**Section 303.102 Payment in Lieu of Sick Leave**

a) Upon termination of employment for any reason, or upon indeterminate layoff, an employee or the employee's estate is entitled to be paid for unused sick leave which has accrued on or after January 1, 1984 and prior to January 1, 1998, provided the employee is not employed in another position in state service within 4 calendar days of such termination.

b) For purposes of this Section, sick leave is deemed to be used by an employee within the following priority order:

1) Sick leave earned through December 31, 1983.

2) Sick leave earned on or after January 1, 1998.

3) Sick leave earned on or after January 1, 1984 and prior to January 1, 1998.

The first earned sick leave shall be the first utilized within each category.

c) In order to determine the amount of sick leave to be paid upon termination of employment, the operating agency will:

1) compute the number of sick leave days granted to the employee between January 1, 1984 and December 31, 1997;

2) compute the employee's sick leave balance for that time period at time of termination; and

3) cause lump sum payment to be made for one half of the amount of sick leave in subsection (c)(1) or (2) above, whichever is the lesser amount, multiplied by the daily salary rate.

d) The method of computing the hourly or daily salary rate for sick leave qualifying for lump sum payment upon termination of employment shall be in accordance with 80 Ill. Adm. Code 310.520(a).

e) If an employee has a negative sick leave balance pursuant to Section 303.110 when employment is terminated, no payment shall be made to the employee and the unrecouped balance due is cancelled.

f) An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days will have such days restored provided the employee repays upon return to active employment the gross amount paid by the State for the number of days to be so restored to the employee's sick leave account.

g) The payment provided by this Section shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.

h) The accrued leave amount shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Amended at 21 Ill. Reg. 15454, effective November 24, 1997)