



Sen. Antonio Muñoz

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09800HB5701sam003

LRB098 18610 JLS 59669 a

1 AMENDMENT TO HOUSE BILL 5701

2 AMENDMENT NO. _____. Amend House Bill 5701, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the Job
6 Opportunities for Qualified Applicants Act.

7 Section 5. Findings. The General Assembly finds that it is
8 in the public interest to do more to give Illinois employers
9 access to the broadest pool of qualified applicants possible,
10 protect the civil rights of those seeking employment, and
11 ensure that all qualified applicants are properly considered
12 for employment opportunities and are not pre-screened or denied
13 an employment opportunity unnecessarily or unjustly.

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

15 "Applicant" means any person pursuing employment with an

1 employer or with or through an employment agency.

2 "Employer" means any person or private entity that has 15
3 or more employees in the current or preceding calendar year,
4 and any agent of such an entity or person.

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

9 "Employment" means any occupation or vocation.

10 Section 15. Employer pre-screening.

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

19 (b) The requirements set forth in subsection (a) of this
20 Section do not apply for positions where:

21 (1) employers are required to exclude applicants with
22 certain criminal convictions from employment due to
23 federal or State law;

24 (2) a standard fidelity bond or an equivalent bond is
25 required and an applicant's conviction of one or more

1 specified criminal offenses would disqualify the applicant
2 from obtaining such a bond, in which case an employer may
3 include a question or otherwise inquire whether the
4 applicant has ever been convicted of any of those offenses;
5 or

6 (3) employers employ individuals licensed under the
7 Emergency Medical Services (EMS) Systems Act.

8 (c) This Section does not prohibit an employer from
9 notifying applicants in writing of the specific offenses that
10 will disqualify an applicant from employment in a particular
11 position due to federal or State law or the employer's policy.

12 Section 20. Administration of Act and rulemaking
13 authority.

14 (a) The Illinois Department of Labor shall investigate any
15 alleged violations of this Act by an employer or employment
16 agency. If the Department finds that a violation has occurred,
17 the Director of Labor may impose the following civil penalties:

18 (1) For the first violation, the Director shall issue a
19 written warning to the employer or employment agency that
20 includes notice regarding penalties for subsequent
21 violations and the employer shall have 30 days to remedy
22 the violation;

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

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

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

10 (b) Penalties under this Section may be assessed by the
11 Department and recovered in a civil action brought by the
12 Department in any circuit court or in any administrative
13 adjudicative proceeding under this Act. In any such civil
14 action or administrative adjudicative proceeding under this
15 Act, the Department shall be represented by the Attorney
16 General.

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

22 (d) The Department may adopt rules necessary to administer
23 this Act and may establish an administrative procedure to
24 adjudicate claims and issue final and binding decisions subject
25 to the Administrative Review Law.

1 Section 90. The State Finance Act is amended by adding
2 Section 5.855 as follows:

3 (30 ILCS 105/5.855 new)

4 Sec. 5.855. The Job Opportunities for Qualified Applicants
5 Enforcement Fund.

6 Section 99. Effective date. This Act takes effect January
7 1, 2015."