

Illinois Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

Illinois Leave Laws	1
Paid Time Off (PTO) in Illinois	2
'Any Reason' Paid Leave for All Employees	2
Covered Employers	2
Covered Employees	2
Collective Bargaining Agreements	2
Accrual Rate and Cap	3
Beginning of Accrual	3
Waiting Period	3
Usage	3
Front-loading or Accrual System	4
Notice	4
Chicago and Cook County	4
Stay Tuned	5
Payout	5
Payout of Unused, Earned Paid Leave on Termination	5
Sick Leave in Illinois	5
Federal Laws – Leave Quota	6
Illinois State Laws	6
Paid Sick Leave in Chicago and Cook County	7
Maternity, Paternity, FMLA in Illinois	8
Federal law	8
Additional State Laws in Illinois	9
Bereavement Leave in Illinois (Funeral Leave)	9
Jury Duty Leave in Illinois	10
Military Leave in Illinois	11
Federal Law	11
Illinois State Law	11
The Illinois Family Military Leave Act	12
Civil Air Patrol Leave	13
Voting Leave in Illinois	13

Paid Time Off (PTO) in Illinois

Following [Maine](#) and [Nevada](#), Illinois became the third state to mandate employers provide [paid leave](#) “for any reason”. The new leave policy begins on January 1, 2024. Almost all employers and all employees are covered.

‘Any Reason’ Paid Leave for All Employees

Employees will accrue 1 hour of paid leave for every 40 hours worked; up to 40 hours in a 12-month period.

Covered Employers

This new law applies to all private employers, regardless of their size. It covers local and state government establishments as well.

The only notable exceptions are certain school and park districts.

Covered Employees

The new law applies to all employees. Both part-time and full-time employees are covered.

The only notable exceptions are certain temporary part-time or short-term student employees at universities and colleges.

Collective Bargaining Agreements

This new act is also not applicable to employees covered by a legal CBA working either in the construction sector or for national and international transportation and delivery services for documents, parcels, and freight.

For more information, please visit vacationtracker.io

Accrual Rate and Cap

Covered employees will be able to accrue 1 hour of paid leave for every 40 hours worked, capped at 40 hours per 12-month period.

This allows employees to accrue up to 40 hours of paid leave annually.

Beginning of Accrual

Eligible employees begin to accrue paid leave on January 1, 2024, and can avail themselves of these benefits starting March 31, 2024.

Newly hired employees begin accruing leave on the first day of employment or on January 1, 2024 (whichever is later).

Waiting Period

Although newly hired employees begin to accrue paid leave when their employment begins, they are eligible to start taking accrued leave after 90 days from the beginning of their employment.

Usage

This paid leave can be taken for any purpose at the employee's discretion without the necessity of providing a reason, and employers can't demand any certification or documentation for the leave.

Employees can choose when to use the leave and the amount they wish to use. However, employers have the authority to establish a minimum leave increment of up to

2 hours per day (an employer can demand that an employee take at least 2 hours of paid leave on any designated day).

Front-loading or Accrual System

Employers have the option to choose either front-loading or an accrual system.

In the front-loading system, employers simply allot minimum hours (40 pro-rata) to employees on the 1st day of the 12-month period or the first day of employment. In this case, employers are not required to carry over unused leave from one year to the next and may implement “use it or lose it” policies.

In the accrual system, employers must allow employees to carry over unused leave from one 12-month period to the following.

Notice

Employees may be required to provide notice seven calendar days in advance for predictable leave reasons, such as planned medical appointments. In instances where the leave is due to an illness, emergency, or sudden necessity, employees must provide notice as soon as practicable.

Chicago and Cook County

Employers under local ordinances mandating paid leave as of January 1, 2024, are not required to adhere to the provisions of this law.

The law doesn’t prevent the implementation of new local paid leave ordinances, but it mandates that they either meet or surpass the standards of the new law concerning rights and benefits.

For more information, please visit vacationtracker.io



Stay Tuned

Stay tuned because more updates will be posted on this page before the new act takes effect on January 1, 2024.

For more information, visit the [Paid Leave for All Workers Act](#) on the official Illinois General Assembly page. The ILDOL ([Illinois Department of Labor](#)) is overseeing the implementation of administrative and enforcement guidelines.

Payout

This new law mandates that employees receive their regular hourly rate while on leave.

Payout of Unused, Earned Paid Leave on Termination

Generally, employees are not entitled to compensation for unused paid leave upon termination. However, if an employer allocates paid leave to an employee's paid time off or vacation banks, unused paid leave must be compensated upon termination.

A screenshot of the Vacation Tracker app interface. The background is purple. On the left, white text reads 'Manage All Employee Time Off In Minutes, Not Days'. Below this are four bullet points: 'Slack, Teams, and Calendar integrations', 'Custom leave rules, accruals, and public holidays', 'Compliant with Leave Laws in every location', and 'Rollout in 15 minutes, with live setup call'. A white button with a right arrow says 'Start your free trial'. On the right, there's a mockup of the app's user interface. It shows a notification for 'Maren Schleifer' who has submitted a leave request. Below this is a 'Pending requests' section with three items: 'Work from home' (2 days, Jan 24th to Jan 26th), 'Vacation' (4 days, Jan 26th to Jan 30th), and 'Sick Day' (1 day, Jan 24th). Each item has 'Deny' and 'Approve' buttons. To the right of the pending requests is an 'Approvers' section with 'First level' and 'Second level' approvers, each with a list of user avatars and a '+9' indicator. Logos for Slack, Teams, and Google are also visible in the top right of the mockup.

For more information, please visit vacationtracker.io

Sick Leave in Illinois

Federal Laws – Leave Quota

Federal law allows up to 12 weeks of unpaid sick leave.

The federal Family and Medical Leave Act (FMLA) entitles qualified employees to take up to 12 weeks off for personal medical reasons, to care for a close family member suffering from a severe illness, or for maternity/paternity leave.

Employees qualify for FMLA benefits if they:

- have been working for their employer for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year
- work in a location where at least 50 people are employed by the company (in a 75-mile radius)

It's up to each employer to propose additional sick leave benefits that are more generous than the minimum federal requirements.

To learn more about laws in the US, check out our [United States Leave Law](#) page.

Illinois State Laws

Illinois has its sick leave laws, Chicago and Cook County have special laws.

According to the Illinois Employee Sick Leave Act, employers who offer their staff personal sick leave benefits must permit employees to use that time off for absences related to illness, injury, or medical appointments of the employee's child, grandchild, spouse, sibling, parent, stepparent, mother-in-law, father-in-law, or grandparent. Leave must be given on the same terms under which employees can use sick leave benefits for their own illness or injury. The act went into effect on Jan. 1, 2017. The act applies to

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all Illinois employers who offer personal sick leave benefits to their employees. The act doesn't require employers to implement sick leave policies if they do not already have them in place.

However, under the Chicago Paid Sick Leave Ordinance, which went into effect on July 1, 2017, many Chicago employers are required to provide paid sick leave to eligible employees.

Illinois also has an exception for Cook County. The law is similar to Chicago's ordinance.

Paid Sick Leave in Chicago and Cook County

Every employer in the city of Chicago and Cook County is required by the paid sick leave ordinance to offer paid time off to employees who need it for medical reasons.

To be qualified for paid sick leave, employees must:

- work for their employer for 6 months
- work at least 2 hours within the city or the county in any 2-week period
- work at least 80 hours within any 120-day period.

This includes domestic employees, day laborers, home health care workers, and tipped workers.

An employee earns 1 hour of paid sick leave for every 40 hours worked. The annual accrual cap is 40 hours, unless the employer establishes a higher limit.

At the end of a 12-month accrual period, employees can carry over a maximum of 20 hours of paid sick leave (up to half of unused leave), unless the employer establishes a higher limit.

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If subject to the Family and Medical Leave Act (FMLA), employees may carry over an additional 40 hours of unused paid sick leave to use just for FMLA leave.

Payout

An employer must pay paid sick leave no later than the next regular payroll period following the employee's use of the paid sick leave.

An employer is not required to pay out accrued, unused paid sick leave upon termination or separation of employment.

Maternity, Paternity, FMLA in Illinois

Federal law

12 weeks of unpaid maternity/paternity leave is provided by FMLA.

Pregnancy is a specific qualifying criterion for protected unpaid leave in the United States, as defined by the Family and Medical Leave Act (FMLA). Employees who are pregnant are entitled to 12 weeks of unpaid leave under the FMLA. This also applies to the adoption of the child. Paternity leave is the same length. Unless otherwise specified by an employer, this leave must be continuous.

For more information about eligibility for FMLA benefits, look above under the section [Sick Leave in Illinois: Federal Laws – Leave Quota](#).

The Pregnancy Discrimination Act (PDA) is yet another federal law that protects pregnant women. According to the PDA, discrimination against pregnant people is

prohibited in all areas of employment: hiring, firing, pay, job assignments, promotions, fringe benefits, training, leave, and health insurance.

Additional State Laws in Illinois

Employer policies that discriminate against employees based on their sex are prohibited by the Illinois Human Rights Act. Discrimination based on gender includes maternity and pregnancy. For all employment-related purposes, including receiving benefits under fringe benefit programs, women should be treated equally. The Act applies to private employers with fifteen or more employees.

Payout

Maternity and paternity leave in Illinois are unpaid.

Bereavement Leave in Illinois (Funeral Leave)

10 working days of unpaid leave

The state of Illinois has additional laws regarding bereavement leave:

- The Family Bereavement Leave Act (has been in effect since 2023);
- The Child Bereavement Leave Act (under the Family and Medical Leave Act).

Employers with more than 50 employees are required to provide up to two weeks (10 working days) of unpaid bereavement leave to employees who have suffered the loss of a child. Employees who are qualified for leave under the federal Family and Medical Leave Act (FMLA) and who have not used all of their FMLA leave may take up to two weeks (10 workdays) of unpaid bereavement leave. Leave can be used to attend a

child's funeral, make arrangements necessitated by the child's death, or deal with their grief.

Leave must be used within 2 months after the death of the child has been notified.

An employee is required to provide notice, 48 hours before the leave begins and may be required to provide an employer with appropriate documentation, such as a death certificate or published obituary.

In 2022, Illinois passed amendments to the state's Child Bereavement Leave Act that expand the events for bereavement leave. The Family Bereavement Leave Act took effect on January 1, 2023, replacing the former bereavement leave statute.

The Family Bereavement Leave Act will require employers to provide employees with up to two weeks (10 workdays) of unpaid bereavement leave. In addition to unpaid leave for bereavement related to the loss of a child, the amended law will also require unpaid leave for absences due to miscarriage or stillbirth, failed adoption or surrogacy agreements, and other fertility-related reasons.

Payout

Bereavement leave in Illinois is unpaid.

Jury Duty Leave in Illinois

Employers must provide employees with unpaid leave to serve on a jury.

The employer is required to provide an employee with unpaid, job-protected leave to respond to a jury summons or to serve on a jury.

While an employee is completing jury duty during the day, the employer may not make the employee work a night shift.

Employees are required to provide notice within 10 days after they receive a call.

Employers may not punish or penalize an employee who is a witness to a crime and takes time off from work to testify in a criminal proceeding pursuant to a subpoena.

Payout

Employers in Illinois are not required to pay employees for jury duty leave.

Military Leave in Illinois

Federal Law

All employers in the United States are governed by the federal Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA protects members of the Army and Air National Guard who are called away from civilian jobs for federal service. Employers are prohibited from discriminating against employees who serve in the military. An employer may fire an employee only for a good reason for up to one year after returning from service.

Illinois State Law

In addition to USERRA, Illinois has the following laws that offer employment protection for military service members:

Illinois Service Member Employment and Reemployment Rights Act (ISERRA)

Effective Jan. 1, 2019, ISERRA replaced the prior state laws to consolidate and explain the employment rights and protections for military members. ISERRA grants service members the right to take a military leave of absence while also protecting them from retaliation.

ISERRA provides military leave, job protection, reemployment rights, protection from retaliation, and protection from discrimination for members engaged in military service.

The federal USERRA's reemployment rights are in effect.

ISERRA has a broader definition of “military service” than that provided under USERRA. It applies to the Armed Forces of the United States or National Guard, but also “state active duty” (i.e., the “full-time state-funded military duty under the command and control of the Governor”), or service for any “federally recognized auxiliary of the United States Armed Forces when performing official duties in support of military or civilian authorities as a result of an emergency.”

The Illinois Family Military Leave Act

This act provides job-protected unpaid family military leave to an employee who is the spouse, parent, child, or grandparent of a person called to military service with the United States or the State of Illinois for a period of more than 30 days.

Employers with 15–50 employees are required to provide up to 15 days of leave.

Employers with more than 50 employees are required to provide up to 30 days of leave.

To be eligible, an employee must have been employed by the same employer for at least 12 months, and must have worked at least 1,250 hours in the 12-month period before the leave.

For more information, please visit vacationtracker.io

Employees must exhaust all other types of accrued leave, except sick or disability leave, before taking family military leave. Employees are required to give advance notice. Employers might ask for certification to confirm eligibility for leave.

Civil Air Patrol Leave

Employers with 15 or more employees are required to provide eligible employees participating in a civil air patrol mission with job-protected unpaid leave.

Employers with 15–50 employees are required to provide up to 15 days of leave.

Employers with more than 50 employees are required to provide up to 30 days of leave.

Payout

Military leave is unpaid.

Voting Leave in Illinois

Employees may be granted up to two hours of paid time off to vote.

In Illinois, employees entitled to vote must be provided with up to two hours of paid leave to vote in a general, special election, or primary between the opening and the closing of polls. (In Illinois, polls are open from 6:00 a.m. to 7:00 p.m.) Exception: If an employee has two consecutive hours of non-working time while the polls are open, an employer is not required to provide voting leave.

An employer has the right to specify the time allowed for leave. An employee must provide notice at least one day before Election Day.

In 2024, General Election Day was on November 5.

Payout

An employer pays regular wages for time taken for voting leave. Under the state statute, an employer may not financially penalize or discharge an employee for being absent to cast a ballot.