



HR-Alert: Illinois Paid Leave for All Workers Act Takes Effect January 1, 2024

Effective January 1, 2024, Illinois will become the third state following Maine and Nevada, to require private employers to provide up to 40 hours of paid leave to Illinois employees that can be used for any reason. Employers in the City of Chicago and Cook County will continue to be subject to existing paid sick leave ordinances and must follow the more generous requirement. Employers that opted out of local paid leave ordinances will be required to comply with this Act.

Quick Facts

- All Illinois-based employees are eligible for paid leave, including part-time and temporary employees
- Employees must be able to accrue at least one (1) hour for every 40 hours worked up to 40 hours per year, with the ability to carry over any accrued but unused time
- Employers may choose to front load 40 hours, negating the carryover requirement; currently the law is silent on a cap/maximum balance of leave
- Employers may require a waiting period of 90 days before employees can start using their leave
- Employers may set a minimum usage increment not to exceed two hours
- Employers must pay employees at their regular rates or salary for each hour of leave taken
- If an employer already offers a paid leave benefit that meets the minimum requirements of this Act, they do not have to offer additional time, (e.g., PTO (Paid Time Off) or paid vacation)
- Leave under this Act is not required to be paid upon separation unless an employer chooses to combine leave into their PTO or vacation policy. In that case, vacation payout obligations would need to be considered under state law. Employers will be required to restore any accrued but unused leave for employees returning within 12-months of separating

Notice Requirements

Employers must allow verbal or written requests to use leave and may not require an employee to explain the reason for leave or require documentation or certification in support of the leave. However, employers may require up to seven (7) calendar days' notice for foreseeable leave requests. For unforeseeable leave requests, employees must provide notice as soon as practical.

Employers will be required to post a notice in a conspicuous place in their workplace. Employers will be required to document hours worked, amount of paid leave accrued and used, and remaining balances. These

records must be maintained for at least three (3) years and allow the Illinois Department of Labor to have access, if applicable.

Employer Next Steps

- Illinois employers should review their existing paid time off policies to ensure compliance with this Act before its effective date of January 1, 2024
- Employers should continue to monitor [IDOL's website](#) and post the IL Paid Leave for All Workers Act poster once available
- Employers may review Illinois' [Paid Leave for All Workers Act FAQ](#)
- The Illinois Department of Labor is in the process of preparing additional guidance and other resources and materials to assist employers with compliance

If you have any questions regarding this HR-Alert, please [email us](#).