

ADMINISTRATIVE CODE

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS
PART 200 PAID LEAVE FOR ALL WORKERS ACT
SECTION 200.310 PAID LEAVE USAGE POLICY AND NOTICE REQUIREMENTS

Section 200.310 Paid Leave Usage Policy and Notice Requirements

- a) If an employer chooses to impose terms and conditions on employees' use of paid leave time, beyond the provisions explicitly required by the Act, the employer must adopt a reasonable, written paid leave policy, made available in English and in any additional language commonly spoken by the employer's workforce, that, at a minimum, includes the protections of the Act and this Part, and is consistent with the provisions of the Act and this Part. A written paid leave policy, other than a qualifying pre-existing policy, that is inconsistent with the Act and this Part is invalid, and an employer with such a policy waives its right to notice of employees' use of paid leave time.
 - 1) The paid leave policy can be a part of an existing employer manual, existing employer handbook, or a separate document.
 - 2) The employer shall provide the paid leave policy to the employee prior to or upon the employee's commencement of employment or March 31, 2024, whichever is later. Employers who regularly communicate with employees via electronic means shall also provide the notice via the employer's regular electronic communication method.
 - 3) If an employer changes the paid leave policy during the course of an employee's employment, then the employer shall notify the employee of the updated paid leave policy as soon as practical.
 - 4) An employee may request to use paid leave *under this Act and this Part by making an oral or written request to the employer consistent with the employer's paid leave policy.* [820 ILCS 192/15] An employer's policy may require the employee to provide written notice after making an oral request for paid leave.
- b) If an employer's paid leave policy has prior notification requirements, those may include the following (see Section 15(h) of the Act):
 - 1) If an employee's request to use paid leave time is foreseeable, then an employer may require an employee give a maximum of 7 days' prior notice.
 - 2) If an employee's request to use paid leave time is unforeseeable, then the employer may require the employee to provide notice as soon as practically

possible after the employee is aware of the necessity of the leave.

- c) An employer may deny an employee's request to use the minimum amount of paid leave provided for under this Act if all of the following conditions are met:
 - 1) The employer's policy for considering leave requests under the Act, including any basis for denial under this Section is disclosed to the employee, in writing, consistent with this Section; and
 - 2) The employer's paid leave policy establishes certain limited circumstances in which paid leave may be denied in order to meet the employer's operational needs for the requested time period; and
 - 3) As a matter of fact, the employer's policy is consistently applied to similarly situated employees and does not effectively deny an employee adequate opportunity to use all paid leave time they are entitled to over a 12-month period.
- d) *An employer shall provide employees with written notice of the paid leave policy notification requirements in this Section in the manner provided in Section 20 (d) of the Act for notice and posting, and shall do so within 5 calendar days of any change to the employer's reasonable paid leave policy notification requirements. [820 ILCS 192/15]*
- e) *An employer shall not require an employee to search for or locate a replacement worker to cover the employee's use of paid leave time. [820 ILCS 192/15]*
- f) If an employer changes its policy regarding an employee's requirement to notify the employer before taking paid leave time, then the employer must communicate the change in writing within 5 calendar days after the change.
- g) An employer may restrict an employee's use of paid leave to the employee's known or anticipated work schedule.