

US COVID-19: ILLINOIS DOL ISSUES COVID-19 VACCINE COMPENSATION/LEAVE GUIDANCE

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With an express purpose of encouraging employees (and their family members) to get the COVID-19 vaccine, the Illinois Department of Labor (“IDOL”) recently issued [guidance](#) for employers regarding compensation and paid leave in connection with absences for vaccine appointments.

According to the IDOL:

Mandatory Vaccination: The time an employee spends to get the vaccine, when *required* to do so by the employer, is “likely compensable,” even if it is non-working time. Accordingly, employers should:

- provide paid leave; or
- otherwise compensate employees for such time.

Voluntary Vaccination: Employers are not required to provide compensation/paid leave for employees to obtain the vaccine when vaccination is not required by the employer; however, employers are encouraged to do so. Accordingly, employers should:

- allow employees to use sick leave, vacation time, or other paid leave;
- consider offering employees “flex” time so that they do not have to take unpaid leave; or
- allow employees to “flexibility” to take time off unpaid.

Family Vaccination: Under the [Illinois Employee Sick Leave Act](#) (effective Jan. 1, 2017), depending on how an employer handles *employee* use of paid sick leave benefits, the employer may be required to allow employees to use paid sick leave benefits to take certain *family members* to vaccine appointment. Accordingly, employers should:

- decide whether employees will be allowed to use paid sick leave benefits to go to a vaccine appointment; and

- if yes, then allow employees to use such paid sick leave benefits to take family members – the employee’s child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent – to vaccine appointments.

BCLP has assembled a COVID-19 HR and Labor & Employment taskforce to assist clients with labor and employment issues across various jurisdictions. You can contact the taskforce at: COVID-19HRLabour&EmploymentIssues@bclplaw.com. You can also view other thought leadership, guidance, and helpful information on our dedicated COVID-19 / Coronavirus resources page at <https://www.bclplaw.com/en-GB/topics/covid-19/coronavirus-covid-19-resources.html>

RELATED PRACTICE AREAS

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