

## Illinois Extends Leave Protections for Grieving Employees and Crime Victims

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### The Child Extended Bereavement Leave Act

The new Illinois Child Extended Bereavement Leave Act (CEBLA) became law on August 4, 2023, and will be effective on January 1, 2024. CEBLA requires covered Illinois employers to provide additional unpaid leave to employees who are faced with a child's death due to homicide or suicide. CEBLA defines a "child" to include biological, adopted, foster, and step children, along with legal wards and children of people legally serving in place of a parent (*in loco parentis*).

CEBLA applies to Illinois employers with fifty (50) or more full-time employees.

- Employers with 50 to 249 full-time employees: Must provide six (6) weeks of unpaid leave to employees who lose a child to homicide or suicide.
- Employers with 250 or more full-time employees: Must provide twelve (12) weeks of unpaid leave to employees who lose a child to homicide or suicide.

CEBLA leave may be taken in a single continuous period or intermittently in increments of no less than four (4) hours. However, CEBLA leave must be completed within one (1) year after the employee notifies the employer of the loss.

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### Practice Areas

ERISA, Disability and Leave Laws

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Employers may require reasonable advance notice of the employee's intention to take CEBLA leave and reasonable documentation. When employees return from CEBLA leave, they are entitled to be restored to the position of employment held by the employee when the leave commenced or to be restored to an equivalent position.

### **Changes to the Illinois Victims' Economic Security and Safety Act (VESSA)**

Illinois also expanded leave under the Illinois Victims' Economic Security and Safety Act (VESSA) to provide unpaid leave for employees grieving a family members death as a result of a violent crime.

VESSA is expanded to allow employees to take leave to:

- attend the funeral or alternative to funeral or wake of a family or household member who is killed in a crime of violence;
- make arrangements necessitated by the death of a family or household member who is killed in a crime of violence; or
- grieve the death of a family or household member who is killed in a crime of violence.

The amount of VESSA leave depends on the size of the employer:

- Employers with 1 to 14 employees: Must provide four (4) workweeks of leave during any 12-month period.
- Employers with 15 to 49 employees: Must provide eight (8) workweeks of leave during any 12-month period.
- Employers with 50 or more employees: Must provide twelve (12) weeks of leave to during any 12-month period.

An employee will be entitled to a total of up to two (2) workweeks of unpaid leave for specified reasons relating to a family or household member who is killed in a crime of violence, which must be completed within sixty (60 days) after the date on which the employee receives notice of the death of the victim. However, the employee may still receive additional time off under VESSA during the same 12-month period for other qualifying reasons mentioned above.

The employee shall provide the employer with at least 48 hours advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. Employers may request employees to submit documentation to support their VESSA leave request such as: death certificates, obituary, written verification of death, memorial services documentation, or government agency documenting that a victim

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was killed in a crime of violence.

Illinois employers should review their leave policies in order to ensure compliance with these new requirements. Please contact your Laner Muchin attorney if you have any questions.