



Illinois State Association of Counties

ISSUE BRIEF

December 1, 2023

PAID LEAVE FOR ALL WORKERS ACT (P.A. 102-1143)

Under the Paid Leave for All Workers Act, Illinois employers are mandated to provide 40 hours of paid leave to employees each year beginning on January 1, 2024. The law is applicable to county governments as well.

General Overview of Underlying Law Enacted as P.A. 102-1143

The law as established by P.A. 102-1143 includes the following provisions:

- Beginning on January 1, 2024, employers are mandated to provide employees one hour of paid leave per 40 hours worked and allow the employees to carry over up to 40 hours of paid leave each year. This is considered the minimum standard for paid leave.
- Employers may establish a minimum increment of no more than two hours per day for the use of paid leave.
- The paid leave may be utilized for any reason without the need for the employee to document need for the leave. Employers are permitted to establish leave policies requiring employees to provide seven days of notice for foreseeable leave and as promptly as possible for unforeseeable leave.
- The Act does not require counties to pass paid leave ordinances and is not applicable to employers covered by a current ordinance that requires them to provide any form of paid leave to their employees. Paid leave ordinances approved following the effective date of the Act must comply with the minimum paid leave standard provided within the Act.

Employer Obligations Under the Law

Employers must maintain records that keep track of hour worked, paid leave accrued and taken and the paid leave balance for each employee. These records must be kept for at least three years. Employers are also obligated to post a physical notice summarizing the Act, information about how to file complaints as well as providing employees with notice of their accrued time. Employers are prohibited from retaliating against employees who avail themselves of the mandated leave.

The law includes penalties for violations. Penalties include fines of up to \$1,000 per violation of the Act's posting and notice requirements, up to \$2,500 for all other violations and possible civil penalties and damages to the employee.

Exceptions Provided Under the Law

The Paid Leave for All Workers Act does not override or change paid leave benefits resulting from collective bargaining agreements. The Act is not applicable to federal, school or park district employees. Also excluded are independent contractors, certain railroad employees, part-time student employees working for a college or university and short-term employees at colleges and universities.