

1 AN ACT in relation to governmental ethics.

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

4 Section 5. The Secretary of State Act is amended by
5 adding Section 14 as follows:

6 (15 ILCS 305/14 new)

7 Sec. 14. Inspector General.

8 (a) The Secretary of State must, with the advice and
9 consent of the Senate, appoint an Inspector General for the
10 purpose of detection, deterrence, and prevention of fraud,
11 corruption, mismanagement, gross or aggravated misconduct, or
12 misconduct that may be criminal in nature in the Office of
13 the Secretary of State. The Inspector General shall serve a
14 5-year term. If no successor is appointed and qualified upon
15 the expiration of the Inspector General's term, the Office of
16 Inspector General is deemed vacant and the powers and duties
17 under this Section may be exercised only by an appointed and
18 qualified interim Inspector General until a successor
19 Inspector General is appointed and qualified. If the General
20 Assembly is not in session when a vacancy in the Office of
21 Inspector General occurs, the Secretary of State may appoint
22 an interim Inspector General whose term shall expire 2 weeks
23 after the next regularly scheduled session day of the Senate.

24 (b) The Inspector General shall have the following
25 qualifications:

26 (1) has not been convicted of any felony under the
27 laws of this State, another State, or the United States;

28 (2) has earned a baccalaureate degree from an
29 institution of higher education; and

30 (3) has either (A) 5 or more years of service with
31 a federal, State, or local law enforcement agency, at

1 least 2 years of which have been in a progressive
2 investigatory capacity; (B) 5 or more years of service as
3 a federal, State, or local prosecutor; or (C) 5 or more
4 years of service as a senior manager or executive of a
5 federal, State, or local agency.

6 (c) The Inspector General may review, coordinate, and
7 recommend methods and procedures to increase the integrity of
8 the Office of the Secretary of State. The duties of the
9 Inspector General shall supplement and not supplant the
10 duties of the Chief Auditor for the Secretary of State's
11 Office or any other Inspector General that may be authorized
12 by law. The Inspector General must report directly to the
13 Secretary of State.

14 (d) In addition to the authority otherwise provided by
15 this Section, but only when investigating the Office of the
16 Secretary of State, its employees, or their actions for
17 fraud, corruption, mismanagement, gross or aggravated
18 misconduct, or misconduct that may be criminal in nature, the
19 Inspector General is authorized:

20 (1) To have access to all records, reports, audits,
21 reviews, documents, papers, recommendations, or other
22 materials available that relate to programs and
23 operations with respect to which the Inspector General
24 has responsibilities under this Section.

25 (2) To make any investigations and reports relating
26 to the administration of the programs and operations of
27 the Office of the Secretary of State that are, in the
28 judgement of the Inspector General, necessary or
29 desirable.

30 (3) To request any information or assistance that
31 may be necessary for carrying out the duties and
32 responsibilities provided by this Section from any local,
33 State, or federal governmental agency or unit thereof.

34 (4) To require by subpoena the appearance of

1 witnesses and the production of all information,
2 documents, reports, answers, records, accounts, papers,
3 and other data and documentary evidence necessary in the
4 performance of the functions assigned by this Section,
5 with the exception of subsection (c) and with the
6 exception of records of a labor organization authorized
7 and recognized under the Illinois Public Labor Relations
8 Act to be the exclusive bargaining representative of
9 employees of the Secretary of State, including, but not
10 limited to, records of representation of employees and
11 the negotiation of collective bargaining agreements. A
12 subpoena may be issued under this paragraph (4) only by
13 the Inspector General and not by members of the Inspector
14 General's staff. A person duly subpoenaed for testimony,
15 documents, or other items who neglects or refuses to
16 testify or produce documents or other items under the
17 requirements of the subpoena shall be subject to
18 punishment as may be determined by a court of competent
19 jurisdiction, unless (i) the testimony, documents, or
20 other items are covered by the attorney-client privilege
21 or any other privilege or right recognized by law or (ii)
22 the testimony, documents, or other items concern the
23 representation of employees and the negotiation of
24 collective bargaining agreements by a labor organization
25 authorized and recognized under the Illinois Public Labor
26 Relations Act to be the exclusive bargaining
27 representative of employees of the Secretary of State.
28 Nothing in this Section limits a person's right to
29 protection against self-incrimination under the Fifth
30 Amendment of the United States Constitution or Article I,
31 Section 10, of the Constitution of the State of Illinois.

32 (5) To have direct and prompt access to the
33 Secretary of State for any purpose pertaining to the
34 performance of functions and responsibilities under this

1 Section.

2 (e) The Inspector General may receive and investigate
3 complaints or information from an employee of the Secretary
4 of State concerning the possible existence of an activity
5 constituting a violation of law, rules, or regulations;
6 mismanagement; abuse of authority; or substantial and
7 specific danger to the public health and safety. Any
8 employee who knowingly files a false complaint or files a
9 complaint with reckless disregard for the truth or the
10 falsity of the facts underlying the complaint may be subject
11 to discipline as set forth in the rules of the Department of
12 Personnel of the Secretary of State.

13 The Inspector General may not, after receipt of a
14 complaint or information from an employee, disclose the
15 identity of the employee without the consent of the employee,
16 unless the Inspector General determines that disclosure of
17 the identity is reasonable and necessary for the furtherance
18 of the investigation.

19 Any employee who has the authority to recommend or
20 approve any personnel action or to direct others to recommend
21 or approve any personnel action may not, with respect to that
22 authority, take or threaten to take any action against any
23 employee as a reprisal for making a complaint or disclosing
24 information to the Inspector General, unless the complaint
25 was made or the information disclosed with the knowledge that
26 it was false or with willful disregard for its truth or
27 falsity.

28 (f) The Inspector General must adopt rules, in
29 accordance with the provisions of the Illinois Administrative
30 Procedure Act, establishing minimum requirements for
31 initiating, conducting, and completing investigations. The
32 rules must establish criteria for determining, based upon the
33 nature of the allegation, the appropriate method of
34 investigation, which may include, but is not limited to, site

1 visits, telephone contacts, personal interviews, or requests
2 for written responses. The rules must also clarify how the
3 Office of the Inspector General shall interact with other
4 local, State, and federal law enforcement investigations.

5 Any employee of the Secretary of State subject to
6 investigation or inquiry by the Inspector General or any
7 agent or representative of the Inspector General concerning
8 misconduct that is criminal in nature shall have the right to
9 be notified of the right to remain silent during the
10 investigation or inquiry and the right to be represented in
11 the investigation or inquiry by an attorney or a
12 representative of a labor organization that is the exclusive
13 collective bargaining representative of employees of the
14 Secretary of State. Any investigation or inquiry by the
15 Inspector General or any agent or representative of the
16 Inspector General must be conducted with an awareness of the
17 provisions of a collective bargaining agreement that applies
18 to the employees of the Secretary of State and with an
19 awareness of the rights of the employees as set forth in
20 State and federal law and applicable judicial decisions. Any
21 recommendations for discipline or any action taken against
22 any employee by the Inspector General or any representative
23 or agent of the Inspector General must comply with the
24 provisions of the collective bargaining agreement that
25 applies to the employee.

26 (g) On or before January 1 of each year, the Inspector
27 General shall report to the President of the Senate, the
28 Minority Leader of the Senate, the Speaker of the House of
29 Representatives, and the Minority Leader of the House of
30 Representatives on the types of investigations and the
31 activities undertaken by the Office of the Inspector General
32 during the previous calendar year.

33 Section 10. The Secretary of State Merit Employment Code

1 is amended by changing Section 16 as follows:

2 (15 ILCS 310/16) (from Ch. 124, par. 116)

3 Sec. 16. Status of present employees. Employees holding
4 positions in the Office of the Secretary of State herein
5 shall continue under the following conditions:

6 (1) Employees who have been appointed as the result of
7 having passed examinations in accordance with the provisions
8 of the "Personnel Code", and who have satisfactorily passed
9 the probationary period or who have been promoted in
10 accordance with the rules thereunder, shall be continued
11 without further examination, but shall be otherwise subject
12 to provisions of this Act and the rules made pursuant to it.

13 (2) Employees who have been appointed as the result of
14 having passed examinations pursuant to the provisions of the
15 "Personnel Code" but have not completed their probationary
16 period on the effective date of this Act shall be continued
17 without further examination but shall be otherwise subject to
18 provisions of this Act and the rules made pursuant to it.
19 Time served on probation prior to the effective date of this
20 Act shall count as time served on the probationary period
21 provided by this Act.

22 (2.5) Persons who, immediately before the effective date
23 of this amendatory Act of the 93rd General Assembly, were
24 employees with investigatory functions of the Inspector
25 General within the Office of the Secretary of State and who
26 are subject to the Secretary of State Merit Employment Code
27 shall be appointed to the position of inspector, as described
28 in Section 14 of the Secretary of State Act, if they: (i)
29 meet the requirements described in Section 14 of the
30 Secretary of State Act; (ii) pass a qualifying examination as
31 prescribed by the Director of Personnel within 6 months after
32 the effective date of this amendatory Act of the 93rd General
33 Assembly; and (iii) satisfactorily complete their respective

1 probationary periods. The qualifying examination for
2 inspectors shall be similar to those required for entrance
3 examinations for comparable positions in the Office of the
4 Secretary of State. Inspectors shall be appointed without
5 regard to eligible lists. Nothing in this subsection
6 precludes the Office of the Secretary of State from
7 reclassifying or reallocating employees who would otherwise
8 qualify as inspectors.

9 (3) All other such employees subject to the provisions
10 of this Act shall be continued in their respective positions
11 if they pass a qualifying examination prescribed by the
12 Director within 9 months from the effective date of this Act,
13 and satisfactorily complete their respective probationary
14 periods. Such qualifying examinations shall be similar to
15 those required for entrance examinations for comparable
16 positions in the Office of the Secretary of State.
17 Appointments of such employees shall be without regard to
18 eligible lists. Nothing herein precludes the
19 reclassification or reallocation as provided by this Act of
20 any position held by such incumbent.

21 (4) Nothing in this Act shall be construed to prejudice,
22 reduce, extinguish or affect the rights or privileges
23 determined through judicial process to have been conferred on
24 any present or past employee under the Illinois Personnel
25 Code. In the event that any court of competent jurisdiction
26 shall determine that present or past employees of the
27 Secretary of State have any rights arising from the Illinois
28 Personnel Code, those rights shall be recognized under this
29 Act.

30 (5) Any person who, as a result of any court order,
31 court approved stipulation or settlement, has any employment
32 or re-employment rights prior to the effective date of this
33 Act shall continue to have such rights after the effective
34 date of this Act.

1 (Source: P.A. 80-13.)

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