

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 Secretary of State Merit Employment Code is
5 amended by changing Sections 5c, 8a, and 8c as follows:

6 (15 ILCS 310/5c) (from Ch. 124, par. 105c)

7 Sec. 5c. Partial exemptions. The following positions in the
8 Office of the Secretary of State are exempt from jurisdictions
9 A, B and C to the extent stated for each unless these
10 jurisdictions are extended as provided in this Act:

11 (1) Special agents selected by the Inspector General
12 appointed pursuant to Section 14 of the Secretary of State Act
13 and licensed ~~licensed~~ attorneys in positions as legal or
14 technical advisors, except in those positions paid from federal
15 funds if such exemption is inconsistent with federal
16 requirements, are exempt from jurisdiction B only to the extent
17 that Sections 10b.1, 10b.3 and 10b.5 of this Code need not be
18 met.

19 (2) All unskilled positions, unless such exemption is
20 inconsistent with federal requirements in those positions paid
21 from federal funds, for which the principal job requirement is
22 good physical condition are exempt from jurisdiction B.

23 (3) The Merit Commission, upon written recommendation of

1 the Director, shall exempt from jurisdiction B other positions
2 which, in the judgment of the Commission, are by their nature
3 highly confidential or involve principal administrative
4 responsibility for the determination of policy or principal
5 administrative responsibility for the way in which policies are
6 carried out, except in those positions paid from federal funds
7 if such exemption is inconsistent with federal requirements. No
8 position which has the powers of a law enforcement officer,
9 except executive security officers, may be exempted under this
10 section.

11 (4) The personal secretaries and chief deputy to persons
12 exempted under paragraph (3) of Section 5b of this Act are
13 exempt from jurisdiction B, unless such exemption is
14 inconsistent with federal requirements in those positions paid
15 from federal funds.

16 (5) Positions which are paid a prevailing rate of wage are
17 exempt from jurisdiction B.

18 (Source: P.A. 80-13.)

19 (15 ILCS 310/8a) (from Ch. 124, par. 108a)

20 Sec. 8a. Terms, compensation. Members of the Merit
21 Commission shall be initially appointed as follows:

22 (1) One member to serve for 2 years and until his successor
23 is appointed;

24 (2) One member to serve for 4 years and until his successor
25 is appointed; and

1 (3) One member to serve for 6 years and until his successor
2 is appointed.

3 Thereafter, members of the Commission shall be appointed by
4 the Secretary of State for six year terms with the advice and
5 consent of the Senate.

6 A member of the Commission shall be appointed as Chairman
7 by the Secretary of State for a two-year term. The Secretary of
8 State may appoint the Chairman for consecutive terms. The
9 Chairman may also be appointed as the Administrator responsible
10 for overseeing the Commission staff and day-to-day operations
11 of the Commission.

12 The Secretary of State may appoint a person to fill a
13 vacancy occurring prior to the expiration of a six year term
14 for the remainder of the unexpired term with the advice and
15 consent of the Senate.

16 The salary of the Chairman of the Commission shall be
17 \$10,000 per annum or an amount set by the Compensation Review
18 Board, whichever is greater, and other members of the
19 Commission shall be paid \$7,500 per annum or an amount set by
20 the Compensation Review Board, whichever is greater. They shall
21 be entitled to reimbursement for necessary traveling and other
22 official expenditures necessitated by their official duties.
23 If the Chairman of the Commission is also appointed as the
24 Administrator of the Commission, the Chairman's salary will be
25 set by the Secretary.

26 (Source: P.A. 84-440.)

1 (15 ILCS 310/8c) (from Ch. 124, par. 108c)

2 Sec. 8c. Duties and powers of the Commission. The Merit
3 Commission, in addition to any other duties prescribed in this
4 Act, shall have the following duties and powers:

5 (1) Upon written recommendations by the Director of
6 Personnel, to exempt from jurisdiction B of this Act positions
7 which, in the judgment of the Commission, are by their nature
8 highly confidential or involve principal administrative
9 responsibility for the determination of policy or principal
10 administrative responsibility for the way in which policies are
11 carried out. No position which has the powers of a law
12 enforcement officer, except executive security officers, may
13 be exempted under this section.

14 (2) To require such special reports from the Director as it
15 may consider desirable.

16 (3) To disapprove original rules or any part thereof and
17 any amendment thereof within 30 calendar days after the
18 submission of such rules to the Merit Commission by the
19 Director.

20 (4) To disapprove within 30 calendar days from date of
21 submission the position classification plan and any revisions
22 thereof submitted by the Director as provided in the rules.

23 (5) To hear appeals of employees who do not accept the
24 allocation of their positions under the classification plan.

25 (6) To hear and approve or disapprove written charges filed

1 seeking the discharge or demotion of employees or suspension
2 totaling more than 30 calendar days in any 12 month period, as
3 provided in Section 9, appeals as provided in Section 9a of
4 this Act, and appeals from transfers from one geographical area
5 in the state to another, and in connection therewith to
6 administer oaths, subpoena witnesses and compel the production
7 of books and papers.

8 (7) (Blank).

9 (8) To make an annual report regarding the work of the
10 Commission to the Secretary of State, such report to be a
11 public record.

12 (9) If any violation of this Act is found, the Commission
13 shall direct compliance in writing.

14 (10) To appoint such employees, experts and special
15 assistants as may be necessary to carry out the powers and
16 duties of the commission under this Act. Employees, experts and
17 special assistants so appointed by the Commission shall be
18 subject to jurisdictions A, B and C of this Act, except the
19 Chairman of the Commission when serving as the Administrator of
20 the Commission shall not be subject to jurisdictions A, B, and
21 C of this Act.

22 (11) To promulgate rules and regulations necessary to carry
23 out and implement their powers and duties under this Act, with
24 authority to amend such rules from time to time pursuant to The
25 Illinois Administrative Procedure Act.

26 (12) Within one year of the effective date of this

1 amendatory Act of 1985, the Commission shall adopt rules and
2 regulations which shall include all Commission policies
3 implementing its duties under Sections 8, 9, 10 and 15 of this
4 Act. These rules and regulations shall include, but not be
5 limited to, the standards and criteria used by the Commission
6 and Hearing Officers in making discretionary determinations
7 during hearing procedures.

8 (13) To hear or conduct investigations as it deems
9 necessary of appeals of layoff filed by employees appointed
10 under Jurisdiction B after examination, provided that such
11 appeals are filed within 15 calendar days following the
12 effective date of such layoff and are made on the basis that
13 the provisions of the Secretary of State Merit Employment Code
14 or the rules promulgated thereunder have been violated or have
15 not been complied with. All hearings shall be public. A
16 decision shall be rendered within 60 days after receipt of the
17 transcript of the proceedings. The Commission shall order the
18 reinstatement of the employee if it is proven that the
19 provisions of the Secretary of State Merit Employment Code or
20 the rules promulgated thereunder have been violated or have not
21 been complied with. In connection therewith the Commission may
22 administer oaths, subpoena witnesses, and compel the
23 production of books and papers.

24 (Source: P.A. 90-372, eff. 7-1-98; 90-422, eff. 8-15-97.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.