



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1627**

Introduced 2/23/2005, by Sen. Carol Ronen

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Family Military Leave Act. Provides that every employee who has been employed by the same employer for 12 consecutive months shall be entitled to up to 30 days of family military leave during the time federal or State deployment orders are in effect, subject to certain conditions. Provides that the employee shall give at least 14 days notice of the intended date upon which the family military leave will commence if leave will consist of 5 or more consecutive work days. Provides that any employee who exercises the right to family military leave under the Act, upon expiration of the leave, shall be entitled to be restored by the employer to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. Provides that during any family military leave taken under the Act, the employer shall make it possible for employees to continue their benefits at the employee's expense. Prohibits certain actions by the employer. Provides that a civil action may be brought in the circuit court having jurisdiction by an employee to enforce the Act. Effective immediately.

LRB094 10133 RXD 40395 b

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. "Employer"  
10 does include an independent contractor.

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

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

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

26 Section 10. Family Military Leave Requirement.

27 (a) Every employee who has been employed by the same  
28 employer for 12 consecutive months shall be entitled to up to  
29 30 days of family military leave during the time federal or  
30 State deployment orders are in effect, subject to the  
31 conditions set forth in this Section. Family military leave

1 granted under this Act may consist of unpaid leave.

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

10 Section 15. Employee benefits protection.

11 (a) Any employee who exercises the right to family military  
12 leave under this Act, upon expiration of the leave, shall be  
13 entitled to be restored by the employer to the position held by  
14 the employee when the leave commenced or to a position with  
15 equivalent seniority status, employee benefits, pay and other  
16 terms and conditions of employment. This Section does not apply  
17 if the employer proves that the employee was not restored as  
18 provided in this Section because of conditions unrelated to the  
19 employee's exercise of rights under this Act.

20 (b) During any family military leave taken under this Act,  
21 the employer shall make it possible for employees to continue  
22 their benefits at the employee's expense. The employer and  
23 employee may negotiate for the employer to maintain benefits at  
24 the employer's expense for the duration of the leave.

25 Section 20. Effect on existing employee benefits.

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

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

33 (c) The family military leave rights provided under this  
34 Act shall not be diminished by any collective bargaining

1 agreement or employee benefit plan.

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

5 Section 25. Prohibited acts.

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

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

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

15 Section 30. Enforcement. A civil action may be brought in  
16 the circuit court having jurisdiction by an employee to enforce  
17 this Act. The circuit court may enjoin any act or practice that  
18 violates or may violate this Act and may order any other  
19 equitable relief that is necessary and appropriate to redress  
20 the violation or to enforce this Act.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.