



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4569

Introduced 2/1/2012, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

15 ILCS 310/6a	from Ch. 124, par. 106a
15 ILCS 310/8a	from Ch. 124, par. 108a
15 ILCS 310/8c	from Ch. 124, par. 108c
15 ILCS 310/9	from Ch. 124, par. 109
15 ILCS 310/10b.16	from Ch. 124, par. 110b.16

Amends the Secretary of State Merit Employment Code. Removes a provision granting the Director of Personnel in the Office of the Secretary of State the power to approve all written charges seeking discharge, demotion, or other disciplinary measures provided in the Code. Authorizes the Chairman of the Merit Commission to be appointed as an Administrator to oversee the Commission staff and day-to-day operations of the Commission. Provides that, if the Chairman serves as the Administrator of the Commission, then the Secretary of State shall set the Administrator's salary. Provides that, if the Chairman of the Commission serves as the Administrator of the Commission, then he or she is not subject to jurisdictions A, B, and C of the Code. Transfers certain disciplinary powers from the Director of Personnel to the Chairman of the Discipline Committee. Effective immediately.

LRB097 18176 JDS 63400 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 Secretary of State Merit Employment Code is
5 amended by changing Sections 6a, 8a, 8c, 9, and 10b.16 as
6 follows:

7 (15 ILCS 310/6a) (from Ch. 124, par. 106a)

8 Sec. 6a. Director - powers and duties. The Director shall
9 have the following duties and responsibilities:

10 (1) To apply and carry out this law and the rules adopted
11 hereunder.

12 (2) To attend meetings of the Commission.

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

17 (4) Subject to such exemptions or modifications as may be
18 necessary to assure the continuity of federal contributions for
19 positions paid from federal funds, to make appointments to
20 vacancies; ~~to approve all written charges seeking discharge,~~
21 ~~demotion, or other disciplinary measures provided in this Act~~
22 and to approve transfers of employees from one geographical
23 area to another in the State.

1 (5) 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.

5 (6) To conduct negotiations affecting pay, hours of work,
6 or other working conditions of employees subject to this Act.

7 (7) To investigate from time to time the operation and
8 effect of this law and the rules made thereunder and to report
9 his or her findings and recommendations to the Commission and
10 the Secretary of State.

11 (8) To make such reports as he may consider desirable to
12 the Commission and the Secretary of State, or as the Secretary
13 of State or Commission may request.

14 (9) To enter into agreements with professional or
15 educational organizations or the Illinois State Department of
16 Central Management Services for the purpose of obtaining
17 professional or technical assistance in the administration of
18 this Act.

19 (10) To perform any other lawful acts necessary or
20 desirable to carry out the purposes and provisions of this law.

21 (Source: P.A. 90-372, eff. 7-1-98; 90-422, eff. 8-15-97.)

22 (15 ILCS 310/8a) (from Ch. 124, par. 108a)

23 Sec. 8a. Terms, compensation. Members of the Merit
24 Commission shall be initially appointed as follows:

25 (1) One member to serve for 2 years and until his successor

1 is appointed;

2 (2) One member to serve for 4 years and until his successor
3 is appointed; and

4 (3) One member to serve for 6 years and until his successor
5 is appointed.

6 Thereafter, members of the Commission shall be appointed by
7 the Secretary of State for six year terms with the advice and
8 consent of the Senate.

9 A member of the Commission shall be appointed as Chairman
10 by the Secretary of State for a two-year term. The Secretary of
11 State may appoint the Chairman for consecutive terms. The
12 Chairman may also be appointed as the Administrator responsible
13 for the overseeing the Commission staff and day-to-day
14 operations of the Commission.

15 The Secretary of State may appoint a person to fill a
16 vacancy occurring prior to the expiration of a six year term
17 for the remainder of the unexpired term with the advice and
18 consent of the Senate.

19 The salary of the Chairman of the Commission shall be
20 \$10,000 per annum or an amount set by the Compensation Review
21 Board, whichever is greater, and other members of the
22 Commission shall be paid \$7,500 per annum or an amount set by
23 the Compensation Review Board, whichever is greater. They shall
24 be entitled to reimbursement for necessary traveling and other
25 official expenditures necessitated by their official duties.
26 If the Chairman of the Commission is also appointed as the

1 Administrator of the Commission, the Chairman's salary will be
2 set by the Secretary.

3 (Source: P.A. 84-440.)

4 (15 ILCS 310/8c) (from Ch. 124, par. 108c)

5 Sec. 8c. Duties and powers of the Commission. The Merit
6 Commission, in addition to any other duties prescribed in this
7 Act, shall have the following duties and powers:

8 (1) Upon written recommendations by the Director of
9 Personnel, to exempt from jurisdiction B of this Act positions
10 which, in the judgment of the Commission, are by their nature
11 highly confidential or involve principal administrative
12 responsibility for the determination of policy or principal
13 administrative responsibility for the way in which policies are
14 carried out. No position which has the powers of a law
15 enforcement officer, except executive security officers, may
16 be exempted under this section.

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

19 (3) To disapprove original rules or any part thereof and
20 any amendment thereof within 30 calendar days after the
21 submission of such rules to the Merit Commission by the
22 Director.

23 (4) To disapprove within 30 calendar days from date of
24 submission the position classification plan and any revisions
25 thereof submitted by the Director as provided in the rules.

1 (5) To hear appeals of employees who do not accept the
2 allocation of their positions under the classification plan.

3 (6) To hear and approve or disapprove written charges filed
4 seeking the discharge or demotion of employees or suspension
5 totaling more than 30 calendar days in any 12 month period, as
6 provided in Section 9, appeals as provided in Section 9a of
7 this Act, and appeals from transfers from one geographical area
8 in the state to another, and in connection therewith to
9 administer oaths, subpoena witnesses and compel the production
10 of books and papers.

11 (7) (Blank).

12 (8) To make an annual report regarding the work of the
13 Commission to the Secretary of State, such report to be a
14 public record.

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

17 (10) To appoint such employees, experts and special
18 assistants as may be necessary to carry out the powers and
19 duties of the commission under this Act. Employees, experts and
20 special assistants so appointed by the Commission shall be
21 subject to jurisdictions A, B and C of this Act, except the
22 Chairman of the Commission when serving as the Administrator of
23 the Commission shall not be subject to jurisdictions A, B, and
24 C of this Act.

25 (11) To promulgate rules and regulations necessary to carry
26 out and implement their powers and duties under this Act, with

1 authority to amend such rules from time to time pursuant to The
2 Illinois Administrative Procedure Act.

3 (12) Within one year of the effective date of this
4 amendatory Act of 1985, the Commission shall adopt rules and
5 regulations which shall include all Commission policies
6 implementing its duties under Sections 8, 9, 10 and 15 of this
7 Act. These rules and regulations shall include, but not be
8 limited to, the standards and criteria used by the Commission
9 and Hearing Officers in making discretionary determinations
10 during hearing procedures.

11 (13) To hear or conduct investigations as it deems
12 necessary of appeals of layoff filed by employees appointed
13 under Jurisdiction B after examination, provided that such
14 appeals are filed within 15 calendar days following the
15 effective date of such layoff and are made on the basis that
16 the provisions of the Secretary of State Merit Employment Code
17 or the rules promulgated thereunder have been violated or have
18 not been complied with. All hearings shall be public. A
19 decision shall be rendered within 60 days after receipt of the
20 transcript of the proceedings. The Commission shall order the
21 reinstatement of the employee if it is proven that the
22 provisions of the Secretary of State Merit Employment Code or
23 the rules promulgated thereunder have been violated or have not
24 been complied with. In connection therewith the Commission may
25 administer oaths, subpoena witnesses, and compel the
26 production of books and papers.

1 (Source: P.A. 90-372, eff. 7-1-98; 90-422, eff. 8-15-97.)

2 (15 ILCS 310/9) (from Ch. 124, par. 109)

3 Sec. 9. Hearings - disciplinary action. No certified
4 officer or employee under jurisdiction B, relating to merit and
5 fitness, who has been appointed under the rules and after
6 examination, shall be removed, discharged or demoted, or
7 suspended for a period of more than 30 calendar days, except
8 for cause, upon written charges approved by the Chairman of the
9 Discipline Committee ~~Director of Personnel~~, and after an
10 opportunity to be heard in his own defense if he makes written
11 request to the Commission within 15 calendar days after the
12 serving of the written charges upon him. Upon the receipt of
13 such a request for hearing, the Commission shall grant a
14 hearing within 30 calendar days. The time and place of the
15 hearing shall be fixed by the Commission, and due notice
16 thereof shall be given the Chairman of the Discipline Committee
17 ~~Director of Personnel~~ and the employee. The hearing shall be
18 public, and the officer or employee is entitled to call
19 witnesses in his own defense and to have the aid of counsel.
20 The finding of the Commission shall be rendered within 60
21 calendar days after the receipt of the transcript of the
22 proceedings. If the finding and decision is not rendered within
23 60 calendar days after receipt of the transcript of the
24 proceedings, the employee shall be considered to be reinstated
25 and shall receive full compensation for the period for which he

1 was suspended. The finding and decision of the Commission or
2 officer or board appointed by it to conduct such investigation,
3 when approved by the Commission, shall be certified to the
4 Director, and shall be forthwith enforced by the Director. In
5 making its finding and decision, or in approving the finding
6 and decision of some officer or board appointed by it to
7 conduct such investigation the Merit Commission may, for
8 disciplinary purposes, suspend an employee for a period of time
9 not to exceed 90 calendar days, and in no event to exceed a
10 period of 120 calendar days from the date of any suspension of
11 such employee, pending investigation of such charges. If the
12 Commission certifies a decision that an officer or employee is
13 to be retained in his position and if it does not order a
14 suspension for disciplinary purposes, the officer or employee
15 shall receive full compensation for any period during which he
16 was suspended pending the investigation of the charges.

17 Nothing in this Section shall limit the authority to
18 suspend an employee for a reasonable period not exceeding 30
19 calendar days.

20 (Source: P.A. 80-13.)

21 (15 ILCS 310/10b.16) (from Ch. 124, par. 110b.16)

22 Sec. 10b.16. Discharge or demotion - hearings - statement
23 of reasons. For hearing before discharge or demotion with the
24 prior approval of the Chairman of the Discipline Committee
25 ~~Director of Personnel~~ only for cause after appointment is

1 completed, after the person to be discharged or demoted has
2 been presented in writing with the reasons for requesting such
3 discharge or demotion. The statement of reasons shall be filed
4 immediately with the Director of Personnel.

5 (Source: P.A. 80-13.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.