



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1568

Introduced 2/14/2005, by Rep. Kevin A. McCarthy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Employment Termination Statement Act. Provides that an employer that employs 12 or more employees in Illinois shall mail or deliver to a terminated employee, who has been employed by the employer for at least 60 days, a written statement of the reasons for the termination within 14 days after terminating the employee. Excludes voluntary leaving. Provides that the Director of Labor shall administer and enforce the Act and may adopt rules necessary to administer and enforce the Act. Provides for hearings, relief, and civil penalties. Provides that a willful violation of the Act is a petty offense.

LRB094 08474 WGH 38680 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 1. Short title. This Act may be cited as the
5 Employment Termination Statement Act.

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

7 "Employee" means a person who has been employed by an
8 employer on a full-time or part-time basis for at least 60
9 days. "Employee" does not include an independent contractor.

10 "Employer" means a person, entity, State officer or agency,
11 unit of local government, or school district that employs 12 or
12 more employees in Illinois.

13 "Termination" means the dismissal of an employee by an
14 employer or a layoff or suspension of an employee by an
15 employer for more than 2 consecutive months; however,
16 "termination" does not include the voluntary leaving of an
17 employee.

18 Section 10. Statement. An employer shall mail or deliver to
19 a terminated employee, within 14 days after terminating the
20 employee, a written statement of the reasons for the
21 termination. Mailing or delivery to the last address given to
22 the employer by the employee shall be sufficient.

23 Section 15. Rights not diminished. This Act may not be
24 construed to diminish an employee's right to a written
25 statement of the reasons for the employee's termination that
26 may exist under any other law or rule or under a contract.

27 Section 20. Administration; violations; enforcement.

28 (a) The Director of Labor shall administer and enforce this
29 Act. The Director may adopt rules necessary to administer and

1 enforce this Act.

2 (b) If an employee alleges that he or she has been denied
3 his or her rights under this Act, the employee may file a
4 complaint with the Department of Labor. The Department shall
5 have the power to conduct investigations in connection with the
6 administration and enforcement of this Act. The Department may
7 conduct hearings in accordance with the Illinois
8 Administrative Procedure Act. After a hearing, if supported by
9 the evidence, the Department may (i) issue and cause to be
10 served on any party an order to cease and desist from further
11 violation of the Act, (ii) take affirmative or other action as
12 deemed reasonable to eliminate the effect of the violation, and
13 (iii) impose a civil penalty not to exceed \$500 for each
14 violation. The Director of Labor or his or her representative
15 may compel, by subpoena, the attendance and testimony of
16 witnesses and the production of records and other evidence in
17 any investigation or hearing and may administer oaths to
18 witnesses. Any party to a proceeding under this Act may apply
19 for and obtain judicial review of an order of the Department
20 entered under this Act in accordance with the Administrative
21 Review Law, and the Department in proceedings under the Act may
22 obtain an order from the court for the enforcement of its
23 order.

24 (c) A willful violation of this Act is a petty offense.

25 Section 25. Applicability. This Act applies to
26 terminations occurring on or after its effective date.