

HB4604



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4604

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

New Act

Creates the Department of Corrections Employees Termination Act of 2009. Provides for the termination of certain designated employees, by operation of law, who occupy a *Rutan* exempt position within the Department of Corrections, excluding the Director of the Department of Corrections. Allows the Governor to make temporary appointments and to subsequently nominate or employ a terminated person. Effective immediately.

LRB096 13544 KTG 28298 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 1. Short title. This Act may be cited as the
5 Department of Corrections Employees Termination Act of 2009.

6 Section 5. In this Act:

7 "Designated employee" means:

8 (a) each employee of the Department of Corrections:

9 (1) who occupies a *Rutan* exempt position; and

10 (2) who occupies a position that is also partially
11 exempted from the Personnel Code pursuant to:

12 (A) Section 4(d)(1) (20 ILCS 415/4(d)(1)); or

13 (B) Section 4(d)(3) (20 ILCS 415/4(d)(3));

14 and

15 (3) whose employment in that position began
16 between January 11, 1999 and January 29, 2009; or

17 (b) each employee of the Department of Corrections:

18 (1) who occupies a *Rutan* exempt position; and

19 (2) who occupies a non-Personnel Code position;

20 and

21 (3) who is an at-will employee, not subject to any
22 merit or fitness protections; and

23 (4) whose employment in that position began

1 between January 11, 1999 and January 29, 2009.

2 Specifically excluded from this definition is any employee
3 covered by a collective bargaining agreement.

4 Specifically excluded from this definition is the Director
5 of the Department of Corrections.

6 Section 10. Termination.

7 (a) The employment of each designated employee is
8 terminated, by operation of law, on the date that is 90 days
9 after the effective date of this Act unless, within that 90-day
10 period, the Governor or the employing or appointing authority
11 files with the Secretary of State a written certification
12 naming each designated employee who is retained in employment.

13 (b) Nothing in this Act (i) prevents the Governor from
14 subsequently making a temporary appointment or from
15 subsequently nominating or employing a person terminated under
16 subsection (a) or (ii) prevents an employing or appointing
17 authority from subsequently employing or appointing a person
18 terminated under subsection (a).

19 (c) The Governor and all other responsible government
20 entities are directed to take whatever action is necessary to
21 effectuate these terminations.

22 Section 15. Act controls. The provisions of this Act
23 control over inconsistent provisions of any other law except
24 Public Act 96-6.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.