



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0593

Introduced 1/27/2005, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

330 ILCS 60/4

from Ch. 126 1/2, par. 32

Amends the Service Member's Employment Tenure Act. Provides that each person scheduled to begin employment with a private employer or with the State of Illinois or a political subdivision who, for the purpose of entering the military service, has left or leaves such scheduled-to-begin-employment status and actually entered the military service and who thereafter (1) receives a certificate or other evidence of honorable discharge or satisfactory completion of military service, (2) is, at the time of such discharge or completion of military service, still qualified to perform the duties of the position of employment which he or she was scheduled to begin, and (3) makes application for re-employment within 90 days after being relieved from such military service, or from hospitalization continuing after discharge for a period of not more than one year, shall be restored by the employer to the position of scheduled-to-begin-employment status which he or she left with the same increases in status, seniority, and wages that were earned during his or her term of military service by employees in like positions who were on the job at the time the returning service member entered the service, or to a position of like seniority, status, and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so. Extends other protections of the Act to service members who were scheduled to begin employment at the time they entered military service. Effective immediately.

LRB094 06714 DRJ 36813 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning veterans.

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

4 Section 5. The Service Member's Employment Tenure Act is
5 amended by changing Section 4 as follows:

6 (330 ILCS 60/4) (from Ch. 126 1/2, par. 32)

7 Sec. 4. Each person in the employ of a private employer or
8 of the State of Illinois or a political subdivision, and each
9 person scheduled to begin employment with a private employer or
10 with the State of Illinois or a political subdivision, except
11 as in this Section provided, who, for the purpose of entering
12 the military service, has left or leaves such employ or such
13 scheduled-to-begin-employment status and actually entered the
14 military service as herein defined and who thereafter, (1)
15 receives a certificate or other evidence of honorable discharge
16 or satisfactory completion of his military service under the
17 laws of the United States, and (2) is, at the time of such
18 discharge or completion of such military service, still
19 qualified to perform the duties of the position of employment
20 which he has left or which he or she was scheduled to begin,
21 and (3) makes application for re-employment within 90 days
22 after he is relieved from such military service, or from
23 hospitalization continuing after discharge for a period of not
24 more than one year, shall be restored by such employer to the
25 position of employment or scheduled-to-begin-employment status
26 which he left with the same increases in status, seniority and
27 wages that were earned during his term of military service by
28 employees in like positions who were on the job at the time
29 such returning serviceman entered the service, or to a position
30 of like seniority, status and pay, unless such employer's
31 circumstances have so changed as to make it impossible or
32 unreasonable to do so; however, if such employee otherwise

1 qualified for such reemployment or return to
2 scheduled-to-begin-employment status is not qualified to
3 perform the duties of the position of employment which he has
4 left or which he or she was scheduled to begin to enter such
5 military service, by reason of disability sustained during such
6 service but qualified to perform the duties of any other
7 position in the employ of the employer, he shall be restored to
8 such other position the duties of which he is qualified to
9 perform as will provide him like seniority, status, and pay, or
10 the nearest approximation thereof consistent with the
11 circumstances in his case, unless, in the case of a private
12 employer, such employer's circumstances have so changed as to
13 make it impossible or unreasonable to do so.

14 If an employee or person scheduled to begin employment
15 enters such military service and the position of employment
16 which he left or which he or she was scheduled to begin is
17 filled by one or more employees who later enter such military
18 service, the employees shall, upon release from military
19 service, be given preference in the matter of employment in the
20 order in which they entered military service, and the employer
21 shall not be required to retain more than one of them in his
22 employ.

23 Each person in the employ of a private employer or of the
24 State of Illinois or a political subdivision, and each person
25 scheduled to begin employment with a private employer or with
26 the State of Illinois or a political subdivision, except as in
27 this Section provided, who, for the purpose of entering the
28 military service, has left or leaves such employ or such
29 scheduled-to-begin-employment status but who has been rejected
30 for lack of proper qualifications, shall likewise be restored
31 by such employer to the position of employment or
32 scheduled-to-begin-employment status which he left with the
33 same seniority status and wage increases that an employee who
34 was on the job at the time he left to enter the military
35 service earned during the time such service rejected person was
36 away from his employment because of his attempt to enter the

1 military service, or to a position of like seniority, status
2 and pay, provided, that at the time of such rejection he is
3 qualified to perform the duties of the position of employment
4 which he has left or which he or she was scheduled to begin and
5 has made application for re-employment within 90 days after
6 receipt of official notice of such rejection.

7 The employment restoration provisions of this Section do
8 not apply to an employee of the State who was employed or
9 scheduled to begin employment before entering or attempting to
10 enter the military service in a position in a department or
11 other agency in the Executive branch involving principal
12 administrative responsibility for the determination of policy
13 or for the way such policies are carried out.

14 (Source: P.A. 88-518.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.