

SB3604



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3604

Introduced 4/10/2018, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

New Act

Creates the Government Severance Pay Act. Provides that a unit of government that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an officer, agent, employee, or contractor must include specified provisions in the contract. Provides that nothing in the Act creates an entitlement to severance pay in the absence of its contractual authorization or as otherwise authorized by law. Defines terms.

LRB100 21084 RJF 36924 b

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 1. Short title. This Act may be cited as the
5 Government Severance Pay Act.

6 Section 5. Definitions. As used in this Act:

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

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

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

22 (3) Chronic absenteeism or tardiness in deliberate
23 violation of a known policy of the employer or one or more

1 unapproved absences following a written reprimand or
2 warning relating to more than one unapproved absence.

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

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

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

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

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

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

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

26 "Unit of government" means and includes all boards,

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

14 Section 10. Severance pay.

15 (a) A unit of government that enters into a contract or
16 employment agreement, or renewal or renegotiation of an
17 existing contract or employment agreement, that contains a
18 provision for severance pay with an officer, agent, employee,
19 or contractor must include the following provisions in the
20 contract:

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

23 (2) a prohibition of provision of severance pay when
24 the officer, agent, employee, or contractor has been fired
25 for misconduct by the unit of government.

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