

AN ACT concerning employment.

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

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

(820 ILCS 151/1)

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

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

(820 ILCS 151/5)

Sec. 5. Definitions. In this Act:

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

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

direct or indirect gain or profit to engage in any employment. "Employee" does include an independent contractor. "Employee" includes an employee of a covered employer who has been employed by the same employer for at least 12 months, and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

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

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

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

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

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

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

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

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

(820 ILCS 151/12 new)

Sec. 12. Paid leave for funeral honors details.

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

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

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

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

(2) is either:

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

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

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

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

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

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

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

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

(820 ILCS 151/15)

Sec. 15. Employee benefits protection.

(a) Any employee who exercises the right to family military leave or funeral honors detail leave under this 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. This Section does not apply if the employer proves that the employee was not restored as provided in this Section because of conditions unrelated to the employee's exercise of rights under this Act.

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

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

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

(820 ILCS 151/20)

Sec. 20. Effect on existing employee benefits.

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

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

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

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

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

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