

1 AMENDMENT TO HOUSE BILL 2157

2 AMENDMENT NO. _____. Amend House Bill 2157 by replacing
3 everything after the enacting clause with the following:

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 40,000 families
12 rely on cash assistance from the State for all or part of
13 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.

1 (d) Voluntary efforts by the private sector to employ
2 welfare recipients are laudable and are to be commended, but
3 the State must also take direct responsibility to ensure that
4 welfare recipients are hired in jobs that will allow them to
5 leave the welfare rolls altogether.

6 (e) The State spends billions of dollars each year to
7 improve its economy and infrastructure, and to deliver
8 services to the people of the State, all of which also serves
9 to provide jobs for its citizens.

10 (f) The State can accomplish the objectives of relieving
11 welfare dependency and ensuring economic self-sufficiency as
12 well as the objectives related to carrying out necessary
13 governmental operations at the same time, and with
14 significant savings in State outlays in cash assistance and
15 supportive service dollars.

16 (g) Poverty and welfare dependency can be alleviated by
17 targeting some of the resources of the State and making jobs
18 available to the welfare poor, specifically by bringing
19 qualified poor persons into the State workforce and into the
20 workforces that are generated through State contracts,
21 without causing the displacement of existing workers.

22 (h) Some State jobs that are newly created or that are
23 open through attrition and some jobs created under State
24 contracts, can be filled by qualified welfare recipients
25 without compromising the integrity of the hiring process,
26 contractor profits, collective bargaining agreements, timely
27 completion of projects, or the health and safety of Illinois
28 workers.

29 (i) To the extent that these jobs are filled by welfare
30 recipients, the State accomplishes 4 important governmental
31 objectives simultaneously: (1) the alleviation of welfare
32 dependency, ensuring of economic self-sufficiency, and
33 lifting of individuals and families out of poverty, (2) the
34 stabilization of families and communities that are hardest

1 hit by persistent poverty and unemployment, (3) the
2 accomplishment of the essential work of the State which must
3 be performed through these jobs, and (4) the reduction of
4 State outlays for cash assistance and services for the poor.

5 (j) The State's immediate, direct and significant
6 interest in relieving welfare dependency and the employment
7 of the poor in jobs generated through the expenditure of
8 State funds constitutes the basis of this Act.

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

10 "Aid recipient" means:

11 (a) a person financially eligible to receive cash
12 assistance under the Temporary Assistance for Needy
13 Families program, the Transitional Assistance program, or
14 any other cash assistance program administered by the
15 Department of Human Services financed in whole or in part
16 by the State;

17 (b) a person financially eligible for cash
18 assistance under Article VI of the Public Aid Code,
19 whether receiving assistance or not; an Earnfare
20 participant; and an unemployed person or employed person
21 who is earning less than the poverty level in wages and
22 who is also married to the parent of a child receiving
23 cash assistance or the legally adjudicated father of a
24 child receiving cash assistance; and

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

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

3 "Covered contract" means a contract, aid, or grant
4 between the State and any other entity or entities, whether
5 private, public, or not-for-profit, regardless of the purpose
6 of the contract, aid, or grant, and means contracts, aid, and
7 grants between those entities and their contractors and
8 subcontractors, but only if the contract or grant is payable
9 by the State in an amount in excess of \$250,000 or a
10 subcontract is for an amount in excess of \$100,000.
11 Recipients of contracts, aid, and grants may not divide
12 contracts or spread out the work to be undertaken for
13 purposes of avoiding having a covered contract.

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

16 "Covered employer" means an employer in receipt of a
17 "covered contract" payment and thus subject to the
18 requirements of this Act with respect to a "covered
19 contract".

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

24 "Department" means the Department of Human Services.

25 "Qualified aid recipient" means an "aid recipient" who
26 meets each of the qualifications, including education,
27 training, and experience, if any, that have been established
28 by the employer for the position.

29 "State agencies" means all State departments (whether
30 code or otherwise), boards, commissions, authorities,
31 councils, officers, bureaus, units, colleges and
32 universities, and executive, legislative and judicial
33 agencies.

1 Section 15. Disclosure of potential covered positions.
2 Simultaneously with posting its positions or putting a
3 position out for hire by contract, each State agency shall
4 provide the Department of Employment Security with a copy of
5 a job announcement specifying the job description and
6 qualifications of each position that is newly created, is
7 open, or is otherwise posted for hire or for hire under
8 contract. This requirement does not apply when the position
9 is one that is subject to recall by a laid-off employee or
10 employees.

11 Section 20. Duties of the Department of Employment
12 Security.

13 (a) The Department of Employment Security shall place
14 these positions on the Illinois Skills Match System.

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

21 (c) If the position is permanently exempted, the State
22 agency need not provide the Department of Employment Security
23 with position announcements for that position in the future.
24 However, if an exemption of any position is revoked, from the
25 point of that revocation forward, the State agency again
26 shall provide the Department of Employment Security with
27 announcements of that position.

28 (d) If the position is temporarily exempted, the
29 provisions of this Act do not apply to the position, but the
30 State agency must provide announcements to the Department of
31 Employment Security of future openings of that position.

32 (e) If the position is not determined by the Department
33 of Employment Security to be exempted, it is a covered

1 position under this Act.

2 Section 30. Eligibility determinations. Upon the
3 request of a person who believes that he or she is an aid
4 recipient within the meaning of this Act or the request of a
5 State agency or covered employer on behalf of such a person,
6 the Department shall make the determination of whether the
7 person is an aid recipient within the meaning of this Act and
8 shall provide the necessary written proof of aid recipient
9 status to the aid recipient and to any other person,
10 including the party making request on behalf of the aid
11 recipient, if the aid recipient authorizes it in writing.

12 Section 35. Recruitment, screening, and referrals to
13 training and for jobs under this Act.

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

17 (1) register all TANF recipients in the Illinois
18 Skills Match System and work with public, private, and
19 not-for-profit job training programs and certified joint
20 apprenticeship training programs to develop and make use
21 of training programs to facilitate channeling aid
22 recipients into such training programs that correspond
23 with, and will qualify them for, open covered positions
24 and positions under covered contracts;

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

30 (3) coordinate the recruitment, screening, and
31 referrals of potentially qualified aid recipients to
32 employers for open covered positions and positions under

1 covered contracts;

2 (b) The Department shall maintain an equal balance in
3 its referrals of potentially qualified aid recipients to
4 training programs, to employers for covered positions, and to
5 positions under covered contracts as identified on the
6 Illinois Match System as appropriate as between those who
7 qualify under paragraph (a) of the definition of "aid
8 recipient" in Section 10 of this Act.

9 (c) The duties of the Department specified in this
10 Section may be carried out, in whole or in part, under
11 contracts entered into by the Department with units of local
12 government or by not-for-profit community based
13 organizations.

14 Section 40. Hiring without referrals authorized. Any
15 aid recipient who believes he or she is a qualified aid
16 recipient may apply, through the Illinois Skills Match System
17 and without a referral by the Department, for jobs under this
18 Act. For any covered position, whether previously determined
19 by the Department to be a covered position or not, if the
20 Illinois Skills Match System finds the applicant to be a
21 qualified aid recipient, the applicant shall be provided the
22 preference this Act affords. For any position under a covered
23 contract, the employer may count, under the requirements
24 imposed under this Act, any aid recipient hired, whether
25 referred by the Department or not, as an employee meeting the
26 requirements during the life of the contract.

27 Section 45. Hiring requirements relative to covered
28 positions.

29 (a) Verification that an applicant for a position is an
30 aid recipient shall be made by the State agency, if
31 necessary, by copying for its records the applicant's public
32 aid card or such other proof of aid recipient status as has

1 been provided to the aid recipient or employer by the
2 Department of Human Services.

3 (b) The State agency shall provide qualified aid
4 recipients with a hiring preference in accordance with the
5 requirements for civil service positions under Section 8b.7-1
6 of the Personnel Code, and for personal service contract
7 positions, under Section 45-70 of the Illinois Procurement
8 Code.

9 (c) The minimum qualifications for hire, wages, days per
10 week, hours per day, shifts of employment, and terms and
11 conditions of employment of a qualified aid recipient who is
12 hired under this Act shall be the same as for other members
13 of the employer's workforce doing the same or similar work
14 and shall be subject to the same State and federal laws.

15 (d) Nothing in this Act prevents a State agency from
16 counting a person hired under this Act, who is also a
17 protected female or minority, toward that employer's
18 affirmative action obligations that may otherwise be imposed.

19 (e) Nothing in this Act diminishes the full authority
20 and prerogative of State agencies to determine independently
21 an aid recipient's qualifications and to make independently
22 all hiring decisions, based on merit, under this Act.

23 Section 50. Contract requirements. Each covered
24 contract shall contain provisions incorporating all of the
25 following requirements:

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

29 (b) In order to facilitate compliance with this Act, a
30 covered employer may notify the Department of Employment
31 Security of jobs that are opening under the covered contract
32 for which aid recipients may be qualified in order to receive
33 referrals of aid recipients through the Illinois Skills Match

1 System.

2 (c) The covered employer shall verify that an applicant
3 for a position is an aid recipient, and shall maintain a
4 record of the aid recipient's status by copying for its
5 records the applicant's public aid card or such other proof
6 of aid recipient status as has been provided to the recipient
7 or employer by the Department of Human Services.

8 (d) The covered employer shall make the determination of
9 whether an aid recipient who applies for the position is a
10 qualified aid recipient. Nothing in this Act implies a
11 diminution of the full authority and prerogative of covered
12 employers to determine independently an aid recipient's
13 qualifications and to make independently all hiring decisions
14 under this Act. No State agency may require an employer to
15 hire an aid recipient who is not qualified for the position
16 for which the aid recipient is applying.

17 (e) The number of covered employees in a workforce shall
18 be calculated as follows: the number of total hours worked
19 under the contract are the "worker hours". The number of
20 hours that covered employees have worked under the contract
21 are the "covered employee hours". The "covered employee
22 hours" shall be divided by the "worker hours" and the product
23 shall be no less than 0.05 during the life of the contract.
24 If the covered contract includes positions that are otherwise
25 reported to the State and federal government only by daily or
26 weekly full time equivalency, then those positions shall be
27 calculated by dividing the full-time equivalent of the
28 covered employees in those positions by the total full-time
29 equivalent for those positions. An employer may sponsor a
30 covered worker in an apprenticeship training program or other
31 education or training program, in which case the employer may
32 count the number of hours or days in off-site training or
33 classroom instruction toward the requirements of this
34 Section.

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

19 (g) At the request of the covered employer to the
20 Department of Employment Security, the requirements of hiring
21 covered employees under this Section may be waived, in
22 advance, by the Department, in whole or in part, in
23 accordance with rules established by the Department, if
24 enough qualified aid recipients are not referred or cannot be
25 hired due to circumstances set forth in subsection (5). To
26 receive this waiver, the covered employer must request the
27 waiver before hiring under the covered contract, and must
28 include in its request for the waiver, job descriptions for
29 each of the positions that are subject to hire under the
30 covered contract, and the number of people estimated to be
31 hired for each such job.

32 (h) The minimum qualifications for hire, and the wages,
33 days per week, hours per day, shifts of employment, and terms
34 and conditions of employment, of a covered employee shall be

1 the same as for other members of the employer's workforce
2 doing the same or similar work and shall be subject to the
3 same State and federal laws.

4 (i) Covered employees shall abide by all health and
5 safety rules and laws imposed on a covered employer's
6 workforce.

7 (j) This Act does not require covered employers to
8 provide any additional or separate training or apprenticeship
9 programs for aid recipients that the employer would not
10 otherwise provide to other workers in the same or similar
11 jobs at the same or similar level of experience.

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

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

29 Section 60. Compliance and Reporting.

30 (a) The Department of Human Services, the Department of
31 Employment Security, and the General Assembly are jointly
32 empowered to ensure and monitor covered employer and State

1 agency compliance with the provisions of this Act.

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

15 (c) The report shall be subject to public inspection,
16 review, and copying.

17 (d) Each covered contractor shall annually prepare a
18 single duplicated report that documents its hiring practices
19 under this Act that shall be submitted both to the Department
20 of Employment Security and the Department of Human Services.
21 The report shall be submitted no later than January 31 of
22 each year. The report shall set forth, for the previous
23 calendar year, for each covered contract, the calculations of
24 total worker hours and covered employee hours and the
25 percentage of covered employee hours, and such other data and
26 information as may be required by rule.

27 (e) The Department of Employment Security shall collate
28 the contractor reports and shall submit a report to the
29 minority and majority leaders of both chambers of the General
30 Assembly no later than the first day of March of each year,
31 with the total worker hours, the total covered employee
32 hours, and the percentage of hours of work by covered
33 employees. The Department of Human Services shall set forth
34 the number of aid recipients who have closed their aid cases

1 or had their aid reduced as a result of positions obtained
2 under this Act, and shall set forth such other data and cost
3 savings as it deems appropriate.

4 (f) The Department's summary reports shall be subject to
5 public inspection, review and copying.

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

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

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

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

28 (30 ILCS 500/45-70 new)

29 Sec. 45-70. Contracts for personal services; qualified
30 aid recipients. All contracts for personal services, as

1 defined under Section 14 of the State Finance Act, shall be
2 subject to the preference of "qualified aid recipients"
3 within the meaning of the Welfare to Work Act, over others
4 who are similarly qualified.

5 Section 999. Effective date. This Act takes effect upon
6 becoming law."