



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2763

Introduced 2/21/2013, by Rep. Sue Scherer

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-102

from Ch. 68, par. 2-102

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for an employer to refuse to make certain reasonable accommodations in the workplace for an employee protected under an order of protection. Provides that an employer is not required to make the reasonable accommodations if they cause undue hardship on the work operations of the employer. For purposes of the new provisions, defines "undue hardship" as significant difficulty or expense on the operation of an employer, when considered in light of: (1) the nature and cost of the reasonable accommodation needed; (2) the overall financial resources, number of employees, and the number, type, and placement of the work locations of an employer; and (3) the type of operation of the employer, including the composition, structure, and functions of the workforce of the employer, the geographic separateness of the employee's work location from the employer, and the administrative or fiscal relationship of the work location to the employer. Provides that prior to making the reasonable accommodations, an employer may verify that an employee is protected by an order of protection entered under the Illinois Domestic Violence Act of 1986.

LRB098 07564 HEP 37635 b

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Section 2-102 as follows:

6 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

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

9 (A) Employers. For any employer to refuse to hire, to
10 segregate, or to act with respect to recruitment, hiring,
11 promotion, renewal of employment, selection for training or
12 apprenticeship, discharge, discipline, tenure or terms,
13 privileges or conditions of employment on the basis of unlawful
14 discrimination or citizenship status.

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

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

23 (B) Employment Agency. For any employment agency to fail or

1 refuse to classify properly, accept applications and register
2 for employment referral or apprenticeship referral, refer for
3 employment, or refer for apprenticeship on the basis of
4 unlawful discrimination or citizenship status or to accept from
5 any person any job order, requisition or request for referral
6 of applicants for employment or apprenticeship which makes or
7 has the effect of making unlawful discrimination or
8 discrimination on the basis of citizenship status a condition
9 of referral.

10 (C) Labor Organization. For any labor organization to
11 limit, segregate or classify its membership, or to limit
12 employment opportunities, selection and training for
13 apprenticeship in any trade or craft, or otherwise to take, or
14 fail to take, any action which affects adversely any person's
15 status as an employee or as an applicant for employment or as
16 an apprentice, or as an applicant for apprenticeships, or
17 wages, tenure, hours of employment or apprenticeship
18 conditions on the basis of unlawful discrimination or
19 citizenship status.

20 (D) Sexual Harassment. For any employer, employee, agent of
21 any employer, employment agency or labor organization to engage
22 in sexual harassment; provided, that an employer shall be
23 responsible for sexual harassment of the employer's employees
24 by nonemployees or nonmanagerial and nonsupervisory employees
25 only if the employer becomes aware of the conduct and fails to
26 take reasonable corrective measures.

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

15 (F) Training and Apprenticeship Programs. For any
16 employer, employment agency or labor organization to
17 discriminate against a person on the basis of age in the
18 selection, referral for or conduct of apprenticeship or
19 training programs.

20 (G) Immigration-Related Practices.

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

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

10 (H) Pregnancy; peace officers and fire fighters. For a
11 public employer to refuse to temporarily transfer a pregnant
12 female peace officer or pregnant female fire fighter to a less
13 strenuous or hazardous position for the duration of her
14 pregnancy if she so requests, with the advice of her physician,
15 where that transfer can be reasonably accommodated. For the
16 purposes of this subdivision (H), "peace officer" and "fire
17 fighter" have the meanings ascribed to those terms in Section 3
18 of the Illinois Public Labor Relations Act.

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

22 (I) Pregnancy. For an employer to refuse to hire, to
23 segregate, or to act with respect to recruitment, hiring,
24 promotion, renewal of employment, selection for training or
25 apprenticeship, discharge, discipline, tenure or terms,
26 privileges or conditions of employment on the basis of

1 pregnancy, childbirth, or related medical conditions. Women
2 affected by pregnancy, childbirth, or related medical
3 conditions shall be treated the same for all employment-related
4 purposes, including receipt of benefits under fringe benefit
5 programs, as other persons not so affected but similar in their
6 ability or inability to work.

7 (J) Order of protection status. For an employer to refuse
8 to make reasonable accommodations in the workplace for an
9 employee protected under an order of protection, including:

10 (1) changing the contact information, such as
11 telephone number, fax number, or electronic-mail address
12 of the employee;

13 (2) screening the telephone calls of the employee;

14 (3) restructuring the job functions of the employee;

15 (4) changing the work location of the employee;

16 (5) installing locks and other security devices; and

17 (6) allowing the employee to work flexible hours.

18 An employer is not required to make the reasonable
19 accommodations if they cause undue hardship on the work
20 operations of the employer. As used in this subsection (J),
21 "undue hardship" means significant difficulty or expense on the
22 operation of an employer, when considered in light of the
23 following factors:

24 (1) the nature and cost of the reasonable accommodation
25 needed;

26 (2) the overall financial resources, number of

1 employees, and the number, type, and placement of the work
2 locations of an employer; and

3 (3) the type of operation of the employer, including
4 the composition, structure, and functions of the workforce
5 of the employer, the geographic separateness of the
6 employee's work location from the employer, and the
7 administrative or fiscal relationship of the work location
8 to the employer.

9 Prior to making the reasonable accommodations under this
10 subsection (J), an employer may verify that an employee is
11 protected by an order of protection entered under the Illinois
12 Domestic Violence Act of 1986.

13 (Source: P.A. 97-596, eff. 8-26-11.)