



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5750

by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

70 ILCS 3605/28	from Ch. 111 2/3, par. 328
70 ILCS 3615/2.14	from Ch. 111 2/3, par. 702.14
70 ILCS 3615/3A.05	from Ch. 111 2/3, par. 703A.05
70 ILCS 3615/3B.05	from Ch. 111 2/3, par. 703B.05
70 ILCS 3615/4.15 new	

Amends the Metropolitan Transit Authority Act and the Regional Transportation Authority Act. Provides that if the Chicago Transit Board, the Commuter Rail Board, or the Suburban Bus Board or any officer, attorney, employee, or agent of the Chicago Transit Board, the Commuter Rail Board, the Suburban Bus Board, or the Regional Transportation Authority intends to award a bonus that exceeds 10% of the recipient's salary, that bonus shall be approved by the Regional Transportation Authority Board prior to the award. Provides that if any of the Service Boards seek to enter into a severance agreement or an employment-related settlement agreement exceeding \$50,000, that agreement shall be reviewed by the Regional Transportation Authority Board for approval prior to execution. Requires the Regional Transportation Authority Board to review the agreement to determine whether the terms are reasonable and in the region's best interest. Provides that the service boards may only enter into severance agreements or employment-related settlement agreements that have received the Regional Transportation Authority Board's prior approval.

LRB098 20225 JLK 55576 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Metropolitan Transit Authority Act is
5 amended by changing Section 28 as follows:

6 (70 ILCS 3605/28) (from Ch. 111 2/3, par. 328)

7 Sec. 28. The Board shall classify all the offices,
8 positions and grades of regular and exempt employment required,
9 excepting that of the Chairman of the Board, the Executive
10 Director, Secretary, Treasurer, General Counsel, and Chief
11 Engineer, with reference to the duties, job title, job schedule
12 number, and the compensation fixed therefor, and adopt rules
13 governing appointments to any of such offices or positions on
14 the basis of merit and efficiency. The job title shall be
15 generally descriptive of the duties performed in that job, and
16 the job schedule number shall be used to identify a job title
17 and to further classify positions within a job title. No
18 discrimination shall be made in any appointment or promotion to
19 any office, position, or grade of regular employment because of
20 race, creed, color, sex, national origin, physical or mental
21 handicap unrelated to ability, or political or religious
22 affiliations. No officer or employee in regular employment
23 shall be discharged or demoted except for cause which is

1 detrimental to the service. Any officer or employee in regular
2 employment who is discharged or demoted may file a complaint in
3 writing with the Board within ten days after notice of his or
4 her discharge or demotion. If an employee is a member of a
5 labor organization the complaint may be filed by such
6 organization for and in behalf of such employee. The Board
7 shall grant a hearing on such complaint within thirty (30) days
8 after it is filed. The time and place of the hearing shall be
9 fixed by the Board and due notice thereof given to the
10 complainant, the labor organization by or through which the
11 complaint was filed and the Executive Director. The hearing
12 shall be conducted by the Board, or any member thereof or any
13 officers' committee or employees' committee appointed by the
14 Board. The complainant may be represented by counsel. If the
15 Board finds, or approves a finding of the member or committee
16 appointed by the Board, that the complainant has been unjustly
17 discharged or demoted, he or she shall be restored to his or
18 her office or position with back pay. The decision of the Board
19 shall be final and not subject to review. The Board may
20 designate such offices, positions, and grades of employment as
21 exempt as it deems necessary for the efficient operation of the
22 business of the Authority. The total number of employees
23 occupying exempt offices, positions, or grades of employment
24 may not exceed 3% of the total employment of the Authority. All
25 exempt offices, positions, and grades of employment shall be at
26 will. No discrimination shall be made in any appointment or

1 promotion to any office, position, or grade of exempt
2 employment because of race, creed, color, sex, national origin,
3 physical or mental handicap unrelated to ability, or religious
4 or political affiliation. The Board may abolish any vacant or
5 occupied office or position. Additionally, the Board may reduce
6 the force of employees for lack of work or lack of funds as
7 determined by the Board. When the number of positions or
8 employees holding positions of regular employment within a
9 particular job title and job schedule number are reduced, those
10 employees with the least company seniority in that job title
11 and job schedule number shall be first released from regular
12 employment service. For a period of one year, an employee
13 released from service shall be eligible for reinstatement to
14 the job title and job schedule number from which he or she was
15 released, in order of company seniority, if additional force of
16 employees is required. "Company seniority" as used in this
17 Section means the overall employment service credited to an
18 employee by the Authority since the employee's most recent date
19 of hire irrespective of job titles held. If 2 or more employees
20 have the same company seniority date, time in the affected job
21 title and job schedule number shall be used to break the
22 company seniority tie. For purposes of this Section, company
23 seniority shall be considered a working condition. When
24 employees are represented by a labor organization that has a
25 labor agreement with the Authority, the wages, hours, and
26 working conditions (including, but not limited to, seniority

1 rights) shall be governed by the terms of the agreement. Exempt
2 employment shall not include any employees who are represented
3 by a labor organization that has a labor agreement with the
4 Authority.

5 No employee, officer, or agent of the Chicago Transit Board
6 may receive a bonus that exceeds 10% of his or her annual
7 salary unless that bonus has been approved by the Regional
8 Transportation Authority Board.

9 (Source: P.A. 90-183, eff. 1-1-98.)

10 Section 10. The Regional Transportation Authority Act is
11 amended by changing Sections 2.14, 3A.05 and 3B.05 and by
12 adding Section 4.15 as follows:

13 (70 ILCS 3615/2.14) (from Ch. 111 2/3, par. 702.14)

14 Sec. 2.14. Appointment of Officers and Employees. The
15 Authority may appoint, retain and employ officers, attorneys,
16 agents, engineers and employees. The officers shall include an
17 Executive Director, who shall be the chief executive officer of
18 the Authority, appointed by the Chairman with the concurrence
19 of 11 of the other then Directors of the Board. The Executive
20 Director shall organize the staff of the Authority, shall
21 allocate their functions and duties, shall transfer such staff
22 to the Suburban Bus Division and the Commuter Rail Division as
23 is sufficient to meet their purposes, shall fix compensation
24 and conditions of employment of the staff of the Authority, and

1 consistent with the policies of and direction from the Board,
2 take all actions necessary to achieve its purposes, fulfill its
3 responsibilities and carry out its powers, and shall have such
4 other powers and responsibilities as the Board shall determine.
5 The Executive Director must be an individual of proven
6 transportation and management skills and may not be a member of
7 the Board. The Authority may employ its own professional
8 management personnel to provide professional and technical
9 expertise concerning its purposes and powers and to assist it
10 in assessing the performance of the Service Boards in the
11 metropolitan region.

12 No employee, officer, or agent of the Authority may receive
13 a bonus that exceeds 10% of his or her annual salary unless
14 that bonus has been approved by the Board.

15 No unlawful discrimination, as defined and prohibited in
16 the Illinois Human Rights Act, shall be made in any term or
17 aspect of employment nor shall there be discrimination based
18 upon political reasons or factors. The Authority shall
19 establish regulations to insure that its discharges shall not
20 be arbitrary and that hiring and promotion are based on merit.

21 The Authority shall be subject to the "Illinois Human
22 Rights Act", as now or hereafter amended, and the remedies and
23 procedure established thereunder. The Authority shall file an
24 affirmative action program for employment by it with the
25 Department of Human Rights to ensure that applicants are
26 employed and that employees are treated during employment,

1 without regard to unlawful discrimination. Such affirmative
2 action program shall include provisions relating to hiring,
3 upgrading, demotion, transfer, recruitment, recruitment
4 advertising, selection for training and rates of pay or other
5 forms of compensation.

6 (Source: P.A. 95-708, eff. 1-18-08.)

7 (70 ILCS 3615/3A.05) (from Ch. 111 2/3, par. 703A.05)

8 Sec. 3A.05. Appointment of officers and employees. The
9 Suburban Bus Board shall appoint an Executive Director who
10 shall be the chief executive officer of the Division,
11 appointed, retained or dismissed with the concurrence of 9 of
12 the directors of the Suburban Bus Board. The Executive Director
13 shall appoint, retain and employ officers, attorneys, agents,
14 engineers, employees and shall organize the staff, shall
15 allocate their functions and duties, fix compensation and
16 conditions of employment, and consistent with the policies of
17 and direction from the Suburban Bus Board take all actions
18 necessary to achieve its purposes, fulfill its
19 responsibilities and carry out its powers, and shall have such
20 other powers and responsibilities as the Suburban Bus Board
21 shall determine. The Executive Director shall be an individual
22 of proven transportation and management skills and may not be a
23 member of the Suburban Bus Board. The Division may employ its
24 own professional management personnel to provide professional
25 and technical expertise concerning its purposes and powers and

1 to assist it in assessing the performance of transportation
2 agencies in the metropolitan region.

3 No employee, officer, or agent of the Suburban Bus Board
4 may receive a bonus that exceeds 10% of his or her annual
5 salary unless that bonus has been approved by the Regional
6 Transportation Authority Board.

7 No unlawful discrimination, as defined and prohibited in
8 the Illinois Human Rights Act, shall be made in any term or
9 aspect of employment nor shall there be discrimination based
10 upon political reasons or factors. The Suburban Bus Board shall
11 establish regulations to insure that its discharges shall not
12 be arbitrary and that hiring and promotion are based on merit.

13 The Division shall be subject to the "Illinois Human Rights
14 Act", as now or hereafter amended, and the remedies and
15 procedure established thereunder. The Suburban Bus Board shall
16 file an affirmative action program for employment by it with
17 the Department of Human Rights to ensure that applicants are
18 employed and that employees are treated during employment,
19 without regard to unlawful discrimination. Such affirmative
20 action program shall include provisions relating to hiring,
21 upgrading, demotion, transfer, recruitment, recruitment
22 advertising, selection for training and rates of pay or other
23 forms of compensation.

24 (Source: P.A. 95-906, eff. 8-26-08.)

25 (70 ILCS 3615/3B.05) (from Ch. 111 2/3, par. 703B.05)

1 Sec. 3B.05. Appointment of officers and employees. The
2 Commuter Rail Board shall appoint an Executive Director who
3 shall be the chief executive officer of the Division,
4 appointed, retained or dismissed with the concurrence of 8 of
5 the directors of the Commuter Rail Board. The Executive
6 Director shall appoint, retain and employ officers, attorneys,
7 agents, engineers, employees and shall organize the staff,
8 shall allocate their functions and duties, fix compensation and
9 conditions of employment, and consistent with the policies of
10 and direction from the Commuter Rail Board take all actions
11 necessary to achieve its purposes, fulfill its
12 responsibilities and carry out its powers, and shall have such
13 other powers and responsibilities as the Commuter Rail Board
14 shall determine. The Executive Director shall be an individual
15 of proven transportation and management skills and may not be a
16 member of the Commuter Rail Board. The Division may employ its
17 own professional management personnel to provide professional
18 and technical expertise concerning its purposes and powers and
19 to assist it in assessing the performance of transportation
20 agencies in the metropolitan region.

21 No employee, officer, or agent of the Commuter Rail Board
22 may receive a bonus that exceeds 10% of his or her annual
23 salary unless that bonus has been approved by the Regional
24 Transportation Authority Board.

25 No unlawful discrimination, as defined and prohibited in
26 the Illinois Human Rights Act, shall be made in any term or

1 aspect of employment nor shall there be discrimination based
2 upon political reasons or factors. The Commuter Rail Board
3 shall establish regulations to insure that its discharges shall
4 not be arbitrary and that hiring and promotion are based on
5 merit.

6 The Division shall be subject to the "Illinois Human Rights
7 Act", as now or hereafter amended, and the remedies and
8 procedure established thereunder. The Commuter Rail Board
9 shall file an affirmative action program for employment by it
10 with the Department of Human Rights to ensure that applicants
11 are employed and that employees are treated during employment,
12 without regard to unlawful discrimination. Such affirmative
13 action program shall include provisions relating to hiring,
14 upgrading, demotion, transfer, recruitment, recruitment
15 advertising, selection for training and rates of pay or other
16 forms of compensation.

17 (Source: P.A. 95-708, eff. 1-18-08.)

18 (70 ILCS 3615/4.15 new)

19 Sec. 4.15. Severance and employment-related settlement
20 agreements. If any of the Service Boards seek to enter into a
21 severance agreement or an employment-related settlement
22 agreement exceeding \$50,000, that agreement shall be reviewed
23 by the Board for approval prior to execution. The Board shall
24 review the agreement to determine whether the terms are
25 reasonable and in the region's best interest. The Service

1 Boards may only enter into severance agreements or
2 employment-related settlement agreements that have received
3 the Board's prior approval.