



EXECUTIVE ORDER

NUMBER 3 (2000)

EXECUTIVE ORDER REASSIGNING FUNCTIONS PERTAINING TO
ADMINISTRATION
OF ILLINOIS' JOB TRAINING PARTNERSHIP ACT, WORKFORCE
INVESTMENT ACT AND WELFARE-TO-WORK PROGRAMS

WHEREAS, improving Illinois' system of workforce development is a primary goal of State Government; and

WHEREAS, the current system has significant accomplishments to its credit. The State's network of Illinois' Employment and Training Centers (IETC's) - full-service, community based facilities to link employers with qualified job-seekers - has provided a sturdy foundation for Illinois' implementation of the federal Workforce Investment Act (WIA); and

WHEREAS, the IETC network has significantly reduced fragmentation and duplication of effort at the local level, by housing under one roof, programs including JTPA/WIA, the Illinois Employment Service, unemployment insurance, and labor market and career information; and

WHEREAS, it is time for State government to follow this successful local example; and

WHEREAS, a strong partnership already exists at the state level between the Department of Commerce and Community Affairs (DCCA) which is responsible for JTPA/WIA, and the Illinois Department of Employment Security (IDES) which is responsible for the Employment Service, the unemployment insurance program and many labor market information programs; and

WHEREAS, I am strongly committed to a workforce development system that works more efficiently and more effectively.

THEREFORE, pursuant to the power vested in me by Article V, Section 11 of the Illinois Constitution, I, George H. Ryan, Governor of Illinois, hereby order the following:

I. TRANSFER

All the powers, duties, rights and responsibilities vested in the Department of Commerce and Community Affairs with respect to the administration of the federal Job Training Partnership Act, the federal Worker Adjustment and Retraining Notification Act, the federal Workforce Investment Act of 1998 and the welfare-to-work grant program established under Section 403(a)(5) of the federal Social Security Act, including but not limited to those not vested by statute, and all liabilities arising therefrom are transferred to the Illinois Department of Employment Security. The

FEB 24 2000

IN THE OFFICE OF
SECRETARY OF STATE

statutory powers, duties, rights, responsibilities and liabilities derive from the following named statutory provisions:

- 1) Sections 605-805, 605-820 and 605-825 and subsection (g) of Section 605-800 and item (K) of paragraph (1) of Section 605-400 of the Department of Commerce and Community Affairs Law (20 ILCS 605/605-400(1)(K), 605-800(g), 605-805, 605-820 and 605-825);
- 2) The Illinois Emergency Employment Development Act (20 ILCS 30);
- 3) Subsection (b) of Section 3 of the Illinois Human Resource Investment Council Act as it pertains to responsibilities for administering the federal Job Training Partnership Act (20 ILCS 3975/3(b)); The Director of the Department of Commerce and Community Affairs shall remain a member of the Illinois Workforce Investment Board / HRIC;
- 4) Paragraph (3) of subsection (g) of Section 201 of the Illinois Income Tax Act (35 ILCS 5/201);
- 5) The High Risk Youth Career Development Act (325 ILCS 25);
- 6) Subparagraphs (b) and (d) of paragraph (6) of subsection (B) of Section 2-105 of the Illinois Human Rights Act (775 ILCS 5/2-105).

These changes are effective July 1, 2000.

II. EFFECT OF TRANSFER

A. Personnel in the Department of Commerce and Community Affairs who are assigned to programs transferred by this Executive Order are transferred to the Illinois Department of Employment Security. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.

B. All books, records, papers, documents, property (real and personal), contracts, unexpended appropriations and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Department of Commerce and Community Affairs to the Illinois Department of Employment Security, including but not limited to material in electronic or magnetic format and necessary-computer hardware and software, shall be delivered and transferred to the Illinois Department of Employment Security. The Department of Commerce and Community Affairs and Illinois Department of Employment Security shall be working in cooperation for the final closeout of the program established under the federal Job Training Partnership Act and any and all audits of the program, including any following the closeout.

These changes are effective July 1, 2000.

III. SAVINGS CLAUSE

A. The powers, duties, rights and responsibilities transferred to or retained by the Illinois Department of Employment Security by this Executive Order shall be vested in and shall be exercised by the Illinois Department of Employment Security. Each act done in the exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Department of Commerce and Community Affairs, its divisions, officers or employees.

B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as if such powers, duties, rights and responsibilities had been exercised by the Department of

Commerce and Community Affairs, its divisions, officers or employees.

C. Every officer of the Illinois Department of Employment Security shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of Commerce and Community Affairs in connection with any of the functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Illinois Department of Employment Security.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause before this Executive Order takes effect, but such actions or proceedings may be prosecuted and continued by the Illinois Department of Employment Security.

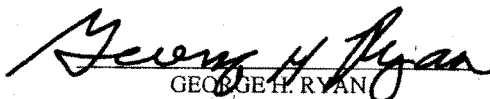
F. Any rules of the Department of Commerce and Community Affairs regarding any of the programs transferred by this Executive Order that are in force on the effective date of this Executive Order and that have been duly adopted by the Department shall become the rules of the Illinois Department of Employment Security. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department of Commerce and Community Affairs regarding any of the functions transferred by this Executive Order that are pending in the rulemaking process on the effective date of this Executive Order shall be deemed to have been filed by the Illinois Department of Employment Security. As soon as practicable hereafter, the Illinois Department of Employment Security shall revise and clarify the rules transferred to or retained by it under this Executive Order to reflect the reorganization of powers, duties, rights and responsibilities effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Department of Employment Security may propose and adopt under the Illinois Administrative Procedure Act such other rules as may be necessary to consolidate and clarify the rules of the Department of Commerce and Community Affairs that will now be administered by the Illinois Department of Employment Security.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall become effective on the 61st day after its delivery to the General Assembly.


GEORGE H. RYAN
Governor

February 24, 2000

FILED
INDEX DEPARTMENT
FEB 24 2000
IN THE OFFICE OF
SECRETARY OF STATE