

A Message From
Illinois Attorney General
LISA MADIGAN



When a loved one is deployed, every opportunity to spend time with him or her is precious. Unfortunately, as the spouse or parent of an active servicemember, you may soon find your vacation and personal time depleted. The Illinois Family Military Leave Act ensures that you can take additional time off from work to see your spouse or child without risking your job.

In this brochure, you will find information detailing your rights under the Illinois Family Military Leave Act, including eligibility requirements, length of leave provided, and how to request time off under the Act.

I hope that you will find this information helpful. For further assistance, please contact my office's Military and Veterans Hotline at 1-800-382-3000 (TTY: 1-800-964-3013). Experienced staff in my office are standing by to help Illinois' servicemembers, veterans, and their families.

Lisa Madigan
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Attorney General



LISA MADIGAN
ILLINOIS ATTORNEY GENERAL

For more information
concerning military and veterans
rights, please contact us or
visit our Web site.

Military and Veterans Hotline

1-800-382-3000
TTY: 1-800-964-3013

Military and Veterans Rights Bureau

Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

www.IllinoisAttorneyGeneral.gov

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**YOUR RIGHTS
UNDER THE**

**ILLINOIS
FAMILY
MILITARY
LEAVE ACT**



What is the Illinois Family Military Leave Act?

The Illinois Family Military Leave Act (820 ILCS 151/1 et seq.) is a law designed to ensure that active duty military personnel, whose deployment orders are in effect, have the opportunity to spend time with their spouses or children without the risk of losing their jobs.

Employers are prohibited from interfering with, restraining, or denying an eligible employee's request for leave and cannot take any adverse job action against an employee who exercises his or her rights under the Act.

Employers are also prohibited from retaliating against any employee who opposes any practice made unlawful by the Act.

When necessary, individuals may enforce their rights under the Act by filing suit in court.



Who may request family military leave?

Under the Illinois Family Military Leave Act, employees are entitled to take unpaid, job-protected leave if they:

- Are either the spouse or parent of a person called to military service lasting longer than 30 days; and
- Have worked for the same employer for at least 12 months, and for at least 1,250 hours in the last year.

Employees working as independent contractors are treated as employees under the Act and, as such, are entitled to family military leave.

How much family military leave can be requested?

- Up to 15 days of unpaid leave is provided to employees of employers with 15 to 50 staff members.
- Up to 30 days of unpaid leave is provided to employees of employers with more than 50 staff members.

How far in advance must family military leave be requested?

- Employees taking leave for less than 5 consecutive days must give their employer advanced notice as is practicable.
- Employees taking leave for more than 5 consecutive days must give their employer at least 14 days notice.

Can an employer require an employee to use another type of leave?

An employee must exhaust all vacation, personal, and any other accrued leave before taking family military leave. However, an employer cannot require an employee to use sick or disability leave.

Can an employer require proof of eligibility for leave?

An employer can require proof from a proper military authority to verify the employee's eligibility for family military leave. This proof will typically consist of a copy of the military member's deployment orders.

If deployment orders are not available, you may fulfill the requirement of proof by providing contact information for the military member's commanding officer or unit of assignment.