

1 AN ACT in relation to persons in military service.

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

4 Section 5. The Service Men's Employment Tenure Act is  
5 amended by changing Sections 1, 2, 4, 5, and 6 as follows:

6 (330 ILCS 60/1) (from Ch. 126 1/2, par. 29)

7 Sec. 1. This Act shall be known and may be cited as the  
8 Military Service Men's Employment Tenure and Employment  
9 Benefits Act.

10 (Source: Laws 1941, vol. 1, p. 1202.)

11 (330 ILCS 60/2) (from Ch. 126 1/2, par. 30)

12 Sec. 2. As a guide to the interpretation and application  
13 of this Act, the public policy of the State is declared as  
14 follows:

15 As a constituent commonwealth of the United States of  
16 America, the State of Illinois is dedicated to the urgent  
17 task of strengthening and expediting the national defense  
18 under the emergent conditions which are threatening the peace  
19 and security of this nation. It is the considered judgment of  
20 the General Assembly that the wage earners of Illinois who  
21 respond to their country's call to service in this time of  
22 crisis, are deserving of every protection of their employment  
23 status which the law may afford, and that repetition of the  
24 regrettable experience existing after the great war of  
25 1917-1918, wherein returning service personnel men were  
26 subjected to serious discrimination with regard to tenure and  
27 other rights of employment, must be avoided, since any form  
28 of economic discrimination against returning service  
29 personnel men is a serious menace to the entire social fabric  
30 of the United States of America and the State of Illinois.

1 By safeguarding the employment and the rights and  
2 privileges inhering in the employment contract, of service  
3 personnel men, the State of Illinois encourages its workers  
4 to participate to the fullest extent in the national defense  
5 program and thereby heightens the contribution of our State  
6 to the protection of our heritage of liberty and democracy.

7 (Source: Laws 1941, vol. 1, p. 1202.)

8 (330 ILCS 60/4) (from Ch. 126 1/2, par. 32)

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

1 employment which he or she has left to enter such military  
2 service, by reason of disability sustained during such  
3 service but qualified to perform the duties of any other  
4 position in the employ of the employer, the person he shall  
5 be restored to such other position the duties of which he or  
6 she is qualified to perform as will provide him like  
7 seniority, status, and pay, or the nearest approximation  
8 thereof consistent with the circumstances in his or her case,  
9 unless, in the case of a private employer, such employer's  
10 circumstances have so changed as to make it impossible or  
11 unreasonable to do so.

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

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

1 made application for re-employment within 90 days after  
2 receipt of official notice of such rejection.

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

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

11 (330 ILCS 60/5) (from Ch. 126 1/2, par. 33)

12 Sec. 5. Any person who is restored or seeks to be  
13 restored to a position in accordance with the provisions of  
14 this Act, shall be considered as having been on furlough or  
15 leave of absence during his or her military service and shall  
16 be so restored without loss of seniority and shall be  
17 entitled to participate in insurance or other benefits  
18 offered by the employer pursuant to established rules and  
19 practices relating to employees on furlough or leave of  
20 absence in effect with the employer at the time such person  
21 entered military service. Such person shall not be discharged  
22 from such position without cause within one year after such  
23 restoration.

24 If an employer provides health insurance, an exclusion or  
25 waiting period may not be imposed in connection with coverage  
26 of a health or physical condition of a person entitled to  
27 participate in that insurance under this Section, or a health  
28 or physical condition of any other person who is covered by  
29 the insurance by reason of the coverage of that person, if  
30 (1) the condition arose before or during that person's period  
31 of military service; (2) an exclusion or waiting period would  
32 not have been imposed for the condition during a period of  
33 coverage resulting from participation by that person in the

1 insurance; and (3) the condition of that person has not been  
2 determined to be service connected.

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

4 (330 ILCS 60/6) (from Ch. 126 1/2, par. 34)

5 Sec. 6. In case any employer fails or refuses to comply  
6 with this Act, the circuit court of the county in which such  
7 private employer maintains a place of business, or of the  
8 county where such State employee performs most of his or her  
9 duties, has power, upon the filing of a complaint by the  
10 person entitled to the benefits of this Act, to specifically  
11 require such employer to comply with this Act and to  
12 compensate such person for any loss of wages or benefits  
13 suffered by reason of such employer's unlawful action,  
14 together with a reasonable attorney's fee. No fees or court  
15 costs shall be taxed against any person applying for the  
16 benefits of this Act.

17 The court shall, in its sound discretion, give preference  
18 to the hearing and disposition of such cases over other  
19 matters then pending before it.

20 (Source: P.A. 79-1359; 79-1365.)

21 Section 10. The Metropolitan Transit Authority Act is  
22 amended by changing Section 29 as follows:

23 (70 ILCS 3605/29) (from Ch. 111 2/3, par. 329)

24 Sec. 29. If the Authority acquires a transportation  
25 system in operation by a public utility, all of the employees  
26 in the operating and maintenance divisions of such public  
27 utility and all other employees except executive and  
28 administrative officers and employees, shall be transferred  
29 to and appointed as employees of the Authority, subject to  
30 all rights and benefits of this Act, and these employees  
31 shall be given seniority credit in accordance with the

1 records and labor agreements of the public utility. Employees  
2 who left the employ of such a public utility to enter the  
3 military service of the United States shall have the same  
4 rights as to the Authority, under the provisions of the  
5 Military "Service Men's Employment Tenure and Employment  
6 Benefits Act"~~7-approved-July-17,-1941~~, as they would have had  
7 thereunder as to such public utility. After such acquisition  
8 the authority shall be required to extend to such former  
9 employees of such public utility only the rights and benefits  
10 as to pensions and retirement as are accorded other employees  
11 of the Authority.

12 (Source: Laws 1963, p. 152.)

13 Section 15. The Local Mass Transit District Act is  
14 amended by changing Section 3.5 as follows:

15 (70 ILCS 3610/3.5) (from Ch. 111 2/3, par. 353.5)

16 Sec. 3.5. If the district acquires a mass transit  
17 facility, all of the employees in the operating and  
18 maintenance divisions of such mass transit facility and all  
19 other employees except executive and administrative officers  
20 and employees, shall be transferred to and appointed as  
21 employees of the district, subject to all rights and benefits  
22 of this Act, and these employees shall be given seniority  
23 credit in accordance with the records and labor agreements of  
24 the mass transit facility. Employees who left the employ of  
25 such a mass transit facility to enter the military service of  
26 the United States shall have the same rights as to the  
27 district, under the provisions of the Military "Service Men's  
28 Employment Tenure and Employment Benefits Act"~~7-approved-July~~  
29 ~~17,-1941~~, as they would have had thereunder as to such mass  
30 transit facility. After such acquisition the district shall  
31 be required to extend to such former employees of such mass  
32 transit facility only the rights and benefits as to pensions

1 and retirement as are accorded other employees of the  
2 district.

3 (Source: Laws 1959, p. 1635.)

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