



Sen. John M. Sullivan

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09600HB4205sam001

LRB096 05764 DRJ 26453 a

1 AMENDMENT TO HOUSE BILL 4205

2 AMENDMENT NO. _____. Amend House Bill 4205 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Service Member's Employment Tenure Act is
5 amended by changing Section 6 as follows:

6 (330 ILCS 60/6) (from Ch. 126 1/2, par. 34)

7 Sec. 6. Employer's violation of Act; penalty; employee's
8 remedies.

9 (a) An employer's knowing violation of this Act is a
10 business offense punishable by a fine of not less than \$5,000
11 and not more than \$10,000.

12 (b) In case any employer fails or refuses to comply with
13 this Act, the circuit court of the county in which such private
14 employer maintains a place of business, or of the county where
15 such State employee performs most of his duties, has power,
16 upon the filing of a complaint by the person entitled to the

1 benefits of this Act, to specifically require such employer to
2 comply with this Act and to compensate such person for any loss
3 of wages or benefits suffered by reason of such employer's
4 unlawful action, together with reasonable attorney's fees and
5 costs. No fees or court costs shall be taxed against any person
6 applying for the benefits of this Act.

7 The court shall, in its sound discretion, give preference
8 to the hearing and disposition of such cases over other matters
9 then pending before it.

10 (c) In addition to any other penalty provided by law, an
11 employer's knowing violation of this Act is a civil rights
12 violation under the Illinois Human Rights Act.

13 (Source: P.A. 93-828, eff. 7-28-04.)

14 Section 10. The Illinois Human Rights Act is amended by
15 changing Section 2-102 as follows:

16 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

17 Sec. 2-102. Civil Rights Violations - Employment. It is a
18 civil rights violation:

19 (A) Employers. For any employer to refuse to hire, to
20 segregate, or to act with respect to recruitment, hiring,
21 promotion, renewal of employment, selection for training or
22 apprenticeship, discharge, discipline, tenure or terms,
23 privileges or conditions of employment on the basis of unlawful
24 discrimination or citizenship status.

1 (A-5) Language. For an employer to impose a restriction
2 that has the effect of prohibiting a language from being spoken
3 by an employee in communications that are unrelated to the
4 employee's duties.

5 For the purposes of this subdivision (A-5), "language"
6 means a person's native tongue, such as Polish, Spanish, or
7 Chinese. "Language" does not include such things as slang,
8 jargon, profanity, or vulgarity.

9 (A-10) Violation of Service Member's Employment Tenure
10 Act. For an employer to knowingly violate the Service Member's
11 Employment Tenure Act.

12 (B) Employment Agency. For any employment agency to fail or
13 refuse to classify properly, accept applications and register
14 for employment referral or apprenticeship referral, refer for
15 employment, or refer for apprenticeship on the basis of
16 unlawful discrimination or citizenship status or to accept from
17 any person any job order, requisition or request for referral
18 of applicants for employment or apprenticeship which makes or
19 has the effect of making unlawful discrimination or
20 discrimination on the basis of citizenship status a condition
21 of referral.

22 (C) Labor Organization. For any labor organization to
23 limit, segregate or classify its membership, or to limit
24 employment opportunities, selection and training for
25 apprenticeship in any trade or craft, or otherwise to take, or
26 fail to take, any action which affects adversely any person's

1 status as an employee or as an applicant for employment or as
2 an apprentice, or as an applicant for apprenticeships, or
3 wages, tenure, hours of employment or apprenticeship
4 conditions on the basis of unlawful discrimination or
5 citizenship status.

6 (D) Sexual Harassment. For any employer, employee, agent of
7 any employer, employment agency or labor organization to engage
8 in sexual harassment; provided, that an employer shall be
9 responsible for sexual harassment of the employer's employees
10 by nonemployees or nonmanagerial and nonsupervisory employees
11 only if the employer becomes aware of the conduct and fails to
12 take reasonable corrective measures.

13 (E) Public Employers. For any public employer to refuse to
14 permit a public employee under its jurisdiction who takes time
15 off from work in order to practice his or her religious beliefs
16 to engage in work, during hours other than such employee's
17 regular working hours, consistent with the operational needs of
18 the employer and in order to compensate for work time lost for
19 such religious reasons. Any employee who elects such deferred
20 work shall be compensated at the wage rate which he or she
21 would have earned during the originally scheduled work period.
22 The employer may require that an employee who plans to take
23 time off from work in order to practice his or her religious
24 beliefs provide the employer with a notice of his or her
25 intention to be absent from work not exceeding 5 days prior to
26 the date of absence.

1 (F) Training and Apprenticeship Programs. For any
2 employer, employment agency or labor organization to
3 discriminate against a person on the basis of age in the
4 selection, referral for or conduct of apprenticeship or
5 training programs.

6 (G) Immigration-Related Practices.

7 (1) for an employer to request for purposes of
8 satisfying the requirements of Section 1324a(b) of Title 8
9 of the United States Code, as now or hereafter amended,
10 more or different documents than are required under such
11 Section or to refuse to honor documents tendered that on
12 their face reasonably appear to be genuine; or

13 (2) for an employer participating in the Basic Pilot
14 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
15 Programs for Employment Eligibility Confirmation (enacted
16 by PL 104-208, div. C title IV, subtitle A) to refuse to
17 hire, to segregate, or to act with respect to recruitment,
18 hiring, promotion, renewal of employment, selection for
19 training or apprenticeship, discharge, discipline, tenure
20 or terms, privileges or conditions of employment without
21 following the procedures under the Basic Pilot Program.

22 (H) Pregnancy; peace officers and fire fighters. For a
23 public employer to refuse to temporarily transfer a pregnant
24 female peace officer or pregnant female fire fighter to a less
25 strenuous or hazardous position for the duration of her
26 pregnancy if she so requests, with the advice of her physician,

1 where that transfer can be reasonably accommodated. For the
2 purposes of this subdivision (H), "peace officer" and "fire
3 fighter" have the meanings ascribed to those terms in Section 3
4 of the Illinois Public Labor Relations Act.

5 It is not a civil rights violation for an employer to take
6 any action that is required by Section 1324a of Title 8 of the
7 United States Code, as now or hereafter amended.

8 (Source: P.A. 95-25, eff. 1-1-08; 95-137, eff. 1-1-08; 95-876,
9 eff. 8-21-08.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."