

1 (d) Voluntary efforts by the private sector to employ
2 welfare recipients are laudable and are to be commended, but
3 the State must also take direct responsibility to ensure that
4 welfare recipients are hired in jobs that will allow them to
5 leave the welfare rolls altogether.

6 (e) The State spends billions of dollars each year to
7 improve its economy and infrastructure, and to deliver
8 services to the people of the State, all of which also serves
9 to provide jobs for its citizens.

10 (f) The State can accomplish the objectives of relieving
11 welfare dependency and ensuring economic self-sufficiency as
12 well as the objectives related to carrying out necessary
13 governmental operations at the same time, and with
14 significant savings in State outlays in cash assistance and
15 supportive service dollars.

16 (g) Poverty and welfare dependency can be alleviated by
17 targeting some of the resources of the State and making jobs
18 available to the welfare poor, specifically by bringing
19 qualified poor persons into the State workforce and into the
20 workforces that are generated through State contracts,
21 without causing the displacement of existing workers.

22 (h) Some State jobs that are newly created or that are
23 open through attrition and some jobs created under State
24 contracts, can be filled by qualified welfare recipients
25 without compromising the integrity of the hiring process,
26 contractor profits, collective bargaining agreements, timely
27 completion of projects, or the health and safety of Illinois
28 workers.

29 (i) To the extent that these jobs are filled by welfare
30 recipients, the State accomplishes 4 important governmental
31 objectives simultaneously: (1) the alleviation of welfare
32 dependency, ensuring of economic self-sufficiency, and
33 lifting of individuals and families out of poverty, (2) the
34 stabilization of families and communities that are hardest

1 hit by persistent poverty and unemployment, (3) the
2 accomplishment of the essential work of the State which must
3 be performed through these jobs, and (4) the reduction of
4 State outlays for cash assistance and services for the poor.

5 (j) The State's immediate, direct and significant
6 interest in relieving welfare dependency and the employment
7 of the poor in jobs generated through the expenditure of
8 State funds constitutes the basis of this Act.

9 Section 10. Definitions. As used in this Act:

10 "Aid recipient" means:

11 (a) a person financially eligible to receive cash
12 assistance under the Temporary Assistance for Needy
13 Families program, the Transitional Assistance program, or
14 any other cash assistance program administered by the
15 Department of Human Services financed in whole or in part
16 by the State;

17 (b) a person financially eligible for cash
18 assistance under Article VI of the Public Aid Code,
19 whether receiving assistance or not; an Earnfare
20 participant; and an unemployed person or employed person
21 who is earning less than the poverty level in wages and
22 who is also married to the parent of a child receiving
23 cash assistance or the legally adjudicated father of a
24 child receiving cash assistance; and

25 (c) a person who, within the previous 60 months, has
26 been found eligible and placed for training or employment
27 under the United States Department of Housing and Urban
28 Development's Section 3 program, or under any other
29 local, state, or federal government program that creates
30 training or hiring preferences or priorities for low
31 income persons, and who was, at the time of entry into
32 such program an "aid recipient" as defined under
33 paragraph (a) or (b) of this definition.

1 "Contracts for personal services" has the same meaning as
2 under Section 14 of the State Finance Act.

3 "Covered contract" means a contract, aid, or grant
4 between the State and any other entity or entities, whether
5 private, public, or not-for-profit, regardless of the purpose
6 of the contract, aid, or grant, and means contracts, aid, and
7 grants between those entities and their contractors and
8 subcontractors, but only if the contract or grant is payable
9 by the State in an amount in excess of \$250,000 or a
10 subcontract is for an amount in excess of \$100,000.
11 Recipients of contracts, aid, and grants may not divide
12 contracts or spread out the work to be undertaken for
13 purposes of avoiding having a covered contract.

14 "Covered employee" means a person who is found eligible
15 for employment and hired under this Act.

16 "Covered employer" means an employer in receipt of a
17 "covered contract" payment and thus subject to the
18 requirements of this Act with respect to a "covered
19 contract".

20 "Covered position" means a State-funded position of
21 employment, whether civil service or under contract for
22 personal services, that the Department of Human Services has
23 not found exempt under Section 25 of this Act.

24 "Department" means the Department of Human Services.

25 "Qualified aid recipient" means an "aid recipient" who
26 meets each of the qualifications, including education,
27 training, and experience, if any, that have been established
28 by the employer for the position.

29 "State agencies" means all State departments (whether
30 code or otherwise), boards, commissions, authorities,
31 councils, officers, bureaus, units, colleges and
32 universities, and executive, legislative and judicial
33 agencies.

1 Section 15. Disclosure of potential covered positions.
2 Simultaneously with posting its positions or putting a
3 position out for hire by contract, each State agency shall
4 provide the Department of Employment Security with a copy of
5 a job announcement specifying the job description and
6 qualifications of each position that is newly created, is
7 open, or is otherwise posted for hire or for hire under
8 contract. This requirement does not apply when the position
9 is one that is subject to recall by a laid-off employee or
10 employees.

11 Section 20. Duties of the Department of Employment
12 Security.

13 (a) The Department of Employment Security shall place
14 these positions on the Illinois Skills Match System.

15 (b) If the position is permanently exempted, the State
16 agency need not provide the Department of Employment Security
17 with position announcements for that position in the future.
18 However, if an exemption of any position is revoked, from the
19 point of that revocation forward, the State agency again
20 shall provide the Department of Employment Security with
21 announcements of that position.

22 (d) If the position is temporarily exempted, the
23 provisions of this Act do not apply to the position, but the
24 State agency must provide announcements to the Department of
25 Employment Security of future openings of that position.

26 (e) If the position is not determined by the State
27 agency to be exempted, it is a covered position under this
28 Act.

29 Section 30. Eligibility determinations. Upon the
30 request of a person who believes that he or she is an aid
31 recipient within the meaning of this Act or the request of a
32 State agency or covered employer on behalf of such a person,

1 the Department shall make the determination of whether the
2 person is an aid recipient within the meaning of this Act and
3 shall provide the necessary written proof of aid recipient
4 status to the aid recipient and to any other person,
5 including the party making request on behalf of the aid
6 recipient, if the aid recipient authorizes it in writing.

7 Section 35. Recruitment, screening, and referrals to
8 training and for jobs under this Act.

9 (a) In order to facilitate a steady stream of
10 potentially qualified aid recipients into positions available
11 under this Act, the Department of Human Services shall:

12 (1) register all TANF recipients in the Illinois
13 Skills Match System and work with public, private, and
14 not-for-profit job training programs and certified joint
15 apprenticeship training programs to develop and make use
16 of training programs to facilitate channeling aid
17 recipients into such training programs that correspond
18 with, and will qualify them for, open covered positions
19 and positions under covered contracts;

20 (2) coordinate the recruitment, screening, and
21 referrals for placement of aid recipients in education
22 and training programs that correspond with the job
23 qualifications and requirements of covered positions and
24 positions under covered contracts;

25 (3) coordinate the recruitment, screening, and
26 referrals of potentially qualified aid recipients to
27 employers for open covered positions and positions under
28 covered contracts;

29 (b) The Department shall maintain an equal balance in
30 its referrals of potentially qualified aid recipients to
31 training programs, to employers for covered positions, and to
32 positions under covered contracts as identified on the
33 Illinois Match System as appropriate as between those who

1 qualify under paragraph (a) of the definition of "aid
2 recipient" in Section 10 of this Act.

3 (c) The duties of the Department specified in this
4 Section may be carried out, in whole or in part, under
5 contracts entered into by the Department with units of local
6 government or by not-for-profit community based
7 organizations.

8 Section 40. Hiring without referrals authorized. Any
9 aid recipient who believes he or she is a qualified aid
10 recipient may apply, through the Illinois Skills Match System
11 and without a referral by the Department, for jobs under this
12 Act. For any covered position, whether previously determined
13 by the Department to be a covered position or not, if the
14 Illinois Skills Match System finds the applicant to be a
15 qualified aid recipient, the applicant shall be provided the
16 preference this Act affords. For any position under a covered
17 contract, the employer may count, under the requirements
18 imposed under this Act, any aid recipient hired, whether
19 referred by the Department or not, as an employee meeting the
20 requirements during the life of the contract.

21 Section 45. Hiring requirements relative to covered
22 positions.

23 (a) Verification that an applicant for a position is an
24 aid recipient shall be made by the State agency, if
25 necessary, by copying for its records the applicant's public
26 aid card or such other proof of aid recipient status as has
27 been provided to the aid recipient or employer by the
28 Department of Human Services.

29 (b) The State agency shall provide qualified aid
30 recipients with a hiring preference in accordance with the
31 requirements for civil service positions under Section 8b.7-1
32 of the Personnel Code, and for personal service contract

1 positions, under Section 45-70 of the Illinois Procurement
2 Code.

3 (c) The minimum qualifications for hire, wages, days per
4 week, hours per day, shifts of employment, and terms and
5 conditions of employment of a qualified aid recipient who is
6 hired under this Act shall be the same as for other members
7 of the employer's workforce doing the same or similar work
8 and shall be subject to the same State and federal laws.

9 (d) Nothing in this Act prevents a State agency from
10 counting a person hired under this Act, who is also a
11 protected female or minority, toward that employer's
12 affirmative action obligations that may otherwise be imposed.

13 (e) Nothing in this Act diminishes the full authority
14 and prerogative of State agencies to determine independently
15 an aid recipient's qualifications and to make independently
16 all hiring decisions, based on merit, under this Act.

17 Section 50. Contract requirements. Each covered
18 contract shall contain provisions incorporating all of the
19 following requirements:

20 (a) Not less than 5% of the hours worked under positions
21 that are paid under a covered contract shall be worked by
22 qualified aid recipients.

23 (b) In order to facilitate compliance with this Act, a
24 covered employer may notify the Department of Employment
25 Security of jobs that are opening under the covered contract
26 for which aid recipients may be qualified in order to receive
27 referrals of aid recipients through the Illinois Skills Match
28 System.

29 (c) The covered employer shall verify that an applicant
30 for a position is an aid recipient, and shall maintain a
31 record of the aid recipient's status by copying for its
32 records the applicant's public aid card or such other proof
33 of aid recipient status as has been provided to the recipient

1 or employer by the Department of Human Services.

2 (d) The covered employer shall make the determination of
3 whether an aid recipient who applies for the position is a
4 qualified aid recipient. Nothing in this Act implies a
5 diminution of the full authority and prerogative of covered
6 employers to determine independently an aid recipient's
7 qualifications and to make independently all hiring decisions
8 under this Act. No State agency may require an employer to
9 hire an aid recipient who is not qualified for the position
10 for which the aid recipient is applying.

11 (e) The number of covered employees in a workforce shall
12 be calculated as follows: the number of total hours worked
13 under the contract are the "worker hours". The number of
14 hours that covered employees have worked under the contract
15 are the "covered employee hours". The "covered employee
16 hours" shall be divided by the "worker hours" and the product
17 shall be no less than 0.05 during the life of the contract.
18 If the covered contract includes positions that are otherwise
19 reported to the State and federal government only by daily or
20 weekly full time equivalency, then those positions shall be
21 calculated by dividing the full-time equivalent of the
22 covered employees in those positions by the total full-time
23 equivalent for those positions. An employer may sponsor a
24 covered worker in an apprenticeship training program or other
25 education or training program, in which case the employer may
26 count the number of hours or days in off-site training or
27 classroom instruction toward the requirements of this
28 Section.

29 (f) A covered employer who is unable to hire at least 5%
30 of its workforce from qualified aid recipients under a
31 covered contract shall certify to the Department of
32 Employment Security the circumstances which made meeting the
33 requirements of this Act impossible. Permitted circumstances
34 may include the high percentage of professional, high

1 skilled, or journey level workers needed under the contract,
2 the need to recall out of work employees who are receiving
3 unemployment compensation through the covered employer, or
4 other circumstances outside of the control of the covered
5 employer. If a covered employer has not met the percentage
6 hire requirements under this Act, and did not notify the
7 Department of jobs that have become available under its
8 covered contract, and jobs existed under that contract for
9 potentially qualified aid recipients, the covered employer
10 shall be deemed to have been able to hire the requisite
11 percentage of aid recipients under this Act, and failed to do
12 so.

13 (g) At the request of the covered employer to the
14 Department of Employment Security, the requirements of hiring
15 covered employees under this Section may be waived, in
16 advance, by the Department, in whole or in part, in
17 accordance with rules established by the Department, if
18 enough qualified aid recipients are not referred or cannot be
19 hired due to circumstances set forth in subsection (5). To
20 receive this waiver, the covered employer must request the
21 waiver before hiring under the covered contract, and must
22 include in its request for the waiver, job descriptions for
23 each of the positions that are subject to hire under the
24 covered contract, and the number of people estimated to be
25 hired for each such job.

26 (h) The minimum qualifications for hire, and the wages,
27 days per week, hours per day, shifts of employment, and terms
28 and conditions of employment, of a covered employee shall be
29 the same as for other members of the employer's workforce
30 doing the same or similar work and shall be subject to the
31 same State and federal laws.

32 (i) Covered employees shall abide by all health and
33 safety rules and laws imposed on a covered employer's
34 workforce.

1 (j) This Act does not require covered employers to
2 provide any additional or separate training or apprenticeship
3 programs for aid recipients that the employer would not
4 otherwise provide to other workers in the same or similar
5 jobs at the same or similar level of experience.

6 (k) Nothing in this Act prevents a covered employer from
7 counting a covered employee, who is also a protected female
8 or minority, toward the employer's affirmative action
9 obligations that may otherwise be imposed.

10 Section 55. Duties of the Department of Employment
11 Security. The Department of Employment Security shall ensure
12 that covered employers comply with the provisions of this Act
13 and shall work with the Department of Human Services and the
14 Social Services Advisory Council in promulgating rules for
15 implementation and governance and to effectuate the purposes
16 of this Act, including contractor compliance. In
17 promulgating compliance rules, the Illinois Department of
18 Employment Security shall create provisions that assure that
19 there will be good faith attempts at negotiation and
20 conciliation, and the affording of the protections of due
21 process of law before any sanctions against a contractor are
22 imposed.

23 Section 60. Compliance and Reporting.

24 (a) The Department of Human Services, the Department of
25 Employment Security, and the General Assembly are jointly
26 empowered to ensure and monitor covered employer and State
27 agency compliance with the provisions of this Act.

28 (b) The Department of Employment Security shall annually
29 prepare a report to the Department of Human Services and the
30 General Assembly demonstrating its hiring under this Act from
31 the Illinois Skills Match System. The report shall be
32 submitted to the Department of Human Services and the

1 minority and majority leaders of the House of Representatives
2 and the Senate no later than January 31 of each year. The
3 report shall set forth, for the previous calendar year, the
4 total number of positions filled by the State agency, the
5 number of positions not exempted and thus found to be covered
6 positions by the Department, and the number of positions
7 filled by aid recipients produced from the Illinois Skills
8 Match System.

9 (c) The report shall be subject to public inspection,
10 review, and copying.

11 (d) Each covered contractor shall annually prepare a
12 single duplicated report that documents its hiring practices
13 under this Act that shall be submitted both to the Department
14 of Employment Security and the Department of Human Services.
15 The report shall be submitted no later than January 31 of
16 each year. The report shall set forth, for the previous
17 calendar year, for each covered contract, the calculations of
18 total worker hours and covered employee hours and the
19 percentage of covered employee hours, and such other data and
20 information as may be required by rule.

21 (e) The Department of Employment Security shall collate
22 the contractor reports and shall submit a report to the
23 minority and majority leaders of both chambers of the General
24 Assembly no later than the first day of March of each year,
25 with the total worker hours, the total covered employee
26 hours, and the percentage of hours of work by covered
27 employees. The Department of Human Services shall set forth
28 the number of aid recipients who have closed their aid cases
29 or had their aid reduced as a result of positions obtained
30 under this Act, and shall set forth such other data and cost
31 savings as it deems appropriate.

32 (f) The Department's summary reports shall be subject to
33 public inspection, review and copying.

1 Section 905. The Personnel Code is amended by adding
2 Section 8b.7-1 as follows:

3 (20 ILCS 415/8b.7-1 new)

4 Sec. 8b.7-1. Qualified aid recipient preference. For the
5 granting of preferences to "qualified aid recipients" within
6 the meaning of the Welfare to Work Act. The preference shall
7 be given only after the application and provision of veterans
8 preferences under Section 8b.7, unless the applicant is
9 subject to preferences under both veterans and qualified aid
10 recipient designations, in which case those persons shall
11 take precedence. When qualified aid recipients are on
12 eligible lists on the basis of category rankings such as
13 superior, excellent, well-qualified, and qualified, they
14 shall be preferred over nonveterans who are not qualified aid
15 recipients in the same category. Notwithstanding Section
16 8b.5, when a list is prepared by numerical rankings, and a
17 qualified aid recipient is one of the top 3 candidates on the
18 basis of the numerical ranking, the qualified aid recipient
19 shall be appointed, unless one or two of the other candidates
20 is a qualified veteran.

21 Section 910. The Illinois Procurement Code is amended by
22 adding Section 45-70 as follows:

23 (30 ILCS 500/45-70 new)

24 Sec. 45-70. Contracts for personal services; qualified
25 aid recipients. All contracts for personal services, as
26 defined under Section 14 of the State Finance Act, shall be
27 subject to the preference of "qualified aid recipients"
28 within the meaning of the Welfare to Work Act, over others
29 who are similarly qualified.

30 Section 999. Effective date. This Act takes effect upon

1 becoming law.".