

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Child
5 Bereavement Leave Act.

6 Section 5. Definitions. In this Act:

7 "Child" means an employee's son or daughter who is a
8 biological, adopted, or foster child, a stepchild, a legal
9 ward, or a child of a person standing in loco parentis.

10 "Department" means the Department of Labor.

11 "Employee" means eligible employee, as defined by Section
12 101(2) of the federal Family and Medical Leave Act of 1993 (29
13 U.S.C. 2601 et seq.).

14 "Employer" means employer, as defined by Section 101(4) of
15 the federal Family and Medical Leave Act of 1993 (29 U.S.C.
16 2601 et seq.).

17 Section 10. Bereavement Leave.

18 (a) All employees shall be entitled to use a maximum of 2
19 weeks (10 work days) of unpaid bereavement leave to:

20 (1) attend the funeral or alternative to a funeral of a
21 child;

22 (2) make arrangements necessitated by the death of the

1 child; or

2 (3) grieve the death of the child.

3 (b) Bereavement leave under subsection (a) of this Section
4 must be completed within 60 days after the date on which the
5 employee receives notice of the death of the child.

6 (c) An employee shall provide the employer with at least 48
7 hours' advance notice of the employee's intention to take
8 bereavement leave, unless providing such notice is not
9 reasonable and practicable.

10 (d) An employer may require reasonable documentation.
11 Documentation may include a death certificate, a published
12 obituary, or written verification of death, burial, or memorial
13 services from a mortuary, funeral home, burial society,
14 crematorium, religious institution, or government agency.

15 (e) In the event of the death of more than one child in a
16 12-month period, an employee is entitled to up to a total of 6
17 weeks of bereavement leave during the 12-month period. This Act
18 does not create a right for an employee to take unpaid leave
19 that exceeds the unpaid leave time allowed under, or is in
20 addition to the unpaid leave time permitted by, the federal
21 Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

22 Section 15. Existing leave usable for bereavement. An
23 employee who is entitled to take paid or unpaid leave
24 (including family, medical, sick, annual, personal, or similar
25 leave) from employment, pursuant to federal, State, or local

1 law, a collective bargaining agreement, or an employment
2 benefits program or plan may elect to substitute any period of
3 such leave for an equivalent period of leave provided under
4 Section 10.

5 Section 20. Unlawful employer practices. It is unlawful for
6 any employer to take any adverse action against an employee
7 because the employee (1) exercises rights or attempts to
8 exercise rights under this Act, (2) opposes practices which
9 such employee believes to be in violation of this Act, or (3)
10 supports the exercise of rights of another under this Act.

11 Exercising rights under this Act includes filing an action
12 or instituting or causing to be instituted any proceeding under
13 or related to this Act; providing or agreeing to provide any
14 information in connection with any inquiry or proceeding
15 relating to any right provided under this Act; or testifying to
16 or agreeing to testify in any inquiry or proceeding relating to
17 any right provided under this Act.

18 Section 25. Department responsibilities.

19 (a) The Department shall administer and enforce this Act
20 and adopt rules under the Illinois Administrative Procedure Act
21 for the purpose of this Act. The Department shall have the
22 powers and the parties shall have the rights provided in the
23 Illinois Administrative Procedure Act for contested cases. The
24 Department shall have the power to conduct investigations in

1 connection with the administration and enforcement of this Act,
2 including the power to conduct depositions and discovery and to
3 issue subpoenas. If the Department finds cause to believe that
4 this Act has been violated, the Department shall notify the
5 parties in writing and the matter shall be referred to an
6 Administrative Law Judge to schedule a formal hearing in
7 accordance with hearing procedures established by rule.

8 (b) The Department is authorized to impose civil penalties
9 prescribed in Section 30 in administrative proceedings that
10 comply with the Illinois Administrative Procedure Act and to
11 supervise the payment of the unpaid wages and damages owing to
12 the employee or employees under this Act. The Department may
13 bring any legal action necessary to recover the amount of
14 unpaid wages, damages, and penalties, and the employer shall be
15 required to pay the costs. Any sums recovered by the Department
16 on behalf of an employee under this Act shall be paid to the
17 employee or employees affected. However, 20% of any penalty
18 collected from the employer for a violation of this Act shall
19 be deposited into the Child Bereavement Fund, a special fund
20 created in the State treasury, and used for the enforcement of
21 this Act.

22 (c) The Attorney General may bring an action to enforce the
23 collection of any civil penalty imposed under this Act.

24 Section 30. Enforcement.

25 (a) An employee who believes his or her rights under this

1 Act or any rule adopted under this Act have been violated may,
2 within 60 days after the date of the last event constituting
3 the alleged violation for which the action is brought, file a
4 complaint with the Department or file a civil action.

5 (b) An employer that violates any provision of this Act or
6 any rule adopted under this Act is subject to a civil penalty
7 for each employee affected as follows:

8 (1) first offense, a civil penalty not to exceed \$500;

9 (2) second or subsequent offense, a civil penalty not
10 to exceed \$1,000.

11 (c) A civil action may be brought in the circuit court by
12 an employee to enforce this Act. The circuit court may enjoin
13 any act or practice that violates or may violate this Act and
14 may order any other equitable relief that is necessary and
15 appropriate to redress the violation or to enforce the Act.

16 Section 95. The State Finance Act is amended by adding
17 Section 5.875 as follows:

18 (30 ILCS 105/5.875 new)

19 Sec. 5.875. The Child Bereavement Fund.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.