

1 AN ACT concerning State government.

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

4 Section 1. This Act may be referred to as the Positive
5 Action Act.

6 Section 5. The Department of Central Management Services
7 Law of the Civil Administrative Code of Illinois is amended by
8 adding Sections 405-101, 405-123, and 405-124 as follows:

9 (20 ILCS 405/405-101 new)

10 Sec. 405-101. Positive action toward addressing systemic
11 racism and barriers to increase workforce diversity in State
12 employment.

13 (a) The Director will strive to do the following:

14 (1) identify statutes which impede access and
15 opportunities for minorities and marginalized individuals
16 to gain employment with the State of Illinois and seek
17 legislation to change those statutes to remove barriers to
18 employment; and

19 (2) identify policies which impede access and
20 opportunities for minorities and marginalized individuals
21 to gain employment with the State of Illinois and make
22 changes to those policies to remove barriers to

1 employment.

2 (b) For purposes of this Section, "positive action" means
3 taking proactive leading action to identify statutes and
4 policies which impede access and opportunity for minorities
5 and marginalized individuals to gain employment with the State
6 of Illinois and to seek legislation and make policy changes.

7 (20 ILCS 405/405-123 new)

8 Sec. 405-123. State agency interview panel diversity.

9 (a) Each State agency shall establish the goal of
10 increasing diversity on interview panels in order to increase
11 State employment opportunities provided to women, minority
12 persons, and persons to which the goals of the following
13 programs apply: (i) the African American Employment Plan; (ii)
14 the Hispanic Employment Plan; (iii) the Asian American
15 Employment Plan; (iv) the Native American Employment Plan; and
16 (v) the requirements concerning employment of bilingual
17 persons.

18 (b) Each State agency shall use in the interview process,
19 if possible, persons that are representative of the persons
20 specified under subsection (a) if the interview being
21 conducted meets the following criteria:

22 (1) the hiring State agency implements an interview
23 panel for the position consisting of 3 or more panel
24 members; or

25 (2) the hiring State agency implements a multi-round

1 interview process consisting of 2 or more rounds for the
2 position.

3 (c) Each State agency shall submit an annual report to the
4 Department of Central Management Services concerning its
5 actions under this Section, and the Department shall report
6 annually on these actions through the employment plans
7 specified under subsection (a). The report shall include the
8 following:

9 (1) the number of applicants that were interviewed
10 that are representative of the persons and employment
11 plans specified under subsection (a);

12 (2) the number of interviews in which the hiring
13 personnel and the applicant were both representative of
14 the persons or employment plans specified under subsection
15 (a); and

16 (3) the number of applicants that met the criteria of
17 the persons and employment plans specified under
18 subsection (a) that were hired by a State agency.

19 (d) The requirements of this Section shall not apply to
20 State employment for job titles that are classified as
21 Rutan-exempt, or for which political considerations may be
22 taken into account when hiring personnel.

23 (20 ILCS 405/405-124 new)

24 Sec. 405-124. Employees with child support payments. The
25 Department shall increase State employment career counseling

1 opportunities for individuals who are in arrears on their
2 child support payments. The Department shall dedicate staff to
3 consult with individuals and organizations informed on the
4 subject of non-payment of child support to develop plans for
5 the most effective career counseling opportunities for these
6 individuals.

7 Section 10. The Personnel Code is amended by changing
8 Section 8b.4 as follows:

9 (20 ILCS 415/8b.4) (from Ch. 127, par. 63b108b.4)

10 Sec. 8b.4. For the rejection of candidates or eligibles
11 who fail to comply with reasonable previously specified job
12 requirements of the Director in regard to ~~such factors as age,~~
13 ~~physical and psychological condition,~~ training and experience;
14 who have been guilty of infamous or disgraceful conduct; ~~who~~
15 ~~are addicted to alcohol to excess or to controlled substances~~
16 ~~or uses cannabis;~~ or who have attempted any deception or fraud
17 in connection with an examination. Those candidates who are
18 alleged to have attempted deception or fraud in connection
19 with an examination shall be afforded the opportunity to
20 appeal and provide information to support their appeal which
21 shall be considered when determining their eligibility as a
22 candidate for employment.

23 (Source: P.A. 77-773.)

24 Section 99. Effective date. This Act takes effect January

1 1, 2022.