Illinois Pregnancy Loss Leave Companion

Owen's Plan • Use with the core toolkit

Legal sources checked November 7, 2026 • First edition

This companion summarizes selected legal provisions and helps you adapt the proposed employer benefit. It is general information for local review, not legal advice or a complete inventory of federal, state, local, or collectively bargained rights. The core's four paid weeks are a recommendation, not a statutory entitlement.

Selected legal provisions

The Family Bereavement Leave Act (FBLA) covers eligible employees of FMLA-covered employers. IDOL identifies 12 months of employment and 1,250 hours in the prior year; review the FMLA-linked definitions and worksite criteria for the individual. Covered events include miscarriage, stillbirth, unsuccessful reproductive procedures, specified adoption or surrogacy failures, and negative pregnancy or fertility diagnoses. [IL1, IL2]

The allowance is up to 10 workdays of unpaid leave per qualifying event, with up to six weeks for multiple events in 12 months. Complete it within 60 days after learning of the event. Give 48 hours' notice unless unreasonable or impracticable. Reasonable verification may be requested, but the specific reproductive event category cannot be required. [IL1, IL2, IL3]

An employee may choose to substitute employer-provided paid leave. The employer cannot require substitution; IDOL says paid bereavement leave is additional unless the employee chooses substitution. FBLA does not expand the unpaid leave available under FMLA. Assess remaining balances and coordination rather than assuming an automatic extra statutory allowance. [IL1, IL2]

What to build into the employer policy

- Keep the proposed four paid weeks available even to employees who do not meet FBLA eligibility. Do not import statutory service thresholds into the employer benefit by accident.
- Record any employee election about substituting paid leave. Do not make a payroll default take that choice away.
- Use a private contact and a neutral request process. The employer benefit can accept a simple statement even where a separate legal designation allows verification.

Apply the Illinois companion

A practical request

“I need leave beginning [date] following an event covered by our pregnancy loss policy. Please review any FBLA or other leave that may apply and explain the pay options and timing in writing. Please do not substitute paid leave for FBLA without recording my choice. I would prefer to discuss any necessary verification with [confidential contact].”

Before confirming the timeline

- Check the employer, employee, work location, available balances, and actual qualifying event without requiring unnecessary detail. Consider medical recovery or accommodation needs separately.
- Map the employer-paid benefit and any statutory leave on a calendar. Identify the legal rule behind any overlap and any election the employee makes.
- Give the employee the contact for an internal review and the official agency links. An internal process does not stop an external deadline.
- Check Illinois and applicable Chicago or Cook County paid-leave rules, other bereavement provisions, agreements, and federal rights. This companion does not catalogue those additional entitlements.

Local review record

Reviewer [name] • Employee groups and locations [scope] • Paid leave election process [steps] • Verification contact [name] • Policy changes [details] • Date approved [date] • Next review [date]

Official sources

[IL1] Illinois Department of Labor. Family Bereavement Leave Act overview

[IL2] Illinois Department of Labor. Family Bereavement Leave Act frequently asked questions

[IL3] Illinois Department of Labor. Reproductive loss verification form

For help with FBLA, start with the Illinois Department of Labor overview and FAQs above. For federal recovery and accommodation provisions, see sources F1–F3 in the core toolkit. Recheck live guidance before applying it to a request.