



Sen. Melinda Bush

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10200SB3120sam003

LRB102 24118 SPS 36574 a

1 AMENDMENT TO SENATE BILL 3120

2 AMENDMENT NO. _____. Amend Senate Bill 3120 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Bereavement Leave Act is amended by
5 changing Sections 1, 5, and 10 as follows:

6 (820 ILCS 154/1)

7 Sec. 1. Short title. This Act may be cited as the Family
8 ~~Child~~ Bereavement Leave Act.

9 (Source: P.A. 99-703, eff. 7-29-16.)

10 (820 ILCS 154/5)

11 Sec. 5. Definitions. In this Act:

12 "Assisted reproduction" means a method of achieving a
13 pregnancy through an artificial insemination or an embryo
14 transfer and includes gamete and embryo donation. "Assisted
15 reproduction" does not include any pregnancy achieved through

1 sexual intercourse.

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

5 "Covered family member" means an employee's child,
6 stepchild, spouse, domestic partner, sibling, parent,
7 mother-in-law, father-in-law, grandchild, grandparent, or
8 stepparent.

9 "Department" means the Department of Labor.

10 "Domestic partner", used with respect to an unmarried
11 employee, includes:

12 (1) the person recognized as the domestic partner of
13 the employee under any domestic partnership or civil union
14 law of a state or political subdivision of a state; or

15 (2) an unmarried adult person who is in a committed,
16 personal relationship with the employee, who is not a
17 domestic partner as described in paragraph (1) to or in
18 such a relationship with any other person, and who is
19 designated to the employee's employer by such employee as
20 that employee's domestic partner.

21 "Department" means the Department of Labor.

22 "Employee" means eligible employee, as defined by Section
23 101(2) of the federal Family and Medical Leave Act of 1993 (29
24 U.S.C. 2601 et seq.).

25 "Employer" means employer, as defined by Section 101(4) of
26 the federal Family and Medical Leave Act of 1993 (29 U.S.C.

1 2601 et seq.).

2 (Source: P.A. 99-703, eff. 7-29-16.)

3 (820 ILCS 154/10)

4 Sec. 10. Bereavement Leave.

5 (a) All employees shall be entitled to use a maximum of 2
6 weeks (10 work days) of unpaid bereavement leave to:

7 (1) attend the funeral or alternative to a funeral of
8 a covered family member ~~child~~;

9 (2) make arrangements necessitated by the death of the
10 covered family member; ~~child~~; ~~or~~

11 (3) grieve the death of the covered family member; ~~or~~
12 ~~child~~.

13 (4) be absent from work due to (i) a miscarriage; (ii)
14 an unsuccessful round of intrauterine insemination or of
15 an assisted reproductive technology procedure; (iii) a
16 failed adoption match or an adoption that is not finalized
17 because it is contested by another party; (iv) a failed
18 surrogacy agreement; (v) a diagnosis that negatively
19 impacts pregnancy or fertility; or (vi) a stillbirth.

20 (b) Bereavement leave under subsection (a) of this Section
21 must be completed within 60 days after the date on which the
22 employee receives notice of the death of the covered family
23 member or the date on which an event listed under paragraph (4)
24 of subsection (a) occurs ~~child~~.

25 (c) An employee shall provide the employer with at least

1 48 hours' advance notice of the employee's intention to take
2 bereavement leave, unless providing such notice is not
3 reasonable and practicable.

4 (d) An employer may, but is not required to, require
5 reasonable documentation. Documentation may include a death
6 certificate, a published obituary, or written verification of
7 death, burial, or memorial services from a mortuary, funeral
8 home, burial society, crematorium, religious institution, or
9 government agency. For leave resulting from an event listed
10 under paragraph (4) of subsection (a), reasonable
11 documentation shall include a form, to be provided by the
12 Department, to be filled out by a health care practitioner who
13 has treated the employee or the employee's spouse or domestic
14 partner, or surrogate, for an event listed under paragraph (4)
15 of subsection (a), or documentation from the adoption or
16 surrogacy organization that the employee worked with related
17 to an event listed under paragraph (4) of subsection (a),
18 certifying that the employee or his or her spouse or domestic
19 partner has experienced an event listed under paragraph (4) of
20 subsection (a). The employer may not require that the employee
21 identify which category of event the leave pertains to as a
22 condition of exercising rights under this Act.

23 (e) In the event of the death of more than one covered
24 family member ~~child~~ in a 12-month period, an employee is
25 entitled to up to a total of 6 weeks of bereavement leave
26 during the 12-month period. This Act does not create a right

1 for an employee to take unpaid leave that exceeds the unpaid
2 leave time allowed under, or is in addition to the unpaid leave
3 time permitted by, the federal Family and Medical Leave Act of
4 1993 (29 U.S.C. 2601 et seq.).
5 (Source: P.A. 99-703, eff. 7-29-16.)".