

Illinois Legislative Update: Employment

Many bills relating to employment were passed by the Illinois General Assembly. Some have been signed by Gov. Pat Quinn and are now state law, and others are awaiting his signature. We review eight of them.

House Bill 1030, now [Public Act 97-0001](#), amends the Unemployment Insurance Act to reduce the maximum amount of benefits that eligible persons may receive per year, starting in 2012, either from 26 to 25 times their weekly benefit amount plus dependents' allowances, or to reduce to the total wages they earned over the last year they were doing insured work, whichever amount is less. For most workers, this means that the maximum number of weeks that they will receive unemployment insurance benefits during their initial period of unemployment is limited to 25 weeks, reduced from a maximum of 26 weeks. The bill also creates the Title XII Interest Fund, which will be either used to repay advance funds loaned to Illinois by the federal government for unemployment insurance payments or transferred to Illinois's unemployment trust fund. The bill establishes a surcharge on employers of 0.5 percent of the total amount of wages paid to insured employees in the first quarter of 2011 to finance the Title XII Interest Fund. This law is effective as of March 31, 2011.

House Bill 1513, now [Public Act 97-0120](#), amends the Illinois Wage Payment and Collection Act to allow municipalities with populations of less than 500,000 (excluding Chicago) to deduct wages from employees to collect either a debt owed to the municipality or an excess payment made by the municipality due to, but not limited to, a typographical or mathematical error. No deduction on account of owed debt may be made before the employee is given the opportunity to have a hearing to dispute the debt and a hearing to dispute the deduction. The deduction may not exceed 15 percent of the total payment. This law is effective as of January 1, 2012.

[House Bill 1552](#) amends the Illinois Human Rights Act to institute new procedures for when an alleged violation falls within the jurisdiction of both the Illinois Department of Human Rights and the Equal Employment Opportunity Commission (EEOC), a federal agency. If the EEOC determines that there is no reasonable cause that a violation occurred, the Human Rights Department will adopt this decision as its own. If, however, the EEOC determines that there is reasonable cause that a violation occurred, the Human Rights Department may either adopt the decision as its own or complete its own investigation and come to its own conclusion. The complainant still has the right to appeal, in civil court, the Human Rights Department's final decision. Note that this bill has slightly different procedures from Senate Bill 1122, which was also passed by both House and Senate and is described below.

[House Bill 2927](#) amends the Illinois Emergency Employment Development Act to promote new job creation in the private sector by giving incentives to employers to hire new workers through partial wage subsidies. Employees at for-profit businesses will receive a state subsidy of 50 percent of the minimum allowable hourly wage; not-for-profit employees will receive 75 percent. Employers are responsible for matching or exceeding the amount of the state subsidy to ensure that no employee receiving Emergency Employment Development funds earns less than 120 percent of the current state minimum wage. Job applicants eligible to receive funds must be residents of Illinois for at least one year, be unemployed, and not be receiving or be qualified to receive unemployment or workers' compensation. The bill places a priority on job applicants who live in households with no other earned income source, have been unemployed for at least six months, or would be otherwise eligible to receive Temporary Assistance for Needy Families or Supplemental Nutrition Assistance Program (formerly known as food stamps) benefits. Eligible job applicants may receive Emergency Employment Development funds for a maximum of 1,040 hours over a period of 52 weeks.

Businesses operated by women and minorities, businesses engaged in developing renewable energy sources, and small businesses will be given preference to receive funds. Employers must repay 70 percent of the amount received for each eligible job applicant who does not stay employed for at least six months beyond the subsidized period unless the employer dismisses the employee for good cause and works with the employee administrator to employ and train a new employee. H.B. 2927 also links the Emergency Development Fund to the Illinois 21st Century Workforce Development Fund, which is intended to fill gaps in existing workforce development resources by funding programs such as job training and bridge programs. H.B. 2927, however, is subject to appropriation and has yet to receive funding. This means that none of the bill's provisions may go into effect until appropriations are made.

House Bill 2987, now [Public Act 97-0199](#), creates the Project Labor Agreements Act, which establishes a state authority that will work with labor organizations to negotiate project labor agreements with the state for public works projects on a project-by-project basis. A project labor agreement is a collective bargaining agreement that can be negotiated with all bargaining units involved in a project before the project is begun. It lays out the conditions of employment, the standards of quality and efficiency expected, and mutually agreed-upon procedures for resolving labor disputes without work stoppages. This is intended to ensure that public works project workers receive appropriate compensation for their work and that costly work stoppages are prevented. The bill lists situations in which a project labor agreement is to be made, such as when the project is aligned with the state's policy to advance minority-owned and women-owned businesses and minority and female employment. The Project Labor Agreements Act also requires that the state authority overseeing project labor agreements include in its quarterly reports the workforce participation rate of minorities and females. This law is effective as of July 27, 2011.

[Senate Bill 1122](#) amends the Illinois Human Rights Act to state that if an employer refuses to hire, promote, or train or in any way treats differently for employment-related purposes (e.g., privileges, terms, or conditions of employment) an employee on account of her pregnancy, childbirth, or related medical conditions, the employer is committing a civil rights violation. The Act already covered pregnancy as part of sex discrimination, but the language of this amendment explicitly states that any medical conditions associated with pregnancy are also covered.

S.B. 1122 also institutes new procedures for when an alleged human rights violation falls within the jurisdiction of both the Human Rights Department and the EEOC. If the EEOC is the first governmental agency designated to investigate, it will complete an investigation and make a determination. If the EEOC determines that there has been a violation, the Human Rights Department will adopt this decision as its own and inform the complainant. If the EEOC determines that there has not been a violation, the Human Rights Department will adopt the decision as a dismissal for lack of evidence and inform the complainant, who will have 35 days to file a request that the Human Rights Department review the EEOC's determination. The complainant still has the right to appeal, in civil court, the Human Rights Department's final decision. Note that this bill has slightly different procedures from H.B. 1552, described above.

[Senate Bill 1147](#) amends the Workers' Compensation Act to restrict when an employee injured on the job may qualify for benefits. An employee would not qualify for benefits if the employee was injured or killed during or as a result of committing a forcible felony, aggravated driving under the influence, or reckless homicide which injured or killed another person and for which the employee was convicted.

[Senate Bill 1923](#) amends the Department of Transportation Law to require the Transportation Department to review any and all evidence of discrimination related to transportation construction projects. The bill was introduced in response to a pattern of race and gender discrimination occurring in transportation construction projects. The bill lists examples of what would constitute evidence of discrimination and requires the Transportation Department to look into discrimination and present a report on both what it finds about the prevalence of discrimination in transportation construction projects and what steps it has taken to reduce discrimination.

For more information, contact [Wendy Pollack](#), director, Women's Law and Policy Project, Sargent Shriver National Center on Poverty Law.