



Sen. Wm. Sam McCann

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LRB100 10009 RJF 26418 a

1 AMENDMENT TO SENATE BILL 1453

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1453 by replacing  
3 everything after the enacting clause with the following:

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

1 employment program.

2 (c) As used in this Section:

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

4 (A) has a severe physical or mental disability  
5 which seriously limits functional capacities,  
6 including, but not limited to, mobility,  
7 communication, self-care, self-direction, work  
8 tolerance, or work skills, in terms of employability as  
9 defined, determined, and certified by the Department  
10 of Human Services; and

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

25 (2) "Supported employment" means competitive work in  
26 integrated work settings:

1           (A) for individuals with severe disabilities for  
2           whom competitive employment has not traditionally  
3           occurred; or

4           (B) for individuals for whom competitive  
5           employment has been interrupted or intermittent as a  
6           result of a severe disability, and who, because of  
7           their disability, need ongoing support services to  
8           perform such work. The term includes transitional  
9           employment for individuals with chronic mental  
10           illness.

11           (3) "Participation in a supported employee program"  
12           means participation as a supported employee that is not  
13           based on the expectation that an individual will have the  
14           skills to perform all the duties in a job class, but on the  
15           assumption that with support and adaptation, or both, a job  
16           can be designed to take advantage of the supported  
17           employee's special strengths.

18           (4) "Funder" means any entity either State, local,  
19           federal, or private not-for-profit or for-profit that  
20           provides monies to programs that provide services related  
21           to supported employment.

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

25           (d) The Director, in consultation with the Secretary or  
26           Director of each State agency, shall establish job

1 classifications for supported employees who may be appointed  
2 into the classifications without open competitive testing  
3 requirements. Supported employees shall serve in a trial  
4 employment capacity for not less than 3, but no more than 12,  
5 months. When appropriate, at the conclusion of the trial  
6 employment period, the supported employee shall be promoted  
7 into the position on a permanent full-time basis.

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

11 (1) the number of supported employees initially  
12 appointed;

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

15 (3) the number of permanent targeted positions by  
16 titles.

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

19 (1) the displacement or partial displacement of  
20 current employees of the employer, including, but not  
21 limited to, a reduction in hours of non-overtime or  
22 overtime work, wages, or employment benefits;

23 (2) the filling of a position that would otherwise be a  
24 promotional opportunity for current employees of the  
25 employer;

26 (3) the filling of a position created by or causing

1       termination, layoff, a hiring freeze, or a reduction in the  
2       workforce of the employer;

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

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

8       (g) An employer who hires supported employees under this  
9       Section shall, at least 15 days prior to hiring such an  
10       employee, notify the applicable labor organization of the name,  
11       work location, and the duties to be performed by the supported  
12       employee.

13       (h) The Director, in consultation with the Secretary or  
14       Director of each State agency, shall establish a grievance  
15       procedure for employees and labor organizations to utilize in  
16       the event of any alleged violation of subsections (f) and (g)  
17       of this Section. Notwithstanding the above, a labor  
18       organization may utilize the established grievance or  
19       arbitration procedure in its collective bargaining agreement  
20       to contest violations of subsections (f) and (g) of this  
21       Section.

22       (i) The Director shall submit an annual report to the  
23       General Assembly regarding the employment progress of  
24       supported employees, with recommendations for further  
25       legislative action."