

Paid Leave for all Workers Act

Help is Here



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Paid Leave Act

Public Act 102-1143 was signed by Governor Pritzker in March 2023 mandating paid time off for every employee working for an employer in Illinois.

An employer who provides any type of paid leave policy that satisfies the minimum amount of leave required by the Act is not required to modify the policy if the policy offers an employee the option, at the employee's discretion, to take paid leave for any reason.

Oversight of Paid Leave Act

- The Division of Developmental Disabilities (DDD) is not responsible for enforcing or determining an employer's compliance with the Act.
- Questions and concerns about the Act or how it applies to you should be directed to the Illinois Department of Labor by e-mailing: DOL.PaidLeave@illinois.gov.

Employer / Employee Relationship

- Based on Employer / Employee relationship
 - PSW supports multiple consumers under 1 employer.
 - PSW supports multiple consumers under multiple employers.
 - 1 consumer but Employer changes frequently.

General Requirements

- These are minimum requirements that apply to all employers in IL.
- Earning Paid Leave (PL)
 - Employees are entitled to earn and use up to a minimum of 40 hours of PL during a 12 month period.
 - The 12 month period may be any consecutive 12 month period designated by the employer.
 - PL will be earned at a rate of 1 hour per 40 hours worked.
 - PL will begin accruing at the start of employment or on January 1, 2024, whichever is later.

General Requirements

- Using Paid Leave (PL)
 - PL can start to be used 90 days following the start of their employment or March 31, 2024, whichever is later.
 - PL shall be provided upon the oral or written request of an employee in accordance with the employer's reasonable paid leave policy notification requirements.
 - Nothing in the Act prohibits an employer from adopting a policy that establishes some parameters for taking leave, and limited reasons the employer may deny leave for operational necessity. Any such policy must be communicated to employees, applied equally to all employees, and conform with other applicable state and federal laws.

General Requirements

- Using Paid Leave (PL)
 - Paid leave under the Act may be taken by an employee for any reason of the employee's choosing. An employee is not required to provide an employer a reason for the leave and shall not be required to provide documentation or certification as proof or in support of the leave.
 - Employees determine how much PL they need to use.
 - Employers may set a reasonable minimum increment to use not to exceed 2 hours per day.
 - Employers may set an incremental amount of time after the initial minimum increment.
 - Employees paid at current pay rate.

General Requirements

- Paid leave shall carry over annually to the extent not used by the employee, provided that nothing in the Act shall be construed to require an employer to provide more than 40 hours of paid leave for an employee in the 12-month period unless the employer agrees to do so.
- Nothing in the Act or any other Illinois law or rule shall be construed as requiring financial or other reimbursements to an employee from an employer for unused paid leave at the end of the benefit year or upon the employee's termination, resignation, retirement, or other separation from employment for paid leave accrued that has not been used.
- An employer shall make and preserve records relevant to PL for each employee for a period of not less than 3 years.

Individually Hired PSWs

- ACES\$, will comply with the requirements identified above and in the Act. ACES\$ will develop a paid leave policy to be shared with the PSWs, employers, and consumers who purchase services through them.
- PSWs are required to submit their paid leave with the timesheet for the time period it is being used.
- When paid leave is used, the employer must ensure the needs of the individual are being met.
- Paid leave will not count against the customer's monthly budget. ACES\$ will bill DDD using a new program code which is to be determined.

Back Up Plan

- Effective July 1, 2022, Back Up Plans are required to be developed during the Person-Centered Planning process.
- When individuals are supported in their own private residence or other settings where staff might not be continuously available, the service plan should include a backup plan to address contingencies such as emergencies, including the failure of a support worker to appear when scheduled to provide necessary services when the absence of the service presents a risk to the participant's health and welfare.
- A sufficient Back Up Plan is not just to rely on calling 911, but rather one that utilizes other formal social service agencies, as well as family, neighbors and friends, and assistive technology devices.

Resource

Paid Leave Act Information Bulletin (IB)

<https://www.dhs.state.il.us/page.aspx?item=159772>

Back Up Plan IB

<https://www.dhs.state.il.us/page.aspx?item=146815>

Contact Information

For more information, please contact:

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Thank you!