

# EssilorLuxottica

## Illinois Family Bereavement Leave Act

Illinois has enacted amendments to the Child Bereavement Leave Act, expanding the law's scope and renaming it the "Family Bereavement Leave Act" (FBLA). The two major purposes of the law are to: (1) expand the definition of family members covered by FBLA; and (2) include fertility-related losses in the acceptable reasons an employee may use leave under the FBLA. The FBLA became effective on January 1, 2023.

**Audience:** All Illinois employees

- Requested Communication Timing: ASAP

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Please familiarize yourself with the information below, detailing the Illinois Family Bereavement Leave Act (FBLA).

### 1) Eligibility:

Applies to full-time and part-time employees that work in Illinois (except for casual, temporary and seasonal employees).

### 2) Unpaid bereavement leave entitlement

The Family Bereavement Leave Act requires employers to provide up to two weeks (10 workdays) of unpaid bereavement leave for employees to:

- Attend the funeral or alternative to a funeral of a covered family member;
- Make funeral arrangements necessitated by the death of the covered family member; and
- Grieve the death of the covered family member.

2.a) Employees may also use FBLA to grieve failed pregnancies and adoptions. This may include:

- Miscarriages;
- Unsuccessful rounds of intrauterine insemination or assisted reproductive technology procedures;
- Failed adoption matches;
- Adoptions not finalized due to being contested by another party;
- Failed surrogacy agreements;
- Diagnoses that negatively impact pregnancy or fertility; and
- Stillbirths.

### 3) "Covered family member" to include an employee's:

- child, stepchild, spouse, domestic partner, sibling, parent, stepparent, mother-in-law, father-in-law, grandparent or grandchild.

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## 4) Amount of Leave

Eligible employees are eligible for the following amounts of leave based on existing company policy and state leave:

**Table A**

Status	Company Paid Bereavement Leave*	Illinois Unpaid Bereavement Leave
Immediate family member, which includes the employee's spouse or domestic partner, children, parents, grandparents, grandchildren, and employee's siblings. Stillbirths and miscarriages are included in the definition for immediate family member*.	Up to 3 days	Up to 7 additional days

**Table B**

Status	Company Paid Bereavement Leave*	Illinois Unpaid Bereavement Leave
Mother-in-law and Father-in-law	Up to 1 day	Up to 9 additional days

**Table C**

Status	Company Paid Bereavement Leave	Illinois Unpaid Bereavement Leave
Failed adoptions and pregnancy procedures as listed in 2.a (excluding miscarriages and stillbirths)	N/A	Up to 10 days

In the event of the death of more than one covered family member in a 12-month period, an employee is entitled to a maximum of six total weeks of unpaid bereavement leave during the 12-month period.

## 5) Timeframe of Use:

The bereavement leave under FBLA must be completed within sixty (60) days after the date on which the employee receives notice of the death of a covered family member\* or the date on which an event listed above (2.a) occurs.

## 6) Employee Notice Requirements:

An employee shall provide the employer with at least 48 hours advance notice of the employee's intent to take bereavement leave, unless providing such notice is not reasonable and practicable.

**Bereavement Leave:** The manager reserves the right to require documentation for bereavement leave. The documentation is to certify the employee qualifies for FBLA and/or company bereavement leave.

**Leave for failed adoptions/other pregnancy related failed procedures/treatments:** For leave resulting from a miscarriage or stillbirth, failed adoption or surrogacy agreement, or other fertility-

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related reason, reasonable documentation (to verify the leave qualifies under the FBLA) may be provided by a health care practitioner or documentation from the adoption or surrogacy organization. (**Note: Due to medical privacy rights, we will not inquire or ask for an employee or their health care practitioner or organization to disclose the specific event that qualifies for the FBLA.**)

## 7) Terms and Conditions

- An employee may have the option to use other leave programs or plan to substitute any period for the FBLA if is for a qualifying event as described in 2 and 2.a. The employee may elect to use the accrued and available paid time off.
- A manager may not take any adverse action against an employee for requesting Family Bereavement Leave.
- A manager may not request an employee to provide additional documentation than what is required by law or company policy.
- FBLA does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under the FBLA or is in addition to the unpaid leave time permitted by the federal Family and Medical Leave Act.

## 8) Manager Action Required:

When an employee notifies their supervisor of the need to use Illinois Family Bereavement Leave, do the following:

1. Confirm the employee qualifies for eligibility based on length of employment (12 months of service) and number hours of worked (at least 24 or more hours per week).
2. Inform the employee if they qualify or do not qualify for FBLA and if they qualify confirm the begin and end date for the leave.
3. If the FBLA qualifies under the Company Bereavement Leave, enter the time away from work in the timekeeping system. (8 hours per day for full-time employee and 4 hours each day for part-time employees) - refer to Tables A-C.
4. Code unpaid time away from work using "**Unpaid Leave**" pay code for Family Bereavement Leave hours.

**QUESTIONS?** For questions pertaining to the application of this policy, please contact [HRcompliance@luxotticaretail.com](mailto:HRcompliance@luxotticaretail.com).