



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5935

by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3	from Ch. 48, par. 1603
5 ILCS 315/7	from Ch. 48, par. 1607
20 ILCS 2405/3	from Ch. 23, par. 3434
20 ILCS 2405/5b new	
20 ILCS 1705/18.7 rep.	

Amends the Illinois Public Labor Relations Act. Removes all references to personal care attendants. Amends the Disabled Persons Rehabilitation Act. In provisions concerning the Department of Human Services' Home Services Program, removes the changes made to those provisions by Public Acts 97-732 and 97-1158 and reinserts and reconciles those changes with the changes made by Public Act 97-1019 as follows: Removes references to personal care attendants. Requires the Department to set rates and fees under the Home Services Program in a fair and equitable manner and to pay the same rate for services identical to those offered by the Department on Aging. Provides that home care and home health workers who function as personal assistants and individual maintenance home health workers under the Department's Home Services Program shall be considered public employees under the Illinois Public Relations Act. Requires the State to engage in collective bargaining with an exclusive representative of home care and home health workers who function as personal assistants and individual maintenance home health workers working under the Home Services Program. Makes other changes. Transfers provisions concerning the Home Services Medicaid Trust Fund from the Mental Health and Developmental Disabilities Administrative Act to the Disabled Persons Rehabilitation Act. Effective immediately.

LRB098 17728 KTG 54974 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Illinois Public Labor Relations Act is
5 amended by changing Sections 3 and 7 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,
10 with respect to a matter over which the jurisdiction of the
11 Board is assigned to the State Panel or the Local Panel under
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms
14 and conditions of employment, including hours, wages, and other
15 conditions of employment, as detailed in Section 7 and which
16 are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in the
18 regular course of his or her duties, assists and acts in a
19 confidential capacity to persons who formulate, determine, and
20 effectuate management policies with regard to labor relations
21 or who, in the regular course of his or her duties, has
22 authorized access to information relating to the effectuation
23 or review of the employer's collective bargaining policies.

1 (d) "Craft employees" means skilled journeymen, crafts
2 persons, and their apprentices and helpers.

3 (e) "Essential services employees" means those public
4 employees performing functions so essential that the
5 interruption or termination of the function will constitute a
6 clear and present danger to the health and safety of the
7 persons in the affected community.

8 (f) "Exclusive representative", except with respect to
9 non-State fire fighters and paramedics employed by fire
10 departments and fire protection districts, non-State peace
11 officers, and peace officers in the Department of State Police,
12 means the labor organization that has been (i) designated by
13 the Board as the representative of a majority of public
14 employees in an appropriate bargaining unit in accordance with
15 the procedures contained in this Act, (ii) historically
16 recognized by the State of Illinois or any political
17 subdivision of the State before July 1, 1984 (the effective
18 date of this Act) as the exclusive representative of the
19 employees in an appropriate bargaining unit, (iii) after July
20 1, 1984 (the effective date of this Act) recognized by an
21 employer upon evidence, acceptable to the Board, that the labor
22 organization has been designated as the exclusive
23 representative by a majority of the employees in an appropriate
24 bargaining unit; (iv) recognized as the exclusive
25 representative of ~~personal care attendants~~ or personal
26 assistants under Executive Order 2003-8 prior to the effective

1 date of this amendatory Act of the 93rd General Assembly, and
2 the organization shall be considered to be the exclusive
3 representative of the ~~personal care attendants or~~ personal
4 assistants as defined in this Section; or (v) recognized as the
5 exclusive representative of child and day care home providers,
6 including licensed and license exempt providers, pursuant to an
7 election held under Executive Order 2005-1 prior to the
8 effective date of this amendatory Act of the 94th General
9 Assembly, and the organization shall be considered to be the
10 exclusive representative of the child and day care home
11 providers as defined in this Section.

12 With respect to non-State fire fighters and paramedics
13 employed by fire departments and fire protection districts,
14 non-State peace officers, and peace officers in the Department
15 of State Police, "exclusive representative" means the labor
16 organization that has been (i) designated by the Board as the
17 representative of a majority of peace officers or fire fighters
18 in an appropriate bargaining unit in accordance with the
19 procedures contained in this Act, (ii) historically recognized
20 by the State of Illinois or any political subdivision of the
21 State before January 1, 1986 (the effective date of this
22 amendatory Act of 1985) as the exclusive representative by a
23 majority of the peace officers or fire fighters in an
24 appropriate bargaining unit, or (iii) after January 1, 1986
25 (the effective date of this amendatory Act of 1985) recognized
26 by an employer upon evidence, acceptable to the Board, that the

1 labor organization has been designated as the exclusive
2 representative by a majority of the peace officers or fire
3 fighters in an appropriate bargaining unit.

4 Where a historical pattern of representation exists for the
5 workers of a water system that was owned by a public utility,
6 as defined in Section 3-105 of the Public Utilities Act, prior
7 to becoming certified employees of a municipality or
8 municipalities once the municipality or municipalities have
9 acquired the water system as authorized in Section 11-124-5 of
10 the Illinois Municipal Code, the Board shall find the labor
11 organization that has historically represented the workers to
12 be the exclusive representative under this Act, and shall find
13 the unit represented by the exclusive representative to be the
14 appropriate unit.

15 (g) "Fair share agreement" means an agreement between the
16 employer and an employee organization under which all or any of
17 the employees in a collective bargaining unit are required to
18 pay their proportionate share of the costs of the collective
19 bargaining process, contract administration, and pursuing
20 matters affecting wages, hours, and other conditions of
21 employment, but not to exceed the amount of dues uniformly
22 required of members. The amount certified by the exclusive
23 representative shall not include any fees for contributions
24 related to the election or support of any candidate for
25 political office. Nothing in this subsection (g) shall preclude
26 an employee from making voluntary political contributions in

1 conjunction with his or her fair share payment.

2 (g-1) "Fire fighter" means, for the purposes of this Act
3 only, any person who has been or is hereafter appointed to a
4 fire department or fire protection district or employed by a
5 state university and sworn or commissioned to perform fire
6 fighter duties or paramedic duties, except that the following
7 persons are not included: part-time fire fighters, auxiliary,
8 reserve or voluntary fire fighters, including paid on-call fire
9 fighters, clerks and dispatchers or other civilian employees of
10 a fire department or fire protection district who are not
11 routinely expected to perform fire fighter duties, or elected
12 officials.

13 (g-2) "General Assembly of the State of Illinois" means the
14 legislative branch of the government of the State of Illinois,
15 as provided for under Article IV of the Constitution of the
16 State of Illinois, and includes but is not limited to the House
17 of Representatives, the Senate, the Speaker of the House of
18 Representatives, the Minority Leader of the House of
19 Representatives, the President of the Senate, the Minority
20 Leader of the Senate, the Joint Committee on Legislative
21 Support Services and any legislative support services agency
22 listed in the Legislative Commission Reorganization Act of
23 1984.

24 (h) "Governing body" means, in the case of the State, the
25 State Panel of the Illinois Labor Relations Board, the Director
26 of the Department of Central Management Services, and the

1 Director of the Department of Labor; the county board in the
2 case of a county; the corporate authorities in the case of a
3 municipality; and the appropriate body authorized to provide
4 for expenditures of its funds in the case of any other unit of
5 government.

6 (i) "Labor organization" means any organization in which
7 public employees participate and that exists for the purpose,
8 in whole or in part, of dealing with a public employer
9 concerning wages, hours, and other terms and conditions of
10 employment, including the settlement of grievances.

11 (i-5) "Legislative liaison" means a person who is an
12 employee of a State agency, the Attorney General, the Secretary
13 of State, the Comptroller, or the Treasurer, as the case may
14 be, and whose job duties require the person to regularly
15 communicate in the course of his or her employment with any
16 official or staff of the General Assembly of the State of
17 Illinois for the purpose of influencing any legislative action.

18 (j) "Managerial employee" means an individual who is
19 engaged predominantly in executive and management functions
20 and is charged with the responsibility of directing the
21 effectuation of management policies and practices. With
22 respect only to State employees in positions under the
23 jurisdiction of the Attorney General, Secretary of State,
24 Comptroller, or Treasurer (i) that were certified in a
25 bargaining unit on or after December 2, 2008, (ii) for which a
26 petition is filed with the Illinois Public Labor Relations

1 Board on or after April 5, 2013 (the effective date of Public
2 Act 97-1172), or (iii) for which a petition is pending before
3 the Illinois Public Labor Relations Board on that date,
4 "managerial employee" means an individual who is engaged in
5 executive and management functions or who is charged with the
6 effectuation of management policies and practices or who
7 represents management interests by taking or recommending
8 discretionary actions that effectively control or implement
9 policy. Nothing in this definition prohibits an individual from
10 also meeting the definition of "supervisor" under subsection
11 (r) of this Section.

12 (k) "Peace officer" means, for the purposes of this Act
13 only, any persons who have been or are hereafter appointed to a
14 police force, department, or agency and sworn or commissioned
15 to perform police duties, except that the following persons are
16 not included: part-time police officers, special police
17 officers, auxiliary police as defined by Section 3.1-30-20 of
18 the Illinois Municipal Code, night watchmen, "merchant
19 police", court security officers as defined by Section 3-6012.1
20 of the Counties Code, temporary employees, traffic guards or
21 wardens, civilian parking meter and parking facilities
22 personnel or other individuals specially appointed to aid or
23 direct traffic at or near schools or public functions or to aid
24 in civil defense or disaster, parking enforcement employees who
25 are not commissioned as peace officers and who are not armed
26 and who are not routinely expected to effect arrests, parking

1 lot attendants, clerks and dispatchers or other civilian
2 employees of a police department who are not routinely expected
3 to effect arrests, or elected officials.

4 (l) "Person" includes one or more individuals, labor
5 organizations, public employees, associations, corporations,
6 legal representatives, trustees, trustees in bankruptcy,
7 receivers, or the State of Illinois or any political
8 subdivision of the State or governing body, but does not
9 include the General Assembly of the State of Illinois or any
10 individual employed by the General Assembly of the State of
11 Illinois.

12 (m) "Professional employee" means any employee engaged in
13 work predominantly intellectual and varied in character rather
14 than routine mental, manual, mechanical or physical work;
15 involving the consistent exercise of discretion and adjustment
16 in its performance; of such a character that the output
17 produced or the result accomplished cannot be standardized in
18 relation to a given period of time; and requiring advanced
19 knowledge in a field of science or learning customarily
20 acquired by a prolonged course of specialized intellectual
21 instruction and study in an institution of higher learning or a
22 hospital, as distinguished from a general academic education or
23 from apprenticeship or from training in the performance of
24 routine mental, manual, or physical processes; or any employee
25 who has completed the courses of specialized intellectual
26 instruction and study prescribed in this subsection (m) and is

1 performing related work under the supervision of a professional
2 person to qualify to become a professional employee as defined
3 in this subsection (m).

4 (n) "Public employee" or "employee", for the purposes of
5 this Act, means any individual employed by a public employer,
6 including (i) interns and residents at public hospitals, (ii)
7 as of the effective date of this amendatory Act of the 93rd
8 General Assembly, but not before, ~~personal care attendants and~~
9 personal assistants working under the Home Services Program
10 under Section 3 of the Disabled Persons Rehabilitation Act,
11 subject to the limitations set forth in this Act and in the
12 Disabled Persons Rehabilitation Act, (iii) as of the effective
13 date of this amendatory Act of the 94th General Assembly, but
14 not before, child and day care home providers participating in
15 the child care assistance program under Section 9A-11 of the
16 Illinois Public Aid Code, subject to the limitations set forth
17 in this Act and in Section 9A-11 of the Illinois Public Aid
18 Code, (iv) as of January 29, 2013 (the effective date of Public
19 Act 97-1158), but not before except as otherwise provided in
20 this subsection (n), home care and home health workers who
21 function as ~~personal care attendants,~~ personal assistants, and
22 individual maintenance home health workers and who also work
23 under the Home Services Program under Section 3 of the Disabled
24 Persons Rehabilitation Act, no matter whether the State
25 provides those services through direct fee-for-service
26 arrangements, with the assistance of a managed care

1 organization or other intermediary, or otherwise, (v)
2 beginning on the effective date of this amendatory Act of the
3 98th General Assembly and notwithstanding any other provision
4 of this Act, any person employed by a public employer and who
5 is classified as or who holds the employment title of Chief
6 Stationary Engineer, Assistant Chief Stationary Engineer,
7 Sewage Plant Operator, Water Plant Operator, Stationary
8 Engineer, Plant Operating Engineer, and any other employee who
9 holds the position of: Civil Engineer V, Civil Engineer VI,
10 Civil Engineer VII, Technical Manager I, Technical Manager II,
11 Technical Manager III, Technical Manager IV, Technical Manager
12 V, Technical Manager VI, Realty Specialist III, Realty
13 Specialist IV, Realty Specialist V, Technical Advisor I,
14 Technical Advisor II, Technical Advisor III, Technical Advisor
15 IV, or Technical Advisor V employed by the Department of
16 Transportation who is in a position which is certified in a
17 bargaining unit on or before the effective date of this
18 amendatory Act of the 98th General Assembly, and (vi) beginning
19 on the effective date of this amendatory Act of the 98th
20 General Assembly and notwithstanding any other provision of
21 this Act, any mental health administrator in the Department of
22 Corrections who is classified as or who holds the position of
23 Public Service Administrator (Option 8K), any employee of the
24 Office of the Inspector General in the Department of Human
25 Services who is classified as or who holds the position of
26 Public Service Administrator (Option 7), any Deputy of

1 Intelligence in the Department of Corrections who is classified
2 as or who holds the position of Public Service Administrator
3 (Option 7), and any employee of the Department of State Police
4 who handles issues concerning the Illinois State Police Sex
5 Offender Registry and who is classified as or holds the
6 position of Public Service Administrator (Option 7), but
7 excluding all of the following: employees of the General
8 Assembly of the State of Illinois; elected officials; executive
9 heads of a department; members of boards or commissions; the
10 Executive Inspectors General; any special Executive Inspectors
11 General; employees of each Office of an Executive Inspector
12 General; commissioners and employees of the Executive Ethics
13 Commission; the Auditor General's Inspector General; employees
14 of the Office of the Auditor General's Inspector General; the
15 Legislative Inspector General; any special Legislative
16 Inspectors General; employees of the Office of the Legislative
17 Inspector General; commissioners and employees of the
18 Legislative Ethics Commission; employees of any agency, board
19 or commission created by this Act; employees appointed to State
20 positions of a temporary or emergency nature; all employees of
21 school districts and higher education institutions except
22 firefighters and peace officers employed by a state university
23 and except peace officers employed by a school district in its
24 own police department in existence on the effective date of
25 this amendatory Act of the 96th General Assembly; managerial
26 employees; short-term employees; legislative liaisons; a

1 person who is a State employee under the jurisdiction of the
2 Office of the Attorney General who is licensed to practice law
3 or whose position authorizes, either directly or indirectly,
4 meaningful input into government decision-making on issues
5 where there is room for principled disagreement on goals or
6 their implementation; a person who is a State employee under
7 the jurisdiction of the Office of the Comptroller who holds the
8 position of Public Service Administrator or whose position is
9 otherwise exempt under the Comptroller Merit Employment Code; a
10 person who is a State employee under the jurisdiction of the
11 Secretary of State who holds the position classification of
12 Executive I or higher, whose position authorizes, either
13 directly or indirectly, meaningful input into government
14 decision-making on issues where there is room for principled
15 disagreement on goals or their implementation, or who is
16 otherwise exempt under the Secretary of State Merit Employment
17 Code; employees in the Office of the Secretary of State who are
18 completely exempt from jurisdiction B of the Secretary of State
19 Merit Employment Code and who are in Rutan-exempt positions on
20 or after April 5, 2013 (the effective date of Public Act
21 97-1172); a person who is a State employee under the
22 jurisdiction of the Treasurer who holds a position that is
23 exempt from the State Treasurer Employment Code; any employee
24 of a State agency who (i) holds the title or position of, or
25 exercises substantially similar duties as a legislative
26 liaison, Agency General Counsel, Agency Chief of Staff, Agency

1 Executive Director, Agency Deputy Director, Agency Chief
2 Fiscal Officer, Agency Human Resources Director, Public
3 Information Officer, or Chief Information Officer and (ii) was
4 neither included in a bargaining unit nor subject to an active
5 petition for certification in a bargaining unit; any employee
6 of a State agency who (i) is in a position that is
7 Rutan-exempt, as designated by the employer, and completely
8 exempt from jurisdiction B of the Personnel Code and (ii) was
9 neither included in a bargaining unit nor subject to an active
10 petition for certification in a bargaining unit; any term
11 appointed employee of a State agency pursuant to Section 8b.18
12 or 8b.19 of the Personnel Code who was neither included in a
13 bargaining unit nor subject to an active petition for
14 certification in a bargaining unit; any employment position
15 properly designated pursuant to Section 6.1 of this Act;
16 confidential employees; independent contractors; and
17 supervisors except as provided in this Act.

18 Home care and home health workers who function as ~~personal~~
19 ~~care attendants,~~ personal assistants, and individual
20 maintenance home health workers and who also work under the
21 Home Services Program under Section 3 of the Disabled Persons
22 Rehabilitation Act shall not be considered public employees for
23 any purposes not specifically provided for in Public Act 93-204
24 or Public Act 97-1158, including but not limited to, purposes
25 of vicarious liability in tort and purposes of statutory
26 retirement or health insurance benefits. Home care and home

1 health workers who function as ~~personal care attendants,~~
2 personal assistants~~,~~ and individual maintenance home health
3 workers and who also work under the Home Services Program under
4 Section 3 of the Disabled Persons Rehabilitation Act shall not
5 be covered by the State Employees Group Insurance Act of 1971
6 (5 ILCS 375/).

7 Child and day care home providers shall not be considered
8 public employees for any purposes not specifically provided for
9 in this amendatory Act of the 94th General Assembly, including
10 but not limited to, purposes of vicarious liability in tort and
11 purposes of statutory retirement or health insurance benefits.
12 Child and day care home providers shall not be covered by the
13 State Employees Group Insurance Act of 1971.

14 Notwithstanding Section 9, subsection (c), or any other
15 provisions of this Act, all peace officers above the rank of
16 captain in municipalities with more than 1,000,000 inhabitants
17 shall be excluded from this Act.

18 (o) Except as otherwise in subsection (o-5), "public
19 employer" or "employer" means the State of Illinois; any
20 political subdivision of the State, unit of local government or
21 school district; authorities including departments, divisions,
22 bureaus, boards, commissions, or other agencies of the
23 foregoing entities; and any person acting within the scope of
24 his or her authority, express or implied, on behalf of those
25 entities in dealing with its employees. As of the effective
26 date of the amendatory Act of the 93rd General Assembly, but

1 not before, the State of Illinois shall be considered the
2 employer of the ~~personal care attendants~~ and personal
3 assistants working under the Home Services Program under
4 Section 3 of the Disabled Persons Rehabilitation Act, subject
5 to the limitations set forth in this Act and in the Disabled
6 Persons Rehabilitation Act. As of January 29, 2013 (the
7 effective date of Public Act 97-1158), but not before except as
8 otherwise provided in this subsection (o), the State shall be
9 considered the employer of home care and home health workers
10 who function as ~~personal care attendants~~, personal assistants,
11 and individual maintenance home health workers and who also
12 work under the Home Services Program under Section 3 of the
13 Disabled Persons Rehabilitation Act, no matter whether the
14 State provides those services through direct fee-for-service
15 arrangements, with the assistance of a managed care
16 organization or other intermediary, or otherwise, but subject
17 to the limitations set forth in this Act and the Disabled
18 Persons Rehabilitation Act. The State shall not be considered
19 to be the employer of home care and home health workers who
20 function as ~~personal care attendants~~, personal assistants, and
21 individual maintenance home health workers and who also work
22 under the Home Services Program under Section 3 of the Disabled
23 Persons Rehabilitation Act, for any purposes not specifically
24 provided for in Public Act 93-204 or Public Act 97-1158,
25 including but not limited to, purposes of vicarious liability
26 in tort and purposes of statutory retirement or health

1 insurance benefits. Home care and home health workers who
2 function as ~~personal care attendants,~~ personal assistants, and
3 individual maintenance home health workers and who also work
4 under the Home Services Program under Section 3 of the Disabled
5 Persons Rehabilitation Act shall not be covered by the State
6 Employees Group Insurance Act of 1971 (5 ILCS 375/). As of the
7 effective date of this amendatory Act of the 94th General
8 Assembly but not before, the State of Illinois shall be
9 considered the employer of the day and child care home
10 providers participating in the child care assistance program
11 under Section 9A-11 of the Illinois Public Aid Code, subject to
12 the limitations set forth in this Act and in Section 9A-11 of
13 the Illinois Public Aid Code. The State shall not be considered
14 to be the employer of child and day care home providers for any
15 purposes not specifically provided for in this amendatory Act
16 of the 94th General Assembly, including but not limited to,
17 purposes of vicarious liability in tort and purposes of
18 statutory retirement or health insurance benefits. Child and
19 day care home providers shall not be covered by the State
20 Employees Group Insurance Act of 1971.

21 "Public employer" or "employer" as used in this Act,
22 however, does not mean and shall not include the General
23 Assembly of the State of Illinois, the Executive Ethics
24 Commission, the Offices of the Executive Inspectors General,
25 the Legislative Ethics Commission, the Office of the
26 Legislative Inspector General, the Office of the Auditor

1 General's Inspector General, the Office of the Governor, the
2 Governor's Office of Management and Budget, the Illinois
3 Finance Authority, the Office of the Lieutenant Governor, the
4 State Board of Elections, and educational employers or
5 employers as defined in the Illinois Educational Labor
6 Relations Act, except with respect to a state university in its
7 employment of firefighters and peace officers and except with
8 respect to a school district in the employment of peace
9 officers in its own police department in existence on the
10 effective date of this amendatory Act of the 96th General
11 Assembly. County boards and county sheriffs shall be designated
12 as joint or co-employers of county peace officers appointed
13 under the authority of a county sheriff. Nothing in this
14 subsection (o) shall be construed to prevent the State Panel or
15 the Local Panel from determining that employers are joint or
16 co-employers.

17 (o-5) With respect to wages, fringe benefits, hours,
18 holidays, vacations, proficiency examinations, sick leave, and
19 other conditions of employment, the public employer of public
20 employees who are court reporters, as defined in the Court
21 Reporters Act, shall be determined as follows:

22 (1) For court reporters employed by the Cook County
23 Judicial Circuit, the chief judge of the Cook County
24 Circuit Court is the public employer and employer
25 representative.

26 (2) For court reporters employed by the 12th, 18th,

1 19th, and, on and after December 4, 2006, the 22nd judicial
2 circuits, a group consisting of the chief judges of those
3 circuits, acting jointly by majority vote, is the public
4 employer and employer representative.

5 (3) For court reporters employed by all other judicial
6 circuits, a group consisting of the chief judges of those
7 circuits, acting jointly by majority vote, is the public
8 employer and employer representative.

9 (p) "Security employee" means an employee who is
10 responsible for the supervision and control of inmates at
11 correctional facilities. The term also includes other
12 non-security employees in bargaining units having the majority
13 of employees being responsible for the supervision and control
14 of inmates at correctional facilities.

15 (q) "Short-term employee" means an employee who is employed
16 for less than 2 consecutive calendar quarters during a calendar
17 year and who does not have a reasonable assurance that he or
18 she will be rehired by the same employer for the same service
19 in a subsequent calendar year.

20 (q-5) "State agency" means an agency directly responsible
21 to the Governor, as defined in Section 3.1 of the Executive
22 Reorganization Implementation Act, and the Illinois Commerce
23 Commission, the Illinois Workers' Compensation Commission, the
24 Civil Service Commission, the Pollution Control Board, the
25 Illinois Racing Board, and the Department of State Police Merit
26 Board.

1 (r) "Supervisor" is:

2 (1) An employee whose principal work is substantially
3 different from that of his or her subordinates and who has
4 authority, in the interest of the employer, to hire,
5 transfer, suspend, lay off, recall, promote, discharge,
6 direct, reward, or discipline employees, to adjust their
7 grievances, or to effectively recommend any of those
8 actions, if the exercise of that authority is not of a
9 merely routine or clerical nature, but requires the
10 consistent use of independent judgment. Except with
11 respect to police employment, the term "supervisor"
12 includes only those individuals who devote a preponderance
13 of their employment time to exercising that authority,
14 State supervisors notwithstanding. Nothing in this
15 definition prohibits an individual from also meeting the
16 definition of "managerial employee" under subsection (j)
17 of this Section. In addition, in determining supervisory
18 status in police employment, rank shall not be
19 determinative. The Board shall consider, as evidence of
20 bargaining unit inclusion or exclusion, the common law
21 enforcement policies and relationships between police
22 officer ranks and certification under applicable civil
23 service law, ordinances, personnel codes, or Division 2.1
24 of Article 10 of the Illinois Municipal Code, but these
25 factors shall not be the sole or predominant factors
26 considered by the Board in determining police supervisory

1 status.

2 Notwithstanding the provisions of the preceding
3 paragraph, in determining supervisory status in fire
4 fighter employment, no fire fighter shall be excluded as a
5 supervisor who has established representation rights under
6 Section 9 of this Act. Further, in new fire fighter units,
7 employees shall consist of fire fighters of the rank of
8 company officer and below. If a company officer otherwise
9 qualifies as a supervisor under the preceding paragraph,
10 however, he or she shall not be included in the fire
11 fighter unit. If there is no rank between that of chief and
12 the highest company officer, the employer may designate a
13 position on each shift as a Shift Commander, and the
14 persons occupying those positions shall be supervisors.
15 All other ranks above that of company officer shall be
16 supervisors.

17 (2) With respect only to State employees in positions
18 under the jurisdiction of the Attorney General, Secretary
19 of State, Comptroller, or Treasurer (i) that were certified
20 in a bargaining unit on or after December 2, 2008, (ii) for
21 which a petition is filed with the Illinois Public Labor
22 Relations Board on or after April 5, 2013 (the effective
23 date of Public Act 97-1172), or (iii) for which a petition
24 is pending before the Illinois Public Labor Relations Board
25 on that date, an employee who qualifies as a supervisor
26 under (A) Section 152 of the National Labor Relations Act

1 and (B) orders of the National Labor Relations Board
2 interpreting that provision or decisions of courts
3 reviewing decisions of the National Labor Relations Board.

4 (s) (1) "Unit" means a class of jobs or positions that are
5 held by employees whose collective interests may suitably be
6 represented by a labor organization for collective bargaining.
7 Except with respect to non-State fire fighters and paramedics
8 employed by fire departments and fire protection districts,
9 non-State peace officers, and peace officers in the Department
10 of State Police, a bargaining unit determined by the Board
11 shall not include both employees and supervisors, or
12 supervisors only, except as provided in paragraph (2) of this
13 subsection (s) and except for bargaining units in existence on
14 July 1, 1984 (the effective date of this Act). With respect to
15 non-State fire fighters and paramedics employed by fire
16 departments and fire protection districts, non-State peace
17 officers, and peace officers in the Department of State Police,
18 a bargaining unit determined by the Board shall not include
19 both supervisors and nonsupervisors, or supervisors only,
20 except as provided in paragraph (2) of this subsection (s) and
21 except for bargaining units in existence on January 1, 1986
22 (the effective date of this amendatory Act of 1985). A
23 bargaining unit determined by the Board to contain peace
24 officers shall contain no employees other than peace officers
25 unless otherwise agreed to by the employer and the labor
26 organization or labor organizations involved. Notwithstanding

1 any other provision of this Act, a bargaining unit, including a
2 historical bargaining unit, containing sworn peace officers of
3 the Department of Natural Resources (formerly designated the
4 Department of Conservation) shall contain no employees other
5 than such sworn peace officers upon the effective date of this
6 amendatory Act of 1990 or upon the expiration date of any
7 collective bargaining agreement in effect upon the effective
8 date of this amendatory Act of 1990 covering both such sworn
9 peace officers and other employees.

10 (2) Notwithstanding the exclusion of supervisors from
11 bargaining units as provided in paragraph (1) of this
12 subsection (s), a public employer may agree to permit its
13 supervisory employees to form bargaining units and may bargain
14 with those units. This Act shall apply if the public employer
15 chooses to bargain under this subsection.

16 (3) Public employees who are court reporters, as defined in
17 the Court Reporters Act, shall be divided into 3 units for
18 collective bargaining purposes. One unit shall be court
19 reporters employed by the Cook County Judicial Circuit; one
20 unit shall be court reporters employed by the 12th, 18th, 19th,
21 and, on and after December 4, 2006, the 22nd judicial circuits;
22 and one unit shall be court reporters employed by all other
23 judicial circuits.

24 (t) "Active petition for certification in a bargaining
25 unit" means a petition for certification filed with the Board
26 under one of the following case numbers: S-RC-11-110;

1 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
2 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
3 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
4 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
5 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
6 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
7 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
8 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
9 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
10 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
11 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
12 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
13 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
14 S-RC-07-100.
15 (Source: P.A. 97-586, eff. 8-26-11; 97-1158, eff. 1-29-13;
16 97-1172, eff. 4-5-13; 98-100, eff. 7-19-13.)

17 (5 ILCS 315/7) (from Ch. 48, par. 1607)

18 Sec. 7. Duty to bargain. A public employer and the
19 exclusive representative have the authority and the duty to
20 bargain collectively set forth in this Section.

21 For the purposes of this Act, "to bargain collectively"
22 means the performance of the mutual obligation of the public
23 employer or his designated representative and the
24 representative of the public employees to meet at reasonable
25 times, including meetings in advance of the budget-making

1 process, and to negotiate in good faith with respect to wages,
2 hours, and other conditions of employment, not excluded by
3 Section 4 of this Act, or the negotiation of an agreement, or
4 any question arising thereunder and the execution of a written
5 contract incorporating any agreement reached if requested by
6 either party, but such obligation does not compel either party
7 to agree to a proposal or require the making of a concession.

8 The duty "to bargain collectively" shall also include an
9 obligation to negotiate over any matter with respect to wages,
10 hours and other conditions of employment, not specifically
11 provided for in any other law or not specifically in violation
12 of the provisions of any law. If any other law pertains, in
13 part, to a matter affecting the wages, hours and other
14 conditions of employment, such other law shall not be construed
15 as limiting the duty "to bargain collectively" and to enter
16 into collective bargaining agreements containing clauses which
17 either supplement, implement, or relate to the effect of such
18 provisions in other laws.

19 The duty "to bargain collectively" shall also include
20 negotiations as to the terms of a collective bargaining
21 agreement. The parties may, by mutual agreement, provide for
22 arbitration of impasses resulting from their inability to agree
23 upon wages, hours and terms and conditions of employment to be
24 included in a collective bargaining agreement. Such
25 arbitration provisions shall be subject to the Illinois
26 "Uniform Arbitration Act" unless agreed by the parties.

1 The duty "to bargain collectively" shall also mean that no
2 party to a collective bargaining contract shall terminate or
3 modify such contract, unless the party desiring such
4 termination or modification:

5 (1) serves a written notice upon the other party to the
6 contract of the proposed termination or modification 60
7 days prior to the expiration date thereof, or in the event
8 such contract contains no expiration date, 60 days prior to
9 the time it is proposed to make such termination or
10 modification;

11 (2) offers to meet and confer with the other party for
12 the purpose of negotiating a new contract or a contract
13 containing the proposed modifications;

14 (3) notifies the Board within 30 days after such notice
15 of the existence of a dispute, provided no agreement has
16 been reached by that time; and

17 (4) continues in full force and effect, without
18 resorting to strike or lockout, all the terms and
19 conditions of the existing contract for a period of 60 days
20 after such notice is given to the other party or until the
21 expiration date of such contract, whichever occurs later.

22 The duties imposed upon employers, employees and labor
23 organizations by paragraphs (2), (3) and (4) shall become
24 inapplicable upon an intervening certification of the Board,
25 under which the labor organization, which is a party to the
26 contract, has been superseded as or ceased to be the exclusive

1 representative of the employees pursuant to the provisions of
2 subsection (a) of Section 9, and the duties so imposed shall
3 not be construed as requiring either party to discuss or agree
4 to any modification of the terms and conditions contained in a
5 contract for a fixed period, if such modification is to become
6 effective before such terms and conditions can be reopened
7 under the provisions of the contract.

8 Collective bargaining for home care and home health workers
9 who function as ~~personal care attendants~~, personal assistants,
10 and individual maintenance home health workers under the Home
11 Services Program shall be limited to the terms and conditions
12 of employment under the State's control, as defined in Public
13 Act 93-204 or this amendatory Act of the 97th General Assembly,
14 as applicable.

15 Collective bargaining for child and day care home providers
16 under the child care assistance program shall be limited to the
17 terms and conditions of employment under the State's control,
18 as defined in this amendatory Act of the 94th General Assembly.

19 Notwithstanding any other provision of this Section,
20 whenever collective bargaining is for the purpose of
21 establishing an initial agreement following original
22 certification of units with fewer than 35 employees, with
23 respect to public employees other than peace officers, fire
24 fighters, and security employees, the following apply:

- 25 (1) Not later than 10 days after receiving a written
26 request for collective bargaining from a labor

1 organization that has been newly certified as a
2 representative as defined in Section 6(c), or within such
3 further period as the parties agree upon, the parties shall
4 meet and commence to bargain collectively and shall make
5 every reasonable effort to conclude and sign a collective
6 bargaining agreement.

7 (2) If anytime after the expiration of the 90-day
8 period beginning on the date on which bargaining is
9 commenced the parties have failed to reach an agreement,
10 either party may notify the Illinois Public Labor Relations
11 Board of the existence of a dispute and request mediation
12 in accordance with the provisions of Section 14 of this
13 Act.

14 (3) If after the expiration of the 30-day period
15 beginning on the date on which mediation commenced, or such
16 additional period as the parties may agree upon, the
17 mediator is not able to bring the parties to agreement by
18 conciliation, either the exclusive representative of the
19 employees or the employer may request of the other, in
20 writing, arbitration and shall submit a copy of the request
21 to the board. Upon submission of the request for
22 arbitration, the parties shall be required to participate
23 in the impasse arbitration procedures set forth in Section
24 14 of this Act, except the right to strike shall not be
25 considered waived pursuant to Section 17 of this Act, until
26 the actual convening of the arbitration hearing.

1 (Source: P.A. 96-598, eff. 1-1-10; 97-1158, eff. 1-29-13.)

2 Section 10. The Disabled Persons Rehabilitation Act is
3 amended by is amended by changing Section 3 and by adding
4 Section 5b as follows:

5 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

6 (Text of Section from P.A. 97-732)

7 ~~Sec. 3. Powers and duties. The Department shall have the~~
8 ~~powers and duties enumerated herein:~~

9 ~~(a) To co-operate with the federal government in the~~
10 ~~administration of the provisions of the federal Rehabilitation~~
11 ~~Act of 1973, as amended, of the Workforce Investment Act of~~
12 ~~1998, and of the federal Social Security Act to the extent and~~
13 ~~in the manner provided in these Acts.~~

14 ~~(b) To prescribe and supervise such courses of vocational~~
15 ~~training and provide such other services as may be necessary~~
16 ~~for the habilitation and rehabilitation of persons with one or~~
17 ~~more disabilities, including the administrative activities~~
18 ~~under subsection (c) of this Section, and to co-operate with~~
19 ~~State and local school authorities and other recognized~~
20 ~~agencies engaged in habilitation, rehabilitation and~~
21 ~~comprehensive rehabilitation services; and to cooperate with~~
22 ~~the Department of Children and Family Services regarding the~~
23 ~~care and education of children with one or more disabilities.~~

24 ~~(c) (Blank).~~

1 ~~(d) To report in writing, to the Governor, annually on or~~
2 ~~before the first day of December, and at such other times and~~
3 ~~in such manner and upon such subjects as the Governor may~~
4 ~~require. The annual report shall contain (1) a statement of the~~
5 ~~existing condition of comprehensive rehabilitation services,~~
6 ~~habilitation and rehabilitation in the State; (2) a statement~~
7 ~~of suggestions and recommendations with reference to the~~
8 ~~development of comprehensive rehabilitation services,~~
9 ~~habilitation and rehabilitation in the State; and (3) an~~
10 ~~itemized statement of the amounts of money received from~~
11 ~~federal, State and other sources, and of the objects and~~
12 ~~purposes to which the respective items of these several amounts~~
13 ~~have been devoted.~~

14 ~~(e) (Blank).~~

15 ~~(f) To establish a program of services to prevent~~
16 ~~unnecessary institutionalization of persons with Alzheimer's~~
17 ~~disease and related disorders or persons in need of long term~~
18 ~~care who are established as blind or disabled as defined by the~~
19 ~~Social Security Act, thereby enabling them to remain in their~~
20 ~~own homes or other living arrangements. Such preventive~~
21 ~~services may include, but are not limited to, any or all of the~~
22 ~~following:~~

23 ~~(1) home health services;~~

24 ~~(2) home nursing services;~~

25 ~~(3) homemaker services;~~

26 ~~(4) chore and housekeeping services;~~

- 1 ~~(5) day care services;~~
2 ~~(6) home delivered meals;~~
3 ~~(7) education in self care;~~
4 ~~(8) personal care services;~~
5 ~~(9) adult day health services;~~
6 ~~(10) habilitation services;~~
7 ~~(11) respite care; or~~
8 ~~(12) other nonmedical social services that may enable~~
9 ~~the person to become self supporting.~~

10 ~~The Department shall establish eligibility standards for~~
11 ~~such services taking into consideration the unique economic and~~
12 ~~social needs of the population for whom they are to be~~
13 ~~provided. Such eligibility standards may be based on the~~
14 ~~recipient's ability to pay for services; provided, however,~~
15 ~~that any portion of a person's income that is equal to or less~~
16 ~~than the "protected income" level shall not be considered by~~
17 ~~the Department in determining eligibility. The "protected~~
18 ~~income" level shall be determined by the Department, shall~~
19 ~~never be less than the federal poverty standard, and shall be~~
20 ~~adjusted each year to reflect changes in the Consumer Price~~
21 ~~Index For All Urban Consumers as determined by the United~~
22 ~~States Department of Labor. The standards must provide that a~~
23 ~~person may have not more than \$10,000 in assets to be eligible~~
24 ~~for the services, and the Department may increase the asset~~
25 ~~limitation by rule. Additionally, in determining the amount and~~
26 ~~nature of services for which a person may qualify,~~

1 ~~consideration shall not be given to the value of cash, property~~
2 ~~or other assets held in the name of the person's spouse~~
3 ~~pursuant to a written agreement dividing marital property into~~
4 ~~equal but separate shares or pursuant to a transfer of the~~
5 ~~person's interest in a home to his spouse, provided that the~~
6 ~~spouse's share of the marital property is not made available to~~
7 ~~the person seeking such services.~~

8 ~~The services shall be provided to eligible persons to~~
9 ~~prevent unnecessary or premature institutionalization, to the~~
10 ~~extent that the cost of the services, together with the other~~
11 ~~personal maintenance expenses of the persons, are reasonably~~
12 ~~related to the standards established for care in a group~~
13 ~~facility appropriate to their condition. These~~
14 ~~non-institutional services, pilot projects or experimental~~
15 ~~facilities may be provided as part of or in addition to those~~
16 ~~authorized by federal law or those funded and administered by~~
17 ~~the Illinois Department on Aging. The Department shall set~~
18 ~~rates and fees for services in a fair and equitable manner.~~
19 ~~Services identical to those offered by the Department on Aging~~
20 ~~shall be paid at the same rate.~~

21 ~~Personal care attendants shall be paid:~~

22 ~~(i) A \$5 per hour minimum rate beginning July 1, 1995.~~

23 ~~(ii) A \$5.30 per hour minimum rate beginning July 1,~~
24 ~~1997.~~

25 ~~(iii) A \$5.40 per hour minimum rate beginning July 1,~~
26 ~~1998.~~

1 ~~Solely for the purposes of coverage under the Illinois~~
2 ~~Public Labor Relations Act (5 ILCS 315/), personal care~~
3 ~~attendants and personal assistants providing services under~~
4 ~~the Department's Home Services Program shall be considered to~~
5 ~~be public employees and the State of Illinois shall be~~
6 ~~considered to be their employer as of the effective date of~~
7 ~~this amendatory Act of the 93rd General Assembly, but not~~
8 ~~before. The State shall engage in collective bargaining with an~~
9 ~~exclusive representative of personal care attendants and~~
10 ~~personal assistants working under the Home Services Program~~
11 ~~concerning their terms and conditions of employment that are~~
12 ~~within the State's control. Nothing in this paragraph shall be~~
13 ~~understood to limit the right of the persons receiving services~~
14 ~~defined in this Section to hire and fire personal care~~
15 ~~attendants and personal assistants or supervise them within the~~
16 ~~limitations set by the Home Services Program. The State shall~~
17 ~~not be considered to be the employer of personal care~~
18 ~~attendants and personal assistants for any purposes not~~
19 ~~specifically provided in this amendatory Act of the 93rd~~
20 ~~General Assembly, including but not limited to, purposes of~~
21 ~~vicarious liability in tort and purposes of statutory~~
22 ~~retirement or health insurance benefits. Personal care~~
23 ~~attendants and personal assistants shall not be covered by the~~
24 ~~State Employees Group Insurance Act of 1971 (5 ILCS 375/).~~

25 ~~The Department shall execute, relative to the nursing home~~
26 ~~prescreening project, as authorized by Section 4.03 of the~~

1 ~~Illinois Act on the Aging, written inter-agency agreements with~~
2 ~~the Department on Aging and the Department of Public Aid (now~~
3 ~~Department of Healthcare and Family Services), to effect the~~
4 ~~following: (i) intake procedures and common eligibility~~
5 ~~criteria for those persons who are receiving non institutional~~
6 ~~services; and (ii) the establishment and development of~~
7 ~~non institutional services in areas of the State where they are~~
8 ~~not currently available or are undeveloped. On and after July~~
9 ~~1, 1996, all nursing home prescreenings for individuals 18~~
10 ~~through 59 years of age shall be conducted by the Department.~~

11 ~~The Department is authorized to establish a system of~~
12 ~~recipient cost sharing for services provided under this~~
13 ~~Section. The cost sharing shall be based upon the recipient's~~
14 ~~ability to pay for services, but in no case shall the~~
15 ~~recipient's share exceed the actual cost of the services~~
16 ~~provided. Protected income shall not be considered by the~~
17 ~~Department in its determination of the recipient's ability to~~
18 ~~pay a share of the cost of services. The level of cost sharing~~
19 ~~shall be adjusted each year to reflect changes in the~~
20 ~~"protected income" level. The Department shall deduct from the~~
21 ~~recipient's share of the cost of services any money expended by~~
22 ~~the recipient for disability related expenses.~~

23 ~~The Department, or the Department's authorized~~
24 ~~representative, shall recover the amount of moneys expended for~~
25 ~~services provided to or in behalf of a person under this~~
26 ~~Section by a claim against the person's estate or against the~~

1 ~~estate of the person's surviving spouse, but no recovery may be~~
2 ~~had until after the death of the surviving spouse, if any, and~~
3 ~~then only at such time when there is no surviving child who is~~
4 ~~under age 21, blind, or permanently and totally disabled. This~~
5 ~~paragraph, however, shall not bar recovery, at the death of the~~
6 ~~person, of moneys for services provided to the person or in~~
7 ~~behalf of the person under this Section to which the person was~~
8 ~~not entitled; provided that such recovery shall not be enforced~~
9 ~~against any real estate while it is occupied as a homestead by~~
10 ~~the surviving spouse or other dependent, if no claims by other~~
11 ~~creditors have been filed against the estate, or, if such~~
12 ~~claims have been filed, they remain dormant for failure of~~
13 ~~prosecution or failure of the claimant to compel administration~~
14 ~~of the estate for the purpose of payment. This paragraph shall~~
15 ~~not bar recovery from the estate of a spouse, under Sections~~
16 ~~1915 and 1924 of the Social Security Act and Section 5-4 of the~~
17 ~~Illinois Public Aid Code, who precedes a person receiving~~
18 ~~services under this Section in death. All moneys for services~~
19 ~~paid to or in behalf of the person under this Section shall be~~
20 ~~claimed for recovery from the deceased spouse's estate.~~
21 ~~"Homestead", as used in this paragraph, means the dwelling~~
22 ~~house and contiguous real estate occupied by a surviving spouse~~
23 ~~or relative, as defined by the rules and regulations of the~~
24 ~~Department of Healthcare and Family Services, regardless of the~~
25 ~~value of the property.~~

26 ~~The Department and the Department on Aging shall cooperate~~

1 ~~in the development and submission of an annual report on~~
2 ~~programs and services provided under this Section. Such joint~~
3 ~~report shall be filed with the Governor and the General~~
4 ~~Assembly on or before March 30 each year.~~

5 ~~The requirement for reporting to the General Assembly shall~~
6 ~~be satisfied by filing copies of the report with the Speaker,~~
7 ~~the Minority Leader and the Clerk of the House of~~
8 ~~Representatives and the President, the Minority Leader and the~~
9 ~~Secretary of the Senate and the Legislative Research Unit, as~~
10 ~~required by Section 3.1 of the General Assembly Organization~~
11 ~~Act, and filing additional copies with the State Government~~
12 ~~Report Distribution Center for the General Assembly as required~~
13 ~~under paragraph (t) of Section 7 of the State Library Act.~~

14 ~~(g) To establish such subdivisions of the Department as~~
15 ~~shall be desirable and assign to the various subdivisions the~~
16 ~~responsibilities and duties placed upon the Department by law.~~

17 ~~(h) To cooperate and enter into any necessary agreements~~
18 ~~with the Department of Employment Security for the provision of~~
19 ~~job placement and job referral services to clients of the~~
20 ~~Department, including job service registration of such clients~~
21 ~~with Illinois Employment Security offices and making job~~
22 ~~listings maintained by the Department of Employment Security~~
23 ~~available to such clients.~~

24 ~~(i) To possess all powers reasonable and necessary for the~~
25 ~~exercise and administration of the powers, duties and~~
26 ~~responsibilities of the Department which are provided for by~~

1 ~~law.~~

2 ~~(j) To establish a procedure whereby new providers of~~
3 ~~personal care attendant services shall submit vouchers to the~~
4 ~~State for payment two times during their first month of~~
5 ~~employment and one time per month thereafter. In no case shall~~
6 ~~the Department pay personal care attendants an hourly wage that~~
7 ~~is less than the federal minimum wage.~~

8 ~~(k) To provide adequate notice to providers of chore and~~
9 ~~housekeeping services informing them that they are entitled to~~
10 ~~an interest payment on bills which are not promptly paid~~
11 ~~pursuant to Section 3 of the State Prompt Payment Act.~~

12 ~~(l) To establish, operate and maintain a Statewide Housing~~
13 ~~Clearinghouse of information on available, government~~
14 ~~subsidized housing accessible to disabled persons and~~
15 ~~available privately owned housing accessible to disabled~~
16 ~~persons. The information shall include but not be limited to~~
17 ~~the location, rental requirements, access features and~~
18 ~~proximity to public transportation of available housing. The~~
19 ~~Clearinghouse shall consist of at least a computerized database~~
20 ~~for the storage and retrieval of information and a separate or~~
21 ~~shared toll free telephone number for use by those seeking~~
22 ~~information from the Clearinghouse. Department offices and~~
23 ~~personnel throughout the State shall also assist in the~~
24 ~~operation of the Statewide Housing Clearinghouse. Cooperation~~
25 ~~with local, State and federal housing managers shall be sought~~
26 ~~and extended in order to frequently and promptly update the~~

1 ~~Clearinghouse's information.~~

2 ~~(m) To assure that the names and case records of persons~~
3 ~~who received or are receiving services from the Department,~~
4 ~~including persons receiving vocational rehabilitation, home~~
5 ~~services, or other services, and those attending one of the~~
6 ~~Department's schools or other supervised facility shall be~~
7 ~~confidential and not be open to the general public. Those case~~
8 ~~records and reports or the information contained in those~~
9 ~~records and reports shall be disclosed by the Director only to~~
10 ~~proper law enforcement officials, individuals authorized by a~~
11 ~~court, the General Assembly or any committee or commission of~~
12 ~~the General Assembly, and other persons and for reasons as the~~
13 ~~Director designates by rule. Disclosure by the Director may be~~
14 ~~only in accordance with other applicable law.~~

15 (Source: P.A. 97-732, eff. 6-30-12.)

16 (Text of Section from P.A. 97-1019)

17 Sec. 3. Powers and duties. The Department shall have the
18 powers and duties enumerated herein:

19 (a) To co-operate with the federal government in the
20 administration of the provisions of the federal Rehabilitation
21 Act of 1973, as amended, of the Workforce Investment Act of
22 1998, and of the federal Social Security Act to the extent and
23 in the manner provided in these Acts.

24 (b) To prescribe and supervise such courses of vocational
25 training and provide such other services as may be necessary

1 for the habilitation and rehabilitation of persons with one or
2 more disabilities, including the administrative activities
3 under subsection (e) of this Section, and to co-operate with
4 State and local school authorities and other recognized
5 agencies engaged in habilitation, rehabilitation and
6 comprehensive rehabilitation services; and to cooperate with
7 the Department of Children and Family Services regarding the
8 care and education of children with one or more disabilities.

9 (c) (Blank).

10 (d) To report in writing, to the Governor, annually on or
11 before the first day of December, and at such other times and
12 in such manner and upon such subjects as the Governor may
13 require. The annual report shall contain (1) a statement of the
14 existing condition of comprehensive rehabilitation services,
15 habilitation and rehabilitation in the State; (2) a statement
16 of suggestions and recommendations with reference to the
17 development of comprehensive rehabilitation services,
18 habilitation and rehabilitation in the State; and (3) an
19 itemized statement of the amounts of money received from
20 federal, State and other sources, and of the objects and
21 purposes to which the respective items of these several amounts
22 have been devoted.

23 (e) (Blank).

24 (f) To establish a program of services to prevent the
25 unnecessary institutionalization of persons in need of long
26 term care and who meet the criteria for blindness or disability

1 as defined by the Social Security Act, thereby enabling them to
2 remain in their own homes. Such preventive services include any
3 or all of the following:

- 4 (1) personal assistant services;
- 5 (2) homemaker services;
- 6 (3) home-delivered meals;
- 7 (4) adult day care services;
- 8 (5) respite care;
- 9 (6) home modification or assistive equipment;
- 10 (7) home health services;
- 11 (8) electronic home response;
- 12 (9) brain injury behavioral/cognitive services;
- 13 (10) brain injury habilitation;
- 14 (11) brain injury pre-vocational services; or
- 15 (12) brain injury supported employment.

16 The Department shall establish eligibility standards for
17 such services taking into consideration the unique economic and
18 social needs of the population for whom they are to be
19 provided. Such eligibility standards may be based on the
20 recipient's ability to pay for services; provided, however,
21 that any portion of a person's income that is equal to or less
22 than the "protected income" level shall not be considered by
23 the Department in determining eligibility. The "protected
24 income" level shall be determined by the Department, shall
25 never be less than the federal poverty standard, and shall be
26 adjusted each year to reflect changes in the Consumer Price

1 Index For All Urban Consumers as determined by the United
2 States Department of Labor. The standards must provide that a
3 person may not have more than \$10,000 in assets to be eligible
4 for the services, and the Department may increase or decrease
5 the asset limitation by rule. The Department may not decrease
6 the asset level below \$10,000.

7 The services shall be provided, as established by the
8 Department by rule, to eligible persons to prevent unnecessary
9 or premature institutionalization, to the extent that the cost
10 of the services, together with the other personal maintenance
11 expenses of the persons, are reasonably related to the
12 standards established for care in a group facility appropriate
13 to their condition. These non-institutional services, pilot
14 projects or experimental facilities may be provided as part of
15 or in addition to those authorized by federal law or those
16 funded and administered by the Illinois Department on Aging.
17 The Department shall set rates and fees for services in a fair
18 and equitable manner. Services identical to those offered by
19 the Department on Aging shall be paid at the same rate.

20 Personal assistants shall be paid at a rate negotiated
21 between the State and an exclusive representative of personal
22 assistants under a collective bargaining agreement. In no case
23 shall the Department pay personal assistants an hourly wage
24 that is less than the federal minimum wage.

25 Solely for the purposes of coverage under the Illinois
26 Public Labor Relations Act (5 ILCS 315/), personal assistants

1 providing services under the Department's Home Services
2 Program shall be considered to be public employees and the
3 State of Illinois shall be considered to be their employer as
4 of the effective date of this amendatory Act of the 93rd
5 General Assembly, but not before. Solely for the purposes of
6 coverage under the Illinois Public Labor Relations Act, home
7 care and home health workers who function as personal
8 assistants and individual maintenance home health workers and
9 who also provide services under the Department's Home Services
10 Program shall be considered to be public employees, no matter
11 whether the State provides such services through direct
12 fee-for-service arrangements, with the assistance of a managed
13 care organization or other intermediary, or otherwise, and the
14 State of Illinois shall be considered to be the employer of
15 those persons as of January 29, 2013 (the effective date of
16 Public Act 97-1158), but not before except as otherwise
17 provided under this subsection (f). The State shall engage in
18 collective bargaining with an exclusive representative of home
19 care and home health workers who function as personal
20 assistants and individual maintenance home health workers
21 working under the Home Services Program concerning their terms
22 and conditions of employment that are within the State's
23 control. Nothing in this paragraph shall be understood to limit
24 the right of the persons receiving services defined in this
25 Section to hire and fire home care and home health workers who
26 function as personal assistants and individual maintenance

1 home health workers working under the Home Services Program or
2 to supervise them within the limitations set by the Home
3 Services Program. The State shall not be considered to be the
4 employer of home care and home health workers who function as
5 personal assistants and individual maintenance home health
6 workers working under the Home Services Program for any
7 purposes not specifically provided in Public Act 93-204 or
8 Public Act 97-1158 ~~this amendatory Act of the 93rd General~~
9 ~~Assembly~~, including but not limited to, purposes of vicarious
10 liability in tort and purposes of statutory retirement or
11 health insurance benefits. Home care and home health workers
12 who function as personal ~~Personal~~ assistants and individual
13 maintenance home health workers and who also provide services
14 under the Department's Home Services Program shall not be
15 covered by the State Employees Group Insurance Act of 1971 (5
16 ILCS 375/).

17 The Department shall execute, relative to nursing home
18 prescreening, as authorized by Section 4.03 of the Illinois Act
19 on the Aging, written inter-agency agreements with the
20 Department on Aging and the Department of Healthcare and Family
21 Services, to effect the intake procedures and eligibility
22 criteria for those persons who may need long term care. On and
23 after July 1, 1996, all nursing home prescreenings for
24 individuals 18 through 59 years of age shall be conducted by
25 the Department, or a designee of the Department.

26 The Department is authorized to establish a system of

1 recipient cost-sharing for services provided under this
2 Section. The cost-sharing shall be based upon the recipient's
3 ability to pay for services, but in no case shall the
4 recipient's share exceed the actual cost of the services
5 provided. Protected income shall not be considered by the
6 Department in its determination of the recipient's ability to
7 pay a share of the cost of services. The level of cost-sharing
8 shall be adjusted each year to reflect changes in the
9 "protected income" level. The Department shall deduct from the
10 recipient's share of the cost of services any money expended by
11 the recipient for disability-related expenses.

12 To the extent permitted under the federal Social Security
13 Act, the Department, or the Department's authorized
14 representative, may recover the amount of moneys expended for
15 services provided to or in behalf of a person under this
16 Section by a claim against the person's estate or against the
17 estate of the person's surviving spouse, but no recovery may be
18 had until after the death of the surviving spouse, if any, and
19 then only at such time when there is no surviving child who is
20 under age 21, blind, or permanently and totally disabled. This
21 paragraph, however, shall not bar recovery, at the death of the
22 person, of moneys for services provided to the person or in
23 behalf of the person under this Section to which the person was
24 not entitled; provided that such recovery shall not be enforced
25 against any real estate while it is occupied as a homestead by
26 the surviving spouse or other dependent, if no claims by other

1 creditors have been filed against the estate, or, if such
2 claims have been filed, they remain dormant for failure of
3 prosecution or failure of the claimant to compel administration
4 of the estate for the purpose of payment. This paragraph shall
5 not bar recovery from the estate of a spouse, under Sections
6 1915 and 1924 of the Social Security Act and Section 5-4 of the
7 Illinois Public Aid Code, who precedes a person receiving
8 services under this Section in death. All moneys for services
9 paid to or in behalf of the person under this Section shall be
10 claimed for recovery from the deceased spouse's estate.
11 "Homestead", as used in this paragraph, means the dwelling
12 house and contiguous real estate occupied by a surviving spouse
13 or relative, as defined by the rules and regulations of the
14 Department of Healthcare and Family Services, regardless of the
15 value of the property.

16 The Department shall submit an annual report on programs
17 and services provided under this Section. The report shall be
18 filed with the Governor and the General Assembly on or before
19 March 30 each year.

20 The requirement for reporting to the General Assembly shall
21 be satisfied by filing copies of the report with the Speaker,
22 the Minority Leader and the Clerk of the House of
23 Representatives and the President, the Minority Leader and the
24 Secretary of the Senate and the Legislative Research Unit, as
25 required by Section 3.1 of the General Assembly Organization
26 Act, and filing additional copies with the State Government

1 Report Distribution Center for the General Assembly as required
2 under paragraph (t) of Section 7 of the State Library Act.

3 (g) To establish such subdivisions of the Department as
4 shall be desirable and assign to the various subdivisions the
5 responsibilities and duties placed upon the Department by law.

6 (h) To cooperate and enter into any necessary agreements
7 with the Department of Employment Security for the provision of
8 job placement and job referral services to clients of the
9 Department, including job service registration of such clients
10 with Illinois Employment Security offices and making job
11 listings maintained by the Department of Employment Security
12 available to such clients.

13 (i) To possess all powers reasonable and necessary for the
14 exercise and administration of the powers, duties and
15 responsibilities of the Department which are provided for by
16 law.

17 (j) (Blank).

18 (k) (Blank).

19 (l) To establish, operate and maintain a Statewide Housing
20 Clearinghouse of information on available, government
21 subsidized housing accessible to disabled persons and
22 available privately owned housing accessible to disabled
23 persons. The information shall include but not be limited to
24 the location, rental requirements, access features and
25 proximity to public transportation of available housing. The
26 Clearinghouse shall consist of at least a computerized database

1 for the storage and retrieval of information and a separate or
2 shared toll free telephone number for use by those seeking
3 information from the Clearinghouse. Department offices and
4 personnel throughout the State shall also assist in the
5 operation of the Statewide Housing Clearinghouse. Cooperation
6 with local, State and federal housing managers shall be sought
7 and extended in order to frequently and promptly update the
8 Clearinghouse's information.

9 (m) To assure that the names and case records of persons
10 who received or are receiving services from the Department,
11 including persons receiving vocational rehabilitation, home
12 services, or other services, and those attending one of the
13 Department's schools or other supervised facility shall be
14 confidential and not be open to the general public. Those case
15 records and reports or the information contained in those
16 records and reports shall be disclosed by the Director only to
17 proper law enforcement officials, individuals authorized by a
18 court, the General Assembly or any committee or commission of
19 the General Assembly, and other persons and for reasons as the
20 Director designates by rule. Disclosure by the Director may be
21 only in accordance with other applicable law.

22 (Source: P.A. 97-1019, eff. 8-17-12.)

23 (Text of Section from P.A. 97-1158)

24 Sec. 3. ~~Powers and duties. The Department shall have the~~
25 ~~powers and duties enumerated herein:~~

1 ~~(a) To co operate with the federal government in the~~
2 ~~administration of the provisions of the federal Rehabilitation~~
3 ~~Act of 1973, as amended, of the Workforce Investment Act of~~
4 ~~1998, and of the federal Social Security Act to the extent and~~
5 ~~in the manner provided in these Acts.~~

6 ~~(b) To prescribe and supervise such courses of vocational~~
7 ~~training and provide such other services as may be necessary~~
8 ~~for the habilitation and rehabilitation of persons with one or~~
9 ~~more disabilities, including the administrative activities~~
10 ~~under subsection (c) of this Section, and to co operate with~~
11 ~~State and local school authorities and other recognized~~
12 ~~agencies engaged in habilitation, rehabilitation and~~
13 ~~comprehensive rehabilitation services; and to cooperate with~~
14 ~~the Department of Children and Family Services regarding the~~
15 ~~care and education of children with one or more disabilities.~~

16 ~~(c) (Blank).~~

17 ~~(d) To report in writing, to the Governor, annually on or~~
18 ~~before the first day of December, and at such other times and~~
19 ~~in such manner and upon such subjects as the Governor may~~
20 ~~require. The annual report shall contain (1) a statement of the~~
21 ~~existing condition of comprehensive rehabilitation services,~~
22 ~~habilitation and rehabilitation in the State; (2) a statement~~
23 ~~of suggestions and recommendations with reference to the~~
24 ~~development of comprehensive rehabilitation services,~~
25 ~~habilitation and rehabilitation in the State; and (3) an~~
26 ~~itemized statement of the amounts of money received from~~

1 ~~federal, State and other sources, and of the objects and~~
2 ~~purposes to which the respective items of these several amounts~~
3 ~~have been devoted.~~

4 ~~(c) (Blank).~~

5 ~~(f) To establish a program of services to prevent~~
6 ~~unnecessary institutionalization of persons with Alzheimer's~~
7 ~~disease and related disorders or persons in need of long term~~
8 ~~care who are established as blind or disabled as defined by the~~
9 ~~Social Security Act, thereby enabling them to remain in their~~
10 ~~own homes or other living arrangements. Such preventive~~
11 ~~services may include, but are not limited to, any or all of the~~
12 ~~following:~~

13 ~~(1) home health services;~~

14 ~~(2) home nursing services;~~

15 ~~(3) homemaker services;~~

16 ~~(4) chore and housekeeping services;~~

17 ~~(5) day care services;~~

18 ~~(6) home delivered meals;~~

19 ~~(7) education in self care;~~

20 ~~(8) personal care services;~~

21 ~~(9) adult day health services;~~

22 ~~(10) habilitation services;~~

23 ~~(11) respite care; or~~

24 ~~(12) other nonmedical social services that may enable~~
25 ~~the person to become self-supporting.~~

26 ~~The Department shall establish eligibility standards for~~

1 ~~such services taking into consideration the unique economic and~~
2 ~~social needs of the population for whom they are to be~~
3 ~~provided. Such eligibility standards may be based on the~~
4 ~~recipient's ability to pay for services; provided, however,~~
5 ~~that any portion of a person's income that is equal to or less~~
6 ~~than the "protected income" level shall not be considered by~~
7 ~~the Department in determining eligibility. The "protected~~
8 ~~income" level shall be determined by the Department, shall~~
9 ~~never be less than the federal poverty standard, and shall be~~
10 ~~adjusted each year to reflect changes in the Consumer Price~~
11 ~~Index For All Urban Consumers as determined by the United~~
12 ~~States Department of Labor. The standards must provide that a~~
13 ~~person may have not more than \$10,000 in assets to be eligible~~
14 ~~for the services, and the Department may increase the asset~~
15 ~~limitation by rule. Additionally, in determining the amount and~~
16 ~~nature of services for which a person may qualify,~~
17 ~~consideration shall not be given to the value of cash, property~~
18 ~~or other assets held in the name of the person's spouse~~
19 ~~pursuant to a written agreement dividing marital property into~~
20 ~~equal but separate shares or pursuant to a transfer of the~~
21 ~~person's interest in a home to his spouse, provided that the~~
22 ~~spouse's share of the marital property is not made available to~~
23 ~~the person seeking such services.~~

24 ~~The services shall be provided to eligible persons to~~
25 ~~prevent unnecessary or premature institutionalization, to the~~
26 ~~extent that the cost of the services, together with the other~~

1 ~~personal maintenance expenses of the persons, are reasonably~~
2 ~~related to the standards established for care in a group~~
3 ~~facility appropriate to their condition. These~~
4 ~~non-institutional services, pilot projects or experimental~~
5 ~~facilities may be provided as part of or in addition to those~~
6 ~~authorized by federal law or those funded and administered by~~
7 ~~the Illinois Department on Aging.~~

8 ~~Personal care attendants shall be paid:~~

9 ~~(i) A \$5 per hour minimum rate beginning July 1, 1995.~~

10 ~~(ii) A \$5.30 per hour minimum rate beginning July 1,~~
11 ~~1997.~~

12 ~~(iii) A \$5.40 per hour minimum rate beginning July 1,~~
13 ~~1998.~~

14 ~~Solely for the purposes of coverage under the Illinois~~
15 ~~Public Labor Relations Act (5 ILCS 315/), personal care~~
16 ~~attendants and personal assistants providing services under~~
17 ~~the Department's Home Services Program shall be considered to~~
18 ~~be public employees, and the State of Illinois shall be~~
19 ~~considered to be their employer as of the effective date of~~
20 ~~this amendatory Act of the 93rd General Assembly, but not~~
21 ~~before. Solely for the purposes of coverage under the Illinois~~
22 ~~Public Labor Relations Act, home care and home health workers~~
23 ~~who function as personal care attendants, personal assistants,~~
24 ~~and individual maintenance home health workers and who also~~
25 ~~provide services under the Department's Home Services Program~~
26 ~~shall be considered to be public employees, no matter whether~~

1 ~~the State provides such services through direct~~
2 ~~fee-for-service arrangements, with the assistance of a managed~~
3 ~~care organization or other intermediary, or otherwise, and the~~
4 ~~State of Illinois shall be considered to be the employer of~~
5 ~~those persons as of the effective date of this amendatory Act~~
6 ~~of the 97th General Assembly, but not before except as~~
7 ~~otherwise provided under this subsection (f). The State shall~~
8 ~~engage in collective bargaining with an exclusive~~
9 ~~representative of home care and home health workers who~~
10 ~~function as personal care attendants, personal assistants, and~~
11 ~~individual maintenance home health workers working under the~~
12 ~~Home Services Program concerning their terms and conditions of~~
13 ~~employment that are within the State's control. Nothing in this~~
14 ~~paragraph shall be understood to limit the right of the persons~~
15 ~~receiving services defined in this Section to hire and fire~~
16 ~~home care and home health workers who function as personal care~~
17 ~~attendants, personal assistants, and individual maintenance~~
18 ~~home health workers working under the Home Services Program or~~
19 ~~to supervise them within the limitations set by the Home~~
20 ~~Services Program. The State shall not be considered to be the~~
21 ~~employer of home care and home health workers who function as~~
22 ~~personal care attendants, personal assistants, and individual~~
23 ~~maintenance home health workers working under the Home Services~~
24 ~~Program for any purposes not specifically provided in Public~~
25 ~~Act 93-204 or this amendatory Act of the 97th General Assembly,~~
26 ~~including but not limited to, purposes of vicarious liability~~

1 ~~in tort and purposes of statutory retirement or health~~
2 ~~insurance benefits. Home care and home health workers who~~
3 ~~function as personal care attendants, personal assistants, and~~
4 ~~individual maintenance home health workers and who also provide~~
5 ~~services under the Department's Home Services Program shall not~~
6 ~~be covered by the State Employees Group Insurance Act of 1971~~
7 ~~(5 ILCS 375/).~~

8 ~~The Department shall execute, relative to the nursing home~~
9 ~~prescreening project, as authorized by Section 4.03 of the~~
10 ~~Illinois Act on the Aging, written inter agency agreements with~~
11 ~~the Department on Aging and the Department of Public Aid (now~~
12 ~~Department of Healthcare and Family Services), to effect the~~
13 ~~following: (i) intake procedures and common eligibility~~
14 ~~criteria for those persons who are receiving non-institutional~~
15 ~~services; and (ii) the establishment and development of~~
16 ~~non-institutional services in areas of the State where they are~~
17 ~~not currently available or are undeveloped. On and after July~~
18 ~~1, 1996, all nursing home prescreenings for individuals 18~~
19 ~~through 59 years of age shall be conducted by the Department.~~

20 ~~The Department is authorized to establish a system of~~
21 ~~recipient cost sharing for services provided under this~~
22 ~~Section. The cost sharing shall be based upon the recipient's~~
23 ~~ability to pay for services, but in no case shall the~~
24 ~~recipient's share exceed the actual cost of the services~~
25 ~~provided. Protected income shall not be considered by the~~
26 ~~Department in its determination of the recipient's ability to~~

1 ~~pay a share of the cost of services. The level of cost sharing~~
2 ~~shall be adjusted each year to reflect changes in the~~
3 ~~"protected income" level. The Department shall deduct from the~~
4 ~~recipient's share of the cost of services any money expended by~~
5 ~~the recipient for disability related expenses.~~

6 ~~The Department, or the Department's authorized~~
7 ~~representative, shall recover the amount of moneys expended for~~
8 ~~services provided to or in behalf of a person under this~~
9 ~~Section by a claim against the person's estate or against the~~
10 ~~estate of the person's surviving spouse, but no recovery may be~~
11 ~~had until after the death of the surviving spouse, if any, and~~
12 ~~then only at such time when there is no surviving child who is~~
13 ~~under age 21, blind, or permanently and totally disabled. This~~
14 ~~paragraph, however, shall not bar recovery, at the death of the~~
15 ~~person, of moneys for services provided to the person or in~~
16 ~~behalf of the person under this Section to which the person was~~
17 ~~not entitled; provided that such recovery shall not be enforced~~
18 ~~against any real estate while it is occupied as a homestead by~~
19 ~~the surviving spouse or other dependent, if no claims by other~~
20 ~~creditors have been filed against the estate, or, if such~~
21 ~~claims have been filed, they remain dormant for failure of~~
22 ~~prosecution or failure of the claimant to compel administration~~
23 ~~of the estate for the purpose of payment. This paragraph shall~~
24 ~~not bar recovery from the estate of a spouse, under Sections~~
25 ~~1915 and 1924 of the Social Security Act and Section 5-4 of the~~
26 ~~Illinois Public Aid Code, who precedes a person receiving~~

1 ~~services under this Section in death. All moneys for services~~
2 ~~paid to or in behalf of the person under this Section shall be~~
3 ~~claimed for recovery from the deceased spouse's estate.~~
4 ~~"Homestead", as used in this paragraph, means the dwelling~~
5 ~~house and contiguous real estate occupied by a surviving spouse~~
6 ~~or relative, as defined by the rules and regulations of the~~
7 ~~Department of Healthcare and Family Services, regardless of the~~
8 ~~value of the property.~~

9 ~~The Department and the Department on Aging shall cooperate~~
10 ~~in the development and submission of an annual report on~~
11 ~~programs and services provided under this Section. Such joint~~
12 ~~report shall be filed with the Governor and the General~~
13 ~~Assembly on or before March 30 each year.~~

14 ~~The requirement for reporting to the General Assembly shall~~
15 ~~be satisfied by filing copies of the report with the Speaker,~~
16 ~~the Minority Leader and the Clerk of the House of~~
17 ~~Representatives and the President, the Minority Leader and the~~
18 ~~Secretary of the Senate and the Legislative Research Unit, as~~
19 ~~required by Section 3.1 of the General Assembly Organization~~
20 ~~Act, and filing additional copies with the State Government~~
21 ~~Report Distribution Center for the General Assembly as required~~
22 ~~under paragraph (t) of Section 7 of the State Library Act.~~

23 ~~(g) To establish such subdivisions of the Department as~~
24 ~~shall be desirable and assign to the various subdivisions the~~
25 ~~responsibilities and duties placed upon the Department by law.~~

26 ~~(h) To cooperate and enter into any necessary agreements~~

1 ~~with the Department of Employment Security for the provision of~~
2 ~~job placement and job referral services to clients of the~~
3 ~~Department, including job service registration of such clients~~
4 ~~with Illinois Employment Security offices and making job~~
5 ~~listings maintained by the Department of Employment Security~~
6 ~~available to such clients.~~

7 ~~(i) To possess all powers reasonable and necessary for the~~
8 ~~exercise and administration of the powers, duties and~~
9 ~~responsibilities of the Department which are provided for by~~
10 ~~law.~~

11 ~~(j) To establish a procedure whereby new providers of~~
12 ~~personal care attendant services shall submit vouchers to the~~
13 ~~State for payment two times during their first month of~~
14 ~~employment and one time per month thereafter. In no case shall~~
15 ~~the Department pay personal care attendants an hourly wage that~~
16 ~~is less than the federal minimum wage.~~

17 ~~(k) To provide adequate notice to providers of chore and~~
18 ~~housekeeping services informing them that they are entitled to~~
19 ~~an interest payment on bills which are not promptly paid~~
20 ~~pursuant to Section 3 of the State Prompt Payment Act.~~

21 ~~(l) To establish, operate and maintain a Statewide Housing~~
22 ~~Clearinghouse of information on available, government~~
23 ~~subsidized housing accessible to disabled persons and~~
24 ~~available privately owned housing accessible to disabled~~
25 ~~persons. The information shall include but not be limited to~~
26 ~~the location, rental requirements, access features and~~

1 ~~proximity to public transportation of available housing. The~~
2 ~~Clearinghouse shall consist of at least a computerized database~~
3 ~~for the storage and retrieval of information and a separate or~~
4 ~~shared toll free telephone number for use by those seeking~~
5 ~~information from the Clearinghouse. Department offices and~~
6 ~~personnel throughout the State shall also assist in the~~
7 ~~operation of the Statewide Housing Clearinghouse. Cooperation~~
8 ~~with local, State and federal housing managers shall be sought~~
9 ~~and extended in order to frequently and promptly update the~~
10 ~~Clearinghouse's information.~~

11 ~~(m) To assure that the names and case records of persons~~
12 ~~who received or are receiving services from the Department,~~
13 ~~including persons receiving vocational rehabilitation, home~~
14 ~~services, or other services, and those attending one of the~~
15 ~~Department's schools or other supervised facility shall be~~
16 ~~confidential and not be open to the general public. Those case~~
17 ~~records and reports or the information contained in those~~
18 ~~records and reports shall be disclosed by the Director only to~~
19 ~~proper law enforcement officials, individuals authorized by a~~
20 ~~court, the General Assembly or any committee or commission of~~
21 ~~the General Assembly, and other persons and for reasons as the~~
22 ~~Director designates by rule. Disclosure by the Director may be~~
23 ~~only in accordance with other applicable law.~~

24 (Source: P.A. 97-1158, eff. 1-29-13.)

1 Sec. 5b. Home Services Medicaid Trust Fund.

2 (a) The Home Services Medicaid Trust Fund is hereby created
3 as a special fund in the State treasury.

4 (b) Amounts paid to the State during each State fiscal year
5 by the federal government under Title XIX or Title XXI of the
6 Social Security Act for services delivered in relation to the
7 Department's Home Services Program established pursuant to
8 Section 3 of the Disabled Persons Rehabilitation Act, and any
9 interest earned thereon, shall be deposited into the Fund.

10 (c) Moneys in the Fund may be used by the Department for
11 the purchase of services, and operational and administrative
12 expenses, in relation to the Home Services Program.

13 (20 ILCS 1705/18.7 rep.)

14 Section 15. The Mental Health and Developmental
15 Disabilities Administrative Act is amended by repealing
16 Section 18.7.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.