

HB1481



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1481

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - Jack D. Franks

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.

LRB096 04992 RCE 15058 b

A BILL FOR

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

1 the date his services were terminated, in an amount equal to
2 1/2 of his pay per working day times the number of such leave
3 days so accumulated and not used.

4 (3) For the development and operation of programs to
5 improve the work effectiveness and morale of employees in the
6 State service, including training, safety, health, welfare,
7 counseling, recreation, employee relations, a suggestion
8 system, and others.

9 Employees whose tuition and fees are paid by the State,
10 either directly or by reimbursement, shall incur a work
11 commitment to the State. Employees whose State paid training
12 has not led to a postsecondary degree shall be obligated to
13 continue in the employ of the State, but not necessarily in the
14 same agency, for a period of at least 18 months following
15 completion of the most recent course. Employees whose State
16 paid training has led to a postsecondary degree and whose State
17 payments have paid for 50% or more of the required credit hours
18 shall be obligated to continue in the employ of the State, but
19 not necessarily in the same agency, for a minimum of 4 years
20 after receiving the degree.

21 If the employee does not fulfill this work commitment by
22 voluntarily leaving State employment, the State may recover
23 payments in a civil action and may also recover interest at the
24 rate of 1% per month from the time the State makes payment
25 until the time the State recovers the payment. The amount the
26 State may recover under this subsection (3) shall be reduced by

1 25% of the gross amount paid by the State for each year the
2 employee is employed by the State after the employee receives a
3 postsecondary degree, and 1/18th of the gross amount paid by
4 the State for each month the employee is employed by the State
5 after the employee completes the most recent course which has
6 not led to a postsecondary degree.

7 The State shall not recover payments for course work or a
8 training program that was (a) started before the effective date
9 of this Act; (b) completed as a requirement for a grammar
10 school certificate or a high school diploma, to prepare for a
11 high school level General Educational Development Test or to
12 improve literacy or numeracy; (c) specialized training in the
13 form of a conference, seminar, workshop or similar arrangement
14 offered by public or private organizations; (d) provided as
15 part of the Upward Mobility Program administered by the
16 Department of Central Management Services; or (e) a condition
17 of continued employment.

18 Department of State Police employees who are enrolled in an
19 official training program that lasts longer than one year shall
20 incur a work commitment to the State. The work commitment shall
21 be 2 months for each month of completed training. If the
22 employee fails to fulfill this work commitment by voluntarily
23 leaving State employment, the State may recover wages in a
24 civil action and may also recover interest at the rate of 1%
25 per month from the time the State makes payment until the time
26 the State recovers the payment. The amount the State may

1 recover under this subsection (3) shall be reduced by the
2 number of months served after the training is completed times
3 the monthly salary at the time of separation.

4 The Department of Central Management Services shall
5 promulgate rules governing recovery activities to be used by
6 all State agencies paying, whether directly or by
7 reimbursement, for employee tuition and fees. Each such agency
8 shall make necessary efforts, including pursuing appropriate
9 legal action, to recover the actual reimbursements and
10 applicable interest due the State under this subsection (3).

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

13 (5) For the establishment of a family responsibility leave
14 plan under which an employee in the State service may request
15 and receive a leave of absence for up to one year without
16 penalty whenever such leave is requested to enable the employee
17 to meet a bona fide family responsibility of such employee. The
18 procedure for determining and documenting the existence of a
19 bona fide family responsibility shall be as provided by rule,
20 but without limiting the circumstances which shall constitute a
21 bona fide family responsibility under the rules, such
22 circumstances shall include leave incident to the birth of the
23 employee's child and the responsibility thereafter to provide
24 proper care to that child or to a newborn child adopted by the
25 employee, the responsibility to provide regular care to a
26 disabled, incapacitated or bedridden resident of the

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

1 as provided in Section 8.

2 (6) For the development and operation of a plan for
3 alternative employment for any employee who is able to perform
4 alternative employment after a work related or non-work related
5 disability essentially precludes that employee from performing
6 his or her currently assigned duties. Such a plan shall be
7 voluntary for any employee and nonparticipation shall not be
8 grounds for denial of any benefit to which the employee would
9 otherwise be eligible. Any plan seeking to cover positions for
10 which there is a recognized bargaining agent shall be subject
11 to collective bargaining between the parties.

12 (7) For the development and operation of an Executive
13 Development Program to provide scholarships for the receipt of
14 academic degrees or senior executive training beyond the
15 Bachelor's degree level for as many as 25 employees at any
16 given time:

17 (i) each of whom is nominated for such scholarship by
18 the head of the employee's agency and approved by the
19 Director;

20 (ii) who are subject to Term Appointment under Section
21 8b.18 or who would be subject to such Term Appointment but
22 for Federal funding or who are exempt from Jurisdiction B
23 under subsections (2), (3) or (6) of Section 4d of this
24 Act:

25 (iii) who meet the admission standards established by
26 the institution awarding the advanced degree or conducting

1 the training;

2 (iv) each of whom agrees, as a condition of accepting
3 such scholarship, that the State may recover the
4 scholarship by garnishment, lien or other appropriate
5 legal action if the employee fails to continue in the
6 employ of the State, but not necessarily in the same
7 agency, for a minimum of 4 years following receipt of an
8 advanced degree or training and that the State may charge
9 interest from the time of payment until the time of
10 recovery of such scholarship of no less than 1% per month
11 or 12% per annum on all funds recovered by the State. The
12 amount the State may recover under this Section will be
13 reduced by 25% of the gross amount paid by the State for
14 each year of employment following receipt of the advanced
15 degree or training.

16 The Director shall in approving eligible employees for the
17 Executive Development Program make every attempt to guarantee
18 that at least 1/3 of the employees appointed to the program
19 reflect the ratio of sex, race, and ethnicity of eligible
20 employees.

21 Such scholarships shall not exceed the amount established
22 for tuition and fees for the applicable advanced degree or
23 training at State universities in Illinois whether the employee
24 enrolls at any Illinois public or private institution, and
25 shall not include any textbooks or equipment such as personal
26 computers.

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

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