92_HB2188 LRB9207466ARsb

- 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
- families, including 500,000 children, rely on cash assistance
- 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
- 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.

- (f) The State can accomplish the objectives of relieving welfare dependency and ensuring economic self-sufficiency as well as the objectives related to carrying out necessary governmental operations at the same time, and with significant savings in State outlays in cash assistance and supportive service dollars.
 - (g) Poverty and welfare dependency can be alleviated by targeting some of the resources of the State and making jobs available to the welfare poor, specifically by bringing qualified poor persons into the State workforce and into the workforces that are generated through State contracts, without causing the displacement of existing workers.
 - (h) Some State jobs that are newly created or that are open through attrition and some jobs created under State contracts, can be filled by qualified welfare recipients without compromising the integrity of the hiring process, contractor profits, collective bargaining agreements, timely completion of projects, or the health and safety of Illinois workers.
- (i) To the extent that these jobs are filled by welfare recipients, the State accomplishes 4 important governmental objectives simultaneously: (1) the alleviation of welfare dependency, ensuring of economic self-sufficiency, and lifting of individuals and families out of poverty, (2) the stabilization of families and communities that are hardest hit by persistent poverty and unemployment, (3) the accomplishment of the essential work of the State which must be performed through these jobs, and (4) the reduction of 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.

Section 10. Definitions. As used in this Act:

"Aid recipient" means:

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- (a) a person financially eligible to receive cash assistance under the Temporary Assistance for Needy Families program, the Transitional Assistance program, or any other cash assistance program administered by the Department of Human Services financed in whole or in part by the State;
- (b) person financially eligible for cash а assistance under Article VI of the Public Aid Code, whether receiving assistance or not; an Earnfare participant; and an unemployed person or employed person who is earning less than the poverty level in wages and who is also married to the parent of a child receiving cash assistance or the legally adjudicated father of a child receiving cash assistance; and
- (c) a person who, within the previous 60 months, has been found eligible and placed for training or employment under the United States Department of Housing and Urban Development's Section 3 program, or under any other local, state, or federal government program that creates training or hiring preferences or priorities for low income persons, and who was, at the time of entry into such program an "aid recipient" as defined under paragraph (a) or (b) of this definition.

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

"Covered contract" means a contract, aid, or grant between the State and any other entity or entities, whether private, public, or not-for-profit, regardless of the purpose of the contract, aid, or grant, and means contracts, aid, and grants between those entities and their contractors and subcontractors, but only if the contract or grant is payable 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".
- "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.
- "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
- 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.

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- Section 35. Recruitment, screening, and referrals to training and for jobs under this Act.
 - (a) In order to facilitate a steady stream of potentially qualified aid recipients into positions available under this Act, the Department shall:
 - (1) work with public, private, and not-for-profit job training programs and certified joint apprenticeship training programs to develop and make use of training programs to facilitate channeling aid recipients into such training programs that correspond with, and will qualify them for, open covered positions and positions under covered contracts;
 - (2) coordinate the recruitment, screening, and referrals for placement of aid recipients in education and training programs that correspond with the job qualifications and requirements of covered positions and positions under covered contracts;
 - (3) coordinate the recruitment, screening, and referrals of potentially qualified aid recipients to employers for open covered positions and positions under 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
- 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.
- (a) Verification that an applicant for a position is an 3 4 aid recipient shall be made by the State agency by copying for its records the applicant's public aid card or such other 5 proof of aid recipient status as has been provided to the aid 6 7 recipient or employer by the Department.
- 8 The State agency with the open position shall make 9 the determination of whether an aid recipient who applies for the position is qualified for hire. 10
- State 11 (C) The agency shall provide qualified aid recipients with a hiring preference in accordance with the 12 requirements for civil service positions under Section 8b.7-1 13 of the Personnel Code, and for personal service contract 14 positions, under Section 45-70 of the Illinois Procurement 15 16 Code.

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- The minimum qualifications for hire, wages, days per (d) week, hours per day, shifts of employment, and terms and 19 conditions of employment of a qualified aid recipient who is hired under this Act shall be the same as for other members 20 of the employer's workforce doing the same or similar work and shall be subject to the same State and federal laws. 22
 - Nothing in this Act prevents a State agency from counting a person hired under this Act, who is also a protected female or minority, toward that employer's affirmative action obligations that may otherwise be imposed.
- Nothing in this Act diminishes the full authority 27 and prerogative of State agencies to determine independently 28 29 an aid recipient's qualifications and to make independently 30 all hiring decisions, based on merit, under this Act.
- Each covered 31 Section 50. Contract requirements. contract shall contain provisions incorporating all of the 32 33 following requirements:

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- 1 (a) Not less than 5% of the hours worked under positions 2 that are paid under a covered contract shall be worked by qualified aid recipients. 3
- In order to facilitate compliance with this Act, covered employer may notify the Department of Human Services of jobs that are opening under the covered contract for which aid recipients may be qualified in order to receive referrals of aid recipients by the Department. 8
- 9 The covered employer shall verify that an applicant for a position is an aid recipient, and shall maintain a 10 11 record of the aid recipient's status by copying for its records the applicant's public aid card or such other proof 12 of aid recipient status as has been provided to the recipient 13 or employer by the Department of Human Services. 14
 - The covered employer shall make the determination of whether an aid recipient who applies for the position is a qualified aid recipient. Nothing in this Act implies a diminution of the full authority and prerogative of covered employers to determine independently an aid recipient's qualifications and to make independently all hiring decisions under this Act. No State agency may require an employer to hire an aid recipient who is not qualified for the position for which the aid recipient is applying.
- The number of covered employees in a workforce shall 24 25 be calculated as follows: the number of total hours worked under the contract are the "worker hours". The number of 26 hours that covered employees have worked under the contract 27 "covered employee hours". The "covered employee 28 hours" shall be divided by the "worker hours" and the product 29 30 shall be no less than 0.05. Ιf the covered contract includes positions that are otherwise reported to the State 31 32 and federal government only by daily or weekly full time equivalency, then those positions shall be calculated by 33 dividing the full-time equivalent of the covered employees in 34

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1 those positions by the total full-time equivalent for those

2 positions. An employer may sponsor a covered worker in an

apprenticeship training program or other education or

training program, in which case the employer may count the

number of hours or days in off-site training or classroom

instruction toward the requirements of this Section.

- 7 A covered employer who is unable to hire at least 5% 8 its workforce from qualified aid recipients under a 9 covered contract shall certify to the Department of Human the circumstances which 10 Services made meeting the 11 requirements of this Act impossible. Permitted circumstances include the high percentage of professional, high 12 skilled, or journey level workers needed under the contract, 13 the need to recall out of work employees who are receiving 14 15 unemployment compensation through the covered employer, 16 other circumstances outside of the control of the covered If a covered employer has not met the percentage 17 employer. 18 hire requirements under this Act, and did not notify the 19 Department of jobs that have become available under covered contract, and jobs existed under that contract for 20 21 potentially qualified aid recipients, the covered employer shall be deemed to have been able to hire the requisite 22 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 Department of Human Services, the requirements of hiring 26 covered employees under this Section may be waived, 27 in by the Department, in whole or in part, 28 advance, in 29 accordance with rules established by the Department, 30 enough qualified aid recipients are not referred or cannot be hired due to circumstances set forth in subsection (5). 31 32 receive this waiver, the covered employer must request waiver before hiring under the covered contract, and must 33 include in its request for the waiver, job descriptions for 34

- 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,
- 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
- 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
- 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,
- 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
- 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
- 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
- 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 The Department of Labor shall collate the contractor 2 reports and shall submit a report to the minority and majority leaders of both chambers of the General Assembly no 3 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. 7 Department of Human Services shall set forth the number of aid recipients who have closed their aid cases or had their 8 9 aid reduced as a result of positions obtained under this Act, and shall set forth such other data and cost savings as it 10 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 granting of preferences to "qualified aid recipients" within 18 the meaning of the Welfare to Work Act. The preference shall 19 20 be given only after the application and provision of veterans 21 preferences under Section 8b.7, unless the applicant is subject to preferences under both veterans and qualified aid 22 23 recipient designations, in which case those persons shall 24 take precedence. When qualified aid recipients are on eligible lists on the basis of category rankings such as 25 superior, excellent, well-qualified, and qualified, they 26 27 shall be preferred over nonveterans who are not qualified aid recipients in the same category. Notwithstanding Section 28 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 basis of the numerical ranking, the qualified aid recipient 31 32 shall be appointed, unless one or two of the other candidates

- 1 <u>is a qualified veteran.</u>
- 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 <u>Sec. 45-70. Contracts for personal services; qualified</u>
- 6 <u>aid recipients. All contracts for personal services, as</u>
- 7 <u>defined under Section 14 of the State Finance Act, shall be</u>
- 8 <u>subject to the preference of "qualified aid recipients"</u>
- 9 <u>within the meaning of the Welfare to Work Act, over others</u>
- who are similarly qualified.
- 11 Section 999. Effective date. This Act takes effect upon
- 12 becoming law.