

Illinois Employers Who Provide Sick Leave Must Allow Workers To Use It For Children And Family Members

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Employers who provide sick leave benefits for employees in Illinois will soon have to allow employees to use their accrued paid sick time to care for their children and other family members and not just for their own illnesses. Starting January 1, 2017, any Illinois worker who is entitled to sick leave will be able to use it for absences due to an illness, injury, or medical appointment for a child, spouse, or certain other family members on the same terms as sick leave is allowed for the employee's own illness or injury. The [Employee Sick Leave Act](#), which Illinois Gov. Bruce Rauner recently signed into law, states that an employee may use his or her employer-provided sick leave for absences "for reasonable periods of time as the employee's attendance may be necessary" to take family members to medical appointments or otherwise attend to their illnesses or injuries. Employers are allowed to limit the use of personal sick leave benefits under the act to "not less than the personal sick leave that would be accrued during six months at the employee's then-current rate of entitlement." Employers who have in place a paid time off (PTO) policy that already allows employees the flexibility to take time off to care for children or other family members do not need to modify their policies so long as they meet the requirements of the act. The Employee Sick Leave Act includes a wide-ranging list of family members an employee can use sick leave for if a need arises to miss work. Absences allowed under the act cover a child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. (But not the family dog or cat – which is too bad for those four-legged family members who need to go to the vet but weren't able to get themselves written into Illinois law.) While the rights and remedies under this new act are in addition to any existing rights and remedies under a contract or under other provisions of law, the act states specifically that it does not extend the maximum period of leave for employees who are eligible for time off under the Family and Medical Leave Act, regardless of whether the employee receives sick leave pay for any portion of the FMLA leave. The act also prohibits employers from retaliating against employees who use or attempt to use their personal sick leave benefits as allowed under the act.

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