



Informational Material for Federal Employees Facing Deferred Resignation Decision



Federal employees are facing difficult and complex questions in regard to the federal government's "deferred resignation" offer email to the federal workforce. As federal workers living and working in Illinois consider the evolving reports, the Illinois Department of Employment Security (IDES) and Illinois Department of Labor (IDOL) are outlining state employment law and unemployment insurance options that workers should consider.

Illinois Employment Law and Wages

- All employees generally have a right to be paid promised wages for all hours they work under the federal Fair Labor Standards Act (FLSA) and Illinois wage laws.
- The Illinois Wage Payment and Collection Act (IWPCA), [820 ILCS 115/1](#), is the state law that governs the payment of promised wages to employees, including payment of final compensation of separated employees and the deductions that an employer can make from an employee's paycheck. The law covers private employers and units of local government and requires that an employee have an agreement with an employer. **However, State and Federal Employees are exempt from the IWPCA.**
- Illinois law also generally allows employees to recover promised payments through private court actions. However, it is not clear what legal recourse federal employees who take the "deferred resignation" offer would have if the federal government does not follow through with the terms. One of the unknowns is whether the federal government's statements about "deferred resignation" are a legally enforceable promise. There are also individual considerations for different federal employees, including whether they are covered by an applicable collective bargaining agreement.
- Employees are generally protected against retaliation and adverse action for disclosing a violation of state or federal laws, rules, or regulation or for attempting to exercise their rights through a complaint to a government agency or in court.

Unemployment Insurance

If the federal government fails to follow through on compensation for workers who accept the offer, those workers could apply for unemployment insurance benefits. Workers can also seek job openings with the State of Illinois workforce through [Careers at State of Illinois](#) at any time.

How to apply

You can apply online at the [IDES](#) website, <https://ides.illinois.gov>, or over the phone with our Call Center, or in person at a local office.

- Federal employees should provide your Form SF-8 (provided by your HR) or your SF-50 if you do not have Form SF-8. Your SF-8 will be used to request your wage information from your employer and is necessary for you to be eligible for benefits.
- Be prepared to provide proof of ID and your SSN and potentially wage information for the past 18 months W-2 or Paycheck stubs.

When to apply

- 1) You must be unemployed.
 - a. If you are receiving a salary and considered “on call” or performing any services, you may not be eligible for benefits.
 - b. If you are receiving salary or payments but you are no longer required to report or be on call for work you may be eligible for benefits.
- 2) If you resign or quit your job, the reason you left must be considered good cause and attributable to your employer.
 - a. For example, if your employer changed your work location and the commute would be a substantial burden you may be eligible for benefits.
- 3) If you decline the deferred resignation and your Job is downsized or otherwise no longer available, you may be eligible for unemployment benefits.
- 4) There are other eligibility factors that may be taken into consideration.

Eligibility

To be eligible to receive unemployment benefits you must be:

Available for work

You must be available for work each week or benefits may be denied. Possible conflicts, like attending school during work hours, travel, or limitations with childcare could limit your work availability and be an eligibility issue. Report such issues on your claim forms.

Actively search for work

Employment service registration is a legal requirement for individuals who have applied for unemployment insurance benefits. In Illinois, claimants register with the employment service online at www.IllinoisJobLink.com after filing your claim.

[I Filed My Claim What Happens Next:](#)



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Legal Resources and Other Guidance Documents

National Employment Lawyers Association: [Find-a-Lawyer](#)

Illinois State Bar Association: [Illinois Lawyer Finder](#) and [Online Phone Referral System](#)

Chicago Bar Association: [Lawyer Referral Service](#) (covers Cook County and surrounding suburbs)

American Federation of Government Employees [Frequently Asked Questions](#) document

National Federation of Federal Employees [Frequently Asked Questions](#) document