



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB1368

Introduced 2/4/2015, by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Employee Paid Health Care Time Act. Provides that employees shall accrue paid health care time at a rate of not less than one hour for every 22 hours worked for an employer with 50 or more employees and at a rate of one hour for every 40 hours worked for an employer with fewer than 50 employees. Sets forth purposes for which paid health care time may be used. Applies to employers employing one or more individuals. Defines terms.

LRB099 04069 JLS 24087 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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  
5 Employee Paid Health Care Time Act.

6 Section 5. Definitions. In this Act:

7 "Director" means the Director of Labor.

8 "Employee" means an individual permitted to work by an  
9 employer.

10 "Employer" means an individual, organization, governmental  
11 body, partnership, association, corporation, limited liability  
12 company, or other entity doing business in or operating within  
13 this State that employs one or more individuals.

14 Section 10. Paid health care time.

15 (a) An employee of a company with 50 or more employees  
16 shall accrue not less than one hour of paid health care time  
17 for every 22 hours worked. An employee of a company with fewer  
18 than 50 employees shall accrue not less than one hour of paid  
19 health care time for every 40 hours worked. In the absence of a  
20 more generous paid health care time plan, an employer may:

21 (1) limit the amount of paid health care time accrued  
22 to a maximum of 56 hours in a 12-month period;

1           (2) limit to 40 hours the number of hours in the  
2           workweek for which full-time employees not subject to the  
3           overtime provisions of the Federal Fair Labor Standards Act  
4           (29 U.S.C. § 213(a)(1)) may accrue paid health care time;  
5           or

6           (3) incorporate paid health care time within a  
7           complement of paid leave for its employees that provides no  
8           less than the minimum required by this Section.

9           (b) Paid health care time shall be compensated at the same  
10          hourly rate and with the same benefits, including health care  
11          benefits, as the employee normally earns for hours worked.  
12          Service or tipped employees shall be compensated at an amount  
13          that is not less than the minimum wage required for non-service  
14          or non-tipped employees under the Minimum Wage Law.

15          (c) An employee may use paid health care time for any of  
16          the following reasons:

17               (1) The employee is ill or injured.

18               (2) The employee obtains professional diagnostic,  
19               preventive, routine, or therapeutic health care.

20               (3) The employee cares for a sick or injured child,  
21               parent, parent-in-law, grandparent, spouse, domestic  
22               partner, stepchild, foster child, or ward of the employee  
23               who lives with the employee, including helping that  
24               individual obtain diagnostic, preventive, routine, or  
25               therapeutic health treatment.

26          (d) Unless an employer and its employees agree to paid

1 health care time provisions more generous to employees with  
2 respect to accrual rates and maximum hours:

3 (1) An employee shall use paid health care time in the  
4 smallest time increment that the employer's payroll system  
5 uses to account for other absences, when the employee's  
6 absence is shorter than a normal workday.

7 (2) Paid health care time that is accrued but unused  
8 shall be carried over to the next year, but an employee may  
9 use no more than 56 hours of paid health care in any one  
10 year, unless the employer provides a more generous  
11 allotment.

12 (3) Upon separation from employment, an employee shall  
13 not be entitled to payment for unused paid health care time  
14 unless agreed upon by the employer.

15 (4) At the employer's discretion, an employee may  
16 borrow paid health care time before the time is actually  
17 accrued.

18 (5) An employee who is rehired within 12 months after a  
19 separation from employment shall retain paid health care  
20 time accrued but unused at the time of separation.

21 (e) An employer with a paid health care time policy that is  
22 comparable to or more generous than the paid health care time  
23 provided under this Section is not required to provide  
24 additional paid health care time.

25 (f) An employer may not require an employee to look for or  
26 provide a replacement worker for the time during which the

1 employee uses or is expected to use paid health care time.

2 (g) An employer may require an employee planning to take  
3 paid health care time to:

4 (1) make reasonable efforts to avoid having to do so  
5 for routine or preventive health care; or

6 (2) notify the employer as soon as practical by  
7 providing an explanation of the reason for taking paid  
8 health care time and for the expected duration of the  
9 employee's absence.

10 (h) An employer may require certification from a health  
11 care provider to verify the need for paid health care time when  
12 the employee is absent or plans to be absent for more than 3  
13 consecutive workdays.

14 If the reason that the employee has been absent for more  
15 than 3 consecutive workdays is due to domestic violence, sexual  
16 assault, or stalking, the employee may provide certification by  
17 means of a sworn statement from the employee or law enforcement  
18 or court records or other documentation from an attorney or  
19 legal advisor, member of the clergy, or health care provider.  
20 An employer receiving information relating to domestic  
21 violence, sexual assault, or stalking shall not disclose the  
22 information unless the employee has consented in writing to the  
23 disclosure. If the employer is required by law to disclose this  
24 information, the employer shall notify the employee at the time  
25 the notice or request for disclosure is received by the  
26 employer and prior to disclosure.

1           The employee shall provide the certification no later than  
2   30 days after it is requested by the employer. The employer  
3   shall pay the cost of or reimburse the employee for any  
4   out-of-pocket costs related to providing this certification.

5           (i) An employer shall post notice of the provisions of this  
6   Act in a form provided by the Director in a place conspicuous  
7   to employees at the employer's place of business.