



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4076

Introduced 10/15/2025, by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

820 ILCS 192/10
820 ILCS 192/15

Amends the Paid Leave for All Workers Act. Removes a provision that exempts from the Act any employee working in the construction industry who is covered by a bona fide collective bargaining agreement. Deletes the definition of "construction industry".

LRB104 07455 SPS 17496 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 Sections 10 and 15 as follows:

6 (820 ILCS 192/10)

7 Sec. 10. Definitions. As used in this Act:

8 ~~"Construction industry" means any constructing, altering,~~
9 ~~reconstructing, repairing, rehabilitating, refinishing,~~
10 ~~refurbishing, remodeling, remediating, renovating, custom~~
11 ~~fabricating, maintenance, landscaping, improving, wrecking,~~
12 ~~painting, decorating, demolishing, or adding to or subtracting~~
13 ~~from any building, structure, highway, roadway, street,~~
14 ~~bridge, alley, sewer, ditch, sewage disposal plant,~~
15 ~~waterworks, parking facility, railroad, excavation or other~~
16 ~~structure, project, development, real property, or~~
17 ~~improvement, or to do any part thereof, whether or not the~~
18 ~~performance of the work herein described involves the addition~~
19 ~~to or fabrication into, any structure, project, development,~~
20 ~~real property, or improvement herein described of any material~~
21 ~~or article of merchandise.~~

22 ~~"Construction industry" also includes moving construction~~
23 ~~related materials on the job site or to or from the job site,~~

1 ~~snow plowing, snow removal, and refuse collection.~~

2 "Department" means the Illinois Department of Labor.

3 "Domestic work" and "domestic worker" have the same
4 meanings as defined in Section 10 of the Domestic Workers'
5 Bill of Rights Act, except that "domestic worker" also
6 includes independent contractors, sole proprietors, and
7 partnerships.

8 "Employee" has the same application and meaning as that
9 provided in Sections 1 and 2 of the Illinois Wage Payment and
10 Collection Act. "Employee" also includes all domestic workers,
11 and, for the purposes of this Act, domestic workers shall not
12 be excluded as employees under the provisions of item (1),
13 (2), or (3) of Section 2 of the Illinois Wage Payment and
14 Collection Act. "Employee" does not include:

15 (1) an employee as defined in the federal Railroad
16 Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the
17 Railway Labor Act;

18 (2) a student enrolled in and regularly attending
19 classes in a college or university that is also the
20 student's employer, and who is employed on a temporary
21 basis at less than full time at the college or university,
22 but this exclusion applies only to work performed for that
23 college or university; or

24 (3) a short-term employee who is employed by an
25 institution of higher education for less than 2
26 consecutive calendar quarters during a calendar year and

1 who does not have a reasonable expectation that they will
2 be rehired by the same employer of the same service in a
3 subsequent calendar year.

4 "Employer" has the same application and meaning as that
5 provided in Sections 1 and 2 of the Illinois Wage Payment and
6 Collection Act, except that for purposes of this Act,
7 "employer" also means the State and units of local government,
8 any political subdivision of the State or units of local
9 government, or any State or local government agency.

10 "Employer" does not include school districts organized
11 under the School Code or park districts organized under the
12 Park District Code.

13 "Writing" or "written" means a printed or printable
14 communication in physical or electronic format, including a
15 communication that is transmitted through electronic mail,
16 text message, or a computer system or is otherwise sent or
17 stored electronically.

18 (Source: P.A. 102-1143, eff. 1-1-24.)

19 (820 ILCS 192/15)

20 Sec. 15. Provision of paid leave.

21 (a) An employee who works in Illinois is entitled to earn
22 and use up to a minimum of 40 hours of paid leave during a
23 12-month period or a pro rata number of hours of paid leave
24 under the provisions of subsection (b). The paid leave may be
25 used by the employee for any purpose as long as the paid leave

1 is taken in accordance with the provisions of this Act.

2 (b) Paid leave under this Act shall accrue at the rate of
3 one hour of paid leave for every 40 hours worked up to a
4 minimum of 40 hours of paid leave or such greater amount if the
5 employer provides more than 40 hours. Employees who are exempt
6 from the overtime requirements of the federal Fair Labor
7 Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40
8 hours in each workweek for purposes of paid leave accrual
9 unless their regular workweek is less than 40 hours, in which
10 case paid leave accrues based on that regular workweek.
11 Employees shall determine how much paid leave they need to
12 use; ~~it~~ however, ~~l~~ employers may set a reasonable minimum
13 increment for the use of paid leave not to exceed 2 hours per
14 day. If an employee's scheduled workday is less than 2 hours
15 per day, the employee's scheduled workday shall be used to
16 determine the amount of paid leave.

17 (c) An employer may make available the minimum number of
18 hours of paid leave, subject to pro rata requirements provided
19 in subsection (b), to an employee on the first day of
20 employment or the first day of the 12-month period. Employers
21 that provide the minimum number of hours of paid leave to an
22 employee on the first day of employment or the first day of the
23 12-month period are not required to carry over ~~carryover~~ paid
24 leave from 12-month period to 12-month period and may require
25 employees to use all paid leave prior to the end of the benefit
26 period or forfeit the unused paid leave. However, under no

1 circumstances shall an employee be credited with paid leave
2 that is less than what the employee would have accrued under
3 subsections (a) and (g) of this Section.

4 (d) The 12-month period may be any consecutive 12-month
5 period designated by the employer in writing at the time of
6 hire. Changes to the 12-month period may be made by the
7 employer if notice is given to employees in writing prior to
8 the change and the change does not reduce the eligible accrual
9 rate and paid leave available to the employee. If the employer
10 changes the designated 12-month period, the employer shall
11 provide the employee with documentation of the balance of
12 hours worked, paid leave accrued and taken, and the remaining
13 paid leave balance.

14 (e) Paid leave under this Act may be taken by an employee
15 for any reason of the employee's choosing. An employee is not
16 required to provide an employer a reason for the leave and may
17 not be required to provide documentation or certification as
18 proof or in support of the leave. An employee may choose
19 whether to use paid leave provided under this Act prior to
20 using any other leave provided by the employer or State law.

21 (f) Employees shall be paid their hourly rate of pay for
22 paid leave. However, employees engaged in an occupation in
23 which gratuities or commissions have customarily and usually
24 constituted and have been recognized as part of the
25 remuneration for hire purposes shall be paid by their employer
26 at least the full minimum wage in the jurisdiction in which

1 they are employed when paid leave is taken. This wage shall be
2 treated as the employee's regular rate of pay for purposes of
3 this Act.

4 (g) Paid leave under this Act shall begin to accrue at the
5 commencement of employment or on the effective date of this
6 Act, whichever is later. Employees shall be entitled to begin
7 using paid leave 90 days following commencement of their
8 employment or 90 days following the effective date of this
9 Act, whichever is later.

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

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

18 (2) If paid leave under this Act is not foreseeable,
19 the employee shall provide such notice as soon as is
20 practicable after the employee is aware of the necessity
21 of the leave. An employer that requires notice of paid
22 leave under this Act when the leave is not foreseeable
23 shall provide a written policy that contains procedures
24 for the employee to provide notice.

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.)