



Rep. LaShawn K. Ford

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LRB095 15585 RLC 49584 a

1 AMENDMENT TO HOUSE BILL 4612

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4612, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the State  
6 Employment Application Act.

7 Section 5. Definition. In this Act:

8 "Application for State employment" means a written or  
9 electronic form submitted by an applicant who is seeking  
10 employment with a State agency.

11 "Violent offense" means an offense that is a violent crime  
12 as defined in the Rights of Crime Victims and Witnesses Act.

13 "State agency" has the meaning ascribed to it in Section  
14 1-7 of the Illinois State Auditing Act.

15 Section 10. State employment application; required

1 question. Subject to the exception set out in Section 15 of  
2 this Act, an application for State employment may not contain  
3 any question as to whether the applicant was convicted of or  
4 placed on supervision for a non-violent criminal offense but  
5 must contain a question as to whether the applicant for State  
6 employment has ever been convicted of a violent offense that is  
7 classified as a felony.

8 Section 15. Criminal background checks permitted. Nothing  
9 in this Act shall be construed to prohibit a State agency from  
10 conducting a criminal background check of an applicant for  
11 State employment.

12 Section 20. Application of federal or State law. If a  
13 federal or State law disqualifies a person convicted of certain  
14 offenses from holding a position, an application for that  
15 position may inquire as to whether the applicant has been  
16 convicted of a disqualifying offense. If an applicant is  
17 applying for a position of peace officer as defined in Section  
18 2-13 of the Criminal Code of 1961, an application for that  
19 position may inquire as to whether the applicant has been  
20 convicted of a disqualifying offense.

21 Section 25. Refusal to hire for conviction of a criminal  
22 offense. Nothing in this Act prohibits a decision to refuse to  
23 hire on the basis that the applicant has been convicted of a

1 criminal offense.

2 Section 30. No rule making authority. Notwithstanding any  
3 other rulemaking authority that may exist, neither the Governor  
4 nor any agency or agency head under the jurisdiction of the  
5 Governor has any authority to make or promulgate rules to  
6 implement or enforce the provisions of this Act. If, however,  
7 the Governor believes that rules are necessary to implement or  
8 enforce the provisions of this Act, the Governor may suggest  
9 rules to the General Assembly by filing them with the Clerk of  
10 the House and the Secretary of the Senate and by requesting  
11 that the General Assembly authorize such rulemaking by law,  
12 enact those suggested rules into law, or take any other  
13 appropriate action in the General Assembly's discretion.  
14 Nothing contained in this Act shall be interpreted to grant  
15 rulemaking authority under any other Illinois statute where  
16 such authority is not otherwise explicitly given. For the  
17 purposes of this Section, "rules" is given the meaning  
18 contained in Section 1-70 of the Illinois Administrative  
19 Procedure Act, and "agency" and "agency head" are given the  
20 meanings contained in Sections 1-20 and 1-25 of the Illinois  
21 Administrative Procedure Act to the extent that such  
22 definitions apply to agencies or agency heads under the  
23 jurisdiction of the Governor.

24 Section 90. The Personnel Code is amended by changing

1 Section 8b.7 as follows:

2 (20 ILCS 415/8b.7) (from Ch. 127, par. 63b108b.7)

3 Sec. 8b.7. Veteran preference. For the granting of  
4 appropriate preference in entrance examinations to qualified  
5 persons who have been members of the armed forces of the United  
6 States or to qualified persons who, while citizens of the  
7 United States, were members of the armed forces of allies of  
8 the United States in time of hostilities with a foreign  
9 country, and to certain other persons as set forth in this  
10 Section.

11 (a) As used in this Section:

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

21 (2) "Armed forces of the United States" means the  
22 United States Army, Navy, Air Force, Marine Corps, and  
23 Coast Guard. Service in the Merchant Marine that  
24 constitutes active duty under Section 401 of federal Public  
25 Law 95-202 shall also be considered service in the Armed

1 Forces of the United States for purposes of this Section.

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

6 (c) A veteran is qualified for a preference of 10 points if  
7 the veteran currently holds proof of a service connected  
8 disability from the United States Department of Veterans  
9 Affairs or an allied country or if the veteran is a recipient  
10 of the Purple Heart.

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

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

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

18 (3) The veteran was discharged on the basis of  
19 hardship, or

20 (4) The veteran was released from active duty because  
21 of a service connected disability and was discharged under  
22 honorable conditions.

23 (d-5) A veteran who has served during Operation Enduring  
24 Freedom or Operation Iraqi Freedom in a combat area covered by  
25 those hostilities as declared by the President of the United  
26 States is qualified for a preference of 2 points in addition to

1 the points prescribed in subsections (c) and (d) if the veteran  
2 served under one or more of the following conditions:

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

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

6 (3) The veteran was discharged on the basis of  
7 hardship, or

8 (4) The veteran was released from active duty because  
9 of a service connected disability and was discharged under  
10 honorable conditions.

11 (e) A person not eligible for a preference under subsection  
12 (c), ~~or~~ (d), or (d-5) is qualified for a preference of 3 points  
13 if the person has served in the armed forces of the United  
14 States, the Illinois National Guard, or any reserve component  
15 of the armed forces of the United States if the person: (1)  
16 served for at least 6 months and has been discharged under  
17 honorable conditions or (2) has been discharged on the ground  
18 of hardship or (3) was released from active duty because of a  
19 service connected disability. An active member of the National  
20 Guard or a reserve component of the armed forces of the United  
21 States is eligible for the preference if the member meets the  
22 service requirements of this subsection (e).

23 (f) The rank order of persons entitled to a preference on  
24 eligible lists shall be determined on the basis of their  
25 augmented ratings. When the Director establishes eligible  
26 lists on the basis of category ratings such as "superior",

1 "excellent", "well-qualified", and "qualified", the veteran  
2 eligibles in each such category shall be preferred for  
3 appointment before the non-veteran eligibles in the same  
4 category.

5 (g) Employees in positions covered by jurisdiction B who,  
6 while in good standing, leave to engage in military service  
7 during a period of hostility, shall be given credit for  
8 seniority purposes for time served in the armed forces.

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

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

21 (j) The Department of Central Management Services shall  
22 adopt rules and implement procedures to verify that any person  
23 seeking a preference under this Section is entitled to the  
24 preference. A person seeking a preference under this Section  
25 shall provide documentation or execute any consents or other  
26 documents required by the Department of Central Management

1 Services or any other State department or agency to enable the  
2 department or agency to verify that the person is entitled to  
3 the preference.

4 (k) If an applicant claims to be a veteran, the Department  
5 of Central Management Services must verify that status before  
6 granting a veteran preference by requiring a certified copy of  
7 the applicant's most recent DD214 (Certificate of Release or  
8 Discharge from Active Duty) or other evidence of the  
9 applicant's most recent honorable discharge from the Armed  
10 Forces of the United States that is determined to be acceptable  
11 by the Department of Central Management Services.

12 (l) Notwithstanding any other rulemaking authority that  
13 may exist, neither the Governor nor any agency or agency head  
14 under the jurisdiction of the Governor has any authority to  
15 make or promulgate rules to implement or enforce the provisions  
16 of this amendatory Act of the 95th General Assembly. If,  
17 however, the Governor believes that rules are necessary to  
18 implement or enforce the provisions of this amendatory Act of  
19 the 95th General Assembly, the Governor may suggest rules to  
20 the General Assembly by filing them with the Clerk of the House  
21 and the Secretary of the Senate and by requesting that the  
22 General Assembly authorize such rulemaking by law, enact those  
23 suggested rules into law, or take any other appropriate action  
24 in the General Assembly's discretion. Nothing contained in this  
25 amendatory Act of the 95th General Assembly shall be  
26 interpreted to grant rulemaking authority under any other



1 Illinois statute where such authority is not otherwise  
2 explicitly given. For the purposes of this Section, "rules" is  
3 given the meaning contained in Section 1-70 of the Illinois  
4 Administrative Procedure Act, and "agency" and "agency head"  
5 are given the meanings contained in Sections 1-20 and 1-25 of  
6 the Illinois Administrative Procedure Act to the extent that  
7 such definitions apply to agencies or agency heads under the  
8 jurisdiction of the Governor.

9 (Source: P.A. 90-655, eff. 7-30-98; 91-481, eff. 1-1-00.)

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