



## Illinois Employee Sick Leave Act (Public Act 99-0841) (“Act”).

Effective January 1, 2017.

### **Use of Leave.**

The Act requires an employer to allow employees to use personal sick leave benefits provided by the employer for absences due to an illness, injury, or medical appointment of their child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee’s attendance may be necessary. The employee may use the personal sick leave benefits on the same terms s/he is able to use sick leave benefits for their own illness or injury.

### **Limits on Use.**

An employer may limit the amount of personal sick leave an employee may take to care for family members. The statute restricts the leave to an amount not less than the personal sick leave that would be accrued during 6 months at the employee’s current rate of entitlement. The Act does not extend the maximum period of leave to which an employee is entitled under the Family and Medical Leave Act.

### **Employer rights.**

The Act does not require employers to implement sick leave policies if they do not already have one. The Act does not require an employer that already has a paid time off policy that would provide the benefits required under the Act to modify its policy. The Act does not prevent an employer from providing greater sick leave benefits than are required under the Act.

### **Retaliation Prohibited.**

The Act also protects an employee against retaliation by an employer who would attempt to deny an employee the right to use personal sick leave benefits or discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using personal sick leave benefits, attempting to exercise the right to use personal sick leave benefits, filing a complaint with the Illinois Department of Labor, or alleging a violation of the Act, cooperating in an investigation or prosecution of an alleged violation of this Act, or opposing any policy, practice, or act prohibited by the Act.

### **Best Practices.**

Add a new policy, or supplement your current sick leave policy in your employee handbook. Explain in detail the requirements to request sick leave to care for family members. It should include the same requirements as requesting sick leave for the employee, and may also include requesting basic information for the family member, such as name and relationship to employee. Be careful not to request confidential medical information on the family member.

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