



Sen. John M. Sullivan

**Filed: 4/8/2011**

09700SB1150sam001

LRB097 04872 NHT 54130 a

1 AMENDMENT TO SENATE BILL 1150

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1150 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Universities Civil Service Act is  
5 amended by changing Sections 36d, 36e, 36g, 36h, 36j, and 36o  
6 and by adding Section 36t as follows:

7 (110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)

8 Sec. 36d. Powers and duties of the Merit Board.

9 The Merit Board shall have the power and duty-

10 (1) To approve a classification plan prepared under its  
11 direction, assigning to each class positions of substantially  
12 similar duties. The Merit Board shall have power to delegate to  
13 its Executive Director the duty of assigning each position in  
14 the classified service to the appropriate class in the  
15 classification plan approved by the Merit Board.

16 (2) To prescribe the duties of each class of positions and

1 the qualifications required by employment in that class.

2 (3) To prescribe the range of compensation for each class  
3 or to fix a single rate of compensation for employees in a  
4 particular class; and to establish other conditions of  
5 employment which an employer and employee representatives have  
6 agreed upon as fair and equitable. The Merit Board shall direct  
7 the payment of the "prevailing rate of wages" in those  
8 classifications in which, on January 1, 1952, any employer is  
9 paying such prevailing rate and in such other classes as the  
10 Merit Board may thereafter determine. "Prevailing rate of  
11 wages" as used herein shall be the wages paid generally in the  
12 locality in which the work is being performed to employees  
13 engaged in work of a similar character. Each employer covered  
14 by the University System shall be authorized to negotiate with  
15 representatives of employees to determine appropriate ranges  
16 or rates of compensation or other conditions of employment and  
17 may recommend to the Merit Board for establishment the rates or  
18 ranges or other conditions of employment which the employer and  
19 employee representatives have agreed upon as fair and  
20 equitable. Any rates or ranges established prior to January 1,  
21 1952, and hereafter, shall not be changed except in accordance  
22 with the procedures herein provided.

23 (4) To recommend to the institutions and agencies specified  
24 in Section 36e standards for hours of work, holidays, sick  
25 leave, overtime compensation and vacation for the purpose of  
26 improving conditions of employment covered therein and for the

1 purpose of insuring conformity with the prevailing rate  
2 principal.

3 (5) To prescribe standards of examination for each class,  
4 the examinations to be related to the duties of such class. The  
5 Merit Board shall have power to delegate to the Executive  
6 Director and his staff the preparation, conduct and grading of  
7 examinations. Examinations may be written, oral, by statement  
8 of training and experience, in the form of tests of knowledge,  
9 skill, capacity, intellect, aptitude; or, by any other method,  
10 which in the judgment of the Merit Board is reasonable and  
11 practical for any particular classification. Different  
12 examining procedures may be determined for the examinations in  
13 different classifications but all examinations in the same  
14 classification shall be uniform.

15 (6) To authorize the continuous recruitment of personnel  
16 and to that end, to delegate to the Executive Director and his  
17 staff the power and the duty to conduct open and continuous  
18 competitive examinations for all classifications of  
19 employment.

20 (7) To cause to be established from the results of  
21 examinations registers for each class of positions in the  
22 classified service of the State Universities Civil Service  
23 System, of the persons who shall attain the minimum mark fixed  
24 by the Merit Board for the examination; and such persons shall  
25 take rank upon the registers as candidates in the order of  
26 their relative excellence as determined by examination,

1 without reference to priority of time of examination.

2 (8) To provide by its rules for promotions in the  
3 classified service. Vacancies shall be filled by promotion  
4 whenever practicable. For the purpose of this paragraph, an  
5 advancement in class shall constitute a promotion.

6 (9) To set a probationary period of employment of no less  
7 than 6 months and no longer than 12 months for each class of  
8 positions in the classification plan, the length of the  
9 probationary period for each class to be determined by the  
10 Director.

11 (10) To provide by its rules for employment at regular  
12 rates of compensation of physically handicapped persons in  
13 positions in which the handicap does not prevent the individual  
14 from furnishing satisfactory service.

15 (11) To make and publish rules, to carry out the purpose of  
16 the State Universities Civil Service System and for  
17 examination, appointments, transfers and removals and for  
18 maintaining and keeping records of the efficiency of officers  
19 and employees and groups of officers and employees in  
20 accordance with the provisions of Sections 36b to 36q,  
21 inclusive, and said Merit Board may from time to time make  
22 changes in such rules.

23 (12) To appoint a Executive Director and such assistants  
24 and other clerical and technical help as may be necessary  
25 efficiently to administer Sections 36b to 36q, inclusive. To  
26 authorize the Director to appoint an assistant resident at the

1 place of employment of each employer specified in Section 36e  
2 and this assistant may be authorized to give examinations and  
3 to certify names from the regional registers provided in  
4 Section 36k.

5 (13) To submit to the Governor of this state on or before  
6 November 1 of each year prior to the regular session of the  
7 General Assembly a report of the University System's business  
8 and an estimate of the amount of appropriation from state funds  
9 required for the purpose of administering the University  
10 System.

11 (Source: P.A. 82-524.)

12 (110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

13 Sec. 36e. Coverage. All employees of the Illinois Community  
14 College Board, State Community College of East St. Louis  
15 (abolished under Section 2-12.1 of the Public Community College  
16 Act), Southern Illinois University, Chicago State University,  
17 Eastern Illinois University, Governors State University,  
18 Illinois State University, Northeastern Illinois University,  
19 Northern Illinois University, Western Illinois University,  
20 University of Illinois, State Universities Civil Service  
21 System, State Universities Retirement System, the State  
22 Scholarship Commission, and the Board of Higher Education,  
23 shall be covered by the University System described in Sections  
24 36b to 36q, inclusive, of this Act, except the following  
25 persons:

1 (1) the ~~The~~ members and officers of the Merit Board and  
2 the board of trustees, and the commissioners of the  
3 institutions and agencies covered hereunder;

4 (2) the ~~The~~ presidents and vice-presidents of each  
5 educational institution;

6 (3) other ~~Other~~ principal administrative employees of  
7 each institution and agency approved ~~as determined~~ by the  
8 Merit Board;

9 (4) the ~~The~~ teaching, research and extension faculties  
10 of each institution and agency; and

11 (5) students ~~Students~~ employed under rules prescribed  
12 by the Merit Board, without examination or certification.

13 Notwithstanding the other provisions of this Section, all  
14 of the following apply:

15 (A) No position may be exempt under this Section unless  
16 the exemption has been reviewed and approved by the Merit  
17 Board or by the Executive Director as delegated by the  
18 Merit Board.

19 (B) The authority to exempt lies solely with the Merit  
20 Board or the Executive Director as delegated by the Merit  
21 Board, and such authority shall not be extended to any  
22 other employing institution or agency.

23 (C) Adequate advance notice of the intent to propose an  
24 exemption must be provided to impacted employees and any  
25 labor organization with exclusive bargaining rights for  
26 that position and posted in all public places allocated for

1           civil service employment information.

2           (Source: P.A. 89-4, eff. 1-1-96; revised 9-16-10.)

3           (110 ILCS 70/36g) (from Ch. 24 1/2, par. 38b6)

4           Sec. 36g. For the granting of appropriate preference in  
5 entrance examinations to qualified persons who have been  
6 members of the armed forces of the United States or to  
7 qualified persons who, while citizens of the United States,  
8 were members of the armed forces of allies of the United States  
9 in time of hostilities with a foreign country, and to certain  
10 other persons as set forth in this Section.

11           (a) As used in this Section:

12           (1) "Time of hostilities with a foreign country" means  
13 any period of time in the past, present, or future during  
14 which a declaration of war by the United States Congress  
15 has been or is in effect or during which an emergency  
16 condition has been or is in effect that is recognized by  
17 the issuance of a Presidential proclamation or a  
18 Presidential executive order and in which the armed forces  
19 expeditionary medal or other campaign service medals are  
20 awarded according to Presidential executive order.

21           (2) "Armed forces of the United States" means the  
22 United States Army, Navy, Air Force, Marine Corps, Coast  
23 Guard. Service in the Merchant Marine that constitutes  
24 active duty under Section 401 of federal Public Law 95-202  
25 shall also be considered service in the Armed Forces of the

1 United States for purposes of this Section.

2 (b) The preference granted under this Section shall be in  
3 the form of points added to the final grades of the persons if  
4 they otherwise qualify and are entitled to appear on the list  
5 of those eligible for appointments.

6 (c) A veteran is qualified for a preference of 10 points if  
7 the veteran currently holds proof of a service connected  
8 disability from the United States Department of Veterans  
9 Affairs or an allied country or if the veteran is a recipient  
10 of the Purple Heart.

11 (d) A veteran who has served during a time of hostilities  
12 with a foreign country is qualified for a preference of 5  
13 points if the veteran served under one or more of the following  
14 conditions:

15 (1) The veteran served a total of at least 6 months, or

16 (2) The veteran served for the duration of hostilities  
17 regardless of the length of engagement, or

18 (3) The veteran was discharged on the basis of  
19 hardship, or

20 (4) The veteran was released from active duty because  
21 of a service connected disability and was discharged under  
22 honorable conditions.

23 (e) A person not eligible for a preference under subsection  
24 (c) or (d) is qualified for a preference of 3 points if the  
25 person has served in the armed forces of the United States, the  
26 Illinois National Guard, or any reserve component of the armed



1 forces of the United States and the person: (1) served for at  
2 least 6 months and has been discharged under honorable  
3 conditions or (2) has been discharged on the ground of hardship  
4 or (3) was released from active duty because of a service  
5 connected disability. An active member of the National Guard or  
6 a reserve component of the armed forces of the United States is  
7 eligible for the preference if the member meets the service  
8 requirements of this subsection (e).

9 (f) The rank order of persons entitled to a preference on  
10 eligible lists shall be determined on the basis of their  
11 augmented ratings. When the Executive Director establishes  
12 eligible lists on the basis of category ratings such as  
13 "superior", "excellent", "well-qualified", and "qualified",  
14 the veteran eligibles in each such category shall be preferred  
15 for appointment before the non-veteran eligibles in the same  
16 category.

17 (g) Employees in positions covered by this Act who, while  
18 in good standing, leave to engage in military service during a  
19 period of hostility, shall be given credit for seniority  
20 purposes for time served in the armed forces.

21 (h) A surviving unremarried spouse of a veteran who  
22 suffered a service connected death or the spouse of a veteran  
23 who suffered a service connected disability that prevents the  
24 veteran from qualifying for civil service employment shall be  
25 entitled to the same preference to which the veteran would have  
26 been entitled under this Section.

1 (i) A preference shall also be given to the following  
2 individuals: 10 points for one parent of an unmarried veteran  
3 who suffered a service connected death or a service connected  
4 disability that prevents the veteran from qualifying for civil  
5 service employment. The first parent to receive a civil service  
6 appointment shall be the parent entitled to the preference.

7 (Source: P.A. 87-796.)

8 (110 ILCS 70/36h) (from Ch. 24 1/2, par. 38b7)

9 Sec. 36h. Appointment.

10 (1) Whenever an employer covered by the University System  
11 has a position which needs to be filled, this employer shall  
12 inform the Executive Director of the Merit Board. The Director  
13 shall then certify to the employer the names and addresses of  
14 the three persons standing highest on the register for the  
15 classification to which the position is assigned. The employer  
16 shall select one of these persons certified for the position  
17 and shall notify the Executive Director of the Merit Board of  
18 his selection. If less than three names appear on the  
19 appropriate register, the Director shall certify the names and  
20 addresses of the person or persons on the register. Sex shall  
21 be disregarded except when the nature of the position requires  
22 otherwise.

23 (2) All appointments shall be for a probationary period of  
24 no less than 6 months and no longer than 12 months for each  
25 class of positions in the classification plan, the length of

1 the probationary period for each class having been determined  
2 by the Executive Director, except that persons first appointed  
3 to any police department of any university or college covered  
4 by the University System after the effective date of this  
5 amendatory Act of 1979, shall be on probation for 1 year. The  
6 service during the probationary period shall be deemed to be a  
7 part of the examination. During the probationary period, the  
8 employee may be dismissed if the employer determines that the  
9 employee has failed to demonstrate the ability and the  
10 qualifications necessary to furnish satisfactory service. The  
11 employer shall notify the Executive Director in writing of such  
12 dismissal. If an employee is not so dismissed during his  
13 probationary period his appointment shall be deemed complete at  
14 the end of the period.

15 (3) No person shall be appointed to any police department  
16 of any university or college covered by the University System  
17 unless he possesses a high school diploma or an equivalent high  
18 school education, and unless he is a person of good character  
19 and is not a person who has been convicted of a felony or a  
20 crime involving moral turpitude.

21 (Source: P.A. 86-708.)

22 (110 ILCS 70/36j) (from Ch. 24 1/2, par. 38b9)

23 Sec. 36j. Promotions. The Merit Board shall by rules  
24 provide for promotions on the basis of ability and experience  
25 and seniority in service and examination and to provide in all

1 cases where it is practicable that vacancies will be filled by  
2 promotion. The Merit Board shall by rule fix lines of promotion  
3 from such several offices and places to superior offices or  
4 places in all cases where, in the judgment of the Merit Board,  
5 the duties of such several positions directly tend to fit the  
6 incumbent for a superior position.

7 Employees promoted in the promotional line shall have their  
8 seniority for the highest position held on the basis of length  
9 of service in that classification. For the next lower  
10 classification the employee may add his seniority in the higher  
11 classification to that in the lower to determine seniority in  
12 the lower classification.

13 Whenever a superior position in the promotional line in the  
14 classified civil service under the University System is to be  
15 filled, the Director shall certify to the employer, in the  
16 order of their seniority, the names and addresses of the three  
17 persons standing highest upon the promotional register for the  
18 class or grade to which said position belongs. The employer  
19 shall appoint one of the three persons whose names were  
20 certified by the Executive Director. Sex shall be disregarded  
21 except when the nature of the position requires otherwise.  
22 Appointments to superior positions in the promotional line  
23 shall be on probation for a period of no less than 6 months and  
24 no longer than 12 months for each class of positions in the  
25 classification plan, the length of the probationary period  
26 having been determined by the Executive Director. Persons so

1 appointed may be demoted at any time during the period of  
2 probation, if, in the opinion of the employer, they have failed  
3 to demonstrate the ability and the qualifications necessary to  
4 furnish satisfactory service, but shall not be discharged from  
5 the superior position if they have previously completed a  
6 probationary period in an inferior position in the promotional  
7 line.

8 Whenever a person is promoted to a superior position in the  
9 promotional line prior to the completion of the probationary  
10 period in any one of the positions in the classified civil  
11 service under the University System, total service in the  
12 inferior position and in all such superior positions shall be  
13 combined to establish certified status and seniority in the  
14 inferior position.

15 (Source: P.A. 82-524.)

16 (110 ILCS 70/36o) (from Ch. 24 1/2, par. 38b14)

17 Sec. 36o. Demotion, removal, and discharge. After the  
18 completion of his or her probationary period, no employee shall  
19 be demoted, removed or discharged except for just cause, upon  
20 written charges, and after an opportunity to be heard in his or  
21 her own defense if he or she makes a written request for a  
22 hearing to the Merit Board within 15 days after the serving of  
23 the written charges upon him or her. Upon the filing of such a  
24 request for a hearing, the Merit Board shall grant such hearing  
25 to be held within 45 days from the date of the service of the

1 demotion, removal or discharge notice by a hearing board or  
2 hearing officer appointed by the Merit Board. The members of  
3 the hearing board or the hearing officer shall be selected from  
4 among the members of a panel established by the Merit Board  
5 after consultation with the Advisory Committee provided in  
6 Section 36c. The hearing board or hearing officer shall make  
7 and render findings of facts on the charges and transmit to the  
8 Merit Board a transcript of the evidence along with the hearing  
9 board's or hearing officer's findings of fact. The findings of  
10 the hearing board or hearing officer when approved by the Merit  
11 Board shall be certified to the employer. If cause for  
12 demotion, removal or discharge is found, the employee shall be  
13 immediately separated from the service. If cause is not found,  
14 the employee shall forthwith be reassigned to perform the  
15 duties of a position in his or her classification without loss  
16 of compensation. In the course of the hearing, the Executive  
17 Director of the Merit Board shall have power to administer  
18 oaths and to secure by subpoena the attendance and testimony of  
19 witnesses and the production of books and papers relevant to  
20 the inquiry.

21 The provisions of the Administrative Review Law and all  
22 amendments and modification thereof, and the rules adopted  
23 pursuant thereto, shall apply to and govern all proceedings for  
24 the judicial review of final administrative decisions of the  
25 Merit Board hereby created. The term "administrative decision"  
26 is defined as in Section 3-101 of the Code of Civil Procedure.

1 (Source: P.A. 95-113, eff. 8-13-07.)

2 (110 ILCS 70/36t new)

3 Sec. 36t. General provisions.

4 (a) Open Meetings Act. The Merit Board and any committees  
5 and subdivisions thereof shall be subject to all provisions of  
6 the Open Meetings Act. The Merit Board is a "public body"  
7 within the meaning of that term as set forth in the Open  
8 Meetings Act.

9 (b) State Records Act. The Merit Board and any committees  
10 and subdivisions thereof shall be subject to all provisions of  
11 the State Records Act. The Merit Board is an "agency" within  
12 the meaning of that term as set forth in the State Records Act.

13 (c) Illinois Administrative Procedure Act. Notwithstanding  
14 any provision of law to the contrary, any authority granted to  
15 the Merit Board to make and publish rules is strictly limited  
16 to the requirements of the Illinois Administrative Procedure  
17 Act, and no authority for the Merit Board to make and publish  
18 rules exists outside of the requirements of the Illinois  
19 Administrative Procedure Act. The Merit Board is an "agency"  
20 within the meaning of that term as set forth in the Illinois  
21 Administrative Procedure Act."