



Rep. Rita Mayfield

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09800HB5701ham001

LRB098 18610 JLS 56436 a

1 AMENDMENT TO HOUSE BILL 5701

2 AMENDMENT NO. _____. Amend House Bill 5701 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Job
5 Opportunities for Qualified Applicants Act.

6 Section 5. Findings. The General Assembly finds that it is
7 in the public interest to do more to give Illinois employers
8 access to the broadest pool of qualified applicants possible,
9 protect the civil rights of those seeking employment, and
10 ensure that all qualified applicants are properly considered
11 for employment opportunities and are not pre-screened or denied
12 an employment opportunity unnecessarily or unjustly.

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

14 "Candidate" means a person pursuing employment with an
15 employer or with or through an employment agency.

1 "Employer" means an entity or person who has one or more
2 employees in the current or preceding calendar year and any
3 agent of such an entity or person.

4 "Employment" means an occupation or vocation.

5 "Employment agency" means a person or entity regularly
6 undertaking with or without compensation to procure employees
7 for an employer or to procure for employees opportunities to
8 work for an employer and includes an agent of such a person.

9 Section 15. Employer pre-screening.

10 (a) An employer or employment agency may not inquire about
11 or into, consider, or require disclosure of the criminal
12 conviction history of a candidate until the candidate has been
13 determined qualified for the position and notified that he or
14 she has been selected for an interview by the employer or
15 employment agency or, if there is not an interview, until after
16 a conditional offer of employment is made to the candidate by
17 the employer or employment agency.

18 (b) The requirements set forth in subsection (a) of this
19 Section do not apply to positions for which employers are
20 required to exclude candidates with certain criminal
21 convictions from employment due to federal or State law.

22 Section 20. Violations.

23 (a) The Illinois Department of Labor shall investigate any
24 alleged violations of this Act by an employer or employment

1 agency. If the Department finds that a violation has occurred,
2 the Director may impose the following penalties:

3 (1) For the first violation, the Director shall issue a
4 written notice warning to the employer or employment agency
5 that includes notice regarding penalties for subsequent
6 violations, and that the employer shall have 30 days to
7 remedy the violation.

8 (2) For the second violation or if the first violation
9 is not remedied within 30 days after notice by the
10 Department, the Director may impose a civil penalty of up
11 to \$500.

12 (3) For the third violation or if the first violation
13 is not remedied within 60 days after notice by the
14 Department, the Director may impose an additional civil
15 penalty of up to \$1,500.

16 (4) For subsequent violations or if the first violation
17 is not remedied within 90 days after notice by the
18 Department, the Director may impose an additional penalty
19 of up to \$1,500 for every 30 days that passes thereafter
20 without compliance.

21 (b) Penalties under this Section may be assessed by the
22 Department and recovered in a civil action brought by the
23 Department in any circuit court or in any administrative
24 adjudicative proceeding under this Act. In any such civil
25 action or administrative adjudicative proceeding under this
26 Act, the Department shall be represented by the Attorney

1 General.

2 (c) All moneys recovered as civil penalties under this Act
3 shall be deposited into the Job Opportunities for Qualified
4 Applicants Enforcement Fund, a special fund which is hereby
5 created in the State treasury. Moneys in the Fund may be used
6 only for enforcement of this Act.

7 Section 95. The State Finance Act is amended by adding
8 Section 5.855 as follows:

9 (30 ILCS 105/5.855 new)

10 Sec. 5.855. The Job Opportunities for Qualified Applicants
11 Enforcement Fund.

12 Section 99. Effective date. This Act takes effect January
13 1, 2015."