



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0813

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

820 ILCS 65/5
820 ILCS 65/10

Amends the Illinois Worker Adjustment and Retraining Notification Act. Redefines "employer" to mean any business or enterprise that employs 65 or more (rather than 75 or more) employees, excluding part-time employees; or 65 or more (rather than 75 or more) employees who in the aggregate work at least 2,600 (rather than 4,000) hours per week (exclusive of hours of overtime). Provides that an employer may not order a mass layoff, relocation, or employment loss unless, 90 (rather than 60) days before the order takes effect, the employer gives written notice of the order to certain persons. Effective immediately.

LRB100 06923 HEP 16974 b

1 AN ACT concerning business.

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

4 Section 5. The Illinois Worker Adjustment and Retraining
5 Notification Act is amended by changing Sections 5 and 10 as
6 follows:

7 (820 ILCS 65/5)

8 Sec. 5. Definitions. As used in this Act:

9 (a) "Affected employees" means employees who may
10 reasonably be expected to experience an employment loss as a
11 consequence of a proposed plant closing or mass layoff by their
12 employer.

13 (b) "Employment loss" means:

14 (1) an employment termination, other than a discharge
15 for cause, voluntary departure, or retirement;

16 (2) a layoff exceeding 6 months; or

17 (3) a reduction in hours of work of more than 50%
18 during each month of any 6-month period.

19 "Employment loss" does not include instances when the plant
20 closing or layoff is the result of the relocation or
21 consolidation of part or all of the employer's business and,
22 before the closing or layoff, the employer offers to transfer
23 the employee to a different site of employment within a

1 reasonable commuting distance with no more than a 6-month break
2 in employment, or the employer offers to transfer the employee
3 to any other site of employment, regardless of distance, with
4 no more than a 6-month break in employment, and the employee
5 accepts within 30 days of the offer or of the closing or
6 layoff, whichever is later.

7 (c) "Employer" means any business enterprise that employs:

8 (1) 65 ~~75~~ or more employees, excluding part-time
9 employees; or

10 (2) 65 ~~75~~ or more employees who in the aggregate work
11 at least 2,600 ~~4,000~~ hours per week (exclusive of hours of
12 overtime).

13 (d) "Mass layoff" means a reduction in force which:

14 (1) is not the result of a plant closing; and

15 (2) results in an employment loss at the single site of
16 employment during any 30-day period for:

17 (A) at least 33% of the employees (excluding any
18 part-time employees) and at least 25 employees
19 (excluding any part-time employees); or

20 (B) at least 250 employees (excluding any
21 part-time employees).

22 (e) "Part-time employee" means an employee who is employed
23 for an average of fewer than 20 hours per week or who has been
24 employed for fewer than 6 of the 12 months preceding the date
25 on which notice is required.

26 (f) "Plant closing" means the permanent or temporary

1 shutdown of a single site of employment, or one or more
2 facilities or operating units within a single site of
3 employment, if the shutdown results in an employment loss at
4 the single site of employment during any 30-day period for 50
5 or more employees excluding any part-time employees.

6 (g) "Representative" means an exclusive representative of
7 employees within the meaning of Section 9(a) or 8(f) of the
8 National Labor Relations Act (29 U.S.C. 159(a), 158(f)) or
9 Section 2 of the Railway Labor Act (45 U.S.C. 152).

10 (Source: P.A. 93-915, eff. 1-1-05.)

11 (820 ILCS 65/10)

12 Sec. 10. Notice.

13 (a) An employer may not order a mass layoff, relocation, or
14 employment loss unless, 90 ~~60~~ days before the order takes
15 effect, the employer gives written notice of the order to the
16 following:

17 (1) affected employees and representatives of affected
18 employees; and

19 (2) the Department of Commerce and Economic
20 Opportunity and the chief elected official of each
21 municipal and county government within which the
22 employment loss, relocation, or mass layoff occurs.

23 (b) An employer required to give notice of any mass layoff,
24 relocation, or employment loss under this Act shall include in
25 its notice the elements required by the federal Worker

1 Adjustment and Retraining Notification Act (29 U.S.C. 2101 et
2 seq.).

3 (c) Notwithstanding the requirements of subsection (a), an
4 employer is not required to provide notice if a mass layoff,
5 relocation, or employment loss is necessitated by a physical
6 calamity or an act of terrorism or war.

7 (d) The mailing of notice to an employee's last known
8 address or inclusion of notice in the employee's paycheck shall
9 be considered acceptable methods for fulfillment of the
10 employer's obligation to give notice to each affected employee
11 under this Act.

12 (e) In the case of a sale of part or all of an employer's
13 business, the seller shall be responsible for providing notice
14 for any plant closing or mass layoff in accordance with this
15 Section, up to and including the effective date of the sale.
16 After the effective date of the sale of part or all of an
17 employer's business, the purchaser shall be responsible for
18 providing notice for any plant closing or mass layoff in
19 accordance with this Section. Notwithstanding any other
20 provision of this Act, any person who is an employee of the
21 seller (other than a part-time employee) as of the effective
22 date of the sale shall be considered an employee of the
23 purchaser immediately after the effective date of the sale.

24 (f) An employer which is receiving State or local economic
25 development incentives for doing or continuing to do business
26 in this State may be required to provide additional notice

1 pursuant to Section 15 of the Business Economic Support Act.

2 (g) The rights and remedies provided to employees by this
3 Act are in addition to, and not in lieu of, any other
4 contractual or statutory rights and remedies of the employees,
5 and are not intended to alter or affect such rights and
6 remedies, except that the period of notification required by
7 this Act shall run concurrently with any period of notification
8 required by contract or by any other law.

9 (h) It is the sense of the General Assembly that an
10 employer who is not required to comply with the notice
11 requirements of this Section should, to the extent possible,
12 provide notice to its employees about a proposal to close a
13 plant or permanently reduce its workforce.

14 (Source: P.A. 93-915, eff. 1-1-05.)

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