



Sen. James F. Clayborne, Jr.

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LRB099 06061 AWJ 36597 a

1 AMENDMENT TO HOUSE BILL 372

2 AMENDMENT NO. _____. Amend House Bill 372, by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing
5 Section 205-140 as follows:

6 (60 ILCS 1/205-140)

7 Sec. 205-140. Initiating proceedings for particular
8 locality; rates and charges; lien.

9 (a) A township board may initiate proceedings under
10 Sections 205-130 through 205-150 in the manner provided by
11 Section 205-20.

12 (b) The township board may establish the rate or charge to
13 each user of the waterworks system or sewerage system, or
14 combined waterworks and sewerage system, or improvement or
15 extension at a rate that will be sufficient to pay the
16 principal and interest of any bonds issued to pay the cost of

1 the system, improvement, or extension and the maintenance and
2 operation of the system, improvement, or extension and may
3 provide an adequate depreciation fund for the bonds. Charges or
4 rates shall be established, revised, and maintained by
5 ordinance and become payable as the township board determines
6 by ordinance.

7 (c) The charges or rates are liens upon the real estate
8 upon or for which sewerage service is supplied whenever the
9 charges or rates become delinquent as provided by the ordinance
10 of the board fixing a delinquency date.

11 (d) Notwithstanding any provision of law to the contrary,
12 the township shall conduct a cost study regarding the
13 connection charge of the township:

14 (1) before the township increases or creates a
15 connection charge;

16 (2) upon the request of the supervisor or a majority of
17 the township board of the township;

18 (3) upon the request of a majority of the mayors or
19 village presidents of the municipalities located within or
20 substantially within the township or township's facility
21 planning area; or

22 (4) upon the filing with the township board of a
23 petition signed by 10% or more of the customers who have
24 paid connection charges to the township in the previous 5
25 calendar years.

26 The cost study shall be conducted by an independent entity

1 within 6 months of action taken under paragraphs (1), (2), (3),
2 or (4) of this subsection (d). For purposes of this subsection
3 (d), the term "independent entity" shall mean an engineering
4 firm that has not entered into a contract with any State
5 agency, unit of local government, or non-governmental entity
6 for goods or services within the township or township service
7 area in the 24 months prior to being contracted to perform the
8 cost study. After performing a cost study under this subsection
9 (d), an independent entity may not contract with any State
10 agency, unit of local government, or non-governmental entity
11 for goods or services within the township or township service
12 area in the 24 months after completion of the cost study other
13 than to perform further cost studies under this subsection (d).
14 A township shall not be required to conduct more than one cost
15 study in a 24 month period under paragraphs (1), (2), (3), or
16 (4) of this subsection (d). The cost study must include, at a
17 minimum, an examination of similar water main and sewer
18 connection charges in neighboring units of local government or
19 units of local government similar in size or population.
20 Following the completion of the cost study, no increase or new
21 connection charge may be imposed unless the increase or new
22 charge is justified by the cost study. If the connection charge
23 the township charged prior to completion of the cost study is
24 higher than is justified by the cost study, the township shall
25 reduce its connection charge to the amount justified by the
26 cost study. For purposes of this subsection (d), "connection

1 charge" means any charge or fee, by whatever name, assessed to
2 recover the cost of connecting the customer's water main,
3 sewer, or water main and sewer service line to the township's
4 facilities, and includes only the direct and indirect costs of
5 physically tying the service line into the township's main.

6 (Source: P.A. 82-783; 88-62.)

7 Section 10. The Metropolitan Water Reclamation District
8 Act is amended by changing Sections 4.3, 4.11, 4.12, and 4.14
9 as follows:

10 (70 ILCS 2605/4.3) (from Ch. 42, par. 323.3)

11 Sec. 4.3. Classification of positions. The Director shall,
12 with the consent and approval of said civil service board,
13 classify within 90 days after the effective date of this
14 amendatory Act of 1997, all positions in said sanitary district
15 with reference to the duties thereof for the purpose of
16 establishing job classifications, and of fixing and
17 maintaining standards of examinations hereinafter provided
18 for. The positions so classified shall constitute the
19 classified civil service of such sanitary district and no
20 appointments, promotions, transfers, demotions, reductions in
21 grade or pay or removal therefrom shall be made except under
22 and according to the provisions of this Act and of the rules
23 hereinafter mentioned. As a part of such classified civil
24 service all employees under said Director, except special

1 examiners, shall be included. The Director shall ascertain and
2 record the duties of each position in the classified civil
3 service and designate the classification of each position. Each
4 classification shall comprise positions having substantially
5 similar duties. He shall also record the lines of promotion
6 from each lower classification to a higher classification
7 wherever the experience derived in the performance of the
8 duties of such lower classification tends to qualify for
9 performance of duty in such higher classification. The
10 director, subject to the disapproval of the civil service board
11 as hereinafter provided, shall by rule prescribe standards of
12 efficiency for each classification and for examinations of
13 candidates for appointment thereto. Such rule or any amendment
14 thereof shall take effect 30 days after written notice thereof
15 is given to the civil service board, unless within such period
16 the board files with the Director a written notice of its
17 disapproval thereof.

18 For the purpose of establishing uniformity of pay and title
19 for all positions similarly classified, it shall be the duty of
20 the Director to prescribe by rule which shall become effective
21 when approved by the trustees, the maximum and minimum pay for
22 each classification and the title thereof and to report to the
23 trustees annually and at such other times as they may direct
24 the name and address of each officer and employee paid more or
25 less than the pay prescribed for his classification or
26 designated by a title other than that prescribed for his

1 classification by the board of trustees. It shall be the duty
2 of the trustees not later than the beginning of the next fiscal
3 year after receiving such report to change the pay or title of
4 any position or employee so reported out of classification to
5 conform to the title and pay prescribed by the Director for the
6 classification in which the position held by the employee is
7 classified. The Director shall standardize employment in each
8 classification and make and keep a record of the relative
9 efficiency of each employee in the classified civil service.
10 The Director shall provide by rule methods for ascertaining and
11 verifying the facts from which such records of relative
12 efficiency shall be made which shall be uniform for each
13 classification in the classified civil service.

14 (Source: P.A. 90-316, eff. 1-1-98.)

15 (70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

16 Sec. 4.11. Appointments. Whenever a position classified
17 under this Act is to be filled, except the positions of deputy
18 director of engineering, deputy director of monitoring and
19 research, deputy director of maintenance and operations,
20 assistant director of engineering, assistant director of
21 maintenance and operations, deputy general counsel, head
22 assistant attorneys, assistant director of monitoring and
23 research, assistant director of information technology,
24 comptroller, assistant treasurer, assistant director of
25 procurement and materials management, assistant director of

1 human resources, and laborers, the Executive Director shall
2 make requisition upon the Director, and the Director shall
3 certify to him or her from the register of eligibles for the
4 position the names (a) of the five candidates standing highest
5 upon the register of eligibles for the position, or (b) of the
6 candidates within the A category upon the register of eligibles
7 if the register is by categories designated as A, B, and C,
8 provided, however, that any certification shall consist of at
9 least 5 candidates, if available. If fewer than 5 candidates
10 are in the A category, then the Director shall also certify all
11 of the candidates in the B category. If fewer than 5 candidates
12 are in the A and B categories combined, then the Director shall
13 also certify all of the candidates in the C category. The
14 Executive Director shall notify the Director of each position
15 to be filled separately and shall fill the position by
16 appointment of one of the certified candidates. The Executive
17 Director's appointment decision shall be final and not subject
18 to review. An appointed candidate shall be a probationary
19 appointee on probation for a period to be fixed by the rules,
20 not exceeding 250 days worked by the probationary appointee in
21 the position of probationary appointment. At any time during
22 the period of probation, the Executive Director with the
23 approval of the Director may terminate a probationary appointee
24 and shall notify the civil service board in writing of the
25 termination; however, the Executive Director's termination of
26 a probationary appointee shall be final and not subject to

1 review. At any time during the period of probation, a
2 probationary appointee may make a written request to
3 voluntarily terminate a probationary appointment, and if
4 approved by the Executive Director, such voluntary termination
5 shall be final and not subject to review. If a probationary
6 appointee is not terminated, his or her appointment shall be
7 deemed complete.

8 When there is no eligible list, the Executive Director may,
9 with the authority of the Director, make a temporary
10 appointment to remain in force only until a permanent
11 appointment from an eligible register or list can be made in
12 the manner specified in the previous provisions of this
13 Section, and examinations to supply an eligible list therefor
14 shall be held and an eligible list established therefrom within
15 one year from the making of such appointment. The acceptance or
16 refusal by an eligible person of a temporary appointment does
17 not affect his or her standing on the register for permanent
18 appointment.

19 In employment of an essentially temporary and transitory
20 nature, the Executive Director may, with the authority of the
21 Director of Human Resources make temporary appointments. No
22 temporary appointment of an essentially temporary and
23 transitory nature may be granted for a period of more than 119
24 consecutive or non-consecutive working days per calendar year.
25 The Director must include in his or her annual report, and if
26 required by the commissioners, in any special report, a

1 statement of all temporary appointments made during the year or
2 period specified by the commissioners, together with a
3 statement of the facts in each case because of which the
4 authority was granted.

5 All laborers shall be appointed by the Executive Director
6 and shall be on probation for a period to be fixed by the
7 rules, not exceeding 250 days worked by the laborer in the
8 position of the probationary appointment. At any time during
9 the period of a laborer's probation, the Executive Director
10 with the approval of the Director may terminate a laborer's
11 probationary appointment and shall notify the civil service
12 board in writing of the termination; however, the Executive
13 Director's termination of a laborer's probationary appointment
14 shall be final and not subject to review. If a laborer's
15 probationary appointment is not terminated, the appointment
16 shall be deemed complete.

17 The positions of deputy director of engineering, deputy
18 director of monitoring and research, deputy director of
19 maintenance and operations, assistant director of engineering,
20 assistant director of maintenance and operations, deputy
21 general counsel, head assistant attorneys, assistant director
22 of monitoring and research, assistant director of information
23 technology, comptroller, assistant treasurer, assistant
24 director of procurement and materials management, and
25 assistant director of human resources shall be appointed by the
26 Executive Director upon the recommendation of the respective

1 department head and shall be on probation for a period to be
2 fixed by the rules, not exceeding two years. At any time during
3 the period of probation, the Executive Director on the
4 recommendation of the department head concerned, may terminate
5 any such probationary appointee and he or she shall notify the
6 Civil Service Board in writing of the termination; however, the
7 Executive Director's termination of a probationary appointee
8 shall be final and not subject to review. If a probationary
9 appointee is not terminated, his or her appointment shall be
10 deemed complete under the laws governing the classified civil
11 service.

12 (Source: P.A. 97-124, eff. 7-14-11.)

13 (70 ILCS 2605/4.12) (from Ch. 42, par. 323.12)

14 Sec. 4.12. The Director may by his rules provide for
15 transfers of officers and employees in the classified service
16 from positions in one office or department to positions of the
17 same class and grade in another office or department. Transfers
18 which are in the nature of promotions shall be governed by
19 Section 4.10 of this Act.

20 Subject to the Executive Director's approval, an employee
21 in the classified civil service may make a written request for
22 a voluntary demotion to the employee's most recent former
23 classification, and if granted by the Executive Director, such
24 voluntary demotion shall be final and not subject to review.

25 (Source: Laws 1963, p. 2477.)

1 (70 ILCS 2605/4.14) (from Ch. 42, par. 323.14)

2 Sec. 4.14. No ~~officer or~~ employee in the classified civil
3 service of the sanitary district shall be involuntarily demoted
4 ~~removed~~ or discharged except for cause, upon written charges,
5 and after an opportunity to be heard in his own defense. For
6 discharge actions, such ~~Such~~ charges shall be filed with the
7 civil service board within 30 days from the date of suspension
8 under the charges, and the charges shall be promptly
9 investigated by or before the civil service board, or by or
10 before some officer or officers appointed by the civil service
11 board to conduct such investigation. Both involuntary demotion
12 and discharge hearings ~~The hearing~~ shall be public and the
13 employee shall be entitled to call witnesses in his or her
14 defense and to have the aid of counsel. Such hearings shall
15 take place within 120 days after charges are filed against the
16 employee, unless the. ~~The hearing shall be public and the~~
17 ~~accused shall be entitled to call witnesses in his defense and~~
18 ~~to have the aid of counsel. The~~ civil service board continues
19 ~~may continue~~ a discharge or involuntary demotion hearing for
20 good cause shown and ~~only~~ with the consent of the employee.
21 After the hearing is completed, the ~~The~~ civil service board
22 shall enter a finding and decision. A decision shall be deemed
23 to have been served either when a copy of the decision is
24 personally delivered or when a copy of the decision is
25 deposited in the United States mail, addressed to the employee

1 at his last known address on file with the human resources
2 department. The finding and decision of the civil service board
3 or of such investigating officer or officers, when approved by
4 said civil service board, shall be final, except for the
5 judicial review thereof as herein provided, and shall be
6 certified to the appointing officer, and shall be forthwith
7 enforced by such officer. Nothing in this Act shall limit the
8 power of any officer to suspend a subordinate for a reasonable
9 period not exceeding thirty days; however, if charges are filed
10 against a suspended employee, the suspension shall be extended
11 until the civil service board enters its finding and decision
12 regarding the charges unless prior to this time the board
13 enters an order approving an agreement between the sanitary
14 district and the employee that the suspension should terminate
15 at an earlier date. Every such suspension shall be without pay:
16 Provided, however, that the civil service board shall have
17 authority to investigate every such suspension and, in case of
18 its disapproval thereof, it shall have power to restore pay to
19 the employee so suspended. For discharge actions, if the civil
20 service board enters a finding and decision denying discharge,
21 the employee shall be returned to the classification held at
22 the time charges were filed. For involuntary demotion actions,
23 if the civil service board enters a finding and decision
24 granting an involuntary demotion, the employee shall be demoted
25 to the employee's most recent former classification. In the
26 course of any investigation provided for in this Act, each

1 member of the civil service board and any officer appointed by
2 it shall have the power to administer oaths and shall have
3 power to secure by its subpoena both the attendance and
4 testimony of witnesses and the production of books and papers.

5 Either the sanitary district or the employee may file a
6 written petition for rehearing of the finding and decision of
7 the civil service board within 21 calendar days after the
8 finding and decision are served as provided in this Section.
9 The petition shall state fully the grounds upon which
10 application for further investigation and hearing is based. If
11 a petition is denied by the civil service board, the decision
12 shall remain in full force and effect and any further appeal by
13 either party shall be in accordance with the provisions of the
14 Administrative Review Law.

15 The provisions of the Administrative Review Law, and all
16 amendments and modifications thereof, and the rules adopted
17 pursuant thereto, shall apply to and govern all proceedings for
18 the judicial review of final administrative decisions of the
19 civil service board hereunder. The term "administrative
20 decision" is defined as in Section 3-101 of the Code of Civil
21 Procedure.

22 (Source: P.A. 95-923, eff. 8-26-08.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."