



## e-Alert: Illinois Enacts New Military Leave Law

### Background

Illinois has passed the Illinois Service Member Employment and Reemployment Rights Act (ISERRA), which consolidates most existing Illinois statutes that provide employment protections to service members. The main component of ISERRA repeals the Military Leave of Absence Act and several other statutes that pertain to public employees, replacing them with provisions that apply to all employers and employees, but with additional benefits for public employees. The new law, which takes effect January 1, 2019, incorporates the benefits and protections of the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

### Major changes to existing law

**Leave Protections:** In addition to leave protections under USERRA, ISERRA's basic protections provide that service member employees are not required to get permission for military leave. Instead, they are simply required to give employers advance notice of pending service. In certain circumstances, employers may require the notice on official letterhead of the appropriate military authority. However, military necessity is an exception to the advance notice requirement.

**Reinstatement:** In addition to reinstatement rights under USERRA, under ISERRA, service members absent on military leave must be credited with the average of performance ratings or evaluations received for the three years preceding the military leave, provided the average is not less than the rating on the evaluation just prior to military service.

### Mandatory posting and notice

Employers must provide a notice of ISERRA's rights, benefits, and obligations to all employees entitled to these rights and benefits. They can comply with the notice requirement by posting the notice, rather than by individual distribution.

### Next steps for Illinois employers

- Update your employee handbooks with these new changes.
- Provide the mandatory notice to all employees.
- If you are one of our full-service clients, we will work with you to review your current policies to ensure they are compliant with these new regulations.
- If you are not a current client but are interested in learning more about our services, please [contact us](#).

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