

SB3307



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3307

Introduced 2/11/2020, by Sen. Patricia Van Pelt

SYNOPSIS AS INTRODUCED:

820 ILCS 115/9.5

Amends the Illinois Wage Payment and Collection Act. In a provision requiring an employer to reimburse an employee for all necessary expenses or losses incurred by the employee within the employee's scope of employment, requires the employer to reimburse the employee within 30 days after receipt of the necessary expenditures or losses. Provides that an employer is not liable unless the employer required (rather than authorized or required) the employee to incur the necessary expenditure or the employer failed to comply with its own written expense reimbursement policy. Effective immediately.

LRB101 20219 JLS 69759 b

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Illinois Wage Payment and Collection Act is
5 amended by changing Section 9.5 as follows:

6 (820 ILCS 115/9.5)

7 Sec. 9.5. Reimbursement of employee expenses.

8 (a) An employer shall reimburse an employee for all
9 necessary expenditures or losses incurred by the employee
10 within the employee's scope of employment and directly related
11 to services performed for the employer. As used in this
12 Section, "necessary expenditures" means all reasonable
13 expenditures or losses required of the employee in the
14 discharge of employment duties and that inure to the primary
15 benefit of the employer. An employer is not responsible for
16 losses due to an employee's own negligence, losses due to
17 normal wear, or losses due to theft unless the theft was a
18 result of the employer's negligence. An employee shall submit
19 any necessary expenditure with appropriate supporting
20 documentation within 30 calendar days after incurring the
21 expense, except that an employer may provide additional time
22 for submitting requests for reimbursement in a written expense
23 reimbursement policy. Where supporting documentation is

1 nonexistent, missing, or lost, the employee shall submit a
2 signed statement regarding any such receipts. An employer shall
3 reimburse an employee within 30 days after receipt of necessary
4 expenditures or losses incurred by the employee.

5 (b) An employee is not entitled to reimbursement under this
6 Section if (i) the employer has an established written expense
7 reimbursement policy and (ii) the employee failed to comply
8 with the written expense reimbursement policy. An employer is
9 not liable under this Section unless the employer ~~authorized or~~
10 required the employee to incur the necessary expenditure or the
11 employer failed to comply with its own written expense
12 reimbursement policy. If the written expense reimbursement
13 policy of an employer establishes specifications or guidelines
14 for necessary expenditures, the employer is not liable under
15 this Section for the portion of the expenditure amount that
16 exceeds the specifications or guidelines of the policy so long
17 as the employer does not institute a policy that provides for
18 no reimbursement or de minimis reimbursement.

19 (c) To ensure consistency with federal law, any rules
20 adopted by the Department and interpretation of this Section
21 shall be consistent and not in conflict with federal
22 regulations and guidelines regarding employer requirements for
23 reimbursement of employee expenses.

24 (Source: P.A. 100-1094, eff. 1-1-19.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.