



Rep. Ron Sandack

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1 AMENDMENT TO SENATE BILL 2003

2 AMENDMENT NO. _____. Amend Senate Bill 2003 on page 1 by
3 replacing line 4 with the following:

4 "Section 5. The Victims' Economic Security and Safety Act
5 is amended by changing Section 30 as follows:

6 (820 ILCS 180/30)

7 Sec. 30. Victims' employment sustainability; prohibited
8 discriminatory acts.

9 (a) An employer shall not fail to hire, refuse to hire,
10 discharge, constructively discharge, or harass any individual,
11 otherwise discriminate against any individual with respect to
12 the compensation, terms, conditions, or privileges of
13 employment of the individual, or retaliate against an
14 individual in any form or manner, and a public agency shall not
15 deny, reduce, or terminate the benefits of, otherwise sanction,
16 or harass any individual, otherwise discriminate against any

1 individual with respect to the amount, terms, or conditions of
2 public assistance of the individual, or retaliate against an
3 individual in any form or manner, because:

4 (1) the individual involved:

5 (A) is or is perceived to be a victim of domestic
6 or sexual violence;

7 (B) attended, participated in, prepared for, or
8 requested leave to attend, participate in, or prepare
9 for a criminal or civil court proceeding relating to an
10 incident of domestic or sexual violence of which the
11 individual or a family or household member of the
12 individual was a victim, or requested or took leave for
13 any other reason provided under Section 20; or

14 (C) requested an adjustment to a job structure,
15 workplace facility, or work requirement, including a
16 transfer, reassignment, or modified schedule, leave, a
17 changed telephone number or seating assignment,
18 installation of a lock, or implementation of a safety
19 procedure in response to actual or threatened domestic
20 or sexual violence, regardless of whether the request
21 was granted; or

22 (D) is an employee whose employer is subject to
23 Section 21 of the Workplace Violence Prevention Act; or

24 (2) the workplace is disrupted or threatened by the
25 action of a person whom the individual states has committed
26 or threatened to commit domestic or sexual violence against

1 the individual or the individual's family or household
2 member.

3 (b) In this Section:

4 (1) "Discriminate", used with respect to the terms,
5 conditions, or privileges of employment or with respect to
6 the terms or conditions of public assistance, includes not
7 making a reasonable accommodation to the known limitations
8 resulting from circumstances relating to being a victim of
9 domestic or sexual violence or a family or household member
10 being a victim of domestic or sexual violence of an
11 otherwise qualified individual:

12 (A) who is:

13 (i) an applicant or employee of the employer
14 (including a public agency); or

15 (ii) an applicant for or recipient of public
16 assistance from a public agency; and

17 (B) who is:

18 (i) a victim of domestic or sexual violence; or

19 (ii) with a family or household member who is a
20 victim of domestic or sexual violence whose
21 interests are not adverse to the individual in
22 subparagraph (A) as it relates to the domestic or
23 sexual violence;

24 unless the employer or public agency can demonstrate that
25 the accommodation would impose an undue hardship on the
26 operation of the employer or public agency.

1 A reasonable accommodation must be made in a timely
2 fashion. Any exigent circumstances or danger facing the
3 employee or his or her family or household member shall be
4 considered in determining whether the accommodation is
5 reasonable.

6 (2) "Qualified individual" means:

7 (A) in the case of an applicant or employee
8 described in paragraph (1)(A)(i), an individual who,
9 but for being a victim of domestic or sexual violence
10 or with a family or household member who is a victim of
11 domestic or sexual violence, can perform the essential
12 functions of the employment position that such
13 individual holds or desires; or

14 (B) in the case of an applicant or recipient
15 described in paragraph (1)(A)(ii), an individual who,
16 but for being a victim of domestic or sexual violence
17 or with a family or household member who is a victim of
18 domestic or sexual violence, can satisfy the essential
19 requirements of the program providing the public
20 assistance that the individual receives or desires.

21 (3) "Reasonable accommodation" may include an
22 adjustment to a job structure, workplace facility, or work
23 requirement, including a transfer, reassignment, or
24 modified schedule, leave, a changed telephone number or
25 seating assignment, installation of a lock, or
26 implementation of a safety procedure, or assistance in

1 documenting domestic or sexual violence that occurs at the
2 workplace or in work-related settings, in response to
3 actual or threatened domestic or sexual violence.

4 (4) Undue hardship.

5 (A) In general. "Undue hardship" means an action
6 requiring significant difficulty or expense, when
7 considered in light of the factors set forth in
8 subparagraph (B).

9 (B) Factors to be considered. In determining
10 whether a reasonable accommodation would impose an
11 undue hardship on the operation of an employer or
12 public agency, factors to be considered include:

13 (i) the nature and cost of the reasonable
14 accommodation needed under this Section;

15 (ii) the overall financial resources of the
16 facility involved in the provision of the
17 reasonable accommodation, the number of persons
18 employed at such facility, the effect on expenses
19 and resources, or the impact otherwise of such
20 accommodation on the operation of the facility;

21 (iii) the overall financial resources of the
22 employer or public agency, the overall size of the
23 business of an employer or public agency with
24 respect to the number of employees of the employer
25 or public agency, and the number, type, and
26 location of the facilities of an employer or public

1 agency; and

2 (iv) the type of operation of the employer or
3 public agency, including the composition,
4 structure, and functions of the workforce of the
5 employer or public agency, the geographic
6 separateness of the facility from the employer or
7 public agency, and the administrative or fiscal
8 relationship of the facility to the employer or
9 public agency.

10 (c) An employer subject to Section 21 of the Workplace
11 Violence Protection Act shall not violate any provisions of the
12 Workplace Violence Prevention Act.

13 (Source: P.A. 96-635, eff. 8-24-09.)

14 Section 10. The Workplace Violence Prevention Act is
15 amended"; and

16 on page 2, line 4, by changing "5" to "15 5 "; and

17 on page 4, line 19, by replacing "1986" with "1986 or is an
18 employee who is a victim of unlawful violence as proscribed in
19 Article 11 or Sections 12-7.3, 12-7.4, and 12-7.5 of the
20 Criminal Code of 2012"; and

21 on page 17 by deleting line 23; and

1 on page 18 by deleting lines 1 through 6; and

2 on page 18, line 7, by changing "(c)" to "(b)".