



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4740

Introduced 1/27/2022, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

20 ILCS 415/8a.2
20 ILCS 415/9

from Ch. 127, par. 63b108a.2
from Ch. 127, par. 63b109

Amends the Personnel Code. Provides that a bilingual pay supplement shall go into effect within 30 calendar days after an employee presents to the Director or the Director's designee a certification from either: (i) the designated testing program process selected by the Director; or (ii) an Illinois community college confirming that language skill proficiency in reading, writing, and speaking has been satisfied by the employee. Provides for the acceptance of certifications of linguistic competence from pre-approved third parties for needs that require a certain linguistic ability. Provides further requirements concerning the testing and certification of linguistic ability for job positions.

LRB102 25192 RJF 34457 b

1 AN ACT concerning State government.

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

4 Section 5. The Personnel Code is amended by changing
5 Sections 8a.2 and 9 as follows:

6 (20 ILCS 415/8a.2) (from Ch. 127, par. 63b108a.2)

7 Sec. 8a.2. For the purposes of the pay plan established
8 under Section 8a of this Code, the Director may establish a
9 special pay supplement for those positions of employment that
10 require, pursuant to the Department's official classification
11 specification, that a person employed in that position speak
12 or write a language other than English. Positions paid under
13 Section 8a of this Code may be eligible for a bilingual pay
14 supplement to attract bilingual individuals, to encourage
15 present employees to become proficient in languages other than
16 English, or to retain qualified bilingual employees.

17 The positions eligible for a bilingual pay supplement, the
18 amount of the supplement and the length of time it remains in
19 effect shall be negotiated between the Department and the
20 appropriate collective bargaining representative as determined
21 under the Illinois Public Labor Relations Act. The bilingual
22 pay supplement may be negotiated for each foreign language
23 required for the position by the Department's official

1 classification specification.

2 A bilingual pay supplement shall go into effect within 30
3 calendar days after the employee presents to the Director, or
4 the Director's designee for this purpose, a certification from
5 either: (i) the designated testing program process selected by
6 the Director; or (ii) an Illinois community college confirming
7 that language skill proficiency in reading, writing, and
8 speaking has been satisfied by the employee.

9 (Source: P.A. 86-1427.)

10 (20 ILCS 415/9) (from Ch. 127, par. 63b109)

11 Sec. 9. Director, powers and duties. The Director, as
12 executive head of the Department, shall direct and supervise
13 all its administrative and technical activities. In addition
14 to the duties imposed upon him elsewhere in this law, it shall
15 be his duty:

16 (1) To apply and carry out this law and the rules
17 adopted thereunder.

18 (2) To attend meetings of the Commission.

19 (3) To establish and maintain a roster of all
20 employees subject to this Act, in which there shall be set
21 forth, as to each employee, the class, title, pay, status,
22 and other pertinent data.

23 (4) To appoint, subject to the provisions of this Act,
24 such employees of the Department and such experts and
25 special assistants as may be necessary to carry out

1 effectively this law.

2 (5) Subject to such exemptions or modifications as may
3 be necessary to assure the continuity of federal
4 contributions in those agencies supported in whole or in
5 part by federal funds, to make appointments to vacancies;
6 to approve all written charges seeking discharge,
7 demotion, or other disciplinary measures provided in this
8 Act and to approve transfers of employees from one
9 geographical area to another in the State, in offices,
10 positions or places of employment covered by this Act,
11 after consultation with the operating unit.

12 (6) To formulate and administer service wide policies
13 and programs for the improvement of employee
14 effectiveness, including training, safety, health,
15 incentive recognition, counseling, welfare and employee
16 relations. The Department shall formulate and administer
17 recruitment plans and testing of potential employees for
18 agencies having direct contact with significant numbers of
19 non-English speaking or otherwise culturally distinct
20 persons. The Department shall require each State agency to
21 annually assess the need for employees with appropriate
22 bilingual capabilities to serve the significant numbers of
23 non-English speaking or culturally distinct persons. The
24 Department shall develop a uniform procedure for assessing
25 an agency's need for employees with appropriate bilingual
26 capabilities. Agencies shall establish occupational titles

1 or designate positions as "bilingual option" for persons
2 having sufficient linguistic ability or cultural knowledge
3 to be able to render effective service to such persons.
4 The Department shall ensure that any such option is
5 exercised according to the agency's needs assessment and
6 the requirements of this Code. The Department shall make
7 annual reports of the needs assessment of each agency and
8 the number of positions calling for non-English linguistic
9 ability to whom vacancy postings were sent, and the number
10 filled by each agency. Such policies and programs shall be
11 subject to approval by the Governor, provided that for
12 needs that require a certain linguistic ability that: (i)
13 have not been met for a posted position for a period of at
14 least one year; or (ii) arise when an individual's health
15 or safety would be placed in immediate risk, the
16 Department shall accept certifications of linguistic
17 competence from pre-approved third parties. To facilitate
18 expanding the scope of sources to demonstrate linguistic
19 competence, the Department shall issue standards for
20 demonstrating linguistic competence. No later than January
21 2023, the Department shall authorize at least one if not
22 more community colleges in the regions involving the
23 counties of Cook, Lake, McHenry, Kane, DuPage, Kendall,
24 Will, Sangamon, and 5 other geographically distributed
25 counties within the State to pre-test and certify
26 linguistic ability, and such certifications by candidates

1 shall be presumed to satisfy the linguistic ability
2 requirements for the job position. Such policies, program
3 reports and needs assessment reports, as well as
4 linguistic certification standards, shall be filed with
5 the General Assembly by January 1 of each year and shall be
6 available to the public.

7 The Department shall include within the report
8 required above the number of persons receiving the
9 bilingual pay supplement established by Section 8a.2 of
10 this Code. The report shall provide the number of persons
11 receiving the bilingual pay supplement for languages other
12 than English and for signing. The report shall also
13 indicate the number of persons, by the categories of
14 Hispanic and non-Hispanic, who are receiving the bilingual
15 pay supplement for language skills other than signing, in
16 a language other than English.

17 (7) To conduct negotiations affecting pay, hours of
18 work, or other working conditions of employees subject to
19 this Act.

20 (8) To make continuing studies to improve the
21 efficiency of State services to the residents of Illinois,
22 including but not limited to those who are non-English
23 speaking or culturally distinct, and to report his
24 findings and recommendations to the Commission and the
25 Governor.

26 (9) To investigate from time to time the operation and

1 effect of this law and the rules made thereunder and to
2 report his findings and recommendations to the Commission
3 and to the Governor.

4 (10) To make an annual report regarding the work of
5 the Department, and such special reports as he may
6 consider desirable, to the Commission and to the Governor,
7 or as the Governor or Commission may request.

8 (11) (Blank).

9 (12) To prepare and publish a semi-annual statement
10 showing the number of employees exempt and non-exempt from
11 merit selection in each department. This report shall be
12 in addition to other information on merit selection
13 maintained for public information under existing law.

14 (13) To authorize in every department or agency
15 subject to Jurisdiction C the use of flexible hours
16 positions. A flexible hours position is one that does not
17 require an ordinary work schedule as determined by the
18 Department and includes but is not limited to: 1) a part
19 time job of 20 hours or more per week, 2) a job which is
20 shared by 2 employees or a compressed work week consisting
21 of an ordinary number of working hours performed on fewer
22 than the number of days ordinarily required to perform
23 that job. The Department may define flexible time to
24 include other types of jobs that are defined above.

25 The Director and the director of each department or
26 agency shall together establish goals for flexible hours

1 positions to be available in every department or agency.

2 The Department shall give technical assistance to
3 departments and agencies in achieving their goals, and
4 shall report to the Governor and the General Assembly each
5 year on the progress of each department and agency.

6 When a goal of 10% of the positions in a department or
7 agency being available on a flexible hours basis has been
8 reached, the Department shall evaluate the effectiveness
9 and efficiency of the program and determine whether to
10 expand the number of positions available for flexible
11 hours to 20%.

12 When a goal of 20% of the positions in a department or
13 agency being available on a flexible hours basis has been
14 reached, the Department shall evaluate the effectiveness
15 and efficiency of the program and determine whether to
16 expand the number of positions available for flexible
17 hours.

18 Each department shall develop a plan for
19 implementation of flexible work requirements designed to
20 reduce the need for day care of employees' children
21 outside the home. Each department shall submit a report of
22 its plan to the Department of Central Management Services
23 and the General Assembly. This report shall be submitted
24 biennially by March 1, with the first report due March 1,
25 1993.

26 (14) To perform any other lawful acts which he may

1 consider necessary or desirable to carry out the purposes
2 and provisions of this law.

3 The requirement for reporting to the General Assembly
4 shall be satisfied by filing copies of the report as required
5 by Section 3.1 of the General Assembly Organization Act, and
6 filing such additional copies with the State Government Report
7 Distribution Center for the General Assembly as is required
8 under paragraph (t) of Section 7 of the State Library Act.

9 (Source: P.A. 100-1148, eff. 12-10-18.)