

1 AN ACT concerning State government.

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

4 Section 5. The Personnel Code is amended by adding Section
5 17b as follows:

6 (20 ILCS 415/17b new)

7 Sec. 17b. Supported employees.

8 (a) The Director of Central Management Services shall
9 develop and implement a supported employment program applying
10 to all State agencies. It shall be the goal of the program, in
11 consultation with the Secretary or Director of each State
12 agency, to appoint supported employees to positions within the
13 various State agencies.

14 (b) The Director shall designate a liaison to work with the
15 various State agencies and departments, and any funder or
16 provider or both, in the implementation of a supported
17 employment program.

18 (c) As used in this Section:

19 (1) "Supported employee" means any individual who:

20 (A) has a severe physical or mental disability
21 which seriously limits functional capacities,
22 including, but not limited to, mobility,
23 communication, self-care, self-direction, work

1 tolerance, or work skills, in terms of employability as
2 defined, determined, and certified by the Department
3 of Human Services; and

4 (B) has one or more physical or mental disabilities
5 resulting from amputation; arthritis; blindness;
6 cancer; cerebral palsy; cystic fibrosis; deafness;
7 heart disease; hemiplegia; respiratory or pulmonary
8 dysfunction; an intellectual disability; mental
9 illness; multiple sclerosis; muscular dystrophy;
10 musculoskeletal disorders; neurological disorders,
11 including stroke and epilepsy; paraplegia;
12 quadriplegia and other spinal cord conditions; sickle
13 cell anemia; and end-stage renal disease; or another
14 disability or combination of disabilities determined
15 on the basis of an evaluation of rehabilitation
16 potential to cause comparable substantial functional
17 limitation.

18 (2) "Supported employment" means competitive work in
19 integrated work settings:

20 (A) for individuals with severe disabilities for
21 whom competitive employment has not traditionally
22 occurred; or

23 (B) for individuals for whom competitive
24 employment has been interrupted or intermittent as a
25 result of a severe disability, and who, because of
26 their disability, need ongoing support services to

1 perform such work. The term includes transitional
2 employment for individuals with chronic mental
3 illness.

4 (3) "Participation in a supported employee program"
5 means participation as a supported employee that is not
6 based on the expectation that an individual will have the
7 skills to perform all the duties in a job class, but on the
8 assumption that with support and adaptation, or both, a job
9 can be designed to take advantage of the supported
10 employee's special strengths.

11 (4) "Funder" means any entity either State, local,
12 federal, or private not-for-profit or for-profit that
13 provides monies to programs that provide services related
14 to supported employment.

15 (5) "Provider" means any entity, either public or
16 private, which provides technical support and services to
17 any department or agency of State government.

18 (d) The Director, in consultation with the Secretary or
19 Director of each State agency, shall establish job
20 classifications for supported employees who may be appointed
21 into the classifications without open competitive testing
22 requirements. Supported employees shall serve in a trial
23 employment capacity for not less than 3, but no more than 12,
24 months. When appropriate, at the conclusion of the trial
25 employment period, the supported employee shall be promoted
26 into the position on a permanent full-time basis.

1 (e) The Director shall maintain a record of all individuals
2 hired as supported employees. The record shall include, but not
3 be limited to, the following:

4 (1) the number of supported employees initially
5 appointed;

6 (2) the number of supported employees who successfully
7 complete the trial employment periods; and

8 (3) the number of permanent targeted positions by
9 titles.

10 (f) An employer under this Section shall not hire a
11 supported employee if such a hire would result in:

12 (1) the displacement or partial displacement of
13 current employees of the employer, including, but not
14 limited to, a reduction in hours of non-overtime or
15 overtime work, wages, or employment benefits;

16 (2) the filling of a position that would otherwise be a
17 promotional opportunity for current employees of the
18 employer;

19 (3) the filling of a position created by or causing
20 termination, layoff, a hiring freeze, or a reduction in the
21 workforce of the employer;

22 (4) the placement of a supported employee in any
23 established unfilled vacancy; or

24 (5) the performance of work by a supported employee if
25 there is a strike, lockout, or other labor dispute in which
26 the employer is engaged.

1 (g) An employer who hires supported employees under this
2 Section shall, at least 15 days prior to hiring such an
3 employee, notify the applicable labor organization of the name,
4 work location, and the duties to be performed by the supported
5 employee.

6 (h) The Director, in consultation with the Secretary or
7 Director of each State agency, shall establish a grievance
8 procedure for employees and labor organizations to utilize in
9 the event of any alleged violation of subsections (f) and (g)
10 of this Section. Notwithstanding the above, a labor
11 organization may utilize the established grievance or
12 arbitration procedure in its collective bargaining agreement
13 to contest violations of subsections (f) and (g) of this
14 Section.

15 (i) The Director shall submit an annual report to the
16 General Assembly regarding the employment progress of
17 supported employees, with recommendations for further
18 legislative action.