AMENDMENT TO HOUSE BILL 1172

AMENDMENT NO. ______. Amend House Bill 1172 by replacing everything after the enacting clause with the following:

"Section 5. The State Universities Civil Service Act is amended by changing Sections 36d, 36e, and 36f and by adding Section 36n-5 as follows:

(110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)

Sec. 36d. Powers and duties of the Merit Board. The Merit Board shall have the power and duty:

(1) To approve a classification plan prepared under its direction, assigning to each class positions of substantially similar duties. The Merit Board shall have power to delegate to its Executive Director the duty of assigning each position in the classified service to the appropriate class in the classification plan approved by the Merit Board."
(2) To prescribe the duties of each class of positions and the qualifications required by employment in that class.

(3) To prescribe the range of compensation for each class or to fix a single rate of compensation for employees in a particular class; and to establish other conditions of employment which an employer and employee representatives have agreed upon as fair and equitable. The Merit Board shall direct the payment of the "prevailing rate of wages" in those classifications in which, on January 1, 1952, any employer is paying such prevailing rate and in such other classes as the Merit Board may thereafter determine. "Prevailing rate of wages" as used herein shall be the wages paid generally in the locality in which the work is being performed to employees engaged in work of a similar character. Each employer covered by the University System shall be authorized to negotiate with representatives of employees to determine appropriate ranges or rates of compensation or other conditions of employment and may recommend to the Merit Board for establishment the rates or ranges or other conditions of employment which the employer and employee representatives have agreed upon as fair and equitable. Any rates or ranges established prior to January 1, 1952, and hereafter, shall not be changed except in accordance with the procedures herein provided.
(4) To recommend to the institutions and agencies specified in Section 36e standards for hours of work, holidays, sick leave, overtime compensation and vacation for the purpose of improving conditions of employment covered therein and for the purpose of insuring conformity with the prevailing rate principal.

(5) To delegate to the Designated Employer Representatives the power and duty to determine the method of examination or assessment for each classification in accordance with Section 36f. To prescribe standards of examination for each class, the examinations to be related to the duties of such class. The Merit Board shall have power to delegate to the Executive Director and his or her staff the preparation, conduct and grading of examinations.

(6) To authorize the continuous recruitment of personnel and, to that end, to delegate to the Executive Director and his or her staff the power and the duty to conduct open and continuous competitive examinations or assessments for all classifications of employment.

(7) To cause to be established, from the results of valid examination or assessment tools established by the employer examinations, registers for each class of positions in the classified service of the University System of the persons who shall attain the minimum mark fixed by the Merit Board for the examination or
assessment; and such persons shall take rank upon the registers as candidates in the order of their relative excellence as determined by the examination or assessment tool, without reference to priority of time of the examination or assessment. Direct patient care health care worker positions are excluded from the register requirements.

(8) To provide by its rules for promotions in the classified service.

(8.5) To issue subpoenas to secure the attendance and testimony of witnesses and the production of books and papers in the course of any investigation or hearing conducted pursuant to the Act.

(9) (Blank).

(10) To provide by its rules for employment at regular rates of compensation of persons with physical disabilities in positions in which the disability does not prevent the individual from furnishing satisfactory service.

(11) To make and publish rules to carry out the purpose of the University System and for examination, appointments, transfers, and removals and for maintaining and keeping records of the efficiency of officers and employees and groups of officers and employees in accordance with the provisions of Sections 36b to 36q, inclusive, and said Merit Board may from time to time make
changes in such rules.

(12) To appoint an Executive Director who shall appoint staff to help as may be necessary efficiently to administer Sections 36b to 36q, inclusive. To authorize the Executive Director to appoint a Designated Employer Representative at the place of employment of each employer specified in Section 36e, and this Designated Employer Representative may be authorized to give examinations and to certify names from the regional registers provided in Section 36k. The enumeration of specific duties and powers that the Merit Board may delegate to the Executive Director in this Section does not preclude the Merit Board from delegating other duties and powers to the Executive Director.

(13) To submit to the Governor of this state on or before November 1 of each year prior to the regular session of the General Assembly a report of the University System's business and an estimate of the amount of appropriation from state funds required for the purpose of administering the University System.

(14) To authorize the creation and use of pilot programs to further the goals of the Act, which may be inconsistent with any rules adopted by the Merit Board, provided that such programs are of limited duration and do not reduce any rights or benefits of employees subject to this Act.
Sec. 36e. Coverage. All employees of the Illinois Community College Board, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the University of Illinois, the University System, the State Universities Retirement System, the State Scholarship Commission, and the Board of Higher Education shall be covered by the University System described in Sections 36b to 36q, inclusive, of this Act, except the following persons:

   (1) The members and officers of the Merit Board and the board of trustees, and the commissioners of the institutions and agencies covered hereunder.

   (2) The presidents and vice-presidents of each educational institution.

   (3) Other principal administrative employees of each institution and agency as determined by the Merit Board.

   (4) The teaching, research and extension faculties of each institution and agency.

   (5) Students employed under rules prescribed by the Merit Board, without examination or certification.

(Source: P.A. 100-615, eff. 1-1-19.)
Sec. 36f. Examinations.

(a) All examinations given under the University System shall be open to all applicants who are citizens of or residents in the State of Illinois and who can qualify by training and experience for the position for which application is made. In examinations for technical positions for which no qualified residents of this State are available the residence requirement may be waived.

(b) Examinations may be written; oral; by statement of training and experience; in the form of tests of knowledge, skill, capacity, intellect, or aptitude; or by any other method that, in the judgment of the Merit Board, is reasonable and practical for any particular classification. Examinations for each class shall be prescribed and conducted by the employers set forth in Section 36e. The examinations shall be practical and shall relate to the classification for which the examination is given. No question in any examination shall relate to political or religious affiliation or racial origins of the examinee.

(c) Different examining procedures may be determined for the examinations in different classifications, but all examinations in the same classification must be uniform. The examination requirement for the initial appointment, entry level position only, of law enforcement personnel may be
waived if an applicant has satisfied all the requirements established by the Illinois Police Training Act for appointment of law enforcement officers and if the Merit Board allows for such a waiver by rule. Additional positions, entry level only, may have the examination requirement waived if the occupational standards are regulated by the Department of Financial and Professional Regulation, as designated by the Merit Board and provided for in adopted rules.

(Source: P.A. 100-615, eff. 1-1-19.)

(110 ILCS 70/36n-5 new)

Sec. 36n-5. Extra help appointments.

(a) An extra help appointment may be made by an employer to any position for work the employer attests to be casual or emergent in nature and that meets the following conditions:

(1) the amount of time for which the services are needed is not usually predictable;

(2) payment for work performed is usually made on an hourly basis; and

(3) the work cannot readily be assigned, either on a straight-time or on an overtime basis, to a status employee.

(b) Extra help appointments may not have any maximum hour limitation.

(c) The Merit Board may delegate to the Executive Director and the Merit Board's staff the power and duty to establish
other guidelines for implementation of this classification.

(d) The Merit Board may not create a separate appointment classification similar to an extra help appointment as described in this Section.".