

CLIENT ALERT

Illinois Enacts Employee Sick Leave Act

AUGUST 24, 2016

On August 19, 2016, Illinois Governor Bruce Rauner signed [House Bill 6162](#), creating the Employee Sick Leave Act (Act). The Act takes effect January 1, 2017.

Usage

As we reported in our client briefing, [*Paid Sick Leave Likely Coming to Chicago Employees*](#), the Act requires Illinois employers to provide employees the ability to use employer-provided personal sick leave benefits for absences of a reasonable amount of time due to illness, injury, or medical appointments of their immediate family, parents-in-law, grandchildren, or grandparents. Employees may use the leave on the same terms upon which the employees are able to use sick leave benefits for the employee's own illness or injury.

An employer can limit the use of such benefits to an amount not less than the personal sick leave that would be accrued during six months at the employee's then current rate of entitlement. Additionally, employees cannot use such benefits for absences for which the employer's plan already compensates the employee. The rights and remedies specified in the Act are in addition to any other rights or remedies afforded by contract or law. The Act does not extend the maximum period of leave under the FMLA, regardless of whether the employee receives sick leave compensation during that leave. Moreover, an employer may provide greater sick leave benefits than required under the Act.

Notably, employers who already have a paid time off policy that would otherwise provide benefits as required under the Act are not required to modify such policy.

Retaliation

The Act also includes a provision prohibiting retaliation for use of rights under the Act. Employers cannot deny an employee the right to use personal sick leave benefits. Furthermore, they cannot discharge, suspend, or discriminate against an employee for using their personal sick leave benefits in accordance with the Act.

Illinois employers should ensure their sick leave policies are compliant with the new legislation.

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