

1 AN ACT concerning domestic violence.

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
5 Victims of Domestic Violence Employment Leave Act.

6 Section 5. Findings. The General Assembly finds and
7 declares as follows:

8 (1) Domestic violence affects many persons without
9 regard to age, race, educational level, socioeconomic status,
10 religion, or occupation.

11 (2) Domestic violence is a crime that has a devastating
12 effect on families, communities, and the workplace.

13 (3) Domestic violence impacts on productivity,
14 effectiveness, absenteeism, and employee turnover in the
15 workplace.

16 (4) The National Crime Survey estimates that 175,000
17 days per year are missed from paid work due to domestic
18 violence.

19 (5) The study also found that 56% of the victims were
20 late for work at least 5 times a month, 28% of the victims
21 had to leave work early at least 5 times a month, and 54%
22 missed at least 3 days a month, all due to domestic violence.

23 (6) Victims of domestic violence may be vulnerable at
24 work when trying to end an abusive relationship because the
25 workplace may be the only place where the perpetrator knows
26 to contact the victim.

27 (7) Employers must be sensitive to the needs of
28 employees who are experiencing domestic violence and be
29 responsive to those needs through personnel leave and
30 benefits policies.

31 (8) Employees who commit acts of domestic violence at or

1 away from the workplace should be disciplined in the same
2 manner as employees who commit other acts of violence or
3 harassment at or away from the workplace.

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

5 "Domestic violence" means the physical injury, sexual
6 abuse, or forced imprisonment, or threat thereof, of a person
7 by another who is related by blood or marriage or has a
8 significant relationship with the other person at the
9 present, or who has been related or has had a significant
10 relationship at some time in the past, to the extent that the
11 person's health, safety, or welfare is harmed or threatened
12 thereby.

13 "Employer" means any of the following: (1) the State or
14 any agency of the State; (2) any unit of local government or
15 school district; or (3) any person that employs at least 25
16 employees for each working day during each of 20 or more
17 calendar work weeks in the current or preceding calendar
18 year.

19 Section 15. Time off from work.

20 (a) No employer may discharge or in any manner
21 discriminate or retaliate against an employee who is a victim
22 of domestic violence for taking time off from work to obtain
23 or attempt to obtain any judicial relief, including, but not
24 limited to, a temporary restraining order, restraining order,
25 or other injunctive relief, to help ensure the health,
26 safety, or welfare of a domestic violence victim or his or
27 her child.

28 (b) (1) As a condition of taking time off for a purpose
29 set forth in subsection (a), the employee must give the
30 employer at least 48 hours' advance notice of the employee's
31 intention to take time off, unless the advance notice is not
32 feasible. The employer may require certification within a

1 reasonable time of the need for leave under this Act from the
2 employee. Certification is sufficient in the form of any of
3 the following:

4 (A) A police report indicating that the employee
5 was a victim of domestic violence.

6 (B) A court order protecting or separating the
7 employee from the perpetrator of an act of domestic
8 violence, or other evidence from the court or prosecuting
9 attorney that the employee has appeared in court.

10 (C) Documentation from a medical professional,
11 domestic violence advocate, health care provider, or
12 counselor that the employee was undergoing treatment for
13 physical or mental injuries or abuse resulting in
14 victimization from an act of domestic violence.

15 (2) If advance notice is not feasible, the employer may
16 not take any action against the employee if the employee,
17 within a reasonable time after the absence, provides a
18 certification to the employer. Certification is sufficient
19 in the form of any of the following:

20 (A) A police report indicating that the employee
21 was a victim of domestic violence.

22 (B) A court order protecting or separating the
23 employee from the perpetrator of an act of domestic
24 violence, or other evidence from the court or prosecuting
25 attorney that the employee has appeared in court.

26 (C) Documentation from a medical professional,
27 domestic violence advocate, health care provider, or
28 counselor that the employee was undergoing treatment for
29 physical or mental injuries or abuse resulting in
30 victimization from an act of domestic violence.

31 (3) To the extent allowed by law, employers must
32 maintain the confidentiality of any employee requesting
33 leave under subsection (a).

34 (c) Any employee who is discharged, threatened with

1 discharge, demoted, suspended, or in any other manner
2 discriminated or retaliated against in the terms and
3 conditions of employment by his or her employer solely
4 because the employee has taken time off for a purpose set
5 forth in subsection (a) is entitled to reinstatement and
6 reimbursement for lost wages and work benefits caused by the
7 acts of the employer. Any employer who willfully refuses to
8 rehire, promote, or otherwise restore an employee or former
9 employee who has been determined to be eligible for rehiring
10 or promotion by a grievance procedure or hearing authorized
11 by law is guilty of a Class A misdemeanor.

12 (d) (1) Any employee who is discharged, threatened with
13 discharge, demoted, suspended, or in any other manner
14 discriminated or retaliated against in the terms and
15 conditions of employment by his or her employer solely
16 because the employee has exercised his or her rights as set
17 forth in subsection (a) may file a complaint with the
18 Department of Labor.

19 (2) An employee filing a complaint with the Department
20 based upon a violation of subsection (a) has one year from
21 the date of occurrence of the violation to file his or her
22 complaint.

23 (e) An employee may use vacation, personal leave, or
24 compensatory time off that is otherwise available to the
25 employee under the applicable terms of employment, unless
26 otherwise provided by a collective bargaining agreement, for
27 time taken off for a purpose specified in subsection (a).
28 The entitlement of any employee under this Section is not
29 diminished by any collective bargaining agreement term or
30 condition.

31 Section 20. Retaliation by employer prohibited.

32 (a) In addition to the requirements and prohibitions
33 imposed on employees under Section 15, an employer may not

1 discharge or in any manner discriminate or retaliate against
2 an employee who is a victim of domestic violence for taking
3 time off from work to attend to any of the following:

4 (1) To seek medical attention for injuries caused
5 by domestic violence.

6 (2) To obtain services from a domestic violence
7 shelter, program, or rape crisis center as a result of
8 domestic violence.

9 (3) To obtain psychological counseling related to
10 an experience of domestic violence.

11 (4) To participate in safety planning and take
12 other actions to increase safety from future domestic
13 violence, including temporary or permanent relocation.

14 (b) (1) As a condition of taking time off for a purpose
15 set forth in subsection (a), the employee must give the
16 employer at least 48 hours' advance notice of the employee's
17 intention to take time off, unless the advance notice is not
18 feasible.

19 (2) When an unscheduled absence occurs, the employer may
20 not take any action against the employee if the employee,
21 within a reasonable time after the absence, provides a
22 certification to the employer. Certification is sufficient
23 in the form of any of the following:

24 (A) A police report indicating that the employee
25 was a victim of domestic violence.

26 (B) A court order protecting or separating the
27 employee from the perpetrator of an act of domestic
28 violence, or other evidence from the court or prosecuting
29 attorney that the employee appeared in court.

30 (C) Documentation from a medical professional,
31 domestic violence advocate, health care provider, or
32 counselor that the employee was undergoing treatment for
33 physical or mental injuries or abuse resulting in
34 victimization from an act of domestic violence.

1 (3) To the extent allowed by law, employers must
2 maintain the confidentiality of any employee requesting leave
3 under subsection (a).

4 (c) Any employee who is discharged, threatened with
5 discharge, demoted, suspended, or in any other manner
6 discriminated or retaliated against in the terms and
7 conditions of employment by his or her employer solely
8 because the employee has taken time off for a purpose set
9 forth in subsection (a) is entitled to reinstatement and
10 reimbursement for lost wages and work benefits caused by the
11 acts of the employer. Any employer who willfully refuses to
12 rehire, promote, or otherwise restore an employee or former
13 employee who has been determined to be eligible for rehiring
14 or promotion by a grievance procedure or hearing authorized
15 by law is guilty of a Class A misdemeanor.

16 (d) (1) Any employee who is discharged, threatened with
17 discharge, demoted, suspended, or in any other manner
18 discriminated or retaliated against in the terms and
19 conditions of employment by his or her employer solely
20 because the employee has exercised his or her rights as set
21 forth in subsection (a) may file a complaint with the
22 Department of Labor.

23 (2) An employee filing a complaint with the Department
24 of Labor based upon a violation of subsection (a) has one
25 year from the date of occurrence of the violation to file his
26 or her complaint.

27 (e) An employee may use vacation, personal leave, or
28 compensatory time off that is otherwise available to the
29 employee under the applicable terms of employment, unless
30 otherwise provided by a collective bargaining agreement, for
31 time taken off for a purpose specified in subsection (a).
32 The entitlement of any employee under this Section is not
33 diminished by any collective bargaining agreement term or
34 condition.

1 (f) This Section does not create a right for an employee
2 to take unpaid leave that exceeds the unpaid leave time
3 allowed under, or is in addition to the unpaid leave time
4 permitted by, the federal Family and Medical Leave Act of
5 1993.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.