

**SB0409**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB0409**

Introduced 1/24/2017, by Sen. John J. Cullerton

**SYNOPSIS AS INTRODUCED:**

5 ILCS 325/1

from Ch. 129, par. 501

Amends the Military Leave of Absence Act. Makes a technical change in a Section concerning a State employee's leave of absence for active military service.

LRB100 04979 RJF 14989 b

**A BILL FOR**

1 AN ACT concerning government.

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

4 Section 5. The Military Leave of Absence Act is amended by  
5 changing Section 1 as follows:

6 (5 ILCS 325/1) (from Ch. 129, par. 501)

7 Sec. 1. Leave of absence.

8 (a) Any full-time employee of the ~~the~~ State of Illinois, a  
9 unit of local government, a public institution of higher  
10 education (as defined in Section 1 of the Board of Higher  
11 Education Act), or a school district, other than an independent  
12 contractor, who is a member of any reserve component of the  
13 United States Armed Forces or of any reserve component of the  
14 Illinois State Militia, shall be granted leave from his or her  
15 public employment for any period actively spent in military  
16 service, including:

17 (1) basic training;

18 (2) special or advanced training, whether or not within  
19 the State, and whether or not voluntary;

20 (3) annual training; and

21 (4) any other training or duty required by the United  
22 States Armed Forces.

23 During these leaves, the employee's seniority and other

1 benefits shall continue to accrue.

2 During leaves for annual training, the employee shall  
3 continue to receive his or her regular compensation as a public  
4 employee. During leaves for basic training, for up to 60 days  
5 of special or advanced training, and for any other training or  
6 duty required by the United States Armed Forces, if the  
7 employee's daily rate of compensation for military activities  
8 is less than his or her daily rate of compensation as a public  
9 employee, he or she shall receive his or her regular  
10 compensation as a public employee minus the amount of his or  
11 her base pay for military activities.

12 (b) Any full-time employee of the State of Illinois or a  
13 public institution of higher education (as defined in Section 1  
14 of the Board of Higher Education Act), other than an  
15 independent contractor, who is a member of the Illinois  
16 National Guard or a reserve component of the United States  
17 Armed Forces or the Illinois State Militia and who is mobilized  
18 to active duty shall continue during the period of active duty  
19 to receive his or her benefits and regular compensation as a  
20 State employee, minus an amount equal to his or her military  
21 active duty base pay.

22 (c) In making the calculations required under this Section,  
23 the applicable governmental unit shall:

24 (1) determine the employee's daily rate of  
25 compensation as a public employee by dividing the  
26 employee's regular compensation as a public employee

1 during the pay period by the number of work days in the pay  
2 period;

3 (2) determine the employee's daily rate of  
4 compensation for military activities by dividing the  
5 employee's base pay for the applicable military activities  
6 by the number of calendar days in the month; and

7 (3) provide for an offset from the employee's gross  
8 compensation of the lesser of (i) the amount determined  
9 under paragraph (1) of this subsection (c) multiplied by  
10 the number of days that the public employee would have  
11 otherwise been required to work for the applicable  
12 governmental unit during the pay period or (ii) the amount  
13 determined under paragraph (2) of this subsection  
14 multiplied by the number of days that the public employee  
15 would have otherwise been required to work for the  
16 applicable governmental unit during the pay period.

17 (d) The Department of Central Management Services and the  
18 State Comptroller shall coordinate in the development of  
19 procedures for the implementation of this Section.

20 (Source: P.A. 98-347, eff. 8-14-13.)