



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB3751**

Introduced 2/25/2005, by Rep. Jay C. Hoffman

**SYNOPSIS AS INTRODUCED:**

20 ILCS 415/10

from Ch. 127, par. 63b110

Amends the Personnel Code. Authorizes the Civil Service Commission to appoint an executive director who serves at the Commission's pleasure and is subject to the Act's jurisdictions A and C (now, the Commission appoints a full-time executive secretary). Requires that the executive director exercise the powers and duties assigned by the Commission and serve as the Commission's secretary. Effective immediately.

LRB094 11291 JAM 42082 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 10 as follows:

6 (20 ILCS 415/10) (from Ch. 127, par. 63b110)

7 Sec. 10. Duties and powers of the Commission. The Civil  
8 Service Commission shall have duties and powers as follows:

9 (1) Upon written recommendations by the Director of the  
10 Department of Central Management Services to exempt from  
11 jurisdiction B of this Act positions which, in the judgment of  
12 the Commission, involve either principal administrative  
13 responsibility for the determination of policy or principal  
14 administrative responsibility for the way in which policies are  
15 carried out. This authority may not be exercised, however, with  
16 respect to the position of Assistant Director of Public Aid in  
17 the Department of Public Aid.

18 (2) To require such special reports from the Director as it  
19 may consider desirable.

20 (3) To disapprove original rules or any part thereof within  
21 90 days and any amendment thereof within 30 days after the  
22 submission of such rules to the Civil Service Commission by the  
23 Director, and to disapprove any amendments thereto in the same  
24 manner.

25 (4) To approve or disapprove within 60 days from date of  
26 submission the position classification P.A. submitted by the  
27 Director as provided in the rules, and any revisions thereof  
28 within 30 days from the date of submission.

29 (5) To hear appeals of employees who do not accept the  
30 allocation of their positions under the position  
31 classification plan.

32 (6) To hear and determine written charges filed seeking the

1 discharge, demotion of employees and suspension totaling more  
2 than thirty days in any 12-month period, as provided in Section  
3 11 hereof, and appeals from transfers from one geographical  
4 area in the State to another, and in connection therewith to  
5 administer oaths, subpoena witnesses, and compel the  
6 production of books and papers.

7 (7) The fees of subpoenaed witnesses under this Act for  
8 attendance and travel shall be the same as fees of witnesses  
9 before the circuit courts of the State, such fees to be paid  
10 when the witness is excused from further attendance. Whenever a  
11 subpoena is issued the Commission may require that the cost of  
12 service and the fee of the witness shall be borne by the party  
13 at whose insistence the witness is summoned. The Commission has  
14 the power, at its discretion, to require a deposit from such  
15 party to cover the cost of service and witness fees and the  
16 payment of the legal witness fee and mileage to the witness  
17 served with the subpoena. A subpoena issued under this Act  
18 shall be served in the same manner as a subpoena issued out of  
19 a court.

20 Upon the failure or refusal to obey a subpoena, a petition  
21 shall be prepared by the party serving the subpoena for  
22 enforcement in the circuit court of the county in which the  
23 person to whom the subpoena was directed either resides or has  
24 his or her principal place of business.

25 Not less than five days before the petition is filed in the  
26 appropriate court, it shall be served on the person along with  
27 a notice of the time and place the petition is to be presented.

28 Following a hearing on the petition, the circuit court  
29 shall have jurisdiction to enforce subpoenas issued pursuant to  
30 this Section.

31 On motion and for good cause shown the Commission may quash  
32 or modify any subpoena.

33 (8) To make an annual report regarding the work of the  
34 Commission to the Governor, such report to be a public report.

35 (9) If any violation of this Act is found, the Commission  
36 shall direct compliance in writing.

1           (10) To appoint an Executive Director who shall serve at  
2 the pleasure of the Commission and shall be subject to  
3 jurisdictions A and C of this Act but is exempt from  
4 jurisdiction B. The Executive Director shall exercise powers  
5 and duties as assigned by the Commission and serve as Secretary  
6 to the Commission. The Commission may also appoint ~~a full-time~~  
7 ~~executive secretary~~ and such other employees, experts, and  
8 special assistants as may be necessary to carry out the powers  
9 and duties of the Commission under this Act and employees,  
10 experts, and special assistants so appointed by the Commission  
11 shall be subject to the provisions of jurisdictions A, B and C  
12 of this Act. These powers and duties supersede any contrary  
13 provisions herein contained.

14           (11) To make rules to carry out and implement their powers  
15 and duties under this Act, with authority to amend such rules  
16 from time to time.

17           (12) To hear or conduct investigations as it deems  
18 necessary of appeals of layoff filed by employees appointed  
19 under Jurisdiction B after examination provided that such  
20 appeals are filed within 15 calendar days following the  
21 effective date of such layoff and are made on the basis that  
22 the provisions of the Personnel Code or of the Rules of the  
23 Department of Central Management Services relating to layoff  
24 have been violated or have not been complied with.

25           All hearings shall be public. A decision shall be rendered  
26 within 60 days after receipt of the transcript of the  
27 proceedings. The Commission shall order the reinstatement of  
28 the employee if it is proven that the provisions of the  
29 Personnel Code or of the Rules of the Department of Central  
30 Management Services relating to layoff have been violated or  
31 have not been complied with. In connection therewith the  
32 Commission may administer oaths, subpoena witnesses, and  
33 compel the production of books and papers.

34           (13) Whenever the Civil Service Commission is authorized or  
35 required by law to consider some aspect of criminal history  
36 record information for the purpose of carrying out its

1 statutory powers and responsibilities, then, upon request and  
2 payment of fees in conformance with the requirements of Section  
3 2605-400 of the Department of State Police Law (20 ILCS  
4 2605/2605-400), the Department of State Police is authorized to  
5 furnish, pursuant to positive identification, such information  
6 contained in State files as is necessary to fulfill the  
7 request.

8 (Source: P.A. 91-239, eff. 1-1-00.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.