

# Illinois Expands Unpaid Bereavement Leave

By Elizabeth N. Hall and Allison E. Czerniak

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On Friday, June 10, 2022, Governor Pritzker signed into law the Family Bereavement Leave Act (FBLA), which amends Illinois' Child Bereavement Leave Act of 2016 (CBLA). Under the CBLA, an employer covered by the Family Medical Leave Act (FMLA) currently is required to provide an FMLA-eligible employee with up to 10 working days of unpaid bereavement leave to attend the funeral of, make arrangements necessitated by the death of, or to grieve the death of, the employee's child. With the FBLA amendment, employees will be eligible for leave relating to the loss of additional family members and for the loss of a planned family addition. The FBLA will be effective on January 1, 2023.

Under the FBLA, an employer must provide up to two weeks (10 working days) of unpaid leave to FMLA-eligible employees who are grieving the loss of a covered family member or event. The FBLA includes in the definition of "covered family member" an employee's spouse, domestic partner, sibling, parent, parent-in-law, grandchild, grandparent, stepparent, or child. The FBLA also requires an employer to provide leave for certain events, including a miscarriage, an unsuccessful round of intrauterine insemination (or other type of assisted reproduction), a failed adoption, a failed surrogacy, a stillbirth, or a diagnosis that negatively impacts fertility. As with the original law, the FBLA will not require employers to provide employees with more unpaid leave than that available under the FMLA.

While an employer may not require an employee to identify the category of event necessitating FBLA leave, the employer is permitted to request reasonable documentation from the employee to support a leave request. For leave needed because of the loss of planned family addition, reasonable documentation includes documentation from the adoption or surrogacy agency associated with the loss, or a specific form from the Illinois Department of Labor that has been completed by the treating health care practitioner.

Employers are encouraged to review their leave policies and practices to ensure that they are compliant with the Family Bereavement Leave Act by its January 1, 2023 effective date.

If you have any questions regarding the topics discussed in this article, please contact **Elizabeth N. Hall** at [ehall@vedderprice.com](mailto:ehall@vedderprice.com), **Allison E. Czerniak** at [aczerniak@vedderprice.com](mailto:aczerniak@vedderprice.com) or any other Vedder Price attorney you normally work with.

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