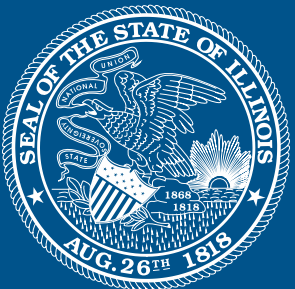




Illinois Leave Rights Laws

Older Adult Services Advisory Committee
February 23, 2026



Lydia Colunga-Merchant, IDOL Leave Rights Manager

IDOL Mission Statement



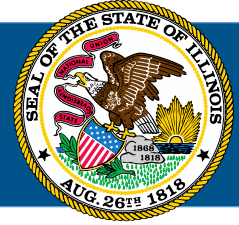
The mission of the Illinois Department of Labor is to protect and promote the **wages, welfare, working conditions, and safety** of Illinois workers by enforcing State labor and employment laws, providing **compliance assistance** to employers, and increasing **public awareness** of workplace protections. Through enforcement, education, and community partnerships, the Department works to ensure that workers are paid what they are owed and that employers who follow the law remain competitive.

Overview of IDOL's Work



- IDOL has about 130 employees, responsible for the administration and enforcement of more than 25 labor and workplace safety laws.
- Primary offices in Chicago and Springfield.
- IDOL staff that speaks English, Spanish, and Polish.
- Enforces labor standards that protect the economic security of all Illinois workers.
- Raises public awareness about workplace rights allows us to protect workers' safety and economic security.

Disclaimer



- This presentation is intended to offer general guidance on the laws IDOL enforces.
- IDOL cannot provide legal advice or provide advisory opinions on specific situations.
- Employees and employers should consult with an attorney to determine how they can implement policies to comply with employment laws and how they can enforce their employment rights.

Today's Presentation



- Overview of IL leave rights laws enforced by IDOL
 - Paid Leave for All Workers Act (PLAWA);
 - Victims' Economic Security and Safety Act (VESSA);
 - Family Bereavement Leave Act (FBLA);
 - Child Extended Bereavement Leave Act (CEBLA);
 - Employee Sick Leave Act (ESLA);
 - Family Neonatal Intensive Care Leave Act (NICU leave)
- Q&A

Paid Leave Law



- Applies to nearly all employees (full-time, part-time, temp, seasonal, etc.) outside of City of Chicago and outside of Cook County
- If you work in Chicago, you may be eligible for paid leave and paid sick leave under the Chicago ordinance. Contact the Chicago Office of Labor Standards (bacplaborstandards@cityofchicago.org) for any questions.
- If you work in Cook County, but not Chicago, you may be eligible for paid leave under the Cook County ordinance. Contact the Cook County Commission on Human Rights (human.rights@cookcountyil.gov) for more information.
- Employees get 1 hour of paid leave for every 40 hours worked, up to 40 hours of paid leave per year.
- You can use paid leave for any reason, and your employer cannot ask you the reason or to provide documents.

Paid Leave Law



- Paid leave must be paid at your hourly rate of pay. Tipped and commissioned employees must be paid at the full minimum wage rate (\$15/hr) or the agreed-upon hourly base rate, whichever is higher, for any paid leave taken.
- Employers may deny an employee's paid leave request due to operational necessity, but the employer's paid leave policy must identify the limited circumstances when they can deny those requests.
- When an employee takes paid leave time, employer cannot require them to find another employee to cover the shift.

Paid Leave Law



- Any unused paid leave time does NOT have to be paid out upon separation from employment UNLESS it is combined with a vacation or general PTO bank.
- If an employee leaves their employment and is rehired within 12 months, then their paid leave balance is reinstated, and they do not have to wait 90 days to use their paid leave time.
- All employers should have their Paid Leave poster posted in a location where employees can see it, even employers with pre-existing paid leave policies.
- Paid leave balances do not have to be reported on paystubs, but an employer must provide an employee with their paid leave balance as soon as practical upon the employee's request.

- Victims' Economic Safety and Security Act
- Provides unpaid, job-protected leave and reasonable accommodations for victims of domestic violence, sexual violence, gender violence, or any crime of violence

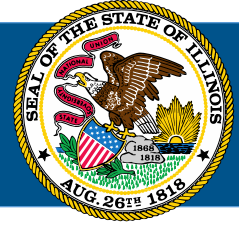
Number of Employees	Weeks of Unpaid Leave
1-14	4
15-49	8
50+	12

- Unpaid leave can be taken all at once or intermittently or on a reduced work schedule.
- Unpaid leave can be used for:
 - Seeking medical attention or recovering from injuries;
 - Obtaining services from a victim services organization;
 - Obtaining psychological or other counseling;
 - Participating in safety planning, relocating, or taking other actions to increase safety;
 - Seeking legal assistance or remedies, including preparing for or participating in legal proceedings; and
 - Grieving, making arrangements, or attending services for death of family or household member who is killed in a crime of violence.

- Employees can also ask for a reasonable accommodation. This can include:
 - Remote work;
 - Changes to work requirements;
 - Changes in work areas or work contact information; or
 - Changes in work schedule.
- Employees must provide at least 48 hours notice of the intent to take VESSA leave, unless it is not practical. However, an employer can ask for certification (sworn statement) and other documentation.

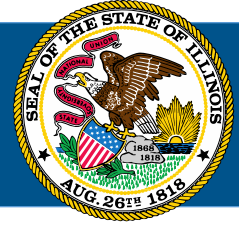
- Effective January 1, 2026
- Employee use of employer-issued equipment is protected if used to document or record acts of domestic violence, sexual violence, gender violence or any other act of violence against the employee or their family or household member.
- Employees cannot be discriminated or retaliated against and cannot have their employer-issued equipment taken away if used for this purpose.
- Employers must provide the employee with access to digital data related to the acts of domestic violence, sexual violence, gender violence or any other act of violence.

Family Bereavement Leave Act



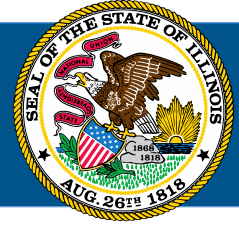
- Employees who are eligible for FMLA leave are entitled to 2 weeks (10 workdays) of unpaid, but job-protected, bereavement leave following the death of a covered family member or qualifying reproductive event.
- Covered family member = child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.
- Leave must be used within 60 days of the notice of the death or of the qualifying reproductive event. Employees must give employer at least 48 hours notice, unless not practical.

Child Extended Bereavement Leave Act



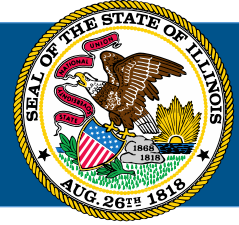
- Full-time employees of an employer with at least 50 full-time employees in Illinois are eligible for up to 12 weeks of unpaid, but job-protected, bereavement leave for the death of a child by homicide or suicide.
 - Small employer (50-249 ees) = 6 weeks of unpaid leave
 - Large employer (250+) = 12 weeks of unpaid leave
- Leave can be taken all at once or intermittently in 4-hour increments and must be taken within 1 year of the notification of the death. Advance notice must be given to the employer, unless it is not practical.

Employee Sick Leave Act



- Does not require employers to provide paid sick leave benefits to employees
- IF an employer does provide paid sick leave benefits to employees, they must allow an employee to use at least half of those benefits to care for a covered family member
- Prohibits retaliation against an employee who uses their paid sick leave benefits to care for a covered family member

NICU Leave



- Effective June 1, 2026
- Entitles employees to up to 20 days of unpaid NICU leave while a child is a patient in a neonatal intensive care unit.
 - Small employer (16-50 ees) = 10 days of unpaid leave
 - Larger employer (50+ ees) = 20 days of unpaid leave
- Leave can be used in addition to FMLA leave, and can only be used while the child is a patient in the NICU. Leave can be taken all at once or intermittently in 2-hour increments.
- Employer may require reasonable verification of child's length of stay in the NICU.

STAY INFORMED



<https://labor.illinois.gov/>



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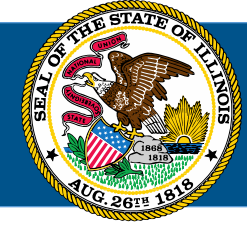
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Questions?



Hotline

312-793-2600

Email

DOL.LeaveRights@illinois.gov

DOL.PaidLeave@illinois.gov

Website

https://labor.illinois.gov/laws-rules/leave_rights_division.html