

Illinois Child Bereavement Law Given Immediate Effect

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On July 29, 2016, Illinois enacted the **Child Bereavement Leave Act** (Act), which took immediate effect. The Act expands leave protections for Illinois employees by providing up to 10 work days of unpaid bereavement leave upon suffering the death of a child. The Act provides the same definition for "employer" as set forth in the federal Family and Medical Leave Act (FMLA). Therefore, private sector employers with 50 or more employees within a 75 mile radius must provide leave to eligible employees pursuant to the Act. Employees who suffer the loss of a child are provided leave to: (1) attend the funeral or alternative to a funeral of the deceased child; (2) make arrangements necessitated by the death of the child; or (3) grieve. "Child" includes biological, adopted, step, or foster children, as well as legal wards or children of persons standing *in loco parentis* (in place of the parent). Leave must be taken within 60 days after the date the employee receives notice of the death of the child. Employees electing such leave must provide their employers with at least 48 hours of notice, unless doing so is not reasonable under the circumstances. Employers are prohibited from retaliating against employees who request and/or take bereavement leave. In light of this recent law, employers may want to consider modifying their employee handbooks to include a policy on child bereavement leave consistent with Illinois law. Please contact your servicing attorney if you wish to discuss your employee handbook.

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