



Illinois Law Alert

MAY 19, 2026

Illinois Creates New NICU Leave

Beginning June 1, 2026, Illinois will require employers with 16 or more employees to provide unpaid, job-protected leave when an employee has a child in the neonatal intensive care unit (NICU). The amount of leave is based on employer size as follows:

- Employers with 16–50 employees: up to 10 days
- Employers with 51 or more employees: up to 20 days

Employees can take this leave intermittently, though employers can require a minimum of two-hour increments. Employees can also choose (though can't be required) to substitute any other available paid or unpaid leave. Employers must continue employees' health insurance during the leave.

Documentation

Employers can require reasonable documentation to support that the leave was taken for the covered purpose.

Intersection with FMLA

This leave is in addition to that provided under the federal Family and Medical Leave Act (FMLA) and does not run concurrently with it.

More Information

The state is expected to issue frequently asked questions (FAQs) prior to the June 1, 2026, effective date. Employers should monitor the state's [web page](#) for updates.

Action Items

Update your leave policies to reflect this new leave reason, or if you use our Smart Employee Handbook, accept the update when you receive the notification.