

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 Victims of Domestic Violence Employment Leave Act.

6 Section 5. Purposes. The General Assembly finds and  
7 declares the following:

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 has a devastating effect on  
12 families, communities, and the workplace.

13 (3) Domestic violence impacts 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. Court appearances; time off work.

5 (a) No employer may discharge or in any manner  
6 discriminate against an employee for taking time off to serve  
7 as required by law on a grand jury or petit jury, if the  
8 employee, before taking the time off, gives reasonable notice  
9 to the employer that he or she is required to serve.

10 (b) No employer may discharge or in any manner  
11 discriminate or retaliate against an employee, including, but  
12 not limited to, an employee who is a victim of a crime, for  
13 taking time off to appear in court to comply with a subpoena  
14 or other court order as a witness in any judicial proceeding.

15 (c) No employer may discharge or in any manner  
16 discriminate or retaliate against an employee who is a victim  
17 of domestic violence as defined in Section 103 of the  
18 Illinois Domestic Violence Act of 1986 for taking time off  
19 from work to obtain or attempt to obtain any relief,  
20 including, but not limited to, a temporary restraining order,  
21 restraining order, or other injunctive relief, to help ensure  
22 the health, safety, or welfare of a domestic violence victim  
23 or his or her child.

24 (d) (1) As a condition of taking time off for a purpose  
25 set forth in subsection (c), the employee must give the  
26 employer reasonable advance notice of the employee's  
27 intention to take time off, unless the advance notice is not  
28 feasible.

29 (2) When an unscheduled absence occurs, the employer may  
30 not take any action against the employee if the employee,  
31 within a reasonable time after the absence, provides a  
32 certification to the employer. Certification is sufficient  
33 in the form of any of the following:

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

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

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

12           (3) To the extent allowed by law, employers must  
13 maintain the confidentiality of any employee requesting  
14 leave under subsection (c).

15           (e) Any employee who is discharged, threatened with  
16 discharge, demoted, suspended, or in any other manner  
17 discriminated or retaliated against in the terms and  
18 conditions of employment by his or her employer because the  
19 employee has taken time off for a purpose set forth in  
20 subsection (a), (b), or (c) is entitled to reinstatement and  
21 reimbursement for lost wages and work benefits caused by the  
22 acts of the employer. Any employer who willfully refuses to  
23 rehire, promote, or otherwise restore an employee or former  
24 employee who has been determined to be eligible for rehiring  
25 or promotion by a grievance procedure or hearing authorized  
26 by law is guilty of a Class A misdemeanor.

27           (f) (1) Any employee who is discharged, threatened with  
28 discharge, demoted, suspended, or in any other manner  
29 discriminated or retaliated against in the terms and  
30 conditions of employment by his or her employer because the  
31 employee has exercised his or her rights as set forth in  
32 subsection (a), (b), or (c) may file a complaint with the  
33 Department of Labor.

34           (2) An employee filing a complaint with the Department

1 based upon a violation of subsection (c) has one year from  
2 the date of occurrence of the violation to file his or her  
3 complaint.

4 (g) An employee may use vacation, personal leave, or  
5 compensatory time off that is otherwise available to the  
6 employee under the applicable terms of employment, unless  
7 otherwise provided by a collective bargaining agreement, for  
8 time taken off for a purpose specified in subsection (a),  
9 (b), or (c). The entitlement of any employee under this  
10 Section is not diminished by any collective bargaining  
11 agreement term or condition.

12 Section 15. Retaliation by employer prohibited.

13 (a) In addition to the requirements and prohibitions  
14 imposed on employees under Section 10, an employer with 25 or  
15 more employees may not discharge or in any manner  
16 discriminate or retaliate against an employee who is a victim  
17 of domestic violence as defined in Section 103 of the  
18 Illinois Domestic Violence Act of 1986 for taking time off  
19 from work to attend to any of the following:

20 (1) To seek medical attention for injuries caused  
21 by domestic violence.

22 (2) To obtain services from a domestic violence  
23 shelter, program, or rape crisis center as a result of  
24 domestic violence.

25 (3) To obtain psychological counseling related to  
26 an experience of domestic violence.

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

30 (b) (1) As a condition of taking time off for a purpose  
31 set forth in subsection (a), the employee must give the  
32 employer reasonable advance notice of the employee's  
33 intention to take time off, unless the advance notice is not

1 feasible.

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

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

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

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

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

21 (c) Any employee who is discharged, threatened with  
22 discharge, demoted, suspended, or in any other manner  
23 discriminated or retaliated against in the terms and  
24 conditions of employment by his or her employer because the  
25 employee has taken time off for a purpose set forth in  
26 subsection (a) is entitled to reinstatement and reimbursement  
27 for lost wages and work benefits caused by the acts of the  
28 employer. Any employer who willfully refuses to rehire,  
29 promote, or otherwise restore an employee or former employee  
30 who has been determined to be eligible for rehiring or  
31 promotion by a grievance procedure or hearing authorized by  
32 law is guilty of a Class A misdemeanor.

33 (d) (1) Any employee who is discharged, threatened with  
34 discharge, demoted, suspended, or in any other manner

1 discriminated or retaliated against in the terms and  
2 conditions of employment by his or her employer because the  
3 employee has exercised his or her rights as set forth in  
4 subsection (a) may file a complaint with the Department of  
5 Labor.

6 (2) An employee filing a complaint with the Department  
7 of Labor based upon a violation of subsection (a) has one  
8 year from the date of occurrence of the violation to file his  
9 or her complaint.

10 (e) An employee may use vacation, personal leave, or  
11 compensatory time off that is otherwise available to the  
12 employee under the applicable terms of employment, unless  
13 otherwise provided by a collective bargaining agreement, for  
14 time taken off for a purpose specified in subsection (a).  
15 The entitlement of any employee under this Section is not  
16 diminished by any collective bargaining agreement term or  
17 condition.

18 (f) This Section does not create a right for an employee  
19 to take unpaid leave that exceeds the unpaid leave time  
20 allowed under, or is in addition to the unpaid leave time  
21 permitted by, the federal Family and Medical Leave Act of  
22 1993.