



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1439

Introduced 2/10/2005, by Rep. Wyvetter H. Younge

#### SYNOPSIS AS INTRODUCED:

New Act  
20 ILCS 415/8b.7-1 new  
30 ILCS 500/45-70 new

Creates the Welfare to Work Act. Places qualified welfare recipients in State jobs or jobs contracted out by the State. Provides that State agencies shall provide the Department of Human Services a job announcement simultaneously with posting its positions or putting a position out for hire by contract, except for those positions subject to recall by laid-off employees, or those otherwise exempt. The Department shall review positions, make eligibility determinations, recruit and screen potential employees, and refer aid recipients to apply for positions listed in job announcements. Employers shall make all employment decisions based on merit, with not less than 5% of the hours worked on a State contract meeting certain specifications being worked by qualified aid recipients, with some exceptions. Employment terms and conditions shall be the same as for any other member of the employer's workforce doing the same or similar work. Provides for reports regarding hiring practices under this Act to be submitted to the General Assembly, the Department of Labor, and the Department of Human Services. Amends the Personnel Code and the Illinois Procurement Code to make changes in conformance with this Act. Provides that the Department of Employment Security shall attempt to fill positions through the Illinois Skills Match System. Effective immediately.

LRB094 08144 RCE 38330 b

FISCAL NOTE ACT  
MAY APPLY

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

14 (b) Poverty and unemployment diminish individual  
15 self-esteem, can undermine family stability, and affect family  
16 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 and  
22 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 services  
30 to the people of the State, all of which also serves to provide  
31 jobs for its citizens.

32 (f) The State can accomplish the objectives of relieving

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

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

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

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

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

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

33 "Aid recipient" means:

34 (a) a person financially eligible to receive cash  
35 assistance under the Temporary Assistance for Needy

1 Families program, the Transitional Assistance program, or  
2 any other cash assistance program administered by the  
3 Department of Human Services financed in whole or in part  
4 by the State;

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

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

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

24 "Covered contract" means a contract, aid, or grant between  
25 the State and any other entity or entities, whether private,  
26 public, or not-for-profit, regardless of the purpose of the  
27 contract, aid, or grant, and means contracts, aid, and grants  
28 between those entities and their contractors and  
29 subcontractors, but only if the contract or grant is payable by  
30 the State in an amount in excess of \$250,000 or a subcontract  
31 is for an amount in excess of \$100,000. Recipients of  
32 contracts, aid, and grants may not divide contracts or spread  
33 out the work to be undertaken for purposes of avoiding having a  
34 covered contract.

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

1 "Covered employer" means an employer in receipt of a  
2 "covered contract" payment and thus subject to the requirements  
3 of this Act with respect to a "covered contract".

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

8 "Department" means the Department of Human Services.

9 "Qualified aid recipient" means an "aid recipient" who  
10 meets each of the qualifications, including education,  
11 training, and experience, if any, that have been established by  
12 the employer for the position.

13 "State agencies" means all State departments (whether code  
14 or otherwise), boards, commissions, authorities, councils,  
15 officers, bureaus, units, colleges and universities, and  
16 executive, legislative and judicial agencies.

17 Section 15. Disclosure of potential covered positions.  
18 Simultaneously with posting its positions or putting a position  
19 out for hire by contract, each State agency shall provide the  
20 Department of Employment Security with a copy of a job  
21 announcement specifying the job description and qualifications  
22 of each position that is newly created, is open, or is  
23 otherwise posted for hire or for hire under contract. This  
24 requirement does not apply when the position is one that is  
25 subject to recall by a laid-off employee or employees.

26 Section 20. Duties of the Department of Employment  
27 Security.

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

30 (b) If the Department of Employment Security determines  
31 there are no or too few potentially qualified aid recipients to  
32 identify readily for referral for the position, the Department  
33 shall provide the State agency with a notice exempting that  
34 position from the provisions of this Act. The Department may

1 permanently or temporarily exempt a position.

2 (c) If the position is permanently exempted, the State  
3 agency need not provide the Department of Employment Security  
4 with position announcements for that position in the future.  
5 However, if an exemption of any position is revoked, from the  
6 point of that revocation forward, the State agency again shall  
7 provide the Department of Employment Security with  
8 announcements of that position.

9 (d) If the position is temporarily exempted, the provisions  
10 of this Act do not apply to the position, but the State agency  
11 must provide announcements to the Department of Employment  
12 Security of future openings of that position.

13 (e) If the position is not determined by the Department of  
14 Employment Security to be exempted, it is a covered position  
15 under this Act.

16 Section 30. Eligibility determinations. Upon the request  
17 of a person who believes that he or she is an aid recipient  
18 within the meaning of this Act or the request of a State agency  
19 or covered employer on behalf of such a person, the Department  
20 shall make the determination of whether the person is an aid  
21 recipient within the meaning of this Act and shall provide the  
22 necessary written proof of aid recipient status to the aid  
23 recipient and to any other person, including the party making  
24 request on behalf of the aid recipient, if the aid recipient  
25 authorizes it in writing.

26 Section 35. Recruitment, screening, and referrals to  
27 training and for jobs under this Act.

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

31 (1) register all TANF recipients in the Illinois Skills  
32 Match System and work with public, private, and  
33 not-for-profit job training programs and certified joint  
34 apprenticeship training programs to develop and make use of

1 training programs to facilitate channeling aid recipients  
2 into such training programs that correspond with, and will  
3 qualify them for, open covered positions and positions  
4 under covered contracts;

5 (2) coordinate the recruitment, screening, and  
6 referrals for placement of aid recipients in education and  
7 training programs that correspond with the job  
8 qualifications and requirements of covered positions and  
9 positions under covered contracts;

10 (3) coordinate the recruitment, screening, and  
11 referrals of potentially qualified aid recipients to  
12 employers for open covered positions and positions under  
13 covered contracts;

14 (b) The Department shall maintain an equal balance in its  
15 referrals of potentially qualified aid recipients to training  
16 programs, to employers for covered positions, and to positions  
17 under covered contracts as identified on the Illinois Match  
18 System as appropriate as between those who qualify under  
19 paragraph (a) of the definition of "aid recipient" in Section  
20 10 of this Act.

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

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

1 Department or not, as an employee meeting the requirements  
2 during the life of the contract.

3 Section 45. Hiring requirements relative to covered  
4 positions.

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

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

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

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

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

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

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



1 (b) In order to facilitate compliance with this Act, a  
2 covered employer may notify the Department of Employment  
3 Security of jobs that are opening under the covered contract  
4 for which aid recipients may be qualified in order to receive  
5 referrals of aid recipients through the Illinois Skills Match  
6 System.

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

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

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

1 hours or days in off-site training or classroom instruction  
2 toward the requirements of this Section.

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

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

33 (h) The minimum qualifications for hire, and the wages,  
34 days per week, hours per day, shifts of employment, and terms  
35 and conditions of employment, of a covered employee shall be  
36 the same as for other members of the employer's workforce doing

1 the same or similar work and shall be subject to the same State  
2 and federal laws.

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

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

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

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

26 Section 60. Compliance and Reporting.

27 (a) The Department of Human Services, the Department of  
28 Employment Security, and the General Assembly are jointly  
29 empowered to ensure and monitor covered employer and State  
30 agency compliance with the provisions of this Act.

31 (b) The Department of Employment Security shall annually  
32 prepare a report to the Department of Human Services and the  
33 General Assembly demonstrating its hiring under this Act from  
34 the Illinois Skills Match System. The report shall be submitted

1 to the Department of Human Services and the minority and  
2 majority leaders of the House of Representatives and the Senate  
3 no later than January 31 of each year. The report shall set  
4 forth, for the previous calendar year, the total number of  
5 positions filled by the State agency, the number of positions  
6 not exempted and thus found to be covered positions by the  
7 Department, and the number of positions filled by aid  
8 recipients produced from the Illinois Skills Match System.

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

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

21 (e) The Department of Employment Security shall collate the  
22 contractor reports and shall submit a report to the minority  
23 and majority leaders of both chambers of the General Assembly  
24 no later than the first day of March of each year, with the  
25 total worker hours, the total covered employee hours, and the  
26 percentage of hours of work by covered employees. The  
27 Department of Human Services shall set forth the number of aid  
28 recipients who have closed their aid cases or had their aid  
29 reduced as a result of positions obtained under this Act, and  
30 shall set forth such other data and cost savings as it deems  
31 appropriate.

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

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

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

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

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

20 (30 ILCS 500/45-70 new)

21 Sec. 45-70. Contracts for personal services; qualified aid  
22 recipients. All contracts for personal services, as defined  
23 under Section 14 of the State Finance Act, shall be subject to  
24 the preference of "qualified aid recipients" within the meaning  
25 of the Welfare to Work Act, over others who are similarly  
26 qualified.

27 Section 999. Effective date. This Act takes effect upon  
28 becoming law.