



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2377

Introduced 2/4/2025, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

820 ILCS 192/15

Amends the Paid Leave for All Workers Act. Provides that for the purpose of calculating the accrual of paid leave, only hours actually worked by an employee shall be considered. Provides that an employee shall not accrue paid leave for any hours that an employee was scheduled to work but did not actually work. Provides that, if paid leave is taken due to an emergency, an employer may require that an employee provide documentation of the emergency upon returning to work. Makes other changes.

LRB104 11980 SPS 22074 b

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 5. The Paid Leave for All Workers Act is amended by
5 changing Section 15 as follows:

6 (820 ILCS 192/15)

7 Sec. 15. Provision of paid leave.

8 (a) An employee who works in Illinois is entitled to earn
9 and use up to a minimum of 40 hours of paid leave during a
10 12-month period or a pro rata number of hours of paid leave
11 under the provisions of subsection (b). The paid leave may be
12 used by the employee for any purpose as long as the paid leave
13 is taken in accordance with the provisions of this Act.

14 (b) Paid leave under this Act shall accrue at the rate of
15 one hour of paid leave for every 40 hours worked up to a
16 minimum of 40 hours of paid leave or such greater amount if the
17 employer provides more than 40 hours. Employees who are exempt
18 from the overtime requirements of the federal Fair Labor
19 Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40
20 hours in each workweek for purposes of paid leave accrual
21 unless their regular workweek is less than 40 hours, in which
22 case paid leave accrues based on that regular workweek.
23 Employees shall determine how much paid leave they need to

1 use; ~~it~~ however, ~~l~~ employers may set a reasonable minimum
2 increment for the use of paid leave not to exceed 2 hours per
3 day. If an employee's scheduled workday is less than 2 hours
4 per day, the employee's scheduled workday shall be used to
5 determine the amount of paid leave. For the purposes of
6 calculating the accrual of paid leave under this subsection,
7 only hours actually worked by an employee shall be considered.
8 An employee shall not accrue paid leave for any hours that an
9 employee was scheduled to work but did not actually work.

10 (c) An employer may make available the minimum number of
11 hours of paid leave, subject to pro rata requirements provided
12 in subsection (b), to an employee on the first day of
13 employment or the first day of the 12-month period. Employers
14 that provide the minimum number of hours of paid leave to an
15 employee on the first day of employment or the first day of the
16 12-month period are not required to carry over ~~carryover~~ paid
17 leave from 12-month period to 12-month period and may require
18 employees to use all paid leave prior to the end of the benefit
19 period or forfeit the unused paid leave. However, under no
20 circumstances shall an employee be credited with paid leave
21 that is less than what the employee would have accrued under
22 subsections (a) and (g) of this Section.

23 (d) The 12-month period may be any consecutive 12-month
24 period designated by the employer in writing at the time of
25 hire. Changes to the 12-month period may be made by the
26 employer if notice is given to employees in writing prior to

1 the change and the change does not reduce the eligible accrual
2 rate and paid leave available to the employee. If the employer
3 changes the designated 12-month period, the employer shall
4 provide the employee with documentation of the balance of
5 hours worked, paid leave accrued and taken, and the remaining
6 paid leave balance.

7 (e) Paid leave under this Act may be taken by an employee
8 for any reason of the employee's choosing. An employee is not
9 required to provide an employer a reason for the leave and may
10 not be required to provide documentation or certification as
11 proof or in support of the leave. An employee may choose
12 whether to use paid leave provided under this Act prior to
13 using any other leave provided by the employer or State law.

14 (f) Employees shall be paid their hourly rate of pay for
15 paid leave. However, employees engaged in an occupation in
16 which gratuities or commissions have customarily and usually
17 constituted and have been recognized as part of the
18 remuneration for hire purposes shall be paid by their employer
19 at least the full minimum wage in the jurisdiction in which
20 they are employed when paid leave is taken. This wage shall be
21 treated as the employee's regular rate of pay for purposes of
22 this Act.

23 (g) Paid leave under this Act shall begin to accrue at the
24 commencement of employment or on the effective date of this
25 Act, whichever is later. Employees shall be entitled to begin
26 using paid leave 90 days following commencement of their

1 employment or 90 days following the effective date of this
2 Act, whichever is later.

3 (h) Paid leave under this Act shall be provided upon the
4 oral or written request of an employee in accordance with the
5 employer's reasonable paid leave policy notification
6 requirements which may include the following:

7 (1) If use of paid leave under this Act is
8 foreseeable, the employer may require the employee to
9 provide 7 calendar days' notice before the date the leave
10 is to begin.

11 (2) If paid leave under this Act is taken due to an
12 emergency ~~not foreseeable~~, the employee shall provide such
13 notice as soon as is practicable after the employee is
14 aware of the necessity of the leave. An employer may
15 require that an employee provide documentation of the
16 emergency upon returning to work. An employer that
17 requires notice of paid leave under this Act when the
18 leave is taken due to an emergency ~~not foreseeable~~ shall
19 provide a written policy that contains procedures for the
20 employee to provide notice and procedures concerning
21 required documentation for taking paid leave due to an
22 emergency. For the purposes of this paragraph, "emergency"
23 means an urgent situation that arises unexpectedly and
24 requires an immediate response from the employee.

25 (3) Employers shall provide employees with written
26 notice of the paid leave policy notification requirements

1 in this Section in the manner provided in Section 20 for
2 notice and posting and within 5 calendar days of any
3 change to the employer's reasonable paid leave policy
4 notification requirements.

5 (4) An employer may not require, as a condition of
6 providing paid leave under this Act, that the employee
7 search for or find a replacement worker to cover the hours
8 during which the employee takes paid leave.

9 (i) Except as provided in subsection (c), paid leave under
10 this Act shall carry over annually to the extent not used by
11 the employee, provided that nothing in this Act shall be
12 construed to require an employer to provide more than 40 hours
13 of paid leave for an employee in the 12-month period unless the
14 employer agrees to do so.

15 (j) Nothing in this Section or any other Illinois law or
16 rule shall be construed as requiring financial or other
17 payment to an employee from an employer upon the employee's
18 termination, resignation, retirement, or other separation from
19 employment for paid leave accrued under this Act that has not
20 been used. Nothing in this Section or any other Illinois law or
21 rule shall be construed as requiring financial or other
22 reimbursements to an employee from an employer for unused paid
23 leave under this Act at the end of the benefit year or any
24 other time.

25 (k) If an employee is transferred to a separate division,
26 entity, or location, but remains employed by the same

1 employer, the employee is entitled to all paid leave accrued
2 at the prior division, entity, or location and is entitled to
3 use all paid leave as provided in this Section. If there is a
4 separation from employment and the employee is rehired within
5 12 months of separation by the same employer, previously
6 accrued paid leave that had not been used by the employee shall
7 be reinstated. The employee shall be entitled to use accrued
8 paid leave at the commencement of employment following a
9 separation from employment of 12 months or less.

10 (1) Paid leave under this Act shall not be charged or
11 otherwise credited to an employee's paid time off bank or
12 employee account unless the employer's policy permits such a
13 credit. If the paid leave under this Act is credited to an
14 employee's paid time off bank or employee vacation account
15 then any unused paid leave shall be paid to the employee upon
16 the employee's termination, resignation, retirement, or other
17 separation to the same extent as vacation time under existing
18 Illinois law or rule. Nothing in this Act shall be construed to
19 waive or otherwise limit an employee's right to final
20 compensation for promised and earned, but unpaid vacation time
21 or paid time off, as provided under the Illinois Wage Payment
22 and Collection Act and rules. Employers shall provide
23 employees with written notice of changes to the employer's
24 vacation time, paid time off, or other paid leave policies
25 that affect an employee's right to final compensation for such
26 leave.

1 (m) During any period an employee takes leave under this
2 Act, the employer shall maintain coverage for the employee and
3 any family member under any group health plan for the duration
4 of such leave at no less than the level and conditions of
5 coverage that would have been provided if the employee had not
6 taken the leave. The employer shall notify the employee that
7 the employee is still responsible for paying the employee's
8 share of the cost of the health care coverage, if any.

9 (n) Nothing in this Act shall be deemed to interfere with,
10 impede, or in any way diminish the right of employees to
11 bargain collectively with their employers through
12 representatives of their own choosing in order to establish
13 wages or other conditions of work in excess of the applicable
14 minimum standards established in this Act. The paid leave
15 requirements of this Act may be waived in a bona fide
16 collective bargaining agreement, but only if the waiver is set
17 forth explicitly in such agreement in clear and unambiguous
18 terms.

19 Nothing in this Act shall be deemed to affect the validity
20 or change the terms of bona fide collective bargaining
21 agreements in effect on January 1, 2024. After that date,
22 requirements of this Act may be waived in a bona fide
23 collective bargaining agreement, but only if the waiver is set
24 forth explicitly in such agreement in clear and unambiguous
25 terms.

26 In no event shall this Act apply to any employee working in

1 the construction industry who is covered by a bona fide
2 collective bargaining agreement, nor shall this Act apply to
3 any employee who is covered by a bona fide collective
4 bargaining agreement with an employer that provides services
5 nationally and internationally of delivery, pickup, and
6 transportation of parcels, documents, and freight.

7 Notwithstanding the provisions of this subsection, nothing
8 in this Act shall be deemed to affect the validity or change
9 the terms of a bona fide collective bargaining agreement
10 applying to an employee who is employed by a State agency that
11 is in effect on July 1, 2024. After that date, requirements of
12 this Act may be waived in a bona fide collective bargaining
13 agreement, but only if the waiver is set forth explicitly in
14 such agreement in clear and unambiguous terms. As used in this
15 subsection, "State agency" has the same meaning as set forth
16 in Section 4 of the Forms Notice Act.

17 (o) An agreement by an employee to waive his or her rights
18 under this Act is void as against public policy.

19 (p) The provisions of this Act shall not apply to any
20 employer that is covered by a municipal or county ordinance
21 that is in effect on the effective date of this Act that
22 requires employers to give any form of paid leave to their
23 employees, including paid sick leave or paid leave.
24 Notwithstanding the provisions of this subsection, any
25 employer that is not required to provide paid leave to its
26 employees, including paid sick leave or paid leave, under a

1 municipal or county ordinance that is in effect on the
2 effective date of this Act shall be subject to the provisions
3 of this Act if the employer would be required to provide paid
4 leave under this Act to its employees.

5 Any local ordinance that provides paid leave, including
6 paid sick leave or paid leave, enacted or amended after the
7 effective date of this Act must comply with the requirements
8 of this Act or provide benefits, rights, and remedies that are
9 greater than or equal to the benefits, rights, and remedies
10 afforded under this Act.

11 An employer in a municipality or county that enacts or
12 amends a local ordinance that provides paid leave, including
13 paid sick leave or paid leave, after the effective date of this
14 Act shall only comply with the local ordinance or ordinances
15 so long as the benefits, rights, and remedies are greater than
16 or equal to the benefits, rights, and remedies afforded under
17 this Act.

18 (Source: P.A. 102-1143, eff. 1-1-24; 103-605, eff. 7-1-24;
19 revised 10-23-24.)