



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB5178

Introduced 2/5/2004, by Ricca Slone

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-12008.5 new
60 ILCS 5/100-7 new
65 ILCS 5/10-4-1.5 new
30 ILCS 805/8.28 new

Amends the Counties Code, the Township Code, and the Illinois Municipal Code. Provides that any individual who has been employed as a temporary, provisional, or probationary employee of a township, county, or municipality for at least 12 consecutive months is entitled to the same benefits offered by that unit of local government to permanent employees in the same position. Prohibits a county, township, or municipality from dismissing an employee in order to avoid compliance. Provides that the Act does not affect collective bargaining agreements in effect upon the effective date. Preempts home rule. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB093 13402 MKM 47162 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Section
5 3-12008.5 as follows:

6 (55 ILCS 5/3-12008.5 new)

7 Sec. 3-12008.5. Temporary, provisional, or probationary
8 employees; benefits.

9 (a) Any individual who has been employed as a temporary,
10 provisional, or probationary employee of a county for at least
11 12 consecutive months shall be entitled to the same benefits
12 offered by the county to permanent employees in the same or a
13 similar position. No temporary, provisional, or probationary
14 employee shall be dismissed by a county in order to avoid
15 compliance with this Section.

16 (b) This Section has no effect on any collective bargaining
17 agreements in effect upon the effective date of this amendatory
18 Act of the 93rd General Assembly.

19 (c) A home rule county may not regulate the provision of
20 benefits to temporary, provisional, or probationary employees
21 of the county in a manner that is inconsistent with this
22 Section. This Section is a limitation under subsection (i) of
23 Section 6 of Article VII of the Illinois Constitution on the
24 concurrent exercise by home rule units of powers and functions
25 exercised by the State.

26 Section 10. The Township Code is amended by adding Section
27 100-7 as follows:

28 (60 ILCS 5/100-7 new)

29 Sec. 100-7. Temporary, provisional, or probationary
30 employees; benefits.

1 (a) Any individual who has served as a temporary,
2 provisional, or probationary employee of a township for at
3 least 12 consecutive months shall be entitled to the same
4 benefits offered by the township to permanent employees in the
5 same or a similar position. No temporary, provisional, or
6 probationary employee shall be dismissed by a township in order
7 to avoid compliance with this Section.

8 (b) This Section has no effect on any collective bargaining
9 agreements in effect upon the effective date of this amendatory
10 Act of the 93rd General Assembly.

11 Section 15. The Illinois Municipal Code is amended by
12 adding Section 10-4-1.5 as follows:

13 (65 ILCS 5/10-4-1.5 new)

14 Sec. 10-4-1.5. Temporary, provisional, or probationary
15 employees; benefits.

16 (a) Any individual who has served as a temporary,
17 provisional, or probationary employee of a municipality for at
18 least 12 consecutive months shall be entitled to the same
19 benefits offered by the municipality to permanent employees in
20 the same or a similar position. No temporary, provisional, or
21 probationary employee shall be dismissed by the municipality in
22 order to avoid compliance with this Section.

23 (b) This Section has no effect on any collective bargaining
24 agreements in effect upon the effective date of this amendatory
25 Act of the 93rd General Assembly.

26 (c) A home rule municipality may not regulate the provision
27 of benefits to temporary, provisional, or probationary
28 employees of the municipality in a manner that is inconsistent
29 with this Section. This Section is a limitation under
30 subsection (i) of Section 6 of Article VII of the Illinois
31 Constitution on the concurrent exercise by home rule units of
32 powers and functions exercised by the State.

33 Section 90. The State Mandates Act is amended by adding

1 Section 8.28 as follows:

2 (30 ILCS 805/8.28 new)

3 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
4 of this Act, no reimbursement by the State is required for the
5 implementation of any mandate created by this amendatory Act of
6 the 93rd General Assembly.