

HB3388



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3388

by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

20 ILCS 415/8c

from Ch. 127, par. 63b108c

Amends the Personnel Code. Removes a provision exempting the Upward Mobility Program from State recovery of payments for coursework or training programs. Effective immediately.

LRB099 08598 JWD 28761 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 State service subject to the jurisdiction of
9 the Department of Central Management Services with respect to
10 conditions of employment:

11 (1) For establishment of a plan for resolving employee
12 grievances and complaints, excluding compulsory
13 arbitration.

14 (2) For hours of work, holidays, and attendance
15 regulation in the various classes of positions in the State
16 service; for annual, sick and special leaves of absence,
17 with or without pay or with reduced pay; for compensatory
18 time off for overtime or for pay for overtime, and for the
19 rate at which compensatory time off is to be allowed or for
20 the rate which is to be paid for overtime. If the services
21 of an employee in the State service are terminated by
22 reason of his retirement, disability or death, he, or his
23 estate, as the case may be, shall be paid a lump sum, for

1 the number of days for leave for personal business which
2 the employee had accumulated but not used as of the date
3 his services were terminated, in an amount equal to 1/2 of
4 his pay per working day times the number of such leave days
5 so accumulated and not used.

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

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

24 If the employee does not fulfill this work commitment
25 by voluntarily leaving State employment, the State may
26 recover payments in a civil action and may also recover

1 interest at the rate of 1% per month from the time the
2 State makes payment until the time the State recovers the
3 payment. The amount the State may recover under this
4 subsection (3) shall be reduced by 25% of the gross amount
5 paid by the State for each year the employee is employed by
6 the State after the employee receives a postsecondary
7 degree, and 1/18th of the gross amount paid by the State
8 for each month the employee is employed by the State after
9 the employee completes the most recent course which has not
10 led to a postsecondary degree.

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

22 Department of State Police employees who are enrolled
23 in an official training program that lasts longer than one
24 year shall incur a work commitment to the State. The work
25 commitment shall be 2 months for each month of completed
26 training. If the employee fails to fulfill this work

1 commitment by voluntarily leaving State employment, the
2 State may recover wages in a civil action and may also
3 recover interest at the rate of 1% per month from the time
4 the State makes payment until the time the State recovers
5 the payment. The amount the State may recover under this
6 subsection (3) shall be reduced by the number of months
7 served after the training is completed times the monthly
8 salary at the time of separation.

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

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

19 (5) For the establishment of a family responsibility
20 leave plan under which an employee in the State service may
21 request and receive a leave of absence for up to one year
22 without penalty whenever such leave is requested to enable
23 the employee to meet a bona fide family responsibility of
24 such employee. The procedure for determining and
25 documenting the existence of a bona fide family
26 responsibility shall be as provided by rule, but without

1 limiting the circumstances which shall constitute a bona
2 fide family responsibility under the rules, such
3 circumstances shall include leave incident to the birth of
4 the employee's child and the responsibility thereafter to
5 provide proper care to that child or to a newborn child
6 adopted by the employee, the responsibility to provide
7 regular care to a disabled, incapacitated or bedridden
8 resident of the employee's household or member of the
9 employee's family, and the responsibility to furnish
10 special guidance, care and supervision to a resident of the
11 employee's household or member of the employee's family in
12 need thereof under circumstances temporarily inconsistent
13 with uninterrupted employment in State service. The family
14 responsibility leave plan so established shall provide
15 that any such leave shall be without pay, that the
16 seniority of the employee on such leave shall not be
17 reduced during the period of the leave, that such leave
18 shall not under any circumstance or for any purpose be
19 deemed to cause a break in such employee's State service,
20 that during the period of such leave any coverage of the
21 employee or the employee's dependents which existed at the
22 commencement of the leave under any group health, hospital,
23 medical and life insurance plan provided through the State
24 shall continue so long as the employee pays to the State
25 when due the full premium incident to such coverage, and
26 that upon expiration of the leave the employee shall be

1 returned to the same position and classification which such
2 employee held at the commencement of the leave. The
3 Director of Central Management Services shall prepare
4 proposed rules consistent with this paragraph within 45
5 days after the effective date of this amendatory Act of
6 1983, shall promptly thereafter cause a public hearing
7 thereon to be held as provided in Section 8 and shall
8 within 120 days after the effective date of this amendatory
9 Act of 1983 cause such proposed rules to be submitted to
10 the Civil Service Commission as provided in Section 8.

11 (6) For the development and operation of a plan for
12 alternative employment for any employee who is able to
13 perform alternative employment after a work related or
14 non-work related disability essentially precludes that
15 employee from performing his or her currently assigned
16 duties. Such a plan shall be voluntary for any employee and
17 nonparticipation shall not be grounds for denial of any
18 benefit to which the employee would otherwise be eligible.
19 Any plan seeking to cover positions for which there is a
20 recognized bargaining agent shall be subject to collective
21 bargaining between the parties.

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

1 (i) each of whom is nominated for such scholarship
2 by the head of the employee's agency and approved by
3 the Director;

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

9 (iii) who meet the admission standards established
10 by the institution awarding the advanced degree or
11 conducting the training;

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

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

6 Such scholarships shall not exceed the amount
7 established for tuition and fees for the applicable
8 advanced degree or training at State universities in
9 Illinois whether the employee enrolls at any Illinois
10 public or private institution, and shall not include any
11 textbooks or equipment such as personal computers.

12 The Department of Central Management Services shall
13 make necessary efforts, including appropriate legal
14 action, to recover scholarships and interest thereupon due
15 subject to recovery by the State under Subparagraph (iv) of
16 this Subsection (7).

17 (Source: P.A. 98-718, eff. 1-1-15.)

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