

Employer Alert: Illinois Expands Scope of Domestic Violence Leave Law

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Almost two decades ago, Illinois passed the Victims' Economic Security and Safety Act ("VESSA"). The original version of VESSA required employers to, among other things, provide employees unpaid leave if the employees were victims of domestic, sexual or gender violence. Significantly, VESSA provides employees the ability to file lawsuits against their employers if the employers do not comply with its requirements in providing such leave.

However, employers should know that - as of January 1, 2022 - the scope of the law will expand in a material way and other notable changes will take effect. These changes will include, but will not be limited to:

- Allowing employees to take unpaid leave if they are subject to a "crime of violence" (as specified in Illinois' criminal statutes);
- Allowing employees to take unpaid leave even if they are not individually the subject of domestic, sexual, or gender violence or a "crime of violence";
- Limiting what employers can require from employees in terms of documentation to substantiate that the employee (or the employee's "family or household member") was subject to domestic, sexual, or gender violence or a "crime of violence"; and
- Imposing confidentiality requirements on employers handling such leave requests.

Given these upcoming changes, we strongly encourage Illinois employers to reach out to legal counsel to guide them in shaping or amending their leave policies. Our Team at Sandberg Phoenix stays abreast of these developments and can assist you in ensuring your policies are sound from a compliance perspective. Contact us today to learn more.