

1 AN ACT concerning State employees.

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

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

6 (30 ILCS 105/14a) (from Ch. 127, par. 150a)

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

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

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

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

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

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

17 (d) Upon the movement of a State employee from a
18 position subject to the Personnel Code to another State
19 position not subject to the Personnel Code, or to a position
20 subject to the Personnel Code from a State position not
21 subject to the Personnel Code, or upon the movement of a
22 State employee of an institution or agency subject to the
23 State Universities Civil Service System from one such
24 institution or agency to another such institution or agency,
25 his or her accrued vacation, overtime and sick leave shall be
26 credited to the employee's account in accordance with the
27 rules of the jurisdiction to which the State employee moved.
28 However, if the rules preclude crediting the State employee's
29 total accrued vacation, overtime or sick leave to his or her
30 account at the jurisdiction to which he or she is to move,
31 the nontransferable accrued vacation, overtime, and
32 qualifying sick leave shall be payable to the employee in a
33 single lump sum payment by the jurisdiction from which he or
34 she moved.

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

15 (f) Accrued sick leave shall be computed by multiplying
16 1/2 of the number of days of accumulated sick leave by the
17 daily rate of compensation applicable to the employee at the
18 time of his or her death, retirement, resignation, or other
19 termination of service described in this Section.

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

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

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

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

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