



## EMPLOYEE SICK LEAVE ACT AMENDED TO SERVE AS MINIMUM STANDARD FOR CBAS

On January 1, 2023, an amendment to the Employee Sick Leave Act (“ESLA”) (820 ILCS 191/) went into effect. This amendment, signed into law by Governor JB Pritzker on May 13, 2022, states that the protections offered by the Act will now “serve as the minimum standard in a negotiated collective bargaining agreement.”

While the ESLA does not require that employers provide sick leave to their employees, it does impose certain restrictions on employers that choose to do so. For example, such an employer is prohibited from retaliating against an employee for using, or attempting to use, their personal sick leave benefits in accordance with the Act. Employees who receive sick leave benefits must also be permitted to use a portion of those benefits for absences “due to an illness, injury, or medical appointment” of an immediate family member.

Section 21(b) of the ESLA already states that it does not interfere with the right to collectively bargain over the issue of sick leave. However, the recent amendment clarifies that the parties may not negotiate worse terms for the employees than those afforded by the Act - they can either adopt the minimum standard set forth in the Act or bargain for more robust sick leave benefits.

Illinois employers are still not required to provide sick leave to their employees. However, under the new amendment, if an employer offers sick leave, then the protections provided by the ESLA will now serve as the minimum standard for any collective bargaining agreement between that employer and its employees.

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