



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1286

Introduced 2/18/2015, by Sen. Chris Nybo

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/4.14

from Ch. 42, par. 323.14

Amends the Metropolitan Water Reclamation District Act. Provides that written charges to remove or discharge an officer or employee shall specify the facts that support removal or discharge. Provides that an employee may withdraw consent to continue a discharge hearing at which point the hearing shall take place and a decision entered within 60 days of the withdrawal of consent. Provides that after charges are filed against a suspended employee, the employee's suspension shall be extended without pay up to 180 days until the civil service board enters its findings. If the civil service board disapproves of the employee being suspended, provides that the board shall restore all pay and benefits to the employee from the date of suspension and order the sanitary district to pay promptly the costs and reasonable attorney fees of the employee. Provides that the revisions to the Act will apply retroactively to January 1, 2010. Effective immediately.

LRB099 08883 AWJ 29055 b

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 Water Reclamation District Act
5 is amended by changing Section 4.14 as follows:

6 (70 ILCS 2605/4.14) (from Ch. 42, par. 323.14)

7 Sec. 4.14. No officer or employee in the classified civil
8 service of the sanitary district shall be removed or discharged
9 except for cause, upon written charges that specify the facts
10 that support removal or discharge, and after an opportunity to
11 be heard in his own defense. Such charges shall be filed with
12 the civil service board within 30 days from the date of
13 suspension under the charges, and the charges shall be promptly
14 investigated by or before the civil service board, or by or
15 before some officer or officers appointed by the civil service
16 board to conduct such investigation. The hearing shall take
17 place within 120 days after charges are filed against the
18 employee. The hearing shall be public and the accused shall be
19 entitled to call witnesses in his defense and to have the aid
20 of counsel. The civil service board may continue a discharge
21 hearing for good cause shown and only with the consent of the
22 employee. The employee may withdraw such consent after 180 days
23 after charges are filed against the employee, at which point

1 the hearing shall take place and a finding and decision entered
2 within 60 days of the withdrawal of such consent. The civil
3 service board shall enter a finding and decision. A decision
4 shall be deemed to have been served either when a copy of the
5 decision is personally delivered or when a copy of the decision
6 is deposited in the United States mail, addressed to the
7 employee at his last known address on file with the human
8 resources department. The finding and decision of the civil
9 service board or of such investigating officer or officers,
10 when approved by said civil service board, shall be final,
11 except for the judicial review thereof as herein provided, and
12 shall be certified to the appointing officer, and shall be
13 forthwith enforced by such officer. Nothing in this Act shall
14 limit the power of any officer to suspend a subordinate for a
15 reasonable period not exceeding thirty days; however, if
16 charges are filed against a suspended employee, the suspension
17 shall be extended until the civil service board enters its
18 finding and decision regarding the charges unless prior to this
19 time the board enters an order approving an agreement between
20 the sanitary district and the employee that the suspension
21 should terminate at an earlier date. Every such suspension
22 shall be without pay up to 180 days: Provided, however, that
23 the civil service board shall have authority to investigate
24 every such suspension and, in case of its disapproval ~~thereof~~,
25 it shall ~~have power to~~ restore all pay and benefits to the
26 employee from the date of suspension and order the sanitary

1 district to pay promptly the costs and reasonable attorney fees
2 of the employee ~~so~~ suspended. In the course of any
3 investigation provided for in this Act, each member of the
4 civil service board and any officer appointed by it shall have
5 the power to administer oaths and shall have power to secure by
6 its subpoena both the attendance and testimony of witnesses and
7 the production of books and papers.

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

18 The provisions of the Administrative Review Law, and all
19 amendments and modifications thereof, and the rules adopted
20 pursuant thereto, shall apply to and govern all proceedings for
21 the judicial review of final administrative decisions of the
22 civil service board hereunder. The term "administrative
23 decision" is defined as in Section 3-101 of the Code of Civil
24 Procedure. The provisions of this Article as amended by this
25 amendatory Act of the 99th General Assembly shall apply
26 retroactively to January 1, 2010.

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

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