



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3779

Introduced 5/16/2011, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

20 ILCS 415/8b.1

from Ch. 127, par. 63b108b.1

Amends the Personnel Code. Provides that the Director of Central Management Services and the Department of Employment Security shall establish a 5-year pilot program under which the Director of Central Management Services and the Department of Employment Security shall jointly administer competitive examinations to test the relative fitness of applicants for certain positions in the State service. Provides that, under the pilot program, the Director of Central Management Services and the Department of Employment Security shall determine the times and places where the competitive examinations shall be held, provided that the competitive examinations shall be held at each Department of Employment Security office at least twice a month. Provides that a schedule of the times and places where the competitive examinations shall be held shall be posted on the official websites of the Department of Central Management Services and the Department of Employment Security. Effective immediately.

LRB097 11985 PJG 55632 b

FISCAL NOTE ACT  
MAY APPLY

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 8b.1 as follows:

6 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

7 (Text of Section before amendment by P.A. 96-1551)

8 Sec. 8b.1. For open competitive examinations to test the  
9 relative fitness of applicants for the respective positions.

10 Tests shall be designed to eliminate those who are not  
11 qualified for entrance into or promotion within the service,  
12 and to discover the relative fitness of those who are  
13 qualified. The Director may use any one of or any combination  
14 of the following examination methods which in his judgment best  
15 serves this end: investigation of education; investigation of  
16 experience; test of cultural knowledge; test of capacity; test  
17 of knowledge; test of manual skill; test of linguistic ability;  
18 test of character; test of physical fitness; test of  
19 psychological fitness. No person with a record of misdemeanor  
20 convictions except those under Sections 11-6, 11-7, 11-9,  
21 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,  
22 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,  
23 32-1, 32-2, 32-3, 32-4, 32-8 and sub-sections 1, 6 and 8 of

1 Section 24-1 of the Criminal Code of 1961 or arrested for any  
2 cause but not convicted thereon shall be disqualified from  
3 taking such examinations or subsequent appointment, unless the  
4 person is attempting to qualify for a position which would give  
5 him the powers of a peace officer, in which case the person's  
6 conviction or arrest record may be considered as a factor in  
7 determining the person's fitness for the position. The  
8 eligibility conditions specified for the position of Assistant  
9 Director of Healthcare and Family Services in the Department of  
10 Healthcare and Family Services in Section 5-230 of the  
11 Departments of State Government Law (20 ILCS 5/5-230) shall be  
12 applied to that position in addition to other standards, tests  
13 or criteria established by the Director. All examinations shall  
14 be announced publicly at least 2 weeks in advance of the date  
15 of the examinations and may be advertised through the press,  
16 radio and other media. The Director may, however, in his  
17 discretion, continue to receive applications and examine  
18 candidates long enough to assure a sufficient number of  
19 eligibles to meet the needs of the service and may add the  
20 names of successful candidates to existing eligible lists in  
21 accordance with their respective ratings.

22 Notwithstanding any other law, beginning on the effective  
23 date of this amendatory Act of the 97th General Assembly, the  
24 Director of Central Management Services and the Department of  
25 Employment Security shall establish a 5-year pilot program  
26 under which the Director of Central Management Services and the

1 Department of Employment Security shall jointly administer the  
2 competitive examinations. Under the pilot program, the  
3 Director of Central Management Services and the Department of  
4 Employment Security shall determine the times and places where  
5 the competitive examinations shall be held, provided that the  
6 competitive examinations shall be held at each Department of  
7 Employment Security office at least twice a month. Each  
8 Department of Employment Security office has the discretion to  
9 set the dates on which it shall hold the competitive  
10 examinations. By the beginning of each month, a schedule of the  
11 times and places where the competitive examinations shall be  
12 held during that month shall be posted on the official websites  
13 of the Department of Central Management Services and the  
14 Department of Employment Security.

15 The Director may, in his discretion, accept the results of  
16 competitive examinations conducted by any merit system  
17 established by federal law or by the law of any State, and may  
18 compile eligible lists therefrom or may add the names of  
19 successful candidates in examinations conducted by those merit  
20 systems to existing eligible lists in accordance with their  
21 respective ratings. No person who is a non-resident of the  
22 State of Illinois may be appointed from those eligible lists,  
23 however, unless the requirement that applicants be residents of  
24 the State of Illinois is waived by the Director of Central  
25 Management Services and unless there are less than 3 Illinois  
26 residents available for appointment from the appropriate

1 eligible list. The results of the examinations conducted by  
2 other merit systems may not be used unless they are comparable  
3 in difficulty and comprehensiveness to examinations conducted  
4 by the Department of Central Management Services for similar  
5 positions. Special linguistic options may also be established  
6 where deemed appropriate.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 (Text of Section after amendment by P.A. 96-1551)

9 Sec. 8b.1. For open competitive examinations to test the  
10 relative fitness of applicants for the respective positions.

11 Tests shall be designed to eliminate those who are not  
12 qualified for entrance into or promotion within the service,  
13 and to discover the relative fitness of those who are  
14 qualified. The Director may use any one of or any combination  
15 of the following examination methods which in his judgment best  
16 serves this end: investigation of education; investigation of  
17 experience; test of cultural knowledge; test of capacity; test  
18 of knowledge; test of manual skill; test of linguistic ability;  
19 test of character; test of physical fitness; test of  
20 psychological fitness. No person with a record of misdemeanor  
21 convictions except those under Sections 11-1.50, 11-6, 11-7,  
22 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
23 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
24 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
25 subdivisions (a) (1) and (a) (2) (C) of Section 11-14.3, and

1 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
2 1961 or arrested for any cause but not convicted thereon shall  
3 be disqualified from taking such examinations or subsequent  
4 appointment, unless the person is attempting to qualify for a  
5 position which would give him the powers of a peace officer, in  
6 which case the person's conviction or arrest record may be  
7 considered as a factor in determining the person's fitness for  
8 the position. The eligibility conditions specified for the  
9 position of Assistant Director of Healthcare and Family  
10 Services in the Department of Healthcare and Family Services in  
11 Section 5-230 of the Departments of State Government Law (20  
12 ILCS 5/5-230) shall be applied to that position in addition to  
13 other standards, tests or criteria established by the Director.  
14 All examinations shall be announced publicly at least 2 weeks  
15 in advance of the date of the examinations and may be  
16 advertised through the press, radio and other media. The  
17 Director may, however, in his discretion, continue to receive  
18 applications and examine candidates long enough to assure a  
19 sufficient number of eligibles to meet the needs of the service  
20 and may add the names of successful candidates to existing  
21 eligible lists in accordance with their respective ratings.

22 Notwithstanding any other law, beginning on the effective  
23 date of this amendatory Act of the 97th General Assembly, the  
24 Director of Central Management Services and the Department of  
25 Employment Security shall establish a 5-year pilot program  
26 under which the Director of Central Management Services and the

1 Department of Employment Security shall jointly administer the  
2 competitive examinations. Under the pilot program, the  
3 Director of Central Management Services and the Department of  
4 Employment Security shall determine the times and places where  
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25 Management Services and unless there are less than 3 Illinois  
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1 eligible list. The results of the examinations conducted by  
2 other merit systems may not be used unless they are comparable  
3 in difficulty and comprehensiveness to examinations conducted  
4 by the Department of Central Management Services for similar  
5 positions. Special linguistic options may also be established  
6 where deemed appropriate.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

8 Section 95. No acceleration or delay. Where this Act makes  
9 changes in a statute that is represented in this Act by text  
10 that is not yet or no longer in effect (for example, a Section  
11 represented by multiple versions), the use of that text does  
12 not accelerate or delay the taking effect of (i) the changes  
13 made by this Act or (ii) provisions derived from any other  
14 Public Act.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.