

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 Family Military Leave Act is amended by
5 changing Sections 5 and 10 as follows:

6 (820 ILCS 151/5)

7 Sec. 5. Definitions. In this Act:

8 "Employee" means any person who may be permitted, required,
9 or directed by an employer in consideration of direct or
10 indirect gain or profit to engage in any employment. "Employee"
11 does include an independent contractor. "Employee" includes an
12 employee of a covered employer who has been employed by the
13 same employer for at least 12 months, and has been employed for
14 at least 1,250 hours of service during the 12-month period
15 immediately preceding the commencement of the leave.

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

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

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

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

7 (820 ILCS 151/10)

8 Sec. 10. Family Military Leave Requirement.

9 (a) Any employer, as defined in Section 5 of this Act, that
10 employs between 15 and 50 employees shall provide up to 15 days
11 of unpaid family military leave to an employee during the time
12 federal or State deployment orders are in effect, subject to
13 the conditions set forth in this Section. Family military leave
14 granted under this Act may consist of unpaid leave.

15 (b) An employer, as defined in Section 5 of this Act, that
16 employs more than 50 employees shall provide up to 30 days of
17 unpaid family military leave to an employee during the time
18 federal or State deployment orders are in effect, subject to
19 the conditions set forth in this Section. Family military leave
20 granted under this Act may consist of unpaid leave. The number
21 of days of leave provided to an employee under this subsection
22 (b) because the employee's spouse or child is called to
23 military service shall be reduced by the number of days of
24 leave provided to the employee under subdivision (a)(1)(E) of
25 Section 102 of the Family and Medical Leave Act of 1993 because

1 of any qualifying exigency arising out of the fact that the
2 employee's spouse or child is on covered active duty as defined
3 in that Act (or has been notified of an impending call or order
4 to covered active duty) in the Armed Forces.

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

16 (d) An employee shall not take leave as provided under this
17 Act unless he or she has exhausted all accrued vacation leave,
18 personal leave, compensatory leave, and any other leave that
19 may be granted to the employee, except sick leave and
20 disability leave.

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