



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4598

Introduced 1/31/2024, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

820 ILCS 115/5
820 ILCS 405/601

from Ch. 48, par. 39m-5
from Ch. 48, par. 431

Amends the Illinois Wage Payment and Collection Act. Provides that an employee that resigns from a position due to a return to office policy shall be paid any severance pay that the employee would have been entitled to if he or she had been terminated from the position by the employer. Amends the Unemployment Insurance Act. Provides that specified provisions shall not apply to an individual who has left work voluntarily due to a return to office policy.

LRB103 35501 SPS 65571 b

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 5 as follows:

6 (820 ILCS 115/5) (from Ch. 48, par. 39m-5)

7 Sec. 5. Every employer shall pay the final compensation of
8 separated employees in full, at the time of separation, if
9 possible, but in no case later than the next regularly
10 scheduled payday for such employee. Where such employee
11 requests in writing that his final compensation be paid by
12 check and mailed to him, the employer shall comply with this
13 request.

14 Unless otherwise provided in a collective bargaining
15 agreement, whenever a contract of employment or employment
16 policy provides for paid vacations, and an employee resigns or
17 is terminated without having taken all vacation time earned in
18 accordance with such contract of employment or employment
19 policy, the monetary equivalent of all earned vacation shall
20 be paid to him or her as part of his or her final compensation
21 at his or her final rate of pay and no employment contract or
22 employment policy shall provide for forfeiture of earned
23 vacation time upon separation.

1 An employee that resigns from a position due to a return to
2 office policy shall be paid any severance pay that the
3 employee would have been entitled to if he or she had been
4 terminated from the position by the employer.

5 (Source: P.A. 83-199.)

6 Section 10. The Unemployment Insurance Act is amended by
7 changing Section 601 as follows:

8 (820 ILCS 405/601) (from Ch. 48, par. 431)

9 Sec. 601. Voluntary leaving.

10 A. An individual shall be ineligible for benefits for the
11 week in which he or she has left work voluntarily without good
12 cause attributable to the employing unit and, thereafter,
13 until he or she has become reemployed and has had earnings
14 equal to or in excess of his or her current weekly benefit
15 amount in each of four calendar weeks which are either for
16 services in employment, or have been or will be reported
17 pursuant to the provisions of the Federal Insurance
18 Contributions Act by each employing unit for which such
19 services are performed and which submits a statement
20 certifying to that fact.

21 B. The provisions of this Section shall not apply to an
22 individual who has left work voluntarily:

23 1. Because he or she is deemed physically unable to
24 perform his or her work by a licensed and practicing

1 physician, or because the individual's assistance is
2 necessary for the purpose of caring for his or her spouse,
3 child, or parent who, according to a licensed and
4 practicing physician or as otherwise reasonably verified,
5 is in poor physical or mental health or is a person with a
6 mental or physical disability and the employer is unable
7 to accommodate the individual's need to provide such
8 assistance;

9 2. To accept other bona fide work and, after such
10 acceptance, the individual is either not unemployed in
11 each of 2 weeks, or earns remuneration for such work equal
12 to at least twice his or her current weekly benefit
13 amount;

14 3. In lieu of accepting a transfer to other work
15 offered to the individual by the employing unit under the
16 terms of a collective bargaining agreement or pursuant to
17 an established employer plan, program, or policy, if the
18 acceptance of such other work by the individual would
19 require the separation from that work of another
20 individual currently performing it;

21 4. Solely because of the sexual harassment of the
22 individual by another employee. Sexual harassment means
23 (1) unwelcome sexual advances, requests for sexual favors,
24 sexually motivated physical contact or other conduct or
25 communication which is made a term or condition of the
26 employment or (2) the employee's submission to or

1 rejection of such conduct or communication which is the
2 basis for decisions affecting employment, or (3) when such
3 conduct or communication has the purpose or effect of
4 substantially interfering with an individual's work
5 performance or creating an intimidating, hostile, or
6 offensive working environment and the employer knows or
7 should know of the existence of the harassment and fails
8 to take timely and appropriate action;

9 5. Which he or she had accepted after separation from
10 other work, and the work which he or she left voluntarily
11 would be deemed unsuitable under the provisions of Section
12 603;

13 6.(a) Because the individual left work due to verified
14 domestic violence as defined in Section 103 of the
15 Illinois Domestic Violence Act of 1986 where the domestic
16 violence caused the individual to reasonably believe that
17 his or her continued employment would jeopardize his or
18 her safety or the safety of his or her spouse, minor child,
19 or parent

20 if the individual provides the following:

21 (i) notice to the employing unit of the reason for
22 the individual's voluntarily leaving; and

23 (ii) to the Department provides:

24 (A) an order of protection or other
25 documentation of equitable relief issued by a
26 court of competent jurisdiction; or

1 (B) a police report or criminal charges
2 documenting the domestic violence; or

3 (C) medical documentation of the domestic
4 violence; or

5 (D) evidence of domestic violence from a
6 member of the clergy, attorney, counselor, social
7 worker, health worker or domestic violence shelter
8 worker.

9 (b) If the individual does not meet the provisions of
10 subparagraph (a), the individual shall be held to have
11 voluntarily terminated employment for the purpose of
12 determining the individual's eligibility for benefits
13 pursuant to subsection A.

14 (c) Notwithstanding any other provision to the
15 contrary, evidence of domestic violence experienced by an
16 individual, or his or her spouse, minor child, or parent,
17 including the individual's statement and corroborating
18 evidence, shall not be disclosed by the Department unless
19 consent for disclosure is given by the individual.

20 7. Because, due to a change in location of employment
21 of the individual's spouse, the individual left work to
22 accompany his or her spouse to a place from which it is
23 impractical to commute or because the individual left
24 employment to accompany a spouse who has been reassigned
25 from one military assignment to another. The employer's
26 account, however, shall not be charged for any benefits

1 paid out to the individual who leaves work under a
2 circumstance described in this paragraph.

3 8. Because the individual left work due to a return to
4 office policy.

5 C. Within 90 days of the effective date of this amendatory
6 Act of the 96th General Assembly, the Department shall
7 promulgate rules, pursuant to the Illinois Administrative
8 Procedure Act and consistent with Section 903(f)(3)(B) of the
9 Social Security Act, to clarify and provide guidance regarding
10 eligibility and the prevention of fraud.

11 (Source: P.A. 99-143, eff. 7-27-15.)