



Sen. John M. Sullivan

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1 AMENDMENT TO HOUSE BILL 2386

2 AMENDMENT NO. _____. Amend House Bill 2386, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The State Universities Civil Service Act is
6 amended by changing Sections 36d, 36e, 36g, 36h, 36j, and 36o
7 and by adding Section 36t as follows:

8 (110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)

9 Sec. 36d. Powers and duties of the Merit Board.

10 The Merit Board shall have the power and duty-

11 (1) To approve a classification plan prepared under its
12 direction, assigning to each class positions of substantially
13 similar duties. The Merit Board shall have power to delegate to
14 its Executive Director the duty of assigning each position in
15 the classified service to the appropriate class in the
16 classification plan approved by the Merit Board.

1 (2) To prescribe the duties of each class of positions and
2 the qualifications required by employment in that class.

3 (3) To prescribe the range of compensation for each class
4 or to fix a single rate of compensation for employees in a
5 particular class; and to establish other conditions of
6 employment which an employer and employee representatives have
7 agreed upon as fair and equitable. The Merit Board shall direct
8 the payment of the "prevailing rate of wages" in those
9 classifications in which, on January 1, 1952, any employer is
10 paying such prevailing rate and in such other classes as the
11 Merit Board may thereafter determine. "Prevailing rate of
12 wages" as used herein shall be the wages paid generally in the
13 locality in which the work is being performed to employees
14 engaged in work of a similar character. Each employer covered
15 by the University System shall be authorized to negotiate with
16 representatives of employees to determine appropriate ranges
17 or rates of compensation or other conditions of employment and
18 may recommend to the Merit Board for establishment the rates or
19 ranges or other conditions of employment which the employer and
20 employee representatives have agreed upon as fair and
21 equitable. Any rates or ranges established prior to January 1,
22 1952, and hereafter, shall not be changed except in accordance
23 with the procedures herein provided.

24 (4) To recommend to the institutions and agencies specified
25 in Section 36e standards for hours of work, holidays, sick
26 leave, overtime compensation and vacation for the purpose of

1 improving conditions of employment covered therein and for the
2 purpose of insuring conformity with the prevailing rate
3 principal.

4 (5) To prescribe standards of examination for each class,
5 the examinations to be related to the duties of such class. The
6 Merit Board shall have power to delegate to the Executive
7 Director and his staff the preparation, conduct and grading of
8 examinations. Examinations may be written, oral, by statement
9 of training and experience, in the form of tests of knowledge,
10 skill, capacity, intellect, aptitude; or, by any other method,
11 which in the judgment of the Merit Board is reasonable and
12 practical for any particular classification. Different
13 examining procedures may be determined for the examinations in
14 different classifications but all examinations in the same
15 classification shall be uniform.

16 (6) To authorize the continuous recruitment of personnel
17 and to that end, to delegate to the Executive Director and his
18 staff the power and the duty to conduct open and continuous
19 competitive examinations for all classifications of
20 employment.

21 (7) To cause to be established from the results of
22 examinations registers for each class of positions in the
23 classified service of the State Universities Civil Service
24 System, of the persons who shall attain the minimum mark fixed
25 by the Merit Board for the examination; and such persons shall
26 take rank upon the registers as candidates in the order of

1 their relative excellence as determined by examination,
2 without reference to priority of time of examination.

3 (8) To provide by its rules for promotions in the
4 classified service. Vacancies shall be filled by promotion
5 whenever practicable. For the purpose of this paragraph, an
6 advancement in class shall constitute a promotion.

7 (9) To set a probationary period of employment of no less
8 than 6 months and no longer than 12 months for each class of
9 positions in the classification plan, the length of the
10 probationary period for each class to be determined by the
11 Director.

12 (10) To provide by its rules for employment at regular
13 rates of compensation of physically handicapped persons in
14 positions in which the handicap does not prevent the individual
15 from furnishing satisfactory service.

16 (11) To make and publish rules, to carry out the purpose of
17 the State Universities Civil Service System and for
18 examination, appointments, transfers and removals and for
19 maintaining and keeping records of the efficiency of officers
20 and employees and groups of officers and employees in
21 accordance with the provisions of Sections 36b to 36q,
22 inclusive, and said Merit Board may from time to time make
23 changes in such rules.

24 (12) To appoint a Executive Director and such assistants
25 and other clerical and technical help as may be necessary
26 efficiently to administer Sections 36b to 36q, inclusive. To

1 authorize the Director to appoint an assistant resident at the
2 place of employment of each employer specified in Section 36e
3 and this assistant may be authorized to give examinations and
4 to certify names from the regional registers provided in
5 Section 36k.

6 (13) To submit to the Governor of this state on or before
7 November 1 of each year prior to the regular session of the
8 General Assembly a report of the University System's business
9 and an estimate of the amount of appropriation from state funds
10 required for the purpose of administering the University
11 System.

12 (Source: P.A. 82-524.)

13 (110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

14 Sec. 36e. Coverage. All employees of the Illinois Community
15 College Board, State Community College of East St. Louis
16 (abolished under Section 2-12.1 of the Public Community College
17 Act), Southern Illinois University, Chicago State University,
18 Eastern Illinois University, Governors State University,
19 Illinois State University, Northeastern Illinois University,
20 Northern Illinois University, Western Illinois University,
21 University of Illinois, State Universities Civil Service
22 System, State Universities Retirement System, the State
23 Scholarship Commission, and the Board of Higher Education,
24 shall be covered by the University System described in Sections
25 36b to 36q, inclusive, of this Act, except the following

1 persons:

2 (1) The members and officers of the Merit Board and the
3 board of trustees, and the commissioners of the
4 institutions and agencies covered hereunder;

5 (2) The presidents and vice-presidents of each
6 educational institution;

7 (3) Other principal administrative employees of each
8 institution and agency approved ~~as determined~~ by the Merit
9 Board;

10 (i) each position exempted under this Section
11 shall be reviewed and approved by the Merit Board, or
12 as designated through the Executive Director;

13 (ii) exemption authority in this respect lies
14 solely with the Merit Board, or as designated through
15 the Executive Director, and shall not be extended to
16 any other employing institution or agency;

17 (4) The teaching, research and extension faculties of
18 each institution and agency;

19 (5) Students employed under rules prescribed by the
20 Merit Board, without examination or certification.

21 (Source: P.A. 89-4, eff. 1-1-96; revised 9-16-10.)

22 (110 ILCS 70/36g) (from Ch. 24 1/2, par. 38b6)

23 Sec. 36g. For the granting of appropriate preference in
24 entrance examinations to qualified persons who have been
25 members of the armed forces of the United States or to

1 qualified persons who, while citizens of the United States,
2 were members of the armed forces of allies of the United States
3 in time of hostilities with a foreign country, and to certain
4 other persons as set forth in this Section.

5 (a) As used in this Section:

6 (1) "Time of hostilities with a foreign country" means
7 any period of time in the past, present, or future during
8 which a declaration of war by the United States Congress
9 has been or is in effect or during which an emergency
10 condition has been or is in effect that is recognized by
11 the issuance of a Presidential proclamation or a
12 Presidential executive order and in which the armed forces
13 expeditionary medal or other campaign service medals are
14 awarded according to Presidential executive order.

15 (2) "Armed forces of the United States" means the
16 United States Army, Navy, Air Force, Marine Corps, Coast
17 Guard. Service in the Merchant Marine that constitutes
18 active duty under Section 401 of federal Public Law 95-202
19 shall also be considered service in the Armed Forces of the
20 United States for purposes of this Section.

21 (b) The preference granted under this Section shall be in
22 the form of points added to the final grades of the persons if
23 they otherwise qualify and are entitled to appear on the list
24 of those eligible for appointments.

25 (c) A veteran is qualified for a preference of 10 points if
26 the veteran currently holds proof of a service connected

1 disability from the United States Department of Veterans
2 Affairs or an allied country or if the veteran is a recipient
3 of the Purple Heart.

4 (d) A veteran who has served during a time of hostilities
5 with a foreign country is qualified for a preference of 5
6 points if the veteran served under one or more of the following
7 conditions:

8 (1) The veteran served a total of at least 6 months, or

9 (2) The veteran served for the duration of hostilities
10 regardless of the length of engagement, or

11 (3) The veteran was discharged on the basis of
12 hardship, or

13 (4) The veteran was released from active duty because
14 of a service connected disability and was discharged under
15 honorable conditions.

16 (e) A person not eligible for a preference under subsection
17 (c) or (d) is qualified for a preference of 3 points if the
18 person has served in the armed forces of the United States, the
19 Illinois National Guard, or any reserve component of the armed
20 forces of the United States and the person: (1) served for at
21 least 6 months and has been discharged under honorable
22 conditions or (2) has been discharged on the ground of hardship
23 or (3) was released from active duty because of a service
24 connected disability. An active member of the National Guard or
25 a reserve component of the armed forces of the United States is
26 eligible for the preference if the member meets the service

1 requirements of this subsection (e).

2 (f) The rank order of persons entitled to a preference on
3 eligible lists shall be determined on the basis of their
4 augmented ratings. When the Executive Director establishes
5 eligible lists on the basis of category ratings such as
6 "superior", "excellent", "well-qualified", and "qualified",
7 the veteran eligibles in each such category shall be preferred
8 for appointment before the non-veteran eligibles in the same
9 category.

10 (g) Employees in positions covered by this Act who, while
11 in good standing, leave to engage in military service during a
12 period of hostility, shall be given credit for seniority
13 purposes for time served in the armed forces.

14 (h) A surviving unremarried spouse of a veteran who
15 suffered a service connected death or the spouse of a veteran
16 who suffered a service connected disability that prevents the
17 veteran from qualifying for civil service employment shall be
18 entitled to the same preference to which the veteran would have
19 been entitled under this Section.

20 (i) A preference shall also be given to the following
21 individuals: 10 points for one parent of an unmarried veteran
22 who suffered a service connected death or a service connected
23 disability that prevents the veteran from qualifying for civil
24 service employment. The first parent to receive a civil service
25 appointment shall be the parent entitled to the preference.

26 (Source: P.A. 87-796.)

1 (110 ILCS 70/36h) (from Ch. 24 1/2, par. 38b7)

2 Sec. 36h. Appointment.

3 (1) Whenever an employer covered by the University System
4 has a position which needs to be filled, this employer shall
5 inform the Executive Director of the Merit Board. The Director
6 shall then certify to the employer the names and addresses of
7 the three persons standing highest on the register for the
8 classification to which the position is assigned. The employer
9 shall select one of these persons certified for the position
10 and shall notify the Executive Director of the Merit Board of
11 his selection. If less than three names appear on the
12 appropriate register, the Director shall certify the names and
13 addresses of the person or persons on the register. Sex shall
14 be disregarded except when the nature of the position requires
15 otherwise.

16 (2) All appointments shall be for a probationary period of
17 no less than 6 months and no longer than 12 months for each
18 class of positions in the classification plan, the length of
19 the probationary period for each class having been determined
20 by the Executive Director, except that persons first appointed
21 to any police department of any university or college covered
22 by the University System after the effective date of this
23 amendatory Act of 1979, shall be on probation for 1 year. The
24 service during the probationary period shall be deemed to be a
25 part of the examination. During the probationary period, the

1 employee may be dismissed if the employer determines that the
2 employee has failed to demonstrate the ability and the
3 qualifications necessary to furnish satisfactory service. The
4 employer shall notify the Executive Director in writing of such
5 dismissal. If an employee is not so dismissed during his
6 probationary period his appointment shall be deemed complete at
7 the end of the period.

8 (3) No person shall be appointed to any police department
9 of any university or college covered by the University System
10 unless he possesses a high school diploma or an equivalent high
11 school education, and unless he is a person of good character
12 and is not a person who has been convicted of a felony or a
13 crime involving moral turpitude.

14 (Source: P.A. 86-708.)

15 (110 ILCS 70/36j) (from Ch. 24 1/2, par. 38b9)

16 Sec. 36j. Promotions. The Merit Board shall by rules
17 provide for promotions on the basis of ability and experience
18 and seniority in service and examination and to provide in all
19 cases where it is practicable that vacancies will be filled by
20 promotion. The Merit Board shall by rule fix lines of promotion
21 from such several offices and places to superior offices or
22 places in all cases where, in the judgment of the Merit Board,
23 the duties of such several positions directly tend to fit the
24 incumbent for a superior position.

25 Employees promoted in the promotional line shall have their

1 seniority for the highest position held on the basis of length
2 of service in that classification. For the next lower
3 classification the employee may add his seniority in the higher
4 classification to that in the lower to determine seniority in
5 the lower classification.

6 Whenever a superior position in the promotional line in the
7 classified civil service under the University System is to be
8 filled, the Director shall certify to the employer, in the
9 order of their seniority, the names and addresses of the three
10 persons standing highest upon the promotional register for the
11 class or grade to which said position belongs. The employer
12 shall appoint one of the three persons whose names were
13 certified by the Executive Director. Sex shall be disregarded
14 except when the nature of the position requires otherwise.
15 Appointments to superior positions in the promotional line
16 shall be on probation for a period of no less than 6 months and
17 no longer than 12 months for each class of positions in the
18 classification plan, the length of the probationary period
19 having been determined by the Executive Director. Persons so
20 appointed may be demoted at any time during the period of
21 probation, if, in the opinion of the employer, they have failed
22 to demonstrate the ability and the qualifications necessary to
23 furnish satisfactory service, but shall not be discharged from
24 the superior position if they have previously completed a
25 probationary period in an inferior position in the promotional
26 line.

1 Whenever a person is promoted to a superior position in the
2 promotional line prior to the completion of the probationary
3 period in any one of the positions in the classified civil
4 service under the University System, total service in the
5 inferior position and in all such superior positions shall be
6 combined to establish certified status and seniority in the
7 inferior position.

8 (Source: P.A. 82-524.)

9 (110 ILCS 70/36o) (from Ch. 24 1/2, par. 38b14)

10 Sec. 36o. Demotion, removal, and discharge. After the
11 completion of his or her probationary period, no employee shall
12 be demoted, removed or discharged except for just cause, upon
13 written charges, and after an opportunity to be heard in his or
14 her own defense if he or she makes a written request for a
15 hearing to the Merit Board within 15 days after the serving of
16 the written charges upon him or her. Upon the filing of such a
17 request for a hearing, the Merit Board shall grant such hearing
18 to be held within 45 days from the date of the service of the
19 demotion, removal or discharge notice by a hearing board or
20 hearing officer appointed by the Merit Board. The members of
21 the hearing board or the hearing officer shall be selected from
22 among the members of a panel established by the Merit Board
23 after consultation with the Advisory Committee provided in
24 Section 36c. The hearing board or hearing officer shall make
25 and render findings of facts on the charges and transmit to the

1 Merit Board a transcript of the evidence along with the hearing
2 board's or hearing officer's findings of fact. The findings of
3 the hearing board or hearing officer when approved by the Merit
4 Board shall be certified to the employer. If cause for
5 demotion, removal or discharge is found, the employee shall be
6 immediately separated from the service. If cause is not found,
7 the employee shall forthwith be reassigned to perform the
8 duties of a position in his or her classification without loss
9 of compensation. In the course of the hearing, the Executive
10 Director of the Merit Board shall have power to administer
11 oaths and to secure by subpoena the attendance and testimony of
12 witnesses and the production of books and papers relevant to
13 the inquiry.

14 The provisions of the Administrative Review Law and all
15 amendments and modification thereof, and the rules adopted
16 pursuant thereto, shall apply to and govern all proceedings for
17 the judicial review of final administrative decisions of the
18 Merit Board hereby created. The term "administrative decision"
19 is defined as in Section 3-101 of the Code of Civil Procedure.
20 (Source: P.A. 95-113, eff. 8-13-07.)

21 (110 ILCS 70/36t new)

22 Sec. 36t. General provisions.

23 (a) Open Meetings Act. The Merit Board, and any committees
24 and subdivisions thereof, shall be subject to all provisions of
25 the Open Meetings Act. The Merit Board is a "public body"

1 within the meaning of that term as set forth in the Open
2 Meetings Act.

3 (b) State Records Act. The Merit Board, and any committees
4 and subdivisions thereof, shall be subject to all provisions of
5 the State Records Act. The Merit Board is an "agency" within
6 the meaning of that term as set forth in the State Records Act.

7 (c) Illinois Administrative Procedure Act. Notwithstanding
8 any provision of law to the contrary, any authority granted to
9 the Merit Board to make and publish rules and regulations is
10 strictly limited to requirements of the Illinois
11 Administrative Procedure Act, and no authority for the Merit
12 Board to make and publish rules and regulations exists outside
13 of the requirements of the Illinois Administrative Procedure
14 Act. The Merit Board is an "agency" within the meaning of that
15 term as set forth in the Illinois Administrative Procedure
16 Act."