



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2691

Introduced 1/10/2024, by Sen. Laura Fine

#### SYNOPSIS AS INTRODUCED:

820 ILCS 191/10  
820 ILCS 191/20

Amends the Employee Sick Leave Act. Provides that an employer may limit the use of personal sick leave benefits provided by the employer for absences due to an illness, injury, medical appointment, or personal care of the employee's covered family member to an amount not less than the personal sick leave that would be earned or accrued during 9 months (rather than 6 months) at the employee's then current rate of entitlement. Provides that, for employers who base personal sick leave benefits on an employee's years of service instead of annual or monthly accrual, such employer may limit the amount of sick leave to be used under this Act to three-fourths of the employee's maximum annual grant (rather than half of the employee's maximum annual grant). Provides that an employer may not require an employee to provide advance notice of his or her use of personal sick leave benefits. Makes a corresponding change.

LRB103 35000 SPS 64914 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 Employee Sick Leave Act is amended by  
5 changing Sections 10 and 20 as follows:

6 (820 ILCS 191/10)

7 Sec. 10. Use of leave; limitations.

8 (a) An employee may use personal sick leave benefits  
9 provided by the employer for absences due to an illness,  
10 injury, or medical appointment of the employee's child,  
11 stepchild, spouse, domestic partner, sibling, parent,  
12 mother-in-law, father-in-law, grandchild, grandparent, or  
13 stepparent, or for personal care of a covered family member on  
14 the same terms upon which the employee is able to use personal  
15 sick leave benefits for the employee's own illness or injury.  
16 An employer may request written verification of the employee's  
17 absence from a health care professional if such verification  
18 is required under the employer's employment benefit plan or  
19 paid time off policy.

20 (b) An employer may limit the use of personal sick leave  
21 benefits provided by the employer for absences due to an  
22 illness, injury, medical appointment, or personal care of the  
23 employee's covered family member to an amount not less than

1 the personal sick leave that would be earned or accrued during  
2 9 ~~6~~ months at the employee's then current rate of entitlement.  
3 For employers who base personal sick leave benefits on an  
4 employee's years of service instead of annual or monthly  
5 accrual, such employer may limit the amount of sick leave to be  
6 used under this Act to three-fourths ~~half~~ of the employee's  
7 maximum annual grant.

8 (c) An employer who provides personal sick leave benefits  
9 or a paid time off policy that would otherwise provide  
10 benefits as required under subsections (a) and (b) shall not  
11 be required to modify such benefits.

12 (d) An employer may not require an employee to provide  
13 advance notice of his or her use of personal sick leave  
14 benefits.

15 (Source: P.A. 102-4, eff. 4-27-21.)

16 (820 ILCS 191/20)

17 Sec. 20. Retaliation prohibited. An employer shall not  
18 deny an employee the right to use personal sick leave benefits  
19 in accordance with this Act or discharge, threaten to  
20 discharge, demote, suspend, or in any manner discriminate  
21 against an employee for using personal sick leave benefits  
22 with or without advance notice, attempting to exercise the  
23 right to use personal sick leave benefits, filing a complaint  
24 with the Illinois Department of Labor or alleging a violation  
25 of this Act, cooperating in an investigation or prosecution of

1 an alleged violation of this Act, or opposing any policy or  
2 practice or act that is prohibited by this Act. Nothing in this  
3 Section prohibits an employer from applying the terms and  
4 conditions set forth in the employment benefit plan or paid  
5 time off policy applicable to personal sick leave benefits.

6 (Source: P.A. 99-841, eff. 1-1-17; 99-921, eff. 1-13-17.)