



Rep. Theresa Mah

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1 AMENDMENT TO HOUSE BILL 793

2 AMENDMENT NO. _____. Amend House Bill 793, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Reference to Act. This Act may be referred to
6 as the Dignity in Pay Act.

7 Section 3. Declaration of policy and intent.

8 (a) Section 14(c) of the federal Fair Labor Standards Act
9 of 1938 provides for the employment of persons with
10 disabilities at wage rates below the statutory federal minimum
11 wage. Among those who have worked for subminimum wages in
12 Illinois are people with intellectual, developmental,
13 physical, and sensory disabilities, including those who are
14 blind or deaf or are diagnosed with cerebral palsy, spina
15 bifida, or Down syndrome. Section 14(c) authorizations result
16 in a national average wage of approximately \$3 per hour for

1 workers with disabilities who have engaged in work activities
2 under a 14(c) wage certificate.

3 Data released in October 2022 from the United States
4 Department of Labor shows that Illinois ranks second in the
5 nation in the number of 14(c) certificates issued or pending,
6 with several thousand Illinois residents with disabilities
7 engaged in activities compensated below minimum wage. These
8 activities most often occur in congregate work centers (also
9 known as facility-based employment or sheltered workshops)
10 some of which may have the effect of isolating people with
11 disabilities from the greater community.

12 The Illinois Employment First Act stipulates that
13 "competitive and integrated employment shall be considered the
14 first option when serving persons with disabilities of working
15 age." Across the United States, 18 states eliminated, phased
16 out, or modified the authority of employers to pay subminimum
17 wages to people with disabilities.

18 Ensuring that Illinois maximizes opportunities for persons
19 with disabilities to secure gainful employment is a critical
20 element to achieving the requirements of the Illinois
21 Employment First Act. The Workforce Innovation and Opportunity
22 Act (Public Law 113-128) and Section 7 of the Rehabilitation
23 Act of 1973 (29 U.S.C. 705) define competitive integrated
24 employment as "work that is performed on a full-time or
25 part-time basis for which an individual is: compensated at a
26 rate that shall be not less than the rate specified in the

1 applicable State or local minimum wage law; and is not less
2 than the customary rate paid by the employer for the same or
3 similar work performed by other employees who are not
4 individuals with disabilities, and who are similarly situated
5 in similar occupations by the same employer and who have
6 similar training, experience, and skills; or in the case of an
7 individual who is self-employed, yields an income that is
8 comparable to the income received by other individuals who are
9 not individuals with disabilities, and who are self-employed
10 in similar occupations or on similar tasks and who have
11 similar training, experience, and skills; and is eligible for
12 the level of benefits provided to other employees".

13 Paying workers with disabilities subminimum wages
14 perpetuates harmful, unfair, and inaccurate stereotypes about
15 the potential and worth of people with disabilities, affects
16 their capacity to earn wages equivalent to those of their
17 peers without disabilities, and diminishes the expectations
18 about and perceived value of their contributions to the
19 workforce and society.

20 Eliminating subminimum wage employment for people with
21 disabilities, coupled with the implementation of service
22 enhancements and policy changes, is crucial for advancing
23 economic justice and accelerating dignity and self-sufficiency
24 for all people. It ensures that those currently employed in
25 subminimum wage jobs can transition to competitive integrated
26 employment, supported employment, or integrated community

1 activities aligned with their individual aspirations.

2 On October 4, 2021, the Governor signed Executive Order 26
3 (2021), which requires all contracts through the Illinois
4 State Use Program to provide payment to workers at no less than
5 the applicable local, if higher, or Illinois minimum wage for
6 all employees performing work on the contract.

7 (b) Additional service enhancements, rate adjustments,
8 investments, and policy changes are needed to address systemic
9 barriers to assist persons with disabilities to access
10 increased employment opportunities and earn at or above the
11 Illinois minimum wage.

12 (c) Collaborative partnerships between State agencies and
13 key stakeholder organizations, including, but not limited to,
14 those noted in this amendatory Act of the 103rd General
15 Assembly, shall result in a complete phase out of Illinois
16 Section 14(c) certificates on December 31, 2029.

17 Section 5. The Department of Human Services Act is amended
18 by adding Sections 1-90 and 1-95 as follows:

19 (20 ILCS 1305/1-90 new)

20 Sec. 1-90. Program rates. The Department of Healthcare and
21 Family Services, in partnership with the Department of Human
22 Services, shall file an amendment to the Home and
23 Community-Based Services Waiver Program for Adults with
24 Developmental Disabilities authorized under Section 1915(c) of

1 the Social Security Act to increase the rates for the
2 following waiver services: Supported Employment - Small Group
3 Supports. The amendment shall be filed by January 1, 2025.
4 Implementation of any rate increase to the Supported
5 Employment - Small Group Supports service is subject to
6 federal approval of the amendment filed as required in this
7 Section.

8 (20 ILCS 1305/1-95 new)

9 Sec. 1-95. Transition Program Grants.

10 (a) The Department of Human Services shall establish a
11 Section 14(c) transition program to award transition grants to
12 eligible community agencies with active or pending Section
13 14(c) certificates to aid in the transition away from
14 subminimum wages for workers with disabilities. The goal of
15 Section 14(c) transition program grants is to develop new
16 opportunities and programs and grow capacity to respond to the
17 needs of individuals with disabilities in their geographic
18 area, including, but not limited to, supported employment,
19 customized employment, self-employment, entrepreneurship, and
20 diverse day programs that support meaningful days, choice, and
21 community integration.

22 (b) Eligibility for Section 14(c) transition program
23 grants shall be contingent upon community agencies submitting
24 a transition plan. The Department shall provide example plans
25 that community agencies may adapt. By January 1, 2025, the

1 transition program grant funds shall be awarded in compliance
2 with the Grant Accountability and Transparency Act.

3 (c) Grants shall be made by the Department to eligible
4 holders of Section 14(c) certificates, consistent with the
5 Grant Accountability and Transparency Act, to assist workers
6 with disabilities who are working for subminimum wages to
7 transition to competitive integrated employment and to support
8 eligible Section 14(c) certificate holders. Grant funding
9 shall be used to:

10 (1) provide competitive integrated employment;

11 (2) assist individuals with disabilities who were
12 employed at subminimum wages to find and retain
13 competitive integrated employment; or

14 (3) provide integrated community participation and
15 wraparound services for individuals with disabilities who
16 were employed at subminimum wages.

17 (d) Beginning on January 1, 2026, the Department of Human
18 Services shall provide an annual status report to the Governor
19 and the General Assembly, incorporating data from each grant
20 recipient, to demonstrate progress toward identified
21 benchmarks.

22 Section 7. The Employment and Economic Opportunity for
23 Persons with Disabilities Task Force Act is amended by adding
24 Section 16 as follows:

1 (20 ILCS 4095/16 new)

2 Sec. 16. Multi-year plan toward elimination of Section
3 14(c) certificates. By no later than July 1, 2025, the
4 Employment and Economic Opportunity for Persons with
5 Disabilities Task Force, with the Illinois Council on
6 Developmental Disabilities and an academic partner with
7 relevant subject matter expertise, shall create a multi-year
8 plan of recommended actions, outcomes, and benchmarks in
9 accordance with paragraphs (1) through (3) to help the State
10 successfully eliminate on and after December 31, 2029 the use
11 of certificates authorized under Section 14(c) of the federal
12 Fair Labor Standards Act of 1938.

13 (1) The multi-year plan shall include, but not be
14 limited to, all of the following:

15 (A) Identification, gathering, and analytics of
16 data to inform the work of the Task Force, including,
17 but not limited to:

18 (i) the total number of entities utilizing
19 Section 14(c) certificates;

20 (ii) the total number of persons with
21 disabilities who are paid subminimum wages and the
22 total number of persons with disabilities who are
23 paid at least the applicable minimum wages;

24 (iii) the total number of persons with
25 disabilities working in facility-based employment
26 paid at or above minimum wage.

1 (B) Recommended actions, including additional
2 statutory, regulatory, or policy measures, including
3 State-supported activities to assist providers in
4 employing people with disabilities;

5 (C) Recommended measurable outcomes for each year
6 of the plan.

7 (D) Recommended benchmarks for each year of the
8 plan.

9 (2) In developing the multi-year plan, the Task Force
10 shall consider:

11 (A) The total available approximate number of
12 people with disabilities paid subminimum wages who
13 want to transition to competitive integrated
14 employment with supports.

15 (B) The total available approximate number of
16 people with disabilities who do not wish to pursue
17 competitive integrated employment and who would
18 benefit from alternative meaningful day opportunities.

19 (C) Existing State employment programs designed to
20 support workers with disabilities.

21 (D) An evaluation of capacity limits in providers'
22 contracts with the Department of Human Services'
23 Division of Rehabilitation Services and Division of
24 Developmental Disabilities.

25 (E) The personal choice of persons with
26 disabilities regarding employment goals and planning

1 in person-centered planning processes.

2 (F) The use of existing and emerging technologies
3 that could assist persons with disabilities in
4 achieving employment goals.

5 (G) The impact of access to reliable
6 transportation on achieving employment goals and
7 ongoing employment.

8 (H) An analysis that shall include data on:

9 (i) the activities of youth with disabilities
10 within one year of exiting high school;

11 (ii) the count of schools holding Student
12 Transition Employment Program and Pre-Employment
13 Transition Services contracts with the Division of
14 Rehabilitation Services that includes the count of
15 students with ongoing cases who transition to
16 adult services;

17 (iii) the number of students 14 1/2 through 22
18 years of age with individualized education plans
19 indicating a need for home and community-based
20 adult services.

21 (I) The potential changes to State law,
22 regulations, or policies to protect means-tested
23 benefits for persons with disabilities as they pursue
24 employment-related goals.

25 (J) Dissemination of information regarding
26 employment supports and benefits to individuals with

1 disabilities, consumers of public services, employers,
2 service providers, and State and local agency staff.
3 Information shall include the Ticket to Work program,
4 Work Incentives Planning and Assistance Programs,
5 Illinois ABLE, and Health Benefits for Workers with
6 Disabilities.

7 (K) The education and training needs of staff
8 working in community-based provider agencies toward
9 advancing competitive, integrated work options for
10 persons with disabilities, in areas including, but not
11 limited to:

12 (i) employment options;

13 (ii) non-employment options;

14 (iii) home and community-based services and
15 supports;

16 (iv) self-advocacy;

17 (v) benefits planning;

18 (vi) asset building;

19 (vii) assistive technology;

20 (viii) certification programs; and

21 (ix) mental health services and supports.

22 (L) Agreements between State agencies and
23 community-based providers that promote flexibility and
24 allow for expansion.

25 (M) Ongoing review of rates and reimbursements
26 that support various employment programs for persons

1 with disabilities, including competitive, integrated
2 employment, customized employment, and supported
3 employment.

4 (N) The need to further engage the private
5 business community to hire persons with disabilities
6 through incentives that may include specialized
7 educational opportunities, distribution of literature
8 at points of interaction with government licensing
9 agencies, and tax incentives to hiring persons with
10 disabilities.

11 (O) The availability and need for adequate
12 benefits planning services for workers with
13 disabilities.

14 (P) The availability and need for meaningful day
15 services for individuals with disabilities who prefer
16 not to work.

17 (Q) Enhanced service and support needs of aging
18 adults with developmental disabilities who have been
19 engaged in subminimum wage work, including, but not
20 limited to, activities of daily living, behavioral
21 supports, and medical supports, including
22 administration of medications while participating in
23 employment supports and community day services through
24 the Department of Human Services.

25 (3) In developing the multi-year plan, the Task Force
26 shall consult with employment service providers, people

1 with disabilities, disability trade associations, and
2 disability advocacy organizations.

3 (4) The Task Force shall submit the multi-year plan to
4 the Governor and the General Assembly by no later than
5 July 1, 2025. Annual reports on implementation shall be
6 required by no later than January 1 of each subsequent
7 year through January 1, 2030.

8 (5) The Task Force shall provide annual updates to the
9 Governor and the General Assembly through January 1, 2035
10 on the employment of persons with disabilities in
11 Illinois.

12 (6) The Governor shall appoint at least 2 additional
13 members to the Task Force who represent organizations that
14 are current Section 14(c) certificate holders. The
15 Director of Labor, or the Director's designee, shall serve
16 on the Task Force in a non-voting, advisory capacity until
17 July 1, 2025.

18 Section 20. The Business Enterprise for Minorities, Women,
19 and Persons with Disabilities Act is amended by changing
20 Section 2 as follows:

21 (30 ILCS 575/2)

22 (Section scheduled to be repealed on June 30, 2029)

23 Sec. 2. Definitions.

24 (A) For the purpose of this Act, the following terms shall

1 have the following definitions:

2 (1) "Minority person" shall mean a person who is a
3 citizen or lawful permanent resident of the United States
4 and who is any of the following:

5 (a) American Indian or Alaska Native (a person
6 having origins in any of the original peoples of North
7 and South America, including Central America, and who
8 maintains tribal affiliation or community attachment).

9 (b) Asian (a person having origins in any of the
10 original peoples of the Far East, Southeast Asia, or
11 the Indian subcontinent, including, but not limited
12 to, Cambodia, China, India, Japan, Korea, Malaysia,
13 Pakistan, the Philippine Islands, Thailand, and
14 Vietnam).

15 (c) Black or African American (a person having
16 origins in any of the black racial groups of Africa).

17 (d) Hispanic or Latino (a person of Cuban,
18 Mexican, Puerto Rican, South or Central American, or
19 other Spanish culture or origin, regardless of race).

20 (e) Native Hawaiian or Other Pacific Islander (a
21 person having origins in any of the original peoples
22 of Hawaii, Guam, Samoa, or other Pacific Islands).

23 (2) "Woman" shall mean a person who is a citizen or
24 lawful permanent resident of the United States and who is
25 of the female gender.

26 (2.05) "Person with a disability" means a person who

1 is a citizen or lawful resident of the United States and is
2 a person qualifying as a person with a disability under
3 subdivision (2.1) of this subsection (A).

4 (2.1) "Person with a disability" means a person with a
5 severe physical or mental disability that:

6 (a) results from:

7 amputation,

8 arthritis,

9 autism,

10 blindness,

11 burn injury,

12 cancer,

13 cerebral palsy,

14 Crohn's disease,

15 cystic fibrosis,

16 deafness,

17 head injury,

18 heart disease,

19 hemiplegia,

20 hemophilia,

21 respiratory or pulmonary dysfunction,

22 an intellectual disability,

23 mental illness,

24 multiple sclerosis,

25 muscular dystrophy,

26 musculoskeletal disorders,

1 neurological disorders, including stroke and
2 epilepsy,
3 paraplegia,
4 quadriplegia and other spinal cord conditions,
5 sickle cell anemia,
6 ulcerative colitis,
7 specific learning disabilities, or
8 end stage renal failure disease; and

9 (b) substantially limits one or more of the
10 person's major life activities.

11 Another disability or combination of disabilities may
12 also be considered as a severe disability for the purposes
13 of item (a) of this subdivision (2.1) if it is determined
14 by an evaluation of rehabilitation potential to cause a
15 comparable degree of substantial functional limitation
16 similar to the specific list of disabilities listed in
17 item (a) of this subdivision (2.1).

18 (3) "Minority-owned business" means a business which
19 is at least 51% owned by one or more minority persons, or
20 in the case of a corporation, at least 51% of the stock in
21 which is owned by one or more minority persons; and the
22 management and daily business operations of which are
23 controlled by one or more of the minority individuals who
24 own it.

25 (4) "Women-owned business" means a business which is
26 at least 51% owned by one or more women, or, in the case of

1 a corporation, at least 51% of the stock in which is owned
2 by one or more women; and the management and daily
3 business operations of which are controlled by one or more
4 of the women who own it.

5 (4.1) "Business owned by a person with a disability"
6 means a business that is at least 51% owned by one or more
7 persons with a disability and the management and daily
8 business operations of which are controlled by one or more
9 of the persons with disabilities who own it. ~~A~~
10 ~~not-for-profit agency for persons with disabilities that~~
11 ~~is exempt from taxation under Section 501 of the Internal~~
12 ~~Revenue Code of 1986 is also considered a "business owned~~
13 ~~by a person with a disability".~~

14 (4.2) "Council" means the Business Enterprise Council
15 for Minorities, Women, and Persons with Disabilities
16 created under Section 5 of this Act.

17 (4.3) "Commission" means, unless the context clearly
18 indicates otherwise, the Commission on Equity and
19 Inclusion created under the Commission on Equity and
20 Inclusion Act.

21 (4.4) "Certified vendor" means a minority-owned
22 business, women-owned business, or business owned by a
23 person with a disability that is certified by the Business
24 Enterprise Program.

25 (4.5) "Subcontractor" means a person or entity that
26 enters into a contractual agreement with a prime vendor to

1 provide, on behalf of the prime vendor, goods, services,
2 real property, or remuneration or other monetary
3 consideration that is the subject of the primary State
4 contract. "Subcontractor" includes a sublessee under a
5 State contract.

6 (4.6) "Prime vendor" means any person or entity having
7 a contract that is subject to this Act with a State agency
8 or public institution of higher education.

9 (5) "State contracts" means all contracts entered into
10 by the State, any agency or department thereof, or any
11 public institution of higher education, including
12 community college districts, regardless of the source of
13 the funds with which the contracts are paid, which are not
14 subject to federal reimbursement. "State contracts" does
15 not include contracts awarded by a retirement system,
16 pension fund, or investment board subject to Section
17 1-109.1 of the Illinois Pension Code. This definition
18 shall control over any existing definition under this Act
19 or applicable administrative rule.

20 "State construction contracts" means all State
21 contracts entered into by a State agency or public
22 institution of higher education for the repair,
23 remodeling, renovation or construction of a building or
24 structure, or for the construction or maintenance of a
25 highway defined in Article 2 of the Illinois Highway Code.

26 (6) "State agencies" shall mean all departments,

1 officers, boards, commissions, institutions and bodies
2 politic and corporate of the State, but does not include
3 the Board of Trustees of the University of Illinois, the
4 Board of Trustees of Southern Illinois University, the
5 Board of Trustees of Chicago State University, the Board
6 of Trustees of Eastern Illinois University, the Board of
7 Trustees of Governors State University, the Board of
8 Trustees of Illinois State University, the Board of
9 Trustees of Northeastern Illinois University, the Board of
10 Trustees of Northern Illinois University, the Board of
11 Trustees of Western Illinois University, municipalities or
12 other local governmental units, or other State
13 constitutional officers.

14 (7) "Public institutions of higher education" means
15 the University of Illinois, Southern Illinois University,
16 Chicago State University, Eastern Illinois University,
17 Governors State University, Illinois State University,
18 Northeastern Illinois University, Northern Illinois
19 University, Western Illinois University, the public
20 community colleges of the State, and any other public
21 universities, colleges, and community colleges now or
22 hereafter established or authorized by the General
23 Assembly.

24 (8) "Certification" means a determination made by the
25 Council or by one delegated authority from the Council to
26 make certifications, or by a State agency with statutory

1 authority to make such a certification, that a business
2 entity is a business owned by a minority, woman, or person
3 with a disability for whatever purpose. A business owned
4 and controlled by women shall be certified as a
5 "woman-owned business". A business owned and controlled by
6 women who are also minorities shall be certified as both a
7 "women-owned business" and a "minority-owned business".

8 (9) "Control" means the exclusive or ultimate and sole
9 control of the business including, but not limited to,
10 capital investment and all other financial matters,
11 property, acquisitions, contract negotiations, legal
12 matters, officer-director-employee selection and
13 comprehensive hiring, operating responsibilities,
14 cost-control matters, income and dividend matters,
15 financial transactions and rights of other shareholders or
16 joint partners. Control shall be real, substantial and
17 continuing, not pro forma. Control shall include the power
18 to direct or cause the direction of the management and
19 policies of the business and to make the day-to-day as
20 well as major decisions in matters of policy, management
21 and operations. Control shall be exemplified by possessing
22 the requisite knowledge and expertise to run the
23 particular business and control shall not include simple
24 majority or absentee ownership.

25 (10) "Business" means a business that has annual gross
26 sales of less than \$150,000,000 as evidenced by the

1 federal income tax return of the business. A certified
2 vendor with gross sales in excess of this cap may apply to
3 the Council for certification for a particular contract if
4 the vendor can demonstrate that the contract would have
5 significant impact on businesses owned by minorities,
6 women, or persons with disabilities as suppliers or
7 subcontractors or in employment of minorities, women, or
8 persons with disabilities. Firms with gross sales in
9 excess of this cap that are granted certification by the
10 Council shall be granted certification for the life of the
11 contract, including available renewals.

12 (11) "Utilization plan" means an attachment that is
13 made to all bids or proposals and that demonstrates the
14 bidder's or offeror's efforts to meet the
15 contract-specific Business Enterprise Program goal. The
16 utilization plan shall indicate whether the prime vendor
17 intends to meet the Business Enterprise Program goal
18 through its own performance, if it is a certified vendor,
19 or through the use of subcontractors that are certified
20 vendors. The utilization plan shall demonstrate that the
21 Vendor has either: (1) met the entire contract goal or (2)
22 requested a full or partial waiver of the contract goal.
23 If the prime vendor intends to use a subcontractor that is
24 a certified vendor to fulfill the contract goal, a
25 participation agreement executed between the prime vendor
26 and the certified subcontractor must be included with the

1 utilization plan.

2 (12) "Business Enterprise Program" means the Business
3 Enterprise Program of the Commission on Equity and
4 Inclusion.

5 (13) "Good faith effort" means actions undertaken by a
6 vendor to achieve a contract specific Business Enterprise
7 Program goal that, by scope, intensity, and
8 appropriateness to the objective, can reasonably be
9 expected to fulfill the program's requirements.

10 (B) When a business is owned at least 51% by any
11 combination of minority persons, women, or persons with
12 disabilities, even though none of the 3 classes alone holds at
13 least a 51% interest, the ownership requirement for purposes
14 of this Act is considered to be met. The certification
15 category for the business is that of the class holding the
16 largest ownership interest in the business. If 2 or more
17 classes have equal ownership interests, the certification
18 category shall be determined by the business.

19 (Source: P.A. 102-29, eff. 6-25-21; 102-1119, eff. 1-23-23;
20 103-570, eff. 1-1-24.)

21 Section 23. The Illinois Public Aid Code is amended by
22 changing Section 5-35 as follows:

23 (305 ILCS 5/5-35)

24 Sec. 5-35. Personal needs allowance.

1 (a) For a person who is a resident in a facility licensed
2 under the ID/DD Community Care Act, the Community-Integrated
3 Living Arrangements Licensure and Certification Act, the
4 Specialized Mental Health Rehabilitation Act of 2013, or the
5 MC/DD Act for whom payments are made under this Article
6 throughout a month and who is determined to be eligible for
7 medical assistance under this Article, the State shall pay an
8 amount in addition to the minimum monthly personal needs
9 allowance authorized under Section 1902(q) of Title XIX of the
10 Social Security Act (42 U.S.C. 1396a(q) ~~1396(q)~~) so that the
11 person's total monthly personal needs allowance from both
12 State and federal sources equals \$60.

13 (b) Beginning January 1, 2025, for a person who is a
14 resident in a facility licensed under the Community-Integrated
15 Living Arrangements Licensure and Certification Act for whom
16 payments are made under this Article throughout a month and
17 who is determined to be eligible for medical assistance under
18 this Article, the State shall pay an amount in addition to the
19 minimum monthly personal needs allowance authorized under
20 Section 1902(q) of Title XIX of the Social Security Act so that
21 the person's total monthly personal needs allowance from both
22 State and federal sources equals \$100.

23 (c) Beginning January 1, 2026, the personal needs
24 allowance described in subsection (b) shall increase annually
25 at the same rate as the Social Security cost-of-living
26 adjustment to take effect on January 1 of each year.

1 (Source: P.A. 100-23, eff. 7-6-17.)

2 Section 25. The Minimum Wage Law is amended by changing
3 Section 10 as follows:

4 (820 ILCS 105/10) (from Ch. 48, par. 1010)

5 Sec. 10. (a) The Director shall make and revise
6 administrative regulations, including definitions of terms, as
7 the Director ~~he~~ deems appropriate to carry out the purposes of
8 this Act, to prevent the circumvention or evasion thereof, and
9 to safeguard the minimum wage established by the Act.
10 ~~Regulations governing employment of learners may be issued~~
11 ~~only after notice and opportunity for public hearing, as~~
12 ~~provided in subsection (c) of this Section.~~

13 (b) In order to prevent curtailment of opportunities for
14 employment, avoid undue hardship, and safeguard the minimum
15 wage rate under this Act, the Director may also issue
16 regulations providing for the employment of workers with
17 disabilities and learners at wages lower than the wage rate
18 applicable under this Act, under permits and for such periods
19 of time as specified therein; and providing for the employment
20 of learners at wages lower than the wage rate applicable under
21 this Act as follows:

22 (1) The Director may issue regulations for the
23 employment of workers with disabilities at wages lower
24 than the wage rate applicable under this Act, under

1 permits and for such periods of time as specified therein.
2 Such ~~. However, such~~ regulation shall not permit lower
3 wages for persons with disabilities on any basis that is
4 unrelated to such person's ability resulting from his
5 disability, and such regulation may be issued only after
6 notice and opportunity for public hearing as provided in
7 subsection (c) of this Section. All certificates issued
8 for the employment of workers with disabilities in
9 accordance with this Section in effect on December 31,
10 2029, shall expire on that date, and the Director may not
11 issue any such certificates after that date.

12 (2) The Director may issue regulations for the
13 employment of learners at wages lower than the wage rate
14 applicable under this Act. Regulations governing
15 employment of learners may be issued only after notice and
16 opportunity for public hearing, as provided in subsection
17 (c) of this Section.

18 (c) Prior to the adoption, amendment or repeal of any rule
19 or regulation by the Director under this Act, except
20 regulations which concern only the internal management of the
21 Department of Labor and do not affect any public right
22 provided by this Act, the Director shall give proper notice to
23 persons in any industry or occupation that may be affected by
24 the proposed rule or regulation, and hold a public hearing on
25 the his proposed action at which any such affected person, or
26 the person's his duly authorized representative, may attend

1 and testify or present other evidence for or against such
2 proposed rule or regulation. Rules and regulations adopted
3 under this Section shall be filed with the Secretary of State
4 in compliance with the Illinois Administrative Procedure Act
5 ~~"An Act concerning administrative rules", as now or hereafter~~
6 ~~amended.~~

7 (d) The commencement of proceedings by any person
8 aggrieved by an administrative regulation issued under this
9 Act does not, unless specifically ordered by the Court,
10 operate as a stay of that administrative regulation against
11 other persons. The Court shall not grant any stay of an
12 administrative regulation unless the person complaining of
13 such regulation files in the Court an undertaking with a
14 surety or sureties satisfactory to the Court for the payment
15 to the employees affected by the regulation, in the event such
16 regulation is affirmed, of the amount by which the
17 compensation such employees are entitled to receive under the
18 regulation exceeds the compensation they actually receive
19 while such stay is in effect.

20 (e) The Department may adopt emergency rules in accordance
21 with Section 5-45 of the Illinois Administrative Procedure Act
22 to implement the changes made by this amendatory Act of the
23 101st General Assembly.

24 (Source: P.A. 103-363, eff. 7-28-23.)

1 Section 30. The Minimum Wage Law is amended by repealing
2 Section 5.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".