

New Sick Leave Legislation May Require Policy Revisions

Effective January 1, 2017 the Illinois Employee Sick Leave Act (P.A. 099-0841) will require employers to allow employees to use their sick leave benefits for not only their own personal medical needs, but also for the illness, injury or medical appointments of a broad spectrum of family members. While the Act does not itself require employers to provide paid sick leave, it does require employers who do provide that benefit to allow employees to use that leave time for absences resulting from the illness, injury or medical appointments of the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent.

The Act also provides that the benefit use for family members must be reasonable and "on the same terms upon which the employee is able to use sick leave for the employee's own illness or injury." In other words, an employer cannot impose greater restrictions on the use of sick leave for family members than it imposes for an employee's personal medical conditions. Therefore, if a policy currently allows sick leave use in half day increments for the employee's illness, injury or medical appointment, then it should impose that same requirement if the sick leave use is for an eligible family member.

Although employers now must extend the permissible use of sick leave benefits to family members, they can limit the number of days used for this purpose to half of that which the employee accrues in a year (not half of which has been accrued in that year). In other words, if an employee accrues 12 days of sick leave each year, he or she may use six of those 12 days for eligible family member use, even if, for instance, the employee only has six days of sick leave in their bank at the time.

Additionally, the Act specifically states that it does not extend the amount of sick leave benefits granted, nor does it extend the maximum leave allowable under FMLA.