

1 AN ACT concerning government.

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

4 Section 5. The Sick Leave Bank Act is amended by changing  
5 Section 10 as follows:

6 (5 ILCS 400/10) (from Ch. 127, par. 4260)

7 Sec. 10. Administration of Act. The Department shall  
8 establish a plan allowing participating employees in each  
9 Agency to bank a designated amount or portion of their accrued  
10 sick leave in a sick leave bank to be used by any person  
11 ~~participating employee in the Agency~~ who has exhausted his or  
12 her accrued vacation time, personal days, sick leave and  
13 compensatory time; provided that the person using the deposited  
14 sick leave is (i) a participating employee of the same Agency  
15 as the participating employee who deposited the sick leave or  
16 (ii) a participating employee in a different Agency's sick  
17 leave bank who is married to the participating employee who  
18 deposited the sick leave. The Department shall promulgate rules  
19 governing the operation of the plan subject, however, to the  
20 following restrictions and limitations:

21 (a) Participation in the sick leave bank shall, at all  
22 times, be voluntary on the part of any employee.

23 (b) A participating employee may deposit into the sick

1 leave bank as much accrued sick leave as desired provided that  
2 the participating employee shall retain in his or her own  
3 account at least 5 sick days.

4 (c) Any sick leave in the sick leave bank used by a  
5 participating employee shall be only for that employee's  
6 personal catastrophic illness or injury; provided that it may  
7 be used for the catastrophic illness or injury of the  
8 employee's minor child if the employee is married to the  
9 participating employee who deposited the sick leave.

10 (d) A participating employee shall not use sick leave  
11 accumulated in the sick leave bank until all of his or her  
12 accrued vacation time, personal days, sick leave and  
13 compensatory time have been used.

14 (e) Injuries and illnesses that are compensable under the  
15 Workers' Compensation Act or Workers' Occupational Diseases  
16 Act shall not be eligible for sick leave bank use.

17 (f) Participating employees who transfer from one Agency to  
18 another may transfer their participation in the sick leave  
19 bank.

20 (g) An employee who cancels his or her participation in the  
21 sick leave bank shall not be eligible to withdraw the sick  
22 leave time he or she has contributed to the pool.

23 (g-5) A participating employee may designate his or her  
24 deposited sick leave for use only by his or her spouse who is a  
25 participating employee of the same or a different Agency. If a  
26 participating employee withdraws sick leave from his or her

1 spouse's sick leave bank in a different Agency, the withdrawal  
2 may not exceed the amount of leave the spouse designates and  
3 deposits for that use.

4 (h) Any abuse of the use of the sick leave bank shall be  
5 investigated by the Agency and the Department and upon a  
6 finding of wrongdoing on the part of a participating employee,  
7 that employee shall repay all sick leave days drawn from the  
8 sick leave bank and shall be subject to other disciplinary  
9 action.

10 (i) Provisions for appeal of adverse decisions affecting a  
11 participating employee's use of the sick leave bank shall be  
12 made by rule adopted by the Department.

13 (j) Accumulation of sick leave in the sick leave bank shall  
14 be on an Agency by Agency basis but procedures adopted by rule  
15 for the operation of the sick leave bank shall be uniform among  
16 all Agencies.

17 (k) Upon termination, retirement, or death, neither a  
18 participating employee nor the participating employee's estate  
19 shall be entitled to payment for unused sick leave acquired  
20 from the sick leave bank.

21 (Source: P.A. 92-317, eff. 8-9-01.)