

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing
5 Sections 2.01 and 7 as follows:

6 (5 ILCS 120/2.01) (from Ch. 102, par. 42.01)

7 Sec. 2.01. All meetings required by this Act to be public
8 shall be held at specified times and places which are
9 convenient and open to the public. No meeting required by this
10 Act to be public shall be held on a legal holiday unless the
11 regular meeting day falls on that holiday.

12 A quorum of members of a public body must be physically
13 present at the location of an open meeting. If, however, an
14 open meeting of a public body (i) with statewide jurisdiction,
15 (ii) that is an Illinois library system with jurisdiction over
16 a specific geographic area of more than 4,500 square miles,
17 (iii) that is a municipal transit district with jurisdiction
18 over a specific geographic area of more than 4,500 square
19 miles, or (iv) that is a local workforce investment area with
20 jurisdiction over a specific geographic area of more than 4,500
21 square miles is held simultaneously at one of its offices and
22 one or more other locations in a public building, which may
23 include other of its offices, through an interactive video

1 conference and the public body provides public notice and
2 public access as required under this Act for all locations,
3 then members physically present in those locations all count
4 towards determining a quorum. "Public building", as used in
5 this Section, means any building or portion thereof owned or
6 leased by any public body. The requirement that a quorum be
7 physically present at the location of an open meeting shall not
8 apply, however, to State advisory boards or bodies that do not
9 have authority to make binding recommendations or
10 determinations or to take any other substantive action.

11 A quorum of members of a public body that is not (i) a
12 public body with statewide jurisdiction, (ii) an Illinois
13 library system with jurisdiction over a specific geographic
14 area of more than 4,500 square miles, (iii) a municipal transit
15 district with jurisdiction over a specific geographic area of
16 more than 4,500 square miles, or (iv) a local workforce
17 innovation investment area with jurisdiction over a specific
18 geographic area of more than 4,500 square miles must be
19 physically present at the location of a closed meeting. Other
20 members who are not physically present at a closed meeting of
21 such a public body may participate in the meeting by means of a
22 video or audio conference. For the purposes of this Section,
23 "local workforce innovation investment area" means any local
24 workforce innovation investment area or areas designated by the
25 Governor pursuant to the federal Workforce Innovation and
26 Opportunity Act ~~Workforce Investment Act of 1998~~ or its

1 reauthorizing legislation.

2 (Source: P.A. 98-992, eff. 8-18-14.)

3 (5 ILCS 120/7)

4 Sec. 7. Attendance by a means other than physical presence.

5 (a) If a quorum of the members of the public body is
6 physically present as required by Section 2.01, a majority of
7 the public body may allow a member of that body to attend the
8 meeting by other means if the member is prevented from
9 physically attending because of: (i) personal illness or
10 disability; (ii) employment purposes or the business of the
11 public body; or (iii) a family or other emergency. "Other
12 means" is by video or audio conference.

13 (b) If a member wishes to attend a meeting by other means,
14 the member must notify the recording secretary or clerk of the
15 public body before the meeting unless advance notice is
16 impractical.

17 (c) A majority of the public body may allow a member to
18 attend a meeting by other means only in accordance with and to
19 the extent allowed by rules adopted by the public body. The
20 rules must conform to the requirements and restrictions of this
21 Section, may further limit the extent to which attendance by
22 other means is allowed, and may provide for the giving of
23 additional notice to the public or further facilitate public
24 access to meetings.

25 (d) The limitations of this Section shall not apply to (i)

1 closed meetings of (A) public bodies with statewide
2 jurisdiction, (B) Illinois library systems with jurisdiction
3 over a specific geographic area of more than 4,500 square
4 miles, (C) municipal transit districts with jurisdiction over a
5 specific geographic area of more than 4,500 square miles, or
6 (D) local workforce innovation ~~investment~~ areas with
7 jurisdiction over a specific geographic area of more than 4,500
8 square miles or (ii) open or closed meetings of State advisory
9 boards or bodies that do not have authority to make binding
10 recommendations or determinations or to take any other
11 substantive action. State advisory boards or bodies, public
12 bodies with statewide jurisdiction, Illinois library systems
13 with jurisdiction over a specific geographic area of more than
14 4,500 square miles, municipal transit districts with
15 jurisdiction over a specific geographic area of more than 4,500
16 square miles, and local workforce investment areas with
17 jurisdiction over a specific geographic area of more than 4,500
18 square miles, however, may permit members to attend meetings by
19 other means only in accordance with and to the extent allowed
20 by specific procedural rules adopted by the body. For the
21 purposes of this Section, "local workforce innovation
22 ~~investment~~ area" means any local workforce innovation
23 ~~investment~~ area or areas designated by the Governor pursuant to
24 the federal Workforce Innovation and Opportunity Act ~~Workforce~~
25 ~~Investment Act of 1998~~ or its reauthorizing legislation.

26 (Source: P.A. 98-992, eff. 8-18-14.)

1 Section 10. The Civil Administrative Code of Illinois is
2 amended by changing Section 5-550 as follows:

3 (20 ILCS 5/5-550) (was 20 ILCS 5/6.23)

4 Sec. 5-550. In the Department of Human Services. A State
5 Rehabilitation Council, hereinafter referred to as the
6 Council, is hereby established for the purpose of complying
7 with the requirements of 34 CFR 361.16 and advising the
8 Secretary of Human Services and the vocational rehabilitation
9 administrator of the provisions of the federal Rehabilitation
10 Act of 1973 and the Americans with Disabilities Act of 1990 in
11 matters concerning individuals with disabilities and the
12 provision of vocational rehabilitation services. The Council
13 shall consist of members appointed by the Governor after
14 soliciting recommendations from organizations representing a
15 broad range of individuals with disabilities and organizations
16 interested in individuals with disabilities. However, the
17 Governor may delegate his appointing authority under this
18 Section to the Council by executive order.

19 The Council shall consist of the following appointed
20 members:

21 (1) One representative of a parent training center
22 established in accordance with the federal Individuals
23 with Disabilities Education Act.

24 (2) One representative of the Client Assistance

1 Program.

2 (3) One vocational rehabilitation counselor who has
3 knowledge of and experience with vocational rehabilitation
4 programs. If an employee of the Department of Human
5 Services is appointed under this item, then he or she shall
6 serve as an ex officio, nonvoting member.

7 (4) One representative of community rehabilitation
8 program service providers.

9 (5) Four representatives of business, industry, and
10 labor.

11 (6) At least two but not more than five representatives
12 of disability advocacy groups representing a cross section
13 of the following:

14 (A) individuals with physical, cognitive, sensory,
15 and mental disabilities; and

16 (B) parents, family members, guardians, advocates,
17 or authorized representative of individuals with
18 disabilities who have difficulty in representing
19 themselves or who are unable, due to their
20 disabilities, to represent themselves.

21 (7) One current or former applicant for, or recipient
22 of, vocational rehabilitation services.

23 (8) One representative from secondary or higher
24 education.

25 (9) One representative of the State Workforce
26 Innovation Investment Board.

1 (10) One representative of the Illinois State Board of
2 Education who is knowledgeable about the Individuals with
3 Disabilities Education Act.

4 (11) The chairperson of, or a member designated by, the
5 Statewide Independent Living Council established under
6 Section 12a of the Rehabilitation of Persons with
7 Disabilities Act.

8 (12) The chairperson of, or a member designated by, the
9 Blind Services Planning Council established under Section
10 7 of the Bureau for the Blind Act.

11 (13) The vocational rehabilitation administrator, as
12 defined in Section 1b of the Rehabilitation of Persons with
13 Disabilities Act, who shall serve as an ex officio,
14 nonvoting member.

15 The Council shall select a Chairperson.

16 The Chairperson and a majority of the members of the
17 Council shall be persons who are individuals with disabilities.
18 At least one member shall be a senior citizen age 60 or over,
19 and at least one member shall be at least 18 but not more than
20 25 years old. A majority of the Council members shall not be
21 employees of the Department of Human Services.

22 Members appointed to the Council for full terms on or after
23 the effective date of this amendatory Act of the 98th General
24 Assembly shall be appointed for terms of 3 years. No Council
25 member, other than the vocational rehabilitation administrator
26 and the representative of the Client Assistance Program, shall

1 serve for more than 2 consecutive terms as a representative of
2 one of the 13 enumerated categories. If an individual, other
3 than the vocational rehabilitation administrator and the
4 representative of the Client Assistance Program, has completed
5 2 consecutive terms and is eligible to seek appointment as a
6 representative of one of the other enumerated categories, then
7 that individual may be appointed to serve as a representative
8 of one of those other enumerated categories after a meaningful
9 break in Council service, as defined by the Council through its
10 by-laws.

11 Vacancies for unexpired terms shall be filled. Individuals
12 appointed by the appointing authority to fill an unexpired term
13 shall complete the remainder of the vacated term. When the
14 initial term of a person appointed to fill a vacancy is
15 completed, the individual appointed to fill that vacancy may be
16 re-appointed by the appointing authority to the vacated
17 position for one subsequent term.

18 If an excessive number of expired terms and vacated terms
19 combine to place an undue burden on the Council, the appointing
20 authority may appoint members for terms of 1, 2, or 3 years.
21 The appointing authority shall determine the terms of Council
22 members to ensure the number of terms expiring each year is as
23 close to equal as possible.

24 Notwithstanding the foregoing, a member who is serving on
25 the Council on the effective date of this amendatory Act of the
26 98th General Assembly and whose term expires as a result of the

1 changes made by this amendatory Act of the 98th General
2 Assembly may complete the unexpired portion of his or her term.

3 Members shall be reimbursed in accordance with State laws,
4 rules, and rates for expenses incurred in the performance of
5 their approved, Council-related duties, including expenses for
6 travel, child care, or personal assistance services. A member
7 who is not employed or who must forfeit wages from other
8 employment may be paid reasonable compensation, as determined
9 by the Department, for each day the member is engaged in
10 performing approved duties of the Council.

11 The Council shall meet at least 4 times per year at times
12 and places designated by the Chairperson upon 10 days written
13 notice to the members. Special meetings may be called by the
14 Chairperson or 7 members of the Council upon 7 days written
15 notice to the other members. Nine members shall constitute a
16 quorum. No member of the Council shall cast a vote on any
17 matter that would provide direct financial benefit to the
18 member or otherwise give the appearance of a conflict of
19 interest under Illinois law.

20 The Council shall prepare and submit to the vocational
21 rehabilitation administrator the reports and findings that the
22 vocational rehabilitation administrator may request or that
23 the Council deems fit. The Council shall select jointly with
24 the vocational rehabilitation administrator a pool of
25 qualified persons to serve as impartial hearing officers. The
26 Council shall, with the vocational rehabilitation unit in the

1 Department, jointly develop, agree to, and review annually
2 State goals and priorities and jointly submit annual reports of
3 progress to the federal Commissioner of the Rehabilitation
4 Services Administration.

5 To the extent that there is a disagreement between the
6 Council and the unit within the Department of Human Services
7 responsible for the administration of the vocational
8 rehabilitation program, regarding the resources necessary to
9 carry out the functions of the Council as set forth in this
10 Section, the disagreement shall be resolved by the Governor.

11 (Source: P.A. 98-76, eff. 7-15-13; 99-143, eff. 7-27-15.)

12 Section 15. The Department of Commerce and Economic
13 Opportunity Law of the Civil Administrative Code of Illinois is
14 amended by changing Section 605-750 as follows:

15 (20 ILCS 605/605-750)

16 Sec. 605-750. Posting requirements; Illinois Workforce
17 Innovation ~~Investment~~ Board. The Department must comply with
18 the Internet posting requirements set forth in Section 7.2 of
19 the Illinois Workforce Innovation ~~Investment~~ Board Act. The
20 information must be posted on the Department's Internet website
21 no later than 30 days after the Department receives the
22 information from the Illinois Workforce Innovation ~~Investment~~
23 Board.

24 (Source: P.A. 97-356, eff. 1-1-12.)

1 Section 20. The Illinois Emergency Employment Development
2 Act is amended by changing Section 2 as follows:

3 (20 ILCS 630/2) (from Ch. 48, par. 2402)

4 Sec. 2. For the purposes of this Act, the following words
5 have the meanings ascribed to them in this Section.

6 (a) "Advisory Committee" means the 21st Century Workforce
7 Development Fund Advisory Committee.

8 (b) "Coordinator" means the Illinois Emergency Employment
9 Development Coordinator appointed under Section 3.

10 (c) "Department" means the Illinois Department of Commerce
11 and Economic Opportunity.

12 (d) "Director" means the Director of Commerce and Economic
13 Opportunity.

14 (e) "Eligible business" means a for-profit business.

15 (f) "Eligible employer" means an eligible nonprofit
16 agency, or an eligible business.

17 (g) "Eligible job applicant" means a person who (1) has
18 been a resident of this State for at least one year; and (2) is
19 unemployed; and (3) is not receiving and is not qualified to
20 receive unemployment compensation or workers' compensation;
21 and (4) is determined by the employment administrator to be
22 likely to be available for employment by an eligible employer
23 for the duration of the job.

24 (h) "Eligible nonprofit agency" means an organization

1 exempt from taxation under the Internal Revenue Code of 1954,
2 Section 501(c)(3).

3 (i) "Employment administrator" means the administrative
4 entity designated by the Coordinator, and approved by the
5 Advisory Committee, to administer the provisions of this Act in
6 each service delivery area. With approval of the Advisory
7 Committee, the Coordinator may designate an administrative
8 entity authorized under the Workforce Innovation and
9 Opportunity Act ~~Workforce Investment Act~~ or private, public, or
10 non-profit entities that have proven effectiveness in
11 providing training, workforce development, and job placement
12 services to low-income individuals.

13 (j) "Fringe benefits" means all non-salary costs for each
14 person employed under the program, including, but not limited
15 to, workers compensation, unemployment insurance, and health
16 benefits, as would be provided to non-subsidized employees
17 performing similar work.

18 (k) "Household" means a group of persons living at the same
19 residence consisting of, at a maximum, spouses and the minor
20 children of each.

21 (l) "Program" means the Illinois Emergency Employment
22 Development Program created by this Act consisting of new job
23 creation in the private sector.

24 (m) "Service delivery area" means an area designated as a
25 Local Workforce Investment Area by the State.

26 (n) "Workforce Innovation and Opportunity Act" ~~"Workforce~~

1 ~~Investment Act"~~ means the federal Workforce Innovation and
2 Opportunity Act ~~Workforce Investment Act of 1998~~, any
3 amendments to that Act, and any other applicable federal
4 statutes.

5 (Source: P.A. 99-576, eff. 7-15-16.)

6 Section 25. The Department of Employment Security Law of
7 the Civil Administrative Code of Illinois is amended by
8 changing Section 1005-155 as follows:

9 (20 ILCS 1005/1005-155)

10 Sec. 1005-155. Illinois worknet ~~Employment and Training~~
11 Centers report. The Department of Employment Security, or the
12 State agency responsible for the oversight of the federal
13 Workforce Innovation and Opportunity Act ~~Workforce Investment~~
14 ~~Act of 1998~~ if that agency is not the Department of Employment
15 Security, shall prepare a report for the Governor and the
16 General Assembly regarding the progress of the Illinois
17 Employment and Training Centers in serving individuals with
18 disabilities. The report must include, but is not limited to,
19 the following: (i) the number of individuals referred to the
20 Illinois Employment and Training Centers by the Department of
21 Human Services Office of Rehabilitation Services; (ii) the
22 total number of individuals with disabilities served by the
23 Illinois Employment and Training Centers; (iii) the number of
24 individuals with disabilities served in federal Workforce

1 Innovation and Opportunity Act ~~Workforce Investment Act of 1998~~

2 employment and training programs; (iv) the number of
3 individuals with disabilities annually placed in jobs by the
4 Illinois Employment and Training Centers; and (v) the number of
5 individuals with disabilities referred by the Illinois
6 Employment and Training Centers to the Department of Human
7 Services Office of Rehabilitation Services. The report is due
8 by December 31, 2004 based on the previous State program year
9 of July 1 through June 30, and is due annually thereafter.

10 "Individuals with disabilities" are defined as those who
11 self-report as being qualified as disabled under the 1973
12 Rehabilitation Act or the 1990 Americans with Disabilities Act,
13 for the purposes of this Law.

14 (Source: P.A. 99-143, eff. 7-27-15.)

15 Section 30. The Illinois Guaranteed Job Opportunity Act is
16 amended by changing Section 35 as follows:

17 (20 ILCS 1510/35)

18 Sec. 35. Local Job Projects.

19 (a) General authority. The Department may accept
20 applications and issue grants for operation of projects under
21 this Act.

22 (b) Project. Subject to appropriation, no more than 3 small
23 projects may be selected to pilot a subsidized employment to
24 Temporary Assistance for Needy Families (TANF) program for

1 participants for a period of not more than 6 months. The
2 selected projects shall demonstrate their ability to move
3 clients from participation in the project to unsubsidized
4 employment. The Department may refer TANF participants to other
5 subsidized employment programs available through the federal
6 Workforce Innovation and Opportunity Act ~~Workforce Investment~~
7 ~~Act (WIA) One Stops~~ or through other community-based programs.

8 (c) Political affiliation prohibited. No manager or other
9 officer or employee of the job project assisted under this Act
10 may apply a political affiliation test in selecting eligible
11 participation for employment in the project.

12 (d) Limitations.

13 (1) Not more than 10% of the total expenses in any
14 fiscal year of the job project may be used for
15 transportation and equipment.

16 (2) (Blank).

17 (e) Minimum hours per week employed. No eligible
18 participant employed in a job project assisted under this Act
19 may be employed on the project for less than 30 hours per week.

20 (f) (Blank).

21 (Source: P.A. 93-46, eff. 7-1-03.)

22 Section 35. The Rehabilitation of Persons with
23 Disabilities Act is amended by changing Section 3 as follows:

24 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

1 Sec. 3. Powers and duties. The Department shall have the
2 powers and duties enumerated herein:

3 (a) To co-operate with the federal government in the
4 administration of the provisions of the federal Rehabilitation
5 Act of 1973, as amended, of the Workforce Innovation and
6 Opportunity Act ~~Workforce Investment Act of 1998~~, and of the
7 federal Social Security Act to the extent and in the manner
8 provided in these Acts.

9 (b) To prescribe and supervise such courses of vocational
10 training and provide such other services as may be necessary
11 for the habilitation and rehabilitation of persons with one or
12 more disabilities, including the administrative activities
13 under subsection (e) of this Section, and to co-operate with
14 State and local school authorities and other recognized
15 agencies engaged in habilitation, rehabilitation and
16 comprehensive rehabilitation services; and to cooperate with
17 the Department of Children and Family Services regarding the
18 care and education of children with one or more disabilities.

19 (c) (Blank).

20 (d) To report in writing, to the Governor, annually on or
21 before the first day of December, and at such other times and
22 in such manner and upon such subjects as the Governor may
23 require. The annual report shall contain (1) a statement of the
24 existing condition of comprehensive rehabilitation services,
25 habilitation and rehabilitation in the State; (2) a statement
26 of suggestions and recommendations with reference to the

1 development of comprehensive rehabilitation services,
2 habilitation and rehabilitation in the State; and (3) an
3 itemized statement of the amounts of money received from
4 federal, State and other sources, and of the objects and
5 purposes to which the respective items of these several amounts
6 have been devoted.

7 (e) (Blank).

8 (f) To establish a program of services to prevent the
9 unnecessary institutionalization of persons in need of long
10 term care and who meet the criteria for blindness or disability
11 as defined by the Social Security Act, thereby enabling them to
12 remain in their own homes. Such preventive services include any
13 or all of the following:

- 14 (1) personal assistant services;
- 15 (2) homemaker services;
- 16 (3) home-delivered meals;
- 17 (4) adult day care services;
- 18 (5) respite care;
- 19 (6) home modification or assistive equipment;
- 20 (7) home health services;
- 21 (8) electronic home response;
- 22 (9) brain injury behavioral/cognitive services;
- 23 (10) brain injury habilitation;
- 24 (11) brain injury pre-vocational services; or
- 25 (12) brain injury supported employment.

26 The Department shall establish eligibility standards for

1 such services taking into consideration the unique economic and
2 social needs of the population for whom they are to be
3 provided. Such eligibility standards may be based on the
4 recipient's ability to pay for services; provided, however,
5 that any portion of a person's income that is equal to or less
6 than the "protected income" level shall not be considered by
7 the Department in determining eligibility. The "protected
8 income" level shall be determined by the Department, shall
9 never be less than the federal poverty standard, and shall be
10 adjusted each year to reflect changes in the Consumer Price
11 Index For All Urban Consumers as determined by the United
12 States Department of Labor. The standards must provide that a
13 person may not have more than \$10,000 in assets to be eligible
14 for the services, and the Department may increase or decrease
15 the asset limitation by rule. The Department may not decrease
16 the asset level below \$10,000.

17 The services shall be provided, as established by the
18 Department by rule, to eligible persons to prevent unnecessary
19 or premature institutionalization, to the extent that the cost
20 of the services, together with the other personal maintenance
21 expenses of the persons, are reasonably related to the
22 standards established for care in a group facility appropriate
23 to their condition. These non-institutional services, pilot
24 projects or experimental facilities may be provided as part of
25 or in addition to those authorized by federal law or those
26 funded and administered by the Illinois Department on Aging.

1 The Department shall set rates and fees for services in a fair
2 and equitable manner. Services identical to those offered by
3 the Department on Aging shall be paid at the same rate.

4 Personal assistants shall be paid at a rate negotiated
5 between the State and an exclusive representative of personal
6 assistants under a collective bargaining agreement. In no case
7 shall the Department pay personal assistants an hourly wage
8 that is less than the federal minimum wage.

9 Solely for the purposes of coverage under the Illinois
10 Public Labor Relations Act (5 ILCS 315/), personal assistants
11 providing services under the Department's Home Services
12 Program shall be considered to be public employees and the
13 State of Illinois shall be considered to be their employer as
14 of the effective date of this amendatory Act of the 93rd
15 General Assembly, but not before. Solely for the purposes of
16 coverage under the Illinois Public Labor Relations Act, home
17 care and home health workers who function as personal
18 assistants and individual maintenance home health workers and
19 who also provide services under the Department's Home Services
20 Program shall be considered to be public employees, no matter
21 whether the State provides such services through direct
22 fee-for-service arrangements, with the assistance of a managed
23 care organization or other intermediary, or otherwise, and the
24 State of Illinois shall be considered to be the employer of
25 those persons as of January 29, 2013 (the effective date of
26 Public Act 97-1158), but not before except as otherwise

1 provided under this subsection (f). The State shall engage in
2 collective bargaining with an exclusive representative of home
3 care and home health workers who function as personal
4 assistants and individual maintenance home health workers
5 working under the Home Services Program concerning their terms
6 and conditions of employment that are within the State's
7 control. Nothing in this paragraph shall be understood to limit
8 the right of the persons receiving services defined in this
9 Section to hire and fire home care and home health workers who
10 function as personal assistants and individual maintenance
11 home health workers working under the Home Services Program or
12 to supervise them within the limitations set by the Home
13 Services Program. The State shall not be considered to be the
14 employer of home care and home health workers who function as
15 personal assistants and individual maintenance home health
16 workers working under the Home Services Program for any
17 purposes not specifically provided in Public Act 93-204 or
18 Public Act 97-1158, including but not limited to, purposes of
19 vicarious liability in tort and purposes of statutory
20 retirement or health insurance benefits. Home care and home
21 health workers who function as personal assistants and
22 individual maintenance home health workers and who also provide
23 services under the Department's Home Services Program shall not
24 be covered by the State Employees Group Insurance Act of 1971
25 (5 ILCS 375/).

26 The Department shall execute, relative to nursing home

1 prescreening, as authorized by Section 4.03 of the Illinois Act
2 on the Aging, written inter-agency agreements with the
3 Department on Aging and the Department of Healthcare and Family
4 Services, to effect the intake procedures and eligibility
5 criteria for those persons who may need long term care. On and
6 after July 1, 1996, all nursing home prescreenings for
7 individuals 18 through 59 years of age shall be conducted by
8 the Department, or a designee of the Department.

9 The Department is authorized to establish a system of
10 recipient cost-sharing for services provided under this
11 Section. The cost-sharing shall be based upon the recipient's
12 ability to pay for services, but in no case shall the
13 recipient's share exceed the actual cost of the services
14 provided. Protected income shall not be considered by the
15 Department in its determination of the recipient's ability to
16 pay a share of the cost of services. The level of cost-sharing
17 shall be adjusted each year to reflect changes in the
18 "protected income" level. The Department shall deduct from the
19 recipient's share of the cost of services any money expended by
20 the recipient for disability-related expenses.

21 To the extent permitted under the federal Social Security
22 Act, the Department, or the Department's authorized
23 representative, may recover the amount of moneys expended for
24 services provided to or in behalf of a person under this
25 Section by a claim against the person's estate or against the
26 estate of the person's surviving spouse, but no recovery may be

1 had until after the death of the surviving spouse, if any, and
2 then only at such time when there is no surviving child who is
3 under age 21 or blind or who has a permanent and total
4 disability. This paragraph, however, shall not bar recovery, at
5 the death of the person, of moneys for services provided to the
6 person or in behalf of the person under this Section to which
7 the person was not entitled; provided that such recovery shall
8 not be enforced against any real estate while it is occupied as
9 a homestead by the surviving spouse or other dependent, if no
10 claims by other creditors have been filed against the estate,
11 or, if such claims have been filed, they remain dormant for
12 failure of prosecution or failure of the claimant to compel
13 administration of the estate for the purpose of payment. This
14 paragraph shall not bar recovery from the estate of a spouse,
15 under Sections 1915 and 1924 of the Social Security Act and
16 Section 5-4 of the Illinois Public Aid Code, who precedes a
17 person receiving services under this Section in death. All
18 moneys for services paid to or in behalf of the person under
19 this Section shall be claimed for recovery from the deceased
20 spouse's estate. "Homestead", as used in this paragraph, means
21 the dwelling house and contiguous real estate occupied by a
22 surviving spouse or relative, as defined by the rules and
23 regulations of the Department of Healthcare and Family
24 Services, regardless of the value of the property.

25 The Department shall submit an annual report on programs
26 and services provided under this Section. The report shall be

1 filed with the Governor and the General Assembly on or before
2 March 30 each year.

3 The requirement for reporting to the General Assembly shall
4 be satisfied by filing copies of the report with the Speaker,
5 the Minority Leader and the Clerk of the House of
6 Representatives and the President, the Minority Leader and the
7 Secretary of the Senate and the Legislative Research Unit, as
8 required by Section 3.1 of the General Assembly Organization
9 Act, and filing additional copies with the State Government
10 Report Distribution Center for the General Assembly as required
11 under paragraph (t) of Section 7 of the State Library Act.

12 (g) To establish such subdivisions of the Department as
13 shall be desirable and assign to the various subdivisions the
14 responsibilities and duties placed upon the Department by law.

15 (h) To cooperate and enter into any necessary agreements
16 with the Department of Employment Security for the provision of
17 job placement and job referral services to clients of the
18 Department, including job service registration of such clients
19 with Illinois Employment Security offices and making job
20 listings maintained by the Department of Employment Security
21 available to such clients.

22 (i) To possess all powers reasonable and necessary for the
23 exercise and administration of the powers, duties and
24 responsibilities of the Department which are provided for by
25 law.

26 (j) (Blank).

1 (k) (Blank).

2 (l) To establish, operate and maintain a Statewide Housing
3 Clearinghouse of information on available, government
4 subsidized housing accessible to persons with disabilities and
5 available privately owned housing accessible to persons with
6 disabilities. The information shall include but not be limited
7 to the location, rental requirements, access features and
8 proximity to public transportation of available housing. The
9 Clearinghouse shall consist of at least a computerized database
10 for the storage and retrieval of information and a separate or
11 shared toll free telephone number for use by those seeking
12 information from the Clearinghouse. Department offices and
13 personnel throughout the State shall also assist in the
14 operation of the Statewide Housing Clearinghouse. Cooperation
15 with local, State and federal housing managers shall be sought
16 and extended in order to frequently and promptly update the
17 Clearinghouse's information.

18 (m) To assure that the names and case records of persons
19 who received or are receiving services from the Department,
20 including persons receiving vocational rehabilitation, home
21 services, or other services, and those attending one of the
22 Department's schools or other supervised facility shall be
23 confidential and not be open to the general public. Those case
24 records and reports or the information contained in those
25 records and reports shall be disclosed by the Director only to
26 proper law enforcement officials, individuals authorized by a

1 court, the General Assembly or any committee or commission of
2 the General Assembly, and other persons and for reasons as the
3 Director designates by rule. Disclosure by the Director may be
4 only in accordance with other applicable law.

5 (Source: P.A. 98-1004, eff. 8-18-14; 99-143, eff. 7-27-15.)

6 Section 40. The Illinois Workforce Investment Board Act is
7 amended by changing Sections 1, 2.5, 3, 4.5, 5, 6, 7, 7.2, 7.5,
8 and 8 as follows:

9 (20 ILCS 3975/1) (from Ch. 48, par. 2101)

10 Sec. 1. Short title. This Act may be cited as the Illinois
11 Workforce Innovation ~~Investment~~ Board Act.

12 (Source: P.A. 92-588, eff. 7-1-02.)

13 (20 ILCS 3975/2.5)

14 Sec. 2.5. Purpose.

15 (a) Beginning on the effective date of this amendatory Act
16 of the 92nd General Assembly, the Illinois Human Resource
17 Investment Council shall be known as the Illinois Workforce
18 Investment Board. Beginning on the effective date of this
19 amendatory Act of the 100th General Assembly, the Illinois
20 Workforce Investment Board shall be known as the Illinois
21 Workforce Innovation Board. The Illinois Workforce Innovation
22 ~~Investment~~ Board is the State advisory board pertaining to
23 workforce preparation policy. The Board shall ensure that

1 Illinois' workforce preparation services and programs are
2 coordinated and integrated and shall measure and evaluate the
3 overall performance and results of these programs. The Board
4 shall further cooperation between government and the private
5 sector to meet the workforce preparation needs of employers and
6 workers in Illinois. The Board shall provide ongoing oversight
7 of programs and needed information about the functioning of
8 labor markets in Illinois.

9 (b) The Board shall help Illinois create and maintain a
10 workforce with the skills and abilities that will keep the
11 economy productive.

12 (c) The Board shall meet the requirements of the federal
13 Workforce Innovation and Opportunity Act ~~Workforce Investment~~
14 ~~Act of 1998~~.

15 (Source: P.A. 92-588, eff. 7-1-02.)

16 (20 ILCS 3975/3) (from Ch. 48, par. 2103)

17 Sec. 3. Illinois Workforce Innovation ~~Investment~~ Board.

18 (a) The Illinois Workforce Innovation ~~Investment~~ Board
19 shall include:

20 (1) the Governor;

21 (2) 2 members of the House of Representatives appointed
22 by the Speaker of the House and 2 members of the Senate
23 appointed by the President of the Senate; ~~and~~

24 (3) for appointments made prior to the effective date
25 of this amendatory Act of the 100th General Assembly,

1 persons appointed by the Governor, with the advice and
2 consent of the Senate (except in the case of a person
3 holding an office or employment described in subparagraph
4 (F) when appointment to the office or employment requires
5 the advice and consent of the Senate), from among the
6 following:

7 (A) representatives of business in this State who
8 (i) are owners of businesses, chief executives or
9 operating officers of businesses, or other business
10 executives or employers with optimum policymaking or
11 hiring authority, including members of local boards
12 described in Section 117(b)(2)(A)(i) of the federal
13 Workforce Investment Act of 1998; (ii) represent
14 businesses with employment opportunities that reflect
15 the employment opportunities in the State; and (iii)
16 are appointed from among individuals nominated by
17 State business organizations and business trade
18 associations;

19 (B) chief elected officials from cities and
20 counties;

21 (C) representatives of labor organizations who
22 have been nominated by State labor federations;

23 (D) representatives of individuals or
24 organizations that have experience with youth
25 activities;

26 (E) representatives of individuals or

1 organizations that have experience and expertise in
2 the delivery of workforce investment activities,
3 including chief executive officers of community
4 colleges and community-based organizations within the
5 State;

6 (F) the lead State agency officials with
7 responsibility for the programs and activities that
8 are described in Section 121(b) of the federal
9 Workforce Investment Act of 1998 and carried out by
10 one-stop partners and, in any case in which no lead
11 State agency official has responsibility for such a
12 program, service, or activity, a representative in the
13 State with expertise in such program, service, or
14 activity; and

15 (G) any other representatives and State agency
16 officials that the Governor may appoint, including,
17 but not limited to, one or more representatives of
18 local public education, post-secondary institutions,
19 secondary or post-secondary vocational education
20 institutions, and community-based organizations; and

21 (4) for appointments made on or after the effective
22 date of this amendatory Act of the 100th General Assembly,
23 persons appointed by the Governor in accordance with
24 Section 101 of the federal Workforce Innovation and
25 Opportunity Act, subject to the advice and consent of the
26 Senate (except in the case of a person holding an office or

1 employment with the Department of Commerce and Economic
2 Opportunity, the Illinois Community College Board, the
3 Department of Employment Security, or the Department of
4 Human Services when appointment to the office or employment
5 requires the consent of the Senate).

6 (b) (Blank). ~~Members of the Board that represent~~
7 ~~organizations, agencies, or other entities must be individuals~~
8 ~~with optimum policymaking authority within the organization,~~
9 ~~agency, or entity. The members of the Board must represent~~
10 ~~diverse regions of the State, including urban, rural, and~~
11 ~~suburban areas.~~

12 (c) (Blank). ~~A majority of the members of the Board must be~~
13 ~~representatives described in subparagraph (A) of paragraph (3)~~
14 ~~of subsection (a). There must be at least 2 members from each~~
15 ~~of the categories described in subparagraphs (D) and (E) of~~
16 ~~paragraph (3) of subsection (a). There must be at least 3~~
17 ~~members from the category described in subparagraph (C) of~~
18 ~~paragraph (3) of subsection (a). A majority of any committee~~
19 ~~the Board may establish for the purpose of general oversight,~~
20 ~~control, supervision, or management of the Board's business~~
21 ~~must be representatives described in subparagraph (A) of~~
22 ~~paragraph (3) of subsection (a); any such committee must also~~
23 ~~include at least one representative from each of the categories~~
24 ~~described in subparagraphs (C) through (E) of paragraph (3) of~~
25 ~~subsection (a) and may include one or more representatives from~~
26 ~~any other categories described in paragraph (3) of subsection~~

1 ~~(a).~~

2 (d) The Governor shall select a chairperson as provided in
3 the federal Workforce Innovation and Opportunity Act ~~for the~~
4 ~~Board from among the representatives described in subparagraph~~
5 ~~(A) of paragraph (3) of subsection (a).~~

6 (d-5) (Blank).

7 (e) Except as otherwise provided in this subsection, this
8 amendatory Act of the 92nd General Assembly does not affect the
9 tenure of any member appointed to and serving on the Illinois
10 Human Resource Investment Council on the effective date of this
11 amendatory Act of the 92nd General Assembly. Members of the
12 Board nominated for appointment in 2000, 2001, or 2002 shall
13 serve for fixed and staggered terms, as designated by the
14 Governor, expiring no later than July 1 of the second calendar
15 year succeeding their respective appointments or until their
16 successors are appointed and qualified. Members of the Board
17 nominated for appointment after 2002 shall serve for terms
18 expiring on July 1 of the second calendar year succeeding their
19 respective appointments, or until their successors are
20 appointed and qualified. A State official or employee serving
21 on the Board under subparagraph (F) of paragraph (3) of
22 subsection (a) by virtue of his or her State office or
23 employment shall serve during the term of that office or
24 employment. A vacancy is created in situations including, but
25 not limited to, those in which an individual serving on the
26 Board ceases to satisfy all of the requirements for appointment

1 under the provision under which he or she was appointed. The
2 Governor may at any time make appointments to fill vacancies
3 for the balance of an unexpired term. Vacancies shall be filled
4 in the same manner as the original appointment. Members shall
5 serve without compensation, but shall be reimbursed for
6 necessary expenses incurred in the performance of their duties.

7 (f) The Board shall meet at least 4 times per calendar year
8 at times and in places that it deems necessary. The Board shall
9 be subject to the Open Meetings Act and, to the extent required
10 by that law, its meetings shall be publicly announced and open
11 and accessible to the general public. The Board shall adopt any
12 rules and operating procedures that it deems necessary to carry
13 out its responsibilities under this Act and under the federal
14 Workforce Innovation and Opportunity Act ~~Workforce Investment~~
15 ~~Act of 1998~~.

16 (Source: P.A. 92-588, eff. 7-1-02.)

17 (20 ILCS 3975/4.5)

18 Sec. 4.5. Duties.

19 (a) The Board must perform all the functions of a state
20 workforce innovation investment board under the federal
21 Workforce Innovation and Opportunity Act ~~Workforce Investment~~
22 ~~Act of 1998~~, any amendments to that Act, and any other
23 applicable federal statutes. The Board must also perform all
24 other functions that are not inconsistent with the federal
25 Workforce Innovation and Opportunity Act ~~Workforce Investment~~

1 ~~Act of 1998~~ or this Act and that are assumed by the Board under
2 its bylaws or assigned to it by the Governor.

3 (b) The Board must cooperate with the General Assembly and
4 make recommendations to the Governor and the General Assembly
5 concerning legislation necessary to improve upon statewide and
6 local workforce development ~~investment~~ systems in order to
7 increase occupational skill attainment, employment, retention,
8 or earnings of participants and thereby improve the quality of
9 the workforce, reduce welfare dependency, and enhance the
10 productivity and competitiveness of the State. The Board must
11 annually submit a report to the General Assembly on the
12 progress of the State in achieving state performance measures
13 under the federal Workforce Innovation and Opportunity Act
14 ~~Workforce Investment Act of 1998~~, including information on the
15 levels of performance achieved by the State with respect to the
16 core indicators of performance and the customer satisfaction
17 indicator under that Act. The report must include any other
18 items that the Governor may be required to report to the
19 Secretary of the United States Department of Labor ~~under~~
20 ~~Section 136(d) of the federal Workforce Investment Act of 1998.~~

21 (b-5) The Board shall implement a method for measuring the
22 progress of the State's workforce development system by using
23 benchmarks specified in the federal Workforce Innovation and
24 Opportunity Act. ~~specified benchmarks. Those benchmarks are:~~
25 ~~(i) the educational level of working adults; (ii) the~~
26 ~~percentage of the adult workforce in education and training;~~

1 ~~(iii) adult literacy; (iv) the percentage of high school~~
2 ~~graduates transitioning to education or training; (v) the high~~
3 ~~school dropout rate; (vi) the number of youth transitioning~~
4 ~~from 8th grade to 9th grade; (vii) the percentage of~~
5 ~~individuals and families at economic self sufficiency; (viii)~~
6 ~~the average growth in pay; (ix) net job growth; and (x)~~
7 ~~productivity per employee.~~

8 The Board shall identify the most significant early
9 indicators for each benchmark, establish a mechanism to collect
10 data and track the benchmarks on an annual basis, and then use
11 the results to set goals for each benchmark, to inform
12 planning, and to ensure the effective use of State resources.

13 (c) Nothing in this Act shall be construed to require or
14 allow the Board to assume or supersede the statutory authority
15 granted to, or impose any duties or requirements on, the State
16 Board of Education, the Board of Higher Education, the Illinois
17 Community College Board, any State agencies created under the
18 Civil Administrative Code of Illinois, or any local education
19 agencies.

20 (d) No actions taken by the Illinois Human Resource
21 Investment Council before the effective date of this amendatory
22 Act of the 92nd General Assembly and no rights, powers, duties,
23 or obligations from those actions are impaired solely by this
24 amendatory Act of the 92nd General Assembly. All actions taken
25 by the Illinois Human Resource Investment Council before the
26 effective date of this amendatory Act of the 92nd General

1 Assembly are ratified and validated.

2 (Source: P.A. 92-588, eff. 7-1-02; 93-331, eff. 1-1-04.)

3 (20 ILCS 3975/5) (from Ch. 48, par. 2105)

4 Sec. 5. Plans; expenditures. The plans and decisions of the
5 Board shall be subject to approval by the Governor. All funds
6 received by the State pursuant to the federal Job Training
7 Partnership Act or the federal Workforce Innovation and
8 Opportunity Act ~~Workforce Investment Act of 1998~~ shall be
9 expended only pursuant to appropriation.

10 (Source: P.A. 92-588, eff. 7-1-02.)

11 (20 ILCS 3975/6) (from Ch. 48, par. 2106)

12 Sec. 6. Programs and services, conflict of interest. In
13 order to assure objective management and oversight, the Board
14 shall not operate programs or provide services directly to
15 eligible participants, but shall exist solely to plan,
16 coordinate and monitor the provisions of such programs and
17 services.

18 A member of the Board may not (1) vote on a matter under
19 consideration by the Board that (a) regards the provision of
20 services by the member or by an entity that the member
21 represents or (b) would provide direct financial benefit to the
22 member or the immediate family of the member or (2) engage in
23 any other activity determined by the Governor to constitute a
24 conflict of interest as specified in the State plan ~~established~~

1 ~~under the federal Workforce Investment Act of 1998.~~

2 (Source: P.A. 92-588, eff. 7-1-02.)

3 (20 ILCS 3975/7) (from Ch. 48, par. 2107)

4 Sec. 7. Personnel. The Board is authorized to obtain the
5 services of any professional, technical and clerical personnel
6 that may be necessary to carry out its functions under this Act
7 and under the federal Workforce Innovation and Opportunity Act
8 ~~Workforce Investment Act of 1998.~~

9 (Source: P.A. 92-588, eff. 7-1-02.)

10 (20 ILCS 3975/7.2)

11 Sec. 7.2. Posting requirements; Department of Commerce and
12 Economic Opportunity's website. On and after the effective date
13 of this amendatory Act of the 97th General Assembly, the
14 Illinois Workforce Innovation ~~Investment~~ Board must annually
15 submit to the Department of Commerce and Economic Opportunity
16 the following information to be posted on the Department's
17 official Internet website:

18 (1) All agendas and meeting minutes for meetings of the
19 Illinois Workforce Innovation ~~Investment~~ Board.

20 (2) All line-item budgets for the local workforce
21 investment areas located within the State.

22 (3) A listing of all contracts and contract values for
23 all workforce development training and service providers.

24 The information required under this Section must be posted

1 on the Department of Commerce and Economic Opportunity's
2 Internet website no later than 30 days after the Department
3 receives the information from the Illinois Workforce
4 Innovation Investment Board.

5 (Source: P.A. 97-356, eff. 1-1-12.)

6 (20 ILCS 3975/7.5)

7 Sec. 7.5. Procurement. The Illinois Workforce Innovation
8 ~~Investment~~ Board is subject to the Illinois Procurement Code,
9 to the extent consistent with all applicable federal laws.

10 (Source: P.A. 97-356, eff. 1-1-12.)

11 (20 ILCS 3975/8) (from Ch. 48, par. 2108)

12 Sec. 8. Audits. The Illinois Workforce Innovation
13 ~~Investment~~ Board and any recipient of funds under this Act
14 shall be subject to audits conducted by the Auditor General
15 with respect to all funds appropriated for the purposes of this
16 Act.

17 (Source: P.A. 92-588, eff. 7-1-02.)

18 Section 45. The Commission on the Elimination of Poverty
19 Act is amended by changing Section 15 as follows:

20 (20 ILCS 4080/15)

21 Sec. 15. Members. The Commission on the Elimination of
22 Poverty shall be composed of no more than 26 voting members

1 including 2 members of the Illinois House of Representatives,
2 one appointed by the Speaker of the House and one appointed by
3 the House Minority Leader; 2 members of the Illinois Senate,
4 one appointed by the Senate President and one appointed by the
5 Senate Minority Leader; one representative of the Office of the
6 Governor appointed by the Governor; one representative of the
7 Office of the Lieutenant Governor appointed by the Lieutenant
8 Governor; and 20 public members, 4 of whom shall be appointed
9 by the Governor, 4 of whom shall be appointed by the Speaker of
10 the House, 4 of whom shall be appointed by the House Minority
11 Leader, 4 of whom shall be appointed by the Senate President,
12 and 4 of whom shall be appointed by the Senate Minority Leader.
13 It shall be determined by lot who will appoint which public
14 members of the Commission. The public members shall include a
15 representative of a service-based human rights organization; 2
16 representatives from anti-poverty organizations, including one
17 that focuses on rural poverty; 2 individuals who have
18 experienced extreme poverty; a representative of an
19 organization that advocates for health care access,
20 affordability and availability; a representative of an
21 organization that advocates for persons with mental illness; a
22 representative of an organization that advocates for children
23 and youth; a representative of an organization that advocates
24 for quality and equality in education; a representative of an
25 organization that advocates for people who are homeless; a
26 representative of a statewide anti-hunger organization; a

1 person with a disability; a representative of an organization
2 that advocates for persons with disabilities; a representative
3 of an organization that advocates for immigrants; a
4 representative of a statewide faith-based organization that
5 provides direct social services in Illinois; a representative
6 of an organization that advocates for economic security for
7 women; a representative of an organization that advocates for
8 older adults; a representative of a labor organization that
9 represents primarily low and middle-income wage earners; a
10 representative of a municipal or county government; and a
11 representative of township government. The appointed members
12 shall reflect the racial, gender, and geographic diversity of
13 the State and shall include representation from regions of the
14 State experiencing the highest rates of extreme poverty.

15 The following officials shall serve as ex-officio members:
16 the Secretary of Human Services or his or her designee; the
17 Director of Corrections or his or her designee; the Director of
18 Healthcare and Family Services or his or her designee; the
19 Director of Human Rights or his or her designee; the Director
20 of Children and Family Services or his or her designee; the
21 Director of Commerce and Economic Opportunity or his or her
22 designee; the State Superintendent of Education or his or her
23 designee; the Director of Aging or his or her designee; the
24 Director of Public Health or his or her designee; and the
25 Director of Employment Security or his or her designee. The
26 State Workforce Innovation ~~Investment~~ Board, the

1 African-American Family Commission, and the Latino Family
2 Commission shall each designate a liaison to serve ex-officio
3 on the Commission.

4 Members shall serve without compensation, but, subject to
5 the availability of funds, public members may be reimbursed for
6 reasonable and necessary travel expenses connected to
7 Commission business.

8 Commission members shall be appointed within 60 days after
9 the effective date of this Act. The Commission shall hold its
10 initial meeting within 30 days after at least 50% of the
11 members have been appointed.

12 The representative of the Office of the Governor and the
13 representative of a service-based human rights organization
14 shall serve as co-chairs of the Commission.

15 At the first meeting of the Commission, the members shall
16 select a 7-person Steering Committee that includes the
17 co-chairs.

18 The Commission may establish committees that address
19 specific issues or populations and may appoint individuals with
20 relevant expertise who are not appointed members of the
21 Commission to serve on committees as needed.

22 Subject to appropriation, the office of the Governor, or a
23 designee of the Governor's choosing, shall provide
24 administrative support to the Commission.

25 (Source: P.A. 95-833, eff. 8-15-08; 96-64, eff. 7-23-09.)

1 Section 55. The Higher Education Student Assistance Act is
2 amended by changing Section 35 as follows:

3 (110 ILCS 947/35)

4 Sec. 35. Monetary award program.

5 (a) The Commission shall, each year, receive and consider
6 applications for grant assistance under this Section. Subject
7 to a separate appropriation for such purposes, an applicant is
8 eligible for a grant under this Section when the Commission
9 finds that the applicant:

10 (1) is a resident of this State and a citizen or
11 permanent resident of the United States; and

12 (2) in the absence of grant assistance, will be
13 deterred by financial considerations from completing an
14 educational program at the qualified institution of his or
15 her choice.

16 (b) The Commission shall award renewals only upon the
17 student's application and upon the Commission's finding that
18 the applicant:

19 (1) has remained a student in good standing;

20 (2) remains a resident of this State; and

21 (3) is in a financial situation that continues to
22 warrant assistance.

23 (c) All grants shall be applicable only to tuition and
24 necessary fee costs. The Commission shall determine the grant
25 amount for each student, which shall not exceed the smallest of

1 the following amounts:

2 (1) subject to appropriation, \$5,468 for fiscal year
3 2009, \$5,968 for fiscal year 2010, and \$6,468 for fiscal
4 year 2011 and each fiscal year thereafter, or such lesser
5 amount as the Commission finds to be available, during an
6 academic year;

7 (2) the amount which equals 2 semesters or 3 quarters
8 tuition and other necessary fees required generally by the
9 institution of all full-time undergraduate students; or

10 (3) such amount as the Commission finds to be
11 appropriate in view of the applicant's financial
12 resources.

13 Subject to appropriation, the maximum grant amount for
14 students not subject to subdivision (1) of this subsection (c)
15 must be increased by the same percentage as any increase made
16 by law to the maximum grant amount under subdivision (1) of
17 this subsection (c).

18 "Tuition and other necessary fees" as used in this Section
19 include the customary charge for instruction and use of
20 facilities in general, and the additional fixed fees charged
21 for specified purposes, which are required generally of
22 nongrant recipients for each academic period for which the
23 grant applicant actually enrolls, but do not include fees
24 payable only once or breakage fees and other contingent
25 deposits which are refundable in whole or in part. The
26 Commission may prescribe, by rule not inconsistent with this

1 Section, detailed provisions concerning the computation of
2 tuition and other necessary fees.

3 (d) No applicant, including those presently receiving
4 scholarship assistance under this Act, is eligible for monetary
5 award program consideration under this Act after receiving a
6 baccalaureate degree or the equivalent of 135 semester credit
7 hours of award payments.

8 (e) The Commission, in determining the number of grants to
9 be offered, shall take into consideration past experience with
10 the rate of grant funds unclaimed by recipients. The Commission
11 shall notify applicants that grant assistance is contingent
12 upon the availability of appropriated funds.

13 (e-5) The General Assembly finds and declares that it is an
14 important purpose of the Monetary Award Program to facilitate
15 access to college both for students who pursue postsecondary
16 education immediately following high school and for those who
17 pursue postsecondary education later in life, particularly
18 Illinoisans who are dislocated workers with financial need and
19 who are seeking to improve their economic position through
20 education. For the 2015-2016 and 2016-2017 academic years, the
21 Commission shall give additional and specific consideration to
22 the needs of dislocated workers with the intent of allowing
23 applicants who are dislocated workers an opportunity to secure
24 financial assistance even if applying later than the general
25 pool of applicants. The Commission's consideration shall
26 include, in determining the number of grants to be offered, an

1 estimate of the resources needed to serve dislocated workers
2 who apply after the Commission initially suspends award
3 announcements for the upcoming regular academic year, but prior
4 to the beginning of that academic year. For the purposes of
5 this subsection (e-5), a dislocated worker is defined as in the
6 federal Workforce Innovation and Opportunity Act ~~Workforce~~
7 ~~Investment Act of 1998~~.

8 (f) The Commission may request appropriations for deposit
9 into the Monetary Award Program Reserve Fund. Monies deposited
10 into the Monetary Award Program Reserve Fund may be expended
11 exclusively for one purpose: to make Monetary Award Program
12 grants to eligible students. Amounts on deposit in the Monetary
13 Award Program Reserve Fund may not exceed 2% of the current
14 annual State appropriation for the Monetary Award Program.

15 The purpose of the Monetary Award Program Reserve Fund is
16 to enable the Commission each year to assure as many students
17 as possible of their eligibility for a Monetary Award Program
18 grant and to do so before commencement of the academic year.
19 Moneys deposited in this Reserve Fund are intended to enhance
20 the Commission's management of the Monetary Award Program,
21 minimizing the necessity, magnitude, and frequency of
22 adjusting award amounts and ensuring that the annual Monetary
23 Award Program appropriation can be fully utilized.

24 (g) The Commission shall determine the eligibility of and
25 make grants to applicants enrolled at qualified for-profit
26 institutions in accordance with the criteria set forth in this

1 Section. The eligibility of applicants enrolled at such
2 for-profit institutions shall be limited as follows:

3 (1) Beginning with the academic year 1997, only to
4 eligible first-time freshmen and first-time transfer
5 students who have attained an associate degree.

6 (2) Beginning with the academic year 1998, only to
7 eligible freshmen students, transfer students who have
8 attained an associate degree, and students who receive a
9 grant under paragraph (1) for the academic year 1997 and
10 whose grants are being renewed for the academic year 1998.

11 (3) Beginning with the academic year 1999, to all
12 eligible students.

13 (Source: P.A. 98-967, eff. 8-15-14.)

14 Section 60. The Illinois Public Aid Code is amended by
15 changing Section 9A-3 as follows:

16 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

17 Sec. 9A-3. Establishment of Program and Level of Services.

18 (a) The Illinois Department shall establish and maintain a
19 program to provide recipients with services consistent with the
20 purposes and provisions of this Article. The program offered in
21 different counties of the State may vary depending on the
22 resources available to the State to provide a program under
23 this Article, and no program may be offered in some counties,
24 depending on the resources available. Services may be provided

1 directly by the Illinois Department or through contract.
2 References to the Illinois Department or staff of the Illinois
3 Department shall include contractors when the Illinois
4 Department has entered into contracts for these purposes. The
5 Illinois Department shall provide each recipient who
6 participates with such services available under the program as
7 are necessary to achieve his employability plan as specified in
8 the plan.

9 (b) The Illinois Department, in operating the program,
10 shall cooperate with public and private education and
11 vocational training or retraining agencies or facilities, the
12 Illinois State Board of Education, the Illinois Community
13 College Board, the Departments of Employment Security and
14 Commerce and Economic Opportunity or other sponsoring
15 organizations funded under the federal Workforce Innovation
16 and Opportunity Act ~~Workforce Investment Act~~ and other public
17 or licensed private employment agencies.

18 (Source: P.A. 93-598, eff. 8-26-03; 94-793, eff. 5-19-06.)

19 Section 65. The Afterschool Youth Development Project Act
20 is amended by changing Section 15 as follows:

21 (325 ILCS 27/15)

22 Sec. 15. Illinois Youth Development Council.

23 (a) Creation. In order to effectively achieve the policy
24 established in this Act, the Illinois Youth Development Council

1 shall be created. The purpose of the Council is to provide
2 oversight and coordination to the State's public funds
3 currently invested to support positive youth development
4 programs and activities and to set systemwide policies and
5 priorities to accomplish the following 5 major objectives: (i)
6 set afterschool program expansion priorities, such as
7 addressing gaps in programming for specific ages and
8 populations; (ii) create outcome measures and require all
9 afterschool programs to be evaluated to ensure that outcomes
10 are being met; (iii) oversee the establishment of a statewide
11 program improvement system that provides technical assistance
12 and capacity building to increase program participation and
13 quality systemwide; (iv) monitor and assess afterschool
14 program quality through outcome measures; and (v) establish
15 State policy to support the attainment of outcomes. The Council
16 shall be created within the Department of Human Services.

17 (b) Governance. The Illinois Youth Development Council
18 shall reflect the regional, racial, socioeconomic, and
19 cultural diversity of the State to ensure representation of the
20 needs of all Illinois youth. The Council shall be composed of
21 no less than 28 and no more than 32 members. The Council may
22 establish a defined length of term for membership on the
23 Council.

24 (1) Membership. The Council shall include
25 representation from both public and private organizations
26 comprised of the following:

1 (A) Four members of the General Assembly: one
2 appointed by the President of the Senate, one appointed
3 by the Minority Leader of the Senate, one appointed by
4 the Speaker of the House of Representatives, and one
5 appointed by the Minority Leader of the House of
6 Representatives.

7 (B) The chief administrators of the following
8 State agencies: the Department of Human Services; the
9 Illinois State Board of Education; the Department of
10 Children and Family Services; the Department of Public
11 Health; the Department of Juvenile Justice; the
12 Department of Healthcare and Family Services; the
13 Department of Commerce and Economic Opportunity; the
14 Illinois Board of Higher Education; and the Illinois
15 Community College Board.

16 (C) The Chair of the Illinois Workforce Innovation
17 ~~Investment~~ Board and the Executive Director of the
18 Illinois Violence Prevention Authority.

19 The following Council members shall be appointed by the
20 Governor:

21 (D) Two officials from a unit of local government.

22 (E) At least 3 representatives of direct youth
23 service providers and faith-based providers.

24 (F) Three young people who are between the ages of
25 16 and 21 and who are members of the Youth Advisory
26 Group as established in paragraph (2) of this

1 subsection.

2 (G) Two parents of children between the ages of 6
3 and 19.

4 (H) One academic researcher in the field of youth
5 development.

6 (I) Additional public members that include local
7 government stakeholders and nongovernmental
8 stakeholders with an interest in youth development and
9 afterschool programs, including representation from
10 the following private sector fields and
11 constituencies: child and youth advocacy; children and
12 youth with special needs; child and adolescent health;
13 business; and law enforcement.

14 Persons may be nominated by organizations representing
15 the fields outlined in this Section. The Governor shall
16 designate one of the Council members who is a nongovernment
17 stakeholder to serve as co-chairperson. The Council shall
18 create a subcommittee of additional direct youth service
19 providers as well as other subcommittees as deemed
20 necessary.

21 (2) Youth Advisory Group. To ensure that the Council is
22 responsive to the needs and priorities of Illinois' young
23 people, the Council shall establish an independent Youth
24 Advisory Group, which shall be composed of a diverse body
25 of 15 youths between the ages of 14 and 19 from across the
26 State. Members that surpass the age of 19 while serving on

1 the Youth Advisory Group may complete the term of the
2 appointment. The Youth Advisory Group shall be charged
3 with: (i) presenting recommendations to the Council 4 times
4 per year on issues related to afterschool and youth
5 development programming and policy; and (ii) reviewing key
6 programmatic, funding, and policy decisions made by the
7 Council. To develop priorities and recommendations, the
8 Youth Advisory Group may engage students from across the
9 State via focus groups, on-line surveys, and other means.
10 The Youth Advisory Group shall be administered by the
11 Department of Human Services and facilitated by an
12 independent, established youth organization with expertise
13 in youth civic engagement. This youth civic engagement
14 organization shall administer the application requirements
15 and process and shall nominate 30 youth. The Department of
16 Human Services shall select 15 of the nominees for the
17 Youth Advisory Group, 3 of whom shall serve on the Council.

18 (c) Activities. The major objectives of the Council shall
19 be accomplished through the following activities:

20 (1) Publishing an annual plan that sets system goals
21 for Illinois' afterschool funding that include key
22 indicators, performance standards, and outcome measures
23 and that outlines funding evaluation and reporting
24 requirements.

25 (2) Developing and maintaining a system and processes
26 to collect and report consistent program and outcome data

1 on all afterschool programs funded by State and local
2 government.

3 (3) Developing linkages between afterschool data
4 systems and other statewide youth program outcome data
5 systems (e.g. schools, post-secondary education, juvenile
6 justice, etc.).

7 (4) Developing procedures for implementing an
8 evaluation of the statewide system of program providers,
9 including programs established by this Act.

10 (5) Reviewing evaluation results and data reports to
11 inform future investments and allocations and to shape
12 State policy.

13 (6) Developing technical assistance and
14 capacity-building infrastructure and ensuring appropriate
15 workforce development strategies across agencies for those
16 who will be working in afterschool programs.

17 (7) Reviewing and making public recommendations to the
18 Governor and the General Assembly with respect to the
19 budgets for State youth services to ensure the adequacy of
20 those budgets and alignment to system goals outlined in the
21 plan described in paragraph (1) of this subsection.

22 (8) Developing and overseeing execution of a research
23 agenda to inform future program planning.

24 (9) Providing strategic advice to other State
25 agencies, the Illinois General Assembly, and Illinois'
26 Constitutional Officers on afterschool-related activities

1 statewide.

2 (10) Approving awards of grants to demonstration
3 projects as outlined in Section 20 of this Act.

4 (d) Accountability. The Council shall annually report to
5 the Governor and the General Assembly on the Council's progress
6 towards its goals and objectives. The Department of Human
7 Services shall provide resources to the Council, including
8 administrative services and data collection and shall be
9 responsible for conducting procurement processes required by
10 the Act. The Department may contract with vendors to provide
11 all or a portion of any necessary resources.

12 (Source: P.A. 96-1302, eff. 7-27-10.)

13 Section 70. The Unemployment Insurance Act is amended by
14 changing Sections 500 and 502 as follows:

15 (820 ILCS 405/500) (from Ch. 48, par. 420)

16 Sec. 500. Eligibility for benefits. An unemployed
17 individual shall be eligible to receive benefits with respect
18 to any week only if the Director finds that:

19 A. He has registered for work at and thereafter has
20 continued to report at an employment office in accordance with
21 such regulations as the Director may prescribe, except that the
22 Director may, by regulation, waive or alter either or both of
23 the requirements of this subsection as to individuals attached
24 to regular jobs, and as to such other types of cases or

1 situations with respect to which he finds that compliance with
2 such requirements would be oppressive or inconsistent with the
3 purposes of this Act, provided that no such regulation shall
4 conflict with Section 400 of this Act.

5 B. He has made a claim for benefits with respect to such
6 week in accordance with such regulations as the Director may
7 prescribe.

8 C. He is able to work, and is available for work; provided
9 that during the period in question he was actively seeking work
10 and he has certified such. Whenever requested to do so by the
11 Director, the individual shall, in the manner the Director
12 prescribes by regulation, inform the Department of the places
13 at which he has sought work during the period in question.
14 Nothing in this subsection shall limit the Director's approval
15 of alternate methods of demonstrating an active search for work
16 based on regular reporting to a trade union office.

17 1. If an otherwise eligible individual is unable to
18 work or is unavailable for work on any normal workday of
19 the week, he shall be eligible to receive benefits with
20 respect to such week reduced by one-fifth of his weekly
21 benefit amount for each day of such inability to work or
22 unavailability for work. For the purposes of this
23 paragraph, an individual who reports on a day subsequent to
24 his designated report day shall be deemed unavailable for
25 work on his report day if his failure to report on that day
26 is without good cause, and on each intervening day, if any,

1 on which his failure to report is without good cause. As
2 used in the preceding sentence, "report day" means the day
3 which has been designated for the individual to report to
4 file his claim for benefits with respect to any week. This
5 paragraph shall not be construed so as to effect any change
6 in the status of part-time workers as defined in Section
7 407.

8 2. An individual shall be considered to be unavailable
9 for work on days listed as whole holidays in "An Act to
10 revise the law in relation to promissory notes, bonds, due
11 bills and other instruments in writing," approved March 18,
12 1874, as amended; on days which are holidays in his
13 religion or faith, and on days which are holidays according
14 to the custom of his trade or occupation, if his failure to
15 work on such day is a result of the holiday. In determining
16 the claimant's eligibility for benefits and the amount to
17 be paid him, with respect to the week in which such holiday
18 occurs, he shall have attributed to him as additional
19 earnings for that week an amount equal to one-fifth of his
20 weekly benefit amount for each normal work day on which he
21 does not work because of a holiday of the type above
22 enumerated.

23 3. An individual shall be deemed unavailable for work
24 if, after his separation from his most recent employing
25 unit, he has removed himself to and remains in a locality
26 where opportunities for work are substantially less

1 favorable than those in the locality he has left.

2 4. An individual shall be deemed unavailable for work
3 with respect to any week which occurs in a period when his
4 principal occupation is that of a student in attendance at,
5 or on vacation from, a public or private school.

6 5. Notwithstanding any other provisions of this Act, an
7 individual shall not be deemed unavailable for work or to
8 have failed actively to seek work, nor shall he be
9 ineligible for benefits by reason of the application of the
10 provisions of Section 603, with respect to any week,
11 because he is enrolled in and is in regular attendance at a
12 training course approved for him by the Director:

13 (a) but only if, with respect to that week, the
14 individual presents, upon request, to the claims
15 adjudicator referred to in Section 702 a statement
16 executed by a responsible person connected with the
17 training course, certifying that the individual was in
18 full-time attendance at such course during the week.
19 The Director may approve such course for an individual
20 only if he finds that (1) reasonable work opportunities
21 for which the individual is fitted by training and
22 experience do not exist in his locality; (2) the
23 training course relates to an occupation or skill for
24 which there are, or are expected to be in the immediate
25 future, reasonable work opportunities in his locality;
26 (3) the training course is offered by a competent and

1 reliable agency, educational institution, or employing
2 unit; (4) the individual has the required
3 qualifications and aptitudes to complete the course
4 successfully; and (5) the individual is not receiving
5 and is not eligible (other than because he has claimed
6 benefits under this Act) for subsistence payments or
7 similar assistance under any public or private
8 retraining program: Provided, that the Director shall
9 not disapprove such course solely by reason of clause
10 (5) if the subsistence payment or similar assistance is
11 subject to reduction by an amount equal to any benefits
12 payable to the individual under this Act in the absence
13 of the clause. In the event that an individual's weekly
14 unemployment compensation benefit is less than his
15 certified training allowance, that person shall be
16 eligible to receive his entire unemployment
17 compensation benefits, plus such supplemental training
18 allowances that would make an applicant's total weekly
19 benefit identical to the original certified training
20 allowance.

21 (b) The Director shall have the authority to grant
22 approval pursuant to subparagraph (a) above prior to an
23 individual's formal admission into a training course.
24 Requests for approval shall not be made more than 30
25 days prior to the actual starting date of such course.
26 Requests shall be made at the appropriate unemployment

1 office.

2 (c) The Director shall for purposes of paragraph C
3 have the authority to issue a blanket approval of
4 training programs implemented pursuant to the federal
5 Workforce Innovation and Opportunity Act ~~Workforce~~
6 ~~Investment Act of 1998~~ if both the training program and
7 the criteria for an individual's participation in such
8 training meet the requirements of this paragraph C.

9 (d) Notwithstanding the requirements of
10 subparagraph (a), the Director shall have the
11 authority to issue blanket approval of training
12 programs implemented under the terms of a collective
13 bargaining agreement.

14 6. Notwithstanding any other provisions of this Act, an
15 individual shall not be deemed unavailable for work or to
16 have failed actively to seek work, nor shall he be
17 ineligible for benefits, by reason of the application of
18 the provisions of Section 603 with respect to any week
19 because he is in training approved under Section 236 (a) (1)
20 of the federal Trade Act of 1974, nor shall an individual
21 be ineligible for benefits under the provisions of Section
22 601 by reason of leaving work voluntarily to enter such
23 training if the work left is not of a substantially equal
24 or higher skill level than the individual's past adversely
25 affected employment as defined under the federal Trade Act
26 of 1974 and the wages for such work are less than 80% of

1 his average weekly wage as determined under the federal
2 Trade Act of 1974.

3 D. If his benefit year begins prior to July 6, 1975 or
4 subsequent to January 2, 1982, he has been unemployed for a
5 waiting period of 1 week during such benefit year. If his
6 benefit year begins on or after July 6, 1975, but prior to
7 January 3, 1982, and his unemployment continues for more than
8 three weeks during such benefit year, he shall be eligible for
9 benefits with respect to each week of such unemployment,
10 including the first week thereof. An individual shall be deemed
11 to be unemployed within the meaning of this subsection while
12 receiving public assistance as remuneration for services
13 performed on work projects financed from funds made available
14 to governmental agencies for such purpose. No week shall be
15 counted as a week of unemployment for the purposes of this
16 subsection:

17 1. Unless it occurs within the benefit year which
18 includes the week with respect to which he claims payment
19 of benefits, provided that, for benefit years beginning
20 prior to January 3, 1982, this requirement shall not
21 interrupt the payment of benefits for consecutive weeks of
22 unemployment; and provided further that the week
23 immediately preceding a benefit year, if part of one
24 uninterrupted period of unemployment which continues into
25 such benefit year, shall be deemed (for the purpose of this
26 subsection only and with respect to benefit years beginning

1 prior to January 3, 1982, only) to be within such benefit
2 year, as well as within the preceding benefit year, if the
3 unemployed individual would, except for the provisions of
4 the first paragraph and paragraph 1 of this subsection and
5 of Section 605, be eligible for and entitled to benefits
6 for such week.

7 2. If benefits have been paid with respect thereto.

8 3. Unless the individual was eligible for benefits with
9 respect thereto except for the requirements of this
10 subsection and of Section 605.

11 E. With respect to any benefit year beginning prior to
12 January 3, 1982, he has been paid during his base period wages
13 for insured work not less than the amount specified in Section
14 500E of this Act as amended and in effect on October 5, 1980.
15 With respect to any benefit year beginning on or after January
16 3, 1982, he has been paid during his base period wages for
17 insured work equal to not less than \$1,600, provided that he
18 has been paid wages for insured work equal to at least \$440
19 during that part of his base period which does not include the
20 calendar quarter in which the wages paid to him were highest.

21 F. During that week he has participated in reemployment
22 services to which he has been referred, including but not
23 limited to job search assistance services, pursuant to a
24 profiling system established by the Director by rule in
25 conformity with Section 303(j)(1) of the federal Social
26 Security Act, unless the Director determines that:

- 1 1. the individual has completed such services; or
- 2 2. there is justifiable cause for the claimant's
- 3 failure to participate in such services.

4 This subsection F is added by this amendatory Act of 1995
5 to clarify authority already provided under subsections A and C
6 in connection with the unemployment insurance claimant
7 profiling system required under subsections (a) (10) and (j) (1)
8 of Section 303 of the federal Social Security Act as a
9 condition of federal funding for the administration of the
10 Unemployment Insurance Act.

11 (Source: P.A. 92-396, eff. 1-1-02.)

12 (820 ILCS 405/502)

13 Sec. 502. Eligibility for benefits under the Short-Time
14 Compensation Program.

15 A. The Director may by rule establish a short-time
16 compensation program consistent with this Section. No
17 short-time compensation shall be payable except as authorized
18 by rule.

19 B. As used in this Section:

20 "Affected unit" means a specified plant, department,
21 shift, or other definable unit that includes 2 or more workers
22 to which an approved short-time compensation plan applies.

23 "Health and retirement benefits" means employer-provided
24 health benefits and retirement benefits under a defined benefit
25 pension plan (as defined in Section 414(j) of the Internal

1 Revenue Code) or contributions under a defined contribution
2 plan (defined in Section 414(i) of the Internal Revenue Code),
3 which are incidents of employment in addition to the cash
4 remuneration earned.

5 "Short-time compensation" means the unemployment benefits
6 payable to employees in an affected unit under an approved
7 short-time compensation plan, as distinguished from the
8 unemployment benefits otherwise payable under this Act.

9 "Short-time compensation plan" means a plan submitted by an
10 employer, for approval by the Director, under which the
11 employer requests the payment of short-time compensation to
12 workers in an affected unit of the employer to avert layoffs.

13 "Usual weekly hours of work" means the usual hours of work
14 for full-time or part-time employees in the affected unit when
15 that unit is operating on its regular basis, not to exceed 40
16 hours and not including hours of overtime work.

17 "Unemployment insurance" means the unemployment benefits
18 payable under this Act other than short-time compensation and
19 includes any amounts payable pursuant to an agreement under any
20 Federal law providing for compensation, assistance, or
21 allowances with respect to unemployment.

22 C. An employer wishing to participate in the short-time
23 compensation program shall submit a signed written short-time
24 compensation plan to the Director for approval. The Director
25 shall develop an application form to request approval of a
26 short-time compensation plan and an approval process. The

1 application shall include:

2 1. The employer's unemployment insurance account
3 number, the affected unit covered by the plan, including
4 the number of full-time or part-time workers in such unit,
5 the percentage of workers in the affected unit covered by
6 the plan, identification of each individual employee in the
7 affected unit by name and social security number, and any
8 other information required by the Director to identify plan
9 participants.

10 2. A description of how workers in the affected unit
11 will be notified of the employer's participation in the
12 short-time compensation plan if such application is
13 approved, including how the employer will notify those
14 workers in a collective bargaining unit as well as any
15 workers in the affected unit who are not in a collective
16 bargaining unit. If the employer will not provide advance
17 notice to workers in the affected unit, the employer shall
18 explain in a statement in the application why it is not
19 feasible to provide such notice.

20 3. The employer's certification that it has the
21 approval of the plan from all collective bargaining
22 representatives of employees in the affected unit and has
23 notified all employees in the affected unit who are not in
24 a collective bargaining unit of the plan.

25 4. The employer's certification that it will not hire
26 additional part-time or full-time employees for, or

1 transfer employees to, the affected unit, while the program
2 is in operation.

3 5. A requirement that the employer identify the usual
4 weekly hours of work for employees in the affected unit and
5 the specific percentage by which their hours will be
6 reduced during all weeks covered by the plan. An
7 application shall specify the percentage of reduction for
8 which a short-time compensation application may be
9 approved which shall be not less than 20% and not more than
10 60%. If the plan includes any week for which the employer
11 regularly provides no work (due to a holiday or other plant
12 closing), then such week shall be identified in the
13 application.

14 6. Certification by the employer that, if the employer
15 provides health and retirement benefits to any employee
16 whose usual weekly hours of work are reduced under the
17 program, such benefits will continue to be provided to the
18 employee participating in the short-time compensation
19 program under the same terms and conditions as though the
20 usual weekly hours of work of such employee had not been
21 reduced or to the same extent as other employees not
22 participating in the short-time compensation program. For
23 defined benefit retirement plans, the hours that are
24 reduced under the short-time compensation plan shall be
25 credited for purposes of participation, vesting, and
26 accrual of benefits as though the usual weekly hours of

1 work had not been reduced. The dollar amount of employer
2 contributions to a defined contribution plan that are based
3 on a percentage of compensation may be less due to the
4 reduction in the employee's compensation. Notwithstanding
5 any other provision to the contrary, a certification that a
6 reduction in health and retirement benefits is scheduled to
7 occur during the duration of the plan and will be
8 applicable equally to employees who are not participating
9 in the short-time compensation program and to those
10 employees who are participating satisfies this paragraph.

11 7. Certification by the employer that the aggregate
12 reduction in work hours is in lieu of layoffs (temporary or
13 permanent layoffs, or both). The application shall include
14 an estimate of the number of workers who would have been
15 laid off in the absence of the short-time compensation
16 plan.

17 8. Agreement by the employer to: furnish reports to the
18 Director relating to the proper conduct of the plan; allow
19 the Director or his or her authorized representatives
20 access to all records necessary to approve or disapprove
21 the plan application, and after approval of a plan, to
22 monitor and evaluate the plan; and follow any other
23 directives the Director deems necessary for the agency to
24 implement the plan and which are consistent with the
25 requirements for plan applications.

26 9. Certification by the employer that participation in

1 the short-time compensation plan and its implementation is
2 consistent with the employer's obligations under
3 applicable Federal and Illinois laws.

4 10. The effective date and duration of the plan, which
5 shall expire no later than the end of the 12th full
6 calendar month after the effective date.

7 11. Any other provision added to the application by the
8 Director that the United States Secretary of Labor
9 determines to be appropriate for purposes of a short-time
10 compensation program.

11 D. The Director shall approve or disapprove a short-time
12 compensation plan in writing within 45 days of its receipt and
13 promptly communicate the decision to the employer. A decision
14 disapproving the plan shall clearly identify the reasons for
15 the disapproval. The disapproval shall be final, but the
16 employer shall be allowed to submit another short-time
17 compensation plan for approval not earlier than 30 days from
18 the date of the disapproval.

19 E. The short-time compensation plan shall be effective on
20 the mutually agreed upon date by the employer and the Director,
21 which shall be specified in the notice of approval to the
22 employer. The plan shall expire on the date specified in the
23 notice of approval, which shall be mutually agreed on by the
24 employer and Director but no later than the end of the 12th
25 full calendar month after its effective date. However, if a
26 short-time compensation plan is revoked by the Director, the

1 plan shall terminate on the date specified in the Director's
2 written order of revocation. An employer may terminate a
3 short-time compensation plan at any time upon written notice to
4 the Director. Upon receipt of such notice from the employer,
5 the Director shall promptly notify each member of the affected
6 unit of the termination date. An employer may submit a new
7 application to participate in another short-time compensation
8 plan at any time after the expiration or termination date.

9 F. The Director may revoke approval of a short-time
10 compensation plan for good cause at any time, including upon
11 the request of any of the affected unit's employees or their
12 collective bargaining representative. The revocation order
13 shall be in writing and shall specify the reasons for the
14 revocation and the date the revocation is effective. The
15 Director may periodically review the operation of each
16 employer's short-time compensation plan to assure that no good
17 cause exists for revocation of the approval of the plan. Good
18 cause shall include, but not be limited to, failure to comply
19 with the assurances given in the plan, termination of the
20 approval of the plan by a collective bargaining representative
21 of employees in the affected unit, unreasonable revision of
22 productivity standards for the affected unit, conduct or
23 occurrences tending to defeat the intent and effective
24 operation of the short-time compensation plan, and violation of
25 any criteria on which approval of the plan was based.

26 G. An employer may request a modification of an approved

1 plan by filing a written request to the Director. The request
2 shall identify the specific provisions proposed to be modified
3 and provide an explanation of why the proposed modification is
4 appropriate for the short-time compensation plan. The Director
5 shall approve or disapprove the proposed modification in
6 writing within 30 days of receipt and promptly communicate the
7 decision to the employer. The Director, in his or her
8 discretion, may approve a request for modification of the plan
9 based on conditions that have changed since the plan was
10 approved provided that the modification is consistent with and
11 supports the purposes for which the plan was initially
12 approved. A modification may not extend the expiration date of
13 the original plan, and the Director must promptly notify the
14 employer whether the plan modification has been approved and,
15 if approved, the effective date of modification. An employer is
16 not required to request approval of plan modification from the
17 Director if the change is not substantial, but the employer
18 must report every change to plan to the Director promptly and
19 in writing. The Director may terminate an employer's plan if
20 the employer fails to meet this reporting requirement. If the
21 Director determines that the reported change is substantial,
22 the Director shall require the employer to request a
23 modification to the plan.

24 H. An individual is eligible to receive short-time
25 compensation with respect to any week only if the individual is
26 eligible for unemployment insurance pursuant to subsection E of

1 Section 500, not otherwise disqualified for unemployment
2 insurance, and:

3 1. During the week, the individual is employed as a
4 member of an affected unit under an approved short-time
5 compensation plan, which was approved prior to that week,
6 and the plan is in effect with respect to the week for
7 which short-time compensation is claimed.

8 2. Notwithstanding any other provision of this Act
9 relating to availability for work and actively seeking
10 work, the individual is available for the individual's
11 usual hours of work with the short-time compensation
12 employer, which may include, for purposes of this Section,
13 participating in training to enhance job skills that is
14 approved by the Director, including but not limited to as
15 employer-sponsored training or training funded under the
16 federal Workforce Innovation and Opportunity Act ~~Workforce~~
17 ~~Investment Act of 1998~~.

18 3. Notwithstanding any other provision of law, an
19 individual covered by a short-time compensation plan is
20 deemed unemployed in any week during the duration of such
21 plan if the individual's remuneration as an employee in an
22 affected unit is reduced based on a reduction of the
23 individual's usual weekly hours of work under an approved
24 short-time compensation plan.

25 I. The short-time compensation weekly benefit amount shall
26 be the product of the percentage of reduction in the

1 individual's usual weekly hours of work multiplied by the sum
2 of the regular weekly benefit amount for a week of total
3 unemployment plus any applicable dependent allowance pursuant
4 to subsection C of Section 401.

5 1. An individual may be eligible for short-time
6 compensation or unemployment insurance, as appropriate,
7 except that no individual shall be eligible for combined
8 benefits (excluding any payments attributable to a
9 dependent allowance pursuant to subsection C of Section
10 401) in any benefit year in an amount more than the maximum
11 benefit amount, nor shall an individual be paid short-time
12 compensation benefits for more than 52 weeks under a
13 short-time compensation plan.

14 2. The short-time compensation paid to an individual
15 (excluding any payments attributable to a dependent
16 allowance pursuant to subsection C of Section 401) shall be
17 deducted from the maximum benefit amount established for
18 that individual's benefit year.

19 3. Provisions applicable to unemployment insurance
20 claimants shall apply to short-time compensation claimants
21 to the extent that they are not inconsistent with
22 short-time compensation provisions. An individual who
23 files an initial claim for short-time compensation
24 benefits shall receive a monetary determination.

25 4. The following provisions apply to individuals who
26 work for both a short-time compensation employer and

1 another employer during weeks covered by the approved
2 short-time compensation plan:

3 i. If combined hours of work in a week for both
4 employers do not result in a reduction of at least 20%
5 of the usual weekly hours of work with the short-time
6 compensation employer, the individual shall not be
7 entitled to benefits under this Section.

8 ii. If combined hours of work for both employers
9 results in a reduction equal to or greater than 20% of
10 the usual weekly hours of work for the short-time
11 compensation employer, the short-time compensation
12 benefit amount payable to the individual is reduced for
13 that week and is determined by multiplying the
14 percentage by which the combined hours of work have
15 been reduced by the sum of the weekly benefit amount
16 for a week of total unemployment plus any applicable
17 dependent allowance pursuant to subsection C of
18 Section 401. A week for which benefits are paid under
19 this subparagraph shall be reported as a week of
20 short-time compensation.

21 iii. If an individual worked the reduced
22 percentage of the usual weekly hours of work for the
23 short-time compensation employer and is available for
24 all his or her usual hours of work with the short-time
25 compensation employer, and the individual did not work
26 any hours for the other employer either because of the

1 lack of work with that employer or because the
2 individual is excused from work with the other
3 employer, the individual shall be eligible for
4 short-time compensation for that week. The benefit
5 amount for such week shall be calculated as provided in
6 the introductory clause of this subsection I.

7 iv. An individual who is not provided any work
8 during a week by the short-time compensation employer,
9 or any other employer, and who is otherwise eligible
10 for unemployment insurance shall be eligible for the
11 amount of regular unemployment insurance determined
12 without regard to this Section.

13 v. An individual who is not provided any work by
14 the short-time compensation employer during a week,
15 but who works for another employer and is otherwise
16 eligible may be paid unemployment insurance for that
17 week subject to the disqualifying income and other
18 provisions applicable to claims for regular
19 unemployment insurance.

20 J. Short-time compensation shall be charged to employers in
21 the same manner as unemployment insurance is charged under
22 Illinois law. Employers liable for payments in lieu of
23 contributions shall have short-time compensation attributed to
24 service in their employ in the same manner as unemployment
25 insurance is attributed. Notwithstanding any other provision
26 to the contrary, to the extent that short-term compensation

1 payments under this Section are reimbursed by the federal
2 government, no benefit charges or payments in lieu of
3 contributions shall be accrued by a participating employer.

4 K. A short-time compensation plan shall not be approved for
5 an employer that is delinquent in the filing of any reports
6 required or the payment of contributions, payments in lieu of
7 contributions, interest, or penalties due under this Act
8 through the date of the employer's application.

9 L. Overpayments of other benefits under this Act may be
10 recovered from an individual receiving short-time compensation
11 under this Act in the manner provided under Sections 900 and
12 901. Overpayments under the short-time compensation plan may be
13 recovered from an individual receiving other benefits under
14 this Act in the manner provided under Sections 900 and 901.

15 M. An individual who has received all of the short-time
16 compensation or combined unemployment insurance and short-time
17 compensation available in a benefit year shall be considered an
18 exhaustee for purposes of extended benefits, as provided under
19 the provisions of Section 409, and, if otherwise eligible under
20 those provisions, shall be eligible to receive extended
21 benefits.

22 (Source: P.A. 98-1133, eff. 12-23-14.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.