



Sen. Don Harmon

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LRB103 02961 SPS 65167 a

1 AMENDMENT TO SENATE BILL 509

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 509, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment  
4 No. 1, on page 35, immediately below line 12, by inserting the  
5 following:

6 "Section 10. The Paid Leave for All Workers Act is amended  
7 by changing Sections 10 and 15 as follows:

8 (820 ILCS 192/10)

9 (This Section may contain text from a Public Act with a  
10 delayed effective date)

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

12 "Construction industry" means any constructing, altering,  
13 reconstructing, repairing, rehabilitating, refinishing,  
14 refurbishing, remodeling, remediating, renovating, custom  
15 fabricating, maintenance, landscaping, improving, wrecking,  
16 painting, decorating, demolishing, or adding to or subtracting

1 from any building, structure, highway, roadway, street,  
2 bridge, alley, sewer, ditch, sewage disposal plant,  
3 waterworks, parking facility, railroad, excavation or other  
4 structure, project, development, real property, or  
5 improvement, or to do any part thereof, whether or not the  
6 performance of the work herein described involves the addition  
7 to or fabrication into, any structure, project, development,  
8 real property, or improvement herein described of any material  
9 or article of merchandise.

10 "Construction industry" also includes moving construction  
11 related materials on the job site or to or from the job site,  
12 snow plowing, snow removal, and refuse collection.

13 "Department" means the Illinois Department of Labor.

14 "Domestic work" and "domestic worker" have the same  
15 meanings as defined in Section 10 of the Domestic Workers'  
16 Bill of Rights Act, except that "domestic worker" also  
17 includes independent contractors, sole proprietors, and  
18 partnerships.

19 "Employee" has the same application and meaning as that  
20 provided in Sections 1 and 2 of the Illinois Wage Payment and  
21 Collection Act. "Employee" also includes all domestic workers,  
22 and, for the purposes of this Act, domestic workers shall not  
23 be excluded as employees under the provisions of item (1),  
24 (2), or (3) of Section 2 of the Illinois Wage Payment and  
25 Collection Act. "Employee" does not include:

26 (1) an employee as defined in the federal Railroad

1 Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the  
2 Federal Employers' Liability Act (45 U.S.C. 51 et seq.)  
3 ~~the Railway Labor Act;~~

4 (2) a student enrolled in and regularly attending  
5 classes in a college or university that is also the  
6 student's employer, and who is employed on a temporary  
7 basis at less than full time at the college or university,  
8 but this exclusion applies only to work performed for that  
9 college or university; or

10 (3) a short-term employee who is employed by an  
11 institution of higher education for less than 2  
12 consecutive calendar quarters during a calendar year and  
13 who does not have a reasonable expectation that they will  
14 be rehired by the same employer of the same service in a  
15 subsequent calendar year.

16 "Employer" has the same application and meaning as that  
17 provided in Sections 1 and 2 of the Illinois Wage Payment and  
18 Collection Act, except that for purposes of this Act,  
19 "employer" also means the State and units of local government,  
20 any political subdivision of the State or units of local  
21 government, or any State or local government agency.

22 "Employer" does not include school districts organized  
23 under the School Code or park districts organized under the  
24 Park District Code.

25 "Park district" has the same meaning as defined in Section  
26 1-3 of the Park District Code. "Park district" also includes

1 any party to a joint agreement between a park district and an  
2 entity authorized under Section 8-10b of the Park District  
3 Code to act jointly for the purposes of providing for the  
4 establishment, maintenance, and management of joint  
5 recreational programs for persons with disabilities, to the  
6 extent that the party is acting within the scope of that joint  
7 agreement.

8 "Writing" or "written" means a printed or printable  
9 communication in physical or electronic format, including a  
10 communication that is transmitted through electronic mail,  
11 text message, or a computer system or is otherwise sent or  
12 stored electronically.

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

14 (820 ILCS 192/15)

15 (This Section may contain text from a Public Act with a  
16 delayed effective date)

17 Sec. 15. Provision of paid leave.

18 (a) An employee who works in Illinois is entitled to earn  
19 and use up to a minimum of 40 hours of paid leave during a  
20 12-month period or a pro rata number of hours of paid leave  
21 under the provisions of subsection (b). The paid leave may be  
22 used by the employee for any purpose as long as the paid leave  
23 is taken in accordance with the provisions of this Act.

24 (b) Paid leave under this Act shall accrue at the rate of  
25 one hour of paid leave for every 40 hours worked up to a

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

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

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

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

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

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

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

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

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

22 (3) Employers shall provide employees with written  
23 notice of the paid leave policy notification requirements  
24 in this Section in the manner provided in Section 20 for  
25 notice and posting and within 5 calendar days of any  
26 change to the employer's reasonable paid leave policy

1 notification requirements.

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

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

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

22 (k) If an employee is transferred to a separate division,  
23 entity, or location, but remains employed by the same  
24 employer, the employee is entitled to all paid leave accrued  
25 at the prior division, entity, or location and is entitled to  
26 use all paid leave as provided in this Section. If there is a



1 separation from employment and the employee is rehired within  
2 12 months of separation by the same employer, previously  
3 accrued paid leave that had not been used by the employee shall  
4 be reinstated. The employee shall be entitled to use accrued  
5 paid leave at the commencement of employment following a  
6 separation from employment of 12 months or less.

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

24 (m) During any period an employee takes leave under this  
25 Act, the employer shall maintain coverage for the employee and  
26 any family member under any group health plan for the duration

1 of such leave at no less than the level and conditions of  
2 coverage that would have been provided if the employee had not  
3 taken the leave. The employer shall notify the employee that  
4 the employee is still responsible for paying the employee's  
5 share of the cost of the health care coverage, if any.

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

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

23 In no event shall this Act apply to any employee working in  
24 the construction industry who is covered by a bona fide  
25 collective bargaining agreement, ~~nor shall this Act apply to~~  
26 ~~any employee who is covered by a bona fide collective~~

1 ~~bargaining agreement with an employer that provides services~~  
2 ~~nationally and internationally of delivery, pickup, and~~  
3 ~~transportation of parcels, documents, and freight.~~

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

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

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

1 leave under this Act to its employees.

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

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

15 (Source: P.A. 102-1143, eff. 1-1-24; revised 3-16-23.)".