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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/14/2011	.	
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The Committee on Governmental Oversight and Accountability  
(Wise) recommended the following:

**Senate Amendment**

Delete lines 63 - 77  
and insert:

(b) On or after July 1, 2011:

1. An officer, agent, employee, or contractor may receive  
severance pay only if:

a. The severance pay is paid from wholly private funds, the  
payment and receipt of which do not otherwise violate part III  
of chapter 112;

b. The severance pay is administered under part II of  
chapter 112 on behalf of an agency outside this state and would



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13 be permitted under that agency's personnel system;

14 c. The severance pay represents the settlement of an  
15 employment dispute. Such settlement may not include provisions  
16 that limit the ability of any party to the settlement to discuss  
17 the dispute or settlement; or

18 d. Provision for the severance pay is expressly included in  
19 a contract for employment which was entered into before July 1,  
20 2011.

21 2. An officer, agent, employee, or contractor may receive  
22 severance pay pursuant to this paragraph only if:

23 a. He or she has not been fired as a result of an  
24 investigation, prosecution, or any criminal, civil, or  
25 administrative proceeding by a federal, state, or local  
26 governmental entity; a negative job-performance evaluation; or a  
27 violation of a governmental policy or rule;

28 b. He or she has been fired without cause; and

29 c. The severance pay does not exceed his or her actual or  
30 constructive compensation, including salary, benefits, or  
31 perquisites, for employment services yet to be rendered for a  
32 term greater than 4 weeks before or immediately following  
33 termination of employment.