

AN ACT concerning State employees.

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

Section 5. The State Finance Act is amended by changing  
Section 14a as follows:

(30 ILCS 105/14a) (from Ch. 127, par. 150a)

Sec. 14a. Payments for unused benefits; use of sick  
leave.

(a) Upon the death of a State employee, his or her  
estate is entitled to receive from the appropriation for  
personal services available for payment of his or her  
compensation such sum for accrued vacation period, accrued  
overtime, and accrued qualifying sick leave as would have  
been paid or allowed to such employee had he or she survived  
and terminated his or her employment.

The State Comptroller shall draw a warrant or warrants  
against the appropriation, upon receipt of a proper death  
certificate, payable to decedent's estate, or if no estate is  
opened, to the person or persons entitled thereto under  
Section 25-1 of the Probate Act of 1975 upon receipt of the  
affidavit referred to in that Section, for the sum due.

(b) The Department of Central Management Services shall  
prescribe by rule the method of computing the accrued  
vacation period and accrued overtime for all employees,  
including those not otherwise subject to its jurisdiction,  
and for the purposes of this Act the Department of Central  
Management Services may require such reports as it deems  
necessary. Accrued sick leave shall be computed as provided  
in subsection (f).

(c) Unless otherwise provided for in a collective  
bargaining agreement entered into under the Illinois

Educational Labor Relations Act, upon the retirement or resignation of a State employee from State service, his or her accrued vacation, overtime, and qualifying sick leave shall be payable to the employee in a single lump sum payment. However, if the employee returns to employment in any capacity with the same agency or department within 30 days of the termination of his or her previous State employment, the employee must, as a condition of his or her new State employment, repay the lump sum amount within 30 days after his or her new State employment commences. The amount repaid shall be deposited into the fund from which the payment was made or the General Revenue Fund, and the accrued vacation, overtime and sick leave upon which the lump sum payment was based shall be credited to the account of the employee in accordance with the rules of the jurisdiction under which he or she is employed.

(d) Upon the movement of a State employee from a position subject to the Personnel Code to another State position not subject to the Personnel Code, or to a position subject to the Personnel Code from a State position not subject to the Personnel Code, or upon the movement of a State employee of an institution or agency subject to the State Universities Civil Service System from one such institution or agency to another such institution or agency, his or her accrued vacation, overtime and sick leave shall be credited to the employee's account in accordance with the rules of the jurisdiction to which the State employee moved. However, if the rules preclude crediting the State employee's total accrued vacation, overtime or sick leave to his or her account at the jurisdiction to which he or she is to move, the nontransferable accrued vacation, overtime, and qualifying sick leave shall be payable to the employee in a single lump sum payment by the jurisdiction from which he or she moved.

(e) Upon the death of a State employee or the retirement, indeterminate layoff or resignation of a State employee from State service, the employee's retirement or disability benefits shall be computed as if the employee had remained in the State employment at his or her most recent rate of compensation until his or her accumulated unused leave for vacation, overtime, sickness and personal business would have been exhausted. The employing agency shall certify, in writing to the employee, the unused leaves the employee has accrued. This certification may be held by the employee or forwarded to the retirement fund. Employing agencies not covered by the Personnel Code shall certify, in writing to the employee, the unused leaves the employee has accrued.

(f) Accrued sick leave shall be computed by multiplying  $1/2$  of the number of days of accumulated sick leave by the daily rate of compensation applicable to the employee at the time of his or her death, retirement, resignation, or other termination of service described in this Section.

The payment for qualifying accrued sick leave after the employee's death, retirement, resignation, or other termination of service provided by Public Act 83-976 shall be for sick leave days earned on or after January 1, 1984 and before January 1, 1998. Sick leave accumulated on or after January 1, 1998 is not compensable under this Section at the time of the employee's death, retirement, resignation, or other termination of service, but may be used to establish retirement system service credit as provided in the Illinois Pension Code.

The Department of Central Management Services shall prescribe by rule the method of computing the accrued sick leave days for all employees, including those not otherwise subject to its jurisdiction. Beginning January 1, 1998, sick leave used by an employee shall be charged against his or her

accumulated sick leave in the following order: first, sick leave accumulated before January 1, 1984; then sick leave accumulated on or after January 1, 1998; and finally sick leave accumulated on or after January 1, 1984 but before January 1, 1998.

(Source: P.A. 90-65, eff. 7-7-97.)

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