

Illinois Seeks Financial Relief for Military Families

By Eric K. Schuller

In 1994 Congress enacted the Uniform Servicemembers Employment Reemployments Rights Act, commonly known as USERRA. This act gave specific job protections to National Guard members and reservists that were not clearly spelled out in the Soldiers and Sailors Civil Relief Act.

In the days following September 11, 2001, nearly 500,000 men and women of the National Guard and Reserves were called into service, some with as little as two days notice. Many servicemembers experienced a severe loss in income due to the activation. A recent Department of the Army survey indicates that over 54 percent of the National Guard and Reserves in the Army took a reduction in pay. Forty-five percent took a reduction of \$1,000 a month or more and 15 percent took a reduction of over \$30,000 a year or more.

Illinois was the first state in the country to pass legislation to assist these families. Called the Illinois Military Family Relief Fund, this legislation was passed in 2003. The funding came from three main sources. The first was a tax check-off box on the state income tax form. This allowed state residents who were getting a tax refund to appropriate some of that money for these families. The second was through private donations from both private citizens and corporations. When the state launched the program, U.S. Cellular was the first corporate donor. Since then, several corporations have stepped up to assist the fund. The largest to date has been from CareerBuilder.com with a donation of \$100,000. Third, Illinois Governor Rod R. Blagojevich requested and received \$5 million from the state legislature to get the fund started.

When the fund was first authorized, it was set up to assist those members of the National Guard and Reserves from Illinois who had dependent(s). As the fund was being administered, the state realized that single members had just as many financial difficulties as those with families. Subsequently, the law was amended to allow all members of the National Guard and Reserves who were residents of Illinois to participate in the program.

The program provides three basic grants:

- Status Based Grant:
 - For any member of the National Guard or Reserves who is a resident of the state of Illinois who is called up for federal active service for greater than 30 consecutive days, and is below the rank of O-4.
 - Grant amount is \$500
- Needs Based Grant:
 - Same requirements as above and additionally must have a dependent and have taken at least a 30 percent reduction in income due to activation.
 - Grant amount is up to a maximum of \$2,000

- Causality Based Grant:
 - For any member of the guard or reserves, regardless of rank, who has received an injury due to a combat situation.
 - Grant amount is \$2,000

Since November 2005, the state of Illinois has paid out over \$3.6 million to over 6,400 families in the state. With the success of this program, 23 other states have adopted similar legislation.

Illinois was also in the forefront in adopting additional legislation that provides other protections for servicemembers based on discrimination that was occurring in three distinct instances. One instance involved new employment. Employers were not hiring guard members and reservists, telling applicants that they did not want to take the chance on hiring someone who might be deployed for as long as 24 months. Under USERRA there was no recourse for those obtaining a new job; the real protections were for those who had current employment. Additionally, members of the guard and reserves sometimes had difficulties renting an apartment. Under the revised Servicemembers Civil Relief Act, members of the guard and reserves who were called up for federal active service could cancel a lease with 30 days notice without penalty. Also, certain unscrupulous car dealers were charging only servicemembers higher interest rates on car loans. Under the Servicemembers Civil Relief Act, a loan that one has prior to activation should be reduced to an interest rate no greater than six percent, and the lender would forgive the difference. Some dealers were charging servicemembers as much as 10 or 11 percent as a way to offset their losses should that person be deployed.

Legislation was passed amending the Illinois Human Rights Act that added members of the National Guard and Reserves as a protected class. As a result, discrimination is prohibited based on military service. The law prohibits someone from even asking if a person is in the guard or reserves in a job interview and makes it illegal for someone to deny renting an apartment to a servicemember or charge a higher interest rate to a servicemember solely because they are in the guard or reserves. Illinois was the first state to enact such protections.

Illinois was also a vanguard in providing family leave for remaining spouses. As anyone with a military background can attest, when a servicemember is activated, the entire family is affected. Family members must attend several mandatory meetings about the benefits that they will receive and most of these meetings are held during the week when most people are working requiring time off to attend these meetings. Spouses can use up vacation time prior to their loved one being deployed and/or can deplete vacation days to care for a sick child, for example, or attend to household needs while they are a single parent. In fact, the state documented several instances where spouses were fired for taking time off from their job while their spouse was deployed to Iraq. The legislature solved this problem with the passage of a state version of the federal Family and Medical Leave Act. This allows spouses and parents of deployed servicemembers to take up to 30 days off of their job, without pay. Illinois was again the first state to institute such legislation.

To assist families who tragically lose a servicemember in the line of duty, Illinois enacted legislation called the Line of Duty Compensation Act. It gives any member of the United States military, National Guard or Reserves who is a resident of the state of Illinois at the time of his or her death, the same death benefit as a police officer or firefighter who loses his or her life in the line of duty. Currently, this benefit is \$270,000 and to date the state has paid out over \$10 million to those families who have lost a loved one in support of Operation Iraqi Freedom or Operation Enduring Freedom. Illinois is the only state to offer this amount of coverage for all components (active, guard and reservists) of military personnel.

If you are interested in these or other programs, visit the state's website at www.OperationHomefront.org. On this site you will find information on how you can assist members of the military who are serving and more information on legislation.

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