

LEGISLATIVE UPDATE



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History of the Paid Leave for All Workers Act

In the waning hours of the 102nd General Assembly last January, lawmakers approved a bill to provide all employees with 40 hours (five days) of paid leave per year to be used for any purpose, effective January 1, 2024. Negotiations on Senate Bill 208 (Public Act 102-1143) began in late May of 2022 shortly before adjournment, with the General Assembly finally approving the Paid Leave for All Workers Act (PLAWA) during the January 2023 “lame duck” session. Lame duck sessions are named that because outgoing legislators (“lame ducks”) may be convinced to vote for controversial bills or bills typically opposed by their party when they no longer need to guard their voting record.

Proponents of Paid Leave for All want to ensure that workers who would not typically be covered by vacation, sick time or paid time off (PTO) benefits are protected from loss of pay or even job loss due to unexpected circumstances that may require them to take time off. While organizations such as the Illinois Manufacturers Association, the Illinois Retail Merchants Association and trade unions were actively involved in negotiations regarding PLAWA, its passage has seemingly caught many employers by surprise. But in reality, discussions about providing paid leave for all workers have been taking place since 2015 with a precursor bill nearly passing in 2017.

Legislation to mandate paid leave for workers was filed during the 99th General Assembly as the Health Workplace Act by Senator Toi Hutchinson. Two identical bills were filed in 2015 to require

employers to provide seven paid sick days to employees in a twelve-month period. Senate Bill 2147 passed out of the Senate Executive Committee but was opposed by numerous organizations including the Illinois Department of Labor.

Hutchinson revived her efforts in 2017 when she became the Senate sponsor of House Bill 2771, another bill to create the Healthy Workplace Act. That bill was amended to exempt park districts and school districts and reduced the number of days of sick leave provided by employers from seven to five. It also extended the time of employment required to qualify for the benefit. That bill narrowly passed both chamber but lost on a vote to reconcile differences between the House and Senate versions.

Bills to create the Healthy Workplace Act were introduced during the 101st General Assembly and during the first year of the 102nd General Assembly (2021). Although none of those bills advanced, the proposal gained a new and determined champion: Representative Jehan Gordon-Booth. The following year, Booth made paid leave one of her legislative priorities with some key differences. Rather than sick leave, the new version focused on paid time off for any reason. Booth was able to successfully broker an agreement with the Illinois business lobby providing just enough impetus for passage. Senate Bill 208 passed on a partisan roll call in the Senate with no Republican votes, and passed the House with the support of just five Republicans including two lame-ducks, Representatives Tom Demmer and Bill Brady

In the time since its passage, multiple bills have been filed seeking exemptions or changes to PLAWA. House Bill 4228 filed by Rep. Dan Swanson (R-71) at the request of IAFPD would exempt fire protection districts from PLAWA. IAFPD chose to file an exemption bill to signal interest in participating in discussions surrounding any future trailer legislation and to highlight questions raised by fire protections districts regarding implementation. While the fate of any exemption or trailer bills remains to be seen, IAFPD will continue to educate legislators and staff regarding the impact of the law on fire protection districts during the spring 2024 legislative session. ■

Dates to Remember

- February 9, 2024 – Bill introduction deadline, House and Senate
- February 21, 2024 – Governor’s State of the State and Budget Address
- March 15, 2024 – Senate Committee deadline
- April 5, 2024 – House Committee deadline
- April 12, 2024 – Senate Third Reading deadline
- April 19, 2024 – House Third Reading deadline
- May 3, 2024 – Committee deadline for bills from other chamber, House and Senate
- May 17, 2024 – Third Reading deadline for bills from other chamber, House and Senate