



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3801

Introduced 2/10/2012, by Sen. Christine Radogno

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Public Labor Relations Act. Requires any collective bargaining agreement entered into, amended, or renewed on or after the effective date of the amendatory Act by the Governor, or an agency, bureau, department, division, or office under the jurisdiction of the Governor, and a labor organization that represents State employees to be reduced to writing. Requires the Governor, or his or her designee, and the labor organization to prepare a joint projection of the costs that are to be paid by the State during each State fiscal year that is covered by the agreement. Sets forth requirements for the joint projection. Requires the Governor to submit a copy of the agreement, a copy of the joint projection, and a request for funds necessary to implement the agreement to the Commission on Government Forecasting and Accountability, the legislative leaders, and the Index Department of the Office of the Secretary of State within 10 days after executing the agreement. Requires the Commission, during the 50 days that follow the receipt of those materials, to conduct an independent assessment of the joint projection, hold at least one public hearing regarding the agreement, and issue an advisory opinion. Requires the Commission to file a copy of its opinion with the Governor, the legislative leaders, and the Index Department of the Office of the Secretary of State and to make the opinion available to the public upon request. Requires the Governor and the labor organization to also prepare a joint projection for any agreement of this sort that is in effect on the effective date of the amendatory Act. Amends the Personnel Code and the Commission on Government Forecasting and Accountability Act to make conforming changes.

LRB097 20424 JDS 65911 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by adding Section 21.1 as follows:

6 (5 ILCS 315/21.1 new)

7 Sec. 21.1. Transparency of collective bargaining
8 agreements reached by the Governor and labor organizations
9 representing State employees.

10 (a) Any collective bargaining agreement entered into,
11 amended, or renewed, on or after the effective date of this
12 Section, by the Governor, or an agency, bureau, department,
13 division, or office under the jurisdiction of the Governor, and
14 a labor organization that represents State employees must be
15 reduced to writing. Once the agreement is reduced to writing,
16 the Governor, or his or her designee, and the labor
17 organization must prepare a joint projection of the costs that
18 are to be paid by the State during each State fiscal year that
19 is covered by the agreement. The joint projection must (i)
20 accurately and in as detailed a manner as is possible project
21 how funds provided by the State to implement the agreement will
22 be allocated for services during each State fiscal year covered
23 by the agreement and (ii) set forth the assumptions upon which

1 its projections are based. Within 10 days after executing an
2 agreement that is subject to this Section, the Governor shall
3 submit a copy of the agreement, a copy of the joint projection,
4 and a request for funds necessary to implement the agreement to
5 the Commission on Government Forecasting and Accountability,
6 the President of the Senate, the Minority Leader of the Senate,
7 the Speaker of the House of Representatives, the Minority
8 Leader of the House of Representatives, and the Index
9 Department of the Office of the Secretary of State. During the
10 50 days that follow its receipt of those materials, the
11 Commission shall conduct an independent assessment of the joint
12 projection, hold at least one public hearing regarding the
13 agreement, and issue an advisory opinion. That advisory opinion
14 must, at a minimum, provide the results of the Commission's
15 independent assessment for each fiscal year that is covered by
16 the agreement. To facilitate the ability of the Commission to
17 conduct its independent assessment of the joint projection, the
18 Governor and the parties to the contract shall provide the
19 Commission with any information that it requests. As soon as
20 possible after issuing its advisory opinion, the Commission
21 shall file a copy of its opinion with the Governor, the
22 President of the Senate, the Minority Leader of the Senate, the
23 Speaker of the House of Representatives, the Minority Leader of
24 the House of Representatives, and the Index Department of the
25 Office of the Secretary of State. The Commission shall also
26 make copies of its opinion available to the public upon

1 request.

2 (b) If a collective bargaining agreement between the
3 Governor, or an agency, bureau, department, division, or office
4 under the jurisdiction of the Governor, and a labor
5 organization that represents State employees is in effect on
6 the effective date of this Section, the Governor, or his or her
7 designee, and the labor organizations that are covered by that
8 agreement must prepare a joint projection of the amounts that,
9 on the effective date of this Section, remain to be paid by the
10 State in each State fiscal year covered by the agreement. The
11 joint projection must (i) accurately and in as detailed a
12 manner as is possible project how funds provided by the State
13 to implement the agreement will be allocated for services
14 during each State fiscal year covered by the agreement and (ii)
15 set forth the assumptions upon which its projections are based.
16 Within 30 days after the effective date of this Section, the
17 Governor shall submit a copy of the joint projection to the
18 Commission on Government Forecasting and Accountability, the
19 President of the Senate, the Minority Leader of the Senate, the
20 Speaker of the House of Representatives, the Minority Leader of
21 the House of Representatives, and the Index Department of the
22 Office of the Secretary of State.

23 Section 10. The Personnel Code is amended by changing
24 Section 9 as follows:

1 (20 ILCS 415/9) (from Ch. 127, par. 63b109)

2 Sec. 9. Director, powers and duties. The Director, as
3 executive head of the Department, shall direct and supervise
4 all its administrative and technical activities. In addition to
5 the duties imposed upon him elsewhere in this law, it shall be
6 his duty:

7 (1) To apply and carry out this law and the rules adopted
8 thereunder.

9 (2) To attend meetings of the Commission.

10 (3) To establish and maintain a roster of all employees
11 subject to this Act, in which there shall be set forth, as to
12 each employee, the class, title, pay, status, and other
13 pertinent data.

14 (4) To appoint, subject to the provisions of this Act, such
15 employees of the Department and such experts and special
16 assistants as may be necessary to carry out effectively this
17 law.

18 (5) Subject to such exemptions or modifications as may be
19 necessary to assure the continuity of federal contributions in
20 those agencies supported in whole or in part by federal funds,
21 to make appointments to vacancies; to approve all written
22 charges seeking discharge, demotion, or other disciplinary
23 measures provided in this Act and to approve transfers of
24 employees from one geographical area to another in the State,
25 in offices, positions or places of employment covered by this
26 Act, after consultation with the operating unit.

1 (6) To formulate and administer service wide policies and
2 programs for the improvement of employee effectiveness,
3 including training, safety, health, incentive recognition,
4 counseling, welfare and employee relations. The Department
5 shall formulate and administer recruitment plans and testing of
6 potential employees for agencies having direct contact with
7 significant numbers of non-English speaking or otherwise
8 culturally distinct persons. The Department shall require each
9 State agency to annually assess the need for employees with
10 appropriate bilingual capabilities to serve the significant
11 numbers of non-English speaking or culturally distinct
12 persons. The Department shall develop a uniform procedure for
13 assessing an agency's need for employees with appropriate
14 bilingual capabilities. Agencies shall establish occupational
15 titles or designate positions as "bilingual option" for persons
16 having sufficient linguistic ability or cultural knowledge to
17 be able to render effective service to such persons. The
18 Department shall ensure that any such option is exercised
19 according to the agency's needs assessment and the requirements
20 of this Code. The Department shall make annual reports of the
21 needs assessment of each agency and the number of positions
22 calling for non-English linguistic ability to whom vacancy
23 postings were sent, and the number filled by each agency. Such
24 policies and programs shall be subject to approval by the
25 Governor. Such policies, program reports and needs assessment
26 reports shall be filed with the General Assembly by January 1

1 of each year and shall be available to the public.

2 The Department shall include within the report required
3 above the number of persons receiving the bilingual pay
4 supplement established by Section 8a.2 of this Code. The report
5 shall provide the number of persons receiving the bilingual pay
6 supplement for languages other than English and for signing.
7 The report shall also indicate the number of persons, by the
8 categories of Hispanic and non-Hispanic, who are receiving the
9 bilingual pay supplement for language skills other than
10 signing, in a language other than English.

11 (7) Subject to the requirements of Section 21.1 of the
12 Illinois Public Labor Relations Act, to ~~To~~ conduct negotiations
13 affecting pay, hours of work, or other working conditions of
14 employees subject to this Act.

15 (8) To make continuing studies to improve the efficiency of
16 State services to the residents of Illinois, including but not
17 limited to those who are non-English speaking or culturally
18 distinct, and to report his findings and recommendations to the
19 Commission and the Governor.

20 (9) To investigate from time to time the operation and
21 effect of this law and the rules made thereunder and to report
22 his findings and recommendations to the Commission and to the
23 Governor.

24 (10) To make an annual report regarding the work of the
25 Department, and such special reports as he may consider
26 desirable, to the Commission and to the Governor, or as the

1 Governor or Commission may request.

2 (11) To conduct research and planning regarding the total
3 manpower needs of all offices, including the Lieutenant
4 Governor, Secretary of State, State Treasurer, State
5 Comptroller, State Superintendent of Education, and Attorney
6 General, and of all departments, agencies, boards, and
7 commissions of the executive branch, except state-supported
8 colleges and universities, and for that purpose to prescribe
9 forms for the reporting of such personnel information as the
10 department may request both for positions covered by this Act
11 and for those exempt in whole or in part.

12 (12) To prepare and publish a semi-annual statement showing
13 the number of employees exempt and non-exempt from merit
14 selection in each department. This report shall be in addition
15 to other information on merit selection maintained for public
16 information under existing law.

17 (13) To authorize in every department or agency subject to
18 Jurisdiction C the use of flexible hours positions. A flexible
19 hours position is one that does not require an ordinary work
20 schedule as determined by the Department and includes but is
21 not limited to: 1) a part time job of 20 hours or more per week,
22 2) a job which is shared by 2 employees or a compressed work
23 week consisting of an ordinary number of working hours
24 performed on fewer than the number of days ordinarily required
25 to perform that job. The Department may define flexible time to
26 include other types of jobs that are defined above.

1 The Director and the director of each department or agency
2 shall together establish goals for flexible hours positions to
3 be available in every department or agency.

4 The Department shall give technical assistance to
5 departments and agencies in achieving their goals, and shall
6 report to the Governor and the General Assembly each year on
7 the progress of each department and agency.

8 When a goal of 10% of the positions in a department or
9 agency being available on a flexible hours basis has been
10 reached, the Department shall evaluate the effectiveness and
11 efficiency of the program and determine whether to expand the
12 number of positions available for flexible hours to 20%.

13 When a goal of 20% of the positions in a department or
14 agency being available on a flexible hours basis has been
15 reached, the Department shall evaluate the effectiveness and
16 efficiency of the program and determine whether to expand the
17 number of positions available for flexible hours.

18 Each department shall develop a plan for implementation of
19 flexible work requirements designed to reduce the need for day
20 care of employees' children outside the home. Each department
21 shall submit a report of its plan to the Department of Central
22 Management Services and the General Assembly. This report shall
23 be submitted biennially by March 1, with the first report due
24 March 1, 1993.

25 (14) To perform any other lawful acts which he may consider
26 necessary or desirable to carry out the purposes and provisions

1 of this law.

2 The requirement for reporting to the General Assembly shall
3 be satisfied by filing copies of the report with the Speaker,
4 the Minority Leader and the Clerk of the House of
5 Representatives and the President, the Minority Leader and the
6 Secretary of the Senate and the Legislative Research Unit, as
7 required by Section 3.1 of "An Act to revise the law in
8 relation to the General Assembly", approved February 25, 1874,
9 as amended, and filing such additional copies with the State
10 Government Report Distribution Center for the General Assembly
11 as is required under paragraph (t) of Section 7 of the State
12 Library Act.

13 (Source: P.A. 86-1004; 87-552; 87-1050.)

14 Section 15. The Commission on Government Forecasting and
15 Accountability Act is amended by changing Section 3 as follows:

16 (25 ILCS 155/3) (from Ch. 63, par. 343)

17 Sec. 3. The Commission shall:

18 (1) Study from time to time and report to the General
19 Assembly on economic development and trends in the State.

20 (2) Make such special economic and fiscal studies as it
21 deems appropriate or desirable or as the General Assembly
22 may request.

23 (3) Based on its studies, recommend such State fiscal
24 and economic policies as it deems appropriate or desirable

1 to improve the functioning of State government and the
2 economy of the various regions within the State.

3 (4) Prepare annually a State economic report.

4 (5) Provide information for all appropriate
5 legislative organizations and personnel on economic trends
6 in relation to long range planning and budgeting.

7 (6) Study and make such recommendations as it deems
8 appropriate to the General Assembly on local and regional
9 economic and fiscal policy and on federal fiscal policy as
10 it may affect Illinois.

11 (7) Review capital expenditures, appropriations and
12 authorizations for both the State's general obligation and
13 revenue bonding authorities. At the direction of the
14 Commission, specific reviews may include economic
15 feasibility reviews of existing or proposed revenue bond
16 projects to determine the accuracy of the original estimate
17 of useful life of the projects, maintenance requirements
18 and ability to meet debt service requirements through their
19 operating expenses.

20 (8) Receive and review all executive agency and revenue
21 bonding authority annual and 3 year plans. The Commission
22 shall prepare a consolidated review of these plans, an
23 updated assessment of current State agency capital plans, a
24 report on the outstanding and unissued bond
25 authorizations, an evaluation of the State's ability to
26 market further bond issues and shall submit them as the

1 "Legislative Capital Plan Analysis" to the House and Senate
2 Appropriations Committees at least once a year. The
3 Commission shall annually submit to the General Assembly on
4 the first Wednesday of April a report on the State's
5 long-term capital needs, with particular emphasis upon and
6 detail of the 5-year period in the immediate future.

7 (9) Study and make recommendations it deems
8 appropriate to the General Assembly on State bond
9 financing, bondability guidelines, and debt management. At
10 the direction of the Commission, specific studies and
11 reviews may take into consideration short and long-run
12 implications of State bonding and debt management policy.

13 (10) Comply with the provisions of the "State Debt
14 Impact Note Act" as now or hereafter amended.

15 (11) Comply with the provisions of the Pension Impact
16 Note Act, as now or hereafter amended.

17 (12) By August 1st of each year, the Commission must
18 prepare and cause to be published a summary report of State
19 appropriations for the State fiscal year beginning the
20 previous July 1st. The summary report must discuss major
21 categories of appropriations, the issues the General
22 Assembly faced in allocating appropriations, comparisons
23 with appropriations for previous State fiscal years, and
24 other matters helpful in providing the citizens of Illinois
25 with an overall understanding of appropriations for that
26 fiscal year. The summary report must be written in plain

1 language and designed for readability. Publication must be
2 in newspapers of general circulation in the various areas
3 of the State to ensure distribution statewide. The summary
4 report must also be published on the General Assembly's web
5 site.

6 (13) Comply with the provisions of the State Facilities
7 Closure Act.

8 (14) For fiscal year 2012 and thereafter, develop a
9 3-year budget forecast for the State, including
10 opportunities and threats concerning anticipated revenues
11 and expenditures, with an appropriate level of detail.

12 (15) Comply with the provisions of Section 21.1 of the
13 Illinois Public Labor Relations Act.

14 The requirement for reporting to the General Assembly shall
15 be satisfied by filing copies of the report with the Speaker,
16 the Minority Leader and the Clerk of the House of
17 Representatives and the President, the Minority Leader and the
18 Secretary of the Senate and the Legislative Research Unit, as
19 required by Section 3.1 of the General Assembly Organization
20 Act, and filing such additional copies with the State
21 Government Report Distribution Center for the General Assembly
22 as is required under paragraph (t) of Section 7 of the State
23 Library Act.

24 (Source: P.A. 96-958, eff. 7-1-10.)

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 315/21.1 new

4 20 ILCS 415/9 from Ch. 127, par. 63b109

5 25 ILCS 155/3 from Ch. 63, par. 343