

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, partnership, corporation,  
21 association, or other business entity; and (2) the State of  
22 Illinois, municipalities and other units of local government.

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

28 Section 10. Family Military Leave Requirement.

29 (a) Any employer, as defined in Section 5 of this Act, that  
30 employs between 15 and 50 employees shall provide up to 15 days  
31 of unpaid family military leave to an employee during the time

1 federal or State deployment orders are in effect, subject to  
2 the conditions set forth in this Section. Family military leave  
3 granted under this Act may consist of unpaid leave.

4 (b) An employer, as defined in Section 5 of this Act, that  
5 employs more than 50 employees shall provide up to 30 days of  
6 unpaid family military leave to an employee during the time  
7 federal or State deployment orders are in effect, subject to  
8 the conditions set forth in this Section. Family military leave  
9 granted under this Act may consist of unpaid leave.

10 (c) The employee shall give at least 14 days notice of the  
11 intended date upon which the family military leave will  
12 commence if leave will consist of 5 or more consecutive work  
13 days. Where able, the employee shall consult with the employer  
14 to schedule the leave so as to not unduly disrupt the  
15 operations of the employer. Employees taking military family  
16 leave for less than 5 consecutive days shall give the employer  
17 advanced notice as is practicable. The employer may require  
18 certification from the proper military authority to verify the  
19 employee's eligibility for the family military leave  
20 requested.

21 (d) An employee shall not take leave as provided under this  
22 Act unless he or she has exhausted all accrued vacation leave,  
23 personal leave, compensatory leave, and any other leave that  
24 may be granted to the employee, except sick leave and  
25 disability leave.

26 Section 15. Employee benefits protection.

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

1 (b) During any family military leave taken under this Act,  
2 the employer shall make it possible for employees to continue  
3 their benefits at the employee's expense. The employer and  
4 employee may negotiate for the employer to maintain benefits at  
5 the employer's expense for the duration of the leave.

6 Section 20. Effect on existing employee benefits.

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

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

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

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

20 Section 25. Prohibited acts.

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

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

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

30 Section 30. Enforcement. A civil action may be brought in  
31 the circuit court having jurisdiction by an employee to enforce  
32 this Act. The circuit court may enjoin any act or practice that  
33 violates or may violate this Act and may order any other

1 equitable relief that is necessary and appropriate to redress  
2 the violation or to enforce this Act.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.