

HB3297



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3297

by Rep. Christian L. Mitchell

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. Prohibits retaliation by employers. Defines terms. Provides that a violation by an employer is a petty offense with a fine of \$500. Effective July 1, 2015.

LRB099 07119 JLS 31012 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 "Retaliatory action" means the reprimand, discharge,
15 suspension, demotion, denial of promotion or transfer, or
16 change in the terms or conditions of employment for any
17 employee that is taken in retaliation for an employee's
18 exercise of his or her rights under this Act.

19 Section 10. Paid health care time.

20 (a) A full-time or part-time employee of a company with 50
21 or more employees shall accrue not less than one hour of paid
22 health care time for every 22 hours worked. A full-time or

1 part-time employee of a company with fewer than 50 employees
2 shall accrue not less than one hour of paid health care time
3 for every 40 hours worked. In the absence of a more generous
4 paid health care time plan, an employer may:

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

7 (2) limit to 40 hours the number of hours in the
8 workweek for which full-time employees not subject to the
9 overtime provisions of the Federal Fair Labor Standards Act
10 (29 U.S.C. 213(a)(1)) may accrue paid health care time; or

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

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

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

22 (1) The employee is ill or injured.

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

25 (3) The employee cares for a sick or injured child,
26 parent, parent-in-law, grandparent, spouse, domestic

1 partner, stepchild, foster child, or ward of the employee
2 who lives with the employee, including helping that
3 individual obtain diagnostic, preventive, routine, or
4 therapeutic health treatment.

5 (d) Unless an employer and its employees agree to paid
6 health care time provisions more generous to employees with
7 respect to accrual rates and maximum hours:

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

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

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

20 (4) At the employer's discretion, an employee may
21 borrow paid health care time before the time is actually
22 accrued.

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

26 (e) An employer with a paid health care time policy that is

1 comparable to or more generous than the paid health care time
2 provided under this Section is not required to provide
3 additional paid health care time.

4 (f) An employer may not require an employee to look for or
5 provide a replacement worker for the time during which the
6 employee uses or is expected to use paid health care time.

7 (g) An employer may require an employee planning to take
8 paid health care time to notify the employer as soon as
9 practical by providing an explanation of the reason for taking
10 paid health care time and for the expected duration of the
11 employee's absence.

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

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

1 the notice or request for disclosure is received by the
2 employer and prior to disclosure.

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

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

10 Section 15. Retaliation prohibited. An employer may not
11 take retaliatory action against an employee for exercising his
12 or her rights under this Act.

13 Section 20. Penalty. An employer that violates this Act is
14 guilty of a petty offense. The penalty is a fine in the amount
15 of \$500.

16 Section 99. Effective date. This Act takes effect July 1,
17 2015.