



Rep. Rita Mayfield

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LRB098 18610 OMW 57027 a

1 AMENDMENT TO HOUSE BILL 5701

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5701 by replacing  
3 everything after the enacting clause with the following:

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.

1 "Employer" means any person or entity, private or public,  
2 who has one or more employees in the current or preceding  
3 calendar year, and any agent of such an entity or person.

4 "Public employer" means the State, an agency, department,  
5 commission, board, political subdivision, or instrumentality  
6 thereof, a unit of local government, or a school district.

7 "Employment agency" means any person or entity regularly  
8 undertaking with or without compensation to procure employees  
9 for an employer or to procure for employees opportunities to  
10 work for an employer and includes an agent of such a person.

11 "Employment" means any occupation or vocation.

12 Section 15. Employer pre-screening.

13 (a) An employer or employment agency may not inquire about  
14 or into, consider, or require disclosure of the criminal record  
15 or criminal history of an applicant until the applicant has  
16 been determined qualified for the position and notified that  
17 the applicant has been selected for an interview by the  
18 employer or employment agency or, if there is not an interview,  
19 until after a conditional offer of employment is made to the  
20 applicant by the employer or employment agency.

21 (b) The requirements set forth in subsection (a) of this  
22 Section do not apply for positions where employers are required  
23 to exclude applicants with certain criminal convictions from  
24 employment due to federal or State law.

1 Section 20. Private employer violations.

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

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

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

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

19 (4) For subsequent violations, or if the first  
20 violation is not remedied within 90 days of notice by the  
21 Department, the Director may impose an additional civil  
22 penalty of up to \$1,500 for every 30 days that passes  
23 thereafter without compliance.

24 (b) Penalties under this Section may be assessed by the  
25 Department and recovered in a civil action brought by the  
26 Department in any circuit court or in any administrative

1 adjudicative proceeding under this Act. In any such civil  
2 action or administrative adjudicative proceeding under this  
3 Act, the Department shall be represented by the Attorney  
4 General.

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

10 Section 25. Public employer violations. Any complaints or  
11 grievances concerning alleged violations of Section 10 of this  
12 Act by public employers shall be processed and adjudicated as  
13 follows:

14 (1) Municipalities, units of local government, and  
15 school districts shall be subject to the same provisions  
16 and penalties as private employers under Section 20 of this  
17 Act. The Department of Labor shall provide written warning  
18 to such employers regarding violations, and impose  
19 escalating civil penalties as set forth in Section 20 of  
20 this Act.

21 (2) A person who is injured by a violation of this Act  
22 by the State or an agency, department, commission, board,  
23 instrumentality, or political subdivision thereof may  
24 bring a civil action in circuit court to obtain injunctive  
25 relief or damages, or both. The court shall award costs,

1 reasonable litigation expenses, and reasonable attorney's  
2 fees to a person who prevails as a plaintiff in an action  
3 authorized under this Section.

4 Section 90. The State Finance Act is amended by adding  
5 Section 5.855 as follows:

6 (30 ILCS 105/5.855 new)

7 Sec. 5.855. The Job Opportunities for Qualified Applicants  
8 Enforcement Fund.

9 Section 99. Effective date. This Act takes effect January  
10 1, 2015."