

AN ACT concerning local government.

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

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

(60 ILCS 1/205-140)

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

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

(b) The township board may establish the rate or charge to each user of the waterworks system or sewerage system, or combined waterworks and sewerage system, or improvement or extension at a rate that will be sufficient to pay the principal and interest of any bonds issued to pay the cost of the system, improvement, or extension and the maintenance and operation of the system, improvement, or extension and may provide an adequate depreciation fund for the bonds. Charges or rates shall be established, revised, and maintained by ordinance and become payable as the township board determines by ordinance.

(c) The charges or rates are liens upon the real estate

upon or for which sewerage service is supplied whenever the charges or rates become delinquent as provided by the ordinance of the board fixing a delinquency date.

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

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

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

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

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

The cost study shall be conducted by an independent entity within 6 months of action taken under paragraphs (1), (2), (3), or (4) of this subsection (d). For purposes of this subsection (d), the term "independent entity" shall mean an engineering firm that has not entered into a contract with any State agency, unit of local government, or non-governmental entity for goods or services within the township or township service area in the 24 months prior to being contracted to perform the

cost study. After performing a cost study under this subsection (d), an independent entity may not contract with any State agency, unit of local government, or non-governmental entity for goods or services within the township or township service area in the 24 months after completion of the cost study other than to perform further cost studies under this subsection (d). A township shall not be required to conduct more than one cost study in a 24 month period under paragraphs (1), (2), (3), or (4) of this subsection (d). The cost study must include, at a minimum, an examination of similar water main and sewer connection charges in neighboring units of local government or units of local government similar in size or population. Following the completion of the cost study, no increase or new connection charge may be imposed unless the increase or new charge is justified by the cost study. If the connection charge the township charged prior to completion of the cost study is higher than is justified by the cost study, the township shall reduce its connection charge to the amount justified by the cost study. For purposes of this subsection (d), "connection charge" means any charge or fee, by whatever name, assessed to recover the cost of connecting the customer's water main, sewer, or water main and sewer service line to the township's facilities, and includes only the direct and indirect costs of physically tying the service line into the township's main.

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

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

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

Sec. 4.3. Classification of positions. The Director shall, with the consent and approval of said civil service board, classify within 90 days after the effective date of this amendatory Act of 1997, all positions in said sanitary district with reference to the duties thereof for the purpose of establishing job classifications, and of fixing and maintaining standards of examinations hereinafter provided for. The positions so classified shall constitute the classified civil service of such sanitary district and no appointments, promotions, transfers, demotions, reductions in grade or pay or removal therefrom shall be made except under and according to the provisions of this Act and of the rules hereinafter mentioned. As a part of such classified civil service all employees under said Director, except special examiners, shall be included. The Director shall ascertain and record the duties of each position in the classified civil service and designate the classification of each position. Each classification shall comprise positions having substantially similar duties. He shall also record the lines of promotion from each lower classification to a higher classification wherever the experience derived in the performance of the

duties of such lower classification tends to qualify for performance of duty in such higher classification. The director, subject to the disapproval of the civil service board as hereinafter provided, shall by rule prescribe standards of efficiency for each classification and for examinations of candidates for appointment thereto. Such rule or any amendment thereof shall take effect 30 days after written notice thereof is given to the civil service board, unless within such period the board files with the Director a written notice of its disapproval thereof.

For the purpose of establishing uniformity of pay and title for all positions similarly classified, it shall be the duty of the Director to prescribe by rule which shall become effective when approved by the trustees, the maximum and minimum pay for each classification and the title thereof and to report to the trustees annually and at such other times as they may direct the name and address of each officer and employee paid more or less than the pay prescribed for his classification or designated by a title other than that prescribed for his classification by the board of trustees. It shall be the duty of the trustees not later than the beginning of the next fiscal year after receiving such report to change the pay or title of any position or employee so reported out of classification to conform to the title and pay prescribed by the Director for the classification in which the position held by the employee is classified. The Director shall standardize employment in each

classification and make and keep a record of the relative efficiency of each employee in the classified civil service. The Director shall provide by rule methods for ascertaining and verifying the facts from which such records of relative efficiency shall be made which shall be uniform for each classification in the classified civil service.

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

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

Sec. 4.11. Appointments. Whenever a position classified under this Act is to be filled, except the positions of deputy director of engineering, deputy director of monitoring and research, deputy director of maintenance and operations, assistant director of engineering, assistant director of maintenance and operations, deputy general counsel, head assistant attorneys, assistant director of monitoring and research, assistant director of information technology, comptroller, assistant treasurer, assistant director of procurement and materials management, assistant director of human resources, and laborers, the Executive Director shall make requisition upon the Director, and the Director shall certify to him or her from the register of eligibles for the position the names (a) of the five candidates standing highest upon the register of eligibles for the position, or (b) of the candidates within the A category upon the register of eligibles if the register is by categories designated as A, B, and C,

provided, however, that any certification shall consist of at least 5 candidates, if available. If fewer than 5 candidates are in the A category, then the Director shall also certify all of the candidates in the B category. If fewer than 5 candidates are in the A and B categories combined, then the Director shall also certify all of the candidates in the C category. The Executive Director shall notify the Director of each position to be filled separately and shall fill the position by appointment of one of the certified candidates. The Executive Director's appointment decision shall be final and not subject to review. An appointed candidate shall be a probationary appointee on probation for a period to be fixed by the rules, not exceeding 250 days worked by the probationary appointee in the position of probationary appointment. At any time during the period of probation, the Executive Director with the approval of the Director may terminate a probationary appointee and shall notify the civil service board in writing of the termination; however, the Executive Director's termination of a probationary appointee shall be final and not subject to review. At any time during the period of probation, a probationary appointee may make a written request to voluntarily terminate a probationary appointment, and if approved by the Executive Director, such voluntary termination shall be final and not subject to review. If a probationary appointee is not terminated, his or her appointment shall be deemed complete.

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

In employment of an essentially temporary and transitory nature, the Executive Director may, with the authority of the Director of Human Resources make temporary appointments. No temporary appointment of an essentially temporary and transitory nature may be granted for a period of more than 119 consecutive or non-consecutive working days per calendar year. The Director must include in his or her annual report, and if required by the commissioners, in any special report, a statement of all temporary appointments made during the year or period specified by the commissioners, together with a statement of the facts in each case because of which the authority was granted.

All laborers shall be appointed by the Executive Director and shall be on probation for a period to be fixed by the rules, not exceeding 250 days worked by the laborer in the

position of the probationary appointment. At any time during the period of a laborer's probation, the Executive Director with the approval of the Director may terminate a laborer's probationary appointment and shall notify the civil service board in writing of the termination; however, the Executive Director's termination of a laborer's probationary appointment shall be final and not subject to review. If a laborer's probationary appointment is not terminated, the appointment shall be deemed complete.

The positions of deputy director of engineering, deputy director of monitoring and research, deputy director of maintenance and operations, assistant director of engineering, assistant director of maintenance and operations, deputy general counsel, head assistant attorneys, assistant director of monitoring and research, assistant director of information technology, comptroller, assistant treasurer, assistant director of procurement and materials management, and assistant director of human resources shall be appointed by the Executive Director upon the recommendation of the respective department head and shall be on probation for a period to be fixed by the rules, not exceeding two years. At any time during the period of probation, the Executive Director on the recommendation of the department head concerned, may terminate any such probationary appointee and he or she shall notify the Civil Service Board in writing of the termination; however, the Executive Director's termination of a probationary appointee

shall be final and not subject to review. If a probationary appointee is not terminated, his or her appointment shall be deemed complete under the laws governing the classified civil service.

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

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

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

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

(Source: Laws 1963, p. 2477.)

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

Sec. 4.14. No ~~officer or~~ employee in the classified civil service of the sanitary district shall be involuntarily demoted removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. For discharge actions, such ~~Such~~ charges shall be filed with the

civil service board within 30 days from the date of suspension under the charges, and the charges shall be promptly investigated by or before the civil service board, or by or before some officer or officers appointed by the civil service board to conduct such investigation. Both involuntary demotion and discharge hearings ~~The hearing~~ shall be public and the employee shall be entitled to call witnesses in his or her defense and to have the aid of counsel. Such hearings shall take place within 120 days after charges are filed against the employee, unless the. ~~The hearing shall be public and the accused shall be entitled to call witnesses in his defense and to have the aid of counsel.~~ The civil service board continues ~~may continue~~ a discharge or involuntary demotion hearing for good cause shown and ~~only~~ with the consent of the employee. After the hearing is completed, the ~~The~~ civil service board shall enter a finding and decision. A decision shall be deemed to have been served either when a copy of the decision is personally delivered or when a copy of the decision is deposited in the United States mail, addressed to the employee at his last known address on file with the human resources department. The finding and decision of the civil service board or of such investigating officer or officers, when approved by said civil service board, shall be final, except for the judicial review thereof as herein provided, and shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this Act shall limit the

power of any officer to suspend a subordinate for a reasonable period not exceeding thirty days; however, if charges are filed against a suspended employee, the suspension shall be extended until the civil service board enters its finding and decision regarding the charges unless prior to this time the board enters an order approving an agreement between the sanitary district and the employee that the suspension should terminate at an earlier date. Every such suspension shall be without pay: Provided, however, that the civil service board shall have authority to investigate every such suspension and, in case of its disapproval thereof, it shall have power to restore pay to the employee so suspended. For discharge actions, if the civil service board enters a finding and decision denying discharge, the employee shall be returned to the classification held at the time charges were filed. For involuntary demotion actions, if the civil service board enters a finding and decision granting an involuntary demotion, the employee shall be demoted to the employee's most recent former classification. In the course of any investigation provided for in this Act, each member of the civil service board and any officer appointed by it shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers.

Either the sanitary district or the employee may file a written petition for rehearing of the finding and decision of the civil service board within 21 calendar days after the

finding and decision are served as provided in this Section. The petition shall state fully the grounds upon which application for further investigation and hearing is based. If a petition is denied by the civil service board, the decision shall remain in full force and effect and any further appeal by either party shall be in accordance with the provisions of the Administrative Review Law.

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

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

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