

1 AN ACT concerning employment.

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

4 Section 5. The State Universities Civil Service Act is
5 amended by changing Sections 36d, 36e, 36g, 36h, 36j, and 36o
6 and by adding Section 36t as follows:

7 (110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)

8 Sec. 36d. Powers and duties of the Merit Board.

9 The Merit Board shall have the power and duty-

10 (1) To approve a classification plan prepared under its
11 direction, assigning to each class positions of substantially
12 similar duties. The Merit Board shall have power to delegate to
13 its Executive Director the duty of assigning each position in
14 the classified service to the appropriate class in the
15 classification plan approved by the Merit Board.

16 (2) To prescribe the duties of each class of positions and
17 the qualifications required by employment in that class.

18 (3) To prescribe the range of compensation for each class
19 or to fix a single rate of compensation for employees in a
20 particular class; and to establish other conditions of
21 employment which an employer and employee representatives have
22 agreed upon as fair and equitable. The Merit Board shall direct
23 the payment of the "prevailing rate of wages" in those

1 classifications in which, on January 1, 1952, any employer is
2 paying such prevailing rate and in such other classes as the
3 Merit Board may thereafter determine. "Prevailing rate of
4 wages" as used herein shall be the wages paid generally in the
5 locality in which the work is being performed to employees
6 engaged in work of a similar character. Each employer covered
7 by the University System shall be authorized to negotiate with
8 representatives of employees to determine appropriate ranges
9 or rates of compensation or other conditions of employment and
10 may recommend to the Merit Board for establishment the rates or
11 ranges or other conditions of employment which the employer and
12 employee representatives have agreed upon as fair and
13 equitable. Any rates or ranges established prior to January 1,
14 1952, and hereafter, shall not be changed except in accordance
15 with the procedures herein provided.

16 (4) To recommend to the institutions and agencies specified
17 in Section 36e standards for hours of work, holidays, sick
18 leave, overtime compensation and vacation for the purpose of
19 improving conditions of employment covered therein and for the
20 purpose of insuring conformity with the prevailing rate
21 principal.

22 (5) To prescribe standards of examination for each class,
23 the examinations to be related to the duties of such class. The
24 Merit Board shall have power to delegate to the Executive
25 Director and his staff the preparation, conduct and grading of
26 examinations. Examinations may be written, oral, by statement

1 of training and experience, in the form of tests of knowledge,
2 skill, capacity, intellect, aptitude; or, by any other method,
3 which in the judgment of the Merit Board is reasonable and
4 practical for any particular classification. Different
5 examining procedures may be determined for the examinations in
6 different classifications but all examinations in the same
7 classification shall be uniform.

8 (6) To authorize the continuous recruitment of personnel
9 and to that end, to delegate to the Executive Director and his
10 staff the power and the duty to conduct open and continuous
11 competitive examinations for all classifications of
12 employment.

13 (7) To cause to be established from the results of
14 examinations registers for each class of positions in the
15 classified service of the State Universities Civil Service
16 System, of the persons who shall attain the minimum mark fixed
17 by the Merit Board for the examination; and such persons shall
18 take rank upon the registers as candidates in the order of
19 their relative excellence as determined by examination,
20 without reference to priority of time of examination.

21 (8) To provide by its rules for promotions in the
22 classified service. Vacancies shall be filled by promotion
23 whenever practicable. For the purpose of this paragraph, an
24 advancement in class shall constitute a promotion.

25 (9) To set a probationary period of employment of no less
26 than 6 months and no longer than 12 months for each class of

1 positions in the classification plan, the length of the
2 probationary period for each class to be determined by the
3 Director.

4 (10) To provide by its rules for employment at regular
5 rates of compensation of physically handicapped persons in
6 positions in which the handicap does not prevent the individual
7 from furnishing satisfactory service.

8 (11) To make and publish rules, to carry out the purpose of
9 the State Universities Civil Service System and for
10 examination, appointments, transfers and removals and for
11 maintaining and keeping records of the efficiency of officers
12 and employees and groups of officers and employees in
13 accordance with the provisions of Sections 36b to 36q,
14 inclusive, and said Merit Board may from time to time make
15 changes in such rules.

16 (12) To appoint a Executive Director and such assistants
17 and other clerical and technical help as may be necessary
18 efficiently to administer Sections 36b to 36q, inclusive. To
19 authorize the Director to appoint an assistant resident at the
20 place of employment of each employer specified in Section 36e
21 and this assistant may be authorized to give examinations and
22 to certify names from the regional registers provided in
23 Section 36k.

24 (13) To submit to the Governor of this state on or before
25 November 1 of each year prior to the regular session of the
26 General Assembly a report of the University System's business

1 and an estimate of the amount of appropriation from state funds
2 required for the purpose of administering the University
3 System.

4 (Source: P.A. 82-524.)

5 (110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

6 Sec. 36e. Coverage. All employees of the Illinois Community
7 College Board, State Community College of East St. Louis
8 (abolished under Section 2-12.1 of the Public Community College
9 Act), Southern Illinois University, Chicago State University,
10 Eastern Illinois University, Governors State University,
11 Illinois State University, Northeastern Illinois University,
12 Northern Illinois University, Western Illinois University,
13 University of Illinois, State Universities Civil Service
14 System, State Universities Retirement System, the State
15 Scholarship Commission, and the Board of Higher Education,
16 shall be covered by the University System described in Sections
17 36b to 36q, inclusive, of this Act, except the following
18 persons:

19 (1) the ~~The~~ members and officers of the Merit Board and
20 the board of trustees, and the commissioners of the
21 institutions and agencies covered hereunder;

22 (2) the ~~The~~ presidents and vice-presidents of each
23 educational institution;

24 (3) other ~~Other~~ principal administrative employees of
25 each institution and agency approved ~~as determined~~ by the

1 Merit Board;

2 (4) the ~~The~~ teaching, research and extension faculties
3 of each institution and agency; and

4 (5) students ~~Students~~ employed under rules prescribed
5 by the Merit Board, without examination or certification.

6 Notwithstanding the other provisions of this Section, all
7 of the following apply:

8 (A) No position may be exempt under this Section unless
9 the exemption has been reviewed and approved by the Merit
10 Board or by the Executive Director as delegated by the
11 Merit Board.

12 (B) The authority to exempt lies solely with the Merit
13 Board or the Executive Director as delegated by the Merit
14 Board, and such authority shall not be extended to any
15 other employing institution or agency.

16 (C) Adequate advance notice of the intent to propose an
17 exemption must be provided to impacted employees and any
18 labor organization with exclusive bargaining rights for
19 that position and posted in all public places allocated for
20 civil service employment information.

21 (Source: P.A. 89-4, eff. 1-1-96; revised 9-16-10.)

22 (110 ILCS 70/36g) (from Ch. 24 1/2, par. 38b6)

23 Sec. 36g. For the granting of appropriate preference in
24 entrance examinations to qualified persons who have been
25 members of the armed forces of the United States or to

1 qualified persons who, while citizens of the United States,
2 were members of the armed forces of allies of the United States
3 in time of hostilities with a foreign country, and to certain
4 other persons as set forth in this Section.

5 (a) As used in this Section:

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

15 (2) "Armed forces of the United States" means the
16 United States Army, Navy, Air Force, Marine Corps, Coast
17 Guard. Service in the Merchant Marine that constitutes
18 active duty under Section 401 of federal Public Law 95-202
19 shall also be considered service in the Armed Forces of the
20 United States for purposes of this Section.

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

25 (c) A veteran is qualified for a preference of 10 points if
26 the veteran currently holds proof of a service connected

1 disability from the United States Department of Veterans
2 Affairs or an allied country or if the veteran is a recipient
3 of the Purple Heart.

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

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

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

11 (3) The veteran was discharged on the basis of
12 hardship, or

13 (4) The veteran was released from active duty because
14 of a service connected disability and was discharged under
15 honorable conditions.

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

1 requirements of this subsection (e).

2 (f) The rank order of persons entitled to a preference on
3 eligible lists shall be determined on the basis of their
4 augmented ratings. When the Executive Director establishes
5 eligible lists on the basis of category ratings such as
6 "superior", "excellent", "well-qualified", and "qualified",
7 the veteran eligibles in each such category shall be preferred
8 for appointment before the non-veteran eligibles in the same
9 category.

10 (g) Employees in positions covered by this Act who, while
11 in good standing, leave to engage in military service during a
12 period of hostility, shall be given credit for seniority
13 purposes for time served in the armed forces.

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

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

26 (Source: P.A. 87-796.)

1 (110 ILCS 70/36h) (from Ch. 24 1/2, par. 38b7)

2 Sec. 36h. Appointment.

3 (1) Whenever an employer covered by the University System
4 has a position which needs to be filled, this employer shall
5 inform the Executive Director of the Merit Board. The Director
6 shall then certify to the employer the names and addresses of
7 the three persons standing highest on the register for the
8 classification to which the position is assigned. The employer
9 shall select one of these persons certified for the position
10 and shall notify the Executive Director of the Merit Board of
11 his selection. If less than three names appear on the
12 appropriate register, the Director shall certify the names and
13 addresses of the person or persons on the register. Sex shall
14 be disregarded except when the nature of the position requires
15 otherwise.

16 (2) All appointments shall be for a probationary period of
17 no less than 6 months and no longer than 12 months for each
18 class of positions in the classification plan, the length of
19 the probationary period for each class having been determined
20 by the Executive Director, except that persons first appointed
21 to any police department of any university or college covered
22 by the University System after the effective date of this
23 amendatory Act of 1979, shall be on probation for 1 year. The
24 service during the probationary period shall be deemed to be a
25 part of the examination. During the probationary period, the

1 employee may be dismissed if the employer determines that the
2 employee has failed to demonstrate the ability and the
3 qualifications necessary to furnish satisfactory service. The
4 employer shall notify the Executive Director in writing of such
5 dismissal. If an employee is not so dismissed during his
6 probationary period his appointment shall be deemed complete at
7 the end of the period.

8 (3) No person shall be appointed to any police department
9 of any university or college covered by the University System
10 unless he possesses a high school diploma or an equivalent high
11 school education, and unless he is a person of good character
12 and is not a person who has been convicted of a felony or a
13 crime involving moral turpitude.

14 (Source: P.A. 86-708.)

15 (110 ILCS 70/36j) (from Ch. 24 1/2, par. 38b9)

16 Sec. 36j. Promotions. The Merit Board shall by rules
17 provide for promotions on the basis of ability and experience
18 and seniority in service and examination and to provide in all
19 cases where it is practicable that vacancies will be filled by
20 promotion. The Merit Board shall by rule fix lines of promotion
21 from such several offices and places to superior offices or
22 places in all cases where, in the judgment of the Merit Board,
23 the duties of such several positions directly tend to fit the
24 incumbent for a superior position.

25 Employees promoted in the promotional line shall have their

1 seniority for the highest position held on the basis of length
2 of service in that classification. For the next lower
3 classification the employee may add his seniority in the higher
4 classification to that in the lower to determine seniority in
5 the lower classification.

6 Whenever a superior position in the promotional line in the
7 classified civil service under the University System is to be
8 filled, the Director shall certify to the employer, in the
9 order of their seniority, the names and addresses of the three
10 persons standing highest upon the promotional register for the
11 class or grade to which said position belongs. The employer
12 shall appoint one of the three persons whose names were
13 certified by the Executive Director. Sex shall be disregarded
14 except when the nature of the position requires otherwise.
15 Appointments to superior positions in the promotional line
16 shall be on probation for a period of no less than 6 months and
17 no longer than 12 months for each class of positions in the
18 classification plan, the length of the probationary period
19 having been determined by the Executive Director. Persons so
20 appointed may be demoted at any time during the period of
21 probation, if, in the opinion of the employer, they have failed
22 to demonstrate the ability and the qualifications necessary to
23 furnish satisfactory service, but shall not be discharged from
24 the superior position if they have previously completed a
25 probationary period in an inferior position in the promotional
26 line.

1 Whenever a person is promoted to a superior position in the
2 promotional line prior to the completion of the probationary
3 period in any one of the positions in the classified civil
4 service under the University System, total service in the
5 inferior position and in all such superior positions shall be
6 combined to establish certified status and seniority in the
7 inferior position.

8 (Source: P.A. 82-524.)

9 (110 ILCS 70/36o) (from Ch. 24 1/2, par. 38b14)

10 Sec. 36o. Demotion, removal, and discharge. After the
11 completion of his or her probationary period, no employee shall
12 be demoted, removed or discharged except for just cause, upon
13 written charges, and after an opportunity to be heard in his or
14 her own defense if he or she makes a written request for a
15 hearing to the Merit Board within 15 days after the serving of
16 the written charges upon him or her. Upon the filing of such a
17 request for a hearing, the Merit Board shall grant such hearing
18 to be held within 45 days from the date of the service of the
19 demotion, removal or discharge notice by a hearing board or
20 hearing officer appointed by the Merit Board. The members of
21 the hearing board or the hearing officer shall be selected from
22 among the members of a panel established by the Merit Board
23 after consultation with the Advisory Committee provided in
24 Section 36c. The hearing board or hearing officer shall make
25 and render findings of facts on the charges and transmit to the

1 Merit Board a transcript of the evidence along with the hearing
2 board's or hearing officer's findings of fact. The findings of
3 the hearing board or hearing officer when approved by the Merit
4 Board shall be certified to the employer. If cause for
5 demotion, removal or discharge is found, the employee shall be
6 immediately separated from the service. If cause is not found,
7 the employee shall forthwith be reassigned to perform the
8 duties of a position in his or her classification without loss
9 of compensation. In the course of the hearing, the Executive
10 Director of the Merit Board shall have power to administer
11 oaths and to secure by subpoena the attendance and testimony of
12 witnesses and the production of books and papers relevant to
13 the inquiry.

14 The provisions of the Administrative Review Law and all
15 amendments and modification thereof, and the rules adopted
16 pursuant thereto, shall apply to and govern all proceedings for
17 the judicial review of final administrative decisions of the
18 Merit Board hereby created. The term "administrative decision"
19 is defined as in Section 3-101 of the Code of Civil Procedure.

20 (Source: P.A. 95-113, eff. 8-13-07.)

21 (110 ILCS 70/36t new)

22 Sec. 36t. General provisions.

23 (a) Open Meetings Act. The Merit Board and any committees
24 and subdivisions thereof shall be subject to all provisions of
25 the Open Meetings Act. The Merit Board is a "public body"

1 within the meaning of that term as set forth in the Open
2 Meetings Act.

3 (b) State Records Act. The Merit Board and any committees
4 and subdivisions thereof shall be subject to all provisions of
5 the State Records Act. The Merit Board is an "agency" within
6 the meaning of that term as set forth in the State Records Act.

7 (c) Illinois Administrative Procedure Act. Notwithstanding
8 any provision of law to the contrary, any authority granted to
9 the Merit Board to make and publish rules is strictly limited
10 to the requirements of the Illinois Administrative Procedure
11 Act, and no authority for the Merit Board to make and publish
12 rules exists outside of the requirements of the Illinois
13 Administrative Procedure Act. The Merit Board is an "agency"
14 within the meaning of that term as set forth in the Illinois
15 Administrative Procedure Act.