

1 AN ACT concerning local governments.

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

4 Section 5. The Counties Code is amended by adding
5 Section 3-14002.5 as follows:

6 (55 ILCS 5/3-14002.5 new)

7 Sec. 3-14002.5. Power to deduct wages for municipal
8 debts.

9 (a) Upon receipt of notice from the comptroller of a
10 municipality with a population of 500,000 or more that a debt
11 is due and owing the municipality by an employee of a county
12 with a population of 3,000,000 or more, the county may
13 withhold, from the compensation of that employee, the amount
14 of the debt that is due and owing and pay the amount withheld
15 to the municipality; provided, however, that the amount
16 deducted from any one salary or wage payment shall not exceed
17 25% of the net amount of the payment.

18 (b) Before the county deducts any amount from any salary
19 or wage of an employee under this Section, the municipality
20 shall certify that the employee has been afforded an
21 opportunity for a hearing to dispute the debt that is due and
22 owing the municipality.

23 (c) For purposes of this Section:

24 (1) "Net amount" means that part of the salary or
25 wage payment remaining after the deduction of any amounts
26 required by law to be deducted.

27 (2) "Debt due and owing" means (i) a specified sum
28 of money owed to the municipality for city services,
29 work, or goods, after the period granted for payment has
30 expired, or (ii) a specified sum of money owed to the
31 municipality pursuant to a court order or order of an

1 administrative hearing officer after the exhaustion of,
2 or the failure to exhaust, judicial review.

3 (d) Nothing in this Section is intended to affect the
4 power of a county to withhold the amount of any debt that is
5 due and owing the county by any of its employees.

6 Section 10. The Illinois Municipal Code is amended by
7 adding Section 10-4-8 as follows:

8 (65 ILCS 5/10-4-8 new)

9 Sec. 10-4-8. Power to deduct wages for county debts.

10 (a) Upon receipt of notice from the comptroller of a
11 county with a population of 3,000,000 or more that a debt is
12 due and owing the county by an employee of a municipality
13 with a population of 500,000 or more, the municipality may
14 withhold, from the compensation of that employee, the amount
15 of the debt that is due and owing and pay the amount withheld
16 to the county; provided, however that the amount deducted
17 from any one salary or wage payment shall not exceed 25% of
18 the net amount of the payment.

19 (b) Before the municipality deducts any amount from any
20 salary or wage of an employee under this Section, the county
21 shall certify that the employee has been afforded an
22 opportunity for a hearing to dispute the debt that is due and
23 owing the county.

24 (c) For purposes of this Section:

25 (1) "Net amount" means the part of the salary or
26 wage payment remaining after the deduction of any amounts
27 required by law to be deducted.

28 (2) "Debt due and owing" means (i) a specified sum
29 of money owed to the county for services, work, or goods,
30 after the period granted for payment has expired, or (ii)
31 a specified sum of money owed to the county pursuant to a
32 court order or order of an administrative hearing officer

1 after the exhaustion of, or the failure to exhaust,
2 judicial review.

3 (d) Nothing in this Section is intended to affect the
4 power of a municipality to withhold the amount of any debt
5 that is due and owing the municipality by any of its
6 employees.

7 Section 15. The Cook County Forest Preserve District Act
8 is amended by adding Section 17.5 as follows:

9 (70 ILCS 810/17.5 new)

10 Sec. 17.5. Power to deduct wages for municipal or county
11 debts.

12 (a) Upon receipt of notice from the comptroller of a
13 municipality with a population of 500,000 or more or a county
14 with a population of 3,000,000 or more that a debt is due and
15 owing the municipality or county by an employee of the
16 District, the District may withhold, from the compensation of
17 that employee, the amount of the debt that is due and owing
18 and pay the amount withheld to the municipality or county;
19 provided, however, that the amount deducted from any one
20 salary or wage payment shall not exceed 25% of the net amount
21 of the payment.

22 (b) Before the District deducts any amount from any
23 salary or wage of an employee under this Section, the
24 municipality or county shall certify that the employee has
25 been afforded an opportunity for a hearing to dispute the
26 debt that is due and owing the municipality or county.

27 (c) For purposes of this Section:

28 (1) "Net amount" means that part of the salary or
29 wage payment remaining after the deduction of any amounts
30 required by law to be deducted.

31 (2) "Debt due and owing" means (i) a specified sum
32 of money owed to the municipality or county for services,

1 work, or goods, after the period granted for payment has
2 expired, or (ii) a specified sum of money owed to the
3 municipality or county pursuant to a court order or order
4 of an administrative hearing officer after the exhaustion
5 of, or the failure to exhaust, judicial review.

6 Section 17. The Chicago Park District Act is amended by
7 changing Section 16b as follows:

8 (70 ILCS 1505/16b)

9 Sec. 16b. Power to deduct wages for municipal or county
10 debts. Upon receipt of notice from the comptroller of a
11 municipality with a population of 500,000 or more or a county
12 with a population of 3,000,000 or more that a debt is due and
13 owing the municipality or county by an employee of the
14 Chicago Park District, the District may withhold, from the
15 compensation of that employee, the amount of the debt that is
16 due and owing and pay the amount withheld to the municipality
17 or county; provided, however, that the amount deducted from
18 any one salary or wage payment shall not exceed 25% of the
19 net amount of the payment. Before the District deducts any
20 amount from any salary or wage of an employee under this
21 Section, the municipality or county shall certify that the
22 employee has been afforded an opportunity for a hearing to
23 dispute the debt that is due and owing the municipality or
24 county. For purposes of this Section, "net amount" means that
25 part of the salary or wage payment remaining after the
26 deduction of any amounts required by law to be deducted and
27 "debt due and owing" means (i) a specified sum of money owed
28 to the municipality or county for city services, work, or
29 goods, after the period granted for payment has expired, or
30 (ii) a specified sum of money owed to the municipality or
31 county pursuant to a court order or order of an
32 administrative hearing officer after the exhaustion of, or

1 the failure to exhaust, judicial review.

2 (Source: P.A. 90-22, eff. 6-20-97.)

3 Section 20. The Metropolitan Water Reclamation District
4 Act is amended by adding Section 4.39 as follows:

5 (70 ILCS 2605/4.39 new)

6 Sec. 4.39. Power to deduct wages for municipal or county
7 debts.

8 (a) Upon receipt of notice from the comptroller of a
9 municipality with a population of 500,000 or more or a county
10 with a population of 3,000,000 or more that a debt is due and
11 owing the municipality or the county by an employee of the
12 District, the District may withhold, from the compensation of
13 that employee, the amount of the debt that is due and owing
14 and pay the amount withheld to the municipality or county;
15 provided, however, that the amount deducted from any one
16 salary or wage payment shall not exceed 25% of the net amount
17 of the payment.

18 (b) Before the District deducts any amount from any
19 salary or wage of an employee under this Section, the
20 municipality or county shall certify that the employee has
21 been afforded an opportunity for a hearing to dispute the
22 debt that is due and owing the municipality or county.

23 (c) For purposes of this Section:

24 (1) "Net amount" means that part of the salary or
25 wage payment remaining after the deduction of any amounts
26 required by law to be deducted.

27 (2) "Debt due and owing" means (i) a specified sum
28 of money owed to the municipality or county for services,
29 work, or goods, after the period granted for payment has
30 expired, or (ii) a specified sum of money owed to the
31 municipality or county pursuant to a court order or order
32 of an administrative hearing officer after the exhaustion

1 of, or the failure to exhaust, judicial review.

2 Section 22. The Metropolitan Transit Authority Act is
3 amended by changing Section 28c as follows:

4 (70 ILCS 3605/28c)

5 Sec. 28c. Power to deduct wages for municipal or county
6 debts. Upon receipt of notice from the comptroller of a
7 municipality with a population of 500,000 or more or a county
8 with a population of 3,000,000 or more that a debt is due and
9 owing the municipality or county by an employee of the
10 Authority, the Authority may withhold, from the compensation
11 of that employee, the amount of the debt that is due and
12 owing and pay the amount withheld to the municipality or
13 county; provided, however, that the amount deducted from any
14 one salary or wage payment shall not exceed 25% of the net
15 amount of the payment. Before the Authority deducts any
16 amount from any salary or wage of an employee under this
17 Section, the municipality or county shall certify that the
18 employee has been afforded an opportunity for a hearing to
19 dispute the debt that is due and owing the municipality or
20 county. For purposes of this Section, "net amount" means
21 that part of the salary or wage payment remaining after the
22 deduction of any amounts required by law to be deducted and
23 "debt due and owing" means (i) a specified sum of money owed
24 to the municipality or county for city services, work, or
25 goods, after the period granted for payment has expired, or
26 (ii) a specified sum of money owed to the municipality or
27 county pursuant to a court order or order of an
28 administrative hearing officer after the exhaustion of, or
29 the failure to exhaust, judicial review.

30 (Source: P.A. 90-22, eff. 6-20-97.)

31 Section 23. The School Code is amended by changing

1 Section 34-18 as follows:

2 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

3 Sec. 34-18. Powers of the board. The board shall
4 exercise general supervision and jurisdiction over the public
5 education and the public school system of the city, and,
6 except as otherwise provided by this Article, shall have
7 power:

8 1. To make suitable provision for the establishment
9 and maintenance throughout the year or for such portion
10 thereof as it may direct, not less than 9 months, of
11 schools of all grades and kinds, including normal
12 schools, high schools, night schools, schools for
13 defectives and delinquents, parental and truant schools,
14 schools for the blind, the deaf and the crippled, schools
15 or classes in manual training, constructural and
16 vocational teaching, domestic arts and physical culture,
17 vocation and extension schools and lecture courses, and
18 all other educational courses and facilities, including
19 establishing, equipping, maintaining and operating
20 playgrounds and recreational programs, when such programs
21 are conducted in, adjacent to, or connected with any
22 public school under the general supervision and
23 jurisdiction of the board; provided, however, that in
24 allocating funds from year to year for the operation of
25 all attendance centers within the district, the board
26 shall ensure that supplemental general State aid funds
27 are allocated and applied in accordance with Section 18-8
28 or 18-8.05. To admit to such schools without charge
29 foreign exchange students who are participants in an
30 organized exchange student program which is authorized by
31 the board. The board shall permit all students to enroll
32 in apprenticeship programs in trade schools operated by
33 the board, whether those programs are union-sponsored or

1 not. No student shall be refused admission into or be
2 excluded from any course of instruction offered in the
3 common schools by reason of that student's sex. No
4 student shall be denied equal access to physical
5 education and interscholastic athletic programs supported
6 from school district funds or denied participation in
7 comparable physical education and athletic programs
8 solely by reason of the student's sex. Equal access to
9 programs supported from school district funds and
10 comparable programs will be defined in rules promulgated
11 by the State Board of Education in consultation with the
12 Illinois High School Association. Notwithstanding any
13 other provision of this Article, neither the board of
14 education nor any local school council or other school
15 official shall recommend that children with disabilities
16 be placed into regular education classrooms unless those
17 children with disabilities are provided with
18 supplementary services to assist them so that they
19 benefit from the regular classroom instruction and are
20 included on the teacher's regular education class
21 register;

22 2. To furnish lunches to pupils, to make a
23 reasonable charge therefor, and to use school funds for
24 the payment of such expenses as the board may determine
25 are necessary in conducting the school lunch program;

26 3. To co-operate with the circuit court;

27 4. To make arrangements with the public or
28 quasi-public libraries and museums for the use of their
29 facilities by teachers and pupils of the public schools;

30 5. To employ dentists and prescribe their duties
31 for the purpose of treating the pupils in the schools,
32 but accepting such treatment shall be optional with
33 parents or guardians;

34 6. To grant the use of assembly halls and

1 classrooms when not otherwise needed, including light,
2 heat, and attendants, for free public lectures, concerts,
3 and other educational and social interests, free of
4 charge, under such provisions and control as the
5 principal of the affected attendance center may
6 prescribe;

7 7. To apportion the pupils to the several schools;
8 provided that no pupil shall be excluded from or
9 segregated in any such school on account of his color,
10 race, sex, or nationality. The board shall take into
11 consideration the prevention of segregation and the
12 elimination of separation of children in public schools
13 because of color, race, sex, or nationality. Except that
14 children may be committed to or attend parental and
15 social adjustment schools established and maintained
16 either for boys or girls only. All records pertaining to
17 the creation, alteration or revision of attendance areas
18 shall be open to the public. Nothing herein shall limit
19 the board's authority to establish multi-area attendance
20 centers or other student assignment systems for
21 desegregation purposes or otherwise, and to apportion the
22 pupils to the several schools. Furthermore, beginning in
23 school year 1994-95, pursuant to a board plan adopted by
24 October 1, 1993, the board shall offer, commencing on a
25 phased-in basis, the opportunity for families within the
26 school district to apply for enrollment of their children
27 in any attendance center within the school district which
28 does not have selective admission requirements approved
29 by the board. The appropriate geographical area in which
30 such open enrollment may be exercised shall be determined
31 by the board of education. Such children may be admitted
32 to any such attendance center on a space available basis
33 after all children residing within such attendance
34 center's area have been accommodated. If the number of

1 applicants from outside the attendance area exceed the
2 space available, then successful applicants shall be
3 selected by lottery. The board of education's open
4 enrollment plan must include provisions that allow low
5 income students to have access to transportation needed
6 to exercise school choice. Open enrollment shall be in
7 compliance with the provisions of the Consent Decree and
8 Desegregation Plan cited in Section 34-1.01;

9 8. To approve programs and policies for providing
10 transportation services to students. Nothing herein shall
11 be construed to permit or empower the State Board of
12 Education to order, mandate, or require busing or other
13 transportation of pupils for the purpose of achieving
14 racial balance in any school;

15 9. Subject to the limitations in this Article, to
16 establish and approve system-wide curriculum objectives
17 and standards, including graduation standards, which
18 reflect the multi-cultural diversity in the city and are
19 consistent with State law, provided that for all purposes
20 of this Article courses or proficiency in American Sign
21 Language shall be deemed to constitute courses or
22 proficiency in a foreign language; and to employ
23 principals and teachers, appointed as provided in this
24 Article, and fix their compensation. The board shall
25 prepare such reports related to minimal competency
26 testing as may be requested by the State Board of
27 Education, and in addition shall monitor and approve
28 special education and bilingual education programs and
29 policies within the district to assure that appropriate
30 services are provided in accordance with applicable State
31 and federal laws to children requiring services and
32 education in those areas;

33 10. To employ non-teaching personnel or utilize
34 volunteer personnel for: (i) non-teaching duties not

1 requiring instructional judgment or evaluation of pupils,
2 including library duties; and (ii) supervising study
3 halls, long distance teaching reception areas used
4 incident to instructional programs transmitted by
5 electronic media such as computers, video, and audio,
6 detention and discipline areas, and school-sponsored
7 extracurricular activities. The board may further utilize
8 volunteer non-certificated personnel or employ
9 non-certificated personnel to assist in the instruction
10 of pupils under the immediate supervision of a teacher
11 holding a valid certificate, directly engaged in teaching
12 subject matter or conducting activities; provided that
13 the teacher shall be continuously aware of the
14 non-certificated persons' activities and shall be able to
15 control or modify them. The general superintendent shall
16 determine qualifications of such personnel and shall
17 prescribe rules for determining the duties and activities
18 to be assigned to such personnel;

19 11. To provide television studio facilities in not
20 to exceed one school building and to provide programs for
21 educational purposes, provided, however, that the board
22 shall not construct, acquire, operate, or maintain a
23 television transmitter; to grant the use of its studio
24 facilities to a licensed television station located in
25 the school district; and to maintain and operate not to
26 exceed one school radio transmitting station and provide
27 programs for educational purposes;

28 12. To offer, if deemed appropriate, outdoor
29 education courses, including field trips within the State
30 of Illinois, or adjacent states, and to use school
31 educational funds for the expense of the said outdoor
32 educational programs, whether within the school district
33 or not;

34 13. During that period of the calendar year not

1 embraced within the regular school term, to provide and
2 conduct courses in subject matters normally embraced in
3 the program of the schools during the regular school term
4 and to give regular school credit for satisfactory
5 completion by the student of such courses as may be
6 approved for credit by the State Board of Education;

7 14. To insure against any loss or liability of the
8 board, the former School Board Nominating Commission,
9 Local School Councils, the Chicago Schools Academic
10 Accountability Council, or the former Subdistrict
11 Councils or of any member, officer, agent or employee
12 thereof, resulting from alleged violations of civil
13 rights arising from incidents occurring on or after
14 September 5, 1967 or from the wrongful or negligent act
15 or omission of any such person whether occurring within
16 or without the school premises, provided the officer,
17 agent or employee was, at the time of the alleged
18 violation of civil rights or wrongful act or omission,
19 acting within the scope of his employment or under
20 direction of the board, the former School Board
21 Nominating Commission, the Chicago Schools Academic
22 Accountability Council, Local School Councils, or the
23 former Subdistrict Councils; and to provide for or
24 participate in insurance plans for its officers and
25 employees, including but not limited to retirement
26 annuities, medical, surgical and hospitalization benefits
27 in such types and amounts as may be determined by the
28 board; provided, however, that the board shall contract
29 for such insurance only with an insurance company
30 authorized to do business in this State. Such insurance
31 may include provision for employees who rely on treatment
32 by prayer or spiritual means alone for healing, in
33 accordance with the tenets and practice of a recognized
34 religious denomination;

1 15. To contract with the corporate authorities of
2 any municipality or the county board of any county, as
3 the case may be, to provide for the regulation of traffic
4 in parking areas of property used for school purposes, in
5 such manner as is provided by Section 11-209 of The
6 Illinois Vehicle Code, approved September 29, 1969, as
7 amended;

8 16. To provide, on an equal basis, access to the
9 school campus to the official recruiting representatives
10 of the armed forces of Illinois and the United States for
11 the purposes of informing students of the educational and
12 career opportunities available in the military if the
13 board has provided such access to persons or groups whose
14 purpose is to acquaint students with educational or
15 occupational opportunities available to them. The board
16 is not required to give greater notice regarding the
17 right of access to recruiting representatives than is
18 given to other persons and groups;

19 17. (a) To sell or market any computer program
20 developed by an employee of the school district, provided
21 that such employee developed the computer program as a
22 direct result of his or her duties with the school
23 district or through the utilization of the school
24 district resources or facilities. The employee who
25 developed the computer program shall be entitled to share
26 in the proceeds of such sale or marketing of the computer
27 program. The distribution of such proceeds between the
28 employee and the school district shall be as agreed upon
29 by the employee and the school district, except that
30 neither the employee nor the school district may receive
31 more than 90% of such proceeds. The negotiation for an
32 employee who is represented by an exclusive bargaining
33 representative may be conducted by such bargaining
34 representative at the employee's request.

1 (b) For the purpose of this paragraph 17:

2 (1) "Computer" means an internally programmed,
3 general purpose digital device capable of
4 automatically accepting data, processing data and
5 supplying the results of the operation.

6 (2) "Computer program" means a series of coded
7 instructions or statements in a form acceptable to a
8 computer, which causes the computer to process data
9 in order to achieve a certain result.

10 (3) "Proceeds" means profits derived from
11 marketing or sale of a product after deducting the
12 expenses of developing and marketing such product;

13 18. To delegate to the general superintendent of
14 schools, by resolution, the authority to approve
15 contracts and expenditures in amounts of \$10,000 or less;

16 19. Upon the written request of an employee, to
17 withhold from the compensation of that employee any dues,
18 payments or contributions payable by such employee to any
19 labor organization as defined in the Illinois Educational
20 Labor Relations Act. Under such arrangement, an amount
21 shall be withheld from each regular payroll period which
22 is equal to the pro rata share of the annual dues plus
23 any payments or contributions, and the board shall
24 transmit such withholdings to the specified labor
25 organization within 10 working days from the time of the
26 withholding;

27 19a. Upon receipt of notice from the comptroller of
28 a municipality with a population of 500,000 or more or a
29 county with a population of 3,000,000 or more that a debt
30 is due and owing the municipality or county by an
31 employee of the Chicago School Reform Board of Trustees,
32 to withhold, from the compensation of that employee, the
33 amount of the debt that is due and owing and pay the
34 amount withheld to the municipality or county; provided,

1 however, that the amount deducted from any one salary or
2 wage payment shall not exceed 25% of the net amount of
3 the payment. Before the Board deducts any amount from
4 any salary or wage of an employee under this paragraph,
5 the municipality or county shall certify that the
6 employee has been afforded an opportunity for a hearing
7 to dispute the debt that is due and owing the
8 municipality or county. For purposes of this paragraph,
9 "net amount" means that part of the salary or wage
10 payment remaining after the deduction of any amounts
11 required by law to be deducted and "debt due and owing"
12 means (i) a specified sum of money owed to the
13 municipality or county for city services, work, or goods,
14 after the period granted for payment has expired, or (ii)
15 a specified sum of money owed to the municipality or
16 county pursuant to a court order or order of an
17 administrative hearing officer after the exhaustion of,
18 or the failure to exhaust, judicial review;

19 20. The board is encouraged to employ a sufficient
20 number of certified school counselors to maintain a
21 student/counselor ratio of 250 to 1 by July 1, 1990.
22 Each counselor shall spend at least 75% of his work time
23 in direct contact with students and shall maintain a
24 record of such time;

25 21. To make available to students vocational and
26 career counseling and to establish 5 special career
27 counseling days for students and parents. On these days
28 representatives of local businesses and industries shall
29 be invited to the school campus and shall inform students
30 of career opportunities available to them in the various
31 businesses and industries. Special consideration shall
32 be given to counseling minority students as to career
33 opportunities available to them in various fields. For
34 the purposes of this paragraph, minority student means a

1 person who is:

2 (a) Black (a person having origins in any of
3 the black racial groups in Africa);

4 (b) Hispanic (a person of Spanish or
5 Portuguese culture with origins in Mexico, South or
6 Central America, or the Caribbean islands,
7 regardless of race);

8 (c) Asian American (a person having origins in
9 any of the original peoples of the Far East,
10 Southeast Asia, the Indian Subcontinent or the
11 Pacific Islands); or

12 (d) American Indian or Alaskan Native (a
13 person having origins in any of the original peoples
14 of North America).

15 Counseling days shall not be in lieu of regular
16 school days;

17 22. To report to the State Board of Education the
18 annual student dropout rate and number of students who
19 graduate from, transfer from or otherwise leave bilingual
20 programs;

21 23. Except as otherwise provided in the Abused and
22 Neglected Child Reporting Act or other applicable State
23 or federal law, to permit school officials to withhold,
24 from any person, information on the whereabouts of any
25 child removed from school premises when the child has
26 been taken into protective custody as a victim of
27 suspected child abuse. School officials shall direct
28 such person to the Department of Children and Family
29 Services, or to the local law enforcement agency if
30 appropriate;

31 24. To develop a policy, based on the current state
32 of existing school facilities, projected enrollment and
33 efficient utilization of available resources, for capital
34 improvement of schools and school buildings within the

1 district, addressing in that policy both the relative
2 priority for major repairs, renovations and additions to
3 school facilities, and the advisability or necessity of
4 building new school facilities or closing existing
5 schools to meet current or projected demographic patterns
6 within the district;

7 25. To make available to the students in every high
8 school attendance center the ability to take all courses
9 necessary to comply with the Board of Higher Education's
10 college entrance criteria effective in 1993;

11 26. To encourage mid-career changes into the
12 teaching profession, whereby qualified professionals
13 become certified teachers, by allowing credit for
14 professional employment in related fields when
15 determining point of entry on teacher pay scale;

16 27. To provide or contract out training programs
17 for administrative personnel and principals with revised
18 or expanded duties pursuant to this Act in order to
19 assure they have the knowledge and skills to perform
20 their duties;

21 28. To establish a fund for the prioritized special
22 needs programs, and to allocate such funds and other lump
23 sum amounts to each attendance center in a manner
24 consistent with the provisions of part 4 of Section
25 34-2.3. Nothing in this paragraph shall be construed to
26 require any additional appropriations of State funds for
27 this purpose;

28 29. (Blank);

29 30. Notwithstanding any other provision of this Act
30 or any other law to the contrary, to contract with third
31 parties for services otherwise performed by employees,
32 including those in a bargaining unit, and to layoff those
33 employees upon 14 days written notice to the affected
34 employees. Those contracts may be for a period not to

1 exceed 5 years and may be awarded on a system-wide basis;

2 31. To promulgate rules establishing procedures
3 governing the layoff or reduction in force of employees
4 and the recall of such employees, including, but not
5 limited to, criteria for such layoffs, reductions in
6 force or recall rights of such employees and the weight
7 to be given to any particular criterion. Such criteria
8 shall take into account factors including, but not be
9 limited to, qualifications, certifications, experience,
10 performance ratings or evaluations, and any other factors
11 relating to an employee's job performance; and

12 32. To develop a policy to prevent nepotism in the
13 hiring of personnel or the selection of contractors.

14 The specifications of the powers herein granted are not
15 to be construed as exclusive but the board shall also
16 exercise all other powers that they may be requisite or
17 proper for the maintenance and the development of a public
18 school system, not inconsistent with the other provisions of
19 this Article or provisions of this Code which apply to all
20 school districts.

21 In addition to the powers herein granted and authorized
22 to be exercised by the board, it shall be the duty of the
23 board to review or to direct independent reviews of special
24 education expenditures and services. The board shall file a
25 report of such review with the General Assembly on or before
26 May 1, 1990.

27 (Source: P.A. 89-15, eff. 5-30-95; 89-397, eff. 8-20-95;
28 89-626, eff. 8-9-96; 90-22, eff. 6-20-97; 90-548, eff.
29 1-1-98.)

30 Section 25. The Housing Authorities Act is amended by
31 adding Section 6.1 as follows:

32 (310 ILCS 10/6.1 new)

1 Sec. 6.1. Power to deduct wages for municipal or county
2 debts.

3 (a) Upon receipt of notice from the comptroller of a
4 municipality with a population of 500,000 or more or a county
5 with a population of 3,000,000 or more that a debt is due and
6 owing the municipality or county by an employee of the
7 housing authority of a municipality with a population of
8 500,000 or more, that authority may withhold, from the
9 compensation of that employee, the amount of the debt that is
10 due and owing and pay the amount withheld to the municipality
11 or county; provided, however, that the amount deducted from
12 any one salary or wage payment shall not exceed 25% of the
13 net amount of the payment.

14 (b) Before the housing authority of a municipality with
15 a population of 500,000 or more deducts any amount from any
16 salary or wage of an employee under this Section, the
17 municipality or county shall certify that the employee has
18 been afforded an opportunity for a hearing to dispute the
19 debt that is due and owing the municipality or county.

20 (c) For purposes of this Section:

21 (1) "Net amount" means that part of the salary or
22 wage payment remaining after the deduction of any amounts
23 required by law to be deducted.

24 (2) "Debt due and owing" means (i) a specified sum
25 of money owed to the municipality or county for services,
26 work, or goods, after the period granted for payment has
27 expired, or (ii) a specified sum of money owed to the
28 municipality or county pursuant to a court order or order
29 of an administrative hearing officer after the exhaustion
30 of, or the failure to exhaust, judicial review.

31 Section 30. The Illinois Wage Payment and Collection Act
32 is amended by changing Section 9 as follows:

1 (820 ILCS 115/9) (from Ch. 48, par. 39m-9)

2 Sec. 9. Except as hereinafter provided, deductions by
3 employers from wages or final compensation are prohibited
4 unless such deductions are (1) required by law; (2) to the
5 benefit of the employee; (3) in response to a valid wage
6 assignment or wage deduction order; (4) made with the express
7 written consent of the employee, given freely at the time the
8 deduction is made; (5) made by a municipality with a
9 population of 500,000 or more, a county with a population of
10 3,000,000 or more, a community college district in a city
11 with a population of 500,000 or more, a housing authority in
12 a municipality with a population of 500,000 or more, the
13 Chicago Park District, the Metropolitan Transit Authority, ~~or~~
14 the Chicago School Reform Board of Trustees, the Cook County
15 Forest Preserve District, or the Metropolitan Water
16 Reclamation District to pay a debt owed by the employee to a
17 municipality with a population of 500,000 or more or a county
18 with a population of 3,000,000 or more; provided, however,
19 that the amount deducted from any one salary or wage payment
20 shall not exceed 25% of the net amount of the payment; or (6)
21 made by housing authority in a municipality with a population
22 of 500,000 or more or a municipality with a population of
23 500,000 or more to pay a debt owed by the employee to a
24 housing authority in a municipality with a population of
25 500,000 or more; provided, however, that the amount deducted
26 from any one salary or wage payment shall not exceed 25% of
27 the net amount of the payment. Before the municipality with a
28 population of 500,000 or more, the community college district
29 in a city with a population of 500,000 or more, the Chicago
30 Park District, the Metropolitan Transit Authority, a housing
31 authority in a municipality with a population of 500,000 or
32 more, ~~or~~ the Chicago School Reform Board of Trustees, the
33 county with a population of 3,000,000 or more, the Cook
34 County Forest Preserve District, or the Metropolitan Water

1 Reclamation District deducts any amount from any salary or
2 wage of an employee to pay a debt owed to a municipality with
3 a population of 500,000 or more or a county with a population
4 of 3,000,000 or more under this Section, the municipality or
5 county shall certify that the employee has been afforded an
6 opportunity for a hearing to dispute the debt that is due and
7 owing the municipality or county. Before a housing authority
8 in a municipality with a population of 500,000 or more or a
9 municipality with a population of 500,000 or more or a county
10 with a population of 3,000,000 or more deducts any amount
11 from any salary or wage of an employee to pay a debt owed to
12 a housing authority in a municipality with a population of
13 500,000 or more under this Section, the housing authority
14 shall certify that the employee has been afforded an
15 opportunity for a hearing to dispute the debt that is due and
16 owing the housing authority. For purposes of this Section,
17 "net amount" means that part of the salary or wage payment
18 remaining after the deduction of any amounts required by law
19 to be deducted and "debt due and owing" means (i) a specified
20 sum of money owed to the municipality, county, or housing
21 authority for services, work, or goods, after the period
22 granted for payment has expired, or (ii) a specified sum of
23 money owed to the municipality, county, or housing authority
24 pursuant to a court order or order of an administrative
25 hearing officer after the exhaustion of, or the failure to
26 exhaust, judicial review. Where the legitimacy of any
27 deduction from wages is in dispute, the amount in question
28 may be withheld if the employer notifies the Department of
29 Labor on the date the payment is due in writing of the amount
30 that is being withheld and stating the reasons for which the
31 payment is withheld. Upon such notification the Department of
32 Labor shall conduct an investigation and render a judgment as
33 promptly as possible, and shall complete such investigation
34 within 30 days of receipt of the notification by the employer

1 that wages have been withheld. The employer shall pay the
2 wages due upon order of the Department of Labor within 15
3 calendar days of issuance of a judgment on the dispute.

4 The Department shall establish rules to protect the
5 interests of both parties in cases of disputed deductions
6 from wages. Such rules shall include reasonable limitations
7 on the amount of deductions beyond those required by law
8 which may be made during any pay period by any employer.

9 In case of a dispute over wages, the employer shall pay,
10 without condition and within the time set by this Act, all
11 wages or parts thereof, conceded by him to be due, leaving to
12 the employee all remedies to which he may otherwise be
13 entitled as to any balance claimed. The acceptance by an
14 employee of a disputed paycheck shall not constitute a
15 release as to the balance of his claim and any release or
16 restrictive endorsement required by an employer as a
17 condition to payment shall be a violation of this Act and
18 shall be void.

19 (Source: P.A. 90-22, eff. 6-20-97; 91-443, eff. 8-6-99.)

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