

1 AN ACT concerning domestic violence.

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  
5 Victims of Domestic Violence Employment Leave Act.

6 Section 5. Findings. The General Assembly finds and  
7 declares as follows:

8 (1) Domestic violence affects many persons without  
9 regard to age, race, educational level, socioeconomic status,  
10 religion, or occupation.

11 (2) Domestic violence is a crime that has a devastating  
12 effect on families, communities, and the workplace.

13 (3) Domestic violence impacts on productivity,  
14 effectiveness, absenteeism, and employee turnover in the  
15 workplace.

16 (4) The National Crime Survey estimates that 175,000  
17 days per year are missed from paid work due to domestic  
18 violence.

19 (5) The study also found that 56% of the victims were  
20 late for work at least 5 times a month, 28% of the victims  
21 had to leave work early at least 5 times a month, and 54%  
22 missed at least 3 days a month, all due to domestic violence.

23 (6) Victims of domestic violence may be vulnerable at  
24 work when trying to end an abusive relationship because the  
25 workplace may be the only place where the perpetrator knows  
26 to contact the victim.

27 (7) Employers must be sensitive to the needs of  
28 employees who are experiencing domestic violence and be  
29 responsive to those needs through personnel leave and  
30 benefits policies.

31 (8) Employees who commit acts of domestic violence at or

1 away from the workplace should be disciplined in the same  
2 manner as employees who commit other acts of violence or  
3 harassment at or away from the workplace.

4 Section 10. Definitions. As used in this Act:

5 "Domestic violence" means the physical injury, sexual  
6 abuse, or forced imprisonment, or threat thereof, of a person  
7 by another who is related by blood or marriage or has a  
8 significant relationship with the other person at the  
9 present, or who has been related or has had a significant  
10 relationship at some time in the past, to the extent that the  
11 person's health, safety, or welfare is harmed or threatened  
12 thereby.

13 "Employer" means any of the following: (1) the State or  
14 any agency of the State; (2) any unit of local government or  
15 school district; or (3) any person that employs at least 25  
16 employees for each working day during each of 20 or more  
17 calendar work weeks in the current or preceding calendar  
18 year.

19 Section 15. Time off from work.

20 (a) No employer may discharge or in any manner  
21 discriminate or retaliate against an employee who is a victim  
22 of domestic violence for taking time off from work to obtain  
23 or attempt to obtain any relief, including, but not limited  
24 to, a temporary restraining order, restraining order, or  
25 other injunctive relief, to help ensure the health, safety,  
26 or welfare of a domestic violence victim or his or her child.

27 (b) (1) As a condition of taking time off for a purpose  
28 set forth in subsection (a), the employee must give the  
29 employer reasonable advance notice of the employee's  
30 intention to take time off, unless the advance notice is not  
31 feasible.

32 (2) When an unscheduled absence occurs, the employer may

1 not take any action against the employee if the employee,  
2 within a reasonable time after the absence, provides a  
3 certification to the employer. Certification is sufficient  
4 in the form of any of the following:

5 (A) A police report indicating that the employee  
6 was a victim of domestic violence.

7 (B) A court order protecting or separating the  
8 employee from the perpetrator of an act of domestic  
9 violence, or other evidence from the court or prosecuting  
10 attorney that the employee has appeared in court.

11 (C) Documentation from a medical professional,  
12 domestic violence advocate, health care provider, or  
13 counselor that the employee was undergoing treatment for  
14 physical or mental injuries or abuse resulting in  
15 victimization from an act of domestic violence.

16 (3) To the extent allowed by law, employers must  
17 maintain the confidentiality of any employee requesting  
18 leave under subsection (a).

19 (c) Any employee who is discharged, threatened with  
20 discharge, demoted, suspended, or in any other manner  
21 discriminated or retaliated against in the terms and  
22 conditions of employment by his or her employer because the  
23 employee has taken time off for a purpose set forth in  
24 subsection (a) is entitled to reinstatement and reimbursement  
25 for lost wages and work benefits caused by the acts of the  
26 employer. Any employer who willfully refuses to rehire,  
27 promote, or otherwise restore an employee or former employee  
28 who has been determined to be eligible for rehiring or  
29 promotion by a grievance procedure or hearing authorized by  
30 law is guilty of a Class A misdemeanor.

31 (d) (1) Any employee who is discharged, threatened with  
32 discharge, demoted, suspended, or in any other manner  
33 discriminated or retaliated against in the terms and  
34 conditions of employment by his or her employer because the

1 employee has exercised his or her rights as set forth in  
2 subsection (a) may file a complaint with the Department of  
3 Labor.

4 (2) An employee filing a complaint with the Department  
5 based upon a violation of subsection (a) has one year from  
6 the date of occurrence of the violation to file his or her  
7 complaint.

8 (e) An employee may use vacation, personal leave, or  
9 compensatory time off that is otherwise available to the  
10 employee under the applicable terms of employment, unless  
11 otherwise provided by a collective bargaining agreement, for  
12 time taken off for a purpose specified in subsection (a).  
13 The entitlement of any employee under this Section is not  
14 diminished by any collective bargaining agreement term or  
15 condition.

16 Section 20. Retaliation by employer prohibited.

17 (a) In addition to the requirements and prohibitions  
18 imposed on employees under Section 15, an employer may not  
19 discharge or in any manner discriminate or retaliate against  
20 an employee who is a victim of domestic violence for taking  
21 time off from work to attend to any of the following:

22 (1) To seek medical attention for injuries caused  
23 by domestic violence.

24 (2) To obtain services from a domestic violence  
25 shelter, program, or rape crisis center as a result of  
26 domestic violence.

27 (3) To obtain psychological counseling related to  
28 an experience of domestic violence.

29 (4) To participate in safety planning and take  
30 other actions to increase safety from future domestic  
31 violence, including temporary or permanent relocation.

32 (b) (1) As a condition of taking time off for a purpose  
33 set forth in subsection (a), the employee must give the

1 employer reasonable advance notice of the employee's  
2 intention to take time off, unless the advance notice is not  
3 feasible.

4 (2) When an unscheduled absence occurs, the employer may  
5 not take any action against the employee if the employee,  
6 within a reasonable time after the absence, provides a  
7 certification to the employer. Certification is sufficient  
8 in the form of any of the following:

9 (A) A police report indicating that the employee  
10 was a victim of domestic violence.

11 (B) A court order protecting or separating the  
12 employee from the perpetrator of an act of domestic  
13 violence, or other evidence from the court or prosecuting  
14 attorney that the employee appeared in court.

15 (C) Documentation from a medical professional,  
16 domestic violence advocate, health care provider, or  
17 counselor that the employee was undergoing treatment for  
18 physical or mental injuries or abuse resulting in  
19 victimization from an act of domestic violence.

20 (3) To the extent allowed by law, employers must  
21 maintain the confidentiality of any employee requesting leave  
22 under subsection (a).

23 (c) Any employee who is discharged, threatened with  
24 discharge, demoted, suspended, or in any other manner  
25 discriminated or retaliated against in the terms and  
26 conditions of employment by his or her employer because the  
27 employee has taken time off for a purpose set forth in  
28 subsection (a) is entitled to reinstatement and reimbursement  
29 for lost wages and work benefits caused by the acts of the  
30 employer. Any employer who willfully refuses to rehire,  
31 promote, or otherwise restore an employee or former employee  
32 who has been determined to be eligible for rehiring or  
33 promotion by a grievance procedure or hearing authorized by  
34 law is guilty of a Class A misdemeanor.

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2 discharge, demoted, suspended, or in any other manner  
3 discriminated or retaliated against in the terms and  
4 conditions of employment by his or her employer because the  
5 employee has exercised his or her rights as set forth in  
6 subsection (a) may file a complaint with the Department of  
7 Labor.

8           (2) An employee filing a complaint with the Department  
9 of Labor based upon a violation of subsection (a) has one  
10 year from the date of occurrence of the violation to file his  
11 or her complaint.

12           (e) An employee may use vacation, personal leave, or  
13 compensatory time off that is otherwise available to the  
14 employee under the applicable terms of employment, unless  
15 otherwise provided by a collective bargaining agreement, for  
16 time taken off for a purpose specified in subsection (a).  
17 The entitlement of any employee under this Section is not  
18 diminished by any collective bargaining agreement term or  
19 condition.

20           (f) This Section does not create a right for an employee  
21 to take unpaid leave that exceeds the unpaid leave time  
22 allowed under, or is in addition to the unpaid leave time  
23 permitted by, the federal Family and Medical Leave Act of  
24 1993.

25           Section 99. Effective date. This Act takes effect upon  
26 becoming law.