



Rep. Jack D. Franks

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LRB096 10304 RLC 25811 a

1 AMENDMENT TO SENATE BILL 1602

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1602 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the State  
5 Facility Overtime Act.

6 Section 5. Definitions.

7 "State facility" includes all Department of Human Services  
8 operated residential facilities including State mental health  
9 hospitals, State developmental centers, treatment and  
10 detention facilities for sexually violent persons, and State  
11 residential schools for the deaf and visually impaired; all  
12 Department of Veterans Affairs operated homes; all Department  
13 of Corrections operated correctional centers, work camps, boot  
14 camps, and adult transition centers; all Department of Juvenile  
15 Justice operated youth centers and boot camps; and any other  
16 State facility under the jurisdiction of these State agencies

1 that operates on a 24-hour basis.

2 "Mandatory overtime" means work in excess of an agreed  
3 upon, predetermined, and regularly scheduled daily work shift,  
4 not to exceed 60 hours per week, assigned to an employee  
5 without the employee's consent.

6 "Employee" means an individual employed by a State facility  
7 who is covered by a collective bargaining agreement.

8 "Director" means the Director, or designee of the Director,  
9 of the State agency responsible for the operation of the State  
10 facility or his or her agent.

11 "Department" means the Department of Labor and its agents.

12 Section 10. Legislative intent. The General Assembly finds  
13 that years of staff cuts necessitated by insufficient revenues  
14 at State facilities such as prisons, developmental and mental  
15 health centers, youth centers, and veterans homes have created  
16 deplorable working conditions including excessive overtime.  
17 Many State facilities routinely use mandatory overtime to cover  
18 staff vacancies. This is frequently on top of work schedules  
19 that are already in excess of 40 hours per week. Excessive  
20 overtime is driving many dedicated employees out of State  
21 service, exacerbating the short staffing crisis. This impacts  
22 employee health, welfare, and safety, as well as the ability of  
23 staff to deliver necessary services.

24 Section 15. Mandatory overtime. A Director may require

1 mandatory overtime.

2 Section 20. Exceptions.

3 (a) An employee may choose to work more than 60 hours per  
4 week voluntarily and the refusal of any employee to accept such  
5 overtime work shall not be grounds for discrimination,  
6 dismissal, discharge, or any other penalty or employment  
7 decision adverse to the employee.

8 (b) This Act shall not apply in the event of any declared  
9 national or State emergency or a disaster or other event that  
10 in the Director's judgment substantially affects or increases  
11 the need for State services.

12 Section 25. Posting of Act and rules. Every Director  
13 subject to any provision of this Act or any rules issued under  
14 this Act may keep a summary of this Act approved by the  
15 Department, and copies of any applicable rules issued under  
16 this Act, or a summary of those rules, posted in a conspicuous  
17 and accessible place in or about the premises wherever any  
18 person subject to this Act is employed.

19 Section 30. Investigation and enforcement. An employee or  
20 the employee's collective bargaining representative may bring  
21 a complaint to the Illinois Department of Labor if the employee  
22 believes that the employee's Director is in violation of this  
23 Act. The Department may conduct an investigation of the

1 complaint. When an investigation results in a finding that the  
2 employee suffered discrimination, dismissal, discharge, or any  
3 other penalty or employment decision adverse to the employee as  
4 a result of refusing overtime, the Department has the authority  
5 to make that employee whole. The Department may adopt  
6 administrative rules it deems appropriate to carry out the  
7 purposes of this Act.

8 Section 35. Construction and applicability. Only to the  
9 extent consistent with federal law, this Act shall be construed  
10 to impair or negate the ability of collective bargaining  
11 representatives of employees subject to this Act from  
12 negotiating procedures and remedies that provide to those  
13 covered employees rights that are additional to those in this  
14 Act.

15 Section 40. Provisions. The provisions of this Act apply  
16 notwithstanding any other provision of law to the contrary.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."