



Illinois Municipal Retirement Fund

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Service Representatives 1-800-ASK-IMRF

www.imrf.org

GENERAL MEMORANDUM

Number: 511

Date: October 8, 2003

To: All Authorized Agents

Subject: Continuing the salary and benefits of activated reservists

On February 12, 2002, we mailed General Memo 486 in which we discussed several Illinois statutes that require IMRF employers to continue paying the salary of an employee in the reserves or Illinois National Guard who is called to active duty as the result of **an order of the President or (for school district employees) in an emergency**. These statutes are the Local Government Employees Benefits Continuation Act (50 ILCS 140/1 *et seq.*) and section 10-20.7b of the Illinois School Code (105 ILCS 5/10-20.7b).

The Illinois Public Employee Armed Services Rights Act (5 ILCS 330/1 *et seq.*) also confers certain benefit protections on IMRF members called to active duty.

On August 4, 2003, the Military Leave of Absence Act (5 ILCS 325/0.01 *et seq.*) was amended to provide salary and benefits continuation to employees of IMRF employers for periods of active duty in the reserves or National Guard. A call-up by order of the President is not necessary for the requirement of salary and benefits continuation under the Military Leave of Absence Act.

Included in the salary continuation mandate is:

- (1) Basic training
- (2) Special or advanced training, whether voluntary or not, and
- (3) Annual training

During leaves for annual training, the employee is entitled to receive his/her regular compensation. During leaves for basic training and up to 60 days for advanced training, the employee's usual compensation must be continued but can be reduced by the base pay for military service.

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Statute comparison chart

We are enclosing a chart that *highlights key provisions* of Illinois statutes covering employees called to active duty. It is designed to allow employers to compare the provisions of the various statutes. **It is NOT intended to serve as a substitute for reading the complete statutes.**

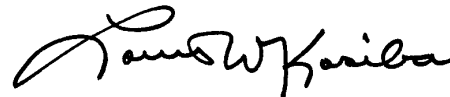
Member publication

We revised the member publication “What if You are Ordered to Active Duty?” to reflect the latest salary and benefits continuation required under Illinois statutes. We are enclosing one copy for your files. You can download additional copies of this publication from the IMRF website (www.imrf.org) or you can call IMRF at 1-800-ASK-IMRF (1-800-275-4673).

Questions?

If you have any further questions, please contact an IMRF Member Service Representative at 1-800-ASK-IMRF (1-800-275-4673) 7:30 A.M. to 5:30 P.M., Monday through Friday.

Sincerely,



Louis W. Kosiba
Executive Director

Enc. Statutes Covering Employees Called to Active Military Duty
“What if You are Ordered to Active Duty?”

Statutes Covering Employees Called to Active Military Duty



The following table **highlights key provisions** of statutes covering employees called to active duty. It is designed to allow employers to compare the provisions of the various statutes. **It is not intended to serve as a substitute for reading the complete statutes.**

9/23/03 IMRF

	(1) 5 ILCS 325/1 (2003)	(2) 5 ILCS 330/1 et seq. (1991)	(3) 50 ILCS 120/1 (1941)	(4) 50 ILCS 140/1 (1991)	(5) 105 ILCS 5/10-20-7b (1991)
Applies to school districts	X	X	X		X
Applies to "public employees" including units of local government	X	X	X	X	
Applies to Reserves and National Guard	X	X		X	X
Called to duty by order of the President				X	X
Placed on "active duty status"		X			
Insurance coverage and promotional, employment, contractual, salary and pension benefits are "protected and preserved" while on active duty		X			
Continues to receive regular compensation	X (annual training)			X	X
Continues to receive health insurance benefits				X	X
Continues to receive "other benefits"	X			X	X
May subtract military service base pay				X	X
Continues for duration of active military service				X	X
Collective bargaining agreement can provide for enhanced benefits				X	X
Specifically provides for pension benefits			X		
Specifically provides for promotional benefits					
Specifically provides for employment benefits					
Leave from employment while in active military service	X				
Leave from employment while in basic training, annual training, and special or advanced training	X				
Specifically provides for seniority benefits	X		X		
Receives regular compensation minus military pay during basic training and up to 60 days special or advanced training if military pay is less than public employment pay	X				
Adoption of ordinance or resolution by corporate authorities is required			X		
Enlist or are ordered to active duty			X		
Not applicable if 20% or more of employees are mobilized				X	