

# Publications

## Illinois Requires Paid Leave for Military Funeral Honors Details

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Illinois recently amended its Military Leave Act to provide up to 40 hours of paid leave per year (limited to eight hours per month) for employees serving on a funeral honors detail. This paid leave entitlement became effective August 1, 2025.

### Coverage and Eligibility

The amended law covers employers with 51 or more employees but does not specify whether this number includes employees outside Illinois.

To be eligible, an employee must have 12 months of employment with the covered employer and 1,250 hours of service with that employer in the preceding 12 months. The employee must also be trained to participate in a funeral honors detail, and must be either a retired or active member of the armed forces or a reserve component or an authorized provider or registered member of an organization that is an authorized provider.

“Authorized providers” are individuals or groups recognized by the armed forces who supplement or augment the uniformed members of a military funeral honors detail. Examples include veterans service organizations and trained volunteers of the Reserve Officer Training Corps.

“Funeral honors detail” is an honor guard detail provided for the funeral of a veteran, if it consists of at least two members of the United States armed forces (one from the deceased’s service branch and the remainder being members of the armed forces or an authorized provider). The funeral ceremony must include the folding of a United States flag, the presentation of the flag, and the playing of “Taps.”

### Leave Entitlement

The leave is paid at the eligible employee’s regular rate of pay. They may take this leave instead of other forms of accrued or unused leave (e.g., vacation or personal leave) and do not need to exhaust these other

forms of leave first.

An employer may deny a request for leave if granting the request would, at an independent living facility, assisted living facility, nursing home facility, other similar congregate care facility or at a facility providing 24/7 care, reduce staffing levels to below the established minimum or impair the safe and efficient operations of the facility. However, leave may not be denied if doing so violates the terms of a collective bargaining agreement.

An employee who takes funeral honors detail leave is entitled to be restored to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment.

### **Employer and Employee Notice**

The law does not require written notice of the new leave entitlement, nor is there a posting or recordkeeping requirement. Employees are required to provide “reasonable notice, as is practicable” ahead of the leave.

Employers may request documentation to verify the employee's participation, including confirmation from the dispatching veteran's service organization or official notice provided to the employee.

### **USERRA Obligations**

Illinois' funeral honors detail leave is in addition to an employee's right to take unpaid funeral honors duty leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA). However, eligibility under USERRA and Illinois law differs. USERRA does not have a 12-month or 1,250 hours of service requirement, so an employee may be entitled to leave under USERRA but not Illinois law. Illinois permits retirees and “authorized providers” to take leave, while USERRA applies only to members of the Armed Services. Therefore, employers will need to examine both USERRA and Illinois law to determine an employee's leave eligibility.