



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4728**

by Rep. Thomas Morrison

#### SYNOPSIS AS INTRODUCED:

20 ILCS 415/11

from Ch. 127, par. 63b111

Amends the Personnel Code. In a Section concerning disciplinary hearings, provides that, if the finding and decision of the Civil Service Commission is to remand the matter for the purpose of taking additional evidence or soliciting additional argument or for any other reason that will assist the Civil Service Commission in rendering its decision, that finding shall be rendered within 60 days after the receipt of the transcript of the proceedings. Provides that, if the finding and decision of the Civil Service Commission is a tie vote of the commissioners, then the finding of the officer or board appointed by the Civil Service Commission to conduct the investigation shall become the finding and decision of the Civil Service Commission. Effective immediately.

LRB100 18777 HLH 34013 b

1 AN ACT concerning State government.

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

4 Section 5. The Personnel Code is amended by changing  
5 Section 11 as follows:

6 (20 ILCS 415/11) (from Ch. 127, par. 63b111)

7 Sec. 11. Hearing - disciplinary action. No officer or  
8 employee under jurisdiction B, relating to merit and fitness,  
9 who has been appointed under the rules and after examination,  
10 shall be removed discharged or demoted, or be suspended for a  
11 period of more than 30 days, in any 12 month period, except for  
12 cause, upon written charges approved by the Director of Central  
13 Management Services, and after an opportunity to be heard in  
14 his own defense if he makes written request to the Commission  
15 within 15 days after the serving of the written charges upon  
16 him. Upon the filing of such a request for a hearing, the  
17 Commission shall grant a hearing within 30 days. The time and  
18 place of the hearing shall be fixed by the Commission, and due  
19 notice thereof given the appointing officer and the employee.  
20 The hearing shall be public, and the officer or employee is  
21 entitled to call witnesses in his own defense and to have the  
22 aid of counsel. The finding and decision of the Commission, or  
23 the approval by the Commission of the finding and decision of

1 the officer or board appointed by it to conduct such  
2 investigation, or a finding and decision of the Commission to  
3 remand the matter for the purpose of taking additional evidence  
4 or soliciting additional argument or for any other reason that  
5 will assist the Commission in rendering its decision, shall be  
6 rendered within 60 days after the receipt of the transcript of  
7 the proceedings. If the finding and decision is not rendered  
8 within 60 days after receipt of the transcript of the  
9 proceedings, the employee shall be considered to be reinstated  
10 and shall receive full compensation for the period for which he  
11 was suspended. If the finding and decision of the Commission is  
12 a tie vote of the commissioners, then the finding of the  
13 officer or board appointed by it to conduct such an  
14 investigation shall become the finding and decision of the  
15 Commission. The finding and decision of the Commission or  
16 officer or board appointed by it to conduct investigation, when  
17 approved by the Commission, shall be certified to the Director,  
18 and shall be forthwith enforced by the Director. In making its  
19 finding and decision, or in approving the finding and decision  
20 of some officer or board appointed by it to conduct such  
21 investigation, the Civil Service Commission may, for  
22 disciplinary purposes, suspend an employee for a period of time  
23 not to exceed 90 days, and in no event to exceed a period of 120  
24 days from the date of any suspension of such employee, pending  
25 investigation of such charges. If the Commission certifies a  
26 decision that an officer or employee is to be retained in his

1 position and if it does not order a suspension for disciplinary  
2 purposes, the officer or employee shall receive full  
3 compensation for any period during which he was suspended  
4 pending the investigation of the charges.

5 Nothing in this Section shall limit the authority to  
6 suspend an employee for a reasonable period not exceeding 30  
7 days, in any 12 month period.

8 Notwithstanding the provisions of this Section, an  
9 arbitrator of the Illinois Workers' Compensation Commission,  
10 appointed pursuant to Section 14 of the Workers' Compensation  
11 Act, may be removed by the Governor upon the recommendation of  
12 the Commission Review Board pursuant to Section 14.1 of such  
13 Act.

14 Notwithstanding the provisions of this Section, a policy  
15 making officer of a State agency, as defined in the Employee  
16 Rights Violation Act, shall be discharged from State employment  
17 as provided in the Employee Rights Violation Act, enacted by  
18 the 85th General Assembly.

19 (Source: P.A. 93-721, eff. 1-1-05.)

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