



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2310

Introduced 11/14/2019, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

5 ILCS 415/5
5 ILCS 415/10

Amends the Government Severance Pay Act. Provides that a contract containing a severance pay provision must include, among other requirements, a requirement that if a provision to transition into a different position is included in the contract, then the contract must include a provision that compensation may not exceed the annual compensation of the highest paid employee in the relevant department to which a person is transitioning. Specifies that the provisions are declarative of existing law and shall not be construed as a new enactment. Modifies the definition of "severance pay". Effective immediately.

LRB101 15311 RJF 64494 b

1 AN ACT concerning government.

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

4 Section 5. The Government Severance Pay Act is amended by
5 changing Sections 5 and 10 as follows:

6 (5 ILCS 415/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Misconduct" includes, but is not limited to, the
9 following:

10 (1) Conduct demonstrating conscious disregard of an
11 employer's interests and found to be a deliberate violation
12 or disregard of the reasonable standards of behavior which
13 the employer expects of his or her employee. Such conduct
14 may include, but is not limited to, willful damage to an
15 employer's property that results in damage of more than
16 \$50, or theft of employer property or property of a
17 customer or invitee of the employer.

18 (2) Carelessness or negligence to a degree or
19 recurrence that manifests culpability or wrongful intent,
20 or shows an intentional and substantial disregard of the
21 employer's interests or of the employee's duties and
22 obligations to his or her employer.

23 (3) Chronic absenteeism or tardiness in deliberate

1 violation of a known policy of the employer or one or more
2 unapproved absences following a written reprimand or
3 warning relating to more than one unapproved absence.

4 (4) A willful and deliberate violation of a standard or
5 regulation of this State by an employee of an employer
6 licensed or certified by this State, which violation would
7 cause the employer to be sanctioned or have its license or
8 certification suspended by this State.

9 (5) A violation of an employer's rule, unless the
10 claimant can demonstrate that:

11 (A) he or she did not know, and could not
12 reasonably know, of the rule's requirements;

13 (B) the rule is not lawful or not reasonably
14 related to the job environment and performance; or

15 (C) the rule is not fairly or consistently
16 enforced.

17 (6) Other conduct, including, but not limited to,
18 committing criminal assault or battery on another
19 employee, or on a customer or invitee of the employer, or
20 committing abuse or neglect of a patient, resident,
21 disabled person, elderly person, or child in her or his
22 professional care.

23 "Severance pay" means the actual or constructive
24 compensation, including salary, benefits, or perquisites, for
25 employment services yet to be rendered which is provided to an
26 employee who has recently been or is about to be terminated, or

1 an employee who is transitioning to a new position within the
2 unit of government for which he or she is employed.

3 "Unit of government" means and includes all boards,
4 commissions, agencies, institutions, authorities, and bodies
5 politic and corporate of the State, created by or in accordance
6 with the constitution or statute, of the executive branch of
7 State government and does include colleges, universities, and
8 institutions under the jurisdiction of the governing boards of
9 the University of Illinois, Southern Illinois University,
10 Illinois State University, Eastern Illinois University,
11 Northern Illinois University, Western Illinois University,
12 Chicago State University, Governors State University,
13 Northeastern Illinois University, and the Board of Higher
14 Education. "Unit of government" also includes units of local
15 government, school districts, and community colleges under the
16 Public Community College Act.

17 (Source: P.A. 100-895, eff. 1-1-19.)

18 (5 ILCS 415/10)

19 Sec. 10. Severance pay.

20 (a) A unit of government that enters into a contract or
21 employment agreement, or renewal or renegotiation of an
22 existing contract or employment agreement, that contains a
23 provision for severance pay with an officer, agent, employee,
24 or contractor must include the following provisions in the
25 contract:

1 (1) a requirement that severance pay provided may not
2 exceed an amount greater than 20 weeks of compensation; ~~and~~

3 (2) a prohibition of provision of severance pay when
4 the officer, agent, employee, or contractor has been fired
5 for misconduct by the unit of government; and -

6 (3) a requirement that if a provision to transition
7 into a different position is included in the contract, then
8 the contract must include a provision that compensation may
9 not exceed the annual compensation of the highest paid
10 employee in the relevant department to which that person is
11 transitioning.

12 (b) Nothing in this Section creates an entitlement to
13 severance pay in the absence of its contractual authorization
14 or as otherwise authorized by law.

15 (c) Notwithstanding any other provision to the contrary,
16 this Act shall not apply to contracts or employment agreements
17 for individuals employed by the department of intercollegiate
18 athletics of a college or university when the employee's
19 compensation is funded by non-State-appropriated funds, such
20 as revenues generated by athletic events or activities, gifts
21 or donations, or any combination thereof. Nothing in this
22 Section entitles an individual employed by the department of
23 intercollegiate athletics of a college or university to receive
24 severance pay when that individual has been dismissed for
25 misconduct.

26 (d) The changes made by this amendatory Act of the 101st

1 General Assembly are declarative of existing law and shall not
2 be construed as a new enactment.

3 (Source: P.A. 100-895, eff. 1-1-19; 101-195, eff. 8-2-19.)

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