



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4151

by Rep. Grant Wehrli

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Officials and Employees Ethics Act. Provides new requirements for the composition, duration, and responsibilities of appointees to the Legislative Ethics Commission. Removes specified existing requirements for persons appointed to the Legislative Ethics Commission. Changes the title of Legislative Inspector General to Legislative Ethics Review Officer. Provides that the initial term of the Legislative Ethics Review Officer shall run through June 30, 2019. Modifies the duties of the Legislative Ethics Review Officer. Provides further information posting and reporting requirements for specified ethics officers and the Legislative Ethics Commission. Requires the Legislative Ethics Review Officer to file a monthly (currently, quarterly) activity report with the Legislative Ethics Commission that reflects investigative activity during the previous month. Requires the Legislative Ethics Review Officer to submit monthly (currently, quarterly) reports to the General Assembly and the Legislative Ethics Commission indicating specified information. Amends the Illinois Governmental Ethics Act to provide the Legislative Ethics Commission with jurisdiction over violations relating to restricted activities and the rules of conduct for legislators. Amends the Illinois Public Labor Relations Act, the State Budget Law, the Personnel Code, and the Illinois Pension Code to make conforming changes.

LRB100 15490 JWD 30616 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 3 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,
10 with respect to a matter over which the jurisdiction of the
11 Board is assigned to the State Panel or the Local Panel under
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms
14 and conditions of employment, including hours, wages, and other
15 conditions of employment, as detailed in Section 7 and which
16 are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in the
18 regular course of his or her duties, assists and acts in a
19 confidential capacity to persons who formulate, determine, and
20 effectuate management policies with regard to labor relations
21 or who, in the regular course of his or her duties, has
22 authorized access to information relating to the effectuation
23 or review of the employer's collective bargaining policies.

1 (d) "Craft employees" means skilled journeymen, crafts
2 persons, and their apprentices and helpers.

3 (e) "Essential services employees" means those public
4 employees performing functions so essential that the
5 interruption or termination of the function will constitute a
6 clear and present danger to the health and safety of the
7 persons in the affected community.

8 (f) "Exclusive representative", except with respect to
9 non-State fire fighters and paramedics employed by fire
10 departments and fire protection districts, non-State peace
11 officers, and peace officers in the Department of State Police,
12 means the labor organization that has been (i) designated by
13 the Board as the representative of a majority of public
14 employees in an appropriate bargaining unit in accordance with
15 the procedures contained in this Act, (ii) historically
16 recognized by the State of Illinois or any political
17 subdivision of the State before July 1, 1984 (the effective
18 date of this Act) as the exclusive representative of the
19 employees in an appropriate bargaining unit, (iii) after July
20 1, 1984 (the effective date of this Act) recognized by an
21 employer upon evidence, acceptable to the Board, that the labor
22 organization has been designated as the exclusive
23 representative by a majority of the employees in an appropriate
24 bargaining unit; (iv) recognized as the exclusive
25 representative of personal assistants under Executive Order
26 2003-8 prior to the effective date of this amendatory Act of

1 the 93rd General Assembly, and the organization shall be
2 considered to be the exclusive representative of the personal
3 assistants as defined in this Section; or (v) recognized as the
4 exclusive representative of child and day care home providers,
5 including licensed and license exempt providers, pursuant to an
6 election held under Executive Order 2005-1 prior to the
7 effective date of this amendatory Act of the 94th General
8 Assembly, and the organization shall be considered to be the
9 exclusive representative of the child and day care home
10 providers as defined in this Section.

11 With respect to non-State fire fighters and paramedics
12 employed by fire departments and fire protection districts,
13 non-State peace officers, and peace officers in the Department
14 of State Police, "exclusive representative" means the labor
15 organization that has been (i) designated by the Board as the
16 representative of a majority of peace officers or fire fighters
17 in an appropriate bargaining unit in accordance with the
18 procedures contained in this Act, (ii) historically recognized
19 by the State of Illinois or any political subdivision of the
20 State before January 1, 1986 (the effective date of this
21 amendatory Act of 1985) as the exclusive representative by a
22 majority of the peace officers or fire fighters in an
23 appropriate bargaining unit, or (iii) after January 1, 1986
24 (the effective date of this amendatory Act of 1985) recognized
25 by an employer upon evidence, acceptable to the Board, that the
26 labor organization has been designated as the exclusive

1 representative by a majority of the peace officers or fire
2 fighters in an appropriate bargaining unit.

3 Where a historical pattern of representation exists for the
4 workers of a water system that was owned by a public utility,
5 as defined in Section 3-105 of the Public Utilities Act, prior
6 to becoming certified employees of a municipality or
7 municipalities once the municipality or municipalities have
8 acquired the water system as authorized in Section 11-124-5 of
9 the Illinois Municipal Code, the Board shall find the labor
10 organization that has historically represented the workers to
11 be the exclusive representative under this Act, and shall find
12 the unit represented by the exclusive representative to be the
13 appropriate unit.

14 (g) "Fair share agreement" means an agreement between the
15 employer and an employee organization under which all or any of
16 the employees in a collective bargaining unit are required to
17 pay their proportionate share of the costs of the collective
18 bargaining process, contract administration, and pursuing
19 matters affecting wages, hours, and other conditions of
20 employment, but not to exceed the amount of dues uniformly
21 required of members. The amount certified by the exclusive
22 representative shall not include any fees for contributions
23 related to the election or support of any candidate for
24 political office. Nothing in this subsection (g) shall preclude
25 an employee from making voluntary political contributions in
26 conjunction with his or her fair share payment.

1 (g-1) "Fire fighter" means, for the purposes of this Act
2 only, any person who has been or is hereafter appointed to a
3 fire department or fire protection district or employed by a
4 state university and sworn or commissioned to perform fire
5 fighter duties or paramedic duties, except that the following
6 persons are not included: part-time fire fighters, auxiliary,
7 reserve or voluntary fire fighters, including paid on-call fire
8 fighters, clerks and dispatchers or other civilian employees of
9 a fire department or fire protection district who are not
10 routinely expected to perform fire fighter duties, or elected
11 officials.

12 (g-2) "General Assembly of the State of Illinois" means the
13 legislative branch of the government of the State of Illinois,
14 as provided for under Article IV of the Constitution of the
15 State of Illinois, and includes but is not limited to the House
16 of Representatives, the Senate, the Speaker of the House of
17 Representatives, the Minority Leader of the House of
18 Representatives, the President of the Senate, the Minority
19 Leader of the Senate, the Joint Committee on Legislative
20 Support Services and any legislative support services agency
21 listed in the Legislative Commission Reorganization Act of
22 1984.

23 (h) "Governing body" means, in the case of the State, the
24 State Panel of the Illinois Labor Relations Board, the Director
25 of the Department of Central Management Services, and the
26 Director of the Department of Labor; the county board in the

1 case of a county; the corporate authorities in the case of a
2 municipality; and the appropriate body authorized to provide
3 for expenditures of its funds in the case of any other unit of
4 government.

5 (i) "Labor organization" means any organization in which
6 public employees participate and that exists for the purpose,
7 in whole or in part, of dealing with a public employer
8 concerning wages, hours, and other terms and conditions of
9 employment, including the settlement of grievances.

10 (i-5) "Legislative liaison" means a person who is an
11 employee of a State agency, the Attorney General, the Secretary
12 of State, the Comptroller, or the Treasurer, as the case may
13 be, and whose job duties require the person to regularly
14 communicate in the course of his or her employment with any
15 official or staff of the General Assembly of the State of
16 Illinois for the purpose of influencing any legislative action.

17 (j) "Managerial employee" means an individual who is
18 engaged predominantly in executive and management functions
19 and is charged with the responsibility of directing the
20 effectuation of management policies and practices. With
21 respect only to State employees in positions under the
22 jurisdiction of the Attorney General, Secretary of State,
23 Comptroller, or Treasurer (i) that were certified in a
24 bargaining unit on or after December 2, 2008, (ii) for which a
25 petition is filed with the Illinois Public Labor Relations
26 Board on or after April 5, 2013 (the effective date of Public

1 Act 97-1172), or (iii) for which a petition is pending before
2 the Illinois Public Labor Relations Board on that date,
3 "managerial employee" means an individual who is engaged in
4 executive and management functions or who is charged with the
5 effectuation of management policies and practices or who
6 represents management interests by taking or recommending
7 discretionary actions that effectively control or implement
8 policy. Nothing in this definition prohibits an individual from
9 also meeting the definition of "supervisor" under subsection
10 (r) of this Section.

11 (k) "Peace officer" means, for the purposes of this Act
12 only, any persons who have been or are hereafter appointed to a
13 police force, department, or agency and sworn or commissioned
14 to perform police duties, except that the following persons are
15 not included: part-time police officers, special police
16 officers, auxiliary police as defined by Section 3.1-30-20 of
17 the Illinois Municipal Code, night watchmen, "merchant
18 police", court security officers as defined by Section 3-6012.1
19 of the Counties Code, temporary employees, traffic guards or
20 wardens, civilian parking meter and parking facilities
21 personnel or other individuals specially appointed to aid or
22 direct traffic at or near schools or public functions or to aid
23 in civil defense or disaster, parking enforcement employees who
24 are not commissioned as peace officers and who are not armed
25 and who are not routinely expected to effect arrests, parking
26 lot attendants, clerks and dispatchers or other civilian

1 employees of a police department who are not routinely expected
2 to effect arrests, or elected officials.

3 (1) "Person" includes one or more individuals, labor
4 organizations, public employees, associations, corporations,
5 legal representatives, trustees, trustees in bankruptcy,
6 receivers, or the State of Illinois or any political
7 subdivision of the State or governing body, but does not
8 include the General Assembly of the State of Illinois or any
9 individual employed by the General Assembly of the State of
10 Illinois.

11 (m) "Professional employee" means any employee engaged in
12 work predominantly intellectual and varied in character rather
13 than routine mental, manual, mechanical or physical work;
14 involving the consistent exercise of discretion and adjustment
15 in its performance; of such a character that the output
16 produced or the result accomplished cannot be standardized in
17 relation to a given period of time; and requiring advanced
18 knowledge in a field of science or learning customarily
19 acquired by a prolonged course of specialized intellectual
20 instruction and study in an institution of higher learning or a
21 hospital, as distinguished from a general academic education or
22 from apprenticeship or from training in the performance of
23 routine mental, manual, or physical processes; or any employee
24 who has completed the courses of specialized intellectual
25 instruction and study prescribed in this subsection (m) and is
26 performing related work under the supervision of a professional

1 person to qualify to become a professional employee as defined
2 in this subsection (m).

3 (n) "Public employee" or "employee", for the purposes of
4 this Act, means any individual employed by a public employer,
5 including (i) interns and residents at public hospitals, (ii)
6 as of the effective date of this amendatory Act of the 93rd
7 General Assembly, but not before, personal assistants working
8 under the Home Services Program under Section 3 of the
9 Rehabilitation of Persons with Disabilities Act, subject to the
10 limitations set forth in this Act and in the Rehabilitation of
11 Persons with Disabilities Act, (iii) as of the effective date
12 of this amendatory Act of the 94th General Assembly, but not
13 before, child and day care home providers participating in the
14 child care assistance program under Section 9A-11 of the
15 Illinois Public Aid Code, subject to the limitations set forth
16 in this Act and in Section 9A-11 of the Illinois Public Aid
17 Code, (iv) as of January 29, 2013 (the effective date of Public
18 Act 97-1158), but not before except as otherwise provided in
19 this subsection (n), home care and home health workers who
20 function as personal assistants and individual maintenance
21 home health workers and who also work under the Home Services
22 Program under Section 3 of the Rehabilitation of Persons with
23 Disabilities Act, no matter whether the State provides those
24 services through direct fee-for-service arrangements, with the
25 assistance of a managed care organization or other
26 intermediary, or otherwise, (v) beginning on the effective date

1 of this amendatory Act of the 98th General Assembly and
2 notwithstanding any other provision of this Act, any person
3 employed by a public employer and who is classified as or who
4 holds the employment title of Chief Stationary Engineer,
5 Assistant Chief Stationary Engineer, Sewage Plant Operator,
6 Water Plant Operator, Stationary Engineer, Plant Operating
7 Engineer, and any other employee who holds the position of:
8 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,
9 Technical Manager I, Technical Manager II, Technical Manager
10 III, Technical Manager IV, Technical Manager V, Technical
11 Manager VI, Realty Specialist III, Realty Specialist IV, Realty
12 Specialist V, Technical Advisor I, Technical Advisor II,
13 Technical Advisor III, Technical Advisor IV, or Technical
14 Advisor V employed by the Department of Transportation who is
15 in a position which is certified in a bargaining unit on or
16 before the effective date of this amendatory Act of the 98th
17 General Assembly, and (vi) beginning on the effective date of
18 this amendatory Act of the 98th General Assembly and
19 notwithstanding any other provision of this Act, any mental
20 health administrator in the Department of Corrections who is
21 classified as or who holds the position of Public Service
22 Administrator (Option 8K), any employee of the Office of the
23 Inspector General in the Department of Human Services who is
24 classified as or who holds the position of Public Service
25 Administrator (Option 7), any Deputy of Intelligence in the
26 Department of Corrections who is classified as or who holds the

1 position of Public Service Administrator (Option 7), and any
2 employee of the Department of State Police who handles issues
3 concerning the Illinois State Police Sex Offender Registry and
4 who is classified as or holds the position of Public Service
5 Administrator (Option 7), but excluding all of the following:
6 employees of the General Assembly of the State of Illinois;
7 elected officials; executive heads of a department; members of
8 boards or commissions; the Executive Inspectors General; any
9 special Executive Inspectors General; employees of each Office
10 of an Executive Inspector General; commissioners and employees
11 of the Executive Ethics Commission; the Auditor General's
12 Inspector General; employees of the Office of the Auditor
13 General's Inspector General; the Legislative Ethics Review
14 Officer ~~Inspector General~~; any special Legislative Ethics
15 Review Officers ~~Inspectors General~~; employees of the Office of
16 the Legislative Ethics Review Officer ~~Inspector General~~;
17 commissioners and employees of the Legislative Ethics
18 Commission; employees of any agency, board or commission
19 created by this Act; employees appointed to State positions of
20 a temporary or emergency nature; all employees of school
21 districts and higher education institutions except
22 firefighters and peace officers employed by a state university
23 and except peace officers employed by a school district in its
24 own police department in existence on the effective date of
25 this amendatory Act of the 96th General Assembly; managerial
26 employees; short-term employees; legislative liaisons; a

1 person who is a State employee under the jurisdiction of the
2 Office of the Attorney General who is licensed to practice law
3 or whose position authorizes, either directly or indirectly,
4 meaningful input into government decision-making on issues
5 where there is room for principled disagreement on goals or
6 their implementation; a person who is a State employee under
7 the jurisdiction of the Office of the Comptroller who holds the
8 position of Public Service Administrator or whose position is
9 otherwise exempt under the Comptroller Merit Employment Code; a
10 person who is a State employee under the jurisdiction of the
11 Secretary of State who holds the position classification of
12 Executive I or higher, whose position authorizes, either
13 directly or indirectly, meaningful input into government
14 decision-making on issues where there is room for principled
15 disagreement on goals or their implementation, or who is
16 otherwise exempt under the Secretary of State Merit Employment
17 Code; employees in the Office of the Secretary of State who are
18 completely exempt from jurisdiction B of the Secretary of State
19 Merit Employment Code and who are in Rutan-exempt positions on
20 or after April 5, 2013 (the effective date of Public Act
21 97-1172); a person who is a State employee under the
22 jurisdiction of the Treasurer who holds a position that is
23 exempt from the State Treasurer Employment Code; any employee
24 of a State agency who (i) holds the title or position of, or
25 exercises substantially similar duties as a legislative
26 liaison, Agency General Counsel, Agency Chief of Staff, Agency

1 Executive Director, Agency Deputy Director, Agency Chief
2 Fiscal Officer, Agency Human Resources Director, Public
3 Information Officer, or Chief Information Officer and (ii) was
4 neither included in a bargaining unit nor subject to an active
5 petition for certification in a bargaining unit; any employee
6 of a State agency who (i) is in a position that is
7 Rutan-exempt, as designated by the employer, and completely
8 exempt from jurisdiction B of the Personnel Code and (ii) was
9 neither included in a bargaining unit nor subject to an active
10 petition for certification in a bargaining unit; any term
11 appointed employee of a State agency pursuant to Section 8b.18
12 or 8b.19 of the Personnel Code who was neither included in a
13 bargaining unit nor subject to an active petition for
14 certification in a bargaining unit; any employment position
15 properly designated pursuant to Section 6.1 of this Act;
16 confidential employees; independent contractors; and
17 supervisors except as provided in this Act.

18 Home care and home health workers who function as personal
19 assistants and individual maintenance home health workers and
20 who also work under the Home Services Program under Section 3
21 of the Rehabilitation of Persons with Disabilities Act shall
22 not be considered public employees for any purposes not
23 specifically provided for in Public Act 93-204 or Public Act
24 97-1158, including but not limited to, purposes of vicarious
25 liability in tort and purposes of statutory retirement or
26 health insurance benefits. Home care and home health workers

1 who function as personal assistants and individual maintenance
2 home health workers and who also work under the Home Services
3 Program under Section 3 of the Rehabilitation of Persons with
4 Disabilities Act shall not be covered by the State Employees
5 Group Insurance Act of 1971 (5 ILCS 375/).

6 Child and day care home providers shall not be considered
7 public employees for any purposes not specifically provided for
8 in this amendatory Act of the 94th General Assembly, including
9 but not limited to, purposes of vicarious liability in tort and
10 purposes of statutory retirement or health insurance benefits.
11 Child and day care home providers shall not be covered by the
12 State Employees Group Insurance Act of 1971.

13 Notwithstanding Section 9, subsection (c), or any other
14 provisions of this Act, all peace officers above the rank of
15 captain in municipalities with more than 1,000,000 inhabitants
16 shall be excluded from this Act.

17 (o) Except as otherwise in subsection (o-5), "public
18 employer" or "employer" means the State of Illinois; any
19 political subdivision of the State, unit of local government or
20 school district; authorities including departments, divisions,
21 bureaus, boards, commissions, or other agencies of the
22 foregoing entities; and any person acting within the scope of
23 his or her authority, express or implied, on behalf of those
24 entities in dealing with its employees. As of the effective
25 date of the amendatory Act of the 93rd General Assembly, but
26 not before, the State of Illinois shall be considered the

1 employer of the personal assistants working under the Home
2 Services Program under Section 3 of the Rehabilitation of
3 Persons with Disabilities Act, subject to the limitations set
4 forth in this Act and in the Rehabilitation of Persons with
5 Disabilities Act. As of January 29, 2013 (the effective date of
6 Public Act 97-1158), but not before except as otherwise
7 provided in this subsection (o), the State shall be considered
8 the employer of home care and home health workers who function
9 as personal assistants and individual maintenance home health
10 workers and who also work under the Home Services Program under
11 Section 3 of the Rehabilitation of Persons with Disabilities
12 Act, no matter whether the State provides those services
13 through direct fee-for-service arrangements, with the
14 assistance of a managed care organization or other
15 intermediary, or otherwise, but subject to the limitations set
16 forth in this Act and the Rehabilitation of Persons with
17 Disabilities Act. The State shall not be considered to be the
18 employer of home care and home health workers who function as
19 personal assistants and individual maintenance home health
20 workers and who also work under the Home Services Program under
21 Section 3 of the Rehabilitation of Persons with Disabilities
22 Act, for any purposes not specifically provided for in Public
23 Act 93-204 or Public Act 97-1158, including but not limited to,
24 purposes of vicarious liability in tort and purposes of
25 statutory retirement or health insurance benefits. Home care
26 and home health workers who function as personal assistants and

1 individual maintenance home health workers and who also work
2 under the Home Services Program under Section 3 of the
3 Rehabilitation of Persons with Disabilities Act shall not be
4 covered by the State Employees Group Insurance Act of 1971 (5
5 ILCS 375/). As of the effective date of this amendatory Act of
6 the 94th General Assembly but not before, the State of Illinois
7 shall be considered the employer of the day and child care home
8 providers participating in the child care assistance program
9 under Section 9A-11 of the Illinois Public Aid Code, subject to
10 the limitations set forth in this Act and in Section 9A-11 of
11 the Illinois Public Aid Code. The State shall not be considered
12 to be the employer of child and day care home providers for any
13 purposes not specifically provided for in this amendatory Act
14 of the 94th General Assembly, including but not limited to,
15 purposes of vicarious liability in tort and purposes of
16 statutory retirement or health insurance benefits. Child and
17 day care home providers shall not be covered by the State
18 Employees Group Insurance Act of 1971.

19 "Public employer" or "employer" as used in this Act,
20 however, does not mean and shall not include the General
21 Assembly of the State of Illinois, the Executive Ethics
22 Commission, the Offices of the Executive Inspectors General,
23 the Legislative Ethics Commission, the Office of the
24 Legislative Ethics Review Officer, ~~Inspector General~~, the
25 Office of the Auditor General's Inspector General, the Office
26 of the Governor, the Governor's Office of Management and

1 Budget, the Illinois Finance Authority, the Office of the
2 Lieutenant Governor, the State Board of Elections, and
3 educational employers or employers as defined in the Illinois
4 Educational Labor Relations Act, except with respect to a state
5 university in its employment of firefighters and peace officers
6 and except with respect to a school district in the employment
7 of peace officers in its own police department in existence on
8 the effective date of this amendatory Act of the 96th General
9 Assembly. County boards and county sheriffs shall be designated
10 as joint or co-employers of county peace officers appointed
11 under the authority of a county sheriff. Nothing in this
12 subsection (o) shall be construed to prevent the State Panel or
13 the Local Panel from determining that employers are joint or
14 co-employers.

15 (o-5) With respect to wages, fringe benefits, hours,
16 holidays, vacations, proficiency examinations, sick leave, and
17 other conditions of employment, the public employer of public
18 employees who are court reporters, as defined in the Court
19 Reporters Act, shall be determined as follows:

20 (1) For court reporters employed by the Cook County
21 Judicial Circuit, the chief judge of the Cook County
22 Circuit Court is the public employer and employer
23 representative.

24 (2) For court reporters employed by the 12th, 18th,
25 19th, and, on and after December 4, 2006, the 22nd judicial
26 circuits, a group consisting of the chief judges of those

1 circuits, acting jointly by majority vote, is the public
2 employer and employer representative.

3 (3) For court reporters employed by all other judicial
4 circuits, a group consisting of the chief judges of those
5 circuits, acting jointly by majority vote, is the public
6 employer and employer representative.

7 (p) "Security employee" means an employee who is
8 responsible for the supervision and control of inmates at
9 correctional facilities. The term also includes other
10 non-security employees in bargaining units having the majority
11 of employees being responsible for the supervision and control
12 of inmates at correctional facilities.

13 (q) "Short-term employee" means an employee who is employed
14 for less than 2 consecutive calendar quarters during a calendar
15 year and who does not have a reasonable assurance that he or
16 she will be rehired by the same employer for the same service
17 in a subsequent calendar year.

18 (q-5) "State agency" means an agency directly responsible
19 to the Governor, as defined in Section 3.1 of the Executive
20 Reorganization Implementation Act, and the Illinois Commerce
21 Commission, the Illinois Workers' Compensation Commission, the
22 Civil Service Commission, the Pollution Control Board, the
23 Illinois Racing Board, and the Department of State Police Merit
24 Board.

25 (r) "Supervisor" is:

26 (1) An employee whose principal work is substantially

1 different from that of his or her subordinates and who has
2 authority, in the interest of the employer, to hire,
3 transfer, suspend, lay off, recall, promote, discharge,
4 direct, reward, or discipline employees, to adjust their
5 grievances, or to effectively recommend any of those
6 actions, if the exercise of that authority is not of a
7 merely routine or clerical nature, but requires the
8 consistent use of independent judgment. Except with
9 respect to police employment, the term "supervisor"
10 includes only those individuals who devote a preponderance
11 of their employment time to exercising that authority,
12 State supervisors notwithstanding. Nothing in this
13 definition prohibits an individual from also meeting the
14 definition of "managerial employee" under subsection (j)
15 of this Section. In addition, in determining supervisory
16 status in police employment, rank shall not be
17 determinative. The Board shall consider, as evidence of
18 bargaining unit inclusion or exclusion, the common law
19 enforcement policies and relationships between police
20 officer ranks and certification under applicable civil
21 service law, ordinances, personnel codes, or Division 2.1
22 of Article 10 of the Illinois Municipal Code, but these
23 factors shall not be the sole or predominant factors
24 considered by the Board in determining police supervisory
25 status.

26 Notwithstanding the provisions of the preceding

1 paragraph, in determining supervisory status in fire
2 fighter employment, no fire fighter shall be excluded as a
3 supervisor who has established representation rights under
4 Section 9 of this Act. Further, in new fire fighter units,
5 employees shall consist of fire fighters of the rank of
6 company officer and below. If a company officer otherwise
7 qualifies as a supervisor under the preceding paragraph,
8 however, he or she shall not be included in the fire
9 fighter unit. If there is no rank between that of chief and
10 the highest company officer, the employer may designate a
11 position on each shift as a Shift Commander, and the
12 persons occupying those positions shall be supervisors.
13 All other ranks above that of company officer shall be
14 supervisors.

15 (2) With respect only to State employees in positions
16 under the jurisdiction of the Attorney General, Secretary
17 of State, Comptroller, or Treasurer (i) that were certified
18 in a bargaining unit on or after December 2, 2008, (ii) for
19 which a petition is filed with the Illinois Public Labor
20 Relations Board on or after April 5, 2013 (the effective
21 date of Public Act 97-1172), or (iii) for which a petition
22 is pending before the Illinois Public Labor Relations Board
23 on that date, an employee who qualifies as a supervisor
24 under (A) Section 152 of the National Labor Relations Act
25 and (B) orders of the National Labor Relations Board
26 interpreting that provision or decisions of courts

1 reviewing decisions of the National Labor Relations Board.

2 (s) (1) "Unit" means a class of jobs or positions that are
3 held by employees whose collective interests may suitably be
4 represented by a labor organization for collective bargaining.
5 Except with respect to non-State fire fighters and paramedics
6 employed by fire departments and fire protection districts,
7 non-State peace officers, and peace officers in the Department
8 of State Police, a bargaining unit determined by the Board
9 shall not include both employees and supervisors, or
10 supervisors only, except as provided in paragraph (2) of this
11 subsection (s) and except for bargaining units in existence on
12 July 1, 1984 (the effective date of this Act). With respect to
13 non-State fire fighters and paramedics employed by fire
14 departments and fire protection districts, non-State peace
15 officers, and peace officers in the Department of State Police,
16 a bargaining unit determined by the Board shall not include
17 both supervisors and nonsupervisors, or supervisors only,
18 except as provided in paragraph (2) of this subsection (s) and
19 except for bargaining units in existence on January 1, 1986
20 (the effective date of this amendatory Act of 1985). A
21 bargaining unit determined by the Board to contain peace
22 officers shall contain no employees other than peace officers
23 unless otherwise agreed to by the employer and the labor
24 organization or labor organizations involved. Notwithstanding
25 any other provision of this Act, a bargaining unit, including a
26 historical bargaining unit, containing sworn peace officers of

1 the Department of Natural Resources (formerly designated the
2 Department of Conservation) shall contain no employees other
3 than such sworn peace officers upon the effective date of this
4 amendatory Act of 1990 or upon the expiration date of any
5 collective bargaining agreement in effect upon the effective
6 date of this amendatory Act of 1990 covering both such sworn
7 peace officers and other employees.

8 (2) Notwithstanding the exclusion of supervisors from
9 bargaining units as provided in paragraph (1) of this
10 subsection (s), a public employer may agree to permit its
11 supervisory employees to form bargaining units and may bargain
12 with those units. This Act shall apply if the public employer
13 chooses to bargain under this subsection.

14 (3) Public employees who are court reporters, as defined in
15 the Court Reporters Act, shall be divided into 3 units for
16 collective bargaining purposes. One unit shall be court
17 reporters employed by the Cook County Judicial Circuit; one
18 unit shall be court reporters employed by the 12th, 18th, 19th,
19 and, on and after December 4, 2006, the 22nd judicial circuits;
20 and one unit shall be court reporters employed by all other
21 judicial circuits.

22 (t) "Active petition for certification in a bargaining
23 unit" means a petition for certification filed with the Board
24 under one of the following case numbers: S-RC-11-110;
25 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
26 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;

1 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
2 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
3 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
4 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
5 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
6 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
7 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
8 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
9 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
10 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
11 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
12 S-RC-07-100.
13 (Source: P.A. 98-100, eff. 7-19-13; 98-1004, eff. 8-18-14;
14 99-143, eff. 7-27-15.)

15 Section 7. The Illinois Governmental Ethics Act is amended
16 by adding Sections 2-115 and 3-108 as follows:

17 (5 ILCS 420/2-115 new)

18 Sec. 2-115. Legislative Ethics Commission. Notwithstanding
19 any provision of law to the contrary, a violation of any
20 provision of this Article 2 is subject to the jurisdiction of
21 the Legislative Ethics Commission and the Legislative Ethics
22 Review Officer, including the imposition of a fine or other
23 penalty. A fine or other penalty imposed by the Legislative
24 Ethics Commission shall be in addition to any criminal or other

1 penalties that may otherwise be imposed for that violation.

2 (5 ILCS 420/3-108 new)

3 Sec. 3-108. Legislative Ethics Commission. Notwithstanding
4 any provision of law to the contrary, a violation of any
5 provision of this Part 1 is subject to the jurisdiction of the
6 Legislative Ethics Commission and the Legislative Ethics
7 Review Officer, including the imposition of a fine or other
8 penalty. A fine or other penalty imposed by the Legislative
9 Ethics Commission shall be in addition to any criminal or other
10 penalties that may otherwise be imposed for that violation.

11 Section 10. The State Officials and Employees Ethics Act is
12 amended by changing Section 5-45 and the heading of Article 25
13 and Sections 25-5, 25-10, 25-15, 25-20, 25-21, 25-23, 25-45,
14 25-50, 25-51, 25-52, 25-55, 25-65, 25-70, 25-80, 25-85, 25-86,
15 25-90, and 25-95 as follows:

16 (5 ILCS 430/5-45)

17 Sec. 5-45. Procurement; revolving door prohibition.

18 (a) No former officer, member, or State employee, or spouse
19 or immediate family member living with such person, shall,
20 within a period of one year immediately after termination of
21 State employment, knowingly accept employment or receive
22 compensation or fees for services from a person or entity if
23 the officer, member, or State employee, during the year

1 immediately preceding termination of State employment,
2 participated personally and substantially in the award of State
3 contracts, or the issuance of State contract change orders,
4 with a cumulative value of \$25,000 or more to the person or
5 entity, or its parent or subsidiary.

6 (b) No former officer of the executive branch or State
7 employee of the executive branch with regulatory or licensing
8 authority, or spouse or immediate family member living with
9 such person, shall, within a period of one year immediately
10 after termination of State employment, knowingly accept
11 employment or receive compensation or fees for services from a
12 person or entity if the officer or State employee, during the
13 year immediately preceding termination of State employment,
14 participated personally and substantially in making a
15 regulatory or licensing decision that directly applied to the
16 person or entity, or its parent or subsidiary.

17 (c) Within 6 months after the effective date of this
18 amendatory Act of the 96th General Assembly, each executive
19 branch constitutional officer and legislative leader, the
20 Auditor General, and the Joint Committee on Legislative Support
21 Services shall adopt a policy delineating which State positions
22 under his or her jurisdiction and control, by the nature of
23 their duties, may have the authority to participate personally
24 and substantially in the award of State contracts or in
25 regulatory or licensing decisions. The Governor shall adopt
26 such a policy for all State employees of the executive branch

1 not under the jurisdiction and control of any other executive
2 branch constitutional officer.

3 The policies required under subsection (c) of this Section
4 shall be filed with the appropriate ethics commission
5 established under this Act or, for the Auditor General, with
6 the Office of the Auditor General.

7 (d) Each Inspector General shall have the authority to
8 determine that additional State positions under his or her
9 jurisdiction, not otherwise subject to the policies required by
10 subsection (c) of this Section, are nonetheless subject to the
11 notification requirement of subsection (f) below due to their
12 involvement in the award of State contracts or in regulatory or
13 licensing decisions.

14 (e) The Joint Committee on Legislative Support Services,
15 the Auditor General, and each of the executive branch
16 constitutional officers and legislative leaders subject to
17 subsection (c) of this Section shall provide written
18 notification to all employees in positions subject to the
19 policies required by subsection (c) or a determination made
20 under subsection (d): (1) upon hiring, promotion, or transfer
21 into the relevant position; and (2) at the time the employee's
22 duties are changed in such a way as to qualify that employee.
23 An employee receiving notification must certify in writing that
24 the person was advised of the prohibition and the requirement
25 to notify the appropriate Inspector General in subsection (f).

26 (f) Any State employee in a position subject to the

1 policies required by subsection (c) or to a determination under
2 subsection (d), but who does not fall within the prohibition of
3 subsection (h) below, who is offered non-State employment
4 during State employment or within a period of one year
5 immediately after termination of State employment shall, prior
6 to accepting such non-State employment, notify the appropriate
7 Inspector General. Within 10 calendar days after receiving
8 notification from an employee in a position subject to the
9 policies required by subsection (c), such Inspector General
10 shall make a determination as to whether the State employee is
11 restricted from accepting such employment by subsection (a) or
12 (b). In making a determination, in addition to any other
13 relevant information, an Inspector General shall assess the
14 effect of the prospective employment or relationship upon
15 decisions referred to in subsections (a) and (b), based on the
16 totality of the participation by the former officer, member, or
17 State employee in those decisions. A determination by an
18 Inspector General must be in writing, signed and dated by the
19 Inspector General, and delivered to the subject of the
20 determination within 10 calendar days or the person is deemed
21 eligible for the employment opportunity. For purposes of this
22 subsection, "appropriate Inspector General" means (i) for
23 members and employees of the legislative branch, the
24 Legislative Ethics Review Officer; ~~Inspector General~~, (ii) for
25 the Auditor General and employees of the Office of the Auditor
26 General, the Inspector General provided for in Section 30-5 of

1 this Act; and (iii) for executive branch officers and
2 employees, the Inspector General having jurisdiction over the
3 officer or employee. Notice of any determination of an
4 Inspector General and of any such appeal shall be given to the
5 ultimate jurisdictional authority, the Attorney General, and
6 the Executive Ethics Commission.

7 (g) An Inspector General's determination regarding
8 restrictions under subsection (a) or (b) may be appealed to the
9 appropriate Ethics Commission by the person subject to the
10 decision or the Attorney General no later than the 10th
11 calendar day after the date of the determination.

12 On appeal, the Ethics Commission or Auditor General shall
13 seek, accept, and consider written public comments regarding a
14 determination. In deciding whether to uphold an Inspector
15 General's determination, the appropriate Ethics Commission or
16 Auditor General shall assess, in addition to any other relevant
17 information, the effect of the prospective employment or
18 relationship upon the decisions referred to in subsections (a)
19 and (b), based on the totality of the participation by the
20 former officer, member, or State employee in those decisions.
21 The Ethics Commission shall decide whether to uphold an
22 Inspector General's determination within 10 calendar days or
23 the person is deemed eligible for the employment opportunity.

24 (h) The following officers, members, or State employees
25 shall not, within a period of one year immediately after
26 termination of office or State employment, knowingly accept

1 employment or receive compensation or fees for services from a
2 person or entity if the person or entity or its parent or
3 subsidiary, during the year immediately preceding termination
4 of State employment, was a party to a State contract or
5 contracts with a cumulative value of \$25,000 or more involving
6 the officer, member, or State employee's State agency, or was
7 the subject of a regulatory or licensing decision involving the
8 officer, member, or State employee's State agency, regardless
9 of whether he or she participated personally and substantially
10 in the award of the State contract or contracts or the making
11 of the regulatory or licensing decision in question:

12 (1) members or officers;

13 (2) members of a commission or board created by the
14 Illinois Constitution;

15 (3) persons whose appointment to office is subject to
16 the advice and consent of the Senate;

17 (4) the head of a department, commission, board,
18 division, bureau, authority, or other administrative unit
19 within the government of this State;

20 (5) chief procurement officers, State purchasing
21 officers, and their designees whose duties are directly
22 related to State procurement; and

23 (6) chiefs of staff, deputy chiefs of staff, associate
24 chiefs of staff, assistant chiefs of staff, and deputy
25 governors.

26 (i) For the purposes of this Section, with respect to

1 officers or employees of a regional transit board, as defined
2 in this Act, the phrase "person or entity" does not include:
3 (i) the United States government, (ii) the State, (iii)
4 municipalities, as defined under Article VII, Section 1 of the
5 Illinois Constitution, (iv) units of local government, as
6 defined under Article VII, Section 1 of the Illinois
7 Constitution, or (v) school districts.

8 (j) For the purposes of this Section, "Inspector General"
9 as used in this Section includes persons appointed as
10 Legislative Ethics Review Officers under Section 25-10 of this
11 Act.

12 (Source: P.A. 96-555, eff. 8-18-09; 97-653, eff. 1-13-12.)

13 (5 ILCS 430/Art. 25 heading)

14 ARTICLE 25

15 LEGISLATIVE ETHICS COMMISSION AND

16 LEGISLATIVE ETHICS REVIEW OFFICER ~~INSPECTOR GENERAL~~

17 (Source: P.A. 93-617, eff. 12-9-03.)

18 (5 ILCS 430/25-5)

19 Sec. 25-5. Legislative Ethics Commission.

20 (a) The Legislative Ethics Commission is created.

21 (b) The Legislative Ethics Commission shall consist of 8
22 commissioners appointed 2 each from the Democratic and
23 Republican caucuses of both the Senate and the House of
24 Representatives. The Legislative Ethics Review Officer shall

1 select the 8 commissioners randomly with the ethics officer
2 legislative for each caucus present as witnesses. There shall
3 also be randomly selected from each legislative caucus one
4 alternate commissioner to serve the same term period as
5 provided for the 8 seated commissioners under this subsection
6 (b). Alternate commissioners shall replace a seated
7 commissioner when: (1) a conflict of interest arises; or (2) a
8 sitting commissioner cannot serve due to illness or any other
9 similar incapacity that may prevent a seated commissioner from
10 servin ~~g by the President and Minority Leader of the Senate and~~
11 ~~the Speaker and Minority Leader of the House of~~
12 ~~Representatives.~~

13 The terms of the initial commissioners shall commence upon
14 qualification. Positions on the Legislative Ethics Commission
15 will last 60 days, at which time new members are randomly
16 chosen. During that 60 day time period, the Legislative Ethics
17 Commission shall receive all findings from the Legislative
18 Ethics Review Officer and render a decision based on their
19 recommendations. No new findings may be submitted to the
20 Legislative Ethics Commission if less than 7 calendar days
21 remain in the 60 day period, to allow the Legislative Ethics
22 Commission proper time to evaluate the findings before making a
23 determination on whether or not to render a decision on the
24 findings. ~~Each appointing authority shall designate one~~
25 ~~appointee who shall serve for a 2-year term running through~~
26 ~~June 30, 2005. Each appointing authority shall designate one~~

1 ~~appointee who shall serve for a 4-year term running through~~
2 ~~June 30, 2007.~~ The initial appointments shall be made within 60
3 days after the effective date of this Act.

4 After the initial terms, commissioners shall serve for
5 4-year terms commencing on July 1 of the year of appointment
6 and running through June 30 of the fourth following year.
7 Commissioners may not be reappointed to consecutive ~~one or more~~
8 ~~subsequent~~ terms.

9 Vacancies occurring other than at the end of a term shall
10 be filled by the appointing authority only for the balance of
11 the term of the commissioner whose office is vacant.

12 Terms shall run regardless of whether the position is
13 filled.

14 (c) Blank. ~~The appointing authorities shall appoint~~
15 ~~commissioners who have experience holding governmental office~~
16 ~~or employment and may appoint commissioners who are members of~~
17 ~~the General Assembly as well as commissioners from the general~~
18 ~~public. A commissioner who is a member of the General Assembly~~
19 ~~must recuse himself or herself from participating in any matter~~
20 ~~relating to any investigation or proceeding in which he or she~~
21 ~~is the subject. A person is not eligible to serve as a~~
22 ~~commissioner if that person (i) has been convicted of a felony~~
23 ~~or a crime of dishonesty or moral turpitude, (ii) is, or was~~
24 ~~within the preceding 12 months, engaged in activities that~~
25 ~~require registration under the Lobbyist Registration Act,~~
26 ~~(iii) is a relative of the appointing authority, or (iv) is a~~

1 ~~State officer or employee other than a member of the General~~
2 ~~Assembly.~~

3 (d) The Legislative Ethics Commission shall have
4 jurisdiction over members of the General Assembly and all State
5 employees whose ultimate jurisdictional authority is (i) a
6 legislative leader, (ii) the Senate Operations Commission, or
7 (iii) the Joint Committee on Legislative Support Services. The
8 jurisdiction of the Commission is limited to matters arising
9 under this Act, and Article 2 and Part 1 of Article 3 of the
10 Illinois Governmental Ethics Act.

11 An officer or executive branch State employee serving on a
12 legislative branch board or commission remains subject to the
13 jurisdiction of the Executive Ethics Commission and is not
14 subject to the jurisdiction of the Legislative Ethics
15 Commission.

16 (e) The Legislative Ethics Commission must meet, either in
17 person or by other technological means, monthly or as often as
18 necessary. At the first meeting of the Legislative Ethics
19 Commission, the commissioners shall choose from their number a
20 chairperson and other officers that they deem appropriate. ~~The~~
21 ~~terms of officers shall be for 2 years commencing July 1 and~~
22 ~~running through June 30 of the second following year. Meetings~~
23 ~~shall be held at the call of the chairperson or any 3~~
24 ~~commissioners. Official action by the Commission shall require~~
25 ~~the affirmative vote of 5 commissioners, and a quorum shall~~
26 ~~consist of 5 commissioners. Commissioners shall receive no~~

1 ~~compensation but may be reimbursed for their reasonable~~
2 ~~expenses actually incurred in the performance of their duties.~~

3 (f) Blank. ~~No commissioner, other than a commissioner who~~
4 ~~is a member of the General Assembly, or employee of the~~
5 ~~Legislative Ethics Commission may during his or her term of~~
6 ~~appointment or employment:~~

7 ~~(1) become a candidate for any elective office;~~

8 ~~(2) hold any other elected or appointed public office~~
9 ~~except for appointments on governmental advisory boards or~~
10 ~~study commissions or as otherwise expressly authorized by~~
11 ~~law;~~

12 ~~(3) be actively involved in the affairs of any~~
13 ~~political party or political organization; or~~

14 ~~(4) advocate for the appointment of another person to~~
15 ~~an appointed or elected office or position or actively~~
16 ~~participate in any campaign for any elective office.~~

17 (g) Blank. ~~An appointing authority may remove a~~
18 ~~commissioner only for cause.~~

19 (h) The Legislative Ethics Commission shall appoint an
20 Executive Director subject to the approval of at least 3 of the
21 4 legislative leaders. The compensation of the Executive
22 Director shall be as determined by the Commission. The
23 Executive Director of the Legislative Ethics Commission may
24 employ, subject to the approval of at least 3 of the 4
25 legislative leaders, and determine the compensation of staff,
26 as appropriations permit.

1 (Source: P.A. 96-555, eff. 8-18-09.)

2 (5 ILCS 430/25-10)

3 Sec. 25-10. Office of Legislative Ethics Review Officer
4 ~~Inspector General~~.

5 (a) The independent Office of the Legislative Ethics Review
6 Officer ~~Inspector General~~ is created. The Office shall be under
7 the direction and supervision of the Legislative Ethics Review
8 Officer ~~Inspector General~~ and shall be a fully independent
9 office with its own appropriation.

10 (b) The Legislative Ethics Review Officer ~~Inspector~~
11 ~~General~~ shall be appointed without regard to political
12 affiliation and solely on the basis of integrity and
13 demonstrated ability. The Legislative Ethics Commission shall
14 diligently search out qualified candidates for Legislative
15 Ethics Review Officer ~~Inspector General~~ and shall make
16 recommendations to the General Assembly.

17 The Legislative Ethics Review Officer ~~Inspector General~~
18 shall be appointed by a joint resolution of the Senate and the
19 House of Representatives, which may specify the date on which
20 the appointment takes effect. A joint resolution, or other
21 document as may be specified by the Joint Rules of the General
22 Assembly, appointing the Legislative Ethics Review Officer
23 ~~Inspector General~~ must be certified by the Speaker of the House
24 of Representatives and the President of the Senate as having
25 been adopted by the affirmative vote of three-fifths of the

1 members elected to each house, respectively, and be filed with
2 the Secretary of State. The appointment of the Legislative
3 Ethics Review Officer ~~Inspector General~~ takes effect on the day
4 the appointment is completed by the General Assembly, unless
5 the appointment specifies a later date on which it is to become
6 effective.

7 The Legislative Ethics Review Officer ~~Inspector General~~
8 shall have the following qualifications:

9 (1) has not been convicted of any felony under the laws
10 of this State, another state, or the United States;

11 (2) has earned a baccalaureate degree from an
12 institution of higher education; and

13 (3) has 5 or more years of cumulative service (A) with
14 a federal, ~~State, or local~~ law enforcement agency, at least
15 2 years of which have been in a progressive investigatory
16 capacity; (B) as a federal, ~~State, or local~~ prosecutor; (C)
17 as a senior manager or executive of a federal, ~~State, or~~
18 ~~local~~ agency; (D) as a member, ~~an officer, or a State or~~
19 federal judge; or (E) representing any combination of (A)
20 through (D).

21 The Legislative Ethics Review Officer ~~Inspector General~~
22 may not be a relative of a commissioner.

23 The term of the initial Legislative Ethics Review Officer
24 ~~Inspector General~~ shall commence upon qualification and shall
25 run through June 30, 2019 ~~2008~~.

26 After the initial term, the Legislative Ethics Review

1 ~~Officer Inspector General~~ shall serve for 5-year terms
2 commencing on July 1 of the year of appointment and running
3 through June 30 of the fifth following year. The Legislative
4 Ethics Review Officer ~~Inspector General~~ may be reappointed to
5 one or more subsequent terms.

6 A vacancy occurring other than at the end of a term shall
7 be filled in the same manner as an appointment only for the
8 balance of the term of the Legislative Ethics Review Officer
9 ~~Inspector General~~ whose office is vacant. If the Office is
10 vacant, or if a Legislative Ethics Review Officer ~~Inspector~~
11 ~~General~~ resigns, the Commission shall designate an Acting
12 Legislative Ethics Review Officer ~~Inspector General~~ who shall
13 serve until the vacancy is filled. The Commission shall file
14 the designation in writing with the Secretary of State.

15 Terms shall run regardless of whether the position is
16 filled.

17 (c) The Legislative Ethics Review Officer ~~Inspector~~
18 ~~General~~ shall have jurisdiction over the members of the General
19 Assembly and all State employees whose ultimate jurisdictional
20 authority is (i) a legislative leader, (ii) the Senate
21 Operations Commission, or (iii) the Joint Committee on
22 Legislative Support Services.

23 The jurisdiction of each Legislative Ethics Review Officer
24 ~~Inspector General~~ is to investigate allegations of fraud,
25 waste, abuse, mismanagement, misconduct, nonfeasance,
26 misfeasance, malfeasance, or violations of this Act or

1 violations of other related laws and rules, including, but not
2 limited to, Article 2 and Part 1 of Article 3 of the Illinois
3 Governmental Ethics Act.

4 (d) The compensation of the Legislative Ethics Review
5 Officer ~~Inspector General~~ shall be the greater of an amount (i)
6 determined by the Commission or (ii) by joint resolution of the
7 General Assembly passed by a majority of members elected in
8 each chamber. Subject to Section 25-45 of this Act, the
9 Legislative Ethics Review Officer ~~Inspector General~~ has full
10 authority to organize the Office of the Legislative Ethics
11 Review Officer ~~Inspector General~~, including the employment and
12 determination of the compensation of staff, such as deputies,
13 assistants, and other employees, as appropriations permit.
14 Employment of staff is subject to the approval of at least 3 of
15 the 4 legislative leaders.

16 (e) No Legislative Ethics Review Officer ~~Inspector General~~
17 or employee of the Office of the Legislative Ethics Review
18 Officer ~~Inspector General~~ may, during his or her term of
19 appointment or employment:

20 (1) become a candidate for any elective office;

21 (2) hold any other elected or appointed public office
22 except for appointments on governmental advisory boards or
23 study commissions or as otherwise expressly authorized by
24 law;

25 (3) be actively involved in the affairs of any
26 political party or political organization; or

1 (4) actively participate in any campaign for any
2 elective office.

3 In this subsection an appointed public office means a
4 position authorized by law that is filled by an appointing
5 authority as provided by law and does not include employment by
6 hiring in the ordinary course of business.

7 (e-1) No Legislative Ethics Review Officer ~~Inspector~~
8 ~~General~~ or employee of the Office of the Legislative Ethics
9 Review Officer ~~Inspector General~~ may, for one year after the
10 termination of his or her appointment or employment:

11 (1) become a candidate for any elective office;

12 (2) hold any elected public office; or

13 (3) hold any appointed State, county, or local judicial
14 office.

15 (e-2) The requirements of item (3) of subsection (e-1) may
16 be waived by the Legislative Ethics Commission.

17 (f) The Commission may remove the Legislative Ethics Review
18 Officer ~~Inspector General~~ only for cause. At the time of the
19 removal, the Commission must report to the General Assembly the
20 justification for the removal.

21 (Source: P.A. 98-631, eff. 5-29-14.)

22 (5 ILCS 430/25-15)

23 Sec. 25-15. Duties of the Legislative Ethics Commission. In
24 addition to duties otherwise assigned by law, the Legislative
25 Ethics Commission shall have the following duties:

1 (1) To promulgate rules governing the performance of
2 its duties and the exercise of its powers and governing the
3 investigations of the Legislative Ethics Review Officer
4 ~~Inspector General~~.

5 (2) To conduct administrative hearings and rule on
6 matters brought before the Commission only upon the receipt
7 of pleadings filed by the Legislative Ethics Review Officer
8 ~~Inspector General~~ and not upon its own prerogative, but may
9 appoint special Legislative Ethics Review Officers
10 ~~Inspectors General~~ as provided in Section 25-21. Any other
11 allegations of misconduct received by the Commission from a
12 person other than the Legislative Ethics Review Officer
13 ~~Inspector General~~ shall be referred to the Office of the
14 Legislative Ethics Review Officer ~~Inspector General~~.

15 (3) To prepare and publish manuals and guides and,
16 working with the Office of the Attorney General, oversee
17 training of employees under its jurisdiction that explains
18 their duties.

19 (4) To prepare public information materials to
20 facilitate compliance, implementation, and enforcement of
21 this Act, or Article 2, or Part 1 of Article 3, of the
22 Illinois Governmental Ethics Act.

23 (5) To submit reports as required by this Act.

24 (6) To the extent authorized by this Act, to make
25 rulings, issue recommendations, and impose administrative
26 fines, if appropriate, in connection with the

1 implementation and interpretation of this Act. The powers
2 and duties of the Commission are limited to matters clearly
3 within the purview of this Act, or Article 2 or Part 1 of
4 Article 3 of the Illinois Governmental Ethics Act.

5 (7) To issue subpoenas with respect to matters pending
6 before the Commission, subject to the provisions of this
7 Article and in the discretion of the Commission, to compel
8 the attendance of witnesses for purposes of testimony and
9 the production of documents and other items for inspection
10 and copying.

11 (8) To appoint special Legislative Ethics Review
12 Officers ~~Inspectors General~~ as provided in Section 25-21.

13 (Source: P.A. 93-617, eff. 12-9-03.)

14 (5 ILCS 430/25-20)

15 Sec. 25-20. Duties of the Legislative Ethics Review Officer
16 ~~Inspector General~~. In addition to duties otherwise assigned by
17 law, the Legislative Ethics Review Officer ~~Inspector General~~
18 shall have the following duties:

19 (1) To receive and investigate allegations of
20 violations of: this Act; and Article 2, and Part 1 of
21 Article 3, of the Illinois Governmental Ethics Act. An
22 investigation may not be initiated more than one year after
23 the most recent act of the alleged violation or of a series
24 of alleged violations except where there is reasonable
25 cause to believe that fraudulent concealment has occurred.

1 To constitute fraudulent concealment sufficient to toll
2 this limitations period, there must be an affirmative act
3 or representation calculated to prevent discovery of the
4 fact that a violation has occurred. The Legislative Ethics
5 Review Officer ~~Inspector General~~ shall have the discretion
6 to determine the appropriate means of investigation as
7 permitted by law. Violations of this Act include, but are
8 not limited to, the following:

9 (A) Failure of State agencies to report ex parte
10 communications with members of the General Assembly or
11 their staff regarding university admissions, hiring,
12 or personnel decisions.

13 (B) Violations of rules adopted by the Commission
14 regarding members of the General Assembly helping
15 constituents obtain employment or a favorable action.

16 (C) Votes taken by members of the General Assembly
17 when they have a conflict of interest.

18 (2) To request information relating to an
19 investigation from any person when the Legislative Ethics
20 Review Officer ~~Inspector General~~ deems that information
21 necessary in conducting an investigation.

22 (3) To issue subpoenas, with the advance approval of
23 the Commission, to compel the attendance of witnesses for
24 the purposes of testimony and production of documents and
25 other items for inspection and copying and to make service
26 of those subpoenas and subpoenas issued under item (7) of

1 Section 25-15.

2 (4) To submit reports as required by this Act.

3 (5) To file pleadings in the name of the Legislative
4 Ethics Review Officer ~~Inspector General~~ with the
5 Legislative Ethics Commission, through the Attorney
6 General, as provided in this Article if the Attorney
7 General finds that reasonable cause exists to believe that
8 a violation has occurred.

9 (6) To assist and coordinate the ethics officers for
10 State agencies under the jurisdiction of the Legislative
11 Ethics Review Officer ~~Inspector General~~ and to work with
12 those ethics officers.

13 (7) To participate in or conduct, when appropriate,
14 multi-jurisdictional investigations.

15 (8) To request, as the Legislative Ethics Review
16 Officer ~~Inspector General~~ deems appropriate, from ethics
17 officers of State agencies under his or her jurisdiction,
18 reports or information on (i) the content of a State
19 agency's ethics training program and (ii) the percentage of
20 new officers and employees who have completed ethics
21 training.

22 (9) To establish a policy that ensures the appropriate
23 handling and correct recording of all investigations of
24 allegations and to ensure that the policy is accessible via
25 the Internet in order that those seeking to report those
26 allegations are familiar with the process and that the

1 subjects of those allegations are treated fairly.

2 (10) To review statements of economic interest, which
3 shall be submitted by all members of, and candidates for,
4 the General Assembly, in the same manner and depth as
5 required for judges under Illinois Supreme Court Rule 68.

6 (Source: P.A. 96-555, eff. 8-18-09.)

7 (5 ILCS 430/25-21)

8 Sec. 25-21. Special Legislative Ethics Review Officers
9 ~~Inspectors General~~.

10 (a) The Legislative Ethics Commission, on its own
11 initiative and by majority vote, may appoint special
12 Legislative Ethics Review Officers ~~Inspectors General~~ (i) to
13 investigate alleged violations of this Act, and Article 2 and
14 Part 1 of Article 3 of the Illinois Governmental Ethics Act, if
15 an investigation by the Inspector General was not concluded
16 within 6 months after its initiation, where the Commission
17 finds that the Ethics Review Officer's ~~Inspector General's~~
18 reasons under Section 25-65 for failing to complete the
19 investigation are insufficient and (ii) to accept referrals
20 from the Commission of allegations made pursuant to this Act,
21 or Article 2 or Part 1 of Article 3 of the Illinois
22 Governmental Ethics Act, concerning the Legislative Ethics
23 Review Officer ~~Inspector General~~ or an employee of the Office
24 of the Legislative Ethics Review Officer ~~Inspector General~~ and
25 to investigate those allegations.

1 (b) A special Legislative Ethics Review Officer ~~Inspector~~
2 ~~General~~ must have the same qualifications as the Legislative
3 Ethics Review Officer ~~Inspector General~~ appointed under
4 Section 25-10.

5 (c) The Commission's appointment of a special Legislative
6 Ethics Review Officer ~~Inspector General~~ must be in writing and
7 must specify the duration and purpose of the appointment.

8 (d) A special Legislative Ethics Review Officer ~~Inspector~~
9 ~~General~~ shall have the same powers and duties with respect to
10 the purpose of his or her appointment as the Legislative Ethics
11 Review Officer ~~Inspector General~~ appointed under Section
12 25-10.

13 (e) A special Legislative Ethics Review Officer ~~Inspector~~
14 ~~General~~ shall report the findings of his or her investigation
15 to the Commission.

16 (f) The Commission may report the findings of a special
17 Legislative Ethics Review Officer ~~Inspector General~~ and its
18 recommendations, if any, to the General Assembly.

19 (Source: P.A. 93-617, eff. 12-9-03.)

20 (5 ILCS 430/25-23)

21 Sec. 25-23. Ethics Officers. The President and Minority
22 Leader of the Senate and the Speaker and Minority Leader of the
23 House of Representatives shall each appoint an ethics officer
24 for the members and employees of his or her legislative caucus.
25 No later than January 1, 2004, the head of each State agency

1 under the jurisdiction of the Legislative Ethics Commission,
2 other than the General Assembly, shall designate an ethics
3 officer for the State agency. Ethics Officers shall:

4 (1) act as liaisons between the State agency and the
5 Legislative Ethics Review Officer ~~Inspector General~~ and
6 between the State agency and the Legislative Ethics
7 Commission;

8 (2) review statements of economic interest and
9 disclosure forms of officers, senior employees, and
10 contract monitors before they are filed with the Secretary
11 of State; ~~and~~

12 (3) provide guidance to officers and employees in the
13 interpretation and implementation of this Act, and Article
14 2 and Part 1 of Article 3 of the Illinois Governmental
15 Ethics Act, which the officer or employee may in good faith
16 rely upon. Such guidance shall be based, wherever possible,
17 upon legal precedent in court decisions, opinions of the
18 Attorney General, and the findings and opinions of the
19 Legislative Ethics Commission; ~~and~~.

20 (4) in the case of an ethics officer for a legislative
21 caucus, post in a prominent and accessible location, and
22 distribute in a manner to assure notice to all employees,
23 without exception, the employee's rights to a workplace
24 free of unethical behavior and sexual harassment. The
25 notice shall include instructions on how and where to file
26 a complaint with the Legislative Ethics Review Officer.

1 Notice may meet, but shall not exceed, a 6th grade literacy
2 level. Distribution of notice shall be effectuated within
3 90 days of the effective date of this amendatory Act of the
4 100th General Assembly, and shall occur each year
5 thereafter.

6 (Source: P.A. 93-617, eff. 12-9-03.)

7 (5 ILCS 430/25-45)

8 Sec. 25-45. Standing; representation.

9 (a) Only the Legislative Ethics Review Officer ~~Inspector~~
10 ~~General~~ may bring actions before the Legislative Ethics
11 Commission.

12 (b) The Attorney General shall represent the Legislative
13 Ethics Review Officer ~~Inspector General~~ in all proceedings
14 before the Commission. Whenever the Attorney General is sick or
15 absent, or unable to attend, or is interested in any matter or
16 proceeding under this Act, or Article 2 or Part 1 of Article 3
17 of the Illinois Governmental Ethics Act, upon the filing of a
18 petition under seal by any person with standing, the Supreme
19 Court (or any other court of competent jurisdiction as
20 designated and determined by rule of the Supreme Court) may
21 appoint some competent attorney to prosecute or defend that
22 matter or proceeding, and the attorney so appointed shall have
23 the same power and authority in relation to that matter or
24 proceeding as the Attorney General would have had if present
25 and attending to the same.

1 (c) Attorneys representing an Inspector General in
2 proceedings before the Legislative Ethics Commission, except
3 an attorney appointed under subsection (b), shall be appointed
4 or retained by the Attorney General, shall be under the
5 supervision, direction, and control of the Attorney General,
6 and shall serve at the pleasure of the Attorney General. The
7 compensation of any attorneys appointed or retained in
8 accordance with this subsection or subsection (b) shall be paid
9 by the Office of the Legislative Ethics Review Officer
10 ~~Inspector General~~.

11 (Source: P.A. 93-617, eff. 12-9-03.)

12 (5 ILCS 430/25-50)

13 Sec. 25-50. Investigation reports.

14 (a) If the Legislative Ethics Review Officer ~~Inspector~~
15 ~~General~~, upon the conclusion of an investigation, determines
16 that reasonable cause exists to believe that a violation has
17 occurred, then the Legislative Ethics Review Officer ~~Inspector~~
18 ~~General~~ shall issue a summary report of the investigation. The
19 report shall be delivered to the appropriate ultimate
20 jurisdictional authority and to the head of each State agency
21 affected by or involved in the investigation, if appropriate.
22 The appropriate ultimate jurisdictional authority or agency
23 head shall respond to the summary report within 20 days, in
24 writing, to the Legislative Ethics Review Officer ~~Inspector~~
25 ~~General~~. The response shall include a description of any

1 corrective or disciplinary action to be imposed.

2 (b) The summary report of the investigation shall include
3 the following:

4 (1) A description of any allegations or other
5 information received by the Legislative Ethics Review
6 Officer ~~Inspector General~~ pertinent to the investigation.

7 (2) A description of any alleged misconduct discovered
8 in the course of the investigation.

9 (3) Recommendations for any corrective or disciplinary
10 action to be taken in response to any alleged misconduct
11 described in the report, including but not limited to
12 discharge.

13 (4) Other information the Legislative Inspector
14 General deems relevant to the investigation or resulting
15 recommendations.

16 (c) Within 30 days after receiving a response from the
17 appropriate ultimate jurisdictional authority or agency head
18 under subsection (a), the Legislative Ethics Review Officer
19 ~~Inspector General~~ shall notify the Commission and the Attorney
20 General if the Legislative Ethics Review Officer ~~Inspector~~
21 ~~General~~ believes that a complaint should be filed with the
22 Commission. If the Legislative Ethics Review Officer ~~Inspector~~
23 ~~General~~ desires to file a complaint with the Commission, the
24 Legislative Ethics Review Officer ~~Inspector General~~ shall
25 submit the summary report and supporting documents to the
26 Attorney General. If the Attorney General concludes that there

1 is insufficient evidence that a violation has occurred, the
2 Attorney General shall notify the Legislative Ethics Review
3 Officer ~~Inspector General~~ and the Legislative Ethics Review
4 Officer ~~Inspector General~~ shall deliver to the Legislative
5 Ethics Commission a copy of the summary report and response
6 from the ultimate jurisdictional authority or agency head. If
7 the Attorney General determines that reasonable cause exists to
8 believe that a violation has occurred, then the Legislative
9 Ethics Review Officer ~~Inspector General~~, represented by the
10 Attorney General, may file with the Legislative Ethics
11 Commission a complaint. The complaint shall set forth the
12 alleged violation and the grounds that exist to support the
13 complaint. The complaint must be filed with the Commission
14 within 18 months after the most recent act of the alleged
15 violation or of a series of alleged violations except where
16 there is reasonable cause to believe that fraudulent
17 concealment has occurred. To constitute fraudulent concealment
18 sufficient to toll this limitations period, there must be an
19 affirmative act or representation calculated to prevent
20 discovery of the fact that a violation has occurred. If a
21 complaint is not filed with the Commission within 6 months
22 after notice by the Inspector General to the Commission and the
23 Attorney General, then the Commission may set a meeting of the
24 Commission at which the Attorney General shall appear and
25 provide a status report to the Commission.

26 (c-5) Within 30 days after receiving a response from the

1 appropriate ultimate jurisdictional authority or agency head
2 under subsection (a), if the Legislative Ethics Review Officer
3 ~~Inspector General~~ does not believe that a complaint should be
4 filed, the Legislative Ethics Review Officer ~~Inspector General~~
5 shall deliver to the Legislative Ethics Commission a statement
6 setting forth the basis for the decision not to file a
7 complaint and a copy of the summary report and response from
8 the ultimate jurisdictional authority or agency head. The
9 Inspector General may also submit a redacted version of the
10 summary report and response from the ultimate jurisdictional
11 authority if the Inspector General believes either contains
12 information that, in the opinion of the Inspector General,
13 should be redacted prior to releasing the report, may interfere
14 with an ongoing investigation, or identifies an informant or
15 complainant.

16 (c-10) If, after reviewing the documents, the Commission
17 believes that further investigation is warranted, the
18 Commission may request that the Legislative Ethics Review
19 Officer ~~Inspector General~~ provide additional information or
20 conduct further investigation. The Commission may also refer
21 the summary report and response from the ultimate
22 jurisdictional authority to the Attorney General for further
23 investigation or review. If the Commission requests the
24 Attorney General to investigate or review, the Commission must
25 notify the Attorney General and the Legislative Ethics Review
26 Officer ~~Inspector General~~. The Attorney General may not begin

1 an investigation or review until receipt of notice from the
2 Commission. If, after review, the Attorney General determines
3 that reasonable cause exists to believe that a violation has
4 occurred, then the Attorney General may file a complaint with
5 the Legislative Ethics Commission. If the Attorney General
6 concludes that there is insufficient evidence that a violation
7 has occurred, the Attorney General shall notify the Legislative
8 Ethics Commission and the appropriate Legislative Ethics
9 Review Officer ~~Inspector General~~.

10 (d) A copy of the complaint filed with the Legislative
11 Ethics Commission must be served on all respondents named in
12 the complaint and on each respondent's ultimate jurisdictional
13 authority in the same manner as process is served under the
14 Code of Civil Procedure.

15 (e) A respondent may file objections to the complaint
16 within 30 days after notice of the petition has been served on
17 the respondent.

18 (f) The Commission shall meet, at least 30 days after the
19 complaint is served on all respondents either in person or by
20 telephone, in a closed session to review the sufficiency of the
21 complaint. The Commission shall issue notice by certified mail,
22 return receipt requested, to the Legislative Ethics Review
23 Officer ~~Inspector General~~, the Attorney General, and all
24 respondents of the Commission's ruling on the sufficiency of
25 the complaint. If the complaint is deemed to sufficiently
26 allege a violation of this Act, or Article 2 or Part 1 of

1 Article 3 of the Illinois Governmental Ethics Act, then the
2 Commission shall include a hearing date scheduled within 4
3 weeks after the date of the notice, unless all of the parties
4 consent to a later date. If the complaint is deemed not to
5 sufficiently allege a violation, then the Commission shall send
6 by certified mail, return receipt requested, a notice to the
7 Legislative Ethics Review Officer ~~Inspector General~~, the
8 Attorney General, and all respondents the decision to dismiss
9 the complaint.

10 (g) On the scheduled date the Commission shall conduct a
11 closed meeting, either in person or, if the parties consent, by
12 telephone, on the complaint and allow all parties the
13 opportunity to present testimony and evidence. All such
14 proceedings shall be transcribed.

15 (h) Within an appropriate time limit set by rules of the
16 Legislative Ethics Commission, the Commission shall (i)
17 dismiss the complaint, (ii) issue a recommendation of
18 discipline to the respondent and the respondent's ultimate
19 jurisdictional authority, (ii-5) censure the respondent, (iii)
20 impose an administrative fine not to exceed \$25,000 per
21 violation upon the respondent, (iv) issue injunctive relief as
22 described in Section 50-10, or (v) impose a combination of (ii)
23 through (iv).

24 (i) The proceedings on any complaint filed with the
25 Commission shall be conducted pursuant to rules promulgated by
26 the Commission.

1 (j) The Commission may designate hearing officers to
2 conduct proceedings as determined by rule of the Commission.

3 (k) In all proceedings before the Commission, the standard
4 of proof is by a preponderance of the evidence.

5 (l) Within 30 days after the issuance of a final
6 administrative decision that concludes that a violation
7 occurred, the Legislative Ethics Commission shall make public
8 the entire record of proceedings before the Commission, the
9 decision, any recommendation, any discipline imposed, and the
10 response from the agency head or ultimate jurisdictional
11 authority to the Legislative Ethics Commission.

12 (Source: P.A. 96-555, eff. 8-18-09.)

13 (5 ILCS 430/25-51)

14 Sec. 25-51. Closed investigations. When the Legislative
15 Ethics Review Officer ~~Inspector General~~ concludes that there is
16 insufficient evidence that a violation has occurred, the
17 Inspector General shall close the investigation. The
18 Legislative Ethics Review Officer ~~Inspector General~~ shall
19 provide the Commission with a written statement of the decision
20 to close the investigation. At the request of the subject of
21 the investigation, the Legislative Ethics Review Officer
22 ~~Inspector General~~ shall provide a written statement to the
23 subject of the investigation of the Ethics Review Officer's
24 ~~Inspector General's~~ decision to close the investigation.
25 Closure by the Legislative Ethics Review Officer ~~Inspector~~

1 ~~General~~ does not bar the Ethics Review Officer ~~Inspector~~
2 ~~General~~ from resuming the investigation if circumstances
3 warrant. The Commission also has the discretion to request that
4 the Legislative Ethics Review Officer ~~Inspector General~~
5 conduct further investigation of any matter closed pursuant to
6 this Section, or to refer the allegations to the Attorney
7 General for further review or investigation. If the Commission
8 requests the Attorney General to investigate or review, the
9 Commission must notify the Attorney General and the Ethics
10 Review Officer. ~~Inspector General~~. The Attorney General may not
11 begin an investigation or review until receipt of notice from
12 the Commission.

13 (Source: P.A. 96-555, eff. 8-18-09.)

14 (5 ILCS 430/25-52)

15 Sec. 25-52. Release of summary reports.

16 (a) Within 60 days after receipt of a summary report and
17 response from the ultimate jurisdictional authority or agency
18 head that resulted in a suspension of at least 3 days, ~~or~~
19 termination of employment, or finding of misconduct by a member
20 of the General Assembly, the Legislative Ethics Commission
21 shall make available to the public the report and response or a
22 redacted version of the report and response. The Legislative
23 Ethics Commission may make available to the public any other
24 summary report and response of the ultimate jurisdictional
25 authority or agency head or a redacted version of the report

1 and response.

2 (b) The Legislative Ethics Commission shall redact
3 information in the summary report that may reveal the identity
4 of witnesses, complainants, or informants or if the Commission
5 determines it is appropriate to protect the identity of a
6 person before publication. The Commission may also redact any
7 information it believes should not be made public. Prior to
8 publication, the Commission shall permit the respondents,
9 Legislative Ethics Review Officer, ~~Inspector General~~, and
10 Attorney General to review documents to be made public and
11 offer suggestions for redaction or provide a response that
12 shall be made public with the summary report.

13 (c) The Legislative Ethics Commission may withhold
14 publication of the report or response if the Legislative Ethics
15 Review Officer ~~Inspector General~~ or Attorney General certifies
16 that publication will interfere with an ongoing investigation.
17 (Source: P.A. 96-555, eff. 8-18-09.)

18 (5 ILCS 430/25-55)

19 Sec. 25-55. Decisions; recommendations.

20 (a) All decisions of the Legislative Ethics Commission must
21 include a description of the alleged misconduct, the decision
22 of the Commission, including any fines levied and any
23 recommendation of discipline, and the reasoning for that
24 decision. All decisions of the Commission shall be delivered to
25 the head of the appropriate State agency, the appropriate

1 ultimate jurisdictional authority, and the Legislative Ethics
2 Review Officer ~~Inspector General~~. The Legislative Ethics
3 Commission shall promulgate rules for the decision and
4 recommendation process.

5 (b) If the Legislative Ethics Commission issues a
6 recommendation of discipline to an agency head or ultimate
7 jurisdictional authority, that agency head or ultimate
8 jurisdictional authority must respond to that recommendation
9 in 30 days with a written response to the Legislative Ethics
10 Commission. This response must include any disciplinary action
11 the agency head or ultimate jurisdictional authority has taken
12 with respect to the officer or employee in question. If the
13 agency head or ultimate jurisdictional authority did not take
14 any disciplinary action, or took a different disciplinary
15 action than that recommended by the Legislative Ethics
16 Commission, the agency head or ultimate jurisdictional
17 authority must describe the different action and explain the
18 reasons for the different action in the written response. This
19 response must be served upon the Legislative Ethics Commission
20 and the Legislative Ethics Review Officer ~~Inspector General~~
21 within the 30-day period and is not exempt from the provisions
22 of the Freedom of Information Act.

23 (Source: P.A. 93-617, eff. 12-9-03.)

24 (5 ILCS 430/25-65)

25 Sec. 25-65. Reporting of investigations.

1 (a) The Legislative Ethics Review Officer ~~Inspector~~
2 ~~General~~ shall file a monthly ~~quarterly~~ activity report with the
3 Legislative Ethics Commission that reflects investigative
4 activity during the previous month ~~quarter~~. The Legislative
5 Ethics Commission shall establish the reporting dates. The
6 activity report shall include at least the following:

7 (1) A summary of any investigation opened during the
8 preceding month ~~quarter~~, the affected office, agency or
9 agencies, the investigation's unique tracking number, and
10 a brief statement of the general nature of the allegation
11 or allegations.

12 (2) A summary of any investigation closed during the
13 preceding month ~~quarter~~, the affected office, agency or
14 agencies, the investigation's unique tracking number, and
15 a brief statement of the general nature of the allegation
16 or allegations.

17 (3) The status of an ongoing investigation that
18 remained open at the end of the month ~~quarter~~, the affected
19 office, agency or agencies, the investigation's unique
20 tracking number, and a brief statement of the general
21 nature of the investigation.

22 (b) If any investigation is not concluded within 2 ~~6~~ months
23 after its initiation, the Legislative Ethics Review Officer
24 ~~Inspector General~~ shall file a 2-month ~~6-month~~ report with the
25 Legislative Ethics Commission no later than 10 days after the
26 second ~~6th~~ month. The 2-month ~~6-month~~ report shall disclose:

1 (1) The general nature of the allegation or information
2 giving rise to the investigation, the title or job duties
3 of the subjects of the investigation, and the
4 investigation's unique tracking number.

5 (2) The date of the last alleged violation of this Act,
6 or of Article 2 or Part 1 of Article 3 of the Illinois
7 Governmental Ethics Act, or other State law giving rise to
8 the investigation.

9 (3) Whether the Legislative Ethics Review Officer
10 ~~Inspector General~~ has found credible the allegations of
11 criminal conduct.

12 (4) Whether the allegation has been referred to an
13 appropriate law enforcement agency and the identity of the
14 law enforcement agency to which those allegations were
15 referred.

16 (5) If an allegation has not been referred to an
17 appropriate law enforcement agency, the reasons for the
18 failure to complete the investigation within 2 ~~6~~ months, a
19 summary of the investigative steps taken, additional
20 investigative steps contemplated at the time of the report,
21 and an estimate of additional time necessary to complete
22 the investigation.

23 (6) Any other information deemed necessary by the
24 Legislative Ethics Commission in determining whether to
25 appoint a Special Ethics Review Officer ~~Inspector General~~.

26 (c) If the Legislative Ethics Review Officer ~~Inspector~~

1 ~~General~~ has referred an allegation to an appropriate law
2 enforcement agency and continues to investigate the matter, the
3 future reporting requirements of this Section are suspended.
4 (Source: P.A. 96-555, eff. 8-18-09.)

5 (5 ILCS 430/25-70)

6 Sec. 25-70. Cooperation in investigations. It is the duty
7 of every officer and employee under the jurisdiction of the
8 Legislative Ethics Review Officer ~~Inspector General~~, including
9 any inspector general serving in any State agency under the
10 jurisdiction of the Legislative Ethics Review Officer
11 ~~Inspector General~~, to cooperate with the Legislative Ethics
12 Review Officer ~~Inspector General~~ in any investigation
13 undertaken pursuant to this Act, or Article 2 or Part 1 of
14 Article 3 of the Illinois Governmental Ethics Act. Failure to
15 cooperate with an investigation of the Legislative Ethics
16 Review Officer ~~Inspector General~~ is grounds for disciplinary
17 action, including dismissal. Nothing in this Section limits or
18 alters a person's existing rights or privileges under State or
19 federal law.

20 (Source: P.A. 93-617, eff. 12-9-03.)

21 (5 ILCS 430/25-80)

22 Sec. 25-80. Referrals of investigations. If the
23 Legislative Ethics Review Officer ~~Inspector General~~ determines
24 that any alleged misconduct involves any person not subject to

1 the jurisdiction of the Legislative Ethics Commission, the
2 Legislative Ethics Review Officer ~~Inspector General~~ shall
3 refer the reported allegations to the appropriate ethics
4 commission or other appropriate body. If the Legislative Ethics
5 Review Officer ~~Inspector General~~ determines that any alleged
6 misconduct may give rise to criminal penalties, the Legislative
7 Ethics Review Officer ~~Inspector General~~ may refer the
8 allegations regarding that misconduct to the appropriate law
9 enforcement authority.

10 (Source: P.A. 93-617, eff. 12-9-03.)

11 (5 ILCS 430/25-85)

12 Sec. 25-85. Monthly ~~Quarterly~~ reports by the Legislative
13 Ethics Review Officer ~~Inspector General~~. The Legislative
14 Ethics Review Officer ~~Inspector General~~ shall submit monthly
15 ~~quarterly~~ reports to the General Assembly and the Legislative
16 Ethics Commission, on dates determined by the Legislative
17 Ethics Commission, indicating:

18 (1) the number of allegations received since the date
19 of the last report;

20 (2) the number of investigations initiated since the
21 date of the last report;

22 (3) the number of investigations concluded since the
23 date of the last report;

24 (4) the number of investigations pending as of the
25 reporting date;

1 (5) the number of complaints forwarded to the Attorney
2 General since the date of the last report; and

3 (6) the number of actions filed with the Legislative
4 Ethics Commission since the date of the last report and the
5 number of actions pending before the Legislative Ethics
6 Commission as of the reporting date.

7 (Source: P.A. 93-617, eff. 12-9-03.)

8 (5 ILCS 430/25-86)

9 Sec. 25-86. Quarterly reports by the Attorney General. The
10 Attorney General shall submit quarterly reports to the
11 Legislative Ethics Commission, on dates determined by the
12 Legislative Ethics Commission, indicating:

13 (1) the number of complaints received from the
14 Legislative Ethics Review Officer ~~Inspector General~~ since
15 the date of the last report;

16 (2) the number of complaints for which the Attorney
17 General has determined reasonable cause exists to believe
18 that a violation has occurred since the date of the last
19 report; and

20 (3) the number of complaints still under review by the
21 Attorney General.

22 (Source: P.A. 93-617, eff. 12-9-03.)

23 (5 ILCS 430/25-90)

24 Sec. 25-90. Confidentiality.

1 (a) The identity of any individual providing information or
2 reporting any possible or alleged misconduct to the Legislative
3 Ethics Review Officer ~~Inspector General~~ or the Legislative
4 Ethics Commission shall be kept confidential and may not be
5 disclosed without the consent of that individual, unless the
6 individual consents to disclosure of his or her name or
7 disclosure of the individual's identity is otherwise required
8 by law. The confidentiality granted by this subsection does not
9 preclude the disclosure of the identity of a person in any
10 capacity other than as the source of an allegation.

11 (b) Subject to the provisions of Section 25-50(c),
12 commissioners, employees, and agents of the Legislative Ethics
13 Commission, the Legislative Ethics Review Officer ~~Inspector
14 General~~, and employees and agents of the Office of the
15 Legislative Ethics Review Officer ~~Inspector General~~ shall keep
16 confidential and shall not disclose information exempted from
17 disclosure under the Freedom of Information Act or by this Act.
18 (Source: P.A. 93-617, eff. 12-9-03.)

19 (5 ILCS 430/25-95)

20 Sec. 25-95. Exemptions.

21 (a) Documents generated by an ethics officer under this
22 Act, except Section 5-50, are exempt from the provisions of the
23 Freedom of Information Act.

24 (a-5) Requests from ethics officers, members, and State
25 employees to the Office of the Legislative Ethics Review

1 ~~Officer Inspector General~~, a Special Legislative Ethics Review
2 ~~Officer Inspector General~~, the Legislative Ethics Commission,
3 an ethics officer, or a person designated by a legislative
4 leader for guidance on matters involving the interpretation or
5 application of this Act, or of Article 2 or Part 1 of Article 3
6 of the Illinois Governmental Ethics Act, or rules promulgated
7 under this Act are exempt from the provisions of the Freedom of
8 Information Act. Guidance provided to an ethics officer,
9 member, or State employee at the request of an ethics officer,
10 member, or State employee by the Office of the Legislative
11 Ethics Review Officer Inspector General, a Special Legislative
12 Ethics Review Officer Inspector General, the Legislative
13 Ethics Commission, an ethics officer, or a person designated by
14 a legislative leader on matters involving the interpretation or
15 application of this Act or rules promulgated under this Act is
16 exempt from the provisions of the Freedom of Information Act.

17 (b) Summary investigation reports released by the
18 Legislative Ethics Commission as provided in Section 25-52 are
19 public records. Otherwise, any allegations and related
20 documents submitted to the Legislative Ethics Review Officer
21 ~~Inspector General~~ and any pleadings and related documents
22 brought before the Legislative Ethics Commission are exempt
23 from the provisions of the Freedom of Information Act so long
24 as the Legislative Ethics Commission does not make a finding of
25 a violation of this Act, or Article 2 or Part 1 of Article 3 of
26 the Illinois Governmental Ethics Act. If the Legislative Ethics

1 Commission finds that a violation has occurred, the entire
2 record of proceedings before the Commission, the decision and
3 recommendation, and the mandatory report from the agency head
4 or ultimate jurisdictional authority to the Legislative Ethics
5 Commission are not exempt from the provisions of the Freedom of
6 Information Act but information contained therein that is
7 exempt from the Freedom of Information Act must be redacted
8 before disclosure as provided in Section 8 of the Freedom of
9 Information Act.

10 (c) Meetings of the Commission are exempt from the
11 provisions of the Open Meetings Act.

12 (d) Unless otherwise provided in this Act, all
13 investigatory files and reports of the Office of the
14 Legislative Ethics Review Officer ~~Inspector General~~, other
15 than monthly reports, are confidential, are exempt from
16 disclosure under the Freedom of Information Act, and shall not
17 be divulged to any person or agency, except as necessary (i) to
18 the appropriate law enforcement authority if the matter is
19 referred pursuant to this Act, (ii) to the ultimate
20 jurisdictional authority, or (iii) to the Legislative Ethics
21 Commission.

22 (Source: P.A. 96-555, eff. 8-18-09.)

23 Section 15. The State Budget Law of the Civil
24 Administrative Code of Illinois is amended by changing Section
25 50-22 as follows:

1 (15 ILCS 20/50-22)

2 Sec. 50-22. Funding for salaries of General Assembly
3 members and judges; legislative operations.

4 (a) Beginning July 1, 2014, the aggregate appropriations
5 available for salaries for members of the General Assembly and
6 judges from all State funds for each State fiscal year shall be
7 no less than the total aggregate appropriations made available
8 for salaries for members of the General Assembly and judges for
9 the immediately preceding fiscal year.

10 (b) Beginning July 1, 2014, the aggregate appropriations
11 available for legislative operations from all State funds for
12 each State fiscal year shall be no less than the total
13 aggregate appropriations made available for legislative
14 operations for the immediately preceding fiscal year. For
15 purposes of this subsection (b), "legislative operations"
16 means any expenditure for the operation of the Office of the
17 Auditor General, the House of Representatives, the Senate, the
18 Legislative Ethics Commission, the Office of the Legislative
19 Ethics Review Officer ~~Inspector General~~, the Joint Committee on
20 Legislative Support Services, and the legislative support
21 services agencies.

22 (c) If for any reason the aggregate appropriations made
23 available are insufficient to meet the levels required by
24 subsections (a) and (b) of this Section, this Section shall
25 constitute a continuing appropriation of all amounts necessary

1 for these purposes. The General Assembly may appropriate lesser
2 amounts by law.

3 (Source: P.A. 98-682, eff. 6-30-14.)

4 Section 20. The Personnel Code is amended by changing
5 Section 4c as follows:

6 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

7 Sec. 4c. General exemptions. The following positions in
8 State service shall be exempt from jurisdictions A, B, and C,
9 unless the jurisdictions shall be extended as provided in this
10 Act:

11 (1) All officers elected by the people.

12 (2) All positions under the Lieutenant Governor,
13 Secretary of State, State Treasurer, State Comptroller,
14 State Board of Education, Clerk of the Supreme Court,
15 Attorney General, and State Board of Elections.

16 (3) Judges, and officers and employees of the courts,
17 and notaries public.

18 (4) All officers and employees of the Illinois General
19 Assembly, all employees of legislative commissions, all
20 officers and employees of the Illinois Legislative
21 Reference Bureau, the Legislative Research Unit, and the
22 Legislative Printing Unit.

23 (5) All positions in the Illinois National Guard and
24 Illinois State Guard, paid from federal funds or positions

1 in the State Military Service filled by enlistment and paid
2 from State funds.

3 (6) All employees of the Governor at the executive
4 mansion and on his immediate personal staff.

5 (7) Directors of Departments, the Adjutant General,
6 the Assistant Adjutant General, the Director of the
7 Illinois Emergency Management Agency, members of boards
8 and commissions, and all other positions appointed by the
9 Governor by and with the consent of the Senate.

10 (8) The presidents, other principal administrative
11 officers, and teaching, research and extension faculties
12 of Chicago State University, Eastern Illinois University,
13 Governors State University, Illinois State University,
14 Northeastern Illinois University, Northern Illinois
15 University, Western Illinois University, the Illinois
16 Community College Board, Southern Illinois University,
17 Illinois Board of Higher Education, University of
18 Illinois, State Universities Civil Service System,
19 University Retirement System of Illinois, and the
20 administrative officers and scientific and technical staff
21 of the Illinois State Museum.

22 (9) All other employees except the presidents, other
23 principal administrative officers, and teaching, research
24 and extension faculties of the universities under the
25 jurisdiction of the Board of Regents and the colleges and
26 universities under the jurisdiction of the Board of

1 Governors of State Colleges and Universities, Illinois
2 Community College Board, Southern Illinois University,
3 Illinois Board of Higher Education, Board of Governors of
4 State Colleges and Universities, the Board of Regents,
5 University of Illinois, State Universities Civil Service
6 System, University Retirement System of Illinois, so long
7 as these are subject to the provisions of the State
8 Universities Civil Service Act.

9 (10) The State Police so long as they are subject to
10 the merit provisions of the State Police Act.

11 (11) (Blank).

12 (12) The technical and engineering staffs of the
13 Department of Transportation, the Department of Nuclear
14 Safety, the Pollution Control Board, and the Illinois
15 Commerce Commission, and the technical and engineering
16 staff providing architectural and engineering services in
17 the Department of Central Management Services.

18 (13) All employees of the Illinois State Toll Highway
19 Authority.

20 (14) The Secretary of the Illinois Workers'
21 Compensation Commission.

22 (15) All persons who are appointed or employed by the
23 Director of Insurance under authority of Section 202 of the
24 Illinois Insurance Code to assist the Director of Insurance
25 in discharging his responsibilities relating to the
26 rehabilitation, liquidation, conservation, and dissolution

1 of companies that are subject to the jurisdiction of the
2 Illinois Insurance Code.

3 (16) All employees of the St. Louis Metropolitan Area
4 Airport Authority.

5 (17) All investment officers employed by the Illinois
6 State Board of Investment.

7 (18) Employees of the Illinois Young Adult
8 Conservation Corps program, administered by the Illinois
9 Department of Natural Resources, authorized grantee under
10 Title VIII of the Comprehensive Employment and Training Act
11 of 1973, 29 USC 993.

12 (19) Seasonal employees of the Department of
13 Agriculture for the operation of the Illinois State Fair
14 and the DuQuoin State Fair, no one person receiving more
15 than 29 days of such employment in any calendar year.

16 (20) All "temporary" employees hired under the
17 Department of Natural Resources' Illinois Conservation
18 Service, a youth employment program that hires young people
19 to work in State parks for a period of one year or less.

20 (21) All hearing officers of the Human Rights
21 Commission.

22 (22) All employees of the Illinois Mathematics and
23 Science Academy.

24 (23) All employees of the Kankakee River Valley Area
25 Airport Authority.

26 (24) The commissioners and employees of the Executive

1 Ethics Commission.

2 (25) The Executive Inspectors General, including
3 special Executive Inspectors General, and employees of
4 each Office of an Executive Inspector General.

5 (26) The commissioners and employees of the
6 Legislative Ethics Commission.

7 (27) The Legislative Ethics Review Officer ~~Inspector~~
8 ~~General~~, including special Legislative Ethics Review
9 Officers ~~Inspectors General~~, and employees of the Office of
10 the Legislative Ethics Review Officer ~~Inspector General~~.

11 (28) The Auditor General's Inspector General and
12 employees of the Office of the Auditor General's Inspector
13 General.

14 (29) All employees of the Illinois Power Agency.

15 (30) Employees having demonstrable, defined advanced
16 skills in accounting, financial reporting, or technical
17 expertise who are employed within executive branch
18 agencies and whose duties are directly related to the
19 submission to the Office of the Comptroller of financial
20 information for the publication of the Comprehensive
21 Annual Financial Report (CAFR).

22 (31) All employees of the Illinois Sentencing Policy
23 Advisory Council.

24 (Source: P.A. 97-618, eff. 10-26-11; 97-1055, eff. 8-23-12;
25 98-65, eff. 7-15-13.)

1 Section 25. The Illinois Pension Code is amended by
2 changing Sections 1-122, 14-103.05, and 18-127 as follows:

3 (40 ILCS 5/1-122)

4 Sec. 1-122. Service with the Legislative Ethics Commission
5 or Office of the Legislative Ethics Review Officer ~~Inspector~~
6 ~~General~~. Notwithstanding any provision in this Code to the
7 contrary, if a person serves as a part-time employee in any of
8 the following positions: Legislative Ethics Review Officer
9 ~~Inspector General~~, Special Legislative Ethics Review Officer
10 ~~Inspector General~~, employee of the Office of the Legislative
11 Ethics Review Officer ~~Inspector General~~, Executive Director of
12 the Legislative Ethics Commission, or staff of the Legislative
13 Ethics Commission, then (A) no retirement annuity or other
14 benefit of that person under this Code is subject to
15 forfeiture, diminishment, suspension, or other impairment
16 solely by virtue of that service and (B) that person does not
17 participate in any pension fund or retirement system under this
18 Code with respect to that service, unless that person (i) is
19 qualified to so participate and (ii) affirmatively elects to so
20 participate. This Section applies without regard to whether the
21 person is in active service under the applicable Article of
22 this Code on or after the effective date of this amendatory Act
23 of the 93rd General Assembly. In this Section, a "part-time
24 employee" is a person who is not required to work at least 35
25 hours per week.

1 (Source: P.A. 93-685, eff. 7-8-04.)

2 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)
3 Sec. 14-103.05. Employee.

4 (a) Any person employed by a Department who receives salary
5 for personal services rendered to the Department on a warrant
6 issued pursuant to a payroll voucher certified by a Department
7 and drawn by the State Comptroller upon the State Treasurer,
8 including an elected official described in subparagraph (d) of
9 Section 14-104, shall become an employee for purpose of
10 membership in the Retirement System on the first day of such
11 employment.

12 A person entering service on or after January 1, 1972 and
13 prior to January 1, 1984 shall become a member as a condition
14 of employment and shall begin making contributions as of the
15 first day of employment.

16 A person entering service on or after January 1, 1984
17 shall, upon completion of 6 months of continuous service which
18 is not interrupted by a break of more than 2 months, become a
19 member as a condition of employment. Contributions shall begin
20 the first of the month after completion of the qualifying
21 period.

22 A person employed by the Chicago Metropolitan Agency for
23 Planning on the effective date of this amendatory Act of the
24 95th General Assembly who was a member of this System as an
25 employee of the Chicago Area Transportation Study and makes an

1 election under Section 14-104.13 to participate in this System
2 for his or her employment with the Chicago Metropolitan Agency
3 for Planning.

4 The qualifying period of 6 months of service is not
5 applicable to: (1) a person who has been granted credit for
6 service in a position covered by the State Universities
7 Retirement System, the Teachers' Retirement System of the State
8 of Illinois, the General Assembly Retirement System, or the
9 Judges Retirement System of Illinois unless that service has
10 been forfeited under the laws of those systems; (2) a person
11 entering service on or after July 1, 1991 in a noncovered
12 position; (3) a person to whom Section 14-108.2a or 14-108.2b
13 applies; or (4) a person to whom subsection (a-5) of this
14 Section applies.

15 (a-5) A person entering service on or after December 1,
16 2010 shall become a member as a condition of employment and
17 shall begin making contributions as of the first day of
18 employment. A person serving in the qualifying period on
19 December 1, 2010 will become a member on December 1, 2010 and
20 shall begin making contributions as of December 1, 2010.

21 (b) The term "employee" does not include the following:

22 (1) members of the State Legislature, and persons
23 electing to become members of the General Assembly
24 Retirement System pursuant to Section 2-105;

25 (2) incumbents of offices normally filled by vote of
26 the people;

1 (3) except as otherwise provided in this Section, any
2 person appointed by the Governor with the advice and
3 consent of the Senate unless that person elects to
4 participate in this system;

5 (3.1) any person serving as a commissioner of an ethics
6 commission created under the State Officials and Employees
7 Ethics Act unless that person elects to participate in this
8 system with respect to that service as a commissioner;

9 (3.2) any person serving as a part-time employee in any
10 of the following positions: Legislative Ethics Review
11 Officer ~~Inspector General~~, Special Legislative Ethics
12 Review Officer ~~Inspector General~~, employee of the Office of
13 the Legislative Ethics Review Officer ~~Inspector General~~,
14 Executive Director of the Legislative Ethics Commission,
15 or staff of the Legislative Ethics Commission, regardless
16 of whether he or she is in active service on or after July
17 8, 2004 (the effective date of Public Act 93-685), unless
18 that person elects to participate in this System with
19 respect to that service; in this item (3.2), a "part-time
20 employee" is a person who is not required to work at least
21 35 hours per week;

22 (3.3) any person who has made an election under Section
23 1-123 and who is serving either as legal counsel in the
24 Office of the Governor or as Chief Deputy Attorney General;

25 (4) except as provided in Section 14-108.2 or
26 14-108.2c, any person who is covered or eligible to be

1 covered by the Teachers' Retirement System of the State of
2 Illinois, the State Universities Retirement System, or the
3 Judges Retirement System of Illinois;

4 (5) an employee of a municipality or any other
5 political subdivision of the State;

6 (6) any person who becomes an employee after June 30,
7 1979 as a public service employment program participant
8 under the Federal Comprehensive Employment and Training
9 Act and whose wages or fringe benefits are paid in whole or
10 in part by funds provided under such Act;

11 (7) enrollees of the Illinois Young Adult Conservation
12 Corps program, administered by the Department of Natural
13 Resources, authorized grantee pursuant to Title VIII of the
14 "Comprehensive Employment and Training Act of 1973", 29 USC
15 993, as now or hereafter amended;

16 (8) enrollees and temporary staff of programs
17 administered by the Department of Natural Resources under
18 the Youth Conservation Corps Act of 1970;

19 (9) any person who is a member of any professional
20 licensing or disciplinary board created under an Act
21 administered by the Department of Professional Regulation
22 or a successor agency or created or re-created after the
23 effective date of this amendatory Act of 1997, and who
24 receives per diem compensation rather than a salary,
25 notwithstanding that such per diem compensation is paid by
26 warrant issued pursuant to a payroll voucher; such persons

1 have never been included in the membership of this System,
2 and this amendatory Act of 1987 (P.A. 84-1472) is not
3 intended to effect any change in the status of such
4 persons;

5 (10) any person who is a member of the Illinois Health
6 Care Cost Containment Council, and receives per diem
7 compensation rather than a salary, notwithstanding that
8 such per diem compensation is paid by warrant issued
9 pursuant to a payroll voucher; such persons have never been
10 included in the membership of this System, and this
11 amendatory Act of 1987 is not intended to effect any change
12 in the status of such persons;

13 (11) any person who is a member of the Oil and Gas
14 Board created by Section 1.2 of the Illinois Oil and Gas
15 Act, and receives per diem compensation rather than a
16 salary, notwithstanding that such per diem compensation is
17 paid by warrant issued pursuant to a payroll voucher;

18 (12) a person employed by the State Board of Higher
19 Education in a position with the Illinois Century Network
20 as of June 30, 2004, who remains continuously employed
21 after that date by the Department of Central Management
22 Services in a position with the Illinois Century Network
23 and participates in the Article 15 system with respect to
24 that employment;

25 (13) any person who first becomes a member of the Civil
26 Service Commission on or after January 1, 2012;

1 (14) any person, other than the Director of Employment
2 Security, who first becomes a member of the Board of Review
3 of the Department of Employment Security on or after
4 January 1, 2012;

5 (15) any person who first becomes a member of the Civil
6 Service Commission on or after January 1, 2012;

7 (16) any person who first becomes a member of the
8 Illinois Liquor Control Commission on or after January 1,
9 2012;

10 (17) any person who first becomes a member of the
11 Secretary of State Merit Commission on or after January 1,
12 2012;

13 (18) any person who first becomes a member of the Human
14 Rights Commission on or after January 1, 2012;

15 (19) any person who first becomes a member of the State
16 Mining Board on or after January 1, 2012;

17 (20) any person who first becomes a member of the
18 Property Tax Appeal Board on or after January 1, 2012;

19 (21) any person who first becomes a member of the
20 Illinois Racing Board on or after January 1, 2012;

21 (22) any person who first becomes a member of the
22 Department of State Police Merit Board on or after January
23 1, 2012;

24 (23) any person who first becomes a member of the
25 Illinois State Toll Highway Authority on or after January
26 1, 2012; or

1 (24) any person who first becomes a member of the
2 Illinois State Board of Elections on or after January 1,
3 2012.

4 (c) An individual who represents or is employed as an
5 officer or employee of a statewide labor organization that
6 represents members of this System may participate in the System
7 and shall be deemed an employee, provided that (1) the
8 individual has previously earned creditable service under this
9 Article, (2) the individual files with the System an
10 irrevocable election to become a participant within 6 months
11 after the effective date of this amendatory Act of the 94th
12 General Assembly, and (3) the individual does not receive
13 credit for that employment under any other provisions of this
14 Code. An employee under this subsection (c) is responsible for
15 paying to the System both (i) employee contributions based on
16 the actual compensation received for service with the labor
17 organization and (ii) employer contributions based on the
18 percentage of payroll certified by the board; all or any part
19 of these contributions may be paid on the employee's behalf or
20 picked up for tax purposes (if authorized under federal law) by
21 the labor organization.

22 A person who is an employee as defined in this subsection
23 (c) may establish service credit for similar employment prior
24 to becoming an employee under this subsection by paying to the
25 System for that employment the contributions specified in this
26 subsection, plus interest at the effective rate from the date

1 of service to the date of payment. However, credit shall not be
2 granted under this subsection (c) for any such prior employment
3 for which the applicant received credit under any other
4 provision of this Code or during which the applicant was on a
5 leave of absence.

6 (Source: P.A. 96-1490, eff. 1-1-11; 97-609, eff. 1-1-12.)

7 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

8 Sec. 18-127. Retirement annuity - suspension on
9 reemployment.

10 (a) A participant receiving a retirement annuity who is
11 regularly employed for compensation by an employer other than a
12 county, in any capacity, shall have his or her retirement
13 annuity payments suspended during such employment. Upon
14 termination of such employment, retirement annuity payments at
15 the previous rate shall be resumed.

16 If such a participant resumes service as a judge, he or she
17 shall receive credit for any additional service. Upon
18 subsequent retirement, his or her retirement annuity shall be
19 the amount previously granted, plus the amount earned by the
20 additional judicial service under the provisions in effect
21 during the period of such additional service. However, if the
22 participant was receiving the maximum rate of annuity at the
23 time of re-employment, he or she may elect, in a written
24 direction filed with the board, not to receive any additional
25 service credit during the period of re-employment. In such

1 case, contributions shall not be required during the period of
2 re-employment. Any such election shall be irrevocable.

3 (b) Beginning January 1, 1991, any participant receiving a
4 retirement annuity who accepts temporary employment from an
5 employer other than a county for a period not exceeding 75
6 working days in any calendar year shall not be deemed to be
7 regularly employed for compensation or to have resumed service
8 as a judge for the purposes of this Article. A day shall be
9 considered a working day if the annuitant performs on it any of
10 his duties under the temporary employment agreement.

11 (c) Except as provided in subsection (a), beginning January
12 1, 1993, retirement annuities shall not be subject to
13 suspension upon resumption of employment for an employer, and
14 any retirement annuity that is then so suspended shall be
15 reinstated on that date.

16 (d) The changes made in this Section by this amendatory Act
17 of 1993 shall apply to judges no longer in service on its
18 effective date, as well as to judges serving on or after that
19 date.

20 (e) A participant receiving a retirement annuity under this
21 Article who serves as a part-time employee in any of the
22 following positions: Legislative Ethics Review Officer
23 ~~Inspector General~~, Special Legislative Ethics Review Officer
24 ~~Inspector General~~, employee of the Office of the Legislative
25 Ethics Review Officer ~~Inspector General~~, Executive Director of
26 the Legislative Ethics Commission, or staff of the Legislative

1 Ethics Commission, but has not elected to participate in the
2 Article 14 System with respect to that service, shall not be
3 deemed to be regularly employed for compensation by an employer
4 other than a county, nor to have resumed service as a judge, on
5 the basis of that service, and the retirement annuity payments
6 and other benefits of that person under this Code shall not be
7 suspended, diminished, or otherwise impaired solely as a
8 consequence of that service. This subsection (e) applies
9 without regard to whether the person is in service as a judge
10 under this Article on or after the effective date of this
11 amendatory Act of the 93rd General Assembly. In this
12 subsection, a "part-time employee" is a person who is not
13 required to work at least 35 hours per week.

14 (f) A participant receiving a retirement annuity under this
15 Article who has made an election under Section 1-123 and who is
16 serving either as legal counsel in the Office of the Governor
17 or as Chief Deputy Attorney General shall not be deemed to be
18 regularly employed for compensation by an employer other than a
19 county, nor to have resumed service as a judge, on the basis of
20 that service, and the retirement annuity payments and other
21 benefits of that person under this Code shall not be suspended,
22 diminished, or otherwise impaired solely as a consequence of
23 that service. This subsection (f) applies without regard to
24 whether the person is in service as a judge under this Article
25 on or after the effective date of this amendatory Act of the
26 93rd General Assembly.

1 (g) Notwithstanding any other provision of this Article, if
2 a person who first becomes a participant under this System on
3 or after January 1, 2011 (the effective date of this amendatory
4 Act of the 96th General Assembly) is receiving a retirement
5 annuity under this Article and becomes a member or participant
6 under this Article or any other Article of this Code and is
7 employed on a full-time basis, then the person's retirement
8 annuity under this System shall be suspended during that
9 employment. Upon termination of that employment, the person's
10 retirement annuity shall resume and, if appropriate, be
11 recalculated under the applicable provisions of this Article.
12 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

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- 1 15 ILCS 20/50-22
- 2 20 ILCS 415/4c from Ch. 127, par. 63b104c
- 3 40 ILCS 5/1-122
- 4 40 ILCS 5/14-103.05 from Ch. 108 1/2, par. 14-103.05
- 5 40 ILCS 5/18-127 from Ch. 108 1/2, par. 18-127