

1 AN ACT concerning State employment.

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

4 Section 1. Short title. This Act may be cited as the State
5 Employment Application Act.

6 Section 5. Definition. In this Act:

7 "Application for State employment" means a written or
8 electronic form submitted by an applicant who is seeking
9 employment with a State agency.

10 "Crime of violence" has the meaning ascribed to it in
11 Section 1-10 of the Alcoholism and Other Drug Abuse and
12 Dependency Act.

13 "State agency" has the meaning ascribed to it in Section
14 1-7 of the Illinois State Auditing Act.

15 Section 10. State employment application; required
16 question. Subject to the exception set out in Section 15 of
17 this Act, an application for State employment may not contain
18 any question as to whether the applicant was convicted of or
19 placed on supervision for a non-violent criminal offense but
20 must contain a question as to whether the applicant for State
21 employment has ever been convicted of a crime of violence that
22 is classified as a felony.

1 Section 15. Criminal background checks permitted. Nothing
2 in this Act shall be construed to prohibit a State agency from
3 conducting a criminal background check of an applicant for
4 State employment.

5 Section 20. Application of federal or State law. If a
6 federal or State law disqualifies a person convicted of certain
7 offenses from holding a position, an application for that
8 position may inquire as to whether the applicant has been
9 convicted of a disqualifying offense. If an applicant is
10 applying for a position of peace officer as defined in Section
11 2-13 of the Criminal Code of 1961, an application for that
12 position may inquire as to whether the applicant has been
13 convicted of a disqualifying offense.

14 Section 25. Refusal to hire for conviction of a criminal
15 offense. Nothing in this Act prohibits a decision to refuse to
16 hire on the basis that the applicant has been convicted of a
17 criminal offense.

18 Section 30. No rule making authority. Notwithstanding any
19 other rulemaking authority that may exist, neither the Governor
20 nor any agency or agency head under the jurisdiction of the
21 Governor has any authority to make or promulgate rules to
22 implement or enforce the provisions of this Act. If, however,

1 the Governor believes that rules are necessary to implement or
2 enforce the provisions of this Act, the Governor may suggest
3 rules to the General Assembly by filing them with the Clerk of
4 the House and the Secretary of the Senate and by requesting
5 that the General Assembly authorize such rulemaking by law,
6 enact those suggested rules into law, or take any other
7 appropriate action in the General Assembly's discretion.
8 Nothing contained in this Act shall be interpreted to grant
9 rulemaking authority under any other Illinois statute where
10 such authority is not otherwise explicitly given. For the
11 purposes of this Section, "rules" is given the meaning
12 contained in Section 1-70 of the Illinois Administrative
13 Procedure Act, and "agency" and "agency head" are given the
14 meanings contained in Sections 1-20 and 1-25 of the Illinois
15 Administrative Procedure Act to the extent that such
16 definitions apply to agencies or agency heads under the
17 jurisdiction of the Governor.

18 Section 90. The Personnel Code is amended by changing
19 Section 8b.7 as follows:

20 (20 ILCS 415/8b.7) (from Ch. 127, par. 63b108b.7)

21 Sec. 8b.7. Veteran preference. For the granting of
22 appropriate preference in entrance examinations to qualified
23 persons who have been members of the armed forces of the United
24 States or to qualified persons who, while citizens of the

1 United States, were members of the armed forces of allies of
2 the United States in time of hostilities with a foreign
3 country, and to certain other persons as set forth in this
4 Section.

5 (a) As used in this Section:

6 (1) "Time of hostilities with a foreign country" means
7 any period of time in the past, present, or future during
8 which a declaration of war by the United States Congress
9 has been or is in effect or during which an emergency
10 condition has been or is in effect that is recognized by
11 the issuance of a Presidential proclamation or a
12 Presidential executive order and in which the armed forces
13 expeditionary medal or other campaign service medals are
14 awarded according to Presidential executive order.

15 (2) "Armed forces of the United States" means the
16 United States Army, Navy, Air Force, Marine Corps, and
17 Coast Guard. Service in the Merchant Marine that
18 constitutes active duty under Section 401 of federal Public
19 Law 95-202 shall also be considered service in the Armed
20 Forces of the United States for purposes of this Section.

21 (b) The preference granted under this Section shall be in
22 the form of points added to the final grades of the persons if
23 they otherwise qualify and are entitled to appear on the list
24 of those eligible for appointments.

25 (c) A veteran is qualified for a preference of 12 ~~10~~ points
26 if the veteran currently holds proof of a service connected

1 disability from the United States Department of Veterans
2 Affairs or an allied country or if the veteran is a recipient
3 of the Purple Heart.

4 (d) A veteran who has served during a time of hostilities
5 with a foreign country is qualified for a preference of 7 ~~5~~
6 points if the veteran served under one or more of the following
7 conditions:

8 (1) The veteran served a total of at least 6 months, or

9 (2) The veteran served for the duration of hostilities
10 regardless of the length of engagement, or

11 (3) The veteran was discharged on the basis of
12 hardship, or

13 (4) The veteran was released from active duty because
14 of a service connected disability and was discharged under
15 honorable conditions.

16 (e) A person not eligible for a preference under subsection
17 (c) or (d) is qualified for a preference of 5 ~~3~~ points if the
18 person has served in the armed forces of the United States, the
19 Illinois National Guard, or any reserve component of the armed
20 forces of the United States if the person: (1) served for at
21 least 6 months and has been discharged under honorable
22 conditions or (2) has been discharged on the ground of hardship
23 or (3) was released from active duty because of a service
24 connected disability. An active member of the National Guard or
25 a reserve component of the armed forces of the United States is
26 eligible for the preference if the member meets the service

1 requirements of this subsection (e).

2 (f) The rank order of persons entitled to a preference on
3 eligible lists shall be determined on the basis of their
4 augmented ratings. When the Director establishes eligible
5 lists on the basis of category ratings such as "superior",
6 "excellent", "well-qualified", and "qualified", the veteran
7 eligibles in each such category shall be preferred for
8 appointment before the non-veteran eligibles in the same
9 category.

10 (g) Employees in positions covered by jurisdiction B who,
11 while in good standing, leave to engage in military service
12 during a period of hostility, shall be given credit for
13 seniority purposes for time served in the armed forces.

14 (h) A surviving unremarried spouse of a veteran who
15 suffered a service connected death or the spouse of a veteran
16 who suffered a service connected disability that prevents the
17 veteran from qualifying for civil service employment shall be
18 entitled to the same preference to which the veteran would have
19 been entitled under this Section.

20 (i) A preference shall also be given to the following
21 individuals: 10 points for one parent of an unmarried veteran
22 who suffered a service connected death or a service connected
23 disability that prevents the veteran from qualifying for civil
24 service employment. The first parent to receive a civil service
25 appointment shall be the parent entitled to the preference.

26 (j) The Department of Central Management Services shall

1 adopt rules and implement procedures to verify that any person
2 seeking a preference under this Section is entitled to the
3 preference. A person seeking a preference under this Section
4 shall provide documentation or execute any consents or other
5 documents required by the Department of Central Management
6 Services or any other State department or agency to enable the
7 department or agency to verify that the person is entitled to
8 the preference.

9 (k) If an applicant claims to be a veteran, the Department
10 of Central Management Services must verify that status before
11 granting a veteran preference by requiring a certified copy of
12 the applicant's most recent DD214 (Certificate of Release or
13 Discharge from Active Duty) or other evidence of the
14 applicant's most recent honorable discharge from the Armed
15 Forces of the United States that is determined to be acceptable
16 by the Department of Central Management Services.

17 (l) Notwithstanding any other rulemaking authority that
18 may exist, neither the Governor nor any agency or agency head
19 under the jurisdiction of the Governor has any authority to
20 make or promulgate rules to implement or enforce the provisions
21 of this amendatory Act of the 95th General Assembly. If,
22 however, the Governor believes that rules are necessary to
23 implement or enforce the provisions of this amendatory Act of
24 the 95th General Assembly, the Governor may suggest rules to
25 the General Assembly by filing them with the Clerk of the House
26 and the Secretary of the Senate and by requesting that the

1 General Assembly authorize such rulemaking by law, enact those
2 suggested rules into law, or take any other appropriate action
3 in the General Assembly's discretion. Nothing contained in this
4 amendatory Act of the 95th General Assembly shall be
5 interpreted to grant rulemaking authority under any other
6 Illinois statute where such authority is not otherwise
7 explicitly given. For the purposes of this Section, "rules" is
8 given the meaning contained in Section 1-70 of the Illinois
9 Administrative Procedure Act, and "agency" and "agency head"
10 are given the meanings contained in Sections 1-20 and 1-25 of
11 the Illinois Administrative Procedure Act to the extent that
12 such definitions apply to agencies or agency heads under the
13 jurisdiction of the Governor.

14 (Source: P.A. 90-655, eff. 7-30-98; 91-481, eff. 1-1-00.)