

1 AN ACT concerning employment.

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

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 "Applicant" means any person pursuing employment with an  
15 employer or with or through an employment agency.

16 "Employer" means any person or private entity that has 15  
17 or more employees in the current or preceding calendar year,  
18 and any agent of such an entity or person.

19 "Employment agency" means any person or entity regularly  
20 undertaking with or without compensation to procure employees  
21 for an employer or to procure for employees opportunities to  
22 work for an employer and includes an agent of such a person.

1 "Employment" means any occupation or vocation.

2 Section 15. Employer pre-screening.

3 (a) An employer or employment agency may not inquire about  
4 or into, consider, or require disclosure of the criminal record  
5 or criminal history of an applicant until the applicant has  
6 been determined qualified for the position and notified that  
7 the applicant has been selected for an interview by the  
8 employer or employment agency or, if there is not an interview,  
9 until after a conditional offer of employment is made to the  
10 applicant by the employer or employment agency.

11 (b) The requirements set forth in subsection (a) of this  
12 Section do not apply for positions where:

13 (1) employers are required to exclude applicants with  
14 certain criminal convictions from employment due to  
15 federal or State law;

16 (2) a standard fidelity bond or an equivalent bond is  
17 required and an applicant's conviction of one or more  
18 specified criminal offenses would disqualify the applicant  
19 from obtaining such a bond, in which case an employer may  
20 include a question or otherwise inquire whether the  
21 applicant has ever been convicted of any of those offenses;  
22 or

23 (3) employers employ individuals licensed under the  
24 Emergency Medical Services (EMS) Systems Act.

25 (c) This Section does not prohibit an employer from

1 notifying applicants in writing of the specific offenses that  
2 will disqualify an applicant from employment in a particular  
3 position due to federal or State law or the employer's policy.

4 Section 20. Administration of Act and rulemaking  
5 authority.

6 (a) The Illinois Department of Labor shall investigate any  
7 alleged violations of this Act by an employer or employment  
8 agency. If the Department finds that a violation has occurred,  
9 the Director of Labor may impose the following civil penalties:

10 (1) For the first violation, the Director shall issue a  
11 written warning to the employer or employment agency that  
12 includes notice regarding penalties for subsequent  
13 violations and the employer shall have 30 days to remedy  
14 the violation;

15 (2) For the second violation, or if the first violation  
16 is not remedied within 30 days of notice by the Department,  
17 the Director may impose a civil penalty of up to \$500;

18 (3) For the third violation, or if the first violation  
19 is not remedied within 60 days of notice by the Department,  
20 the Director may impose an additional civil penalty of up  
21 to \$1,500;

22 (4) For subsequent violations, or if the first  
23 violation is not remedied within 90 days of notice by the  
24 Department, the Director may impose an additional civil  
25 penalty of up to \$1,500 for every 30 days that passes

1           thereafter without compliance.

2           (b) Penalties under this Section may be assessed by the  
3 Department and recovered in a civil action brought by the  
4 Department in any circuit court or in any administrative  
5 adjudicative proceeding under this Act. In any such civil  
6 action or administrative adjudicative proceeding under this  
7 Act, the Department shall be represented by the Attorney  
8 General.

9           (c) All moneys recovered as civil penalties under this  
10 Section shall be deposited into the Job Opportunities for  
11 Qualified Applicants Enforcement Fund, a special fund which is  
12 created in the State treasury. Moneys in the Fund may be used  
13 only to enforce employer violations of this Act.

14           (d) The Department may adopt rules necessary to administer  
15 this Act and may establish an administrative procedure to  
16 adjudicate claims and issue final and binding decisions subject  
17 to the Administrative Review Law.

18           Section 90. The State Finance Act is amended by adding  
19 Section 5.855 as follows:

20           (30 ILCS 105/5.855 new)

21           Sec. 5.855. The Job Opportunities for Qualified Applicants  
22 Enforcement Fund.

23           Section 99. Effective date. This Act takes effect January  
24 1, 2015.