



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1527

Introduced 2/9/2017, by Sen. Chuck Weaver

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.01	from Ch. 102, par. 42.01
5 ILCS 120/7	
20 ILCS 5/5-550	was 20 ILCS 5/6.23
20 ILCS 605/605-750	
20 ILCS 630/2	from Ch. 48, par. 2402
20 ILCS 1005/1005-155	
20 ILCS 1510/35	
20 ILCS 2405/3	from Ch. 23, par. 3434
20 ILCS 3975/1	from Ch. 48, par. 2101
20 ILCS 3975/2.5	
20 ILCS 3975/3	from Ch. 48, par. 2103
20 ILCS 3975/4.5	
20 ILCS 3975/5	from Ch. 48, par. 2105
20 ILCS 3975/6	from Ch. 48, par. 2106
20 ILCS 3975/7	from Ch. 48, par. 2107
20 ILCS 3975/7.2	
20 ILCS 3975/7.5	
20 ILCS 3975/8	from Ch. 48, par. 2108
20 ILCS 4080/15	
30 ILCS 787/15	
110 ILCS 947/35	
305 ILCS 5/9A-3	from Ch. 23, par. 9A-3
325 ILCS 27/15	
820 ILCS 405/500	from Ch. 48, par. 420
820 ILCS 405/502	

Amends the Illinois Workforce Investment Board Act. Changes the name of the Act to the Illinois Workforce Innovation Board Act. Changes the name of the State Workforce Investment Board to the State Workforce Innovation Board. Provides that, on and after the effective date of the amendatory Act, appointments to the Board shall be made in accordance with the federal Workforce Innovation and Opportunity Act. Amends various other Acts to make conforming changes. Effective immediately.

LRB100 08530 HLH 18655 b

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 investment area with jurisdiction over a specific geographic
18 area of more than 4,500 square miles must be physically present
19 at the location of a closed meeting. Other members who are not
20 physically present at a closed meeting of such a public body
21 may participate in the meeting by means of a video or audio
22 conference. For the purposes of this Section, "local workforce
23 investment area" means any local workforce investment area or
24 areas designated by the Governor pursuant to the federal
25 Workforce Innovation and Opportunity Act ~~Workforce Investment~~
26 ~~Act of 1998~~ or its reauthorizing legislation.

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

2 (5 ILCS 120/7)

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

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

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

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

24 (d) The limitations of this Section shall not apply to (i)
25 closed meetings of (A) public bodies with statewide

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

25 (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
25 Program.

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

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

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

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

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

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

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

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

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

26 (10) One representative of the Illinois State Board of

1 Education who is knowledgeable about the Individuals with
2 Disabilities Education Act.

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

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

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

14 The Council shall select a Chairperson.

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

21 Members appointed to the Council for full terms on or after
22 the effective date of this amendatory Act of the 98th General
23 Assembly shall be appointed for terms of 3 years. No Council
24 member, other than the vocational rehabilitation administrator
25 and the representative of the Client Assistance Program, shall
26 serve for more than 2 consecutive terms as a representative of

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

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

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

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

1 Assembly may complete the unexpired portion of his or her term.

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

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

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

1 State goals and priorities and jointly submit annual reports of
2 progress to the federal Commissioner of the Rehabilitation
3 Services Administration.

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

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

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

14 (20 ILCS 605/605-750)

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

23 (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
25 exempt from taxation under the Internal Revenue Code of 1954,

1 Section 501(c)(3).

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

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

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

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

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

25 (n) "Workforce Innovation and Opportunity Act" ~~"Workforce~~
26 ~~Investment Act"~~ means the federal Workforce Innovation and

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

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

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

8 (20 ILCS 1005/1005-155)

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

1 employment and training programs; (iv) the number of
2 individuals with disabilities annually placed in jobs by the
3 Illinois Employment and Training Centers; and (v) the number of
4 individuals with disabilities referred by the Illinois
5 Employment and Training Centers to the Department of Human
6 Services Office of Rehabilitation Services. The report is due
7 by December 31, 2004 based on the previous State program year
8 of July 1 through June 30, and is due annually thereafter.
9 "Individuals with disabilities" are defined as those who
10 self-report as being qualified as disabled under the 1973
11 Rehabilitation Act or the 1990 Americans with Disabilities Act,
12 for the purposes of this Law.

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

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

16 (20 ILCS 1510/35)

17 Sec. 35. Local Job Projects.

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

21 (b) Project. Subject to appropriation, no more than 3 small
22 projects may be selected to pilot a subsidized employment to
23 Temporary Assistance for Needy Families (TANF) program for
24 participants for a period of not more than 6 months. The

1 selected projects shall demonstrate their ability to move
2 clients from participation in the project to unsubsidized
3 employment. The Department may refer TANF participants to other
4 subsidized employment programs available through the federal
5 Workforce Innovation and Opportunity Act ~~Workforce Investment~~
6 ~~Act (WIA) One Stops~~ or through other community-based programs.

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

11 (d) Limitations.

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

15 (2) (Blank).

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

19 (f) (Blank).

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

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

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

24 Sec. 3. Powers and duties. The Department shall have the

1 powers and duties enumerated herein:

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

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

18 (c) (Blank).

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

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

6 (e) (Blank).

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

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

25 The Department shall establish eligibility standards for
26 such services taking into consideration the unique economic and

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

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

1 and equitable manner. Services identical to those offered by
2 the Department on Aging shall be paid at the same rate.

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

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

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

25 The Department shall execute, relative to nursing home
26 prescreening, as authorized by Section 4.03 of the Illinois Act

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

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

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

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

24 The Department shall submit an annual report on programs
25 and services provided under this Section. The report shall be
26 filed with the Governor and the General Assembly on or before

1 March 30 each year.

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

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

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

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

25 (j) (Blank).

26 (k) (Blank).

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

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

1 the General Assembly, and other persons and for reasons as the
2 Director designates by rule. Disclosure by the Director may be
3 only in accordance with other applicable law.

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

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

8 (20 ILCS 3975/1) (from Ch. 48, par. 2101)

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

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

12 (20 ILCS 3975/2.5)

13 Sec. 2.5. Purpose.

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

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

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

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

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

15 (20 ILCS 3975/3) (from Ch. 48, par. 2103)

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

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

19 (1) the Governor;

20 (2) 2 members of the House of Representatives appointed
21 by the Speaker of the House and 2 members of the Senate
22 appointed by the President of the Senate; ~~and~~

23 (3) for appointments made prior to the effective date
24 of this amendatory Act of the 100th General Assembly,
25 persons appointed by the Governor, with the advice and

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

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

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

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

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

25 (E) representatives of individuals or
26 organizations that have experience and expertise in

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

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

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

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

26 (b) (Blank). ~~Members of the Board that represent~~

1 ~~organizations, agencies, or other entities must be individuals~~
2 ~~with optimum policymaking authority within the organization,~~
3 ~~agency, or entity. The members of the Board must represent~~
4 ~~diverse regions of the State, including urban, rural, and~~
5 ~~suburban areas.~~

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

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

26 (d-5) (Blank).

1 (e) Except as otherwise provided in this subsection, this
2 amendatory Act of the 92nd General Assembly does not affect the
3 tenure of any member appointed to and serving on the Illinois
4 Human Resource Investment Council on the effective date of this
5 amendatory Act of the 92nd General Assembly. Members of the
6 Board nominated for appointment in 2000, 2001, or 2002 shall
7 serve for fixed and staggered terms, as designated by the
8 Governor, expiring no later than July 1 of the second calendar
9 year succeeding their respective appointments or until their
10 successors are appointed and qualified. Members of the Board
11 nominated for appointment after 2002 shall serve for terms
12 expiring on July 1 of the second calendar year succeeding their
13 respective appointments, or until their successors are
14 appointed and qualified. A State official or employee serving
15 on the Board under subparagraph (F) of paragraph (3) of
16 subsection (a) by virtue of his or her State office or
17 employment shall serve during the term of that office or
18 employment. A vacancy is created in situations including, but
19 not limited to, those in which an individual serving on the
20 Board ceases to satisfy all of the requirements for appointment
21 under the provision under which he or she was appointed. The
22 Governor may at any time make appointments to fill vacancies
23 for the balance of an unexpired term. Vacancies shall be filled
24 in the same manner as the original appointment. Members shall
25 serve without compensation, but shall be reimbursed for
26 necessary expenses incurred in the performance of their duties.

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

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

11 (20 ILCS 3975/4.5)

12 Sec. 4.5. Duties.

13 (a) The Board must perform all the functions of a state
14 workforce investment board under the federal Workforce
15 Innovation and Opportunity Act ~~Workforce Investment Act of~~
16 ~~1998~~, any amendments to that Act, and any other applicable
17 federal statutes. The Board must also perform all other
18 functions that are not inconsistent with the federal Workforce
19 Innovation and Opportunity Act ~~Workforce Investment Act of 1998~~
20 or this Act and that are assumed by the Board under its bylaws
21 or assigned to it by the Governor.

22 (b) The Board must cooperate with the General Assembly and
23 make recommendations to the Governor and the General Assembly
24 concerning legislation necessary to improve upon statewide and
25 local workforce investment systems in order to increase

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

15 (b-5) The Board shall implement a method for measuring the
16 progress of the State's workforce development system by using
17 benchmarks specified in the federal Workforce Innovation and
18 Opportunity Act. ~~specified benchmarks. Those benchmarks are:~~
19 ~~(i) the educational level of working adults; (ii) the~~
20 ~~percentage of the adult workforce in education and training;~~
21 ~~(iii) adult literacy; (iv) the percentage of high school~~
22 ~~graduates transitioning to education or training; (v) the high~~
23 ~~school dropout rate; (vi) the number of youth transitioning~~
24 ~~from 8th grade to 9th grade; (vii) the percentage of~~
25 ~~individuals and families at economic self-sufficiency; (viii)~~
26 ~~the average growth in pay; (ix) net job growth; and (x)~~

1 ~~productivity per employee.~~

2 The Board shall identify the most significant early
3 indicators for each benchmark, establish a mechanism to collect
4 data and track the benchmarks on an annual basis, and then use
5 the results to set goals for each benchmark, to inform
6 planning, and to ensure the effective use of State resources.

7 (c) Nothing in this Act shall be construed to require or
8 allow the Board to assume or supersede the statutory authority
9 granted to, or impose any duties or requirements on, the State
10 Board of Education, the Board of Higher Education, the Illinois
11 Community College Board, any State agencies created under the
12 Civil Administrative Code of Illinois, or any local education
13 agencies.

14 (d) No actions taken by the Illinois Human Resource
15 Investment Council before the effective date of this amendatory
16 Act of the 92nd General Assembly and no rights, powers, duties,
17 or obligations from those actions are impaired solely by this
18 amendatory Act of the 92nd General Assembly. All actions taken
19 by the Illinois Human Resource Investment Council before the
20 effective date of this amendatory Act of the 92nd General
21 Assembly are ratified and validated.

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

23 (20 ILCS 3975/5) (from Ch. 48, par. 2105)

24 Sec. 5. Plans; expenditures. The plans and decisions of the
25 Board shall be subject to approval by the Governor. All funds

1 received by the State pursuant to the federal Job Training
2 Partnership Act or the federal Workforce Innovation and
3 Opportunity Act ~~Workforce Investment Act of 1998~~ shall be
4 expended only pursuant to appropriation.

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

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

7 Sec. 6. Programs and services, conflict of interest. In
8 order to assure objective management and oversight, the Board
9 shall not operate programs or provide services directly to
10 eligible participants, but shall exist solely to plan,
11 coordinate and monitor the provisions of such programs and
12 services.

13 A member of the Board may not (1) vote on a matter under
14 consideration by the Board that (a) regards the provision of
15 services by the member or by an entity that the member
16 represents or (b) would provide direct financial benefit to the
17 member or the immediate family of the member or (2) engage in
18 any other activity determined by the Governor to constitute a
19 conflict of interest as specified in the State plan ~~established~~
20 ~~under the federal Workforce Investment Act of 1998.~~

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

22 (20 ILCS 3975/7) (from Ch. 48, par. 2107)

23 Sec. 7. Personnel. The Board is authorized to obtain the
24 services of any professional, technical and clerical personnel

1 that may be necessary to carry out its functions under this Act
2 and under the federal Workforce Innovation and Opportunity Act
3 ~~Workforce Investment Act of 1998~~.

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

5 (20 ILCS 3975/7.2)

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

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

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

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

19 The information required under this Section must be posted
20 on the Department of Commerce and Economic Opportunity's
21 Internet website no later than 30 days after the Department
22 receives the information from the Illinois Workforce
23 Innovation ~~Investment~~ Board.

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

1 (20 ILCS 3975/7.5)

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

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

6 (20 ILCS 3975/8) (from Ch. 48, par. 2108)

7 Sec. 8. Audits. The Illinois Workforce Innovation
8 ~~Investment~~ Board and any recipient of funds under this Act
9 shall be subject to audits conducted by the Auditor General
10 with respect to all funds appropriated for the purposes of this
11 Act.

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

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

15 (20 ILCS 4080/15)

16 Sec. 15. Members. The Commission on the Elimination of
17 Poverty shall be composed of no more than 26 voting members
18 including 2 members of the Illinois House of Representatives,
19 one appointed by the Speaker of the House and one appointed by
20 the House Minority Leader; 2 members of the Illinois Senate,
21 one appointed by the Senate President and one appointed by the
22 Senate Minority Leader; one representative of the Office of the
23 Governor appointed by the Governor; one representative of the

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

1 women; a representative of an organization that advocates for
2 older adults; a representative of a labor organization that
3 represents primarily low and middle-income wage earners; a
4 representative of a municipal or county government; and a
5 representative of township government. The appointed members
6 shall reflect the racial, gender, and geographic diversity of
7 the State and shall include representation from regions of the
8 State experiencing the highest rates of extreme poverty.

9 The following officials shall serve as ex-officio members:
10 the Secretary of Human Services or his or her designee; the
11 Director of Corrections or his or her designee; the Director of
12 Healthcare and Family Services or his or her designee; the
13 Director of Human Rights or his or her designee; the Director
14 of Children and Family Services or his or her designee; the
15 Director of Commerce and Economic Opportunity or his or her
16 designee; the State Superintendent of Education or his or her
17 designee; the Director of Aging or his or her designee; the
18 Director of Public Health or his or her designee; and the
19 Director of Employment Security or his or her designee. The
20 State Workforce Innovation ~~Investment~~ Board, the
21 African-American Family Commission, and the Latino Family
22 Commission shall each designate a liaison to serve ex-officio
23 on the Commission.

24 Members shall serve without compensation, but, subject to
25 the availability of funds, public members may be reimbursed for
26 reasonable and necessary travel expenses connected to

1 Commission business.

2 Commission members shall be appointed within 60 days after
3 the effective date of this Act. The Commission shall hold its
4 initial meeting within 30 days after at least 50% of the
5 members have been appointed.

6 The representative of the Office of the Governor and the
7 representative of a service-based human rights organization
8 shall serve as co-chairs of the Commission.

9 At the first meeting of the Commission, the members shall
10 select a 7-person Steering Committee that includes the
11 co-chairs.

12 The Commission may establish committees that address
13 specific issues or populations and may appoint individuals with
14 relevant expertise who are not appointed members of the
15 Commission to serve on committees as needed.

16 Subject to appropriation, the office of the Governor, or a
17 designee of the Governor's choosing, shall provide
18 administrative support to the Commission.

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

20 Section 50. The 21st Century Workforce Development Fund Act
21 is amended by changing Section 15 as follows:

22 (30 ILCS 787/15)

23 Sec. 15. Use of Fund.

24 (a) Role of Fund. Subject to appropriation, resources from

1 the Fund are intended to be used flexibly to support innovative
2 and locally-driven strategies, to leverage other funding
3 sources, and to fill gaps in existing workforce development
4 resources in Illinois. They are not intended to supplant
5 existing workforce development resources.

6 (b) Distribution of funds. Funds shall be distributed
7 through competitive grantmaking processes administered by the
8 Department and overseen by the Advisory Committee. No more than
9 6% of funds used for grants may be retained by the Department
10 for administrative costs or for program evaluation or technical
11 assistance activities.

12 (c) Grantmaking. The Department must administer funds
13 through competitive grantmaking in accordance with the
14 priorities described in this Act. Grantmaking must be used to
15 support workforce development strategies consistent with the
16 priorities outlined in this Act. Strategies may include, but
17 are not limited to the following:

18 (i) Expanded grantmaking for existing State workforce
19 development strategies, including the Job Training and
20 Economic Development Program and programs designed to
21 increase the number of persons traditionally
22 underrepresented in the building trades, specifically
23 minorities and women.

24 (ii) Workforce development initiatives that help the
25 least skilled adults access employment and education
26 opportunities, including transitional jobs programs and

1 educational bridge programming that integrate basic
2 education and occupational skills training.

3 (iii) Sectoral strategies that develop
4 industry-specific workforce education and training
5 services that lead to existing or expected jobs with
6 identified employers and that include services to ensure
7 that low-income, low-skilled adults can be served.

8 (iv) Support for the development and implementation of
9 workforce education and training programs in the energy
10 efficiency, renewable energy, and pollution control
11 cleanup and prevention industries.

12 (v) Support for planning activities that: ensure that
13 workforce development and education needs of low-skilled
14 adults are integrated into industry-specific career
15 pathways; analyze labor market data to track workforce
16 trends in the State's energy-related initiatives; or
17 increase the capacity of communities to provide workforce
18 services to low-income, low-skilled adults.

19 (d) Allowable expenditures. Grant funds are limited to
20 expenditures for the following:

21 (i) Basic skills training, adult education,
22 occupational training, job readiness training, and
23 soft-skills training for which financial aid is otherwise
24 not available.

25 (ii) Workforce development-related services including
26 mentoring, job development, support services,

1 transportation assistance, and wage subsidies, that are
2 tied to participation in training and employment.

3 (iii) Capacity building, program development, and
4 technical assistance activities necessary for the
5 development and implementation of new workforce education
6 and training strategies.

7 No more than 5% of any grant may be used for administrative
8 costs.

9 (e) Eligible applicants. For grants under this Section,
10 eligible applicants include the following:

11 (i) Any private, public, and non-profit entities that
12 provide education, training, and workforce development
13 services to low-income individuals.

14 (ii) Educational institutions.

15 (iii) Labor and business associations.

16 (Source: P.A. 96-771, eff. 8-28-09; 97-581, eff. 8-26-11.)

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

19 (110 ILCS 947/35)

20 Sec. 35. Monetary award program.

21 (a) The Commission shall, each year, receive and consider
22 applications for grant assistance under this Section. Subject
23 to a separate appropriation for such purposes, an applicant is
24 eligible for a grant under this Section when the Commission

1 finds that the applicant:

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

4 (2) in the absence of grant assistance, will be
5 deterred by financial considerations from completing an
6 educational program at the qualified institution of his or
7 her choice.

8 (b) The Commission shall award renewals only upon the
9 student's application and upon the Commission's finding that
10 the applicant:

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

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

13 (3) is in a financial situation that continues to
14 warrant assistance.

15 (c) All grants shall be applicable only to tuition and
16 necessary fee costs. The Commission shall determine the grant
17 amount for each student, which shall not exceed the smallest of
18 the following amounts:

19 (1) subject to appropriation, \$5,468 for fiscal year
20 2009, \$5,968 for fiscal year 2010, and \$6,468 for fiscal
21 year 2011 and each fiscal year thereafter, or such lesser
22 amount as the Commission finds to be available, during an
23 academic year;

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

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

4 Subject to appropriation, the maximum grant amount for
5 students not subject to subdivision (1) of this subsection (c)
6 must be increased by the same percentage as any increase made
7 by law to the maximum grant amount under subdivision (1) of
8 this subsection (c).

9 "Tuition and other necessary fees" as used in this Section
10 include the customary charge for instruction and use of
11 facilities in general, and the additional fixed fees charged
12 for specified purposes, which are required generally of
13 nongrant recipients for each academic period for which the
14 grant applicant actually enrolls, but do not include fees
15 payable only once or breakage fees and other contingent
16 deposits which are refundable in whole or in part. The
17 Commission may prescribe, by rule not inconsistent with this
18 Section, detailed provisions concerning the computation of
19 tuition and other necessary fees.

20 (d) No applicant, including those presently receiving
21 scholarship assistance under this Act, is eligible for monetary
22 award program consideration under this Act after receiving a
23 baccalaureate degree or the equivalent of 135 semester credit
24 hours of award payments.

25 (e) The Commission, in determining the number of grants to
26 be offered, shall take into consideration past experience with

1 the rate of grant funds unclaimed by recipients. The Commission
2 shall notify applicants that grant assistance is contingent
3 upon the availability of appropriated funds.

4 (e-5) The General Assembly finds and declares that it is an
5 important purpose of the Monetary Award Program to facilitate
6 access to college both for students who pursue postsecondary
7 education immediately following high school and for those who
8 pursue postsecondary education later in life, particularly
9 Illinoisans who are dislocated workers with financial need and
10 who are seeking to improve their economic position through
11 education. For the 2015-2016 and 2016-2017 academic years, the
12 Commission shall give additional and specific consideration to
13 the needs of dislocated workers with the intent of allowing
14 applicants who are dislocated workers an opportunity to secure
15 financial assistance even if applying later than the general
16 pool of applicants. The Commission's consideration shall
17 include, in determining the number of grants to be offered, an
18 estimate of the resources needed to serve dislocated workers
19 who apply after the Commission initially suspends award
20 announcements for the upcoming regular academic year, but prior
21 to the beginning of that academic year. For the purposes of
22 this subsection (e-5), a dislocated worker is defined as in the
23 federal Workforce Innovation and Opportunity Act ~~Workforce~~
24 ~~Investment Act of 1998~~.

25 (f) The Commission may request appropriations for deposit
26 into the Monetary Award Program Reserve Fund. Monies deposited

1 into the Monetary Award Program Reserve Fund may be expended
2 exclusively for one purpose: to make Monetary Award Program
3 grants to eligible students. Amounts on deposit in the Monetary
4 Award Program Reserve Fund may not exceed 2% of the current
5 annual State appropriation for the Monetary Award Program.

6 The purpose of the Monetary Award Program Reserve Fund is
7 to enable the Commission each year to assure as many students
8 as possible of their eligibility for a Monetary Award Program
9 grant and to do so before commencement of the academic year.
10 Moneys deposited in this Reserve Fund are intended to enhance
11 the Commission's management of the Monetary Award Program,
12 minimizing the necessity, magnitude, and frequency of
13 adjusting award amounts and ensuring that the annual Monetary
14 Award Program appropriation can be fully utilized.

15 (g) The Commission shall determine the eligibility of and
16 make grants to applicants enrolled at qualified for-profit
17 institutions in accordance with the criteria set forth in this
18 Section. The eligibility of applicants enrolled at such
19 for-profit institutions shall be limited as follows:

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

23 (2) Beginning with the academic year 1998, only to
24 eligible freshmen students, transfer students who have
25 attained an associate degree, and students who receive a
26 grant under paragraph (1) for the academic year 1997 and

1 whose grants are being renewed for the academic year 1998.

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

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

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

7 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

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

9 (a) The Illinois Department shall establish and maintain a
10 program to provide recipients with services consistent with the
11 purposes and provisions of this Article. The program offered in
12 different counties of the State may vary depending on the
13 resources available to the State to provide a program under
14 this Article, and no program may be offered in some counties,
15 depending on the resources available. Services may be provided
16 directly by the Illinois Department or through contract.
17 References to the Illinois Department or staff of the Illinois
18 Department shall include contractors when the Illinois
19 Department has entered into contracts for these purposes. The
20 Illinois Department shall provide each recipient who
21 participates with such services available under the program as
22 are necessary to achieve his employability plan as specified in
23 the plan.

24 (b) The Illinois Department, in operating the program,

1 shall cooperate with public and private education and
2 vocational training or retraining agencies or facilities, the
3 Illinois State Board of Education, the Illinois Community
4 College Board, the Departments of Employment Security and
5 Commerce and Economic Opportunity or other sponsoring
6 organizations funded under the federal Workforce Innovation
7 and Opportunity Act ~~Workforce Investment Act~~ and other public
8 or licensed private employment agencies.

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

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

12 (325 ILCS 27/15)

13 Sec. 15. Illinois Youth Development Council.

14 (a) Creation. In order to effectively achieve the policy
15 established in this Act, the Illinois Youth Development Council
16 shall be created. The purpose of the Council is to provide
17 oversight and coordination to the State's public funds
18 currently invested to support positive youth development
19 programs and activities and to set systemwide policies and
20 priorities to accomplish the following 5 major objectives: (i)
21 set afterschool program expansion priorities, such as
22 addressing gaps in programming for specific ages and
23 populations; (ii) create outcome measures and require all
24 afterschool programs to be evaluated to ensure that outcomes

1 are being met; (iii) oversee the establishment of a statewide
2 program improvement system that provides technical assistance
3 and capacity building to increase program participation and
4 quality systemwide; (iv) monitor and assess afterschool
5 program quality through outcome measures; and (v) establish
6 State policy to support the attainment of outcomes. The Council
7 shall be created within the Department of Human Services.

8 (b) Governance. The Illinois Youth Development Council
9 shall reflect the regional, racial, socioeconomic, and
10 cultural diversity of the State to ensure representation of the
11 needs of all Illinois youth. The Council shall be composed of
12 no less than 28 and no more than 32 members. The Council may
13 establish a defined length of term for membership on the
14 Council.

15 (1) Membership. The Council shall include
16 representation from both public and private organizations
17 comprised of the following:

18 (A) Four members of the General Assembly: one
19 appointed by the President of the Senate, one appointed
20 by the Minority Leader of the Senate, one appointed by
21 the Speaker of the House of Representatives, and one
22 appointed by the Minority Leader of the House of
23 Representatives.

24 (B) The chief administrators of the following
25 State agencies: the Department of Human Services; the
26 Illinois State Board of Education; the Department of

1 Children and Family Services; the Department of Public
2 Health; the Department of Juvenile Justice; the
3 Department of Healthcare and Family Services; the
4 Department of Commerce and Economic Opportunity; the
5 Illinois Board of Higher Education; and the Illinois
6 Community College Board.

7 (C) The Chair of the Illinois Workforce Innovation
8 ~~Investment~~ Board and the Executive Director of the
9 Illinois Violence Prevention Authority.

10 The following Council members shall be appointed by the
11 Governor:

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

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

15 (F) Three young people who are between the ages of
16 16 and 21 and who are members of the Youth Advisory
17 Group as established in paragraph (2) of this
18 subsection.

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

21 (H) One academic researcher in the field of youth
22 development.

23 (I) Additional public members that include local
24 government stakeholders and nongovernmental
25 stakeholders with an interest in youth development and
26 afterschool programs, including representation from

1 the following private sector fields and
2 constituencies: child and youth advocacy; children and
3 youth with special needs; child and adolescent health;
4 business; and law enforcement.

5 Persons may be nominated by organizations representing
6 the fields outlined in this Section. The Governor shall
7 designate one of the Council members who is a nongovernment
8 stakeholder to serve as co-chairperson. The Council shall
9 create a subcommittee of additional direct youth service
10 providers as well as other subcommittees as deemed
11 necessary.

12 (2) Youth Advisory Group. To ensure that the Council is
13 responsive to the needs and priorities of Illinois' young
14 people, the Council shall establish an independent Youth
15 Advisory Group, which shall be composed of a diverse body
16 of 15 youths between the ages of 14 and 19 from across the
17 State. Members that surpass the age of 19 while serving on
18 the Youth Advisory Group may complete the term of the
19 appointment. The Youth Advisory Group shall be charged
20 with: (i) presenting recommendations to the Council 4 times
21 per year on issues related to afterschool and youth
22 development programming and policy; and (ii) reviewing key
23 programmatic, funding, and policy decisions made by the
24 Council. To develop priorities and recommendations, the
25 Youth Advisory Group may engage students from across the
26 State via focus groups, on-line surveys, and other means.

1 The Youth Advisory Group shall be administered by the
2 Department of Human Services and facilitated by an
3 independent, established youth organization with expertise
4 in youth civic engagement. This youth civic engagement
5 organization shall administer the application requirements
6 and process and shall nominate 30 youth. The Department of
7 Human Services shall select 15 of the nominees for the
8 Youth Advisory Group, 3 of whom shall serve on the Council.

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

11 (1) Publishing an annual plan that sets system goals
12 for Illinois' afterschool funding that include key
13 indicators, performance standards, and outcome measures
14 and that outlines funding evaluation and reporting
15 requirements.

16 (2) Developing and maintaining a system and processes
17 to collect and report consistent program and outcome data
18 on all afterschool programs funded by State and local
19 government.

20 (3) Developing linkages between afterschool data
21 systems and other statewide youth program outcome data
22 systems (e.g. schools, post-secondary education, juvenile
23 justice, etc.).

24 (4) Developing procedures for implementing an
25 evaluation of the statewide system of program providers,
26 including programs established by this Act.

1 (5) Reviewing evaluation results and data reports to
2 inform future investments and allocations and to shape
3 State policy.

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

8 (7) Reviewing and making public recommendations to the
9 Governor and the General Assembly with respect to the
10 budgets for State youth services to ensure the adequacy of
11 those budgets and alignment to system goals outlined in the
12 plan described in paragraph (1) of this subsection.

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

15 (9) Providing strategic advice to other State
16 agencies, the Illinois General Assembly, and Illinois'
17 Constitutional Officers on afterschool-related activities
18 statewide.

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

21 (d) Accountability. The Council shall annually report to
22 the Governor and the General Assembly on the Council's progress
23 towards its goals and objectives. The Department of Human
24 Services shall provide resources to the Council, including
25 administrative services and data collection and shall be
26 responsible for conducting procurement processes required by

1 the Act. The Department may contract with vendors to provide
2 all or a portion of any necessary resources.

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

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

6 (820 ILCS 405/500) (from Ch. 48, par. 420)

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

10 A. He has registered for work at and thereafter has
11 continued to report at an employment office in accordance with
12 such regulations as the Director may prescribe, except that the
13 Director may, by regulation, waive or alter either or both of
14 the requirements of this subsection as to individuals attached
15 to regular jobs, and as to such other types of cases or
16 situations with respect to which he finds that compliance with
17 such requirements would be oppressive or inconsistent with the
18 purposes of this Act, provided that no such regulation shall
19 conflict with Section 400 of this Act.

20 B. He has made a claim for benefits with respect to such
21 week in accordance with such regulations as the Director may
22 prescribe.

23 C. He is able to work, and is available for work; provided
24 that during the period in question he was actively seeking work

1 and he has certified such. Whenever requested to do so by the
2 Director, the individual shall, in the manner the Director
3 prescribes by regulation, inform the Department of the places
4 at which he has sought work during the period in question.
5 Nothing in this subsection shall limit the Director's approval
6 of alternate methods of demonstrating an active search for work
7 based on regular reporting to a trade union office.

8 1. If an otherwise eligible individual is unable to
9 work or is unavailable for work on any normal workday of
10 the week, he shall be eligible to receive benefits with
11 respect to such week reduced by one-fifth of his weekly
12 benefit amount for each day of such inability to work or
13 unavailability for work. For the purposes of this
14 paragraph, an individual who reports on a day subsequent to
15 his designated report day shall be deemed unavailable for
16 work on his report day if his failure to report on that day
17 is without good cause, and on each intervening day, if any,
18 on which his failure to report is without good cause. As
19 used in the preceding sentence, "report day" means the day
20 which has been designated for the individual to report to
21 file his claim for benefits with respect to any week. This
22 paragraph shall not be construed so as to effect any change
23 in the status of part-time workers as defined in Section
24 407.

25 2. An individual shall be considered to be unavailable
26 for work on days listed as whole holidays in "An Act to

1 revise the law in relation to promissory notes, bonds, due
2 bills and other instruments in writing," approved March 18,
3 1874, as amended; on days which are holidays in his
4 religion or faith, and on days which are holidays according
5 to the custom of his trade or occupation, if his failure to
6 work on such day is a result of the holiday. In determining
7 the claimant's eligibility for benefits and the amount to
8 be paid him, with respect to the week in which such holiday
9 occurs, he shall have attributed to him as additional
10 earnings for that week an amount equal to one-fifth of his
11 weekly benefit amount for each normal work day on which he
12 does not work because of a holiday of the type above
13 enumerated.

14 3. An individual shall be deemed unavailable for work
15 if, after his separation from his most recent employing
16 unit, he has removed himself to and remains in a locality
17 where opportunities for work are substantially less
18 favorable than those in the locality he has left.

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

23 5. Notwithstanding any other provisions of this Act, an
24 individual shall not be deemed unavailable for work or to
25 have failed actively to seek work, nor shall he be
26 ineligible for benefits by reason of the application of the

1 provisions of Section 603, with respect to any week,
2 because he is enrolled in and is in regular attendance at a
3 training course approved for him by the Director:

4 (a) but only if, with respect to that week, the
5 individual presents, upon request, to the claims
6 adjudicator referred to in Section 702 a statement
7 executed by a responsible person connected with the
8 training course, certifying that the individual was in
9 full-time attendance at such course during the week.
10 The Director may approve such course for an individual
11 only if he finds that (1) reasonable work opportunities
12 for which the individual is fitted by training and
13 experience do not exist in his locality; (2) the
14 training course relates to an occupation or skill for
15 which there are, or are expected to be in the immediate
16 future, reasonable work opportunities in his locality;
17 (3) the training course is offered by a competent and
18 reliable agency, educational institution, or employing
19 unit; (4) the individual has the required
20 qualifications and aptitudes to complete the course
21 successfully; and (5) the individual is not receiving
22 and is not eligible (other than because he has claimed
23 benefits under this Act) for subsistence payments or
24 similar assistance under any public or private
25 retraining program: Provided, that the Director shall
26 not disapprove such course solely by reason of clause

1 (5) if the subsistence payment or similar assistance is
2 subject to reduction by an amount equal to any benefits
3 payable to the individual under this Act in the absence
4 of the clause. In the event that an individual's weekly
5 unemployment compensation benefit is less than his
6 certified training allowance, that person shall be
7 eligible to receive his entire unemployment
8 compensation benefits, plus such supplemental training
9 allowances that would make an applicant's total weekly
10 benefit identical to the original certified training
11 allowance.

12 (b) The Director shall have the authority to grant
13 approval pursuant to subparagraph (a) above prior to an
14 individual's formal admission into a training course.
15 Requests for approval shall not be made more than 30
16 days prior to the actual starting date of such course.
17 Requests shall be made at the appropriate unemployment
18 office.

19 (c) The Director shall for purposes of paragraph C
20 have the authority to issue a blanket approval of
21 training programs implemented pursuant to the federal
22 Workforce Innovation and Opportunity Act ~~Workforce~~
23 ~~Investment Act of 1998~~ if both the training program and
24 the criteria for an individual's participation in such
25 training meet the requirements of this paragraph C.

26 (d) Notwithstanding the requirements of

1 subparagraph (a), the Director shall have the
2 authority to issue blanket approval of training
3 programs implemented under the terms of a collective
4 bargaining agreement.

5 6. Notwithstanding any other provisions of this Act, an
6 individual shall not be deemed unavailable for work or to
7 have failed actively to seek work, nor shall he be
8 ineligible for benefits, by reason of the application of
9 the provisions of Section 603 with respect to any week
10 because he is in training approved under Section 236 (a) (1)
11 of the federal Trade Act of 1974, nor shall an individual
12 be ineligible for benefits under the provisions of Section
13 601 by reason of leaving work voluntarily to enter such
14 training if the work left is not of a substantially equal
15 or higher skill level than the individual's past adversely
16 affected employment as defined under the federal Trade Act
17 of 1974 and the wages for such work are less than 80% of
18 his average weekly wage as determined under the federal
19 Trade Act of 1974.

20 D. If his benefit year begins prior to July 6, 1975 or
21 subsequent to January 2, 1982, he has been unemployed for a
22 waiting period of 1 week during such benefit year. If his
23 benefit year begins on or after July 6, 1975, but prior to
24 January 3, 1982, and his unemployment continues for more than
25 three weeks during such benefit year, he shall be eligible for
26 benefits with respect to each week of such unemployment,

1 including the first week thereof. An individual shall be deemed
2 to be unemployed within the meaning of this subsection while
3 receiving public assistance as remuneration for services
4 performed on work projects financed from funds made available
5 to governmental agencies for such purpose. No week shall be
6 counted as a week of unemployment for the purposes of this
7 subsection:

8 1. Unless it occurs within the benefit year which
9 includes the week with respect to which he claims payment
10 of benefits, provided that, for benefit years beginning
11 prior to January 3, 1982, this requirement shall not
12 interrupt the payment of benefits for consecutive weeks of
13 unemployment; and provided further that the week
14 immediately preceding a benefit year, if part of one
15 uninterrupted period of unemployment which continues into
16 such benefit year, shall be deemed (for the purpose of this
17 subsection only and with respect to benefit years beginning
18 prior to January 3, 1982, only) to be within such benefit
19 year, as well as within the preceding benefit year, if the
20 unemployed individual would, except for the provisions of
21 the first paragraph and paragraph 1 of this subsection and
22 of Section 605, be eligible for and entitled to benefits
23 for such week.

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

25 3. Unless the individual was eligible for benefits with
26 respect thereto except for the requirements of this

1 subsection and of Section 605.

2 E. With respect to any benefit year beginning prior to
3 January 3, 1982, he has been paid during his base period wages
4 for insured work not less than the amount specified in Section
5 500E of this Act as amended and in effect on October 5, 1980.
6 With respect to any benefit year beginning on or after January
7 3, 1982, he has been paid during his base period wages for
8 insured work equal to not less than \$1,600, provided that he
9 has been paid wages for insured work equal to at least \$440
10 during that part of his base period which does not include the
11 calendar quarter in which the wages paid to him were highest.

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

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

21 This subsection F is added by this amendatory Act of 1995
22 to clarify authority already provided under subsections A and C
23 in connection with the unemployment insurance claimant
24 profiling system required under subsections (a)(10) and (j)(1)
25 of Section 303 of the federal Social Security Act as a
26 condition of federal funding for the administration of the

1 Unemployment Insurance Act.

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

3 (820 ILCS 405/502)

4 Sec. 502. Eligibility for benefits under the Short-Time
5 Compensation Program.

6 A. The Director may by rule establish a short-time
7 compensation program consistent with this Section. No
8 short-time compensation shall be payable except as authorized
9 by rule.

10 B. As used in this Section:

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

14 "Health and retirement benefits" means employer-provided
15 health benefits and retirement benefits under a defined benefit
16 pension plan (as defined in Section 414(j) of the Internal
17 Revenue Code) or contributions under a defined contribution
18 plan (defined in Section 414(i) of the Internal Revenue Code),
19 which are incidents of employment in addition to the cash
20 remuneration earned.

21 "Short-time compensation" means the unemployment benefits
22 payable to employees in an affected unit under an approved
23 short-time compensation plan, as distinguished from the
24 unemployment benefits otherwise payable under this Act.

25 "Short-time compensation plan" means a plan submitted by an

1 employer, for approval by the Director, under which the
2 employer requests the payment of short-time compensation to
3 workers in an affected unit of the employer to avert layoffs.

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

8 "Unemployment insurance" means the unemployment benefits
9 payable under this Act other than short-time compensation and
10 includes any amounts payable pursuant to an agreement under any
11 Federal law providing for compensation, assistance, or
12 allowances with respect to unemployment.

13 C. An employer wishing to participate in the short-time
14 compensation program shall submit a signed written short-time
15 compensation plan to the Director for approval. The Director
16 shall develop an application form to request approval of a
17 short-time compensation plan and an approval process. The
18 application shall include:

19 1. The employer's unemployment insurance account
20 number, the affected unit covered by the plan, including
21 the number of full-time or part-time workers in such unit,
22 the percentage of workers in the affected unit covered by
23 the plan, identification of each individual employee in the
24 affected unit by name and social security number, and any
25 other information required by the Director to identify plan
26 participants.

1 2. A description of how workers in the affected unit
2 will be notified of the employer's participation in the
3 short-time compensation plan if such application is
4 approved, including how the employer will notify those
5 workers in a collective bargaining unit as well as any
6 workers in the affected unit who are not in a collective
7 bargaining unit. If the employer will not provide advance
8 notice to workers in the affected unit, the employer shall
9 explain in a statement in the application why it is not
10 feasible to provide such notice.

11 3. The employer's certification that it has the
12 approval of the plan from all collective bargaining
13 representatives of employees in the affected unit and has
14 notified all employees in the affected unit who are not in
15 a collective bargaining unit of the plan.

16 4. The employer's certification that it will not hire
17 additional part-time or full-time employees for, or
18 transfer employees to, the affected unit, while the program
19 is in operation.

20 5. A requirement that the employer identify the usual
21 weekly hours of work for employees in the affected unit and
22 the specific percentage by which their hours will be
23 reduced during all weeks covered by the plan. An
24 application shall specify the percentage of reduction for
25 which a short-time compensation application may be
26 approved which shall be not less than 20% and not more than

1 60%. If the plan includes any week for which the employer
2 regularly provides no work (due to a holiday or other plant
3 closing), then such week shall be identified in the
4 application.

5 6. Certification by the employer that, if the employer
6 provides health and retirement benefits to any employee
7 whose usual weekly hours of work are reduced under the
8 program, such benefits will continue to be provided to the
9 employee participating in the short-time compensation
10 program under the same terms and conditions as though the
11 usual weekly hours of work of such employee had not been
12 reduced or to the same extent as other employees not
13 participating in the short-time compensation program. For
14 defined benefit retirement plans, the hours that are
15 reduced under the short-time compensation plan shall be
16 credited for purposes of participation, vesting, and
17 accrual of benefits as though the usual weekly hours of
18 work had not been reduced. The dollar amount of employer
19 contributions to a defined contribution plan that are based
20 on a percentage of compensation may be less due to the
21 reduction in the employee's compensation. Notwithstanding
22 any other provision to the contrary, a certification that a
23 reduction in health and retirement benefits is scheduled to
24 occur during the duration of the plan and will be
25 applicable equally to employees who are not participating
26 in the short-time compensation program and to those

1 employees who are participating satisfies this paragraph.

2 7. Certification by the employer that the aggregate
3 reduction in work hours is in lieu of layoffs (temporary or
4 permanent layoffs, or both). The application shall include
5 an estimate of the number of workers who would have been
6 laid off in the absence of the short-time compensation
7 plan.

8 8. Agreement by the employer to: furnish reports to the
9 Director relating to the proper conduct of the plan; allow
10 the Director or his or her authorized representatives
11 access to all records necessary to approve or disapprove
12 the plan application, and after approval of a plan, to
13 monitor and evaluate the plan; and follow any other
14 directives the Director deems necessary for the agency to
15 implement the plan and which are consistent with the
16 requirements for plan applications.

17 9. Certification by the employer that participation in
18 the short-time compensation plan and its implementation is
19 consistent with the employer's obligations under
20 applicable Federal and Illinois laws.

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

24 11. Any other provision added to the application by the
25 Director that the United States Secretary of Labor
26 determines to be appropriate for purposes of a short-time

1 compensation program.

2 D. The Director shall approve or disapprove a short-time
3 compensation plan in writing within 45 days of its receipt and
4 promptly communicate the decision to the employer. A decision
5 disapproving the plan shall clearly identify the reasons for
6 the disapproval. The disapproval shall be final, but the
7 employer shall be allowed to submit another short-time
8 compensation plan for approval not earlier than 30 days from
9 the date of the disapproval.

10 E. The short-time compensation plan shall be effective on
11 the mutually agreed upon date by the employer and the Director,
12 which shall be specified in the notice of approval to the
13 employer. The plan shall expire on the date specified in the
14 notice of approval, which shall be mutually agreed on by the
15 employer and Director but no later than the end of the 12th
16 full calendar month after its effective date. However, if a
17 short-time compensation plan is revoked by the Director, the
18 plan shall terminate on the date specified in the Director's
19 written order of revocation. An employer may terminate a
20 short-time compensation plan at any time upon written notice to
21 the Director. Upon receipt of such notice from the employer,
22 the Director shall promptly notify each member of the affected
23 unit of the termination date. An employer may submit a new
24 application to participate in another short-time compensation
25 plan at any time after the expiration or termination date.

26 F. The Director may revoke approval of a short-time

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

17 G. An employer may request a modification of an approved
18 plan by filing a written request to the Director. The request
19 shall identify the specific provisions proposed to be modified
20 and provide an explanation of why the proposed modification is
21 appropriate for the short-time compensation plan. The Director
22 shall approve or disapprove the proposed modification in
23 writing within 30 days of receipt and promptly communicate the
24 decision to the employer. The Director, in his or her
25 discretion, may approve a request for modification of the plan
26 based on conditions that have changed since the plan was

1 approved provided that the modification is consistent with and
2 supports the purposes for which the plan was initially
3 approved. A modification may not extend the expiration date of
4 the original plan, and the Director must promptly notify the
5 employer whether the plan modification has been approved and,
6 if approved, the effective date of modification. An employer is
7 not required to request approval of plan modification from the
8 Director if the change is not substantial, but the employer
9 must report every change to plan to the Director promptly and
10 in writing. The Director may terminate an employer's plan if
11 the employer fails to meet this reporting requirement. If the
12 Director determines that the reported change is substantial,
13 the Director shall require the employer to request a
14 modification to the plan.

15 H. An individual is eligible to receive short-time
16 compensation with respect to any week only if the individual is
17 eligible for unemployment insurance pursuant to subsection E of
18 Section 500, not otherwise disqualified for unemployment
19 insurance, and:

20 1. During the week, the individual is employed as a
21 member of an affected unit under an approved short-time
22 compensation plan, which was approved prior to that week,
23 and the plan is in effect with respect to the week for
24 which short-time compensation is claimed.

25 2. Notwithstanding any other provision of this Act
26 relating to availability for work and actively seeking

1 work, the individual is available for the individual's
2 usual hours of work with the short-time compensation
3 employer, which may include, for purposes of this Section,
4 participating in training to enhance job skills that is
5 approved by the Director, including but not limited to as
6 employer-sponsored training or training funded under the
7 federal Workforce Innovation and Opportunity Act ~~Workforce~~
8 ~~Investment Act of 1998~~.

9 3. Notwithstanding any other provision of law, an
10 individual covered by a short-time compensation plan is
11 deemed unemployed in any week during the duration of such
12 plan if the individual's remuneration as an employee in an
13 affected unit is reduced based on a reduction of the
14 individual's usual weekly hours of work under an approved
15 short-time compensation plan.

16 I. The short-time compensation weekly benefit amount shall
17 be the product of the percentage of reduction in the
18 individual's usual weekly hours of work multiplied by the sum
19 of the regular weekly benefit amount for a week of total
20 unemployment plus any applicable dependent allowance pursuant
21 to subsection C of Section 401.

22 1. An individual may be eligible for short-time
23 compensation or unemployment insurance, as appropriate,
24 except that no individual shall be eligible for combined
25 benefits (excluding any payments attributable to a
26 dependent allowance pursuant to subsection C of Section

1 401) in any benefit year in an amount more than the maximum
2 benefit amount, nor shall an individual be paid short-time
3 compensation benefits for more than 52 weeks under a
4 short-time compensation plan.

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

10 3. Provisions applicable to unemployment insurance
11 claimants shall apply to short-time compensation claimants
12 to the extent that they are not inconsistent with
13 short-time compensation provisions. An individual who
14 files an initial claim for short-time compensation
15 benefits shall receive a monetary determination.

16 4. The following provisions apply to individuals who
17 work for both a short-time compensation employer and
18 another employer during weeks covered by the approved
19 short-time compensation plan:

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

25 ii. If combined hours of work for both employers
26 results in a reduction equal to or greater than 20% of

1 the usual weekly hours of work for the short-time
2 compensation employer, the short-time compensation
3 benefit amount payable to the individual is reduced for
4 that week and is determined by multiplying the
5 percentage by which the combined hours of work have
6 been reduced by the sum of the weekly benefit amount
7 for a week of total unemployment plus any applicable
8 dependent allowance pursuant to subsection C of
9 Section 401. A week for which benefits are paid under
10 this subparagraph shall be reported as a week of
11 short-time compensation.

12 iii. If an individual worked the reduced
13 percentage of the usual weekly hours of work for the
14 short-time compensation employer and is available for
15 all his or her usual hours of work with the short-time
16 compensation employer, and the individual did not work
17 any hours for the other employer either because of the
18 lack of work with that employer or because the
19 individual is excused from work with the other
20 employer, the individual shall be eligible for
21 short-time compensation for that week. The benefit
22 amount for such week shall be calculated as provided in
23 the introductory clause of this subsection I.

24 iv. An individual who is not provided any work
25 during a week by the short-time compensation employer,
26 or any other employer, and who is otherwise eligible

1 for unemployment insurance shall be eligible for the
2 amount of regular unemployment insurance determined
3 without regard to this Section.

4 v. An individual who is not provided any work by
5 the short-time compensation employer during a week,
6 but who works for another employer and is otherwise
7 eligible may be paid unemployment insurance for that
8 week subject to the disqualifying income and other
9 provisions applicable to claims for regular
10 unemployment insurance.

11 J. Short-time compensation shall be charged to employers in
12 the same manner as unemployment insurance is charged under
13 Illinois law. Employers liable for payments in lieu of
14 contributions shall have short-time compensation attributed to
15 service in their employ in the same manner as unemployment
16 insurance is attributed. Notwithstanding any other provision
17 to the contrary, to the extent that short-term compensation
18 payments under this Section are reimbursed by the federal
19 government, no benefit charges or payments in lieu of
20 contributions shall be accrued by a participating employer.

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

26 L. Overpayments of other benefits under this Act may be

1 recovered from an individual receiving short-time compensation
2 under this Act in the manner provided under Sections 900 and
3 901. Overpayments under the short-time compensation plan may be
4 recovered from an individual receiving other benefits under
5 this Act in the manner provided under Sections 900 and 901.

6 M. An individual who has received all of the short-time
7 compensation or combined unemployment insurance and short-time
8 compensation available in a benefit year shall be considered an
9 exhaustee for purposes of extended benefits, as provided under
10 the provisions of Section 409, and, if otherwise eligible under
11 those provisions, shall be eligible to receive extended
12 benefits.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.