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Updates in Illinois Employment Law: Neonatal Intensive Care Leave, Military Funeral Honors and Paid Break Time for Nursing Mothers

Law and the Workplace on **September 4, 2025**

A new wave of Illinois employment laws requires covered Illinois employers to provide unpaid leave for parents with a child in neonatal care, paid leave for military funeral honors, and paid break time for nursing mothers.

Neonatal Intensive Care Leave

Effective **June 1, 2026**, employers with at least sixteen employees are required to provide unpaid leave to employees to use while their child is a patient in a neonatal intensive care unit.

Under the Family Neonatal Intensive Care Leave Act, employees of employers with 16 to 50 employees may use up to 10 days of leave, while employees of employers with at least 51 employees may use up to 20 days of leave. This leave may be taken continuously or intermittently, though employers may require that leave be taken in at least two-hour increments.

The bill requires employers to maintain an employee's health insurance benefits while he or she is on leave and to reinstate the employee to his or her former position or a substantially equivalent position once the leave ends.

Employers are prohibited from taking any adverse action against an employee exercising his or her right to neonatal intensive care leave. Employers who violate the Act are subject to a civil penalty up to $5,000 per employee affected.

Military Funeral Honors Leave

As of **August 1, 2025** (Public Act 104-0078), Illinois employers with 51 employees or more are required to provide certain covered employees with up to eight hours of paid leave per month, or up to 40 hours of paid leave per calendar year to perform "military funeral honors details." Employers must pay employees their regular rate of pay for such leave. Employees may take military funeral honors leave in lieu of any other available leave they may have.

The statute defines "military funeral honors details" as an honor guard detail consisting of at least two members of the U.S. Armed forces, one of whom is from the deceased veteran's service branch, with the remainder of the detail consisting of members of the armed forces or members of an authorized provider.

An employee may take military funeral honors leave if the employee is trained to participate in a funeral honors detail and (i) is a retired or active member of the armed forces, including a member of the reserve component of the armed forces, or (ii) is an authorized provider, or a registered member of a nonprofit or other organization that is an authorized provider.

Employees taking military funeral honors leave must provide reasonable notice, as practicable, prior to taking such leave. Employers may request confirmation from the relevant veterans organization that dispatched the employee to the funeral honors detail or the employee can provide an official notice of their participation in the detail.

Independent living facilities, assisted living facilities, nursing home facilities or other similar care facilities may deny military funeral honors leave if granting leave would result in reduced staffing levels that are below the established minimum standard or would impair safe and efficient operation for the facility.

Nursing Mothers Breaktime

The Nursing Mothers in the Workplace Act (the "Act") requires employers to compensate nursing mothers for breaks taken to express breast milk.

Under the amended Act, as of **January 1, 2026**, employers now must compensate nursing mothers for such break time at the mother's regular rate of compensation. Employers also may not require the employee to use paid leave during such break time or otherwise reduce the employee's compensation during the break time.

We will continue to monitor any new employment obligations under Illinois law.

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