

1 AN ACT concerning guaranteed job opportunity projects.

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

4 Section 5. The Illinois Guaranteed Job Opportunity Act
5 is amended by changing Sections 10, 15, 25, 30, 35, 40, 45,
6 50, 55, and 65 as follows:

7 (20 ILCS 1510/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Department" means the Department of Human Services.

10 "Eligible area" means a county or unit of general local
11 government that has a population of no more than 300,000.

12 {a} "Participant" means an individual who is determined
13 to be eligible under Section 25.

14 {b} "Project" means the definable task or group of tasks
15 which:

16 (1) will be carried out by a public agency, a
17 private nonprofit organization, a private contractor, or
18 a cooperative,

19 (2) (blank), will---meet---the---requirements--of
20 subsection-(f)-of-Section-35,

21 (3) will result in a specific product or
22 accomplishment, and

23 (4) would not otherwise be conducted with existing
24 funds.

25 "Secretary" {e}-"Director" means the Secretary of Human
26 Services Director-of-Labor.

27 (Source: P.A. 88-114.)

28 (20 ILCS 1510/15)

29 Sec. 15. Establishment of program. The Department may
30 issue grants for the operation of projects under this Act.

1 The issuance of the grants is subject to the availability of
 2 State or federal funds and at the discretion of the
 3 Secretary. Grants--shall--be--made--and--projects--shall--be
 4 assisted--under--this--Act--only--to--the--extent--that--funding--from
 5 federal--sources--is--available--for--these--purposes.--From--the
 6 sums--appropriated--by--the--General--Assembly--for--any--fiscal
 7 year, the Director shall make grants--to--Executive--Councils
 8 established--in--accordance--with--Section--20--for--the--purpose--of
 9 assisting--local--job--projects--which--meet--the--requirements--of
 10 this--Act. The General Assembly may appropriate funds for the
 11 purposes of this Section from any appropriate State source or
 12 from any appropriate federal source, regardless of which
 13 State agency is the initial recipient of the federal funds.

14 (Source: P.A. 88-114.)

15 (20 ILCS 1510/25)

16 Sec. 25. Program eligibility.

17 (a) General Rule. An individual is eligible to
 18 participate in the job projects assisted under this Act if
 19 the individual:

20 (1) is at least 16 years of age;

21 (2) has resided in the eligible area for at least
 22 30 days;

23 (3) has been unemployed for 35 days prior to the
 24 determination of employment for job projects assisted
 25 under this Act; and

26 (4) is a citizen of the United States, is a
 27 national of the United States, is a lawfully admitted
 28 permanent resident alien, is a lawfully admitted refugee
 29 or parolee, or is otherwise authorized by the United
 30 States Attorney General to work in the United States; and

31 (5) is a recipient of assistance under Article IV
 32 of the Illinois Public Aid Code.

33 (b) Limitations.

1 (1) (Blank). Not--more--than--2--individuals--who
2 reside-in--any--household--may--be--eligible--for--a--job
3 assisted-under-this-Act.

4 (2) (Blank). No-individual-whose-earned-income-for
5 the-year-preceding-the-year-in-which-the-determination-of
6 employment--under--this--Act--is-made-is-equal-to-or-more
7 than-\$17,000,--or-who-has-a-combined-family-income-in--the
8 year--in-which-the-determination-of-employment-under-this
9 Act-is-made-which-is-equal-to--or--more--than--\$17,000--a
10 year,--may-be-eligible-for-a-job-assisted-under-this-Act.

11 (3) No individual participating in the job
12 opportunity project assisted under this Act may work in
13 any compensated job other than the job assisted under
14 this Act for more than 20 16 hours per week.

15 (4) Individuals Each--individual participating in
16 the---job---project---assisted---under---this--Act--shall
17 demonstrate,--to-the-project-manager-of--the--job--project
18 assisted under this Act shall,--that-the-individual-sought
19 employment-in-the-private-sector-during-the-35-days-prior
20 to--making--application-for-employment-under-this-Act-and
21 will-continue-to seek employment during the period of
22 employment assisted under this Act.

23 (5) Any individual eligible for retirement benefits
24 under the Social Security Act, under any retirement
25 system for Federal Government employees, under the
26 railroad retirement system, under the military retirement
27 system, under a State or local government pension plan or
28 retirement system, or any private pension program is not
29 eligible to receive a job under a job project assisted
30 under this Act.

31 (Source: P.A. 88-114.)

32 (20 ILCS 1510/30)

33 Sec. 30. Testing---and Education requirements. Any

1 individual who has not completed high school and who
 2 participates in a job project under this Act may enroll, if
 3 appropriate, in and maintain satisfactory progress in a
 4 secondary school or an adult basic education or GED program.
 5 Any individual with limited English speaking ability may
 6 participate, if appropriate, in an English as a Second
 7 Language program.

8 (a) ~~Testing.~~ Each participant shall be tested for basic
 9 reading and writing competence by the District Executive
 10 Council prior to employment by a job project assisted under
 11 this Act.

12 (b) ~~Education Requirement.~~

13 (1) ~~Each participant who fails to complete~~
 14 ~~satisfactorily the basic competency test required by~~
 15 ~~subsection (a) of this Section shall be furnished~~
 16 ~~counseling and instruction.~~

17 (2) ~~Each participant in a job project assisted under~~
 18 ~~this Act shall, in order to continue employment, maintain~~
 19 ~~satisfactory progress toward and receive a secondary~~
 20 ~~school diploma or its equivalent.~~

21 (3) ~~Each participant with limited English speaking~~
 22 ~~ability may be furnished instruction as the District~~
 23 ~~Executive Council deems appropriate.~~

24 (Source: P.A. 88-114.)

25 (20 ILCS 1510/35)

26 Sec. 35. Local Job Projects.

27 (a) General authority. The Department may accept
 28 applications and issue grants for operation of projects under
 29 this Act. Each District Executive Council shall select job
 30 projects to be assisted under this Act. Each job project
 31 selected for assistance shall provide employment to eligible
 32 participants.

33 (b) Project Objection. Subject to appropriation, one

1 small project may be selected to pilot a subsidized
 2 employment to Temporary Assistance for Needy Families (TANF)
 3 program for participants for a period of not more than 6
 4 months. The selected projects shall demonstrate their ability
 5 to move clients from participation in the project to
 6 unsubsidized employment. The Department may refer TANF
 7 participants to other subsidized employment programs
 8 available through the Workforce Investment Act (WIA) One
 9 Stops or through other community-based programs. No project
 10 may be selected under this Section if an objection to the
 11 project is filed by 2 representatives appointed under
 12 subparagraph (A) of paragraph (3) of subsection (a) of
 13 Section 20 or by 2 representatives appointed under
 14 subparagraph (B) of paragraph (3) of subsection (a) of
 15 Section 20.

16 (c) Political affiliation prohibited. No manager or
 17 other officer or employee of a District Executive Council or
 18 of the job project assisted under this Act may apply a
 19 political affiliation test in selecting eligible
 20 participation for employment in the project.

21 (d) Limitations.

22 (1) Not more than 10% of the total expenses in any
 23 fiscal year of the job project may be used for
 24 transportation and equipment.

25 (2) (Blank). Not more than 10% of the individuals
 26 employed in any job project assisted under this Act may
 27 be employed to supervise a project. Individuals selected
 28 as supervisors may be selected without regard to the
 29 provisions of Section 25 and may receive wages in excess
 30 of the rate determined under Section 40. The limitation
 31 on the ratio of supervisors to employees shall not apply
 32 where more supervision of eligible participants will
 33 contribute to carrying out the objectives of this Act.

34 (e) Minimum Maximum hours per week employed. No

1 eligible participant employed in a job project assisted under
2 this Act may be employed on the project for less more than 30
3 32 hours per week.

4 (f) (Blank). ~~Project--Progress--Reports;--Each-project~~
5 ~~manager-shall-prepare-and-submit-to--the--District--Executive~~
6 ~~Council--monthly-progress-reports-on-the-job-project-assisted~~
7 ~~under-this-Act.~~

8 (Source: P.A. 88-114.)

9 (20 ILCS 1510/40)

10 Sec. 40. Benefits; supportive services; job clubs.

11 (a) Wages. Each eligible participant who is employed in
12 job projects assisted under this Act shall receive wages
13 equal to the higher of (1) the minimum wage under Section
14 6(a)(1) of the Fair Labor Standards Act of 1938 or (2) the
15 minimum wage under the applicable minimum wage law, ~~or~~ (3)
16 ~~the-amount-which-the-eligible-participant-received-in-welfare~~
17 ~~benefits-pursuant-to-the-State-plan-approved-under-Part-A--of~~
18 ~~Title--IV--of--the--Social--Security--Act--or--in-the-form-of~~
19 ~~unemployment-compensation,--if-applicable,--plus--10%--of--the~~
20 ~~amount,--whichever-is-higher.~~

21 (b) Benefits. ~~Each-eligible-participant-who-is-employed~~
22 ~~in--projects--assisted--under--this--Act--shall--be-furnished~~
23 ~~benefits-and-employment-conditions-comparable-to-the-benefits~~
24 ~~and--conditions--provided--to--other--employees--employed--in~~
25 ~~similar--occupations--by--a--comparable--employer,--but~~ No
26 participant shall be eligible for unemployment compensation
27 during or on the basis of employment in a project.

28 (c) Supportive services. Each eligible participant who
29 is employed in projects assisted under this Act shall be
30 eligible for supportive services as provided under rules
31 developed by the Department, ~~which--may--include~~
32 ~~transportation,--health-care,--special-services--and--materials~~
33 ~~for--the-handicapped,--child-care-and-other-services-which-are~~

1 necessary-to-enable-the-individual-to-participate.

2 (d) Job clubs. All participants shall participate in a
3 job club. The project shall operate or otherwise make
4 arrangements for each participant to participate in a job
5 club. Each District Executive Council shall establish for the
6 eligible--area-job-clubs-to-assist-eligible-participants-with
7 the-preparation-of-resumes, the-development--of--interviewing
8 techniques,--evaluation--of-individual-job-search-activities,
9 and-economic-education-classes.

10 (Source: P.A. 88-114.)

11 (20 ILCS 1510/45)

12 Sec. 45. Labor standards applicable to job projects.

13 (a) Conditions of employment.

14 (1) Conditions of employment and training shall be
15 appropriate and reasonable in light of factors such as
16 the type of work, geographical region, and proficiency of
17 the participant.

18 (2) Health and safety standards established under
19 State and Federal law, otherwise applicable to working
20 conditions of employees, shall be equally applicable to
21 working conditions of participants. ~~With respect to any~~
22 ~~participant in a job project conducted under this Act who~~
23 ~~is engaged in activities which are not covered by--health~~
24 ~~and--safety--standards--under the Occupational Safety and~~
25 ~~Health Act of 1970,--the--Director--shall--prescribe,--by~~
26 ~~regulation,--standards as may be necessary to protect the~~
27 ~~health and safety of a participant.~~

28 (3) No funds available under this Act may be used
29 for contributions on behalf of any participant to
30 retirement systems or plans.

31 (b) Displacement rules.

32 (1) No currently employed worker shall be displaced
33 by any participant, including partial displacement such

1 as a reduction in the hours of nonovertime work, wages,
2 or employment benefits.

3 (2) No job project shall impair existing contracts
4 for services or collective bargaining agreements, except
5 that no job project under this Act which would be
6 inconsistent with the terms of a collective bargaining
7 agreement shall be undertaken without the written
8 concurrence of the labor organization and employer
9 concerned.

10 (3) No participant shall be employed or job opening
11 filled when any other individual is on layoff from the
12 same or any substantially equivalent job, or when the
13 employer has terminated the employment of any regular
14 employee or otherwise reduced its workforce with the
15 intention of filling the vacancy so created by hiring a
16 participant whose wages are subsidized under this Act.

17 (4) No jobs shall be created in a promotional line
18 that will infringe in any way upon the promotional
19 opportunities of currently employed individuals.

20 (Source: P.A. 88-114.)

21 (20 ILCS 1510/50)

22 Sec. 50. Nondiscrimination.

23 (a) General rule.

24 (1) Discrimination on the basis of age, on the
25 basis of handicap, on the basis of sex, or on the basis
26 of race, color, or national origin is prohibited.

27 (2) No individual shall be excluded from
28 participation in, denied the benefits of, subjected to
29 discrimination under, or denied employment in the
30 administration of or in connection with any project
31 because of race, color, religion, sex, national origin,
32 age, handicap, or political affiliation or belief.

33 (3) (Blank). ~~No-participant-shall-be--employed--on~~

1 the---construction,--operation,--or--maintenance--of--any
2 facility-used-or-to-be-used-for-sectarian-instruction--or
3 as-a-place-for-religious-worship.

4 (4) With respect to terms and conditions affecting,
5 or rights provided to, individuals who are participants
6 in activities supported by funds provided under this Act,
7 the individuals shall not be discriminated against solely
8 because of their status as the participants.

9 (b) (Blank). Failure-To-Comply--With--Rules.---Whenever
10 the-Director-finds-that-a-recipient-has-failed-to-comply-with
11 subsection--(a)--of--this--Section,--or--with--an--applicable
12 regulation-prescribed-to-carry-out-this-Section,--the-Director
13 shall--notify-the-recipient-and-shall-request-compliance.---If
14 within-a-reasonable-period-of-time,--not-to--exceed--60--days,
15 the--recipient--fails--or-refuses-to-comply,--the-Director-may
16 (1)--refer--the--matter--to--the--Attorney--General--with---a
17 recommendation---that---an---appropriate---civil---action--be
18 instituted,--or--(2)--take-other-action-as-may--be--provided--by
19 law.

20 (c) (Blank). Referral--to--Attorney--General.---When-a
21 matter-is--referred--to--the--Attorney--General--pursuant--to
22 paragraph--(1)--of--subsection--(b),--or-when-ever-the-Attorney
23 General-has-reason-to-believe-that-a-recipient-is-engaged--in
24 a--pattern--or--practice--in-violation-of-subsection-(a),--the
25 Attorney-General-may-bring-a-civil-action-in-any--appropriate
26 court--of--the--State--of--Illinois--for--relief--as--may--be
27 appropriate,--including-injunctive-relief.

28 (Source: P.A. 88-114.)

29 (20 ILCS 1510/55)

30 Sec. 55. Evaluation. The project Each--District
31 Executive--Council shall establish--and maintain a an
32 evaluation file for each individual employed in-a-project
33 assisted-under-this-Act. These files shall be available to

1 the Department upon request. The-evaluation-file-shall-be
 2 made-available-to-the-participant-monthly-and--shall--not--be
 3 available--to--any--other--person--without-the-consent-of-the
 4 employee.--In-carrying-out-the-provisions--of--this--Section,
 5 each--Council--shall--assure--that--the--participant--will-be
 6 afforded-the-opportunity-to-discuss-any-matter-contained--in,
 7 or-omitted-from,the file.

8 (Source: P.A. 88-114.)

9 (20 ILCS 1510/65)

10 Sec. 65. Evaluation. The Department shall conduct an
 11 evaluation of the success of the projects funded under this
 12 Act. Each project shall cooperate with the Department in the
 13 collection of any data needed for the evaluation.
 14 Administration.

15 (a)--Accepting-Property-For--Use--Under--This--Act.---The
 16 Director--is-authorized,in-carrying-out-this-Act,to-accept,
 17 purchase,or-lease-in-the-name-of-the-Department,and--employ
 18 or--dispose-of-in-furtherance-of-the-purpose-of-this-Act,any
 19 money-or-property,real,--personal,--or--mixed,--tangible--or
 20 intangible,--received-by-gift,devise,bequest,or-otherwise,
 21 and-to-accept-voluntary-and-uncompensated-services.

22 (b)--General-Administrative-Authority.--The-Director--may
 23 make--grants,--contracts,or-agreements,establish-procedures
 24 and-make-payments,in-installments,in-advance-or-by--way--of
 25 reimbursement,--or--otherwise--allocate-or-expend-funds-under
 26 this-Act-as--necessary--to--carry--out--this--Act,--including
 27 expenditures--for--construction,---repairs,---and--capital
 28 improvements,and-including-necessary-adjustments-in-payments
 29 on-account-of-overpayments-or-underpayments.

30 (c)--Waiver-Authority.--The-Director-may-waive:

31 (1)--the--testing--requirement--for-individuals-with
 32 handicaps;

33 (2)--the-education-requirement-in-paragraph--(2)--of

1 subsection-(b)-of-Section-30;-and
 2 (3)--subject---to---a--2/3--vote--of--each--District
 3 Executive-Council;-the-requirement-relating-to-a--32-hour
 4 work--week-under-subsection-(e)-of-Section-35-for-unusual
 5 circumstances.

6 (d)--Report;--The-Director-shall-prepare--and--submit--to
 7 the--General--Assembly-an-annual-report-on-the-administration
 8 of-this-Act;--The-Director-shall-include-the-following-in-the
 9 report:

10 (1)--a-summary-of-the--achievements;-failures;-and
 11 problems--of--the--programs--authorized--in--this--Act-in
 12 meeting-the-objective-of-this-Act;-and

13 (2)--recommendations;-including-recommendations--for
 14 legislative--or--administrative--action;-as-the-Director
 15 deems-appropriate.

16 (e)--Audit;--The-Auditor-General-of-the-State-of-Illinois
 17 and-any-authorized-representatives-shall-have-access-for--the
 18 purpose--of--audit--and--examination-to-any-books;-documents;-
 19 papers;-and-records;-of-any-recipient-under-this-Act-that-are
 20 pertinent-to-the-amounts-received-and--disbursed--under--this
 21 Act.

22 (f)--Adoption--of--rules;--The--Director--may--adopt
 23 appropriate-rules-to-carry-out-this-Act.

24 (Source: P.A. 88-114.)

25 (20 ILCS 1510/20 rep.)

26 (20 ILCS 1510/60 rep.)

27 Section 10. The Illinois Guaranteed Job Opportunity Act
 28 is amended by repealing Sections 20 and 60.

29 Section 99. Effective date. This Act takes effect July
 30 1, 2003.