



Sen. Laura M. Murphy

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LRB101 15311 RJF 70044 a

1 AMENDMENT TO SENATE BILL 2310

2 AMENDMENT NO. _____. Amend Senate Bill 2310 by replacing
3 everything after the enacting clause with the following:

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 "Department" means any branch, department, college, or
9 school of a university established by the board of trustees of
10 the university.

11 "Misconduct" includes, but is not limited to, the
12 following:

13 (1) Conduct demonstrating conscious disregard of an
14 employer's interests and found to be a deliberate violation
15 or disregard of the reasonable standards of behavior which
16 the employer expects of his or her employee. Such conduct

1 may include, but is not limited to, willful damage to an
2 employer's property that results in damage of more than
3 \$50, or theft of employer property or property of a
4 customer or invitee of the employer.

5 (2) Carelessness or negligence to a degree or
6 recurrence that manifests culpability or wrongful intent,
7 or shows an intentional and substantial disregard of the
8 employer's interests or of the employee's duties and
9 obligations to his or her employer.

10 (3) Chronic absenteeism or tardiness in deliberate
11 violation of a known policy of the employer or one or more
12 unapproved absences following a written reprimand or
13 warning relating to more than one unapproved absence.

14 (4) A willful and deliberate violation of a standard or
15 regulation of this State by an employee of an employer
16 licensed or certified by this State, which violation would
17 cause the employer to be sanctioned or have its license or
18 certification suspended by this State.

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

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

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

25 (C) the rule is not fairly or consistently
26 enforced.

1 (6) Other conduct, including, but not limited to,
2 committing criminal assault or battery on another
3 employee, or on a customer or invitee of the employer, or
4 committing abuse or neglect of a patient, resident,
5 disabled person, elderly person, or child in her or his
6 professional care.

7 "Severance pay" means the actual or constructive
8 compensation, including salary, benefits, or perquisites, for
9 employment services yet to be rendered which is provided to an
10 employee who has recently been or is about to be terminated, or
11 a university president or chancellor who is transitioning to a
12 new position within the university for which he or she is
13 employed, excluding interim presidents and interim
14 chancellors.

15 "Unit of government" means and includes all boards,
16 commissions, agencies, institutions, authorities, and bodies
17 politic and corporate of the State, created by or in accordance
18 with the constitution or statute, of the executive branch of
19 State government and does include colleges, universities, and
20 institutions under the jurisdiction of the governing boards of
21 the University of Illinois, Southern Illinois University,
22 Illinois State University, Eastern Illinois University,
23 Northern Illinois University, Western Illinois University,
24 Chicago State University, Governors State University,
25 Northeastern Illinois University, and the Board of Higher
26 Education. "Unit of government" also includes units of local

1 government, school districts, and community colleges under the
2 Public Community College Act.

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

4 (5 ILCS 415/10)

5 Sec. 10. Severance pay.

6 (a) A unit of government that enters into a contract or
7 employment agreement, or renewal or renegotiation of an
8 existing contract or employment agreement, that contains a
9 provision for severance pay with an officer, agent, employee,
10 or contractor must include the following provisions in the
11 contract:

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

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

17 (3) a requirement that if a provision to transition
18 into a different position is included in a university
19 president's or chancellor's contract, then the contract
20 must include which department he or she will transition
21 into, and a provision that compensation shall not exceed
22 the annual compensation of the highest paid employee in the
23 department, and that the annual salary shall be
24 commensurate with his or her assigned duties and rank as
25 determined by the Dean of the College, and with the

1 approval of the interim or acting president and the board
2 of trustees.

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

6 (c) Notwithstanding any other provision to the contrary,
7 this Act shall not apply to contracts or employment agreements
8 for individuals employed by the department of intercollegiate
9 athletics of a college or university when the employee's
10 compensation is funded by non-State-appropriated funds, such
11 as revenues generated by athletic events or activities, gifts
12 or donations, or any combination thereof. Nothing in this
13 Section entitles an individual employed by the department of
14 intercollegiate athletics of a college or university to receive
15 severance pay when that individual has been dismissed for
16 misconduct.

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

18 Section 10. The Board of Higher Education Act is amended by
19 changing Section 13 as follows:

20 (110 ILCS 205/13)

21 Sec. 13. Leadership training for university board members.

22 (a) The Board shall require every voting member of the
23 governing board of a public university appointed for a term
24 beginning after January 1, 2016 to complete a minimum of 4

1 hours of professional development leadership training covering
2 topics that shall include, but are not limited to, public
3 university and labor law, contract law, ethics, sexual violence
4 on campus, financial oversight and accountability, audits, and
5 fiduciary responsibilities of a member of a governing board
6 within 2 years after beginning service and within every 2 years
7 of service thereafter.

8 (b) A public university shall maintain on its Internet
9 website the names of all voting members of the governing board
10 who have successfully completed the training.

11 (b-5) Beginning July 1, 2021, the Board shall create and
12 maintain on its Internet website an online trustee resource
13 center that shall, at a minimum, do all of the following:

14 (1) provide updates on all statutes relevant to the
15 work of the governing boards of universities;

16 (2) include all of the documents and resources provided
17 to trustees during the professional development leadership
18 training course; and

19 (3) provide an online portal for trustees to submit
20 questions and receive answers from the Board.

21 (c) Beginning after the effective date of this amendatory
22 Act of the 99th General Assembly, by July 31 of each year, the
23 chairperson of each governing board shall certify to the Board
24 the number of hours of training that each member received
25 during the preceding fiscal year.

26 (d) If the certification indicates that a board member has

1 not completed the training required under this Section, the
2 Board shall send a notice to the Governor, the President of the
3 Senate, the Minority Leader of the Senate, the Speaker of the
4 House of Representatives, and the Minority Leader of the House
5 of Representatives of that fact, and the governing board shall
6 suspend the board member from continued service, at which
7 point, the board member has 45 days to complete all training
8 deemed incomplete as provided by the certification. Failure of
9 the board member to complete the necessary training within this
10 probationary period constitutes a resignation from and creates
11 a vacancy in the governing board, to be filled as provided by
12 law.

13 (e) The training under this Section may be provided by the
14 Board or by other qualified providers approved by the Board.

15 (Source: P.A. 99-695, eff. 1-1-17.)

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