



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0372

by Rep. Kelly Burke

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/4.3	from Ch. 42, par. 323.3
70 ILCS 2605/4.11	from Ch. 42, par. 323.11
70 ILCS 2605/4.12	from Ch. 42, par. 323.12
70 ILCS 2605/4.14	from Ch. 42, par. 323.14

Amends the Metropolitan Water Reclamation District Act. Provides that a probationary appointee may make a written request for a voluntary termination or demotion, and if approved by the Executive Director, such voluntary termination or demotion shall be final and not subject to review. Provides that no employee (rather than officer or employee) in the classified civil service of the sanitary district shall be involuntarily demoted (rather than removed) or discharged except for cause, upon written charges and a hearing. Provides that if the civil service board enters a finding and decision denying discharge, the employee shall be returned to the classification held at the time charges were filed. Provides that if the civil service board enters a finding and decision granting an involuntary demotion, the employee shall be demoted to the employee's most recent former classification. Effective immediately.

LRB099 06061 AWJ 26115 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Metropolitan Water Reclamation District Act
5 is amended by changing Sections 4.3, 4.11, 4.12, and 4.14 as
6 follows:

7 (70 ILCS 2605/4.3) (from Ch. 42, par. 323.3)

8 Sec. 4.3. Classification of positions. The Director shall,
9 with the consent and approval of said civil service board,
10 classify within 90 days after the effective date of this
11 amendatory Act of 1997, all positions in said sanitary district
12 with reference to the duties thereof for the purpose of
13 establishing job classifications, and of fixing and
14 maintaining standards of examinations hereinafter provided
15 for. The positions so classified shall constitute the
16 classified civil service of such sanitary district and no
17 appointments, promotions, transfers, demotions, reductions in
18 grade or pay or removal therefrom shall be made except under
19 and according to the provisions of this Act and of the rules
20 hereinafter mentioned. As a part of such classified civil
21 service all employees under said Director, except special
22 examiners, shall be included. The Director shall ascertain and
23 record the duties of each position in the classified civil

1 service and designate the classification of each position. Each
2 classification shall comprise positions having substantially
3 similar duties. He shall also record the lines of promotion
4 from each lower classification to a higher classification
5 wherever the experience derived in the performance of the
6 duties of such lower classification tends to qualify for
7 performance of duty in such higher classification. The
8 director, subject to the disapproval of the civil service board
9 as hereinafter provided, shall by rule prescribe standards of
10 efficiency for each classification and for examinations of
11 candidates for appointment thereto. Such rule or any amendment
12 thereof shall take effect 30 days after written notice thereof
13 is given to the civil service board, unless within such period
14 the board files with the Director a written notice of its
15 disapproval thereof.

16 For the purpose of establishing uniformity of pay and title
17 for all positions similarly classified, it shall be the duty of
18 the Director to prescribe by rule which shall become effective
19 when approved by the trustees, the maximum and minimum pay for
20 each classification and the title thereof and to report to the
21 trustees annually and at such other times as they may direct
22 the name and address of each officer and employee paid more or
23 less than the pay prescribed for his classification or
24 designated by a title other than that prescribed for his
25 classification by the board of trustees. It shall be the duty
26 of the trustees not later than the beginning of the next fiscal

1 year after receiving such report to change the pay or title of
2 any position or employee so reported out of classification to
3 conform to the title and pay prescribed by the Director for the
4 classification in which the position held by the employee is
5 classified. The Director shall standardize employment in each
6 classification and make and keep a record of the relative
7 efficiency of each employee in the classified civil service.
8 The Director shall provide by rule methods for ascertaining and
9 verifying the facts from which such records of relative
10 efficiency shall be made which shall be uniform for each
11 classification in the classified civil service.

12 (Source: P.A. 90-316, eff. 1-1-98.)

13 (70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

14 Sec. 4.11. Appointments. Whenever a position classified
15 under this Act is to be filled, except the positions of deputy
16 director of engineering, deputy director of monitoring and
17 research, deputy director of maintenance and operations,
18 assistant director of engineering, assistant director of
19 maintenance and operations, deputy general counsel, head
20 assistant attorneys, assistant director of monitoring and
21 research, assistant director of information technology,
22 comptroller, assistant treasurer, assistant director of
23 procurement and materials management, assistant director of
24 human resources, and laborers, the Executive Director shall
25 make requisition upon the Director, and the Director shall

1 certify to him or her from the register of eligibles for the
2 position the names (a) of the five candidates standing highest
3 upon the register of eligibles for the position, or (b) of the
4 candidates within the A category upon the register of eligibles
5 if the register is by categories designated as A, B, and C,
6 provided, however, that any certification shall consist of at
7 least 5 candidates, if available. If fewer than 5 candidates
8 are in the A category, then the Director shall also certify all
9 of the candidates in the B category. If fewer than 5 candidates
10 are in the A and B categories combined, then the Director shall
11 also certify all of the candidates in the C category. The
12 Executive Director shall notify the Director of each position
13 to be filled separately and shall fill the position by
14 appointment of one of the certified candidates. The Executive
15 Director's appointment decision shall be final and not subject
16 to review. An appointed candidate shall be a probationary
17 appointee on probation for a period to be fixed by the rules,
18 not exceeding 250 days worked by the probationary appointee in
19 the position of probationary appointment. At any time during
20 the period of probation, the Executive Director with the
21 approval of the Director may terminate a probationary appointee
22 and shall notify the civil service board in writing of the
23 termination; however, the Executive Director's termination of
24 a probationary appointee shall be final and not subject to
25 review. At any time during the period of probation, a
26 probationary appointee may make a written request to

1 voluntarily terminate a probationary appointment, and if
2 approved by the Executive Director, such voluntary termination
3 shall be final and not subject to review. If a probationary
4 appointee is not terminated, his or her appointment shall be
5 deemed complete.

6 When there is no eligible list, the Executive Director may,
7 with the authority of the Director, make a temporary
8 appointment to remain in force only until a permanent
9 appointment from an eligible register or list can be made in
10 the manner specified in the previous provisions of this
11 Section, and examinations to supply an eligible list therefor
12 shall be held and an eligible list established therefrom within
13 one year from the making of such appointment. The acceptance or
14 refusal by an eligible person of a temporary appointment does
15 not affect his or her standing on the register for permanent
16 appointment.

17 In employment of an essentially temporary and transitory
18 nature, the Executive Director may, with the authority of the
19 Director of Human Resources make temporary appointments. No
20 temporary appointment of an essentially temporary and
21 transitory nature may be granted for a period of more than 119
22 consecutive or non-consecutive working days per calendar year.
23 The Director must include in his or her annual report, and if
24 required by the commissioners, in any special report, a
25 statement of all temporary appointments made during the year or
26 period specified by the commissioners, together with a

1 statement of the facts in each case because of which the
2 authority was granted.

3 All laborers shall be appointed by the Executive Director
4 and shall be on probation for a period to be fixed by the
5 rules, not exceeding 250 days worked by the laborer in the
6 position of the probationary appointment. At any time during
7 the period of a laborer's probation, the Executive Director
8 with the approval of the Director may terminate a laborer's
9 probationary appointment and shall notify the civil service
10 board in writing of the termination; however, the Executive
11 Director's termination of a laborer's probationary appointment
12 shall be final and not subject to review. If a laborer's
13 probationary appointment is not terminated, the appointment
14 shall be deemed complete.

15 The positions of deputy director of engineering, deputy
16 director of monitoring and research, deputy director of
17 maintenance and operations, assistant director of engineering,
18 assistant director of maintenance and operations, deputy
19 general counsel, head assistant attorneys, assistant director
20 of monitoring and research, assistant director of information
21 technology, comptroller, assistant treasurer, assistant
22 director of procurement and materials management, and
23 assistant director of human resources shall be appointed by the
24 Executive Director upon the recommendation of the respective
25 department head and shall be on probation for a period to be
26 fixed by the rules, not exceeding two years. At any time during

1 the period of probation, the Executive Director on the
2 recommendation of the department head concerned, may terminate
3 any such probationary appointee and he or she shall notify the
4 Civil Service Board in writing of the termination; however, the
5 Executive Director's termination of a probationary appointee
6 shall be final and not subject to review. If a probationary
7 appointee is not terminated, his or her appointment shall be
8 deemed complete under the laws governing the classified civil
9 service.

10 (Source: P.A. 97-124, eff. 7-14-11.)

11 (70 ILCS 2605/4.12) (from Ch. 42, par. 323.12)

12 Sec. 4.12. The Director may by his rules provide for
13 transfers of officers and employees in the classified service
14 from positions in one office or department to positions of the
15 same class and grade in another office or department. Transfers
16 which are in the nature of promotions shall be governed by
17 Section 4.10 of this Act.

18 Subject to the Executive Director's approval, an employee
19 in the classified civil service may make a written request for
20 a voluntary demotion to the employee's most recent former
21 classification, and if granted by the Executive Director, such
22 voluntary demotion shall be final and not subject to review.

23 (Source: Laws 1963, p. 2477.)

24 (70 ILCS 2605/4.14) (from Ch. 42, par. 323.14)

1 Sec. 4.14. No ~~officer or~~ employee in the classified civil
2 service of the sanitary district shall be involuntarily demoted
3 ~~removed~~ or discharged except for cause, upon written charges,
4 and after an opportunity to be heard in his own defense. For
5 discharge actions, such ~~Such~~ charges shall be filed with the
6 civil service board within 30 days from the date of suspension
7 under the charges, and the charges shall be promptly
8 investigated by or before the civil service board, or by or
9 before some officer or officers appointed by the civil service
10 board to conduct such investigation. Both involuntary demotion
11 and discharge hearings ~~The hearing~~ shall be public and the
12 employee shall be entitled to call witnesses in his or her
13 defense and to have the aid of counsel. Such hearings shall
14 take place within 120 days after charges are filed against the
15 employee, unless the. ~~The hearing shall be public and the~~
16 ~~accused shall be entitled to call witnesses in his defense and~~
17 ~~to have the aid of counsel. The~~ civil service board continues
18 ~~may continue~~ a discharge or involuntary demotion hearing for
19 good cause shown and ~~only~~ with the consent of the employee.
20 After the hearing is completed, the ~~The~~ civil service board
21 shall enter a finding and decision. A decision shall be deemed
22 to have been served either when a copy of the decision is
23 personally delivered or when a copy of the decision is
24 deposited in the United States mail, addressed to the employee
25 at his last known address on file with the human resources
26 department. The finding and decision of the civil service board

1 or of such investigating officer or officers, when approved by
2 said civil service board, shall be final, except for the
3 judicial review thereof as herein provided, and shall be
4 certified to the appointing officer, and shall be forthwith
5 enforced by such officer. Nothing in this Act shall limit the
6 power of any officer to suspend a subordinate for a reasonable
7 period not exceeding thirty days; however, if charges are filed
8 against a suspended employee, the suspension shall be extended
9 until the civil service board enters its finding and decision
10 regarding the charges unless prior to this time the board
11 enters an order approving an agreement between the sanitary
12 district and the employee that the suspension should terminate
13 at an earlier date. Every such suspension shall be without pay:
14 Provided, however, that the civil service board shall have
15 authority to investigate every such suspension and, in case of
16 its disapproval thereof, it shall have power to restore pay to
17 the employee so suspended. For discharge actions, if the civil
18 service board enters a finding and decision denying discharge,
19 the employee shall be returned to the classification held at
20 the time charges were filed. For involuntary demotion actions,
21 if the civil service board enters a finding and decision
22 granting an involuntary demotion, the employee shall be demoted
23 to the employee's most recent former classification. In the
24 course of any investigation provided for in this Act, each
25 member of the civil service board and any officer appointed by
26 it shall have the power to administer oaths and shall have

1 power to secure by its subpoena both the attendance and
2 testimony of witnesses and the production of books and papers.

3 Either the sanitary district or the employee may file a
4 written petition for rehearing of the finding and decision of
5 the civil service board within 21 calendar days after the
6 finding and decision are served as provided in this Section.
7 The petition shall state fully the grounds upon which
8 application for further investigation and hearing is based. If
9 a petition is denied by the civil service board, the decision
10 shall remain in full force and effect and any further appeal by
11 either party shall be in accordance with the provisions of the
12 Administrative Review Law.

13 The provisions of the Administrative Review Law, and all
14 amendments and modifications thereof, and the rules adopted
15 pursuant thereto, shall apply to and govern all proceedings for
16 the judicial review of final administrative decisions of the
17 civil service board hereunder. The term "administrative
18 decision" is defined as in Section 3-101 of the Code of Civil
19 Procedure.

20 (Source: P.A. 95-923, eff. 8-26-08.)

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