



Rep. Theresa Mah

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1 AMENDMENT TO HOUSE BILL 793

2 AMENDMENT NO. _____. Amend House Bill 793, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Reference to Act. This Act may be referred to
6 as the Dignity in Pay Act.

7 Section 3. Declaration of policy and intent.

8 (a) Section 14(c) of the federal Fair Labor Standards Act
9 of 1938 provides for the employment of persons with
10 disabilities at wage rates below the statutory federal minimum
11 wage. Among those who have worked for subminimum wages in
12 Illinois are people with intellectual, developmental,
13 physical, and sensory disabilities, including those who are
14 blind or deaf or are diagnosed with cerebral palsy, spina
15 bifida, or Down syndrome. Section 14(c) authorizations result
16 in a national average wage of approximately \$3 per hour for

1 workers with disabilities who have engaged in work activities
2 under a 14(c) wage certificate.

3 Data released in October 2022 from the United States
4 Department of Labor shows that Illinois ranks second in the
5 nation in the number of 14(c) certificates issued or pending,
6 with several thousand Illinois residents with disabilities
7 engaged in activities compensated below minimum wage. These
8 activities most often occur in congregate work centers (also
9 known as facility-based employment or sheltered workshops)
10 some of which may have the effect of isolating people with
11 disabilities from the greater community.

12 The Illinois Employment First Act stipulates that
13 "competitive and integrated employment shall be considered the
14 first option when serving persons with disabilities of working
15 age." Across the United States, 18 states eliminated, phased
16 out, or modified the authority of employers to pay subminimum
17 wages to people with disabilities.

18 Ensuring that Illinois maximizes opportunities for persons
19 with disabilities to secure gainful employment is a critical
20 element to achieving the requirements of the Illinois
21 Employment First Act. The Workforce Innovation and Opportunity
22 Act (Public Law 113-128) and Section 7 of the Rehabilitation
23 Act of 1973 (29 U.S.C. 705) define competitive integrated
24 employment as "work that is performed on a full-time or
25 part-time basis for which an individual is: compensated at a
26 rate that shall be not less than the rate specified in the

1 applicable State or local minimum wage law; and is not less
2 than the customary rate paid by the employer for the same or
3 similar work performed by other employees who are not
4 individuals with disabilities, and who are similarly situated
5 in similar occupations by the same employer and who have
6 similar training, experience, and skills; or in the case of an
7 individual who is self-employed, yields an income that is
8 comparable to the income received by other individuals who are
9 not individuals with disabilities, and who are self-employed
10 in similar occupations or on similar tasks and who have
11 similar training, experience, and skills; and is eligible for
12 the level of benefits provided to other employees".

13 Paying workers with disabilities subminimum wages
14 perpetuates harmful, unfair, and inaccurate stereotypes about
15 the potential and worth of people with disabilities, affects
16 their capacity to earn wages equivalent to those of their
17 peers without disabilities, and diminishes the expectations
18 about and perceived value of their contributions to the
19 workforce and society.

20 Eliminating subminimum wage employment for people with
21 disabilities, coupled with the implementation of service
22 enhancements and policy changes, is crucial for advancing
23 economic justice and accelerating dignity and self-sufficiency
24 for all people. It ensures that those currently employed in
25 subminimum wage jobs can transition to competitive integrated
26 employment, supported employment, or integrated community

1 activities aligned with their individual aspirations.

2 On October 4, 2021, the Governor signed Executive Order 26
3 (2021), which requires all contracts through the Illinois
4 State Use Program to provide payment to workers at no less than
5 the applicable local, if higher, or Illinois minimum wage for
6 all employees performing work on the contract.

7 (b) Additional service enhancements, rate adjustments,
8 investments, and policy changes are needed to address systemic
9 barriers to assist persons with disabilities to access
10 increased employment opportunities and earn at or above the
11 Illinois minimum wage.

12 (c) Collaborative partnerships between State agencies and
13 key stakeholder organizations, including, but not limited to,
14 those noted in this amendatory Act of the 103rd General
15 Assembly, shall result in a complete phase out of Illinois
16 14(c) certificates on July 1, 2029.

17 Section 5. The Department of Human Services Act is amended
18 by adding Sections 1-90 and 1-95 as follows:

19 (20 ILCS 1305/1-90 new)

20 Sec. 1-90. Program rates. The Department of Healthcare and
21 Family Services, in partnership with the Department of Human
22 Services, shall file an amendment to the Home and
23 Community-Based Services Waiver Program for Adults with
24 Developmental Disabilities authorized under Section 1915(c) of

1 the Social Security Act to increase the rates for the
2 following waiver services: Supported Employment - Small Group
3 Supports. The amendment shall be filed by January 1, 2025.
4 Implementation of any rate increase to the Supported
5 Employment - Small Group Supports service is subject to
6 federal approval of the amendment filed as required in this
7 Section.

8 (20 ILCS 1305/1-95 new)

9 Sec. 1-95. Transition Program Grants.

10 (a) The Department of Human Services shall establish a
11 Section 14(c) transition program to award transition grants to
12 eligible community agencies with active or pending Section
13 14(c) certificates to aid in the transition away from
14 subminimum wages for workers with disabilities. The goal of
15 Section 14(c) transition program grants is to develop new
16 opportunities and programs and grow capacity to respond to the
17 needs of individuals with disabilities in their geographic
18 area, including, but not limited to, supported employment,
19 customized employment, self-employment, entrepreneurship, and
20 diverse day programs that support meaningful days, choice, and
21 community integration.

22 (b) Eligibility for Section 14(c) transition program
23 grants shall be contingent upon community agencies submitting
24 a transition plan. The Department shall provide example plans
25 that community agencies may adapt. By January 1, 2025, the

1 transition program grant funds shall be awarded in compliance
2 with the Grant Accountability and Transparency Act.

3 (c) Grants shall be made by the Department to eligible
4 holders of Section 14(c) certificates, consistent with the
5 Grant Accountability and Transparency Act, to assist workers
6 with disabilities who are working for subminimum wages to
7 transition to competitive integrated employment and to support
8 eligible Section 14(c) certificate holders. Grant funding
9 shall be used to:

10 (1) provide competitive integrated employment;

11 (2) assist individuals with disabilities who were
12 employed at subminimum wages to find and retain
13 competitive integrated employment; or

14 (3) provide integrated community participation and
15 wraparound services for individuals with disabilities who
16 were employed at subminimum wages.

17 (d) Beginning on January 1, 2026, the Department of Human
18 Services shall provide an annual status report to the Governor
19 and the General Assembly, incorporating data from each grant
20 recipient, to demonstrate progress toward identified
21 benchmarks.

22 Section 7. The Employment and Economic Opportunity for
23 Persons with Disabilities Task Force Act is amended by adding
24 Section 16 as follows:

1 (20 ILCS 4095/16 new)

2 Sec. 16. Multi-year plan toward elimination of Section
3 14(c) certificates. By no later than July 1, 2025, the
4 Employment and Economic Opportunity for Persons with
5 Disabilities Task Force, with the Illinois Council on
6 Developmental Disabilities and an academic partner with
7 relevant subject matter expertise, shall create a multi-year
8 plan of recommended actions, outcomes, and benchmarks in
9 accordance with paragraphs (1) through (3) to help the State
10 successfully eliminate on and after July 1, 2029 the use of
11 certificates authorized under Section 14(c) of the federal
12 Fair Labor Standards Act of 1938.

13 (1) The multi-year plan shall include, but not be
14 limited to, all of the following:

15 (A) Identification, gathering, and analytics of
16 data to inform the work of the Task Force, including,
17 but not limited to:

18 (i) the total number of entities utilizing
19 Section 14(c) certificates;

20 (ii) the total number of persons with
21 disabilities who are paid subminimum wages and the
22 total number of persons with disabilities who are
23 paid at least the applicable minimum wages;

24 (iii) the total number of persons with
25 disabilities working in facility-based employment
26 paid at or above minimum wage.

1 (B) Recommended actions, including additional
2 statutory, regulatory, or policy measures, including
3 State-supported activities to assist providers in
4 employing people with disabilities;

5 (C) Recommended measurable outcomes for each year
6 of the plan.

7 (D) Recommended benchmarks for each year of the
8 plan.

9 (2) In developing the multi-year plan, the Task Force
10 shall consider:

11 (A) The total available approximate number of
12 people with disabilities paid subminimum wages who
13 want to transition to competitive integrated
14 employment with supports.

15 (B) The total available approximate number of
16 people with disabilities who do not wish to pursue
17 competitive integrated employment and who would
18 benefit from alternative meaningful day opportunities.

19 (C) Existing State employment programs designed to
20 support workers with disabilities.

21 (D) An evaluation of capacity limits in providers'
22 contracts with the Department of Human Services'
23 Division of Rehabilitation Services and Division of
24 Developmental Disabilities.

25 (E) The personal choice of persons with
26 disabilities regarding employment goals and planning

1 in person-centered planning processes.

2 (F) The use of existing and emerging technologies
3 that could assist persons with disabilities in
4 achieving employment goals.

5 (G) The impact of access to reliable
6 transportation on achieving employment goals and
7 ongoing employment.

8 (H) An analysis that shall include data on:

9 (i) the activities of youth with disabilities
10 within one year of exiting high school;

11 (ii) the count of schools holding Student
12 Transition Employment Program and Pre-Employment
13 Transition Services contracts with the Division of
14 Rehabilitation Services that includes the count of
15 students with ongoing cases who transition to
16 adult services;

17 (iii) the number of students 14 1/2 through 22
18 years of age with individualized education plans
19 indicating a need for home and community-based
20 adult services.

21 (I) The potential changes to State law,
22 regulations, or policies to protect means-tested
23 benefits for persons with disabilities as they pursue
24 employment-related goals.

25 (J) Dissemination of information regarding
26 employment supports and benefits to individuals with

1 disabilities, consumers of public services, employers,
2 service providers, and State and local agency staff.
3 Information shall include the Ticket to Work program,
4 Work Incentives Planning and Assistance Programs,
5 Illinois ABLE, and Health Benefits for Workers with
6 Disabilities.

7 (K) The education and training needs of staff
8 working in community-based provider agencies toward
9 advancing competitive, integrated work options for
10 persons with disabilities, in areas including, but not
11 limited to:

12 (i) employment options;

13 (ii) non-employment options;

14 (iii) home and community-based services and
15 supports;

16 (iv) self-advocacy;

17 (v) benefits planning;

18 (vi) asset building;

19 (vii) assistive technology;

20 (viii) certification programs; and

21 (ix) mental health services and supports.

22 (L) Agreements between State agencies and
23 community-based providers that promote flexibility and
24 allow for expansion.

25 (M) Ongoing review of rates and reimbursements
26 that support various employment programs for persons

1 with disabilities, including competitive, integrated
2 employment, customized employment, and supported
3 employment.

4 (N) The need to further engage the private
5 business community to hire persons with disabilities
6 through incentives that may include specialized
7 educational opportunities, distribution of literature
8 at points of interaction with government licensing
9 agencies, and tax incentives to hiring persons with
10 disabilities.

11 (O) The availability and need for adequate
12 benefits planning services for workers with
13 disabilities.

14 (P) The availability and need for meaningful day
15 services for individuals with disabilities who prefer
16 not to work.

17 (3) In developing the multi-year plan, the Task Force
18 shall consult with employment service providers, people
19 with disabilities, disability trade associations, and
20 disability advocacy organizations.

21 (4) The Task Force shall submit the multi-year plan to
22 the Governor and the General Assembly by no later than
23 July 1, 2025. Annual reports on implementation shall be
24 required by no later than January 1 of each subsequent
25 year through January 1, 2030.

26 (5) The Task Force shall provide annual updates to the

1 Governor and the General Assembly through January 1, 2035
2 on the employment of persons with disabilities in
3 Illinois.

4 (6) The Governor shall appoint at least 2 additional
5 members to the Task Force who represent organizations that
6 are current Section 14(c) certificate holders. The
7 Director of Labor, or the Director's designee, shall serve
8 on the Task Force in a non-voting, advisory capacity until
9 July 1, 2025.

10 Section 20. The Business Enterprise for Minorities, Women,
11 and Persons with Disabilities Act is amended by changing
12 Section 2 as follows:

13 (30 ILCS 575/2)

14 (Section scheduled to be repealed on June 30, 2029)

15 Sec. 2. Definitions.

16 (A) For the purpose of this Act, the following terms shall
17 have the following definitions:

18 (1) "Minority person" shall mean a person who is a
19 citizen or lawful permanent resident of the United States
20 and who is any of the following:

21 (a) American Indian or Alaska Native (a person
22 having origins in any of the original peoples of North
23 and South America, including Central America, and who
24 maintains tribal affiliation or community attachment).

1 (b) Asian (a person having origins in any of the
2 original peoples of the Far East, Southeast Asia, or
3 the Indian subcontinent, including, but not limited
4 to, Cambodia, China, India, Japan, Korea, Malaysia,
5 Pakistan, the Philippine Islands, Thailand, and
6 Vietnam).

7 (c) Black or African American (a person having
8 origins in any of the black racial groups of Africa).

9 (d) Hispanic or Latino (a person of Cuban,
10 Mexican, Puerto Rican, South or Central American, or
11 other Spanish culture or origin, regardless of race).

12 (e) Native Hawaiian or Other Pacific Islander (a
13 person having origins in any of the original peoples
14 of Hawaii, Guam, Samoa, or other Pacific Islands).

15 (2) "Woman" shall mean a person who is a citizen or
16 lawful permanent resident of the United States and who is
17 of the female gender.

18 (2.05) "Person with a disability" means a person who
19 is a citizen or lawful resident of the United States and is
20 a person qualifying as a person with a disability under
21 subdivision (2.1) of this subsection (A).

22 (2.1) "Person with a disability" means a person with a
23 severe physical or mental disability that:

24 (a) results from:

25 amputation,

26 arthritis,

1 autism,
2 blindness,
3 burn injury,
4 cancer,
5 cerebral palsy,
6 Crohn's disease,
7 cystic fibrosis,
8 deafness,
9 head injury,
10 heart disease,
11 hemiplegia,
12 hemophilia,
13 respiratory or pulmonary dysfunction,
14 an intellectual disability,
15 mental illness,
16 multiple sclerosis,
17 muscular dystrophy,
18 musculoskeletal disorders,
19 neurological disorders, including stroke and
20 epilepsy,
21 paraplegia,
22 quadriplegia and other spinal cord conditions,
23 sickle cell anemia,
24 ulcerative colitis,
25 specific learning disabilities, or
26 end stage renal failure disease; and

1 (b) substantially limits one or more of the
2 person's major life activities.

3 Another disability or combination of disabilities may
4 also be considered as a severe disability for the purposes
5 of item (a) of this subdivision (2.1) if it is determined
6 by an evaluation of rehabilitation potential to cause a
7 comparable degree of substantial functional limitation
8 similar to the specific list of disabilities listed in
9 item (a) of this subdivision (2.1).

10 (3) "Minority-owned business" means a business which
11 is at least 51% owned by one or more minority persons, or
12 in the case of a corporation, at least 51% of the stock in
13 which is owned by one or more minority persons; and the
14 management and daily business operations of which are
15 controlled by one or more of the minority individuals who
16 own it.

17 (4) "Women-owned business" means a business which is
18 at least 51% owned by one or more women, or, in the case of
19 a corporation, at least 51% of the stock in which is owned
20 by one or more women; and the management and daily
21 business operations of which are controlled by one or more
22 of the women who own it.

23 (4.1) "Business owned by a person with a disability"
24 means a business that is at least 51% owned by one or more
25 persons with a disability and the management and daily
26 business operations of which are controlled by one or more

1 of the persons with disabilities who own it. ~~A~~
2 ~~not-for-profit agency for persons with disabilities that~~
3 ~~is exempt from taxation under Section 501 of the Internal~~
4 ~~Revenue Code of 1986 is also considered a "business owned~~
5 ~~by a person with a disability".~~

6 (4.2) "Council" means the Business Enterprise Council
7 for Minorities, Women, and Persons with Disabilities
8 created under Section 5 of this Act.

9 (4.3) "Commission" means, unless the context clearly
10 indicates otherwise, the Commission on Equity and
11 Inclusion created under the Commission on Equity and
12 Inclusion Act.

13 (4.4) "Certified vendor" means a minority-owned
14 business, women-owned business, or business owned by a
15 person with a disability that is certified by the Business
16 Enterprise Program.

17 (4.5) "Subcontractor" means a person or entity that
18 enters into a contractual agreement with a prime vendor to
19 provide, on behalf of the prime vendor, goods, services,
20 real property, or remuneration or other monetary
21 consideration that is the subject of the primary State
22 contract. "Subcontractor" includes a sublessee under a
23 State contract.

24 (4.6) "Prime vendor" means any person or entity having
25 a contract that is subject to this Act with a State agency
26 or public institution of higher education.

1 (5) "State contracts" means all contracts entered into
2 by the State, any agency or department thereof, or any
3 public institution of higher education, including
4 community college districts, regardless of the source of
5 the funds with which the contracts are paid, which are not
6 subject to federal reimbursement. "State contracts" does
7 not include contracts awarded by a retirement system,
8 pension fund, or investment board subject to Section
9 1-109.1 of the Illinois Pension Code. This definition
10 shall control over any existing definition under this Act
11 or applicable administrative rule.

12 "State construction contracts" means all State
13 contracts entered into by a State agency or public
14 institution of higher education for the repair,
15 remodeling, renovation or construction of a building or
16 structure, or for the construction or maintenance of a
17 highway defined in Article 2 of the Illinois Highway Code.

18 (6) "State agencies" shall mean all departments,
19 officers, boards, commissions, institutions and bodies
20 politic and corporate of the State, but does not include
21 the Board of Trustees of the University of Illinois, the
22 Board of Trustees of Southern Illinois University, the
23 Board of Trustees of Chicago State University, the Board
24 of Trustees of Eastern Illinois University, the Board of
25 Trustees of Governors State University, the Board of
26 Trustees of Illinois State University, the Board of

1 Trustees of Northeastern Illinois University, the Board of
2 Trustees of Northern Illinois University, the Board of
3 Trustees of Western Illinois University, municipalities or
4 other local governmental units, or other State
5 constitutional officers.

6 (7) "Public institutions of higher education" means
7 the University of Illinois, Southern Illinois University,
8 Chicago State University, Eastern Illinois University,
9 Governors State University, Illinois State University,
10 Northeastern Illinois University, Northern Illinois
11 University, Western Illinois University, the public
12 community colleges of the State, and any other public
13 universities, colleges, and community colleges now or
14 hereafter established or authorized by the General
15 Assembly.

16 (8) "Certification" means a determination made by the
17 Council or by one delegated authority from the Council to
18 make certifications, or by a State agency with statutory
19 authority to make such a certification, that a business
20 entity is a business owned by a minority, woman, or person
21 with a disability for whatever purpose. A business owned
22 and controlled by women shall be certified as a
23 "woman-owned business". A business owned and controlled by
24 women who are also minorities shall be certified as both a
25 "women-owned business" and a "minority-owned business".

26 (9) "Control" means the exclusive or ultimate and sole

1 control of the business including, but not limited to,
2 capital investment and all other financial matters,
3 property, acquisitions, contract negotiations, legal
4 matters, officer-director-employee selection and
5 comprehensive hiring, operating responsibilities,
6 cost-control matters, income and dividend matters,
7 financial transactions and rights of other shareholders or
8 joint partners. Control shall be real, substantial and
9 continuing, not pro forma. Control shall include the power
10 to direct or cause the direction of the management and
11 policies of the business and to make the day-to-day as
12 well as major decisions in matters of policy, management
13 and operations. Control shall be exemplified by possessing
14 the requisite knowledge and expertise to run the
15 particular business and control shall not include simple
16 majority or absentee ownership.

17 (10) "Business" means a business that has annual gross
18 sales of less than \$150,000,000 as evidenced by the
19 federal income tax return of the business. A certified
20 vendor with gross sales in excess of this cap may apply to
21 the Council for certification for a particular contract if
22 the vendor can demonstrate that the contract would have
23 significant impact on businesses owned by minorities,
24 women, or persons with disabilities as suppliers or
25 subcontractors or in employment of minorities, women, or
26 persons with disabilities. Firms with gross sales in

1 excess of this cap that are granted certification by the
2 Council shall be granted certification for the life of the
3 contract, including available renewals.

4 (11) "Utilization plan" means an attachment that is
5 made to all bids or proposals and that demonstrates the
6 bidder's or offeror's efforts to meet the
7 contract-specific Business Enterprise Program goal. The
8 utilization plan shall indicate whether the prime vendor
9 intends to meet the Business Enterprise Program goal
10 through its own performance, if it is a certified vendor,
11 or through the use of subcontractors that are certified
12 vendors. The utilization plan shall demonstrate that the
13 Vendor has either: (1) met the entire contract goal or (2)
14 requested a full or partial waiver of the contract goal.
15 If the prime vendor intends to use a subcontractor that is
16 a certified vendor to fulfill the contract goal, a
17 participation agreement executed between the prime vendor
18 and the certified subcontractor must be included with the
19 utilization plan.

20 (12) "Business Enterprise Program" means the Business
21 Enterprise Program of the Commission on Equity and
22 Inclusion.

23 (13) "Good faith effort" means actions undertaken by a
24 vendor to achieve a contract specific Business Enterprise
25 Program goal that, by scope, intensity, and
26 appropriateness to the objective, can reasonably be

1 expected to fulfill the program's requirements.

2 (B) When a business is owned at least 51% by any
3 combination of minority persons, women, or persons with
4 disabilities, even though none of the 3 classes alone holds at
5 least a 51% interest, the ownership requirement for purposes
6 of this Act is considered to be met. The certification
7 category for the business is that of the class holding the
8 largest ownership interest in the business. If 2 or more
9 classes have equal ownership interests, the certification
10 category shall be determined by the business.

11 (Source: P.A. 102-29, eff. 6-25-21; 102-1119, eff. 1-23-23;
12 103-570, eff. 1-1-24.)

13 Section 23. The Illinois Public Aid Code is amended by
14 changing Section 5-35 as follows:

15 (305 ILCS 5/5-35)

16 Sec. 5-35. Personal needs allowance.

17 (a) For a person who is a resident in a facility licensed
18 under the ID/DD Community Care Act, the Community-Integrated
19 Living Arrangements Licensure and Certification Act, the
20 Specialized Mental Health Rehabilitation Act of 2013, or the
21 MC/DD Act for whom payments are made under this Article
22 throughout a month and who is determined to be eligible for
23 medical assistance under this Article, the State shall pay an
24 amount in addition to the minimum monthly personal needs

1 allowance authorized under Section 1902(q) of Title XIX of the
2 Social Security Act (42 U.S.C. 1396a(q) ~~1396(q)~~) so that the
3 person's total monthly personal needs allowance from both
4 State and federal sources equals \$60.

5 (b) Beginning January 1, 2025, for a person who is a
6 resident in a facility licensed under the Community-Integrated
7 Living Arrangements Licensure and Certification Act for whom
8 payments are made under this Article throughout a month and
9 who is determined to be eligible for medical assistance under
10 this Article, the State shall pay an amount in addition to the
11 minimum monthly personal needs allowance authorized under
12 Section 1902(q) of Title XIX of the Social Security Act so that
13 the person's total monthly personal needs allowance from both
14 State and federal sources equals \$100.

15 (c) Beginning January 1, 2026, the personal needs
16 allowance described in subsection (b) shall increase annually
17 at the same rate as the Social Security cost-of-living
18 adjustment to take effect on January 1 of each year.

19 (Source: P.A. 100-23, eff. 7-6-17.)

20 Section 25. The Minimum Wage Law is amended by changing
21 Section 10 as follows:

22 (820 ILCS 105/10) (from Ch. 48, par. 1010)

23 Sec. 10. (a) The Director shall make and revise
24 administrative regulations, including definitions of terms, as

1 the Director ~~he~~ deems appropriate to carry out the purposes of
2 this Act, to prevent the circumvention or evasion thereof, and
3 to safeguard the minimum wage established by the Act.
4 ~~Regulations governing employment of learners may be issued~~
5 ~~only after notice and opportunity for public hearing, as~~
6 ~~provided in subsection (c) of this Section.~~

7 (b) In order to prevent curtailment of opportunities for
8 employment, avoid undue hardship, and safeguard the minimum
9 wage rate under this Act, the Director may also issue
10 regulations providing for the employment of workers with
11 disabilities and learners at wages lower than the wage rate
12 applicable under this Act, under permits and for such periods
13 of time as specified therein; and providing for the employment
14 of learners at wages lower than the wage rate applicable under
15 this Act as follows:

16 (1) The Director may issue regulations for the
17 employment of workers with disabilities at wages lower
18 than the wage rate applicable under this Act, under
19 permits and for such periods of time as specified therein.

20 Such ~~. However, such~~ regulation shall not permit lower
21 wages for persons with disabilities on any basis that is
22 unrelated to such person's ability resulting from his
23 disability, and such regulation may be issued only after
24 notice and opportunity for public hearing as provided in
25 subsection (c) of this Section. All certificates issued
26 for the employment of workers with disabilities in

1 accordance with this Section in effect on July 1, 2029,
2 shall expire on that date, and the Director may not issue
3 any such certificates after that date.

4 (2) The Director may issue regulations for the
5 employment of learners at wages lower than the wage rate
6 applicable under this Act. Regulations governing
7 employment of learners may be issued only after notice and
8 opportunity for public hearing, as provided in subsection
9 (c) of this Section.

10 (c) Prior to the adoption, amendment or repeal of any rule
11 or regulation by the Director under this Act, except
12 regulations which concern only the internal management of the
13 Department of Labor and do not affect any public right
14 provided by this Act, the Director shall give proper notice to
15 persons in any industry or occupation that may be affected by
16 the proposed rule or regulation, and hold a public hearing on
17 the ~~his~~ proposed action at which any such affected person, or
18 the person's ~~his~~ duly authorized representative, may attend
19 and testify or present other evidence for or against such
20 proposed rule or regulation. Rules and regulations adopted
21 under this Section shall be filed with the Secretary of State
22 in compliance with the Illinois Administrative Procedure Act
23 ~~"An Act concerning administrative rules", as now or hereafter~~
24 ~~amended.~~

25 (d) The commencement of proceedings by any person
26 aggrieved by an administrative regulation issued under this

1 Act does not, unless specifically ordered by the Court,
2 operate as a stay of that administrative regulation against
3 other persons. The Court shall not grant any stay of an
4 administrative regulation unless the person complaining of
5 such regulation files in the Court an undertaking with a
6 surety or sureties satisfactory to the Court for the payment
7 to the employees affected by the regulation, in the event such
8 regulation is affirmed, of the amount by which the
9 compensation such employees are entitled to receive under the
10 regulation exceeds the compensation they actually receive
11 while such stay is in effect.

12 (e) The Department may adopt emergency rules in accordance
13 with Section 5-45 of the Illinois Administrative Procedure Act
14 to implement the changes made by this amendatory Act of the
15 101st General Assembly.

16 (Source: P.A. 103-363, eff. 7-28-23.)

17 (820 ILCS 105/5 rep.)

18 Section 30. The Minimum Wage Law is amended by repealing
19 Section 5.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."