

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 be processed 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 2024, 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.)