



ILLINOIS EMPLOYMENT LAW UPDATE FOR 2026

Illinois recently enacted new laws that will have an impact on our clients with an Illinois workforce and wanted to make sure that you are aware of the changes that are most impactful.

I. New Leave and Benefits Obligations

A. Family Neonatal Intensive Care Leave Act (Effective June 2026)

Illinois will require job-protected leave for employees whose newborn requires NICU care. Employers with 16-50 employees are required to provide up to 10 days of unpaid leave, and employers with more than 50 employees are required to provide up to 20 days of unpaid leave. These days begin to run after FMLA is exhausted, and is also available to employees that are not eligible for FMLA. PTO cannot be required to be used.

The employer is required to maintain group health benefits, must reinstate the employee to the same or equivalent position, and permit intermittent leave (minimum 2-hour increments allowed).

Employers are recommended to update their leave policies and FMLA correspondence to reflect these changes.

B. Paid Breaks for Expressing Breast Milk (Effective January 1, 2026)

Breaks for expressing breast milk must now be paid breaks. These breaks must be provided each time the employee has the need. This break time is not charged against PTO. Prior to January 1, 2026, these breaks were unpaid.

C. Paid Leave for Military Funeral Honors (Effective August 2025)

Employers with more than 50 employees must allow up to 8 hours per month and 40 hours per year for eligible employees to participate in military funeral detail. This time is to be paid at the employee's regular rate and is separate from other paid leave.

D. Organ Donation Leave Expanded to Part-Time Employees (Effective January 1, 2026)

Leave for organ donation has now been expanded to part-time employees in addition to full-time employees. An employee is entitled to up to 10 days of paid leave. Part-time pay is based on average daily earnings.

E. Military Leave – Use of Accrued Paid Leave (Effective August 2025)

Employers may not require employees on military duty to use accrued paid leave.

II. Artificial Intelligence in Employment Decisions (Effective January 1, 2026)

Illinois now expressly prohibits use of AI that results in discrimination under the Illinois Human Rights Act. Notice is required when AI is used in employment decisions. This directly affects recruiting tools, resume screening software, performance analytics, and promotion and compensation modeling. It is recommended that employers implement written AI governance and add disclosure language where required.

III. VESSA Amendments – Employee Rights to Use Employer Devices (Effective January 1, 2026)

Effective January 1, 2026, employers must allow employees who are victims of violence (or whose family members are victims) to use employer devices to document the violence and to access photos, recordings, and communications for legal proceedings. Employers may not retaliate for this use.

Employers are advised to revise any policies pertaining to the acceptable use of electronic devices, and to make sure the required notice is posted.

IV. Workers’ Rights and Worker Safety Act (Effective January 1, 2026)

Illinois locked in federal wage/hour and OSHA standards as they existed on April 28, 2025, even if federal law becomes less stringent. This creates a permanent Illinois compliance floor, as well as a new enforcement and civil penalty exposure.