masuda funai



News & Types: Employment, Labor & Benefits Update

Illinois Extends Unpaid Leave to Employees for Pregnancy and Adoption Losses

6/23/2022

Practices: Employment, Labor & Benefits

Author: Naureen Amjad
Co-Author: Kelsey Yates (Summer Associate)

EXECUTIVE SUMMARY

On June 9, 2022, Governor JB Pritzker signed into law SB3120, the Family Bereavement Leave Act ("FBLA"), which expands unpaid bereavement leave available to Illinois employees. The FBLA is set to take effect on January 1, 2023.

The FBLA requires employers with at least 50 employees to provide up to 10 days of unpaid leave for employee absences related to: (i) a miscarriage; (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure (e.g., artificial insemination or embryo transfer); (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party; (iv) a diagnosis that negatively impacts pregnancy or fertility; and (v) a stillbirth.

Employees are eligible for unpaid bereavement leave after 12 months of employment and after having worked at least 1,250 hours during the previous 12 month-period. The FBLA also allows, but does not require, employers to request reasonable documentation regarding an unpaid bereavement leave request. However, employers are prohibited from inquiring about the specific circumstances supporting the request, such as whether the leave is related to miscarriage, an unsuccessful IVF cycle, or any other circumstance listed within the FBLA.

Prior to the recent amendment, the Child Bereavement Leave Act ("CBLA") made it compulsory for Illinois employers with at least 50 employees to provide their employees with 10 workdays of unpaid leave annually to grieve the death of a child. With the recent amendment under the FBLA, the 10 days of unpaid leave now applies to any "covered family member." A "covered family member" is broadly defined under the FBLA to include an employee's spouse, children, stepchildren, domestic partner, siblings, parents, parents-in-law, grandchildren, grandparents, step-grandparents, and even family members who do not reside in the same household.

©2026 Masuda, Funai, Eifert & Mitchell, Ltd. All rights reserved. This publication should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended solely for informational purposes and you should not act or rely upon information contained herein without consulting a lawyer for advice. This publication may constitute Advertising Material.

With the passage of the FBLA, Illinois joins a host of other states such as Utah, New York, and Kentucky, that have introduced similar legislation over the last year.

It is recommended that Illinois employers begin reviewing their bereavement leave policies in the near future in order to ensure compliance with the FBLA once it takes effect next year.

Please contact Naureen Amjad or a member of the Employment, Labor and Benefits Group with any questions.

©2026 Masuda, Funai, Eifert & Mitchell, Ltd. All rights reserved. This publication should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended solely for informational purposes and you should not act or rely upon information contained herein without consulting a lawyer for advice. This publication may constitute Advertising Material.