# Illinois Revised Statutes. Chapter 24 1/2. Section 38bl et seq.

House Bill 831 was passed by the 67th General Assembly and became law on January 1, 1952.

Amendments were made necessary by adoption of the State Personnel Code, which was passed in 1955, and became effective July 1. 1957.

The State Universities Civil Service System now covers all staff employees of:

Chicago State University
Eastern Illinois University
Governors State University
Illinois State University
Northeastern Illinois University
Northern Illinois University
Western Illinois University
Southern Illinois University
University of Illinois
Illinois Board of Higher Education
Illinois Community College Board
Illinois Student Assistance Commission
State Community College of East St. Louis
State Universities Retirement System
State Universities Civil Service System

## Sec. 36b. Creation.]

- (1) A classified civil service system to be known as the State Universities Civil Service System is hereby created and is hereinafter referred to as the University System.
- (2) The purpose of the University System is to establish a sound program of personnel administration for the Illinois Community College Board, State Community College of East St. Louis, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, University of Illinois, State Universities Civil Service System, State Universities Retirement System, the State Scholarship Commission, and the Board of Higher Education. All certificates, appointments and promotions to positions in these agencies and institution shall be made solely on the basis of merit and fitness, to be ascertained by examination, except as specified in Section 36e.
- (3) The State Universities Civil Service System hereby created shall be a separate entity of the State of Illinois and shall be under the control of a Board to be known as the University Civil Service Merit Board, and is hereinafter referred to as the Merit Board.

**Sec. 36c. The Merit Board.**] The Merit Board shall be composed of 11 members, 3 of whom

shall be members of the Board of Trustees of the University of Illinois, one of whom shall be members of the Board of Trustees of Southern Illinois University, one of whom shall be a member of the Board of Trustees of Chicago State University, one of whom shall be a member of the Board of Trustees of Eastern Illinois University, one of whom shall be a member of the Board of Trustees of Governors State University, one of whom shall be a member of the Board of Trustees of Illinois State University, one of whom shall be a member of the Board of Trustees of Northeastern Illinois University, one of whom shall be a member of the Board of Trustees of Northern Illinois University, and one of whom shall be a member of the Board of Trustees of Western Illinois University. The 7 new members required to be elected to the Merit Board by their respective Boards of Trustees shall replace the 2 persons who, until the effective date of this amendatory Act of 1995, served as members of the Merit Board elected from the Board of Governors of State Colleges and Universities and the Board of Regents; and the terms of the members elected to the Merit Board from the Board of Governors of State Colleges and Universities and the Board of Regents shall terminate on the effective date of this amendatory Act of 1995. The members of the Merit Board shall be elected by the respective Boards in which they hold membership and they shall serve at the pleasure of the electing Boards.

All members of the Merit Board shall serve without compensation but shall be reimbursed for any traveling expenses incurred in attending meetings of the Merit Board.

The Merit Board shall determine the number necessary for a quorum, elect its own chairman and set up an Executive Committee of its own members which shall have all of the powers of the Merit Board except as limited by the Merit Board.

The Merit Board shall cause to be elected a committee of not less than eleven members to be made up of Civil Service employees, six of whom shall be nominated by and from the Civil Service employees of the University of Illinois and one of whom shall be nominated by and from the Civil Service employees of each of the other institutions specified in Section 36e, who will function in an advisory capacity to the Merit Board on all matters pertaining to the University System. This Advisory Committee shall meet at least quarterly and members of the Committee shall be reimbursed by their respective employers for time lost from work and for expenses incurred in attending meetings of the Committee.

# **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 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 "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 principle.
- (5) 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 Director and his staff the preparation, conduct and grading of examinations. Examinations may be written, oral, by statement of training and experience, in the form of tests of knowledge, skill, capacity, intellect, aptitude; or, by any other method, which in the judgment of the Merit Board is reasonable and practical for any particular classification. Different examining procedures may be determined for the examinations in different classifications but all examinations in the same classification shall be uniform.
- (6) To authorize the continuous recruitment of personnel and to that end, to delegate to the Director and his staff the power and the duty to conduct open and continuous competitive examinations for all classifications of employment.
- (7) To cause to be established from the results of examinations registers for each class of positions in the classified service of the State Universities Civil Service System, of the persons who shall attain the minimum mark fixed by the Merit Board for the examination; and such persons shall take rank upon the registers as candidates in the order of the relative excellence as determined by examination, without reference to priority of time of examination.
- (8) To provide by its rules for promotions in the classified service. Vacancies shall be filled by promotion whenever practicable. For the purpose of this paragraph, an advancement in class shall constitute a promotion.
- (9) To set a probationary period of employment of no less than 6 months and no longer than 12 months for each class of positions in the classification plan, the length of the probationary period for each class to be determined by the Director.

- (10) To provide by its rules for employment at regular rates of compensation of physically handicapped persons in positions in which the handicap does not prevent the individual from furnishing satisfactory services.
- (11) To make and publish rules, to carry out the purpose of the State Universities Civil Service 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 a Director and such assistants and other clerical and technical help as may be necessary to efficiently administer Sections 36b to 36q, inclusive. To authorize the Director to appoint an assistant resident at the place of employment of each employer specified in Section 36e and this assistant may be authorized to give examinations and to certify names from the regional registers provided in Section 36k.
- (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.
- Sec. 36e. Coverage.] All employees of the Illinois Community College Board, State Community College of East St. Louis, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University of Illinois, State Universities Civil Service System, 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.
- **Sec. 36f. Examination.**] 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. 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.

**Sec. 36g. Veterans preference.**] For the granting of appropriate preference in entrance examinations to qualified persons who have been members of the armed forces of the United States or to qualified persons who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country, and to certain other persons as set forth in this Section.

#### (a) As used in this Section:

- (1) "Time of hostilities with a foreign country" means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed force expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
- (2) "Armed forces of the United States" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Law 95-202 shall also be considered service in the Armed Forces of the United States for purposes of this Section.
- (b) The preference granted under this Section shall be in the form of points added to the final grades of the persons if they otherwise qualify and are entitled to appear on the list of those eligible for appointments.
- (c) A veteran is qualified for a preference of 10 points if the veteran currently holds proof of a service connected disability from the United States Department of Veterans Affairs or an allied country or if the veteran is a recipient of the Purple Heart.
- (d) A veteran who has served during a time of hostilities with a foreign country is qualified for a preference of 5 points if the veteran served under one or more of the following conditions:
  - (1) The veteran served a total of at least 6 months, or
- (2) The veteran served for the duration of hostilities regardless of the length of engagement, or
  - (3) The veteran was discharged on the basis of hardship, or
- (4) The veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

- (e) A person not eligible for a preference under subsection (c) or (d) is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person: (1) served for at least 6 months and has been discharged under honorable conditions or (2) has been discharged on the ground or hardship or (3) was released from active duty because of a service connected disability. An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference if the member meets the service requirements of this subsection (e).
- (f) The rank order of persons entitled to a preference on eligible lists shall be determined on the basis of their augmented ratings. When the Director establishes eligible lists on the basis of category ratings such as "superior", "excellent", "well-qualified", and "qualified", the veteran eligibles in each such category shall be preferred for appointment before the non-veteran eligibles in the same category.
- (g) Employees in positions covered by this Act who, while in good standing, leave to engage in military service during a period of hostility, shall be given credit for seniority purposes for time served in the armed forces.
- (h) A surviving unremarried spouse of a veteran who suffered a service connected death or the spouse of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment shall be entitled to the same preference to which the veteran would have been entitled under this Section.
- (i) A preference shall also be given to the following individuals: 10 points for one parent of an unmarried veteran who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The first parent to receive a civil service appointment shall be the parent entitled to the preference.
- Sec. 36g(1). Active military service.] Any employee of State Community College of East St. Louis, Southern Illinois University the University of Illinois, any university under the jurisdiction of the Board of Regents, or any college or university under the jurisdiction of the Board of Governors of State Colleges and Universities who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, and who is mobilized to active military duty on or after August 1, 1990 as a result of an order of the President of the United States, shall for each pay period beginning on or after August 1,1990 continue to receive the same regular compensation that he receives or was receiving as an employee of that educational institution at the time he is or was so mobilized to active military duty plus any health insurance and other benefits he is or was receiving or accruing at that time, minus the amount of his base pay for military service, for the duration of his active military service.

In the event any provision of a collective bargaining agreement or any policy of the educational institution covering any employee so ordered to active duty is more generous than the provisions contained in this Section, that collective bargaining agreement or policy shall be controlling.

## Sec. 36h. Appointment.]

- (1)Whenever an employer covered by the University System has a position which needs to be filled, this employer shall inform the Director of the Merit Board. The Director shall then certify to the employer the names and addresses of the three persons standing highest on the register for the classification to which the position is assigned. The employer shall select one of these persons certified for the position and shall notify the Director of the Merit Board of his selection. If less than three names appear on the appropriate register, the Director shall certify the names and addresses of the person or persons on the register. Sex shall be disregarded except when the nature of the position requires otherwise.
- (2) All appointments shall be for a probationary period of no less than 6 months and no longer than 12 months for each class of positions in the classification plan, the length of the probationary period for each class having been determined by the Director, except that persons first appointed to any police department of any university or college covered by the University System after the effective date of this amendatory Act of 1979, shall be on probation for 1 year. The service during the probationary period shall be deemed to be a part of the examination. During the probationary period, the employee may be dismissed if the employer determines that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service. The employer shall notify the Director in writing of such dismissal. If an employee is not so dismissed during his probationary period his appointment shall be deemed complete at the end of the period.
- (3) No person shall be appointed to any police department of any university or college covered by the University System unless he possesses a high school diploma or an equivalent high school education, and unless he is a person of good character and is not a person who has been convicted of a felony or a crime involving moral turpitude
- <u>Sec. 36i. Seniority.</u>] After the completion of the probationary period, the employee's seniority shall date from the day of original employment. Employee's seniority shall be by institution or campus at which he is employed, unless a lesser unit shall be determined by the Merit Board in an agreement with the employees involved. Whenever it is necessary to reduce the number of employees, those with the least seniority shall first be laid off, and their names placed on a reemployment register which shall take precedence over any other register. Reemployment shall be made in the order required to preserve the seniority rights.
- **Sec. 36j. Promotions.**] The Merit Board shall by rules provide for promotions on the basis of ability and experience and seniority in service and examination and to provide in all cases where it is practicable that vacancies will be filled by promotion. The Merit Board shall by rule fix lines of promotion from such several offices and places to superior offices or places in all cases where, in the judgment of the Merit Board, the duties of such several positions directly tend to fit the incumbent for a superior position.

Employees promoted in the promotional line shall have their seniority for the highest position held on the basis of length of service in that classification. For the next lower

classification the employee may add his seniority in the higher classification to that in the lower to determine seniority in the lower classification.

Whenever a superior position in the promotional line in the classified civil service under the University System is to be filled, the Director shall certify to the employer, in the order of their seniority, the names and addresses of the three persons standing highest upon the promotional register for the class or grade to which said position belongs. The employer shall appoint one of the three persons whose names were certified by the Director. Sex shall be disregarded except when the nature of the position requires otherwise. Appointments to superior positions in the promotional line shall be on probation for a period of no less than 6 months and no longer than 12 months for each class of positions in the classification plan, the length of the probationary period having been determined by the Director. Persons so appointed may be demoted at any time during the period of probation, if, in the opinion of the employer, they have failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service, but shall not be discharged from the superior position if they have previously completed a probationary period in an inferior position in the promotional line.

Whenever a person is promoted to a superior position in the promotional line prior to the completion of the probationary period in any one of the positions in the classified civil service under the University System, total service in the inferior position and in all such superior positions shall be combined to establish certified status and seniority in the inferior position.

# Sec. 36k. Regional compensation and registers.]

- (1) The Merit Board shall have power to prescribe different ranges or rates of compensation for different places of employment within the State. In approving regional scales of compensation the Merit Board shall take into account the rate of compensation generally paid for similar work in the locality in which the work is to be performed.
- (2) The Merit Board shall authorize separate registers for each of the agencies, institutions and places of employment covered by the University System, and an applicant who has received a passing grade on any examination may request that his name be placed on the register for any institution or place of employment in the appropriate classification or on all of the registers in that classification.
- **Sec. 361. Transfers.**] Any employee who has successfully passed an original entrance or promotional examination and who has completed his probationary period shall, at his request, be eligible for transfer to any other agency, institution or place of employment in the classification in which he is certified without further examination and without completing another probationary period. Any such transferee shall acquire seniority in the agency, institution or place of employment to which he has transferred only from the date of employment by that employer, but such transferred employee may, on request, preserve his seniority rights in the position from which the transfer was made for the period of one year from the date of transfer.

**Sec. 36m. Temporary appointments.**] For positions which are temporary or of an emergency

nature, the Merit Board may authorize temporary appointments for not more than three months, to be made from names on an eligible register when such register exists.

**Sec. 36n. Provisional appointments.**] Where there are no names on the eligible register and it is impractical to give an immediate examination, applicants may be employed provisionally but such employment shall continue only until the person provisionally employed successfully passes an examination or until a name or names are placed upon the appropriate eligible register. Before any examination is given in this classification, the person provisionally employed shall have notice of the examination and shall have an opportunity to take the examination.

Sec. 360. Demotion and discharge.] After the completion of his probationary period, no employee shall be demoted, removed or discharged except for just cause, upon written charges, and after an opportunity to be heard in his own defense if he makes a written request for a hearing to the Merit Board within 15 days after the serving of the written charges upon him. Upon the filing of such a request for a hearing, the Merit Board shall grant such hearing to be held within 45 days from the date of the service of the demotion, removal or discharge notice by a hearing board appointed by the Merit Board. The members of the hearing board shall be selected from among the members of a panel established by the Merit Board after consultation with the Advisory Committee provided in Section 36c. The hearing board shall make and render findings of fact on the charges and transmit to the Merit Board a transcript of the evidence along with its findings of fact. The findings of the hearing board when approved by the Merit Board shall be certified to the employer. If cause for demotion, removal or discharge is found, the employee shall be immediately separated from the service. If cause is not found, the employee shall forthwith be reassigned to perform the duties of a position in his classification without loss of compensation. In the course of the hearing, the Director of the Merit Board shall have power to administer oaths and to secure by subpoena the attendance and testimony of witnesses and the production of books and papers relevant to the inquiry.

The provision of the "Administrative Review Act," approved May 6, 1945 and all amendments and modification thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Merit Board hereby created. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act."

<u>Sec. 36p. Nondiscrimination</u>.] In the administration of the University System, no applicant shall be denied employment by the Merit Board or by any employer because of race, color, sex, national origin, religious or political affiliations, except that any applicant for employment may be required as a condition of employment, to sign a valid oath attesting his loyalty to the State and the United States.

**Sec. 36q. Effect on past employees.**] On January 1, 1952, and on such date thereafter as an employer becomes subject to the terms of this Act, every person who is employed by any employer covered by the University System, or whose name appears on a reemployment register of any employer covered by the University System, and who has completed his probationary period shall be certified in the University System in the classification in which he is employed and

in which he has completed his probationary period, without examination, and shall be entitled to seniority in the University System from the date of original employment in the classification by the employer. Any person who has not completed his probationary period in the classification in which he is employed on January 1, 1952, or on such date thereafter as an employer becomes subject to the terms of this Act, shall be required to meet the certifying requirements of the University System before being certified.

Any employee of the State of Illinois who has previously been certified under the regular classified State Civil Service or under the Personnel Code, approved July 18, 1955, as amended, and who, because of the transfer of his or her duties, has been transferred to the employment of any institution now covered by the University System, or any such employee who hereafter may be so transferred, shall have the same seniority rights under the University System as he or she held under the regular classified State Civil Service or under the Personnel Code, approved July 18, 1955, as amended, as determined by his or her original date of certification therein.

Any employee of the State of Illinois who has previously been certified under the regular classified State Civil Service or under the Personnel Code, approved July 18, 1955, as amended, and who is transferred to a comparable position of employment subject to the provisions of the Statute governing the University System shall have the same status in the University System as he held under the Personnel Code.

# Sec. 36s. Supported employees.

- (a) The Merit Board shall develop and implement a supported employment program. It shall be the goal of the program to appoint a minimum of 10 supported employees to State University civil service positions before June 30, 1992.
- (b) The Merit Board shall designate a liaison to work with State agencies and departments, any funder or provider or both, and State universities in the implementation of a supported employment program.
- (c) As used in this Section:
  - (1) "Supported employee" means any individual who:
    - (A) has a severe physical or mental disability which seriously limits functional capacities, including but not limited to, mobility, communication, self-care, self-direction, work tolerance or work skills, in terms of employability as defined, determined and certified by the Department of Rehabilitation Services; and
    - (B) has one or more physical or mental disabilities resulting from amputation; arthritis; blindness; cancer; cerebral palsy; cystic fibrosis; deafness; heart disease; hemiplegia; respiratory or pulmonary dysfunction; mental retardation; mental illness; multiple sclerosis; muscular dystrophy; musculoskeletal disorders;

neurological disorders, including stroke and epilepsy; paraplegia; quadriplegia and other spinal cord conditions; sickle cell anemia; and end-stage renal disease; or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

- (2) "Supported employment" means competitive work in integrated work settings:
- (A) for individuals with severe handicaps for whom competitive employment has not traditionally occurred, or
  - (B) for individuals for whom competitive employment has been interrupted or intermittent as a result of a severe disability, and who because of their handicap, need on going support services to perform such work. The term includes transitional employment for individuals with chronic mental illness.
- (3) "Participation in a supported employee program" means participation as a supported employee that is not based on the expectation that an individual will have the skills to perform all the duties in a job class, but on the assumption that with support and adaptation, or both, a job can be designed to take advantage of the supported employee's special strengths.
- (4) "Funder" means any entity either State, local or federal, or private not-for-profit or for-profit that provides monies to programs that provide services related to supported employment.
- (5) "Provider" means any entity either public or private that provides technical support and services to any department or agency subject to the control of the Governor, the Secretary of State or the University Civil Service System.
- (d) The Merit Board shall establish job classifications for supported employees who may be appointed into the classifications without open competitive testing requirements. Supported employees shall serve in a trial employment capacity for not less than 3 or more than 12 months.
- (e) The Merit Board shall maintain a record of all individuals hired as supported employees. The record shall include:
  - (1) the number of supported employees initially appointed;
- (2) the number of supported employees who successfully complete the trial employment periods; and
  - 3) the number of permanent targeted positions by titles.
- (f) The Merit Board shall submit an annual report to the General Assembly regarding the employment progress of supported employees, with recommendations for legislative action.

- Sec. 37. Fraud Examination.] No person or officer shall willfully or corruptly, by himself, or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right of examination hereunder; or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing; or willfully or corruptly make any false representation concerning the same or concerning the person examined; or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined being appointed, employed or promoted. And no applicant for any examination shall willfully or corruptly by himself, or in cooperation with one or more persons, deceive the said commission with reference to his identity, or willfully or corruptly make any false representations in his application for any examination, or commit any fraud for the purpose of improving his prospects or chances in such examination.
- <u>Sec. 38. Receiving or soliciting political contributions prohibited</u>.] No officer or employee shall solicit, orally or by letter, or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution from any officer or employee subject to the provisions of this Act for any party or political purpose whatever.
- <u>Sec. 39. Soliciting political contributions from officers or employees prohibited</u>.] No person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment, for any party or any political purpose whatever from any officer of employee subject to the provisions of this Act.
- Sec. 40. Soliciting or receiving political contributions in public offices prohibited.] No person shall, in any room or building occupied for the discharge of official duties by any officer or employee subject to this Act solicit orally or by written communication delivered therein, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever, from any officer or employee subject to this Act.

No officer, agent, clerk, or employee under the government of this State, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for, or receiving from, or giving notice to, any officer or employee subject to this Act.

- **Sec. 41. Use of political influence to obtain contributions prohibited.**] No officer or employee of the State shall discharge or degrade or promote or in any manner change the official rank or compensation of any officer or employee subject to this Act or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money, or other valuable thing, for any party or political purpose, or for refusal or neglect to render any party or political service.
- <u>Sec. 42. Payment for appointment prohibited.</u>] No applicant for appointment pursuant to the provisions of this Act, either directly or indirectly, shall pay or promise to pay, any money or other valuable thing to any person whatever, for or on account of his appointment or proposed appointment, and no officer or employee subject to this Act shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever, for or on account

of his promotion or proposed promotion.

**Sec. 43. Recommendation for political service prohibited**.] No applicants for appointment or promotion pursuant to the provisions of this Act shall ask for or receive a recommendation or assistance from any officer or employee in said service, or from any person, upon the consideration of any political service to be rendered to or for such person, or for the promotion of such person, to any office or appointment.

Sec. 44. Corrupt use of political influence prohibited.] No person, while holding an office or position pursuant to the provisions of this Act or in nomination for, or while seeking a nomination for or appointment to any such office or position shall corruptly use or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment under this Act or any nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote or political influence or action of the last named person or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

Sec. 45. Compelling testimony and production of books and papers—Witness fees—
Perjury.] Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the Merit Board, or by any member thereof or by any board or person acting under the orders of the Merit Board in the course of an investigation, conducted under any of the provisions of this Act, and who shall refuse or neglect to appear, or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor and shall, on conviction, be punished as provided in Section 46 of this Act.

The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of this State.

Any circuit court of this State, or any judge thereof, either in term time or vacation, upon application of any member of the Merit Board, or any person acting under the orders of the Merit Board may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before the Board or before any member of the Board any investigating board or officer, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before said court. Every person who, having taken oath or made affirmation before a member of the Board or an officer appointed by the Board authorized to administer oaths, shall willfully swear or affirm falsehood shall be guilty of perjury and upon conviction shall be punished accordingly.

<u>Sec. 45a.</u>] Except as provided in the second sentence of this Section, all officers and employees subject to this Act, shall have the following days as holidays, for which they shall receive their usual compensation: New Year's Day, January 1; Memorial Day, as determined by the law of the State of Illinois; Independence Day, July 4; Labor Day, the first Monday in September; Thanksgiving Day, the fourth Thursday of November; Christmas Day, December 25; and five

holidays to be designated by each college, university, agency and community college subject to this Act. Craft and trade employees subject to this Act shall be paid for all paid holidays included in their area agreement, and will be paid for all five holidays designated by their employer pursuant to this Section.

<u>Sec. 46. Violation of Act,— Penalties—Prosecuting officer.</u>] Any person who shall willfully, or through culpable negligence, violate any of the provisions of this Act, or any Board member, examiner, agent or employee of the Board, or any applicant, who shall willfully, or through culpable negligence, violate any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor and shall, upon conviction be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment, in the discretion of the court.

All prosecution for violations of this Act shall be instituted and conducted by the State's Attorney of the county where the offense occurred. In the case of conviction under the provisions of this Act, the office or position held by the person convicted shall become vacant.