



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3547

Introduced 2/16/2018, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

See Index

Creates the Service-Member Employment and Reemployment Rights Act. Contains provisions concerning matters relevant to the employment rights of service-members, including employment protections, additional benefits for public employee members of a reserve component, prohibitions on discrimination, a notice of rights and duties, violations, enforcement, remedies, and rulemaking. Provides that the Attorney General shall appoint an Illinois Service-Member Employment and Reemployment Rights Act Advocate to carry out various duties related to the Act. Provides that in times of national or State emergency, the Governor may extend the protections of the Act. Limits the concurrent exercise of power by home rule units. Makes corresponding and related changes throughout the statutes. Repeals the Military Leave of Absence Act, the Public Employee Armed Services Rights Act, the Municipal Employees Military Active Duty Act, and the Local Government Employees Benefits Continuation Act. Amends the Service Member's Employment Tenure Act to change the short title to the Service Member's Tenure Act.

LRB100 20872 MJP 36372 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning service-members.

2 WHEREAS, The persistent use of the reserve components as an
3 operational force in continuous support of active duty has
4 reinforced the need for robust service-member employment
5 protections; and

6 WHEREAS, Extreme weather events require State activations
7 of the National Guard to save lives and protect property; and

8 WHEREAS, The Uniformed Services Employment and
9 Reemployment Rights Act (38 U.S.C. 4301-4335) establishes the
10 minimal legal protections of service-member employees; and

11 WHEREAS, This Act is meant to consolidate and clarify
12 existing State employment rights; therefore

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

15 Article 1. General Provisions.

16 Section 1-1. Short title; references to Act.

17 (a) Short title. This Act may be cited as the
18 Service-Member Employment and Reemployment Rights Act.

19 (b) References to Act. This Act may be referred to as

1 ISERRA.

2 Section 1-5. Legislative intent. As a guide to the
3 interpretation and application of this Act, the public policy
4 of the State is declared as follows:

5 (1) The General Assembly recognizes the common public
6 interest in safeguarding and promoting military service
7 by:

8 (A) minimizing disadvantages to military service
9 in civilian careers;

10 (B) providing for prompt reemployment and
11 protections of service-members in a manner that
12 minimizes disruption to the lives of such employees,
13 their employers, and co-workers; and

14 (C) prohibiting discrimination against and
15 interference with military service.

16 (2) This law should be interpreted as comprising a
17 foundation of protections guaranteed by this Act;
18 therefore, nothing in this Act shall supersede, nullify, or
19 diminish any federal or State law, including any local law
20 or ordinance, contract, agreement, policy, plan, practice,
21 or other matter that establishes a right or benefit that is
22 more beneficial to, or is in addition to, a right or
23 benefit provided for in this Act.

24 Section 1-10. Definitions. As used in this Act:

1 "Accrue" means to accumulate in regular or increasing
2 amounts over time subject to customary allocation of cost.

3 "Active duty" means any full-time military service
4 regardless of length or voluntariness including, but not
5 limited to, annual training, full-time National Guard duty, and
6 State active duty. "Active Duty" does not include any form of
7 inactive duty service such as drill duty or muster duty.
8 "Active duty", unless provided otherwise, includes active duty
9 without pay.

10 "Active service" means all forms of active and inactive
11 duty regardless of voluntariness including, but not limited to,
12 annual training, active duty for training, initial active duty
13 training, overseas training duty, full-time National Guard
14 duty, active duty other than training, state active duty,
15 mobilizations, and muster duty. "Active service", unless
16 provided otherwise, includes active service without pay.
17 "Active service" includes, but is not limited to:

18 (1) Reserve component voluntary active service means
19 service under one of the following authorities;

20 (A) additional or other training duty under 10
21 U.S.C. 12301(d) or 32 U.S.C. 502(f) (1) (B);

22 (B) active guard reserve duty, operational
23 support, or additional duty under 10 U.S.C. 12301(d) or
24 32 U.S.C. 502(f) (1) (B);

25 (C) funeral honors under 10 U.S.C. 12503 or 32
26 U.S.C. 115;

- 1 (D) medical care under 10 U.S.C. 12301(h);
- 2 (E) medical evaluation and treatment under 10
3 U.S.C. 12322;
- 4 (F) duty at the National Guard Bureau under 10
5 U.S.C. 12402;
- 6 (G) unsatisfactory participation under 10 U.S.C.
7 10148 or 10 U.S.C. 12303;
- 8 (H) disciplinary under 10 U.S.C. 802(d);
- 9 (I) extended active duty under 10 U.S.C. 12311; and
- 10 (J) reserve program administrator under 10 U.S.C.
11 10211.
- 12 (2) Reserve component involuntary active service means
13 service under one of the following authorities;
- 14 (A) annual training or drill requirements under 10
15 U.S.C. 10147, 10 U.S.C. 12301(b) or 32 U.S.C. 502(a).
- 16 (B) additional training duty or other duty under 32
17 U.S.C. 502(f)(1)(A);
- 18 (C) pre-planned or pre-programmed combatant
19 commander support under 10 U.S.C. 12304b;
- 20 (D) mobilization under 10 U.S.C. 12301(a) or 10
21 U.S.C. 12302;
- 22 (E) presidential reserve call-up under 10 U.S.C.
23 12304;
- 24 (F) emergencies and natural disasters under 10
25 U.S.C. 12304a or 14 U.S.C. 712;
- 26 (G) muster duty under 10 U.S.C. 12319;

- 1 (H) retiree recall under 10 U.S.C. 688;
- 2 (I) captive status under 10 U.S.C. 12301(g);
- 3 (J) insurrection under 10 U.S.C. 331, U.S.C. 332,
- 4 or 10 U.S.C. 12406;
- 5 (K) pending line of duty for response to sexual
- 6 assault under 10 U.S.C.12323; and
- 7 (L) initial active duty for training under 10
- 8 U.S.C. 671.

9 Reserve component active service not listed in paragraph

10 (1) or (2) shall be considered involuntary active service under

11 paragraph (2).

12 "Base pay" means the main component of military pay,

13 whether active or inactive, based on rank and time in service.

14 It does not include the addition of conditional funds for

15 specific purposes such as allowances, incentive and special

16 pay. Base pay, also known as basic pay, can be determined by

17 referencing the appropriate military pay chart covering the

18 time period in question located on the federal Defense Finance

19 and Accounting Services website or as reflected on a federal

20 Military Leave and Earnings Statement.

21 "Benefits" means the terms, conditions, or privileges of

22 employment, including any advantage, profit, privilege, gain,

23 status, account, or interest, including wages or salary for

24 work performed, that accrues by reason of an employment

25 contract or agreement or an employer policy, plan, or practice

26 and includes rights and benefits under a pension plan, a health

1 plan, an employee stock ownership plan, insurance coverage and
2 awards, bonuses, severance pay, supplemental unemployment
3 benefits, vacations, and the opportunity to select work hours
4 or location of employment.

5 "Differential compensation" means pay due when the
6 employee's daily rate of compensation for military activities
7 is less than his or her daily rate of compensation as a public
8 employee.

9 "Emergency care" means emergency medical attention given
10 to an individual who needs it. "Emergency care" includes those
11 medical services required for the immediate diagnosis and
12 treatment of medical conditions which, if not immediately
13 diagnosed and treated, could lead to serious physical or mental
14 disability or death, and treatment for conditions such as
15 cancer and serious mental illness.

16 "Employee" means anyone employed by an employer.
17 "Employee" includes any person who is a citizen, national, or
18 permanent resident alien of the United States employed in a
19 workplace that the State has legal authority to regulate
20 business and employment. "Employee" does not include an
21 independent contractor.

22 "Employer" means any person, institution, organization, or
23 other entity that pays salary or wages for work performed or
24 that has control over employment opportunities, including:

25 (1) a person, institution, organization, or other
26 entity to whom the employer has delegated the performance

1 of employment-related responsibilities;

2 (2) the State of Illinois;

3 (3) any successor in interest to a person, institution,
4 organization, or other entity referred to under this
5 definition; and

6 (4) a person, institution, organization, or other
7 entity that has been denied initial employment in violation
8 of Section 5-15.

9 "Military leave" means a furlough or leave of absence while
10 performing active service. It cannot be substituted for accrued
11 vacation, annual, or similar leave with pay except at the sole
12 discretion of the service-member employee. It is not a benefit
13 of employment that is requested but a legal requirement upon
14 receiving notice of pending military service.

15 "Military service" means:

16 (1) Service in the Armed Forces of the United States,
17 the National Guard of any State or Territory regardless of
18 status, and the State Guard as defined in the State Guard
19 Act. "Military service", whether active or reserve,
20 includes service under the authority of U.S.C. Titles 10,
21 14, or 32, or State active duty.

22 (2) Service in a federally recognized auxiliary of the
23 United States Armed Forces when performing official duties
24 in support of military or civilian authorities as a result
25 of an emergency.

26 (3) A period for which an employee is absent from a

1 position of employment for the purpose of medical or dental
2 treatment for a condition, illness, or injury sustained or
3 aggravated during a period of active service in which
4 treatment is paid by the United States Department of
5 Defense Military Health System.

6 "Mobilization for a contingency operation" means any
7 activation by a member of a reserve component for, or in
8 support of, a military operation that;

9 (1) is designated by the Secretary of Defense as an
10 operation in which members of the military service are or
11 may become involved in military actions, operations, or
12 hostilities against an enemy of the United States or
13 against an opposing military force; or

14 (2) results in the call or order to, or retention on,
15 active duty under Section 688, 12301(a), 12302, 12304,
16 12304a, 12305, or 12406 of Title 10 of the United States
17 Code, chapter 15 of Title 10 of the United States Code,
18 Section 712 of Title 14 of the United States Code, or any
19 other provision of law during a war or during a national
20 emergency declared by the President of the United States or
21 Congress.

22 "Public employee" means any person classified as a
23 full-time employee of the State of Illinois, a unit of local
24 government, a public institution of higher education as defined
25 in Section 1 of the Board of Higher Education Act, or a school
26 district, other than an independent contractor.

1 "Reserve component" means the reserve components of
2 Illinois and the United States Armed Forces regardless of
3 status.

4 "Service-member" means any person who is a member of a
5 military service.

6 "Special needs family member" means any family member with
7 a chronic illness or disabling condition such as physical,
8 emotional, behavioral, or learning disability or impairment
9 that causes the family member to require additional or
10 specialized services or accommodations such as in education or
11 recreation.

12 "State active duty" means full-time State-funded military
13 duty under the command and control of the Governor and subject
14 to the Military Code of Illinois.

15 "Unit of local government" means any city, village, town,
16 county, or special district.

17 Section 1-15. Differential compensation.

18 (a) As used in this Section, "work days" are the actual
19 number of days the employee would have worked during the period
20 of military leave. "Work days" are tabulated without regard for
21 the number of hours in a work day. Work hours that extend into
22 the next calendar day count as 2 work days.

23 (b) Differential compensation under this Act is calculated
24 on a daily basis and only applies to days in which the employee
25 would have otherwise been required to work as a public

1 employee. Differential compensation applies to all forms of
2 active service except active service without pay. Differential
3 compensation is calculated as follows:

4 (1) To calculate differential compensation, subtract
5 the daily rate of compensation for military activities from
6 the daily rate of compensation as a public employee.

7 (2) To calculate the daily rate of compensation as a
8 public employee, divide the employee's regular
9 compensation as a public employee during the pay period by
10 the number of work days in the pay period.

11 (3) To calculate the rate of compensation for military
12 activities, divide the employee's base pay for the
13 applicable military activities by the number of calendar
14 days in the month.

15 Section 1-20. Independent contractors. Whether an
16 individual is an employee or independent contractor under this
17 Act is determined based on the following factors:

18 (1) the extent of the employer's right to control the
19 manner in which the individual's work is to be performed;

20 (2) the opportunity for profit or loss that depends
21 upon the individual's managerial skill;

22 (3) any investment in equipment or materials required
23 for the individual's tasks, or his or her employment of
24 helpers;

25 (4) whether the service the individual performs

1 requires a special skill;

2 (5) the degree of permanence of the individual's
3 working relationship; and

4 (6) whether the service the individual performs is an
5 integral part of the employer's business.

6 No single one of these factors is controlling, but all are
7 relevant to determining whether an individual is an employee or
8 an independent contractor.

9 Article 5. Service-Member Employment Protections.

10 Section 5-5. Basic Protections. This Section incorporates
11 Sections 4304, 4312, 4313, 4316, 4317, and 4318 of the
12 Uniformed Services Employment and Reemployment Rights Act
13 under Title 38 of the United States Code and regulations
14 promulgated under that Act, subject to the following;

15 (1) For the purposes of this Section, all employment
16 rights shall be extended to all employees in military
17 service under this Act, unless otherwise stated.

18 (2) Military leave. A service-member employee is not
19 required to get permission from his or her employer for
20 military leave. The service-member employee is only
21 required to give such employer notice of pending service.
22 This notice entitles a service-member employee to military
23 leave.

24 An employer may not impose conditions for military

1 leave, such as work shift replacement, not otherwise
2 imposed by this Act or other applicable law.

3 A service-member employee is not required to
4 accommodate his or her employer's needs as to the timing,
5 frequency, or duration of military leave; however,
6 employers are permitted to bring concerns over the timing,
7 frequency, or duration of military leave to the attention
8 of the appropriate military authority. The accommodation
9 of these requests are subject to military law and
10 discretion.

11 Military necessity as an exception to advanced notice
12 of pending military leave for state active duty will be
13 determined by appropriate State military authority and is
14 not subject to judicial review.

15 For purposes of notice of pending military service
16 under paragraphs (2) or (3) of the definition of "military
17 service" under Section 1-10, an employer may require notice
18 by appropriate military authority on official letterhead.
19 For purposes of this paragraph, notice exceptions do not
20 apply.

21 (3) Service, efficiency, and performance rating. A
22 service-member employee who is absent on military leave
23 shall, minimally, for the period of military leave, be
24 credited with the average of the efficiency or performance
25 ratings or evaluations received for the 3 years immediately
26 before the absence for military leave. Additionally, the

1 rating shall not be less than the rating that he or she
2 received for the rated period immediately prior to his or
3 her absence on military leave. In computing seniority and
4 service requirements for promotion eligibility or any
5 other benefit of employment, the period of military duty
6 shall be counted as civilian service.

7 (4) State active duty ineligible discharge. For
8 purposes of state active duty, a disqualifying discharge or
9 separation will be the State equivalent under the Military
10 Code of Illinois for purposes of ineligibility of
11 reemployment under the Uniformed Services Employment and
12 Reemployment Rights Act as determined by appropriate State
13 military authority.

14 (5) A retroactive upgrade of a disqualifying discharge
15 or release will restore reemployment rights providing the
16 service-member employee otherwise meets this Acts
17 eligibility criteria. A retroactive upgrade does not
18 entitle such service-member employee to back pay and other
19 benefits attributable to the time period between discharge
20 and retroactive upgrade.

21 Section 5-10. Additional benefits for public employee
22 members of a reserve component.

23 (a) Concurrent compensation. During periods of military
24 leave for active duty, public employees shall continue to
25 receive full compensation as a public employee for up to 15

1 days per calendar year and subject to the following:

2 (1) Military leave for purposes of receiving
3 concurrent compensation may be performed nonsynchronously.

4 (2) Concurrent compensation shall not be paid for State
5 active duty.

6 (3) Concurrent compensation shall not be paid for
7 active service without pay.

8 (b) Differential Compensation. During periods of military
9 leave for active service, public employees shall receive
10 differential compensation subject to the following:

11 (1) Public employees may elect the use of accrued
12 vacation, annual, or similar leave with pay in lieu of
13 differential compensation during any period of military
14 leave.

15 (2) Differential compensation for voluntary active
16 service is limited to 40 work days in a calendar year.

17 (3) Differential compensation shall not be paid for
18 active service without pay.

19 (4) Differential compensation shall not be paid for
20 State active duty.

21 (c) Employer-based health plan benefits shall continue in
22 accordance with Section 5-5 of this Act except:

23 (1) The employer's share of the full premium and
24 administrative costs may not be charged for active duty
25 beyond 30 days in cases of mobilization for a contingency
26 operation for service-member employees of a State agency

1 under the Governor.

2 (2) The employer's share of the full premium and
3 administrative costs may not be charged for active duty
4 beyond 30 days in cases of involuntary active service where
5 a family member is undergoing emergency care, and would
6 lose their emergency care physician because such emergency
7 care physician does not accept TRICARE.

8 (3) The employer's share of the full premium and
9 administrative costs may not be charged for active duty
10 beyond 30 days in cases of involuntary active service where
11 a special needs family member is undergoing treatment or
12 care for his or her special needs, and the family member
13 would lose his or her special needs care provider because
14 the special needs care provider does not accept TRICARE.

15 (d) Employer-based pension plan benefits shall continue in
16 accordance with Section 5-5 of this Act, except the employee's
17 share of the pension payments may not be charged for
18 mobilization for a contingency operation for service-member
19 employees of a State agency under the Governor.

20 (e) In the event that 20% or more employees of a unit of
21 local government are mobilized under 10 U.S.C. 12301(a), 10
22 U.S.C. 12302, 10 U.S.C. 12304, or 10 U.S.C. 12304a, or 14
23 U.S.C. 712 concurrently, additional benefits under this
24 Section are not required without a specific appropriation for
25 that purpose.

1 Section 5-15. Prohibitions on Discrimination.

2 (a) For the purposes of this Section, Section 4311 of the
3 federal Uniformed Services Employment and Reemployment Rights
4 Act entitled Discrimination Against Persons Who Serve in the
5 Uniformed Services and Acts of Reprisal Prohibited and the
6 regulations promulgated under that Act are incorporated.

7 Section 5-20. Notice of rights and duties

8 (a) Each employer shall provide to employees entitled to
9 rights and benefits under this Act a notice of the rights,
10 benefits, and obligations of service-member employees under
11 this Act.

12 (b) The requirement for the provision of notice under this
13 Act may be met by the posting of the notice where the
14 employer's customarily place notices for employees.

15 Article 10. Violations.

16 Section 10-5. Violations. Any violation of Article 5 is a
17 violation of this Act.

18 Article 15. Compliance.

19 Section 15-5. Private right enforcement. A service-member
20 may bring a private civil action for enforcement of a violation
21 of this Act.

1 Section 15-10. Circuit court actions by the Attorney
2 General.

3 (a) If the Attorney General has reasonable cause to believe
4 that any employer is engaged in a violation of this Act, then
5 the Attorney General may commence a civil action in the name of
6 the People of the State, as *parens patriae* on behalf of persons
7 within the State to enforce the provisions of this Act in any
8 appropriate circuit court.

9 (b) Prior to initiating a civil action, the Attorney
10 General shall conduct a preliminary investigation to determine
11 whether there is reasonable cause to believe that any employer
12 is engaged in a violation of this Act and whether the dispute
13 can be resolved without litigation. In conducting this
14 investigation, the Attorney General may:

15 (1) require the individual or entity to file a
16 statement or report in writing under oath or otherwise, as
17 to all information the Attorney General may consider
18 necessary;

19 (2) examine under oath any person alleged to have
20 participated in or with knowledge of the alleged violation;
21 or

22 (3) issue subpoenas or conduct hearings in aid of any
23 investigation.

24 (c) Service by the Attorney General of any notice requiring
25 a person to file a statement or report, or of a subpoena upon

1 any person, shall be made:

2 (1) personally by delivery of a duly executed copy
3 thereof to the person to be served or, if a person is not a
4 natural person, in the manner provided by the Civil
5 Procedure law when a complaint is filed; or

6 (2) by mailing by certified mail a duly executed copy
7 thereof to the person to be served at his last known abode
8 or principal place of business within this State.

9 (d) In lieu of a civil action, the individual or entity
10 alleged to have violated this Act may enter into an Assurance
11 of Voluntary Compliance with respect to the alleged violation.

12 (e) Whenever any person fails to comply with any subpoena
13 issued under this Section or whenever satisfactory copying or
14 reproduction of any material requested in an investigation
15 cannot be done and the person refuses to surrender the
16 material, the Attorney General may file in any appropriate
17 circuit court, and serve upon the person, a petition for a
18 court order for the enforcement of the subpoena or other
19 request.

20 Any person who has received a subpoena issued under
21 subsection (b) may file in the appropriate circuit court, and
22 serve upon the Attorney General, a petition for a court order
23 to modify or set aside the subpoena or other request. The
24 petition must be filed either: (1) within 20 days after the
25 date of service of the subpoena or at any time before the
26 return date specified in the subpoena, whichever date is

1 earlier, or (2) within a longer period as may be prescribed in
2 writing by the Attorney General.

3 The petition shall specify each ground upon which the
4 petitioner relies in seeking relief under this subsection and
5 may be based upon any failure of the subpoena to comply with
6 the provisions of this Section or upon any constitutional or
7 other legal right or privilege of the petitioner. During the
8 pendency of the petition in the court, the court may stay, as
9 it deems proper, the running of the time allowed for compliance
10 with the subpoena or other request, in whole or in part, except
11 that the petitioner shall comply with any portion of the
12 subpoena or other request not sought to be modified or set
13 aside.

14 Section 15-20. Remedies.

15 (a) A court in its discretion may award actual damages or
16 any other relief that the court deems proper.

17 Punitive damages are not authorized except in cases
18 involving violations under Section 5-15 and may not exceed
19 \$50,000 per violation.

20 Reasonable attorney's fees may be awarded to the prevailing
21 party, however, prevailing defendants may only receive
22 attorney's fees if the court makes a finding that the plaintiff
23 acted in bad faith.

24 (b) The Attorney General may bring an action in the name of
25 the People of the State against any employer to restrain by

1 preliminary or permanent injunction the use of any practice
2 that violates this Act. In such an action, the court may award
3 restitution to a service-member. In addition, the court may
4 assess a civil penalty not to exceed \$5,000 per violation of
5 this Act.

6 If a court orders a party to make payments to the Attorney
7 General and the payments are to be used for the operations of
8 the Office of the Attorney General or a party agrees, in an
9 Assurance of Voluntary Compliance under this Act, to make
10 payment to the Attorney General for the operations of the
11 Office of the Attorney General, then moneys shall be deposited
12 into the Attorney General Court Ordered and Voluntary
13 Compliance Payment Projects Fund. Moneys in the Fund shall be
14 used, subject to appropriation, for the performance of any
15 function pertaining to the exercise of the duties of the
16 Attorney General including, but not limited to, enforcement of
17 any law of this State and conducting public education programs;
18 however, any moneys in the Fund that are required by the court
19 or by an agreement to be used for a particular purpose shall be
20 used for that purpose.

21 In any action brought under the provisions of this Act, the
22 Attorney General is entitled to recover costs.

23 Article 20. Home Rule.

24 Section 20-5. Home Rule. A home rule unit may not regulate

1 its employees in a manner that is inconsistent with the
2 regulation of employees by the State under this Act. This
3 Section is a limitation under subsection (i) of Section 6 of
4 Article VII of the Illinois Constitution on the concurrent
5 exercise by home rule units of powers and functions exercised
6 by the State.

7 Article 25. Statute of Limitations.

8 Section 25-5. Inapplicability of Statute of Limitations.
9 No statute of limitations applies to any private right or
10 Attorney General action under this Act.

11 Article 30. Illinois Service-Member Employment and
12 Reemployment Rights Act Advocate.

13 Section 30-5. ISERRA Advocate.

14 (a) The Attorney General shall appoint an Illinois
15 Service-member Employment and Reemployment Rights Act Advocate
16 and provide staff as are deemed necessary by the Attorney
17 General for the Advocate. The ISERRA Advocate shall be an
18 attorney licensed to practice in Illinois.

19 (b) Through the ISERRA Advocate, the Attorney General shall
20 have the power:

21 (1) to establish and make available a program to
22 provide training to employers and service-members;

1 (5 ILCS 325/Act rep.)

2 Section 90-5. The Military Leave of Absence Act is
3 repealed.

4 (5 ILCS 330/Act rep.)

5 Section 90-10. The Public Employee Armed Services Rights
6 Act is repealed.

7 Section 90-15. The Military Code of Illinois is amended by
8 changing the heading of Article V-A as follows:

9 (20 ILCS 1805/Art. V-A heading)

10 ARTICLE V-A. NATIONAL GUARD SUPPLEMENTAL ~~EMPLOYMENT~~ RIGHTS

11 (20 ILCS 1805/22-10 rep.)

12 (20 ILCS 1805/30.1 rep.)

13 (20 ILCS 1805/30.5 rep.)

14 (20 ILCS 1805/30.10 rep.)

15 (20 ILCS 1805/30.20 rep.)

16 (20 ILCS 1805/30.15 rep.)

17 Section 90-20. The Military Code of Illinois is amended by
18 repealing Sections 22-10, 30.1, 30.5, 30.10, 30.20, and 30.15.

19 (20 ILCS 1815/79 rep.)

20 Section 90-25. The State Guard Act is amended by repealing

1 Section 79.

2 (50 ILCS 120/Act rep.)

3 Section 90-30. The Municipal Employees Military Active
4 Duty Act is repealed.

5 (50 ILCS 140/Act rep.)

6 Section 90-35. The Local Government Employees Benefits
7 Continuation Act is repealed.

8 Section 90-40. The Metropolitan Transit Authority Act is
9 amended by changing Section 29 as follows:

10 (70 ILCS 3605/29) (from Ch. 111 2/3, par. 329)

11 Sec. 29. If the Authority acquires a transportation system
12 in operation by a public utility, all of the employees in the
13 operating and maintenance divisions of such public utility and
14 all other employees except executive and administrative
15 officers and employees, shall be transferred to and appointed
16 as employees of the Authority, subject to all rights and
17 benefits of this Act, and these employees shall be given
18 seniority credit in accordance with the records and labor
19 agreements of the public utility. Employees who left the employ
20 of such a public utility to enter the military service of the
21 United States shall have the same rights as to the Authority,
22 under the provisions of the Service-Member Employment and

1 ~~Reemployment Rights Act Service Member's Employment Tenure Act~~
2 as they would have had thereunder as to such public utility.
3 After such acquisition the authority shall be required to
4 extend to such former employees of such public utility only the
5 rights and benefits as to pensions and retirement as are
6 accorded other employees of the Authority.
7 (Source: P.A. 93-828, eff. 7-28-04.)

8 Section 90-45. The Local Mass Transit District Act is
9 amended by changing Section 3.5 as follows:

10 (70 ILCS 3610/3.5) (from Ch. 111 2/3, par. 353.5)
11 Sec. 3.5. If the district acquires a mass transit facility,
12 all of the employees in such mass transit facility shall be
13 transferred to and appointed as employees of the district,
14 subject to all rights and benefits of this Act, and these
15 employees shall be given seniority credit in accordance with
16 the records and labor agreements of the mass transit facility.
17 Employees who left the employ of such a mass transit facility
18 to enter the military service of the United States shall have
19 the same rights as to the district, under the provisions of the
20 Service-Member Employment and Reemployment Rights, Act ~~Service~~
21 ~~Member's Employment Tenure Act~~ as they would have had
22 thereunder as to such mass transit facility. After such
23 acquisition the district shall be required to extend to such
24 former employees of such mass transit facility only the rights

1 and benefits as to pensions and retirement as are accorded
2 other employees of the district.

3 (Source: P.A. 93-590, eff. 1-1-04; 93-828, eff. 7-28-04.)

4 Section 90-50. The Service Member's Employment Tenure Act
5 is amended by changing Sections 1, 2, and 3 as follows:

6 (330 ILCS 60/1) (from Ch. 126 1/2, par. 29)

7 Sec. 1. Short title. This Act may be cited as the Service
8 Member's ~~Employment~~ Tenure Act.

9 (Source: P.A. 93-828, eff. 7-28-04.)

10 (330 ILCS 60/2) (from Ch. 126 1/2, par. 30)

11 Sec. 2. As a guide to the interpretation and application of
12 this Act, the public policy of the State is declared as
13 follows:

14 As a constituent commonwealth of the United States of
15 America, the State of Illinois is dedicated to the urgent task
16 of strengthening and expediting the national defense under the
17 emergent conditions which are threatening the peace and
18 security of this nation. It is the considered judgment of the
19 General Assembly that the service members ~~wage-earners~~ of
20 Illinois who respond to their country's call to service in this
21 time of crisis, are deserving of every protection ~~of their~~
22 ~~employment status which~~ the law may afford, and that repetition
23 of the regrettable experience existing after the great war of

1 1917-1918, wherein returning service men were subjected to
2 serious discrimination with regard to tenure and other rights
3 ~~of employment~~, must be avoided, since any form of economic
4 discrimination against returning service men is a serious
5 menace to the entire social fabric of the United States of
6 America and the State of Illinois.

7 ~~By safeguarding the employment and the rights and~~
8 ~~privileges inhering in the employment contract, of service men,~~
9 ~~the State of Illinois encourages its workers to participate to~~
10 ~~the fullest extent in the national defense program and thereby~~
11 ~~heightens the contribution of our State to the protection of~~
12 ~~our heritage of liberty and democracy.~~

13 (Source: Laws 1941, vol. 1, p. 1202.)

14 (330 ILCS 60/3) (from Ch. 126 1/2, par. 31)

15 Sec. 3. Definitions. The term "persons in the military
16 service", as used in this Act, shall include the following
17 persons and no others: All members of the Army of the United
18 States, the United States Navy, the Marine Corps, the Air
19 Force, the Coast Guard and all members of the State Militia
20 called into the service or training of the United States of
21 America or of this State. The term "military service", as used
22 in this Act, shall signify Federal service or active duty with
23 any branch of service heretofore referred to as well as
24 training or education under the supervision of the United
25 States preliminary to induction into the military service. The

1 term "military service" also includes any period of active duty
2 with the State of Illinois pursuant to the orders of the
3 President of the United States or the Governor. The term
4 "military service" also includes any period of active duty by
5 members of the National Guard who are called to active duty
6 pursuant to an order of the Governor of this State or an order
7 of a governor of any other state as provided by law. The term
8 "military service" also includes the full-time duties of the
9 Adjutant General and Assistant Adjutants General under Section
10 17 of the Military Code of Illinois.

11 The foregoing definitions shall apply both to voluntary
12 enlistment and to induction into service by draft or
13 conscription.

14 ~~The term "political subdivision", as used in this Act,~~
15 ~~means any unit of local government or school district.~~

16 (Source: P.A. 99-88, eff. 7-21-15; 99-557, eff. 1-1-17.)

17 (330 ILCS 60/4 rep.)

18 (330 ILCS 60/4.5 rep.)

19 (330 ILCS 60/5 rep.)

20 (330 ILCS 60/6 rep.)

21 (330 ILCS 60/7 rep.)

22 (330 ILCS 60/8 rep.)

23 Section 90-55. The Service Member's Employment Tenure Act
24 is amended by repealing Sections 4, 4.5, 5, 6, 7, and 8.

1 Section 90-60. The Illinois Service Member Civil Relief Act
2 is amended by changing Section 10 as follows:

3 (330 ILCS 63/10)

4 Sec. 10. Definitions. In this Act:

5 "Military service" means any full-time training or duty, no
6 matter how described under federal or State law, for which a
7 service member is ordered to report by the President, Governor
8 of a state, commonwealth, or territory of the United States, or
9 other appropriate military authority.

10 "Primary occupant" means the current residential customer
11 of record in whose name the utility company or electric
12 cooperative account is registered.

13 "Service member" means a resident of Illinois who is a
14 member of any component of the U.S. Armed Forces or the
15 National Guard of any state, the District of Columbia, a
16 commonwealth, or a territory of the United States.

17 "State Active Duty" has the same meaning ascribed to that
18 term in Section 1-10 of the Service-Member Employment and
19 Reemployment Rights Act ~~30.10 of the Military Code of Illinois.~~

20 "Training or duty under Title 32 of the United States Code"
21 has the same meaning ascribed to that term in Section 30.10 of
22 the Military Code of Illinois.

23 (Source: P.A. 97-913, eff. 1-1-13.)

24 Section 90-65. The Criminal Code of 2012 is amended by

1 changing Section 17-6 as follows:

2 (720 ILCS 5/17-6) (from Ch. 38, par. 17-6)

3 Sec. 17-6. State benefits fraud.

4 (a) A person commits State benefits fraud when he or she
5 obtains or attempts to obtain money or benefits from the State
6 of Illinois, from any political subdivision thereof, or from
7 any program funded or administered in whole or in part by the
8 State of Illinois or any political subdivision thereof through
9 the knowing use of false identification documents or through
10 the knowing misrepresentation of his or her age, place of
11 residence, number of dependents, marital or family status,
12 employment status, financial status, or any other material fact
13 upon which his eligibility for or degree of participation in
14 any benefit program might be based.

15 (b) Notwithstanding any provision of State law to the
16 contrary, every application or other document submitted to an
17 agency or department of the State of Illinois or any political
18 subdivision thereof to establish or determine eligibility for
19 money or benefits from the State of Illinois or from any
20 political subdivision thereof, or from any program funded or
21 administered in whole or in part by the State of Illinois or
22 any political subdivision thereof, shall be made available upon
23 request to any law enforcement agency for use in the
24 investigation or prosecution of State benefits fraud or for use
25 in the investigation or prosecution of any other crime arising

1 out of the same transaction or occurrence. Except as otherwise
2 permitted by law, information disclosed pursuant to this
3 subsection shall be used and disclosed only for the purposes
4 provided herein. The provisions of this Section shall be
5 operative only to the extent that they do not conflict with any
6 federal law or regulation governing federal grants to this
7 State.

8 (c) Any employee of the State of Illinois or any agency or
9 political subdivision thereof may seize as evidence any false
10 or fraudulent document presented to him or her in connection
11 with an application for or receipt of money or benefits from
12 the State of Illinois, from any political subdivision thereof,
13 or from any program funded or administered in whole or in part
14 by the State of Illinois or any political subdivision thereof.

15 (d) Sentence.

16 (1) State benefits fraud is a Class 4 felony except when
17 more than \$300 is obtained, in which case State benefits fraud
18 is a Class 3 felony.

19 (2) If a person knowingly misrepresents oneself as a
20 veteran or as a dependent of a veteran with the intent of
21 obtaining benefits or privileges provided by the State or its
22 political subdivisions to veterans or their dependents, then
23 State benefits fraud is a Class 3 felony when \$300 or less is
24 obtained and a Class 2 felony when more than \$300 is obtained.
25 For the purposes of this paragraph (2), benefits and privileges
26 include, but are not limited to, those benefits and privileges

1 available under the Veterans' Employment Act, the Viet Nam
2 Veterans Compensation Act, the Prisoner of War Bonus Act, the
3 War Bonus Extension Act, the Military Veterans Assistance Act,
4 the Veterans' Employment Representative Act, the Veterans
5 Preference Act, Service-Member Employment and Reemployment
6 Rights Act, the Service Member's ~~Employment~~ Tenure Act, the
7 Housing for Veterans with Disabilities Act, the Under Age
8 Veterans Benefits Act, the Survivors Compensation Act, the
9 Children of Deceased Veterans Act, the Veterans Burial Places
10 Act, the Higher Education Student Assistance Act, or any other
11 loans, assistance in employment, monetary payments, or tax
12 exemptions offered by the State or its political subdivisions
13 for veterans or their dependents.

14 (Source: P.A. 99-143, eff. 7-27-15.)

15 Section 90-70. The Illinois Human Rights Act is amended by
16 changing Section 6-102 as follows:

17 (775 ILCS 5/6-102)

18 Sec. 6-102. Violations of other Acts. A person who violates
19 the ~~Military Leave of Absence Act, the Public Employee Armed~~
20 ~~Services Rights Act,~~ Section 11-117-12.2 of the Illinois
21 Municipal Code, Section 224.05 of the Illinois Insurance Code,
22 Section 8-201.5 of the Public Utilities Act, Sections 2-1401.1,
23 9-107.10, 9-107.11, and 15-1501.6 of the Code of Civil
24 Procedure, Section 4.05 of the Interest Act, the Military

1 Personnel Cellular Phone Contract Termination Act, Section
2 405-272 of the Civil Administrative Code of Illinois, Section
3 10-63 of the Illinois Administrative Procedure Act, Sections
4 30.25 and 30.30 of the Military Code of Illinois, Section 16 of
5 the Landlord and Tenant Act, Section 26.5 of the Retail
6 Installment Sales Act, or Section 37 of the Motor Vehicle
7 Leasing Act commits a civil rights violation within the meaning
8 of this Act.

9 (Source: P.A. 97-913, eff. 1-1-13.)

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2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 325/Act rep.

5 5 ILCS 330/Act rep.

6 20 ILCS 1805/Art. V-A

7 heading

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9 20 ILCS 1805/30.1 rep.

10 20 ILCS 1805/30.5 rep.

11 20 ILCS 1805/30.10 rep.

12 20 ILCS 1805/30.20 rep.

13 20 ILCS 1805/30.15 rep.

14 20 ILCS 1815/79 rep.

15 50 ILCS 120/Act rep.

16 50 ILCS 140/Act rep.

17 70 ILCS 3605/29 from Ch. 111 2/3, par. 329

18 70 ILCS 3610/3.5 from Ch. 111 2/3, par. 353.5

19 330 ILCS 60/1 from Ch. 126 1/2, par. 29

20 330 ILCS 60/2 from Ch. 126 1/2, par. 30

21 330 ILCS 60/3 from Ch. 126 1/2, par. 31

22 330 ILCS 60/4 rep.

23 330 ILCS 60/4.5 rep.

24 330 ILCS 60/5 rep.

25 330 ILCS 60/6 rep.

1 330 ILCS 60/7 rep.

2 330 ILCS 60/8 rep.

3 330 ILCS 63/10

4 720 ILCS 5/17-6 from Ch. 38, par. 17-6

5 775 ILCS 5/6-102