



Rep. Laura Faver Dias

Filed: 3/18/2024

10300HB5294ham002

LRB103 37634 SPS 71147 a

1 AMENDMENT TO HOUSE BILL 5294

2 AMENDMENT NO. _____. Amend House Bill 5294 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Family Neonatal Intensive Care 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 ascribed to that term in
12 Section 2 of the Illinois Wage Payment and Collection Act.

13 "Employer" has the meaning ascribed to that term in
14 Section 2 of the Illinois Wage Payment and Collection Act.

15 "Neonatal intensive care unit" or "NICU" means a special
16 care unit that provides medical treatment to premature and

1 critically ill infants.

2 Section 10. Neonatal intensive care family leave.

3 (a) An employee of an employer with 10 or fewer employees
4 shall be entitled to use a maximum of 10 days of unpaid
5 neonatal intensive care leave while a child of the employee is
6 a patient in a neonatal intensive care unit. An employee of an
7 employer with more than 10 employees shall be entitled to use
8 20 days of unpaid neonatal intensive care leave while a child
9 of the employee is a patient in a neonatal intensive care unit.

10 (b) An employer shall not require that an employee use
11 leave the employee is entitled to under the Family Medical
12 Leave Act instead of leave the employee is entitled to under
13 this Act.

14 Section 15. Unlawful employer practices.

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

17 (1) exercises rights or attempts to exercise rights
18 under this Act;

19 (2) opposes practices which such employee believes to
20 be in violation of this Act; or

21 (3) supports the exercise of rights of another under
22 this Act.

23 (b) Exercising rights under this Act includes filing an
24 action or instituting or causing to be instituted any

1 proceeding under or related to this Act, providing or agreeing
2 to provide any information in connection with any inquiry or
3 proceeding relating to any right provided under this Act, or
4 testifying to or agreeing to testify in any inquiry or
5 proceeding relating to any right provided under this Act.

6 Section 20. Department responsibilities.

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

20 (b) The Department is authorized to impose civil penalties
21 prescribed in Section 25 in administrative proceedings that
22 comply with the Illinois Administrative Procedure Act and to
23 supervise the payment of the unpaid wages and damages owing to
24 the employee or employees under this Act. The Department may
25 bring any legal action necessary to recover the amount of

1 unpaid wages, damages, and penalties, and the employer shall
2 be required to pay the costs. Any sums recovered by the
3 Department on behalf of an employee under this Act shall be
4 paid to the employee or employees affected. However, 20% of
5 any penalty collected from the employer for a violation of
6 this Act shall be deposited into the Neonatal Intensive Care
7 Leave Fund, a special fund created in the State treasury, and
8 used for the enforcement of this Act.

9 (c) The Attorney General may bring an action to enforce
10 the collection of any civil penalty imposed under this Act.

11 Section 25. Enforcement.

12 (a) An employee who believes his or her rights under this
13 Act or any rule adopted under this Act have been violated may,
14 within 60 days after the date of the last event constituting
15 the alleged violation for which the action is brought, file a
16 complaint with the Department or file a civil action.

17 (b) An employer that violates any provision of this Act or
18 any rule adopted under this Act is subject to a civil penalty
19 for each employee affected as follows:

20 (1) for a first offense, a civil penalty not to exceed
21 \$500; and

22 (2) for a second or subsequent offense, a civil
23 penalty not to exceed \$1,000.

24 (c) A civil action may be brought in the circuit court by
25 an employee to enforce this Act. The circuit court may enjoin

1 any act or practice that violates or may violate this Act and
2 may order any other equitable relief that is necessary and
3 appropriate to redress the violation or to enforce the Act.

4 Section 90. The State Finance Act is amended by adding
5 Section 5.1015 as follows:

6 (30 ILCS 105/5.1015 new)

7 Sec. 5.1015. The Neonatal Intensive Care Leave Fund."