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AN ACT concerning employment benefits.

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

Section 1. Short title. This Act may be cited as the
Illinois Fringe Benefit Portability and Continuity Act.

6 Section 5. Public policy. It is the purpose of this Act 7 that temporary or short-term employees employed by the State of Illinois and its political subdivisions or other public 8 9 employers shall have continuity of health and welfare 10 insurance, pension, and other fringe benefits for work of Illinois, 11 performed for the State its political 12 subdivisions, and other public employers, and that the State of Illinois and its political subdivisions and other public 13 14 employers shall have the contractual authority to execute written agreements with employee benefit plans and labor 15 16 organizations to ensure that temporary and short-term 17 employees have continuity of health and welfare insurance, pension, and other fringe benefits for work performed for the 18 19 State of Illinois and its political subdivisions or other 20 public employers.

21 Section 10. Application. This Act applies to the State of 22 Illinois and its political subdivisions and other public SB1249 Enrolled - 2 - LRB095 10038 JAM 30252 b

employers that employ temporary or short-term employees who are not covered by an employment contract or collective bargaining agreement but who are referred from labor organizations and are receiving a fringe benefit allowance directly and in the form of wages from the State of Illinois and its political subdivisions and other public employers.

7 Section 15. Definitions. As used in this Act, unless the8 context otherwise requires:

9 "Employee benefit plan" shall mean an employee benefit plan
10 as defined under the Employee Retirement Income Security Act,
11 29 U.S.C. 1001, et seq.

12 "Temporary or short-term employee" shall mean an employee 13 who is not covered by a collective bargaining agreement or an 14 employment contract.

Written agreement" shall mean a participation agreement or other agreement prescribed by the employee benefit plan or labor organization but shall not be construed as a collective bargaining agreement, except as permitted under the Illinois Public Labor Relations Act.

20 Section 20. Fringe benefit portability and continuity. 21 (a) If the State of Illinois, its political subdivisions, or 22 other public employers procure short-term or temporary 23 employees from a labor organization, then the State of 24 Illinois, its political subdivisions, or other public SB1249 Enrolled - 3 - LRB095 10038 JAM 30252 b

employers shall enter into written agreements with employee 1 2 benefit plans and labor organizations providing that the State 3 of Illinois, its political subdivisions, or other public employers shall make an employer contribution of the benefit 4 5 allowance of the applicable wage package to the applicable employee benefit plans for the temporary or 6 short-term 7 employees who are referred from labor organizations, provided 8 that:

9 (1) The employee benefit plans are employee pension 10 benefit plans or employee welfare benefit plans under the 11 Employee Retirement Income Security Act.

12 (2) The referred employee, as a condition of referral 13 to the State of Illinois and its political subdivisions or 14 other public employers as a temporary or short-term 15 employee, has entered into an agreement or authorization 16 with a labor organization to have the fringe benefit 17 allowance of the applicable wage rate remitted directly to 18 an employee benefit plan.

(3) The fringe benefit allowance of the applicable wage
 package shall be an employer contribution and not an
 employee wage deduction.

22 (4) The State of Illinois and its political 23 subdivisions and other public employers agree, in writing, 24 to make contributions subject to the same rules and 25 policies generally applicable to private employers who are 26 making contributions to that employee benefit plan.

SB1249 Enrolled - 4 - LRB095 10038 JAM 30252 b

(b) The written agreement specified in subsection (a) shall 1 2 not be construed as a collective bargaining agreement, contract 3 for employment, or an agreement that otherwise guarantees the employment of the temporary or short-term employees used by the 4 5 State of Illinois and its political subdivisions and other 6 public employers. Nothing in this Act shall be construed to 7 afford temporary or short-term employees the right to organize 8 or collectively bargain pursuant to the Illinois Public Labor 9 Relations Act, except as specifically provided by the 10 provisions of that Act. Nothing in this Act shall be construed 11 to afford temporary or short-term employees any benefit or the 12 right to participate in any retirement system of the State of Illinois, except as specifically provided by the provisions of 13 the Illinois Pension Code. 14

15 Section 25. Construction of Act. This Act shall be 16 liberally construed to effect the purposes of the Act. By 17 virtue of this Act, the State of Illinois and its political 18 subdivisions or other public employers shall not be considered 19 to be maintaining or administering an employee benefit plan.

20 Section 97. Severability. The provisions of this Act are 21 severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect uponbecoming law.