

1 AN ACT concerning guaranteed job opportunity projects.

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

4 Section 5. The Illinois Guaranteed Job Opportunity Act
5 is amended by changing Sections 10, 15, 25, 30, 35, 40, 45,
6 50, 55, and 65 as follows:

7 (20 ILCS 1510/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Department" means the Department of Human Services.

10 "Eligible area" means a county or unit of general local
11 government that has a population of no more than 300,000.

12 {a} "Participant" means an individual who is determined
13 to be eligible under Section 25.

14 {b} "Project" means the definable task or group of tasks
15 which:

16 (1) will be carried out by a public agency, a
17 private nonprofit organization, a private contractor, or
18 a cooperative,

19 (2) (blank), will---meet---the---requirements--of
20 subsection-(f)-of-Section-35,

21 (3) will result in a specific product or
22 accomplishment, and

23 (4) would not otherwise be conducted with existing
24 funds.

25 "Secretary" {e}-"Director" means the Secretary of Human
26 Services Director-of-Labor.

27 (Source: P.A. 88-114.)

28 (20 ILCS 1510/15)

29 Sec. 15. Establishment of program. The Department may
30 issue grants for the operation of projects under this Act.

1 The issuance of the grants is subject to the availability of
 2 State or federal funds and at the discretion of the
 3 Secretary. Grants--shall--be--made--and--projects--shall--be
 4 assisted--under--this--Act--only--to--the--extent--that--funding--from
 5 federal--sources--is--available--for--these--purposes.--From--the
 6 sums--appropriated--by--the--General--Assembly--for--any--fiscal
 7 year,--the--Director--shall--make--grants--to--Executive--Councils
 8 established--in--accordance--with--Section--20--for--the--purpose--of
 9 assisting--local--job--projects--which--meet--the--requirements--of
 10 this--Act. The General Assembly may appropriate funds for the
 11 purposes of this Section from any appropriate State source or
 12 from any appropriate federal source, regardless of which
 13 State agency is the initial recipient of the federal funds.

14 (Source: P.A. 88-114.)

15 (20 ILCS 1510/25)

16 Sec. 25. Program eligibility.

17 (a) General Rule. An individual is eligible to
 18 participate in the job projects assisted under this Act if
 19 the individual:

20 (1) is at least 16 years of age;

21 (2) has resided in the eligible area for at least
 22 30 days;

23 (3) has been unemployed for 35 days prior to the
 24 determination of employment for job projects assisted
 25 under this Act; and

26 (4) is a citizen of the United States, is a
 27 national of the United States, is a lawfully admitted
 28 permanent resident alien, is a lawfully admitted refugee
 29 or parolee, or is otherwise authorized by the United
 30 States Attorney General to work in the United States; and

31 (5) is a recipient of assistance under Article IV
 32 of the Illinois Public Aid Code.

33 (b) Limitations.

1 (1) (Blank). Not--more--than--2--individuals--who
2 reside-in--any--household--may--be--eligible--for--a--job
3 assisted-under-this-Act.

4 (2) (Blank). No-individual-whose-earned-income-for
5 the-year-preceding-the-year-in-which-the-determination-of
6 employment--under--this--Act--is-made-is-equal-to-or-more
7 than-\$17,000,--or-who-has-a-combined-family-income-in--the
8 year--in-which-the-determination-of-employment-under-this
9 Act-is-made-which-is-equal-to--or--more--than--\$17,000--a
10 year,--may-be-eligible-for-a-job-assisted-under-this-Act.

11 (3) No individual participating in the job
12 opportunity project assisted under this Act may work in
13 any compensated job other than the job assisted under
14 this Act for more than 20 16 hours per week.

15 (4) Individuals Each--individual participating in
16 the---job---project---assisted---under---this--Act--shall
17 demonstrate,--to-the-project-manager-of--the--job--project
18 assisted under this Act shall,--that-the-individual-sought
19 employment-in-the-private-sector-during-the-35-days-prior
20 to--making--application-for-employment-under-this-Act-and
21 will-continue-to seek employment during the period of
22 employment assisted under this Act.

23 (5) Any individual eligible for retirement benefits
24 under the Social Security Act, under any retirement
25 system for Federal Government employees, under the
26 railroad retirement system, under the military retirement
27 system, under a State or local government pension plan or
28 retirement system, or any private pension program is not
29 eligible to receive a job under a job project assisted
30 under this Act.

31 (Source: P.A. 88-114.)

32 (20 ILCS 1510/30)

33 Sec. 30. Testing---and Education requirements. Any

1 individual who has not completed high school and who
 2 participates in a job project under this Act may enroll, if
 3 appropriate, in and maintain satisfactory progress in a
 4 secondary school or an adult basic education or GED program.
 5 Any individual with limited English speaking ability may
 6 participate, if appropriate, in an English as a Second
 7 Language program.

8 (a)--Testing.--Each participant shall be tested for basic
 9 reading and writing competence by the District Executive
 10 Council prior to employment by a job project assisted under
 11 this Act.

12 (b)--Education Requirement.

13 (1)--Each participant who fails to complete
 14 satisfactorily the basic competency test required by
 15 subsection (a) of this Section shall be furnished
 16 counseling and instruction.

17 (2)--Each participant in a job project assisted under
 18 this Act shall, in order to continue employment, maintain
 19 satisfactory progress toward and receive a secondary
 20 school diploma or its equivalent.

21 (3)--Each participant with limited English speaking
 22 ability may be furnished instruction as the District
 23 Executive Council deems appropriate.

24 (Source: P.A. 88-114.)

25 (20 ILCS 1510/35)

26 Sec. 35. Local Job Projects.

27 (a) General authority. The Department may accept
 28 applications and issue grants for operation of projects under
 29 this Act. Each District Executive Council shall select job
 30 projects to be assisted under this Act. Each job project
 31 selected for assistance shall provide employment to eligible
 32 participants.

33 (b) Project Objection. Each selected project shall

1 provide subsidized employment to Temporary Assistance for
 2 Needy Families (TANF) participants for a period of not more
 3 than 6 months. The selected projects shall demonstrate their
 4 ability to move clients from participation in the project to
 5 unsubsidized employment. No project may be selected under
 6 this Section if an objection to the project is filed by 2
 7 representatives appointed under subparagraph (A) of paragraph
 8 (3) of subsection (a) of Section 20 or by 2 representatives
 9 appointed under subparagraph (B) of paragraph (3) of
 10 subsection (a) of Section 20.

11 (c) Political affiliation prohibited. No manager or
 12 other officer or employee of a District Executive Council or
 13 of the job project assisted under this Act may apply a
 14 political affiliation test in selecting eligible
 15 participation for employment in the project.

16 (d) Limitations.

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

20 (2) (Blank). Not more than 10% of the individuals
 21 employed in any job project assisted under this Act may
 22 be employed to supervise a project. Individuals selected
 23 as supervisors may be selected without regard to the
 24 provisions of Section 25 and may receive wages in excess
 25 of the rate determined under Section 40. The limitation
 26 on the ratio of supervisors to employees shall not apply
 27 where more supervision of eligible participants will
 28 contribute to carrying out the objectives of this Act.

29 (e) Minimum Maximum hours per week employed. No
 30 eligible participant employed in a job project assisted under
 31 this Act may be employed on the project for less more than 30
 32 32 hours per week.

33 (f) (Blank). Project Progress Reports. Each project
 34 manager shall prepare and submit to the District Executive

1 Council-monthly-progress-reports-on-the-job-project--assisted
2 under-this-Act.

3 (Source: P.A. 88-114.)

4 (20 ILCS 1510/40)

5 Sec. 40. Benefits; supportive services; job clubs.

6 (a) Wages. Each eligible participant who is employed in
7 job projects assisted under this Act shall receive wages
8 equal to the higher of (1) the minimum wage under Section
9 6(a)(1) of the Fair Labor Standards Act of 1938 or, (2) the
10 minimum wage under the applicable minimum wage law, ~~or~~ (3)
11 the amount which the eligible participant received in welfare
12 benefits pursuant to the State plan approved under Part A of
13 Title IV of the Social Security Act or in the form of
14 unemployment compensation, if applicable, plus 10% of the
15 amount, whichever is higher.

16 (b) Benefits. Each eligible participant who is employed
17 in projects assisted under this Act shall be furnished
18 benefits and employment conditions comparable to the benefits
19 and conditions provided to other employees employed in
20 similar occupations by a comparable employer, but No
21 participant shall be eligible for unemployment compensation
22 during or on the basis of employment in a project.

23 (c) Supportive services. Each eligible participant who
24 is employed in projects assisted under this Act shall be
25 eligible for supportive services as provided under rules
26 developed by the Department, which may include
27 transportation, health care, special services and materials
28 for the handicapped, child care and other services which are
29 necessary to enable the individual to participate.

30 (d) Job clubs. All participants shall participate in a
31 job club. The project shall operate or otherwise make
32 arrangements for each participant to participate in a job
33 club. Each District Executive Council shall establish for the

1 eligible-area-job-clubs-to-assist-eligible-participants--with
2 the--preparation--of-resumes,-the-development-of-interviewing
3 techniques,-evaluation-of-individual-job--search--activities,
4 and-economic-education-classes.

5 (Source: P.A. 88-114.)

6 (20 ILCS 1510/45)

7 Sec. 45. Labor standards applicable to job projects.

8 (a) Conditions of employment.

9 (1) Conditions of employment and training shall be
10 appropriate and reasonable in light of factors such as
11 the type of work, geographical region, and proficiency of
12 the participant.

13 (2) Health and safety standards established under
14 State and Federal law, otherwise applicable to working
15 conditions of employees, shall be equally applicable to
16 working conditions of participants. With-respect-to--any
17 participant-in-a-job-project-conducted-under-this-Act-who
18 is--engaged-in-activities-which-are-not-covered-by-health
19 and-safety-standards-under-the--Occupational--Safety--and
20 Health--Act--of--1970,-the--Director-shall-prescribe,-by
21 regulation,-standards-as-may-be-necessary-to-protect--the
22 health-and-safety-of-a-participant.

23 (3) No funds available under this Act may be used
24 for contributions on behalf of any participant to
25 retirement systems or plans.

26 (b) Displacement rules.

27 (1) No currently employed worker shall be displaced
28 by any participant, including partial displacement such
29 as a reduction in the hours of nonovertime work, wages,
30 or employment benefits.

31 (2) No job project shall impair existing contracts
32 for services or collective bargaining agreements, except
33 that no job project under this Act which would be

1 inconsistent with the terms of a collective bargaining
2 agreement shall be undertaken without the written
3 concurrence of the labor organization and employer
4 concerned.

5 (3) No participant shall be employed or job opening
6 filled when any other individual is on layoff from the
7 same or any substantially equivalent job, or when the
8 employer has terminated the employment of any regular
9 employee or otherwise reduced its workforce with the
10 intention of filling the vacancy so created by hiring a
11 participant whose wages are subsidized under this Act.

12 (4) No jobs shall be created in a promotional line
13 that will infringe in any way upon the promotional
14 opportunities of currently employed individuals.

15 (Source: P.A. 88-114.)

16 (20 ILCS 1510/50)

17 Sec. 50. Nondiscrimination.

18 (a) General rule.

19 (1) Discrimination on the basis of age, on the
20 basis of handicap, on the basis of sex, or on the basis
21 of race, color, or national origin is prohibited.

22 (2) No individual shall be excluded from
23 participation in, denied the benefits of, subjected to
24 discrimination under, or denied employment in the
25 administration of or in connection with any project
26 because of race, color, religion, sex, national origin,
27 age, handicap, or political affiliation or belief.

28 (3) (Blank). ~~No participant shall be employed on~~
29 ~~the construction, operation, or maintenance of any~~
30 ~~facility used or to be used for sectarian instruction or~~
31 ~~as a place for religious worship.~~

32 (4) With respect to terms and conditions affecting,
33 or rights provided to, individuals who are participants

1 in activities supported by funds provided under this Act,
2 the individuals shall not be discriminated against solely
3 because of their status as the participants.

4 (b) (Blank). Failure--To--Comply-With-Rules.---Whenever
5 the-Director-finds-that-a-recipient-has-failed-to-comply-with
6 subsection--(a)--of--this--Section,--or--with--an--applicable
7 regulation-prescribed-to-carry-out-this-Section,--the-Director
8 shall-notify-the-recipient-and-shall-request-compliance.---If
9 within--a--reasonable--period-of-time,--not-to-exceed-60-days,
10 the-recipient-fails-or-refuses-to-comply,--the--Director--may
11 (1)---refer--the--matter--to--the--Attorney--General--with--a
12 recommendation--that---an---appropriate---civil---action---be
13 instituted,--or--(2)--take-other-action-as-may-be-provided-by
14 law.

15 (c) (Blank). Referral--to--Attorney--General.---When--a
16 matter--is--referred--to--the--Attorney--General--pursuant-to
17 paragraph-(1)-of-subsection-(b),--or--whenever--the--Attorney
18 General--has-reason-to-believe-that-a-recipient-is-engaged-in
19 a-pattern-or-practice-in-violation--of--subsection--(a),--the
20 Attorney--General-may-bring-a-civil-action-in-any-appropriate
21 court--of--the--State--of--Illinois--for--relief--as--may--be
22 appropriate,--including-injunctive-relief.

23 (Source: P.A. 88-114.)

24 (20 ILCS 1510/55)

25 Sec. 55. Evaluation. The project Each---District
26 Executive---Council shall establish--and maintain a an
27 evaluation file for each individual employed in--a--project
28 assisted--under--this-Act. These files shall be available to
29 the Department upon request. The-evaluation--file--shall--be
30 made--available--to--the-participant-monthly-and-shall-not-be
31 available-to-any-other-person--without--the--consent--of--the
32 employee.---In--carrying--out-the-provisions-of-this-Section,
33 each-Council--shall--assure--that--the--participant--will--be

1 afforded--the-opportunity-to-discuss-any-matter-contained-in,
2 or-omitted-from-the-file.

3 (Source: P.A. 88-114.)

4 (20 ILCS 1510/65)

5 Sec. 65. Evaluation. The Department shall conduct an
6 evaluation of the success of the projects funded under this
7 Act. Each project shall cooperate with the Department in the
8 collection of any data needed for the evaluation.
9 Administration.

10 (a)--Accepting--Property--For--Use--Under--This--Act.--The
11 Director-is-authorized,-in-carrying-out-this-Act,-to--accept,
12 purchase,-or-lease-in-the-name-of-the-Department,-and-employ
13 or-dispose-of-in-furtherance-of-the-purpose-of-this-Act,-any
14 money--or--property,-real,-personal,-or-mixed,-tangible-or
15 intangible,-received-by-gift,-devise,-bequest,-or--otherwise,
16 and-to-accept-voluntary-and-uncompensated-services.

17 (b)--General--Administrative--Authority.--The-Director-may
18 make-grants,-contracts,-or-agreements,-establish--procedures
19 and--make--payments,-in-installments,-in-advance-or-by-way-of
20 reimbursement,-or-otherwise-allocate-or--expend--funds--under
21 this--Act--as--necessary--to--carry--out--this-Act,-including
22 expenditures---for---construction,-repairs,-and---capital
23 improvements,-and-including-necessary-adjustments-in-payments
24 on-account-of-overpayments-or-underpayments.

25 (c)--Waiver-Authority.--The-Director-may-waive:

26 (1)--the-testing-requirement--for--individuals--with
27 handicaps;

28 (2)--the--education--requirement-in-paragraph-(2)-of
29 subsection-(b)-of-Section-30;-and

30 (3)--subject--to--a--2/3--vote--of---each---District
31 Executive--Council,-the-requirement-relating-to-a-32-hour
32 work-week-under-subsection-(e)-of-Section-35-for--unusual
33 circumstances.

1 (d) Report. The Director shall prepare and submit to
2 the General Assembly an annual report on the administration
3 of this Act. The Director shall include the following in the
4 report:

5 (1) a summary of the achievements, failures, and
6 problems of the programs authorized in this Act in
7 meeting the objective of this Act; and

8 (2) recommendations, including recommendations for
9 legislative or administrative action, as the Director
10 deems appropriate.

11 (e) Audit. The Auditor General of the State of Illinois
12 and any authorized representatives shall have access for the
13 purpose of audit and examination to any books, documents,
14 papers, and records of any recipient under this Act that are
15 pertinent to the amounts received and disbursed under this
16 Act.

17 (f) Adoption of rules. The Director may adopt
18 appropriate rules to carry out this Act.

19 (Source: P.A. 88-114.)

20 (20 ILCS 1510/20 rep.)

21 (20 ILCS 1510/60 rep.)

22 Section 10. The Illinois Guaranteed Job Opportunity Act
23 is amended by repealing Sections 20 and 60.

24 Section 99. Effective date. This Act takes effect July
25 1, 2003.