

June 21, 2021

Illinois Employee Sick Leave Act Amended to Cover Personal Care for Family Members



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The Illinois Employee Sick Leave Act (ESLA) was recently amended to give workers more flexibility to care for their loved ones. ESLA was enacted in 2017 and allows employees to use at least a portion of their personal sick-leave benefits available to them under certain existing employer policies to care for covered family members who have a personal illness, injury or medical appointment. Under the amendment, which became effective April 27, ESLA now also covers leave for a family member's "personal care."

Under the ESLA, "personal sick-leave benefits" include any paid or unpaid time available to an employee pursuant to their employment benefit plan or paid-time-off policy to be used as a result of absence from work due to personal illness, injury or medical appointment. These plans do not include long-term disability, short-term disability, an insurance policy, or other comparable benefit plan or policy.

The addition of "personal care" includes activities to ensure that the family member's basic medical, hygiene, nutritional or safety needs are met, or to provide transport to medical appointments for a family member who cannot do these tasks independently. Of particular note, personal care also encompasses simply being physically present to provide emotional support to a family member with a serious health condition who is receiving inpatient or home care. "Covered family members" include an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent.

Employers may limit this leave to the amount of personal sick-leave that would be earned or accrued during six months at the employee's then-current rate of entitlement. This means that employers can limit the use of leave under the ESLA to half of the amount of hours the employee has accrued.

An employer may request written verification of the employee's absence from a health care professional if such verification is required under the employer's employment benefit plan or paid time off policy. However, they cannot retaliate against employees for exercising their rights under ESLA.

Employers with employees in Illinois should review their sick leave policies to ensure compliance with the new requirements.

If you need assistance in reviewing your policies or have questions regarding the newly enacted amendment, please contact any of the attorneys in our [Human Resources and Employment Law Practice](#).