

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
5 Welfare to Work Act.

6 Section 5. Legislative findings; purpose. The General
7 Assembly hereby finds that:

8 (a) Poverty and welfare dependence are widespread
9 throughout the State of Illinois. Almost 1,500,000 of its
10 citizens are dependent on the State's public assistance
11 programs for their most basic needs; and over 200,000
12 families, including 500,000 children, rely on cash assistance
13 from the State for all or part of their subsistence needs.

14 (b) Poverty and unemployment diminish individual
15 self-esteem, can undermine family stability, and affect
16 family formation, community security and cohesion.

17 (c) Under the new federal welfare law, the Personal
18 Responsibility and Work Opportunity Reconciliation Act of
19 1996, cash assistance benefits will be limited to 60 months,
20 and over 100,000 adult heads of households in the Illinois
21 welfare caseload must be employed by the year 2002 or they
22 and their children will be destitute.

23 (d) Voluntary efforts by the private sector to employ
24 welfare recipients are laudable and are to be commended, but
25 the State must also take direct responsibility to ensure that
26 welfare recipients are hired in jobs that will allow them to
27 leave the welfare rolls altogether.

28 (e) The State spends billions of dollars each year to
29 improve its economy and infrastructure, and to deliver
30 services to the people of the State, all of which also serves
31 to provide jobs for its citizens.

1 (f) The State can accomplish the objectives of relieving
2 welfare dependency and ensuring economic self-sufficiency as
3 well as the objectives related to carrying out necessary
4 governmental operations at the same time, and with
5 significant savings in State outlays in cash assistance and
6 supportive service dollars.

7 (g) Poverty and welfare dependency can be alleviated by
8 targeting some of the resources of the State and making jobs
9 available to the welfare poor, specifically by bringing
10 qualified poor persons into the State workforce and into the
11 workforces that are generated through State contracts,
12 without causing the displacement of existing workers.

13 (h) Some State jobs that are newly created or that are
14 open through attrition and some jobs created under State
15 contracts, can be filled by qualified welfare recipients
16 without compromising the integrity of the hiring process,
17 contractor profits, collective bargaining agreements, timely
18 completion of projects, or the health and safety of Illinois
19 workers.

20 (i) To the extent that these jobs are filled by welfare
21 recipients, the State accomplishes 4 important governmental
22 objectives simultaneously: (1) the alleviation of welfare
23 dependency, ensuring of economic self-sufficiency, and
24 lifting of individuals and families out of poverty, (2) the
25 stabilization of families and communities that are hardest
26 hit by persistent poverty and unemployment, (3) the
27 accomplishment of the essential work of the State which must
28 be performed through these jobs, and (4) the reduction of
29 State outlays for cash assistance and services for the poor.

30 (j) The State's immediate, direct and significant
31 interest in relieving welfare dependency and the employment
32 of the poor in jobs generated through the expenditure of
33 State funds constitutes the basis of this Act.

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

2 "Aid recipient" means:

3 (a) a person financially eligible to receive cash
4 assistance under the Temporary Assistance for Needy
5 Families program, the Transitional Assistance program, or
6 any other cash assistance program administered by the
7 Department of Human Services financed in whole or in part
8 by the State;

9 (b) a person financially eligible for cash
10 assistance under Article VI of the Public Aid Code,
11 whether receiving assistance or not; an Earnfare
12 participant; and an unemployed person or employed person
13 who is earning less than the poverty level in wages and
14 who is also married to the parent of a child receiving
15 cash assistance or the legally adjudicated father of a
16 child receiving cash assistance; and

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

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

28 "Covered contract" means a contract, aid, or grant
29 between the State and any other entity or entities, whether
30 private, public, or not-for-profit, regardless of the purpose
31 of the contract, aid, or grant, and means contracts, aid, and
32 grants between those entities and their contractors and
33 subcontractors, but only if the contract or grant is payable
34 by the State in an amount in excess of \$250,000 or a

1 subcontract is for an amount in excess of \$100,000.
2 Recipients of contracts, aid, and grants may not divide
3 contracts or spread out the work to be undertaken for
4 purposes of avoiding having a covered contract.

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

7 "Covered employer" means an employer in receipt of a
8 "covered contract" payment and thus subject to the
9 requirements of this Act with respect to a "covered
10 contract".

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

15 "Department" means the Department of Human Services.

16 "Qualified aid recipient" means an "aid recipient" who
17 meets each of the qualifications, including education,
18 training, and experience, if any, that have been established
19 by the employer for the position.

20 "State agencies" means all State departments (whether
21 code or otherwise), boards, commissions, authorities,
22 councils, officers, bureaus, units, colleges and
23 universities, and executive, legislative and judicial
24 agencies.

25 Section 15. Disclosure of potential covered positions.
26 Simultaneously with posting its positions or putting a
27 position out for hire by contract, each State agency shall
28 provide the Department of Human Services with a copy of a job
29 announcement specifying the job description and
30 qualifications of each position that is newly created, is
31 open, or is otherwise posted for hire or for hire under
32 contract. This requirement does not apply when the position
33 is one that is subject to recall by a laid-off employee or

1 employees.

2 Section 20. Duties of the Department of Human Services.
3 The Department shall administer that portion of this Act
4 related to reviewing positions, eligibility determinations,
5 recruitment, screening, and referral of aid recipients to
6 covered positions and positions under covered contracts.

7 Section 25. Review of positions.

8 (a) The Department shall review each position
9 announcement provided to it by State agencies to determine if
10 there currently are any potentially qualified aid recipients
11 that could be referred to apply for the position.

12 (b) If the Department determines there are no or too few
13 potentially qualified aid recipients to identify readily for
14 referral for the position, the Department shall provide the
15 State agency with a notice exempting that position from the
16 provisions of this Act. The Department may permanently or
17 temporarily exempt a position.

18 (c) If the position is permanently exempted, the State
19 agency need not provide the Department with position
20 announcements for that position in the future. However, the
21 Department may, at any time, revoke its exemption of any
22 position, and from the point of that revocation forward, the
23 State agency again shall provide the Department with
24 announcements of that position.

25 (d) If the position is temporarily exempted, the
26 provisions of this Act do not apply to the position, but the
27 State agency must provide announcements to the Department of
28 future openings of that position.

29 (e) If the position is not determined by the Department
30 to be exempted, it is a covered position under this Act.

31 Section 30. Eligibility determinations. Upon the

1 request of a person who believes that he or she is an aid
2 recipient within the meaning of this Act or the request of a
3 State agency or covered employer on behalf of such a person,
4 the Department shall make the determination of whether the
5 person is an aid recipient within the meaning of this Act and
6 shall provide the necessary written proof of aid recipient
7 status to the aid recipient and to any other person,
8 including the party making request on behalf of the aid
9 recipient, if the aid recipient authorizes it in writing.

10 Section 35. Recruitment, screening, and referrals to
11 training and for jobs under this Act.

12 (a) In order to facilitate a steady stream of
13 potentially qualified aid recipients into positions available
14 under this Act, the Department shall:

15 (1) work with public, private, and not-for-profit
16 job training programs and certified joint apprenticeship
17 training programs to develop and make use of training
18 programs to facilitate channeling aid recipients into
19 such training programs that correspond with, and will
20 qualify them for, open covered positions and positions
21 under covered contracts;

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

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

31 (b) The Department shall maintain an equal balance in
32 its referrals of potentially qualified aid recipients to
33 training programs, to employers for covered positions, and to

1 positions under covered contracts as between those who
2 qualify under paragraph (a) of the definition of "aid
3 recipient" in Section 10 of this Act (or who originally
4 qualified under paragraph (a) but who are now qualified under
5 paragraph (c) of that definition), and those who qualify
6 under paragraph (b) of the definition of "aid recipient" (or
7 who originally qualified under paragraph (b) but who are now
8 qualified under paragraph (c)).

9 (c) Support services, including transportation
10 assistance, uniforms, tools, and supplies, that are otherwise
11 provided to "aid recipients" under paragraph (a) of the
12 definition of "aid recipient" shall be provided, in the same
13 manner and measure, to those "aid recipients" under paragraph
14 (b) of the definition of "aid recipient" in connection with
15 employment related services provided by the Department under
16 this Act.

17 (d) The duties of the Department specified in this
18 Section may be carried out, in whole or in part, under
19 contracts entered into by the Department with units of local
20 government or by not-for-profit community based
21 organizations.

22 Section 40. Hiring without referrals authorized. Any
23 aid recipient who believes he or she is a qualified aid
24 recipient may apply, without a referral by the Department,
25 for jobs under this Act. For any covered position, whether
26 previously determined by the Department to be a covered
27 position or not, if the State agency finds the applicant to
28 be a qualified aid recipient, the applicant shall be provided
29 the preference this Act affords. For any position under a
30 covered contract, the employer may count, under the
31 requirements imposed under this Act, any aid recipient hired,
32 whether referred by the Department or not.

1 Section 45. Hiring requirements relative to covered
2 positions.

3 (a) Verification that an applicant for a position is an
4 aid recipient shall be made by the State agency by copying
5 for its records the applicant's public aid card or such other
6 proof of aid recipient status as has been provided to the aid
7 recipient or employer by the Department.

8 (b) The State agency with the open position shall make
9 the determination of whether an aid recipient who applies
10 for the position is qualified for hire.

11 (c) The State agency shall provide qualified aid
12 recipients with a hiring preference in accordance with the
13 requirements for civil service positions under Section 8b.7-1
14 of the Personnel Code, and for personal service contract
15 positions, under Section 45-70 of the Illinois Procurement
16 Code.

17 (d) The minimum qualifications for hire, wages, days per
18 week, hours per day, shifts of employment, and terms and
19 conditions of employment of a qualified aid recipient who is
20 hired under this Act shall be the same as for other members
21 of the employer's workforce doing the same or similar work
22 and shall be subject to the same State and federal laws.

23 (e) Nothing in this Act prevents a State agency from
24 counting a person hired under this Act, who is also a
25 protected female or minority, toward that employer's
26 affirmative action obligations that may otherwise be imposed.

27 (f) Nothing in this Act diminishes the full authority
28 and prerogative of State agencies to determine independently
29 an aid recipient's qualifications and to make independently
30 all hiring decisions, based on merit, under this Act.

31 Section 50. Contract requirements. Each covered
32 contract shall contain provisions incorporating all of the
33 following requirements:

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

4 (b) In order to facilitate compliance with this Act, a
5 covered employer may notify the Department of Human Services
6 of jobs that are opening under the covered contract for which
7 aid recipients may be qualified in order to receive referrals
8 of aid recipients by the Department.

9 (c) The covered employer shall verify that an applicant
10 for a position is an aid recipient, and shall maintain a
11 record of the aid recipient's status by copying for its
12 records the applicant's public aid card or such other proof
13 of aid recipient status as has been provided to the recipient
14 or employer by the Department of Human Services.

15 (d) The covered employer shall make the determination of
16 whether an aid recipient who applies for the position is a
17 qualified aid recipient. Nothing in this Act implies a
18 diminution of the full authority and prerogative of covered
19 employers to determine independently an aid recipient's
20 qualifications and to make independently all hiring decisions
21 under this Act. No State agency may require an employer to
22 hire an aid recipient who is not qualified for the position
23 for which the aid recipient is applying.

24 (e) The number of covered employees in a workforce shall
25 be calculated as follows: the number of total hours worked
26 under the contract are the "worker hours". The number of
27 hours that covered employees have worked under the contract
28 are the "covered employee hours". The "covered employee
29 hours" shall be divided by the "worker hours" and the product
30 shall be no less than 0.05. If the covered contract
31 includes positions that are otherwise reported to the State
32 and federal government only by daily or weekly full time
33 equivalency, then those positions shall be calculated by
34 dividing the full-time equivalent of the covered employees in

1 those positions by the total full-time equivalent for those
2 positions. An employer may sponsor a covered worker in an
3 apprenticeship training program or other education or
4 training program, in which case the employer may count the
5 number of hours or days in off-site training or classroom
6 instruction toward the requirements of this Section.

7 (f) A covered employer who is unable to hire at least 5%
8 of its workforce from qualified aid recipients under a
9 covered contract shall certify to the Department of Human
10 Services the circumstances which made meeting the
11 requirements of this Act impossible. Permitted circumstances
12 may include the high percentage of professional, high
13 skilled, or journey level workers needed under the contract,
14 the need to recall out of work employees who are receiving
15 unemployment compensation through the covered employer, or
16 other circumstances outside of the control of the covered
17 employer. If a covered employer has not met the percentage
18 hire requirements under this Act, and did not notify the
19 Department of jobs that have become available under its
20 covered contract, and jobs existed under that contract for
21 potentially qualified aid recipients, the covered employer
22 shall be deemed to have been able to hire the requisite
23 percentage of aid recipients under this Act, and failed to do
24 so.

25 (g) At the request of the covered employer to the
26 Department of Human Services, the requirements of hiring
27 covered employees under this Section may be waived, in
28 advance, by the Department, in whole or in part, in
29 accordance with rules established by the Department, if
30 enough qualified aid recipients are not referred or cannot be
31 hired due to circumstances set forth in subsection (5). To
32 receive this waiver, the covered employer must request the
33 waiver before hiring under the covered contract, and must
34 include in its request for the waiver, job descriptions for

1 each of the positions that are subject to hire under the
2 covered contract, and the number of people estimated to be
3 hired for each such job.

4 (h) The minimum qualifications for hire, and the wages,
5 days per week, hours per day, shifts of employment, and terms
6 and conditions of employment, of a covered employee shall be
7 the same as for other members of the employer's workforce
8 doing the same or similar work and shall be subject to the
9 same State and federal laws.

10 (i) Covered employees shall abide by all health and
11 safety rules and laws imposed on a covered employer's
12 workforce.

13 (j) This Act does not require covered employers to
14 provide any additional or separate training or apprenticeship
15 programs for aid recipients that the employer would not
16 otherwise provide to other workers in the same or similar
17 jobs at the same or similar level of experience.

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

22 Section 55. Duties of the Department of Labor. The
23 Department of Labor shall ensure that covered employers
24 comply with the provisions of this Act and shall work with
25 the Department of Human Services and the Social Services
26 Advisory Council in promulgating rules for implementation and
27 governance and to effectuate the purposes of this Act,
28 including contractor compliance. In promulgating compliance
29 rules, the Illinois Department of Labor shall create
30 provisions that assure that there will be good faith attempts
31 at negotiation and conciliation, and the affording of the
32 protections of due process of law before any sanctions
33 against a contractor are imposed.

1 Section 60. Compliance and Reporting.

2 (a) The Department of Human Services, the Department of
3 Labor, and the General Assembly are jointly empowered to
4 ensure and monitor covered employer and State agency
5 compliance with the provisions of this Act.

6 (b) Each State agency shall annually prepare a report to
7 the Department of Human Services and the General Assembly
8 demonstrating its hiring under this Act. The report shall be
9 submitted to the Department and the minority and majority
10 leaders of the House of Representatives and the Senate no
11 later than January 31 of each year. The report shall set
12 forth, for the previous calendar year, the total number of
13 positions filled by the State agency, the number of positions
14 not exempted and thus found to be covered positions by the
15 Department, and the number of positions filled by aid
16 recipients.

17 (c) The Department of Human Services shall collate the
18 reports and shall submit a report to the General Assembly no
19 later than the first day of March of each year, with the
20 totals, broken down by State agency in each category, and the
21 grand totals for the State in each of the three categories.

22 (d) Both the original reports and the summary Department
23 report shall be subject to public inspection, review and
24 copying.

25 (e) Each covered contractor shall annually prepare a
26 single duplicated report that documents its hiring practices
27 under this Act that shall be submitted both to the Department
28 of Labor and the Department of Human Services. The report
29 shall be submitted no later than January 31 of each year.
30 The report shall set forth, for the previous calendar year,
31 for each covered contract, the calculations of total worker
32 hours and covered employee hours and the percentage of
33 covered employee hours, and such other data and information
34 as may be required by rule.

1 (f) The Department of Labor shall collate the contractor
2 reports and shall submit a report to the minority and
3 majority leaders of both chambers of the General Assembly no
4 later than the first day of March of each year, with the
5 total worker hours, the total covered employee hours, and the
6 percentage of hours of work by covered employees. The
7 Department of Human Services shall set forth the number of
8 aid recipients who have closed their aid cases or had their
9 aid reduced as a result of positions obtained under this Act,
10 and shall set forth such other data and cost savings as it
11 deems appropriate.

12 (g) The Department's summary reports shall be subject to
13 public inspection, review and copying.

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

16 (20 ILCS 415/8b.7-1 new)

17 Sec. 8b.7-1. Qualified aid recipient preference. For the
18 granting of preferences to "qualified aid recipients" within
19 the meaning of the Welfare to Work Act. The preference shall
20 be given only after the application and provision of veterans
21 preferences under Section 8b.7, unless the applicant is
22 subject to preferences under both veterans and qualified aid
23 recipient designations, in which case those persons shall
24 take precedence. When qualified aid recipients are on
25 eligible lists on the basis of category rankings such as
26 superior, excellent, well-qualified, and qualified, they
27 shall be preferred over nonveterans who are not qualified aid
28 recipients in the same category. Notwithstanding Section
29 8b.5, when a list is prepared by numerical rankings, and a
30 qualified aid recipient is one of the top 3 candidates on the
31 basis of the numerical ranking, the qualified aid recipient
32 shall be appointed, unless one or two of the other candidates

1 is a qualified veteran.

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

4 (30 ILCS 500/45-70 new)

5 Sec. 45-70. Contracts for personal services; qualified
6 aid recipients. All contracts for personal services, as
7 defined under Section 14 of the State Finance Act, shall be
8 subject to the preference of "qualified aid recipients"
9 within the meaning of the Welfare to Work Act, over others
10 who are similarly qualified.

11 Section 999. Effective date. This Act takes effect upon
12 becoming law.