



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4856

by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

New Act

Creates the New Child Bonding Leave Act. Provides that an employee who has gained custody of a child within the previous 4 weeks, either through birth, adoption, foster care placement, or otherwise, is entitled to 12 weeks of unpaid leave. Provides that an employer shall not require that an employee use any paid leave available to the employee for any reason instead of leave the employee is entitled to under the Act. Provides that, upon the conclusion of leave taken under the Act, an employee shall be reinstated to the employee's former position or a substantially equivalent one with no loss of benefits held or accrued prior to taking leave. Allows an employer to require an employee submit documentation to demonstrate that they are entitled to leave under the Act. Sets forth provisions concerning unlawful employer practices; Department of Labor responsibilities; and enforcement of the Act.

LRB104 20506 SPS 33979 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 1. Short title. This Act may be cited as the New
5 Child Bonding Leave Act.

6 Section 5. Definitions. As used in this Act:

7 "Child" means an employee's son or daughter who is a
8 biological, adopted, or foster child, a stepchild, a legal
9 ward, or a child of a person standing in loco parentis.

10 "Department" means the Department of Labor.

11 "Employee" has the meaning set forth in Section 2 of the
12 Illinois Wage Payment and Collection Act and also includes any
13 employee of the State of Illinois.

14 "Employer" has the meaning set forth in Section 2 of the
15 Illinois Wage Payment and Collection Act and also includes the
16 State of Illinois.

17 "FMLA leave" means leave an employee is entitled to under
18 the Family and Medical Leave Act of 1993.

19 Section 10. New child bonding leave.

20 (a) An employee who has gained custody of a child within
21 the previous 4 weeks, either through birth, adoption, foster
22 care placement, or otherwise, is entitled to unpaid leave as

1 follows:

2 (1) an employee who is entitled to FMLA leave and has
3 exhausted all available FMLA leave is entitled to 12 weeks
4 of leave;

5 (2) an employee who is entitled to FMLA leave and has
6 not exhausted all available FMLA leave is entitled to 12
7 weeks of leave that shall run concurrently with any
8 remaining period of FMLA leave; and

9 (3) an employee who is not entitled to FMLA leave is
10 entitled to 12 weeks of leave.

11 (b) An employer shall not require that an employee use any
12 paid leave available to the employee for any reason instead of
13 leave the employee is entitled to under this Act. An employee
14 who is entitled to take paid or unpaid leave, including
15 family, medical, sick, annual, personal, or similar leave,
16 from employment, under federal, State, or local law, a
17 collective bargaining agreement, or an employment benefits
18 program or plan, may elect to substitute any period of leave
19 for an equivalent period of leave provided under this Act.

20 (c) Leave may be taken continually or intermittently at
21 the employee's selection. An employer may require that leave
22 be taken in minimum increments of not less than 2 hours in
23 duration.

24 (d) Upon the conclusion of leave taken under this Act, an
25 employee shall be reinstated to the employee's former position
26 or a substantially equivalent one with no loss of benefits

1 held or accrued prior to taking leave. During the period of
2 leave, any health insurance benefits shall be maintained by an
3 employer as if an employee had not taken leave. An employer
4 shall not require an employee who uses leave to provide a
5 replacement worker.

6 (e) An employer may require an employee to submit
7 documentation to demonstrate that the employee is entitled to
8 leave under this Act.

9 Section 15. Unlawful employer practices.

10 (a) It is unlawful for any employer to take any adverse
11 action against an employee because the employee:

12 (1) exercises rights or attempts to exercise rights
13 under this Act;

14 (2) opposes practices that the employee believes to be
15 in violation of this Act; or

16 (3) supports the exercise of rights of another under
17 this Act.

18 (b) Exercising rights under this Act includes, but is not
19 limited to, filing an action or instituting or causing to be
20 instituted any proceeding under or related to this Act,
21 providing or agreeing to provide any information in connection
22 with any inquiry or proceeding relating to any right provided
23 under this Act, or testifying to or agreeing to testify in any
24 inquiry or proceeding relating to any right provided under
25 this Act.

1 Section 20. Department responsibilities.

2 (a) The Department shall administer and enforce this Act
3 and adopt rules under the Illinois Administrative Procedure
4 Act for the purpose of this Act. The Department has the powers
5 and the parties have the rights provided in the Illinois
6 Administrative Procedure Act for contested cases. The
7 Department shall have the power to conduct investigations in
8 connection with the administration and enforcement of this
9 Act, including the power to conduct depositions and discovery
10 and to issue subpoenas. If the Department finds cause to
11 believe that this Act has been violated, the Department shall
12 notify the parties in writing and the matter shall be referred
13 to an administrative law judge to schedule a formal hearing in
14 accordance with hearing procedures established by rule.

15 (b) The Department is authorized to impose civil penalties
16 prescribed in Section 25 in administrative proceedings that
17 comply with the Illinois Administrative Procedure Act and to
18 supervise the payment of the unpaid wages and damages owing to
19 the employee or employees under this Act. The Department may
20 bring any legal action necessary to recover the amount of
21 unpaid wages, damages, and penalties, and the employer shall
22 be required to pay the costs. Any sums recovered by the
23 Department on behalf of an employee under this Act shall be
24 paid to the employee or employees affected.

1 Section 25. Enforcement.

2 (a) An employee who believes the employee's rights under
3 this Act or any rule adopted under this Act have been violated
4 may, within 60 days after the date of the last event
5 constituting the alleged violation for which the action is
6 brought, file a complaint with the Department or file a civil
7 action.

8 (b) An employer that violates any provision of this Act or
9 any rule adopted under this Act is subject to a civil penalty
10 for each employee affected not to exceed \$5,000.

11 (c) A civil action may be brought in the circuit court by
12 an employee to enforce this Act. The circuit court may enjoin
13 any act or practice that violates or may violate this Act and
14 may order any other equitable relief that is necessary and
15 appropriate to redress the violation or to enforce this Act.