

Illinois Employee Sick Leave Act: Legislature's Quick Fix

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The Illinois Employee Sick Leave Act went into effect on Jan. 1, 2017. [As previously reported](#), the act requires employers who provide sick leave benefits in Illinois to allow employees to use the sick leave time for the injury, illness or medical appointment of the employee's children and certain other family members. In its original form, the act was confusing to employers with respect to its breadth and applicability. In an effort to clear up the confusion, and less than two weeks after the act went into effect, the Illinois legislature amended the act. These [amendments](#):

- Expanded the definition of relatives to include step-children and domestic partners (in addition to the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent)
- Amended the definition of "personal sick leave benefits" to include "any paid or unpaid time available to an employee as provided through an employment benefit plan or paid time off policy . . ."
- Clarified that the act does not apply to long-term or short-term disability plans, insurance policies such as workers' compensation, or other similar benefit plans or policies
- Confirmed that it does not otherwise interfere with or diminish any collective bargaining agreement in place or a party's power to bargain for such an agreement—a much needed clarification for unionized employers
- Exempts from the act's coverage: employees subject to the provisions of Title II of the Railway Labor Act; and employers and employees as defined in the Railroad Unemployment Insurance Act or the Federal Employer's Liability Act
- Permits employers to request written verification of an employee's absence from a healthcare professional, both for an absence due to the employee's own illness, injury or medical appointment or that of the employee's covered family member only IF the employer's policy specifically states that such verification may be required

Illinois employers should consider checking local ordinances to ensure compliance with more stringent standards that may be in place, such as the Cook County and Chicago Ordinances.

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