



Rep. Rita Mayfield

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09800HB5701ham003

LRB098 18610 JLS 57486 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 private entity that has one
2 or more employees in the current or preceding calendar year,
3 and any agent of such an entity or person.

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

8 "Employment" means any occupation or vocation.

9 Section 15. Employer pre-screening.

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

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

22 Section 20. Employer violations.

23 (a) The Illinois Department of Labor shall investigate any
24 alleged violations of this Act by an employer or employment

1 agency. If the Department finds that a violation has occurred,
2 the Director of Labor may impose the following civil penalties:

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

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

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

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

20 (b) Penalties under this Section may be assessed by the
21 Department and recovered in a civil action brought by the
22 Department in any circuit court or in any administrative
23 adjudicative proceeding under this Act. In any such civil
24 action or administrative adjudicative proceeding under this
25 Act, the Department shall be represented by the Attorney
26 General.

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

6 Section 90. The State Finance Act is amended by adding
7 Section 5.855 as follows:

8 (30 ILCS 105/5.855 new)

9 Sec. 5.855. The Job Opportunities for Qualified Applicants
10 Enforcement Fund.

11 Section 99. Effective date. This Act takes effect January
12 1, 2015."