

1 AN ACT concerning disabled persons.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 3 and 7 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,
10 with respect to a matter over which the jurisdiction of the
11 Board is assigned to the State Panel or the Local Panel under
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms
14 and conditions of employment, including hours, wages, and
15 other conditions of employment, as detailed in Section 7 and
16 which are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in
18 the regular course of his or her duties, assists and acts in
19 a confidential capacity to persons who formulate, determine,
20 and effectuate management policies with regard to labor
21 relations or who, in the regular course of his or her duties,
22 has authorized access to information relating to the
23 effectuation or review of the employer's collective
24 bargaining policies.

25 (d) "Craft employees" means skilled journeymen, crafts
26 persons, and their apprentices and helpers.

27 (e) "Essential services employees" means those public
28 employees performing functions so essential that the
29 interruption or termination of the function will constitute a
30 clear and present danger to the health and safety of the
31 persons in the affected community.

1 (f) "Exclusive representative", except with respect to
2 non-State fire fighters and paramedics employed by fire
3 departments and fire protection districts, non-State peace
4 officers, and peace officers in the Department of State
5 Police, means the labor organization that has been (i)
6 designated by the Board as the representative of a majority
7 of public employees in an appropriate bargaining unit in
8 accordance with the procedures contained in this Act, (ii)
9 historically recognized by the State of Illinois or any
10 political subdivision of the State before July 1, 1984 (the
11 effective date of this Act) as the exclusive representative
12 of the employees in an appropriate bargaining unit, or (iii)
13 after July 1, 1984 (the effective date of this Act)
14 recognized by an employer upon evidence, acceptable to the
15 Board, that the labor organization has been designated as the
16 exclusive representative by a majority of the employees in an
17 appropriate bargaining unit; or (iv) recognized as the
18 exclusive representative of personal care attendants or
19 personal assistants under Executive Order 2003-8 prior to the
20 effective date of this amendatory Act of the 93rd General
21 Assembly, and the organization shall be considered to be the
22 exclusive representative of the personal care attendants or
23 personal assistants as defined in this Section.

24 With respect to non-State fire fighters and paramedics
25 employed by fire departments and fire protection districts,
26 non-State peace officers, and peace officers in the
27 Department of State Police, "exclusive representative" means
28 the labor organization that has been (i) designated by the
29 Board as the representative of a majority of peace officers
30 or fire fighters in an appropriate bargaining unit in
31 accordance with the procedures contained in this Act, (ii)
32 historically recognized by the State of Illinois or any
33 political subdivision of the State before January 1, 1986
34 (the effective date of this amendatory Act of 1985) as the

1 exclusive representative by a majority of the peace officers
2 or fire fighters in an appropriate bargaining unit, or (iii)
3 after January 1, 1986 (the effective date of this amendatory
4 Act of 1985) recognized by an employer upon evidence,
5 acceptable to the Board, that the labor organization has been
6 designated as the exclusive representative by a majority of
7 the peace officers or fire fighters in an appropriate
8 bargaining unit.

9 (g) "Fair share agreement" means an agreement between
10 the employer and an employee organization under which all or
11 any of the employees in a collective bargaining unit are
12 required to pay their proportionate share of the costs of the
13 collective bargaining process, contract administration, and
14 pursuing matters affecting wages, hours, and other conditions
15 of employment, but not to exceed the amount of dues uniformly
16 required of members. The amount certified by the exclusive
17 representative shall not include any fees for contributions
18 related to the election or support of any candidate for
19 political office. Nothing in this subsection (g) shall
20 preclude an employee from making voluntary political
21 contributions in conjunction with his or her fair share
22 payment.

23 (g-1) "Fire fighter" means, for the purposes of this Act
24 only, any person who has been or is hereafter appointed to a
25 fire department or fire protection district or employed by a
26 state university and sworn or commissioned to perform fire
27 fighter duties or paramedic duties, except that the following
28 persons are not included: part-time fire fighters, auxiliary,
29 reserve or voluntary fire fighters, including paid on-call
30 fire fighters, clerks and dispatchers or other civilian
31 employees of a fire department or fire protection district
32 who are not routinely expected to perform fire fighter
33 duties, or elected officials.

34 (g-2) "General Assembly of the State of Illinois" means

1 the legislative branch of the government of the State of
2 Illinois, as provided for under Article IV of the
3 Constitution of the State of Illinois, and includes but is
4 not limited to the House of Representatives, the Senate, the
5 Speaker of the House of Representatives, the Minority Leader
6 of the House of Representatives, the President of the Senate,
7 the Minority Leader of the Senate, the Joint Committee on
8 Legislative Support Services and any legislative support
9 services agency listed in the Legislative Commission
10 Reorganization Act of 1984.

11 (h) "Governing body" means, in the case of the State,
12 the State Panel of the Illinois Labor Relations Board, the
13 Director of the Department of Central Management Services,
14 and the Director of the Department of Labor; the county board
15 in the case of a county; the corporate authorities in the
16 case of a municipality; and the appropriate body authorized
17 to provide for expenditures of its funds in the case of any
18 other unit of government.

19 (i) "Labor organization" means any organization in which
20 public employees participate and that exists for the purpose,
21 in whole or in part, of dealing with a public employer
22 concerning wages, hours, and other terms and conditions of
23 employment, including the settlement of grievances.

24 (j) "Managerial employee" means an individual who is
25 engaged predominantly in executive and management functions
26 and is charged with the responsibility of directing the
27 effectuation of management policies and practices.

28 (k) "Peace officer" means, for the purposes of this Act
29 only, any persons who have been or are hereafter appointed to
30 a police force, department, or agency and sworn or
31 commissioned to perform police duties, except that the
32 following persons are not included: part-time police
33 officers, special police officers, auxiliary police as
34 defined by Section 3.1-30-20 of the Illinois Municipal Code,

1 night watchmen, "merchant police", court security officers as
2 defined by Section 3-6012.1 of the Counties Code, temporary
3 employees, traffic guards or wardens, civilian parking meter
4 and parking facilities personnel or other individuals
5 specially appointed to aid or direct traffic at or near
6 schools or public functions or to aid in civil defense or
7 disaster, parking enforcement employees who are not
8 commissioned as peace officers and who are not armed and who
9 are not routinely expected to effect arrests, parking lot
10 attendants, clerks and dispatchers or other civilian
11 employees of a police department who are not routinely
12 expected to effect arrests, or elected officials.

13 (l) "Person" includes one or more individuals, labor
14 organizations, public employees, associations, corporations,
15 legal representatives, trustees, trustees in bankruptcy,
16 receivers, or the State of Illinois or any political
17 subdivision of the State or governing body, but does not
18 include the General Assembly of the State of Illinois or any
19 individual employed by the General Assembly of the State of
20 Illinois.

21 (m) "Professional employee" means any employee engaged
22 in work predominantly intellectual and varied in character
23 rather than routine mental, manual, mechanical or physical
24 work; involving the consistent exercise of discretion and
25 adjustment in its performance; of such a character that the
26 output produced or the result accomplished cannot be
27 standardized in relation to a given period of time; and
28 requiring advanced knowledge in a field of science or
29 learning customarily acquired by a prolonged course of
30 specialized intellectual instruction and study in an
31 institution of higher learning or a hospital, as
32 distinguished from a general academic education or from
33 apprenticeship or from training in the performance of routine
34 mental, manual, or physical processes; or any employee who

1 has completed the courses of specialized intellectual
2 instruction and study prescribed in this subsection (m) and
3 is performing related work under the supervision of a
4 professional person to qualify to become a professional
5 employee as defined in this subsection (m).

6 (n) "Public employee" or "employee", for the purposes of
7 this Act, means any individual employed by a public employer,
8 including interns and residents at public hospitals and, as
9 of the effective date of this amendatory Act of the 93rd
10 General Assembly, but not before, personal care attendants
11 and personal assistants working under the Home Services
12 Program under Section 3 of the Disabled Persons
13 Rehabilitation Act, subject to the limitations set forth in
14 this Act and in the Disabled Persons Rehabilitation Act, but
15 excluding all of the following: employees of the General
16 Assembly of the State of Illinois; elected officials;
17 executive heads of a department; members of boards or
18 commissions; employees of any agency, board or commission
19 created by this Act; employees appointed to State positions
20 of a temporary or emergency nature; all employees of school
21 districts and higher education institutions except
22 firefighters and peace officers employed by a state
23 university; managerial employees; short-term employees;
24 confidential employees; independent contractors; and
25 supervisors except as provided in this Act.

26 Personal care attendants and personal assistants shall
27 not be considered public employees for any purposes not
28 specifically provided for in this amendatory Act of the 93rd
29 General Assembly, including but not limited to, purposes of
30 vicarious liability in tort and purposes of statutory
31 retirement or health insurance benefits. Personal care
32 attendants and personal assistants shall not be covered by
33 the State Employees Group Insurance Act of 1971 (5 ILCS
34 375/).

1 Notwithstanding Section 9, subsection (c), or any other
2 provisions of this Act, all peace officers above the rank of
3 captain in municipalities with more than 1,000,000
4 inhabitants shall be excluded from this Act.

5 (o) "Public employer" or "employer" means the State of
6 Illinois; any political subdivision of the State, unit of
7 local government or school district; authorities including
8 departments, divisions, bureaus, boards, commissions, or
9 other agencies of the foregoing entities; and any person
10 acting within the scope of his or her authority, express or
11 implied, on behalf of those entities in dealing with its
12 employees. As of the effective date of this amendatory Act of
13 the 93rd General Assembly, but not before, the State of
14 Illinois shall be considered the employer of the personal
15 care attendants and personal assistants working under the
16 Home Services Program under Section 3 of the Disabled Persons
17 Rehabilitation Act, subject to the limitations set forth in
18 this Act and in the Disabled Persons Rehabilitation Act. The
19 State shall not be considered to be the employer of personal
20 care attendants and personal assistants for any purposes not
21 specifically provided for in this amendatory Act of the 93rd
22 General Assembly, including but not limited to, purposes of
23 vicarious liability in tort and purposes of statutory
24 retirement or health insurance benefits. Personal care
25 attendants and personal assistants shall not be covered by
26 the State Employees Group Insurance Act of 1971 (5 ILCS
27 375/). "Public employer" or "employer" as used in this Act,
28 however, does not mean and shall not include the General
29 Assembly of the State of Illinois and educational employers
30 or employers as defined in the Illinois Educational Labor
31 Relations Act, except with respect to a state university in
32 its employment of firefighters and peace officers. County
33 boards and county sheriffs shall be designated as joint or
34 co-employers of county peace officers appointed under the

1 authority of a county sheriff. Nothing in this subsection
2 (o) shall be construed to prevent the State Panel or the
3 Local Panel from determining that employers are joint or
4 co-employers.

5 (p) "Security employee" means an employee who is
6 responsible for the supervision and control of inmates at
7 correctional facilities. The term also includes other
8 non-security employees in bargaining units having the
9 majority of employees being responsible for the supervision
10 and control of inmates at correctional facilities.

11 (q) "Short-term employee" means an employee who is
12 employed for less than 2 consecutive calendar quarters during
13 a calendar year and who does not have a reasonable assurance
14 that he or she will be rehired by the same employer for the
15 same service in a subsequent calendar year.

16 (r) "Supervisor" is an employee whose principal work is
17 substantially different from that of his or her subordinates
18 and who has authority, in the interest of the employer, to
19 hire, transfer, suspend, lay off, recall, promote, discharge,
20 direct, reward, or discipline employees, to adjust their
21 grievances, or to effectively recommend any of those actions,
22 if the exercise of that authority is not of a merely routine
23 or clerical nature, but requires the consistent use of
24 independent judgment. Except with respect to police
25 employment, the term "supervisor" includes only those
26 individuals who devote a preponderance of their employment
27 time to exercising that authority, State supervisors
28 notwithstanding. In addition, in determining supervisory
29 status in police employment, rank shall not be determinative.
30 The Board shall consider, as evidence of bargaining unit
31 inclusion or exclusion, the common law enforcement policies
32 and relationships between police officer ranks and
33 certification under applicable civil service law, ordinances,
34 personnel codes, or Division 2.1 of Article 10 of the

1 Illinois Municipal Code, but these factors shall not be the
2 sole or predominant factors considered by the Board in
3 determining police supervisory status.

4 Notwithstanding the provisions of the preceding
5 paragraph, in determining supervisory status in fire fighter
6 employment, no fire fighter shall be excluded as a supervisor
7 who has established representation rights under Section 9 of
8 this Act. Further, in new fire fighter units, employees
9 shall consist of fire fighters of the rank of company officer
10 and below. If a company officer otherwise qualifies as a
11 supervisor under the preceding paragraph, however, he or she
12 shall not be included in the fire fighter unit. If there is
13 no rank between that of chief and the highest company
14 officer, the employer may designate a position on each shift
15 as a Shift Commander, and the persons occupying those
16 positions shall be supervisors. All other ranks above that
17 of company officer shall be supervisors.

18 (s) (1) "Unit" means a class of jobs or positions that
19 are held by employees whose collective interests may
20 suitably be represented by a labor organization for
21 collective bargaining. Except with respect to non-State
22 fire fighters and paramedics employed by fire departments
23 and fire protection districts, non-State peace officers,
24 and peace officers in the Department of State Police, a
25 bargaining unit determined by the Board shall not include
26 both employees and supervisors, or supervisors only,
27 except as provided in paragraph (2) of this subsection
28 (s) and except for bargaining units in existence on July
29 1, 1984 (the effective date of this Act). With respect
30 to non-State fire fighters and paramedics employed by
31 fire departments and fire protection districts, non-State
32 peace officers, and peace officers in the Department of
33 State Police, a bargaining unit determined by the Board
34 shall not include both supervisors and nonsupervisors, or

1 supervisors only, except as provided in paragraph (2) of
2 this subsection (s) and except for bargaining units in
3 existence on January 1, 1986 (the effective date of this
4 amendatory Act of 1985). A bargaining unit determined by
5 the Board to contain peace officers shall contain no
6 employees other than peace officers unless otherwise
7 agreed to by the employer and the labor organization or
8 labor organizations involved. Notwithstanding any other
9 provision of this Act, a bargaining unit, including a
10 historical bargaining unit, containing sworn peace
11 officers of the Department of Natural Resources (formerly
12 designated the Department of Conservation) shall contain
13 no employees other than such sworn peace officers upon
14 the effective date of this amendatory Act of 1990 or upon
15 the expiration date of any collective bargaining
16 agreement in effect upon the effective date of this
17 amendatory Act of 1990 covering both such sworn peace
18 officers and other employees.

19 (2) Notwithstanding the exclusion of supervisors
20 from bargaining units as provided in paragraph (1) of
21 this subsection (s), a public employer may agree to
22 permit its supervisory employees to form bargaining units
23 and may bargain with those units. This Act shall apply
24 if the public employer chooses to bargain under this
25 subsection.

26 (Source: P.A. 90-14, eff. 7-1-97; 90-655, eff. 7-30-98;
27 91-798, eff. 7-9-00.)

28 (5 ILCS 315/7) (from Ch. 48, par. 1607)

29 Sec. 7. Duty to bargain. A public employer and the
30 exclusive representative have the authority and the duty to
31 bargain collectively set forth in this Section.

32 For the purposes of this Act, "to bargain collectively"
33 means the performance of the mutual obligation of the public

1 employer or his designated representative and the
2 representative of the public employees to meet at reasonable
3 times, including meetings in advance of the budget-making
4 process, and to negotiate in good faith with respect to
5 wages, hours, and other conditions of employment, not
6 excluded by Section 4 of this Act, or the negotiation of an
7 agreement, or any question arising thereunder and the
8 execution of a written contract incorporating any agreement
9 reached if requested by either party, but such obligation
10 does not compel either party to agree to a proposal or
11 require the making of a concession.

12 The duty "to bargain collectively" shall also include an
13 obligation to negotiate over any matter with respect to
14 wages, hours and other conditions of employment, not
15 specifically provided for in any other law or not
16 specifically in violation of the provisions of any law. If
17 any other law pertains, in part, to a matter affecting the
18 wages, hours and other conditions of employment, such other
19 law shall not be construed as limiting the duty "to bargain
20 collectively" and to enter into collective bargaining
21 agreements containing clauses which either supplement,
22 implement, or relate to the effect of such provisions in
23 other laws.

24 The duty "to bargain collectively" shall also include
25 negotiations as to the terms of a collective bargaining
26 agreement. The parties may, by mutual agreement, provide for
27 arbitration of impasses resulting from their inability to
28 agree upon wages, hours and terms and conditions of
29 employment to be included in a collective bargaining
30 agreement. Such arbitration provisions shall be subject to
31 the Illinois "Uniform Arbitration Act" unless agreed by the
32 parties.

33 The duty "to bargain collectively" shall also mean that
34 no party to a collective bargaining contract shall terminate

1 or modify such contract, unless the party desiring such
2 termination or modification:

3 (1) serves a written notice upon the other party to the
4 contract of the proposed termination or modification 60 days
5 prior to the expiration date thereof, or in the event such
6 contract contains no expiration date, 60 days prior to the
7 time it is proposed to make such termination or modification;

8 (2) offers to meet and confer with the other party for
9 the purpose of negotiating a new contract or a contract
10 containing the proposed modifications;

11 (3) notifies the Board within 30 days after such notice
12 of the existence of a dispute, provided no agreement has been
13 reached by that time; and

14 (4) continues in full force and effect, without
15 resorting to strike or lockout, all the terms and conditions
16 of the existing contract for a period of 60 days after such
17 notice is given to the other party or until the expiration
18 date of such contract, whichever occurs later.

19 The duties imposed upon employers, employees and labor
20 organizations by paragraphs (2), (3) and (4) shall become
21 inapplicable upon an intervening certification of the Board,
22 under which the labor organization, which is a party to the
23 contract, has been superseded as or ceased to be the
24 exclusive representative of the employees pursuant to the
25 provisions of subsection (a) of Section 9, and the duties so
26 imposed shall not be construed as requiring either party to
27 discuss or agree to any modification of the terms and
28 conditions contained in a contract for a fixed period, if
29 such modification is to become effective before such terms
30 and conditions can be reopened under the provisions of the
31 contract.

32 Collective bargaining for personal care attendants and
33 personal assistants under the Home Services Program shall be
34 limited to the terms and conditions of employment under the

1 State's control, as defined in this amendatory Act of the
2 93rd General Assembly.

3 (Source: P.A. 83-1012.)

4 Section 10. The Disabled Persons Rehabilitation Act is
5 amended by changing Section 3 as follows:

6 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

7 Sec. 3. Powers and duties. The Department shall have the
8 powers and duties enumerated herein:

9 (a) To co-operate with the federal government in the
10 administration of the provisions of the federal
11 Rehabilitation Act of 1973, as amended, of the Workforce
12 Investment Act of 1998, and of the federal Social Security
13 Act to the extent and in the manner provided in these Acts.

14 (b) To prescribe and supervise such courses of
15 vocational training and provide such other services as may be
16 necessary for the habilitation and rehabilitation of persons
17 with one or more disabilities, including the administrative
18 activities under subsection (e) of this Section, and to
19 co-operate with State and local school authorities and other
20 recognized agencies engaged in habilitation, rehabilitation
21 and comprehensive rehabilitation services; and to cooperate
22 with the Department of Children and Family Services regarding
23 the care and education of children with one or more
24 disabilities.

25 (c) (Blank).

26 (d) To report in writing, to the Governor, annually on
27 or before the first day of December, and at such other times
28 and in such manner and upon such subjects as the Governor may
29 require. The annual report shall contain (1) a statement of
30 the existing condition of comprehensive rehabilitation
31 services, habilitation and rehabilitation in the State; (2) a
32 statement of suggestions and recommendations with reference

1 to the development of comprehensive rehabilitation services,
2 habilitation and rehabilitation in the State; and (3) an
3 itemized statement of the amounts of money received from
4 federal, State and other sources, and of the objects and
5 purposes to which the respective items of these several
6 amounts have been devoted.

7 (e) (Blank).

8 (f) To establish a program of services to prevent
9 unnecessary institutionalization of persons with Alzheimer's
10 disease and related disorders or persons in need of long term
11 care who are established as blind or disabled as defined by
12 the Social Security Act, thereby enabling them to remain in
13 their own homes or other living arrangements. Such preventive
14 services may include, but are not limited to, any or all of
15 the following:

- 16 (1) home health services;
- 17 (2) home nursing services;
- 18 (3) homemaker services;
- 19 (4) chore and housekeeping services;
- 20 (5) day care services;
- 21 (6) home-delivered meals;
- 22 (7) education in self-care;
- 23 (8) personal care services;
- 24 (9) adult day health services;
- 25 (10) habilitation services;
- 26 (11) respite care; or
- 27 (12) other nonmedical social services that may
28 enable the person to become self-supporting.

29 The Department shall establish eligibility standards for
30 such services taking into consideration the unique economic
31 and social needs of the population for whom they are to be
32 provided. Such eligibility standards may be based on the
33 recipient's ability to pay for services; provided, however,
34 that any portion of a person's income that is equal to or

1 less than the "protected income" level shall not be
2 considered by the Department in determining eligibility. The
3 "protected income" level shall be determined by the
4 Department, shall never be less than the federal poverty
5 standard, and shall be adjusted each year to reflect changes
6 in the Consumer Price Index For All Urban Consumers as
7 determined by the United States Department of Labor.
8 Additionally, in determining the amount and nature of
9 services for which a person may qualify, consideration shall
10 not be given to the value of cash, property or other assets
11 held in the name of the person's spouse pursuant to a written
12 agreement dividing marital property into equal but separate
13 shares or pursuant to a transfer of the person's interest in
14 a home to his spouse, provided that the spouse's share of the
15 marital property is not made available to the person seeking
16 such services.

17 The services shall be provided to eligible persons to
18 prevent unnecessary or premature institutionalization, to the
19 extent that the cost of the services, together with the other
20 personal maintenance expenses of the persons, are reasonably
21 related to the standards established for care in a group
22 facility appropriate to their condition. These
23 non-institutional services, pilot projects or experimental
24 facilities may be provided as part of or in addition to those
25 authorized by federal law or those funded and administered by
26 the Illinois Department on Aging.

27 Personal care attendants shall be paid:

28 (i) A \$5 per hour minimum rate beginning July 1,
29 1995.

30 (ii) A \$5.30 per hour minimum rate beginning July
31 1, 1997.

32 (iii) A \$5.40 per hour minimum rate beginning July
33 1, 1998.

34 Solely for the purposes of coverage under the Illinois

1 Public Labor Relations Act (5 ILCS 315/), personal care
2 attendants and personal assistants providing services under
3 the Department's Home Services Program shall be considered to
4 be public employees and the State of Illinois shall be
5 considered to be their employer as of the effective date of
6 this amendatory Act of the 93rd General Assembly, but not
7 before. The State shall engage in collective bargaining with
8 an exclusive representative of personal care attendants and
9 personal assistants working under the Home Services Program
10 concerning their terms and conditions of employment that are
11 within the State's control. Nothing in this paragraph shall
12 be understood to limit the right of the persons receiving
13 services defined in this Section to hire and fire personal
14 care attendants and personal assistants or supervise them
15 within the limitations set by the Home Services Program. The
16 State shall not be considered to be the employer of personal
17 care attendants and personal assistants for any purposes not
18 specifically provided in this amendatory Act of the 93rd
19 General Assembly, including but not limited to, purposes of
20 vicarious liability in tort and purposes of statutory
21 retirement or health insurance benefits. Personal care
22 attendants and personal assistants shall not be covered by
23 the State Employees Group Insurance Act of 1971 (5 ILCS
24 375/).

25 The Department shall execute, relative to the nursing
26 home prescreening project, as authorized by Section 4.03 of
27 the Illinois Act on the Aging, written inter-agency
28 agreements with the Department on Aging and the Department of
29 Public Aid, to effect the following: (i) intake procedures
30 and common eligibility criteria for those persons who are
31 receiving non-institutional services; and (ii) the
32 establishment and development of non-institutional services
33 in areas of the State where they are not currently available
34 or are undeveloped. On and after July 1, 1996, all nursing

1 home prescreenings for individuals 18 through 59 years of age
2 shall be conducted by the Department.

3 The Department is authorized to establish a system of
4 recipient cost-sharing for services provided under this
5 Section. The cost-sharing shall be based upon the
6 recipient's ability to pay for services, but in no case shall
7 the recipient's share exceed the actual cost of the services
8 provided. Protected income shall not be considered by the
9 Department in its determination of the recipient's ability to
10 pay a share of the cost of services. The level of
11 cost-sharing shall be adjusted each year to reflect changes
12 in the "protected income" level. The Department shall deduct
13 from the recipient's share of the cost of services any money
14 expended by the recipient for disability-related expenses.

15 The Department, or the Department's authorized
16 representative, shall recover the amount of moneys expended
17 for services provided to or in behalf of a person under this
18 Section by a claim against the person's estate or against the
19 estate of the person's surviving spouse, but no recovery may
20 be had until after the death of the surviving spouse, if any,
21 and then only at such time when there is no surviving child
22 who is under age 21, blind, or permanently and totally
23 disabled. This paragraph, however, shall not bar recovery,
24 at the death of the person, of moneys for services provided
25 to the person or in behalf of the person under this Section
26 to which the person was not entitled; provided that such
27 recovery shall not be enforced against any real estate while
28 it is occupied as a homestead by the surviving spouse or
29 other dependent, if no claims by other creditors have been
30 filed against the estate, or, if such claims have been filed,
31 they remain dormant for failure of prosecution or failure of
32 the claimant to compel administration of the estate for the
33 purpose of payment. This paragraph shall not bar recovery
34 from the estate of a spouse, under Sections 1915 and 1924 of

1 the Social Security Act and Section 5-4 of the Illinois
2 Public Aid Code, who precedes a person receiving services
3 under this Section in death. All moneys for services paid to
4 or in behalf of the person under this Section shall be
5 claimed for recovery from the deceased spouse's estate.
6 "Homestead", as used in this paragraph, means the dwelling
7 house and contiguous real estate occupied by a surviving
8 spouse or relative, as defined by the rules and regulations
9 of the Illinois Department of Public Aid, regardless of the
10 value of the property.

11 The Department and the Department on Aging shall
12 cooperate in the development and submission of an annual
13 report on programs and services provided under this Section.
14 Such joint report shall be filed with the Governor and the
15 General Assembly on or before March 30 each year.

16 The requirement for reporting to the General Assembly
17 shall be satisfied by filing copies of the report with the
18 Speaker, the Minority Leader and the Clerk of the House of
19 Representatives and the President, the Minority Leader and
20 the Secretary of the Senate and the Legislative Research
21 Unit, as required by Section 3.1 of the General Assembly
22 Organization Act, and filing additional copies with the State
23 Government Report Distribution Center for the General
24 Assembly as required under paragraph (t) of Section 7 of the
25 State Library Act.

26 (g) To establish such subdivisions of the Department as
27 shall be desirable and assign to the various subdivisions the
28 responsibilities and duties placed upon the Department by
29 law.

30 (h) To cooperate and enter into any necessary agreements
31 with the Department of Employment Security for the provision
32 of job placement and job referral services to clients of the
33 Department, including job service registration of such
34 clients with Illinois Employment Security offices and making

1 job listings maintained by the Department of Employment
2 Security available to such clients.

3 (i) To possess all powers reasonable and necessary for
4 the exercise and administration of the powers, duties and
5 responsibilities of the Department which are provided for by
6 law.

7 (j) To establish a procedure whereby new providers of
8 personal care attendant services shall submit vouchers to the
9 State for payment two times during their first month of
10 employment and one time per month thereafter. In no case
11 shall the Department pay personal care attendants an hourly
12 wage that is less than the federal minimum wage.

13 (k) To provide adequate notice to providers of chore and
14 housekeeping services informing them that they are entitled
15 to an interest payment on bills which are not promptly paid
16 pursuant to Section 3 of the State Prompt Payment Act.

17 (l) To establish, operate and maintain a Statewide
18 Housing Clearinghouse of information on available, government
19 subsidized housing accessible to disabled persons and
20 available privately owned housing accessible to disabled
21 persons. The information shall include but not be limited to
22 the location, rental requirements, access features and
23 proximity to public transportation of available housing. The
24 Clearinghouse shall consist of at least a computerized
25 database for the storage and retrieval of information and a
26 separate or shared toll free telephone number for use by
27 those seeking information from the Clearinghouse. Department
28 offices and personnel throughout the State shall also assist
29 in the operation of the Statewide Housing Clearinghouse.
30 Cooperation with local, State and federal housing managers
31 shall be sought and extended in order to frequently and
32 promptly update the Clearinghouse's information.

33 (m) To assure that the names and case records of persons
34 who received or are receiving services from the Department,

1 including persons receiving vocational rehabilitation, home
2 services, or other services, and those attending one of the
3 Department's schools or other supervised facility shall be
4 confidential and not be open to the general public. Those
5 case records and reports or the information contained in
6 those records and reports shall be disclosed by the Director
7 only to proper law enforcement officials, individuals
8 authorized by a court, the General Assembly or any committee
9 or commission of the General Assembly, and other persons and
10 for reasons as the Director designates by rule. Disclosure
11 by the Director may be only in accordance with other
12 applicable law.

13 (Source: P.A. 91-540, eff. 8-13-99; 92-84, eff. 7-1-02.)

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