

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Family
5 Military Leave Act.

6 Section 5. Definitions. In this Act:

7 "Employee" means any person who may be permitted, required,
8 or directed by an employer in consideration of direct or
9 indirect gain or profit to engage in any employment. "Employee"
10 does include an independent contractor. "Employee" includes an
11 employee of a covered employer who has been employed by the
12 same employer for at least 12 months, and has been employed for
13 at least 1,250 hours of service during the 12-month period
14 immediately preceding the commencement of the leave.

15 "Employee benefits" means all benefits, other than salary
16 and wages, provided or made available to employees by an
17 employer and includes group life insurance, health insurance,
18 disability insurance and pensions, regardless of whether
19 benefits are provided by a policy or practice of an employer.

20 "Employer" means (1) any person, sole proprietorship,
21 partnership, corporation, association or other business entity
22 that employs 15 or more employees in the State; and (2) the
23 State of Illinois, municipalities and other units of local
24 government.

25 "Family military leave" means leave requested by an
26 employee who is the spouse or parent of a person called to
27 military service lasting longer than 30 days with the State or
28 United States pursuant to the orders of the Governor or the
29 President of the United States.

30 Section 10. Family Military Leave Requirement.

31 (a) An employee as defined under Section 5 of this Act is

1 entitled to up to 30 days of unpaid family military leave
2 during the time federal or State deployment orders are in
3 effect, subject to the conditions set forth in this Section.
4 Family military leave granted under this Act may consist of
5 unpaid leave.

6 (b) The employee shall give at least 14 days notice of the
7 intended date upon which the family military leave will
8 commence if leave will consist of 5 or more consecutive work
9 days. Employees taking military family leave for less than 5
10 consecutive days shall give the employer advanced notice as is
11 practicable. The employer may require certification from the
12 proper military authority to verify the employee's eligibility
13 for the family military leave requested.

14 (c) An employee shall not take leave as provided under this
15 Act unless he or she has exhausted all accrued vacation leave,
16 personal leave, compensatory leave, and any other leave that
17 may be granted to the employee, except sick leave and
18 disability leave.

19 Section 15. Employee benefits protection.

20 (a) Any employee who exercises the right to family military
21 leave under this Act, upon expiration of the leave, shall be
22 entitled to be restored by the employer to the position held by
23 the employee when the leave commenced or to a position with
24 equivalent seniority status, employee benefits, pay and other
25 terms and conditions of employment. This Section does not apply
26 if the employer proves that the employee was not restored as
27 provided in this Section because of conditions unrelated to the
28 employee's exercise of rights under this Act.

29 (b) During any family military leave taken under this Act,
30 the employer shall make it possible for employees to continue
31 their benefits at the employee's expense. The employer and
32 employee may negotiate for the employer to maintain benefits at
33 the employer's expense for the duration of the leave.

34 Section 20. Effect on existing employee benefits.

1 (a) Taking family military leave under this Act shall not
2 result in the loss of any employee benefit accrued before the
3 date on which the leave commenced.

4 (b) Nothing in this Act shall be construed to affect an
5 employer's obligation to comply with any collective bargaining
6 agreement or employee benefit plan that provides greater leave
7 rights to employees than the rights provided under this Act.

8 (c) The family military leave rights provided under this
9 Act shall not be diminished by any collective bargaining
10 agreement or employee benefit plan.

11 (d) Nothing in this Act shall be construed to affect or
12 diminish the contract rights or seniority status of any other
13 employee of any employer covered under this Act.

14 Section 25. Prohibited acts.

15 (a) An employer shall not interfere with, restrain, or deny
16 the exercise or the attempt to exercise any right provided
17 under this Act.

18 (b) An employer shall not discharge, fine, suspend, expel,
19 discipline or in any other manner discriminate against any
20 employee that exercises any right provided under this Act.

21 (c) An employer shall not discharge, fine, suspend, expel,
22 discipline or in any other manner discriminate against any
23 employee for opposing any practice made unlawful by this Act.

24 Section 30. Enforcement. A civil action may be brought in
25 the circuit court having jurisdiction by an employee to enforce
26 this Act. The circuit court may enjoin any act or practice that
27 violates or may violate this Act and may order any other
28 equitable relief that is necessary and appropriate to redress
29 the violation or to enforce this Act.

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.