



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1155

Introduced 02/08/05, by Rep. Patricia Reid Lindner

SYNOPSIS AS INTRODUCED:

20 ILCS 415/8c

from Ch. 127, par. 63b108c

Amends the Personnel Code. Makes a technical change in a Section concerning conditions of employment for positions in the State service subject to the jurisdiction of the Department of Central Management Services.

LRB094 08733 RCE 38946 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 Section 8c as follows:

6 (20 ILCS 415/8c) (from Ch. 127, par. 63b108c)

7 Sec. 8c. Jurisdiction C; conditions of employment. For
8 positions in the ~~the~~ State service subject to the jurisdiction
9 of the Department of Central Management Services with respect
10 to conditions of employment:

11 (1) For establishment of a plan for resolving employee
12 grievances and complaints, excluding compulsory arbitration.

13 (2) For hours of work, holidays, and attendance regulation
14 in the various classes of positions in the State service; for
15 annual, sick and special leaves of absence, with or without pay
16 or with reduced pay; for compensatory time off for overtime or
17 for pay for overtime, and for the rate at which compensatory
18 time off is to be allowed or for the rate which is to be paid
19 for overtime. If the services of an employee in the State
20 service are terminated by reason of his retirement, disability
21 or death, he, or his estate, as the case may be, shall be paid a
22 lump sum, for the number of days for leave for personal
23 business which the employee had accumulated but not used as of
24 the date his services were terminated, in an amount equal to
25 1/2 of his pay per working day times the number of such leave
26 days so accumulated and not used.

27 (3) For the development and operation of programs to
28 improve the work effectiveness and morale of employees in the
29 State service, including training, safety, health, welfare,
30 counseling, recreation, employee relations, a suggestion
31 system, and others.

32 Employees whose tuition and fees are paid by the State,

1 either directly or by reimbursement, shall incur a work
2 commitment to the State. Employees whose State paid training
3 has not led to a postsecondary degree shall be obligated to
4 continue in the employ of the State, but not necessarily in the
5 same agency, for a period of at least 18 months following
6 completion of the most recent course. Employees whose State
7 paid training has led to a postsecondary degree and whose State
8 payments have paid for 50% or more of the required credit hours
9 shall be obligated to continue in the employ of the State, but
10 not necessarily in the same agency, for a minimum of 4 years
11 after receiving the degree.

12 If the employee does not fulfill this work commitment by
13 voluntarily leaving State employment, the State may recover
14 payments in a civil action and may also recover interest at the
15 rate of 1% per month from the time the State makes payment
16 until the time the State recovers the payment. The amount the
17 State may recover under this subsection (3) shall be reduced by
18 25% of the gross amount paid by the State for each year the
19 employee is employed by the State after the employee receives a
20 postsecondary degree, and 1/18th of the gross amount paid by
21 the State for each month the employee is employed by the State
22 after the employee completes the most recent course which has
23 not led to a postsecondary degree.

24 The State shall not recover payments for course work or a
25 training program that was (a) started before the effective date
26 of this Act; (b) completed as a requirement for a grammar
27 school certificate or a high school diploma, to prepare for a
28 high school level General Educational Development Test or to
29 improve literacy or numeracy; (c) specialized training in the
30 form of a conference, seminar, workshop or similar arrangement
31 offered by public or private organizations; (d) provided as
32 part of the Upward Mobility Program administered by the
33 Department of Central Management Services; or (e) a condition
34 of continued employment.

35 Department of State Police employees who are enrolled in an
36 official training program that lasts longer than one year shall

1 incur a work commitment to the State. The work commitment shall
2 be 2 months for each month of completed training. If the
3 employee fails to fulfill this work commitment by voluntarily
4 leaving State employment, the State may recover wages in a
5 civil action and may also recover interest at the rate of 1%
6 per month from the time the State makes payment until the time
7 the State recovers the payment. The amount the State may
8 recover under this subsection (3) shall be reduced by the
9 number of months served after the training is completed times
10 the monthly salary at the time of separation.

11 The Department of Central Management Services shall
12 promulgate rules governing recovery activities to be used by
13 all State agencies paying, whether directly or by
14 reimbursement, for employee tuition and fees. Each such agency
15 shall make necessary efforts, including pursuing appropriate
16 legal action, to recover the actual reimbursements and
17 applicable interest due the State under this subsection (3).

18 (4) For the establishment of a sick pay plan in accordance
19 with Section 36 of the State Finance Act.

20 (5) For the establishment of a family responsibility leave
21 plan under which an employee in the State service may request
22 and receive a leave of absence for up to one year without
23 penalty whenever such leave is requested to enable the employee
24 to meet a bona fide family responsibility of such employee. The
25 procedure for determining and documenting the existence of a
26 bona fide family responsibility shall be as provided by rule,
27 but without limiting the circumstances which shall constitute a
28 bona fide family responsibility under the rules, such
29 circumstances shall include leave incident to the birth of the
30 employee's child and the responsibility thereafter to provide
31 proper care to that child or to a newborn child adopted by the
32 employee, the responsibility to provide regular care to a
33 disabled, incapacitated or bedridden resident of the
34 employee's household or member of the employee's family, and
35 the responsibility to furnish special guidance, care and
36 supervision to a resident of the employee's household or member

1 of the employee's family in need thereof under circumstances
2 temporarily inconsistent with uninterrupted employment in
3 State service. The family responsibility leave plan so
4 established shall provide that any such leave shall be without
5 pay, that the seniority of the employee on such leave shall not
6 be reduced during the period of the leave, that such leave
7 shall not under any circumstance or for any purpose be deemed
8 to cause a break in such employee's State service, that during
9 the period of such leave any coverage of the employee or the
10 employee's dependents which existed at the commencement of the
11 leave under any group health, hospital, medical and life
12 insurance plan provided through the State shall continue so
13 long as the employee pays to the State when due the full
14 premium incident to such coverage, and that upon expiration of
15 the leave the employee shall be returned to the same position
16 and classification which such employee held at the commencement
17 of the leave. The Director of Central Management Services shall
18 prepare proposed rules consistent with this paragraph within 45
19 days after the effective date of this amendatory Act of 1983,
20 shall promptly thereafter cause a public hearing thereon to be
21 held as provided in Section 8 and shall within 120 days after
22 the effective date of this amendatory Act of 1983 cause such
23 proposed rules to be submitted to the Civil Service Commission
24 as provided in Section 8.

25 (6) For the development and operation of a plan for
26 alternative employment for any employee who is able to perform
27 alternative employment after a work related or non-work related
28 disability essentially precludes that employee from performing
29 his or her currently assigned duties. Such a plan shall be
30 voluntary for any employee and nonparticipation shall not be
31 grounds for denial of any benefit to which the employee would
32 otherwise be eligible. Any plan seeking to cover positions for
33 which there is a recognized bargaining agent shall be subject
34 to collective bargaining between the parties.

35 (7) For the development and operation of an Executive
36 Development Program to provide scholarships for the receipt of

1 academic degrees or senior executive training beyond the
2 Bachelor's degree level for as many as 25 employees at any
3 given time:

4 (i) each of whom is nominated for such scholarship by
5 the head of the employee's agency and approved by the
6 Director;

7 (ii) who are subject to Term Appointment under Section
8 8b.18 or who would be subject to such Term Appointment but
9 for Federal funding or who are exempt from Jurisdiction B
10 under subsections (2), (3) or (6) of Section 4d of this
11 Act:

12 (iii) who meet the admission standards established by
13 the institution awarding the advanced degree or conducting
14 the training;

15 (iv) each of whom agrees, as a condition of accepting
16 such scholarship, that the State may recover the
17 scholarship by garnishment, lien or other appropriate
18 legal action if the employee fails to continue in the
19 employ of the State, but not necessarily in the same
20 agency, for a minimum of 4 years following receipt of an
21 advanced degree or training and that the State may charge
22 interest from the time of payment until the time of
23 recovery of such scholarship of no less than 1% per month
24 or 12% per annum on all funds recovered by the State. The
25 amount the State may recover under this Section will be
26 reduced by 25% of the gross amount paid by the State for
27 each year of employment following receipt of the advanced
28 degree or training.

29 The Director shall in approving eligible employees for the
30 Executive Development Program make every attempt to guarantee
31 that at least 1/3 of the employees appointed to the program
32 reflect the ratio of sex, race, and ethnicity of eligible
33 employees.

34 Such scholarships shall not exceed the amount established
35 for tuition and fees for the applicable advanced degree or
36 training at State universities in Illinois whether the employee

1 enrolls at any Illinois public or private institution, and
2 shall not include any textbooks or equipment such as personal
3 computers.

4 The Department of Central Management Services shall make
5 necessary efforts, including appropriate legal action, to
6 recover scholarships and interest thereupon due subject to
7 recovery by the State under Subparagraph (iv) of this
8 Subsection (7).

9 (Source: P.A. 91-357, eff. 7-29-99.)