



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB3105

Introduced 2/7/2014, by Sen. Jacqueline Y. Collins

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Family Care Provider Act. Provides that an employer must provide up to 12 weeks of unpaid family medical leave to an employee during any 12-month period in connection with one or more of the following: (i) the birth or adoption of a grandchild, in order for the employee to care for such grandchild; (ii) the placement of a grandchild with the employee for adoption or foster care; or (iii) a serious health condition of a grandchild, in order for the employee to care for such grandchild, or a serious health condition of a grandparent, in order for the employee to care for such grandparent. Contains provisions concerning employee benefits and prohibited acts. Authorizes an employee to file a civil action for enforcement. Effective immediately.

LRB098 19621 JLS 54817 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Illinois Family Care Provider Act.

6 Section 5. Findings and purpose.

7 (a) Findings. The General Assembly finds that:

8 (1) the number of households in Illinois in which  
9 working grandparents have primary responsibility for the  
10 care of grandchildren is significant; currently, almost  
11 100,000 grandparents are responsible for the care of  
12 grandchildren living with them, and of these, 68% are under  
13 the age of 60;

14 (2) in Illinois, over 230,000 children under the age of  
15 18 live in homes with grandparents as the householders;

16 (3) the number of households in which grandchildren  
17 have primary responsibility for the care of grandparents  
18 and other family members is significant; in fact,  
19 grandchildren comprise 8% of informal caregivers  
20 nationally;

21 (4) it is important for the family unit that  
22 grandparents and grandchildren be able to participate in  
23 the care of family members who have serious health

1 conditions; and

2 (5) the lack of employment policies to accommodate  
3 working caregivers, including employees caring for  
4 grandchildren or grandparents, can force individuals to  
5 choose between job security and caregiving  
6 responsibilities.

7 (b) Purpose. It is the purpose of this Act that all  
8 employers required to comply with the Family and Medical Leave  
9 Act of 1993, 29 U.S.C. 2601, et seq., shall include  
10 grandparents and grandchildren as "eligible employees" for  
11 leave: (i) for the birth or adoption of a grandchild, in order  
12 for a grandparent to care for such grandchild; (ii) because of  
13 the placement of a grandchild with the grandparent for adoption  
14 or foster care; and (iii) in order for the grandparent to care  
15 for the grandchild if such grandchild has a serious health  
16 condition or the grandchild to care for the grandparent if such  
17 grandparent has a serious health condition.

18 Section 10. Definitions. In this Act:

19 "Eligible employee" has the meaning ascribed to that term  
20 in the Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et  
21 seq.

22 "Employer" has the meaning ascribed to that term in the  
23 Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq.

24 "Grandparent" means a biological, adopted, or step  
25 grandparent of an employee.

1 "Grandchild" means a biological, adopted, or step  
2 grandchild of an employee.

3 "Serious health condition" has the meaning ascribed to that  
4 term in the Family and Medical Leave Act of 1993, 29 U.S.C.  
5 2601 et seq.

6 Section 15. Family leave requirement.

7 (a) Subject to the conditions set forth in this Section, an  
8 employee is entitled to receive, and an employer shall provide,  
9 up to 12 weeks of unpaid family medical leave to an employee  
10 during any 12-month period in connection with one or more of  
11 the following: (i) the birth or adoption of a grandchild, in  
12 order for the employee to care for such grandchild; (ii) the  
13 placement of a grandchild with the employee for adoption or  
14 foster care; or (iii) a serious health condition of a  
15 grandchild, in order for the employee to care for such  
16 grandchild, or a serious health condition of a grandparent, in  
17 order for the employee to care for such grandparent.

18 (b) An employee is not entitled to receive, and an employer  
19 is not required to provide, more than 12 weeks of unpaid family  
20 medical leave in any 12-month period under this Act. For  
21 purposes of this Act, unpaid family medical leave granted  
22 pursuant to any other law shall be deemed to be unpaid family  
23 medical leave granted under this Act.

24 Section 20. Notification. An employee must comply with the

1 employer's usual and customary procedural requirements for  
2 giving notice of a request for leave, provided that those  
3 notice requirements are consistent with the Family and Medical  
4 Leave Act of 1993, 29 U.S.C. 2601 et seq.

5 Section 25. Certification. An employer may require that an  
6 employee's leave to care for a grandchild or grandparent with a  
7 serious health condition be supported by a certification issued  
8 by the health care provider of the employee's grandchild or  
9 grandparent. Certification under this Section shall comply  
10 with the certification content and requirements provided in 29  
11 C.F.R. 825.305 et seq.

12 Section 30. Enforcement. A civil action may be brought in  
13 the circuit court having jurisdiction by an employee to enforce  
14 this Act. The circuit court may enjoin any act or practice that  
15 violates or may violate this Act and may order any other  
16 equitable relief that is necessary and appropriate to redress  
17 the violation or to enforce this Act.

18 Section 35. Refusal to pay damages. Any employer who has  
19 been ordered by the court to pay damages under this Act is  
20 liable for:

21 (1) damages equal to the amount of wages, salary,  
22 employment benefits, public assistance, or other  
23 compensation denied or lost to such individual by reason of

1 the violation, and the interest on that amount calculated  
2 at the prevailing rate;

3 (2) such equitable relief as may be appropriate,  
4 including employment reinstatement and promotion; and

5 (3) reasonable attorney's fees, reasonable expert  
6 witness fees, and other costs of the action to be paid by  
7 the respondent to the prevailing employee.

8 Section 40. Interpretation. Except as otherwise provided  
9 in this Act, all general requirements for leave, employment,  
10 benefits, and other provisions shall be interpreted in a manner  
11 consistent with the Family and Medical Leave Act of 1993, 29  
12 U.S.C. 2601 et seq.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.