



Rep. LaShawn K. Ford

Filed: 5/1/2008

09500HB4612ham004

LRB095 15585 RLC 50132 a

1 AMENDMENT TO HOUSE BILL 4612

2 AMENDMENT NO. _____. Amend House Bill 4612, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 Section 5. Definition. In this Act:

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

11 "Violent offense" means an offense that is a violent crime
12 as defined in the Rights of Crime Victims and Witnesses 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

1 question. Subject to the exception set out in Section 15 of
2 this Act, an application for State employment may not contain
3 any question as to whether the applicant was convicted of or
4 placed on supervision for a non-violent criminal offense but
5 must contain a question as to whether the applicant for State
6 employment has ever been convicted of a violent offense that is
7 classified as a felony.

8 Section 15. Criminal background checks permitted. Nothing
9 in this Act shall be construed to prohibit a State agency from
10 conducting a criminal background check of an applicant for
11 State employment.

12 Section 20. Application of federal or State law. If a
13 federal or State law disqualifies a person convicted of certain
14 offenses from holding a position, an application for that
15 position may inquire as to whether the applicant has been
16 convicted of a disqualifying offense. If an applicant is
17 applying for a position of peace officer as defined in Section
18 2-13 of the Criminal Code of 1961, an application for that
19 position may inquire as to whether the applicant has been
20 convicted of a disqualifying offense.

21 Section 25. Refusal to hire for conviction of a criminal
22 offense. Nothing in this Act prohibits a decision to refuse to
23 hire on the basis that the applicant has been convicted of a

1 criminal offense.

2 Section 30. No rule making authority. Notwithstanding any
3 other rulemaking authority that may exist, neither the Governor
4 nor any agency or agency head under the jurisdiction of the
5 Governor has any authority to make or promulgate rules to
6 implement or enforce the provisions of this Act. If, however,
7 the Governor believes that rules are necessary to implement or
8 enforce the provisions of this Act, the Governor may suggest
9 rules to the General Assembly by filing them with the Clerk of
10 the House and the Secretary of the Senate and by requesting
11 that the General Assembly authorize such rulemaking by law,
12 enact those suggested rules into law, or take any other
13 appropriate action in the General Assembly's discretion.
14 Nothing contained in this Act shall be interpreted to grant
15 rulemaking authority under any other Illinois statute where
16 such authority is not otherwise explicitly given. For the
17 purposes of this Section, "rules" is given the meaning
18 contained in Section 1-70 of the Illinois Administrative
19 Procedure Act, and "agency" and "agency head" are given the
20 meanings contained in Sections 1-20 and 1-25 of the Illinois
21 Administrative Procedure Act to the extent that such
22 definitions apply to agencies or agency heads under the
23 jurisdiction of the Governor.

24 Section 90. The Personnel Code is amended by changing

1 Section 8b.7 as follows:

2 (20 ILCS 415/8b.7) (from Ch. 127, par. 63b108b.7)

3 Sec. 8b.7. Veteran preference. For the granting of
4 appropriate preference in entrance examinations to qualified
5 persons who have been members of the armed forces of the United
6 States or to qualified persons who, while citizens of the
7 United States, were members of the armed forces of allies of
8 the United States in time of hostilities with a foreign
9 country, and to certain other persons as set forth in this
10 Section.

11 (a) As used in this Section:

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

21 (2) "Armed forces of the United States" means the
22 United States Army, Navy, Air Force, Marine Corps, and
23 Coast Guard. Service in the Merchant Marine that
24 constitutes active duty under Section 401 of federal Public
25 Law 95-202 shall also be considered service in the Armed

1 Forces of the United States for purposes of this Section.

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

6 (c) A veteran is qualified for a preference of 10 points if
7 the veteran currently holds proof of a service connected
8 disability from the United States Department of Veterans
9 Affairs or an allied country or if the veteran is a recipient
10 of the Purple Heart.

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

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

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

18 (3) The veteran was discharged on the basis of
19 hardship, or

20 (4) The veteran was released from active duty because
21 of a service connected disability and was discharged under
22 honorable conditions.

23 (e) A person not eligible for a preference under subsection
24 (c) or (d) is qualified for a preference of 3 points if the
25 person has served in the armed forces of the United States, the
26 Illinois National Guard, or any reserve component of the armed

1 forces of the United States if the person: (1) served for at
2 least 6 months and has been discharged under honorable
3 conditions or (2) has been discharged on the ground of hardship
4 or (3) was released from active duty because of a service
5 connected disability. An active member of the National Guard or
6 a reserve component of the armed forces of the United States is
7 eligible for the preference if the member meets the service
8 requirements of this subsection (e).

9 (f) The rank order of persons entitled to a preference on
10 eligible lists shall be determined on the basis of their
11 augmented ratings. When the Director establishes eligible
12 lists on the basis of category ratings such as "superior",
13 "excellent", "well-qualified", and "qualified", the veteran
14 eligibles in each such category shall be preferred for
15 appointment before the non-veteran eligibles in the same
16 category.

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

21 (h) A surviving unremarried spouse of a veteran who
22 suffered a service connected death or the spouse of a veteran
23 who suffered a service connected disability that prevents the
24 veteran from qualifying for civil service employment shall be
25 entitled to the same preference to which the veteran would have
26 been entitled under this Section.

1 (i) A preference shall also be given to the following
2 individuals: 10 points for one parent of an unmarried veteran
3 who suffered a service connected death or a service connected
4 disability that prevents the veteran from qualifying for civil
5 service employment. The first parent to receive a civil service
6 appointment shall be the parent entitled to the preference.

7 (j) The Department of Central Management Services shall
8 adopt rules and implement procedures to verify that any person
9 seeking a preference under this Section is entitled to the
10 preference. A person seeking a preference under this Section
11 shall provide documentation or execute any consents or other
12 documents required by the Department of Central Management
13 Services or any other State department or agency to enable the
14 department or agency to verify that the person is entitled to
15 the preference.

16 (k) If an applicant claims to be a veteran, the Department
17 of Central Management Services must verify that status before
18 granting a veteran preference by requiring a certified copy of
19 the applicant's most recent DD214 (Certificate of Release or
20 Discharge from Active Duty) or other evidence of the
21 applicant's most recent honorable discharge from the Armed
22 Forces of the United States that is determined to be acceptable
23 by the Department of Central Management Services.

24 (l) Notwithstanding any other rulemaking authority that
25 may exist, neither the Governor nor any agency or agency head
26 under the jurisdiction of the Governor has any authority to

1 make or promulgate rules to implement or enforce the provisions
2 of this amendatory Act of the 95th General Assembly. If,
3 however, the Governor believes that rules are necessary to
4 implement or enforce the provisions of this amendatory Act of
5 the 95th General Assembly, the Governor may suggest rules to
6 the General Assembly by filing them with the Clerk of the House
7 and the Secretary of the Senate and by requesting that the
8 General Assembly authorize such rulemaking by law, enact those
9 suggested rules into law, or take any other appropriate action
10 in the General Assembly's discretion. Nothing contained in this
11 amendatory Act of the 95th General Assembly shall be
12 interpreted to grant rulemaking authority under any other
13 Illinois statute where such authority is not otherwise
14 explicitly given. For the purposes of this Section, "rules" is
15 given the meaning contained in Section 1-70 of the Illinois
16 Administrative Procedure Act, and "agency" and "agency head"
17 are given the meanings contained in Sections 1-20 and 1-25 of
18 the Illinois Administrative Procedure Act to the extent that
19 such definitions apply to agencies or agency heads under the
20 jurisdiction of the Governor.

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."