

## **ILLINOIS AMENDS EMPLOYEE SICK LEAVE ACT, EXPANDING COVERAGE TO INCLUDE "PERSONAL CARE" FOR COVERED FAMILY MEMBERS**

May 11, 2021

Illinois Governor J.B. Pritzker recently signed into law an amendment to the Illinois Employee Sick Leave Act (ESLA), permitting employees to take leave for a covered family member's "personal care."

Enacted in 2017, the ESLA requires Illinois employers to permit employees to use half of their annual accrued sick leave under an existing sick leave policy for absences related to the illness, injury, or medical appointment of certain family members. For example, an employee who accrues 40 hours of sick leave each year is entitled to use 20 hours of such time for family leave purposes. Notably, the ESLA does not require employers to *provide* paid sick leave—it only applies to those employers who already provide leave to their employees. So, once an employer offers sick leave, it must allow employees to use available leave for family-care purposes listed in the ESLA.

Under the recent amendment to the ESLA, employees must now be permitted to take sick leave for the "personal care" of a "covered family member."

- "Covered family member" includes an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.
- "Personal care" includes:
  - 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; or
  - Being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care.

Illinois employers should review their existing leave policies to ensure compliance with this change. For questions or further information on the ESLA, please speak to your Bryan Cave Leighton Paisner contact or a member of our Employment & Labor Practice Group.

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