

1 AN ACT concerning employment.

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

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

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

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

14 "Applicant" means any person pursuing employment with an
15 employer or with or through an employment agency.

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

19 "Employment agency" means any person or entity regularly
20 undertaking with or without compensation to procure employees
21 for an employer or to procure for employees opportunities to
22 work for an employer and includes an agent of such a person.

1 "Employment" means any occupation or vocation.

2 Section 15. Employer pre-screening.

3 (a) An employer or employment agency may not inquire about
4 or into, consider, or require disclosure of the criminal record
5 or criminal history of an applicant until the applicant has
6 been determined qualified for the position and notified that
7 the applicant has been selected for an interview by the
8 employer or employment agency or, if there is not an interview,
9 until after a conditional offer of employment is made to the
10 applicant by the employer or employment agency.

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

13 (1) employers are required to exclude applicants with
14 certain criminal convictions from employment due to
15 federal or State law; or

16 (2) a standard fidelity bond or an equivalent bond is
17 required and an applicant's conviction of one or more
18 specified criminal offenses would disqualify the applicant
19 from obtaining such a bond, in which case an employer may
20 include a question or otherwise inquire whether the
21 applicant has ever been convicted of any of those offenses.

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

1 Section 20. Administration of Act and rulemaking
2 authority.

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

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

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

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

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

24 (b) Penalties under this Section may be assessed by the
25 Department and recovered in a civil action brought by the

1 Department in any circuit court or in any administrative
2 adjudicative proceeding under this Act. In any such civil
3 action or administrative adjudicative proceeding under this
4 Act, the Department shall be represented by the Attorney
5 General.

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

11 (d) The Department may adopt rules necessary to administer
12 this Act and may establish an administrative procedure to
13 adjudicate claims and issue final and binding decisions subject
14 to the Administrative Review Law.

15 Section 90. The State Finance Act is amended by adding
16 Section 5.855 as follows:

17 (30 ILCS 105/5.855 new)

18 Sec. 5.855. The Job Opportunities for Qualified Applicants
19 Enforcement Fund.

20 Section 99. Effective date. This Act takes effect January
21 1, 2015.