

ILLINOIS

Illinois Requires Unpaid Leave for Parents of NICU Babies

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Illinois has enacted [the Family Neonatal Intensive Care Leave Act](#) (NICU Leave Act), requiring employers to provide unpaid leave to employees with a child in a neonatal intensive care unit (NICU), effective Jan. 1, 2026.

Leave Requirement

The law applies to all employers with at least 16 employees and requires unpaid leave while the employee's child is a NICU patient. The amount of leave required differs depending on the size of the employer, as follows:

- **Employers with 16-50 employees:** Up to 10 days of leave; and
- **Employers with 51 employees or more:** Up to 20 days of leave.

Leave may be intermittent or continuous, but the employer may require that it be used in increments of at least two hours.

Interaction With Other Leave

The new leave is in addition to any leave available to an employee under the federal Family and Medical Leave Act (FMLA), but employees must first exhaust any available FMLA leave before using leave under the NICU Leave Act. Employees may substitute any paid or unpaid leave to which they are entitled under the law, a contract or an employer's plan for leave under the new law.

Job Restoration, Maintenance of Benefits

Employees must be reinstated to their former position or a substantially equivalent one after returning from NICU leave. Additionally, the law requires employers to maintain health insurance benefits for employees while they are on leave. Employers may not retaliate against employees for taking leave.

Verification

Employers may require reasonable verification of an employee's child's NICU stay, but they may not request any information protected by the Health Insurance Portability and Accountability Act or any other law.

Enforcement

Violations of the law are subject to administrative action, civil penalties and private lawsuits.

Highlights

- As of Jan. 1, 2026, Illinois employers with at least 16 employees must provide leave when employees' children are NICU patients.
- Employers with 16-50 employees must provide 10 days of leave.
- Employers with more than 51 employees must provide 20 days of leave.

The NICU leave requirement applies to employers with at least 16 employees.