

1 AN ACT concerning public employees.

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 Public Employee Candidacy Act.

6 Section 5. Definitions. As used in this Act:

7 "Candidacy for elected public office" means affirmative
8 conduct taken by a public employee to establish himself or
9 herself to members of the public as a candidate for elected
10 public office. Affirmative conduct shall include, but is not
11 limited to, conducting name recognition polls in the
12 geographic area covered by the elected public office,
13 creating or allowing the creation of a campaign committee in
14 the public employee's name, engaging in strategy meetings
15 with non-family members, or obtaining or filing the requisite
16 candidate filing forms with the local or State election
17 authority. Affirmative conduct shall not include a public
18 employee's private discussions about his or her candidacy
19 with family members or contact made by the public employee
20 with his or her public employer pursuant to this Act.

21 "Public employer" means the State, an agency or
22 department thereof, a unit of local government, a school
23 district, or an instrumentality or political subdivision
24 thereof.

25 "Public employee" means an employee of the State, an
26 agency or department thereof, a unit of local government, a
27 school district, or an instrumentality or political
28 subdivision thereof.

29 Section 10. Public employee candidacy. A public
30 employer may not terminate the employment of, force the

1 resignation of, invalidate the transfer of, demote,
2 reprimand, or in any other way penalize a public employee as
3 a consequence of the public employee's candidacy for elected
4 public office. This Section shall not apply if a public
5 employee fails to comply with Section 15 and remains subject
6 to the federal Hatch Act (5 U.S.C. Sections 1501 through
7 1508).

8 Section 15. Notice to the public employer. At least 90
9 days before a public employee shall seek candidacy for
10 elected public office, the public employee shall provide his
11 or her public employer with written notice of his or her
12 intent to run for elected public office.

13 Within 7 days of receiving the public employee's written
14 notice, the public employer shall contact the United States
15 Office of Special Counsel in writing for an advisory opinion
16 on whether the requesting public employee occupies an
17 employment position covered under the federal Hatch Act (5
18 U.S.C. Sections 1501 through 1508). If the United States
19 Office of Special Counsel's advisory opinion reveals that the
20 public employee is subject to the federal Hatch Act, then the
21 public employer shall offer in writing to transfer the public
22 employee to or make available to the public employee an
23 equivalent employment position that is not subject to the
24 federal Hatch Act within 5 days after receiving the advisory
25 opinion. The public employee shall be entitled to a copy of
26 the decision and shall have 15 days to decide upon and accept
27 the equivalent employment position made available by his or
28 her public employer.

29 All public employers shall make a public posting in the
30 workplace that informs public employees of the provisions of
31 this Act. All public employers shall inform new employees of
32 this Act upon hiring as well as provide all public employees
33 with informational literature concerning this Act at least

1 annually. The public employer may utilize informational
2 literature prepared by the United States Office of Special
3 Counsel.

4 Section 20. Working hours. Nothing in this Act
5 prohibits a public employer from penalizing a public employee
6 for any activity conducted during regular working hours in
7 connection with a candidacy for elected public office.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.