

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 5. The Military Leave Act is amended by changing
5 Sections 1, 5, 15, and 20 and by adding Section 12 as follows:

6 (820 ILCS 151/1)

7 Sec. 1. Short title. This Act may be cited as the ~~Family~~
8 Military Leave Act.

9 (Source: P.A. 94-589, eff. 8-15-05.)

10 (820 ILCS 151/5)

11 Sec. 5. Definitions. In this Act:

12 "Authorized provider" means an individual or group
13 recognized by the armed forces, who are not service members or
14 employees of the United States government and who augment the
15 uniformed members of a military funeral honors detail.
16 "Authorized provider" may include, but is not limited to,
17 veterans service organizations, trained volunteers of the
18 Reserve Officer Training Corps, honor guards, and other
19 appropriate individuals and organizations that support the
20 rendering of military funeral honors.

21 "Employee" means any person who may be permitted,
22 required, or directed by an employer in consideration of

1 direct or indirect gain or profit to engage in any employment.

2 "Employee" does include an independent contractor. "Employee"
3 includes an employee of a covered employer who has been
4 employed by the same employer for at least 12 months, and has
5 been employed for at least 1,250 hours of service during the
6 12-month period immediately preceding the commencement of the
7 leave.

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

13 "Employer" means (1) any person, partnership, corporation,
14 association, or other business entity; and (2) the State of
15 Illinois, municipalities and other units of local government.

16 "Family military leave" means leave requested by an
17 employee who is the spouse, parent, child, or grandparent of a
18 person called to military service lasting longer than 30 days
19 with the State or United States pursuant to the orders of the
20 Governor or the President of the United States.

21 "Funeral honors detail" means an honor guard detail
22 provided for the funeral of any veteran in compliance with 10
23 U.S.C. 1491 and any associated federal regulations. A "funeral
24 honors detail" consists of at least 2 members of the U.S. Armed
25 Forces, one of whom is from the deceased veteran's service
26 branch, with the remainder of the detail consisting of members

1 of the armed forces, whether retired or not, or members of an
2 authorized provider. The funeral honors detail performs at the
3 funeral a ceremony that includes the folding of a United
4 States flag and presentation of the flag to the veteran's
5 family and the playing of "Taps".

6 "Veteran" means any person honorably discharged from, or
7 released under honorable conditions from active service in,
8 the armed forces who served as an eligible member.

9 "Veterans service organization" means an organization that
10 is chartered under the Veteran Service Organizations State
11 Charter Act or an organization that has been Congressionally
12 chartered as a Patriotic and National Organization under 36
13 U.S.C. Subtitle II, Part B.

14 (Source: P.A. 96-1417, eff. 1-1-11.)

15 (820 ILCS 151/12 new)

16 Sec. 12. Paid leave for funeral honors details.

17 (a) This Section applies to employers employing 51 or more
18 employees.

19 (b) An employee may use up to 8 hours per calendar month to
20 participate in a funeral honors detail, up to a total of 40
21 hours per calendar year, or more if authorized by his or her
22 employer or if provided for in a collective bargaining
23 agreement.

24 (c) An employee qualifies for paid leave under this
25 Section if the employee:

1 (1) is trained to participate in a funeral honors
2 detail at the funeral of a veteran; and

3 (2) is either:

4 (A) a retired or active member of the armed forces
5 of the United States or a member of a reserve component
6 of the armed forces of the United States, including
7 the Illinois National Guard; or

8 (B) an authorized provider, or a registered member
9 of a nonprofit or other organization that is an
10 authorized provider, including a member of a veterans
11 service organization.

12 (d) An employee taking funeral honors detail leave shall
13 give his or her employer reasonable notice, as is practicable.

14 (e) An employer may request a confirmation from the
15 relevant veterans service organization that dispatched the
16 employee to the funeral honors detail, or any official notice
17 provided to the employee in relation to the funeral honors
18 detail, that can be used as proof of the employee's
19 participation in the detail.

20 (f) An employee that takes leave under this Section may do
21 so in lieu of, and without having exhausted, his or her
22 vacation leave, personal leave, compensatory leave, or any
23 other leave that may be granted to the employee, including
24 sick leave and disability leave.

25 (g) An employer of an employee that takes leave under this
26 Section must pay the employee his or her regular rate of pay

1 for the leave taken to participate in a funeral honors detail.

2 (h) An employer may deny a request for leave under this
3 Section if granting the request would, at an independent
4 living facility, assisted living facility, nursing home
5 facility, or other similar congregate care facility or at a
6 facility providing 24/7 care, reduce staffing levels to below
7 the established minimum or impair the safe and efficient
8 operations of the facility. An employer shall not deny leave
9 under this subsection if doing so violates the terms of an
10 applicable collective bargaining agreement.

11 (820 ILCS 151/15)

12 Sec. 15. Employee benefits protection.

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

23 (b) During any family military leave or funeral honors
24 detail leave taken under this Act, the employer shall make it
25 possible for employees to continue their benefits at the

1 employee's expense. The employer and employee may negotiate
2 for the employer to maintain benefits at the employer's
3 expense for the duration of the leave.

4 (Source: P.A. 94-589, eff. 8-15-05.)

5 (820 ILCS 151/20)

6 Sec. 20. Effect on existing employee benefits.

7 (a) Taking ~~family military~~ any leave under this Act shall
8 not result in the loss of any employee benefit accrued before
9 the 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 (Source: P.A. 94-589, eff. 8-15-05.)

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