employer, "base hours"
19 may include hours for which the employee receives other types
20 of compensation, such as administrative, personal, vacation,
21 or paid leave.

22 "Care" includes, but is not limited to, physical care,
23 emotional support, visitation, arranging for a change in care,
24 assistance with essential daily living matters, and personal
25 attendant services.

26 "Child" means a biological, adopted, or foster child,

1 stepchild, or legal ward of an eligible employee, child of a
2 spouse of the eligible employee, child of a legal parent, or
3 child of a civil union partner of the eligible employee, who is
4 less than 18 years of age or is 18 years of age or older, but
5 incapable of self-care because of a mental or physical
6 impairment.

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

9 "Consecutive leave" means leave that is taken without
10 interruption based upon an employee's regular work schedule
11 and does not include breaks in employment in which an employee
12 is not regularly scheduled to work.

13 "Covered business entity" means a business or trade that
14 contracts with one or more individuals for services and is
15 required to report the payment of services to such individuals
16 on IRS Form 1099-MISC or IRS Form 1099-K for more than 25% of
17 its Illinois workforce. Such individuals are included in the
18 covered business entity's workforce if the contracts for
19 services include, but are not limited to, oral or written
20 contracts, and services arranged through application software
21 designed to run on smartphones and other mobile devices and
22 software designed to run inside a web browser.

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

26 "Department" means the Department of Employment Security.

1 "Director" means the Director of Employment Security.

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

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

6 "Eligible employee" means an employee, other than an
7 employee of the State of Illinois, its political subdivisions,
8 or instrumentalities, employed in the State of Illinois for 12
9 months or more who has worked 1,200 or more base hours during
10 the preceding 12-month period. An employee is considered to be
11 employed in the State of Illinois if:

12 (A) the employee works in Illinois; or

13 (B) the employee routinely performs some work in
14 Illinois and the employee's base of operations or the
15 place from which the work is directed and controlled is in
16 Illinois.

17 "Eligible employee" includes domestic workers.

18 "Employer" means any partnership, association, trust,
19 estate, joint-stock company, insurance company, or
20 corporation, whether domestic or foreign, or the receiver,
21 trustee in bankruptcy, trustee, or person that has in its
22 employ one or more employees performing services for it within
23 this State. "Employer" also includes any employer subject to
24 the Unemployment Insurance Act, except the State, its
25 political subdivisions, and any instrumentality of the State.

26 "Employer" includes a day and temporary labor service agency

1 that provides employees on a temporary basis to its customers
2 and its customers.

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

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

10 "Health care provider" means any person licensed under
11 federal, State, or local law or the laws of a foreign nation to
12 provide health care services or any other person who has been
13 authorized to provide health care by a licensed health care
14 provider.

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

18 "Legal Parent" means the parent of a child listed on the
19 certificate of birth.

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

22 "Miscarriage" means the loss of a pregnancy before 20
23 weeks of gestation.

24 "Paid family leave" means leave taken by an eligible
25 employee from work with an employer:

26 (A) to participate in the providing of care, including

1 physical or psychological care, for the employee or a
2 family member of the eligible employee made necessary by a
3 serious health condition or medical procedure of the
4 family member;

5 (B) to be with a child during the first 12 months after
6 the child's birth, if the employee, the employee's spouse,
7 or the party to a civil union with the employee, is a
8 biological parent of the child, or the first 12 months
9 after the placement of the child for adoption or foster
10 care with the employee;

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

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

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

16 (F) because of any qualifying exigency as interpreted
17 under the Family and Medical Leave Act of 1993 (29 U.S.C.
18 2612(a)(1)(E) and 29 CFR 825.126) arising out of the fact
19 that the spouse, party to a civil union, child, parent of
20 the employee, or any other individual related by blood or
21 whose close relationship with the employee is equivalent
22 to a family relationship is on active duty (or has been
23 notified of an impending call or order to active duty) in
24 the armed forces as of the United States.

25 "Paid family leave" does not include any period of time
26 during which an eligible employee is paid benefits pursuant to

1 the Workers' Compensation Act or the Unemployment Insurance
2 Act because the employee is unable to perform the duties of the
3 employee's employment due to the employee's own disability.

4 "Parent of an eligible employee" means a biological
5 parent, foster parent, adoptive parent, or stepparent of the
6 eligible employee or a person who was a legal guardian of, or
7 who stood in loco parentis to, the eligible employee when the
8 eligible employee was a child.

9 "Placement for adoption" means the time when an eligible
10 employee adopts a child or becomes responsible for a child
11 pending adoption by the eligible employee.

12 "Reproductive health care" means health care offered,
13 arranged, or furnished for the purpose of preventing
14 pregnancy, terminating a pregnancy, managing pregnancy loss,
15 or improving maternal health and birth outcomes. "Reproductive
16 health care" includes, but is not limited to, contraception,
17 sterilization, preconception care, assisted reproduction,
18 maternity care, abortion care, and counseling regarding
19 reproductive health care.

20 "Self-employed individual" means an individual who
21 receives self-employment income as defined in Section 1402(b)
22 of the Internal Revenue Code. "Self-employed individual" also
23 includes independent contractors, sole proprietors, and
24 partnerships who engage in domestic work as defined in Section
25 10 of the Domestic Workers' Bill of Rights Act.

26 "Serious health condition" means an illness, injury,

1 impairment, or physical or mental condition that requires
2 inpatient care in a hospital, hospice, or residential medical
3 care facility or continuing medical treatment or continuing
4 supervision by a health care provider.

5 "Stillbirth" means the loss of a pregnancy at 20 weeks of
6 gestation or later.

7 "12-month period" means, with respect to an employee who
8 establishes a valid claim for paid family leave benefits
9 during a period of paid family leave, the 365 consecutive days
10 that begin with the first day that the employee first
11 establishes the claim.

12 Section 15. Paid family leave program.

13 (a) The Department shall establish and administer a paid
14 family leave program.

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

17 (c) The Department shall use information sharing and
18 integration technology to facilitate the disclosure of
19 relevant information or records by the Department of
20 Employment Security.

21 (d) Information contained in the files and records
22 pertaining to an employee under this Act is confidential and
23 not open to public inspection, other than to public employees
24 in the performance of their official duties. An employer must
25 keep at its place of business records of employment from which

1 the information needed by the Department for purposes of this
2 Act may be obtained. The records shall at all times be open to
3 the inspection of the Department pursuant to rules adopted by
4 the Department.

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

18 (f) Any local, county, or municipal ordinance that
19 provides for paid family and medical leave enacted or amended
20 on or after the effective date of this Act must comply with the
21 requirements of this Act.

22 Section 20. Eligibility for benefits.

23 (a) The Department may require that a claim for family
24 leave benefits under this Section be supported by a
25 certification issued by a health care provider who is

1 providing care to the employee or the employee's family member
2 if applicable.

3 (b) An employee is not eligible for family leave benefits
4 under this Section for any week for which the employee
5 receives any paid leave from their employer. If an employer
6 provides paid leave, the employee may elect whether first to
7 use the paid leave or to receive family leave benefits under
8 this Section. An employee may not be required to use paid leave
9 to which the employee is entitled before receiving family
10 leave benefits under this Section.

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

14 (d) The eligibility of an employee for benefits is not
15 affected by a strike or lockout at the factory, establishment,
16 or other premises at which the employee is or was last
17 employed.

18 (e) An employee who has received benefits under this
19 Section may not lose any other employment benefits, including
20 seniority or pension rights, accrued before the date that paid
21 family leave commenced. However, this Section does not entitle
22 an employee to accrue employment benefits during a period of
23 paid family leave or to a right, benefit, or position of
24 employment other than a right, benefit, or position to which
25 the employee would have been entitled had the employee not
26 taken paid family leave.

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

11 (g) Nothing in this Act shall be deemed to affect the
12 validity or change the terms of bona fide collective
13 bargaining agreements in force on the effective date of this
14 Act. After that date, requirements of this Act may be waived in
15 a bona fide collective bargaining agreement, but only if the
16 waiver is set forth explicitly in such agreement in clear and
17 unambiguous terms.

18 (h) This Section does not create a continuing entitlement
19 or contractual right.

20 (i) Nothing in the Section shall limit the eligibility of
21 an employee for benefits upon the change of employment as long
22 as the employee remains an eligible employee.

23 Section 25. Self-employed benefits.

24 (a) A self-employed individual or individual who contracts
25 to perform services with a covered business entity may elect

1 to be covered under this Act. The self-employed individual or
2 individual who contracts to perform services with a covered
3 business entity must file a notice of election in writing with
4 the Department and contribute to the State Benefits Fund as
5 described in Section 35. The self-employed individual or
6 individual who contracts to perform services with a covered
7 business entity must agree to supply any information
8 concerning taxable income that the Department deems necessary.

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

19 (c) A self-employed individual who has elected to be
20 covered or an individual who has elected to be covered and who
21 contracts to perform services with a covered business entity
22 may terminate coverage on the date of the filing of a voluntary
23 or involuntary bankruptcy petition. The selective coverage of
24 a self-employed individual or individual who contracts to
25 perform services with a covered business entity terminates on
26 the date the self-employed individual or individual who

1 contracts to perform services with a covered business entity
2 provides to the Department documentation to support the
3 bankruptcy petition filing of the self-employed individual or
4 individual who contracts to perform services with a covered
5 business entity and files written notice with the Director. At
6 any time thereafter, the self-employed individual or
7 individual who contracts to perform services with a covered
8 business entity may re-elect coverage under this Section.

9 Section 30. Disqualification from benefits.

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

12 (1) willfully makes a false statement to obtain
13 benefits; or

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

16 (b) A disqualification for family leave benefits is for a
17 period of 2 years, and commences on the first day of the
18 calendar week in which the employee filed a claim for benefits
19 under this Act. An employee who is disqualified for benefits
20 is liable to the Department for a penalty in an amount equal to
21 15% of the amount of benefits received by the employee.

22 Section 35. State Benefits Fund.

23 (a) The State Benefits Fund is created as a special fund in
24 the State treasury. Moneys in the Fund may be used for the

1 payment of family leave benefits and for the administration of
2 this Act. All interest and other earnings that accrue from
3 investment of moneys in the Fund shall be credited to the Fund.

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

20 (c) A separate account, to be known as the Administration
21 Account, shall be maintained in the Fund. An amount determined
22 by the Department sufficient for proper administration, not to
23 exceed, however, 0.1% of wages as defined in this Section,
24 shall be credited to the Administration Account. The expenses
25 of the Department in administering the Fund and its accounts
26 shall be charged against the Administration Account. The costs

1 of administration of this Act shall be charged to the
2 Administration Account.

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

19 (e) A board of trustees, consisting of the State
20 Treasurer, the Secretary of State, the Director of Labor, the
21 Director of Employment Security, and the State Comptroller, is
22 hereby created. The board shall invest and reinvest all moneys
23 in the Fund in excess of its cash requirements in obligations
24 legal for savings banks.

25 (f) The Department may adjust rates, not to exceed the
26 amount established in subsection (b) of this Section, for the

1 collection of premiums pursuant to subsection (b) of this
2 Section. The Department shall set rates for premiums in a
3 manner that minimizes the volatility of the rates assessed and
4 so that at the end of the period for which the rates are
5 effective, the cash balance shall be an amount approximating
6 12 months of projected expenditures from the Fund, considering
7 the functions and duties of the Department under this Act.

8 Section 40. Compensation for family leave.

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

21 (b) With respect to any period of paid family leave and
22 while an individual is an eligible employee, family benefits
23 not in excess of the eligible employee's maximum benefits
24 shall be payable with respect to the first day of leave taken
25 after the first one-week period following the commencement of

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

13 (c) All of the family leave benefits paid to an eligible
14 employee during a period of paid family leave with respect to
15 any one birth or adoption shall be for a single continuous
16 period of time, except that the employer of the eligible
17 employee may permit the eligible employee to receive the paid
18 family leave benefits during non-consecutive weeks in a manner
19 mutually agreed to by the employer and the eligible employee
20 and disclosed to the Department by the employer.

21 (d) Nothing in this Act shall be construed to prohibit the
22 establishment by an employer, without approval by the
23 Department, of a supplementary plan or plans providing for the
24 payment to employees, or to any class or classes of employees,
25 of benefits in addition to the benefits provided by this Act or
26 to prohibit the collection or receipt of additional voluntary

1 contributions from employees toward the cost of the additional
2 benefits. The rights, duties, and responsibilities of all
3 interested parties under the supplementary plans shall be
4 unaffected by any provision of this Act.

5 Section 45. Paid family leave; duration. An eligible
6 employee may take 12 weeks of paid family leave within any
7 12-month period in order to provide care made necessary by
8 reasons identified in Section 10. An eligible employee may
9 take paid family leave on an intermittent schedule in which
10 all of the leave authorized under this Act is not taken
11 sequentially.

12 Section 50. Employer equivalent plans.

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

16 (b) An employer that seeks approval of a plan shall submit
17 an application to the Department in the form and manner
18 prescribed by the Department by rule, accompanied by an
19 application fee not to exceed \$250.

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

22 (1) the plan is made available to all employees who
23 have been continuously employed with an employer and meet
24 the definition of eligible employee under Section 10 of

1 this Act; and

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

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

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

11 (f) If an employer assumes only part of the costs, the
12 employer may deduct employee contributions from the wages of
13 employees to finance the costs related to the plan, except
14 that any contribution amounts deducted may not exceed the
15 amount that an eligible employee would otherwise be required
16 to contribute under Section 35.

17 (g) Employee contributions received or retained by an
18 employer under this subsection must be used for plan expenses
19 and are not considered to be a part of an employer's assets for
20 any purpose.

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

25 (i) An employer that offers a plan approved under this
26 Section shall:

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

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

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

8 (B) the process for filing a claim to receive
9 benefits under the plan;

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

12 (D) the right to job protection and benefits
13 continuation, if applicable; and

14 (E) a statement that discrimination and
15 retaliatory actions against an employee for inquiring
16 about the family and medical leave insurance program
17 established under this Act, giving notification of
18 leave under the program, taking leave under the
19 program, or claiming family and medical leave
20 insurance benefits are prohibited.

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

25 Section 55. Annual reports; contents.

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

20 (b) The Department may, in its discretion, conduct surveys
21 and other research regarding, and include in the annual
22 reports descriptions and evaluations of the impact and
23 potential future impact of the costs and benefits resulting
24 from the provisions of this Act for:

- 25 (1) employees and their families, including surveys
26 and evaluations of what portion of the total number of

1 employees taking leave would not have taken leave, or
2 would have taken less leave, without the availability of
3 benefits; what portion of employees return to work after
4 receiving benefits and what portion are not permitted to
5 return to work; and what portion of employees who are
6 eligible for benefits do not claim or receive them and why
7 they do not;

8 (2) employers, including benefits such as reduced
9 training and other costs related to reduced turnover of
10 personnel, and increased affordability of paid family
11 leave through the State, with special attention given to
12 small businesses; and

13 (3) the public, including savings caused by any
14 reduction in the number of people receiving public
15 assistance.

16 (c) The total amount of any expenses that the Department
17 determines are necessary to carry out its duties pursuant to
18 this Section shall be charged to the Administration Account of
19 the Fund.

20 Section 60. Hearings. A person aggrieved by a decision of
21 the Department under this Act may request a hearing. The
22 Department shall adopt rules governing hearings and the
23 issuance of final orders under this Act in accordance with the
24 provisions of the Illinois Administrative Procedure Act. All
25 final administrative decisions of the Department under this

1 Act are subject to judicial review under the Administrative
2 Review Law.

3 Section 65. Prohibited acts.

4 (a) No employer, temporary employment agency, employment
5 agency, employee organization, or other person shall
6 discharge, expel, or otherwise discriminate against a person
7 because the person has filed or communicated to the employer
8 an intent to file a claim, a complaint, or an appeal or has
9 testified or is about to testify or has assisted in any
10 proceeding, under this Act, at any time.

11 (b) It is unlawful for any employer to threaten to take or
12 to take any adverse action against an employee because the
13 employee (1) exercises rights or attempts to exercise rights
14 under this Act; (2) opposes practices which the employee
15 believes to be in violation of this Act; or (3) supports the
16 exercise of rights of another under this Act. It is unlawful
17 for any employer to consider the use of paid family and medical
18 leave by an employee as a negative factor in any employment
19 action that involves evaluating, promoting, disciplining, or
20 counting paid leave under a no-fault attendance policy. Such
21 retaliation shall subject an employer to civil penalties
22 pursuant to this Act.

23 Section 70. Penalties.

24 (a) A person who makes a false statement or

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

16 (b) A person, employing unit, employer, or entity who
17 willfully violates any provision of this Act or any rule
18 adopted under this Act for which a civil penalty is neither
19 prescribed in this Act nor provided by any other applicable
20 law shall be subject to a civil penalty of \$500 to be paid to
21 the Department. Upon the refusal to pay such civil penalty,
22 the civil penalty shall be recovered in a civil action by the
23 Attorney General on behalf of the Department in the name of the
24 State of Illinois.

25 (c) A person, employing unit, employer, or entity
26 violating any provision of this Section with intent to defraud

1 the Department is guilty of a Class C misdemeanor. The fine
2 upon conviction shall be payable to the Fund. Any penalties
3 imposed by this subsection shall be in addition to those
4 otherwise prescribed in this Section.

5 Section 75. Leave and employment protection.

6 (a) During a period in which an employee receives family
7 leave benefits under this Act, the employee is entitled to
8 paid family leave and, at the established ending date of
9 leave, to be restored to a position of employment with the
10 employer from whom leave was taken as provided under
11 subsection (b).

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

16 (1) to be restored by the employer to the position of
17 employment held by the employee when the paid family leave
18 commenced; or

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

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

1 (d) Nothing in this Section entitles a restored employee
2 to:

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

5 (2) any right, benefit, or position of employment
6 other than any right, benefit, or position to which the
7 employee would have been entitled to had the employee not
8 taken the paid family leave.

9 (e) Nothing in this Section prohibits an employer from
10 requiring an employee on paid family leave to report
11 periodically to the employer on the status and intention of
12 the employee to return to work.

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

23 Section 80. Notice to employer.

24 (a) If the necessity for paid family leave for the birth or
25 placement of a child is foreseeable based on an expected birth

1 or placement, the employee shall provide the employer with not
2 less than 30 days' notice, before the date the leave is to
3 begin, of the employee's intention to take leave for the birth
4 or placement of a child, except that if the date of the birth
5 or placement requires leave to begin in less than 30 days, the
6 employee shall provide such notice as is practicable.

7 (b) If the necessity for paid family leave for an
8 employee's, a family member's serious health condition,
9 employee's own medical procedure or the employee's own
10 reproductive health care is foreseeable based on planned
11 medical treatment, the employee:

12 (1) must make a reasonable effort to schedule the
13 treatment so as not to disrupt unduly the operations of
14 the employer; and

15 (2) must provide the employer with not less than 30
16 days' notice, before the date the leave is to begin, of the
17 employee's intention to take leave, except that if the
18 date of the treatment requires leave to begin in less than
19 30 days, the employee must provide such notice as is
20 practicable.

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

1 Section 90. Coordination of leave.

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

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

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

17 Section 100. Authority to contract. The Department may
18 contract or enter into interagency agreements with other State
19 agencies for the initial administration of the Paid Family
20 Leave Program.

21 Section 900. The State Finance Act is amended by adding
22 Section 5.990 as follows:

1 (30 ILCS 105/5.990 new)

2 Sec. 5.990. The State Benefits Fund.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law, except that Section 35 becomes effective June 1,
5 2024, and Sections 40 and 45 become effective June 1, 2025.