

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

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The Illinois Employee Sick Leave Act (ESLA) has been amended to require employers to allow employees to take personal sick leave for absences due to “personal care of a covered family member.”

Originally enacted in 2017, the ESLA requires employers who provide personal sick leave benefits to employees to allow them to take personal sick leave for absences related to medical care of family members. (For details, see our article, [New Illinois Employee Sick Leave Act Mandates Greater Flexibility on Use of Leave Benefits.](#))

Employers must allow employees to take personal sick leave for absences due to the illness, injury, or medical appointment of covered family members, including the employee’s child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, and stepparent.

Effective April 27, 2021, the ESLA requires employers to allow employees to take personal sick leave for an additional reason: “personal care” of covered family members. The amended ESLA now covers “activities to ensure that a covered family member’s basic medical, hygiene, nutritional, or safety needs are met, or to provide transportation to medical appointments, for a covered family member who is unable to meet those needs himself or herself.” It also covers “being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care.”

Employers may limit the amount of personal sick leave used for the care of family members to half of an employee’s yearly sick leave benefits. They may not deny employees the right to use personal sick leave benefits as provided in the ESLA or retaliate against employees for exercising their rights under the ESLA.

Employers who have employees in Illinois should review their sick leave policies to ensure compliance with these new requirements. Further, employers whose employees work in Chicago and covered jurisdictions in Cook County should consider the impact the amendment will have on their paid sick leave policies under the Chicago Paid Sick Leave Ordinance and the Cook County Earned Sick Leave Ordinance.

Please contact the attorney at Jackson Lewis with whom you work if you have questions about the ESLA or other workplace requirements.

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