



October 4, 2021

Executive Order 2021-26

EXECUTIVE ORDER 2021-26

WHEREAS, the State has an interest in ensuring access to meaningful employment, pay equity, and dignity for people with disabilities, including people with significant disabilities; and,

WHEREAS, the State Use Program encourages all State of Illinois agencies to purchase products and services produced or provided by qualified not-for-profit agencies that employ people with significant disabilities; and,

WHEREAS, by encouraging such procurement, the State Use Program provides long-term employment opportunities for people with significant disabilities; and,

WHEREAS, the current State Use Program perpetuates inequity when State agencies enter into contracts to purchase products and services from certified not-for-profit agencies that pay people with disabilities a sub-minimum wage; and,

WHEREAS, most participating State Use Program employers already pay all of their employees at least the applicable Illinois or local minimum wage; and,

WHEREAS, the State of Illinois can promote dignity, equity, and independence for people with disabilities employed by not-for-profits participating in the State Use Program by requiring that they be paid at least the applicable Illinois or local minimum wage; and,

WHEREAS, State of Illinois agencies can safeguard employment for people with disabilities by amending contracts for products and services to ensure that State Use Program vendors can meet the costs associated with paying their employees at least the applicable local or Illinois minimum wage; and,

WHEREAS, ensuring that people with disabilities are paid at least the minimum wage is one step that can be taken to advance the shared values of equity, independence, and dignity for all people;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the supreme executive authority in Article V, Section 8 of the Illinois Constitution, I hereby order as follows:

Section 1. PAYMENT OF MINIMUM WAGE BY NOT-FOR-PROFIT AGENCY VENDORS AND SUBCONTRACTORS PARTICIPATING IN THE STATE USE PROGRAM

All current and future contracts entered into by the State of Illinois with a not-for-profit agency that is qualified to participate in the State Use program in accordance with 30 ILCS 500/45-35 shall provide for payment of no less than the applicable local, if higher, or Illinois minimum wage for all employees performing work on the contract; notwithstanding any provision that would permit payment of a lower wage rate. This requirement shall apply to and include employees of any subcontractors performing work on the contract.

Agencies of the State of Illinois shall be granted price adjustment authority for the purposes of amending contracts with those vendors in the State Use Program that currently pay workers subminimum wage, in order to bring wages to at or above the applicable local, if higher, or Illinois minimum wage. For purposes of this Executive Order "Agencies of the State of Illinois" means any office, department, agency, board, commission, or authority of the Executive Branch of the State of Illinois under the jurisdiction of the Governor.

The Illinois Department of Central Management Services shall take appropriate steps, in coordination with the State Use Committee, to amend existing contracts to ensure that every person employed by a vendor or subcontractor to perform work on a State Use Program contract earns at least the applicable local, if higher, or Illinois minimum wage and to make any other necessary wage adjustments.

The State Use Committee shall review all wage and pricing adjustments submitted in response to this Executive Order to ensure that they are fair and reasonable and are not substantially more than a competitively solicited price. Price adjustments shall reflect the increased costs associated with maintaining the employment status of people with disabilities who are employed by qualified State Use vendors or their subcontractors and performing work on a State of Illinois contract.

Section 2. SAVINGS CLAUSE


Nothing in this Executive Order shall be construed to contravene any State or federal law, or any collective bargaining agreement.

Section 3. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 4. EFFECTIVE DATE

This Executive Order shall take effect immediately upon its filing with the Secretary of State and shall remain in effect until terminated or modified.



JB Pritzker, Governor

Issued by the Governor October 4, 2021
Filed by the Secretary of State October 4, 2021

FILED
INDEX DEPARTMENT
OCT 04 2021
IN THE OFFICE OF
SECRETARY OF STATE