



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4871

Introduced 2/18/2020, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

820 ILCS 180/10
820 ILCS 180/20
820 ILCS 180/25
820 ILCS 180/30
820 ILCS 180/45
820 ILCS 405/601

from Ch. 48, par. 431

Amends the Victims' Economic Security and Safety Act. Provides that victims and family members of victims of crimes of violence (in addition to victims of domestic violence, sexual violence, and gender violence) are subject to the provisions of the Act regarding unpaid leave and prohibited discriminatory acts. Amends the Unemployment Insurance Act. Provides that victims of crimes of violence shall not be barred from collecting voluntary leave benefits. Defines terms. Makes other changes.

LRB101 20489 JLS 70079 b

1 AN ACT concerning employment.

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

4 Section 5. The Victims' Economic Security and Safety Act is
5 amended by changing Sections 10, 20, 25, 30, and 45 as follows:

6 (820 ILCS 180/10)

7 Sec. 10. Definitions. In this Act, except as otherwise
8 expressly provided:

9 (1) "Commerce" includes trade, traffic, commerce,
10 transportation, or communication; and "industry or
11 activity affecting commerce" means any activity, business,
12 or industry in commerce or in which a labor dispute would
13 hinder or obstruct commerce or the free flow of commerce,
14 and includes "commerce" and any "industry affecting
15 commerce".

16 (2) "Course of conduct" means a course of repeatedly
17 maintaining a visual or physical proximity to a person or
18 conveying oral or written threats, including threats
19 conveyed through electronic communications, or threats
20 implied by conduct.

21 (2.5) "Crime of violence" has the same meaning as
22 provided under Section 2 of the Crime Victims Compensation
23 Act.

1 (3) "Department" means the Department of Labor.

2 (4) "Director" means the Director of Labor.

3 (5) (Blank). ~~"Domestic violence, sexual violence, or~~
4 ~~gender violence" means domestic violence, sexual assault,~~
5 ~~gender violence, or stalking.~~

6 (6) "Domestic violence" means abuse, as defined in
7 Section 103 of the Illinois Domestic Violence Act of 1986,
8 by a family or household member, as defined in Section 103
9 of the Illinois Domestic Violence Act of 1986.

10 (7) "Electronic communications" includes
11 communications via telephone, mobile phone, computer,
12 e-mail, video recorder, fax machine, telex, pager, online
13 platform (including, but not limited to, any public-facing
14 website, web application, digital application, or social
15 network), or any other electronic communication, as
16 defined in Section 12-7.5 of the Criminal Code of 2012.

17 (8) "Employ" includes to suffer or permit to work.

18 (9) Employee.

19 (A) In general. "Employee" means any person
20 employed by an employer.

21 (B) Basis. "Employee" includes a person employed
22 as described in subparagraph (A) on a full or part-time
23 basis, or as a participant in a work assignment as a
24 condition of receipt of federal or State income-based
25 public assistance.

26 (10) "Employer" means any of the following: (A) the

1 State or any agency of the State; (B) any unit of local
2 government or school district; or (C) any person that
3 employs at least one employee.

4 (11) "Employment benefits" means all benefits provided
5 or made available to employees by an employer, including
6 group life insurance, health insurance, disability
7 insurance, sick leave, annual leave, educational benefits,
8 pensions, and profit-sharing, regardless of whether such
9 benefits are provided by a practice or written policy of an
10 employer or through an "employee benefit plan". "Employee
11 benefit plan" or "plan" means an employee welfare benefit
12 plan or an employee pension benefit plan or a plan which is
13 both an employee welfare benefit plan and an employee
14 pension benefit plan.

15 (12) "Family or household member", for employees with a
16 family or household member who is a victim of domestic
17 violence, sexual violence, ~~or~~ gender violence, or any other
18 crime of violence, means a spouse, parent, son, daughter,
19 other person related by blood or by present or prior
20 marriage, other person who shares a relationship through a
21 son or daughter, and persons jointly residing in the same
22 household.

23 (12.5) "Gender violence" means:

24 (A) one or more acts of violence or aggression
25 satisfying the elements of any criminal offense under the
26 laws of this State that are committed, at least in part, on

1 the basis of a person's actual or perceived sex or gender,
2 regardless of whether the acts resulted in criminal
3 charges, prosecution, or conviction;

4 (B) a physical intrusion or physical invasion of a
5 sexual nature under coercive conditions satisfying the
6 elements of any criminal offense under the laws of this
7 State, regardless of whether the intrusion or invasion
8 resulted in criminal charges, prosecution, or conviction;
9 or

10 (C) a threat of an act described in item (A) or (B)
11 causing a realistic apprehension that the originator of the
12 threat will commit the act.

13 (13) "Parent" means the biological parent of an
14 employee or an individual who stood in loco parentis to an
15 employee when the employee was a son or daughter. "Son or
16 daughter" means a biological, adopted, or foster child, a
17 stepchild, a legal ward, or a child of a person standing in
18 loco parentis, who is under 18 years of age, or is 18 years
19 of age or older and incapable of self-care because of a
20 mental or physical disability.

21 (14) "Perpetrator" means an individual who commits or
22 is alleged to have committed any act or threat of domestic
23 violence, sexual violence, ~~or~~ gender violence, or any other
24 crime of violence.

25 (15) "Person" means an individual, partnership,
26 association, corporation, business trust, legal

1 representative, or any organized group of persons.

2 (16) "Public agency" means the Government of the State
3 or political subdivision thereof; any agency of the State,
4 or of a political subdivision of the State; or any
5 governmental agency.

6 (17) "Public assistance" includes cash, food stamps,
7 medical assistance, housing assistance, and other benefits
8 provided on the basis of income by a public agency or
9 public employer.

10 (18) "Reduced work schedule" means a work schedule that
11 reduces the usual number of hours per workweek, or hours
12 per workday, of an employee.

13 (19) "Repeatedly" means on 2 or more occasions.

14 (20) "Sexual assault" means any conduct proscribed by:
15 (i) Article 11 of the Criminal Code of 2012 except Sections
16 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1,
17 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a
18 similar provision of the Criminal Code of 1961.

19 (20.5) "Sexual violence" means sexual assault.

20 (21) "Stalking" means any conduct proscribed by the
21 Criminal Code of 1961 or the Criminal Code of 2012 in
22 Sections 12-7.3, 12-7.4, and 12-7.5.

23 (22) "Victim" or "survivor" means an individual who has
24 been subjected to domestic violence, sexual violence, ~~or~~
25 gender violence, or any other crime of violence. "Victim"
26 also includes any person described as a victim as defined

1 under Section 2 of the Crime Victims Compensation Act.

2 (23) "Victim services organization" means a nonprofit,
3 nongovernmental organization that provides assistance to
4 victims of domestic violence, sexual violence, ~~or~~ gender
5 violence, or any other crime of violence or to advocates
6 for such victims, including a rape crisis center, an
7 organization carrying out a domestic violence program, an
8 organization operating a shelter or providing counseling
9 services, or a legal services organization or other
10 organization providing assistance through the legal
11 process.

12 (Source: P.A. 101-221, eff. 1-1-20.)

13 (820 ILCS 180/20)

14 Sec. 20. Entitlement to leave due to criminal violence
15 ~~domestic violence, sexual violence, or gender violence.~~

16 (a) Leave requirement.

17 (1) Basis. An employee who is a victim of domestic
18 violence, sexual violence, ~~or~~ gender violence, or any other
19 crime of violence or an employee who has a family or
20 household member who is a victim of domestic violence,
21 sexual violence, ~~or~~ gender violence, or any other crime of
22 violence whose interests are not adverse to the employee as
23 it relates to the domestic violence, sexual violence, ~~or~~
24 gender violence, or any other crime of violence may take
25 unpaid leave from work if the employee or employee's family

1 or household member is experiencing an incident of domestic
2 violence, sexual violence, ~~or~~ gender violence, or any other
3 crime of violence or to address domestic violence, sexual
4 violence, ~~or~~ gender violence, or any other crime of
5 violence by:

6 (A) seeking medical attention for, or recovering
7 from, physical or psychological injuries caused by
8 domestic violence, sexual violence, ~~or~~ gender
9 violence, or any other crime of violence to the
10 employee or the employee's family or household member;

11 (B) obtaining services from a victim services
12 organization for the employee or the employee's family
13 or household member;

14 (C) obtaining psychological or other counseling
15 for the employee or the employee's family or household
16 member;

17 (D) participating in safety planning, temporarily
18 or permanently relocating, or taking other actions to
19 increase the safety of the employee or the employee's
20 family or household member from future domestic
21 violence, sexual violence, ~~or~~ gender violence, or any
22 other crime of violence or ensure economic security; or

23 (E) seeking legal assistance or remedies to ensure
24 the health and safety of the employee or the employee's
25 family or household member, including preparing for or
26 participating in any civil or criminal legal

1 proceeding related to or derived from domestic
2 violence, sexual violence, ~~or~~ gender violence, or any
3 other crime of violence.

4 (2) Period. Subject to subsection (c), an employee
5 working for an employer that employs at least 50 employees
6 shall be entitled to a total of 12 workweeks of leave
7 during any 12-month period. Subject to subsection (c), an
8 employee working for an employer that employs at least 15
9 but not more than 49 employees shall be entitled to a total
10 of 8 workweeks of leave during any 12-month period. Subject
11 to subsection (c), an employee working for an employer that
12 employs at least one but not more than 14 employees shall
13 be entitled to a total of 4 workweeks of leave during any
14 12-month period. The total number of workweeks to which an
15 employee is entitled shall not decrease during the relevant
16 12-month period. This Act does not create a right for an
17 employee to take unpaid leave that exceeds the unpaid leave
18 time allowed under, or is in addition to the unpaid leave
19 time permitted by, the federal Family and Medical Leave Act
20 of 1993 (29 U.S.C. 2601 et seq.).

21 (3) Schedule. Leave described in paragraph (1) may be
22 taken intermittently or on a reduced work schedule.

23 (b) Notice. The employee shall provide the employer with at
24 least 48 hours' advance notice of the employee's intention to
25 take the leave, unless providing such notice is not
26 practicable. When an unscheduled absence occurs, the employer

1 may not take any action against the employee if the employee,
2 upon request of the employer and within a reasonable period
3 after the absence, provides certification under subsection
4 (c).

5 (c) Certification.

6 (1) In general. The employer may require the employee
7 to provide certification to the employer that:

8 (A) the employee or the employee's family or
9 household member is a victim of domestic violence,
10 sexual violence, ~~or~~ gender violence, or any other crime
11 of violence; and

12 (B) the leave is for one of the purposes enumerated
13 in paragraph (a) (1).

14 The employee shall provide such certification to the
15 employer within a reasonable period after the employer
16 requests certification.

17 (2) Contents. An employee may satisfy the
18 certification requirement of paragraph (1) by providing to
19 the employer a sworn statement of the employee, and upon
20 obtaining such documents the employee shall provide:

21 (A) documentation from an employee, agent, or
22 volunteer of a victim services organization, an
23 attorney, a member of the clergy, or a medical or other
24 professional from whom the employee or the employee's
25 family or household member has sought assistance in
26 addressing domestic violence, sexual violence, ~~or~~

1 gender violence, or any other crime of violence and the
2 effects of the violence;

3 (B) a police or court record; or

4 (C) other corroborating evidence.

5 (d) Confidentiality. All information provided to the
6 employer pursuant to subsection (b) or (c), including a
7 statement of the employee or any other documentation, record,
8 or corroborating evidence, and the fact that the employee has
9 requested or obtained leave pursuant to this Section, shall be
10 retained in the strictest confidence by the employer, except to
11 the extent that disclosure is:

12 (1) requested or consented to in writing by the
13 employee; or

14 (2) otherwise required by applicable federal or State
15 law.

16 (e) Employment and benefits.

17 (1) Restoration to position.

18 (A) In general. Any employee who takes leave under
19 this Section for the intended purpose of the leave
20 shall be entitled, on return from such leave:

21 (i) to be restored by the employer to the
22 position of employment held by the employee when
23 the leave commenced; or

24 (ii) to be restored to an equivalent position
25 with equivalent employment benefits, pay, and
26 other terms and conditions of employment.

1 (B) Loss of benefits. The taking of leave under
2 this Section shall not result in the loss of any
3 employment benefit accrued prior to the date on which
4 the leave commenced.

5 (C) Limitations. Nothing in this subsection shall
6 be construed to entitle any restored employee to:

7 (i) the accrual of any seniority or employment
8 benefits during any period of leave; or

9 (ii) any right, benefit, or position of
10 employment other than any right, benefit, or
11 position to which the employee would have been
12 entitled had the employee not taken the leave.

13 (D) Construction. Nothing in this paragraph shall
14 be construed to prohibit an employer from requiring an
15 employee on leave under this Section to report
16 periodically to the employer on the status and
17 intention of the employee to return to work.

18 (2) Maintenance of health benefits.

19 (A) Coverage. Except as provided in subparagraph
20 (B), during any period that an employee takes leave
21 under this Section, the employer shall maintain
22 coverage for the employee and any family or household
23 member under any group health plan for the duration of
24 such leave at the level and under the conditions
25 coverage would have been provided if the employee had
26 continued in employment continuously for the duration

1 of such leave.

2 (B) Failure to return from leave. The employer may
3 recover the premium that the employer paid for
4 maintaining coverage for the employee and the
5 employee's family or household member under such group
6 health plan during any period of leave under this
7 Section if:

8 (i) the employee fails to return from leave
9 under this Section after the period of leave to
10 which the employee is entitled has expired; and

11 (ii) the employee fails to return to work for a
12 reason other than:

13 (I) the continuation, recurrence, or onset
14 of domestic violence, sexual violence, ~~or~~
15 gender violence, or any other crime of violence
16 that entitles the employee to leave pursuant to
17 this Section; or

18 (II) other circumstances beyond the
19 control of the employee.

20 (C) Certification.

21 (i) Issuance. An employer may require an
22 employee who claims that the employee is unable to
23 return to work because of a reason described in
24 subclause (I) or (II) of subparagraph (B) (ii) to
25 provide, within a reasonable period after making
26 the claim, certification to the employer that the

1 employee is unable to return to work because of
2 that reason.

3 (ii) Contents. An employee may satisfy the
4 certification requirement of clause (i) by
5 providing to the employer:

6 (I) a sworn statement of the employee;

7 (II) documentation from an employee,
8 agent, or volunteer of a victim services
9 organization, an attorney, a member of the
10 clergy, or a medical or other professional from
11 whom the employee has sought assistance in
12 addressing domestic violence, sexual violence,
13 ~~or~~ gender violence, or any other crime of
14 violence and the effects of that violence;

15 (III) a police or court record; or

16 (IV) other corroborating evidence.

17 (D) Confidentiality. All information provided to
18 the employer pursuant to subparagraph (C), including a
19 statement of the employee or any other documentation,
20 record, or corroborating evidence, and the fact that
21 the employee is not returning to work because of a
22 reason described in subclause (I) or (II) of
23 subparagraph (B)(ii) shall be retained in the
24 strictest confidence by the employer, except to the
25 extent that disclosure is:

26 (i) requested or consented to in writing by the

1 employee; or

2 (ii) otherwise required by applicable federal
3 or State law.

4 (f) Prohibited acts.

5 (1) Interference with rights.

6 (A) Exercise of rights. It shall be unlawful for
7 any employer to interfere with, restrain, or deny the
8 exercise of or the attempt to exercise any right
9 provided under this Section.

10 (B) Employer discrimination. It shall be unlawful
11 for any employer to discharge or harass any individual,
12 or otherwise discriminate against any individual with
13 respect to compensation, terms, conditions, or
14 privileges of employment of the individual (including
15 retaliation in any form or manner) because the
16 individual:

17 (i) exercised any right provided under this
18 Section; or

19 (ii) opposed any practice made unlawful by
20 this Section.

21 (C) Public agency sanctions. It shall be unlawful
22 for any public agency to deny, reduce, or terminate the
23 benefits of, otherwise sanction, or harass any
24 individual, or otherwise discriminate against any
25 individual with respect to the amount, terms, or
26 conditions of public assistance of the individual

1 (including retaliation in any form or manner) because
2 the individual:

3 (i) exercised any right provided under this
4 Section; or

5 (ii) opposed any practice made unlawful by
6 this Section.

7 (2) Interference with proceedings or inquiries. It
8 shall be unlawful for any person to discharge or in any
9 other manner discriminate (as described in subparagraph
10 (B) or (C) of paragraph (1)) against any individual because
11 such individual:

12 (A) has filed any charge, or has instituted or
13 caused to be instituted any proceeding, under or
14 related to this Section;

15 (B) has given, or is about to give, any information
16 in connection with any inquiry or proceeding relating
17 to any right provided under this Section; or

18 (C) has testified, or is about to testify, in any
19 inquiry or proceeding relating to any right provided
20 under this Section.

21 (Source: P.A. 101-221, eff. 1-1-20.)

22 (820 ILCS 180/25)

23 Sec. 25. Existing leave usable for addressing criminal
24 violence ~~domestic violence, sexual violence, or gender~~
25 ~~violence~~. An employee who is entitled to take paid or unpaid

1 leave (including family, medical, sick, annual, personal, or
2 similar leave) from employment, pursuant to federal, State, or
3 local law, a collective bargaining agreement, or an employment
4 benefits program or plan, may elect to substitute any period of
5 such leave for an equivalent period of leave provided under
6 Section 20. The employer may not require the employee to
7 substitute available paid or unpaid leave for leave provided
8 under Section 20.

9 (Source: P.A. 101-221, eff. 1-1-20.)

10 (820 ILCS 180/30)

11 Sec. 30. Victims' employment sustainability; prohibited
12 discriminatory acts.

13 (a) An employer shall not fail to hire, refuse to hire,
14 discharge, constructively discharge, or harass any individual,
15 otherwise discriminate against any individual with respect to
16 the compensation, terms, conditions, or privileges of
17 employment of the individual, or retaliate against an
18 individual in any form or manner, and a public agency shall not
19 deny, reduce, or terminate the benefits of, otherwise sanction,
20 or harass any individual, otherwise discriminate against any
21 individual with respect to the amount, terms, or conditions of
22 public assistance of the individual, or retaliate against an
23 individual in any form or manner, because:

24 (1) the individual involved:

25 (A) is or is perceived to be a victim of domestic

1 violence, sexual violence, ~~or~~ gender violence, or any
2 other crime of violence;

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

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

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

22 (2) the workplace is disrupted or threatened by the
23 action of a person whom the individual states has committed
24 or threatened to commit domestic violence, sexual
25 violence, ~~or~~ gender violence, or any other crime of
26 violence against the individual or the individual's family

1 or household member.

2 (b) In this Section:

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

13 (A) who is:

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

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

18 (B) who is:

19 (i) a victim of domestic violence, sexual
20 violence, ~~or~~ gender violence, or any other crime of
21 violence; or

22 (ii) with a family or household member who is a
23 victim of domestic violence, sexual violence, ~~or~~
24 gender violence, or any other crime of violence
25 whose interests are not adverse to the individual
26 in subparagraph (A) as it relates to the domestic

1 violence, sexual violence, ~~or~~ gender violence, or
2 any other crime of violence;

3 unless the employer or public agency can demonstrate that
4 the accommodation would impose an undue hardship on the
5 operation of the employer or public agency.

6 A reasonable accommodation must be made in a timely
7 fashion. Any exigent circumstances or danger facing the
8 employee or his or her family or household member shall be
9 considered in determining whether the accommodation is
10 reasonable.

11 (2) "Qualified individual" means:

12 (A) in the case of an applicant or employee
13 described in paragraph (1)(A)(i), an individual who,
14 but for being a victim of domestic violence, sexual
15 violence, ~~or~~ gender violence, or any other crime of
16 violence or with a family or household member who is a
17 victim of domestic violence, sexual violence, ~~or~~
18 gender violence, or any other crime of violence, can
19 perform the essential functions of the employment
20 position that such individual holds or desires; or

21 (B) in the case of an applicant or recipient
22 described in paragraph (1)(A)(ii), an individual who,
23 but for being a victim of domestic violence, sexual
24 violence, ~~or~~ gender violence, or any other crime of
25 violence or with a family or household member who is a
26 victim of domestic violence, sexual violence, ~~or~~

1 (ii) the overall financial resources of the
2 facility involved in the provision of the
3 reasonable accommodation, the number of persons
4 employed at such facility, the effect on expenses
5 and resources, or the impact otherwise of such
6 accommodation on the operation of the facility;

7 (iii) the overall financial resources of the
8 employer or public agency, the overall size of the
9 business of an employer or public agency with
10 respect to the number of employees of the employer
11 or public agency, and the number, type, and
12 location of the facilities of an employer or public
13 agency; and

14 (iv) the type of operation of the employer or
15 public agency, including the composition,
16 structure, and functions of the workforce of the
17 employer or public agency, the geographic
18 separateness of the facility from the employer or
19 public agency, and the administrative or fiscal
20 relationship of the facility to the employer or
21 public agency.

22 (c) An employer subject to Section 21 of the Workplace
23 Violence Prevention Act shall not violate any provisions of the
24 Workplace Violence Prevention Act.

25 (Source: P.A. 101-221, eff. 1-1-20.)

1 (820 ILCS 180/45)

2 Sec. 45. Effect on other laws and employment benefits.

3 (a) More protective laws, agreements, programs, and plans.

4 Nothing in this Act shall be construed to supersede any
5 provision of any federal, State, or local law, collective
6 bargaining agreement, or employment benefits program or plan
7 that provides:

8 (1) greater leave benefits for victims of domestic
9 violence, sexual violence, ~~or~~ gender violence, or any other
10 crime of violence than the rights established under this
11 Act; or

12 (2) leave benefits for a larger population of victims
13 of domestic violence, sexual violence, ~~or~~ gender violence
14 (as defined in such law, agreement, program, or plan), or
15 any other crime of violence than the victims of domestic
16 violence, sexual violence, ~~or~~ gender violence, or any other
17 crime of violence covered under this Act.

18 (b) Less protective laws, agreements, programs, and plans.

19 The rights established for employees who are victims of
20 domestic violence, sexual violence, ~~or~~ gender violence, or any
21 other crime of violence and employees with a family or
22 household member who is a victim of domestic violence, sexual
23 violence, ~~or~~ gender violence, or any other crime of violence
24 under this Act shall not be diminished by any federal, State or
25 local law, collective bargaining agreement, or employment
26 benefits program or plan.

1 (Source: P.A. 101-221, eff. 1-1-20.)

2 Section 10. The Unemployment Insurance Act is amended by
3 changing Section 601 as follows:

4 (820 ILCS 405/601) (from Ch. 48, par. 431)

5 Sec. 601. Voluntary leaving.

6 A. An individual shall be ineligible for benefits for the
7 week in which the individual ~~he or she~~ has left work
8 voluntarily without good cause attributable to the employing
9 unit and, thereafter, until the individual ~~he or she~~ has become
10 reemployed and has had earnings equal to or in excess of the
11 individual's ~~his or her~~ current weekly benefit amount in each
12 of four calendar weeks which are either for services in
13 employment, or have been or will be reported pursuant to the
14 provisions of the Federal Insurance Contributions Act by each
15 employing unit for which such services are performed and which
16 submits a statement certifying to that fact.

17 B. The provisions of this Section shall not apply to an
18 individual who has left work voluntarily:

19 1. Because the individual ~~he or she~~ is deemed
20 physically unable to ~~perform his or her~~ work by a licensed
21 and practicing physician, or because the individual's
22 assistance is necessary for the purpose of caring for the
23 individual's ~~his or her~~ spouse, child, or parent who,
24 according to a licensed and practicing physician or as

1 otherwise reasonably verified, is in poor physical or
2 mental health or is a person with a mental or physical
3 disability and the employer is unable to accommodate the
4 individual's need to provide such assistance;

5 2. To accept other bona fide work and, after such
6 acceptance, the individual is either not unemployed in each
7 of 2 weeks, or earns remuneration for such work equal to at
8 least twice the individual's ~~his or her~~ current weekly
9 benefit amount;

10 3. In lieu of accepting a transfer to other work
11 offered to the individual by the employing unit under the
12 terms of a collective bargaining agreement or pursuant to
13 an established employer plan, program, or policy, if the
14 acceptance of such other work by the individual would
15 require the separation from that work of another individual
16 currently performing it;

17 4. Solely because of the sexual harassment of the
18 individual by another employee. Sexual harassment means
19 (1) unwelcome sexual advances, requests for sexual favors,
20 sexually motivated physical contact or other conduct or
21 communication which is made a term or condition of the
22 employment or (2) the employee's submission to or rejection
23 of such conduct or communication which is the basis for
24 decisions affecting employment, or (3) when such conduct or
25 communication has the purpose or effect of substantially
26 interfering with an individual's work performance or

1 creating an intimidating, hostile, or offensive working
2 environment and the employer knows or should know of the
3 existence of the harassment and fails to take timely and
4 appropriate action;

5 5. Which the individual ~~he or she~~ had accepted after
6 separation from other work, and the work which the
7 individual ~~he or she~~ left voluntarily would be deemed
8 unsuitable under the provisions of Section 603;

9 6.(a) Because the individual left work due to verified
10 domestic violence as defined in Section 103 of the Illinois
11 Domestic Violence Act of 1986 where the domestic violence
12 caused the individual to reasonably believe that the
13 individual's ~~his or her~~ continued employment would
14 jeopardize the individual's ~~his or her~~ safety or the safety
15 of the individual's ~~his or her~~ spouse, minor child, or
16 parent

17 if the individual provides the following:

18 (i) notice to the employing unit of the reason for
19 the individual's voluntarily leaving; and

20 (ii) to the Department provides:

21 (A) an order of protection or other
22 documentation of equitable relief issued by a
23 court of competent jurisdiction; or

24 (B) a police report or criminal charges
25 documenting the domestic violence; or

26 (C) medical documentation of the domestic

1 violence; or

2 (D) evidence of domestic violence from a
3 member of the clergy, attorney, counselor, social
4 worker, health worker or domestic violence shelter
5 worker.

6 (b) If the individual does not meet the provisions of
7 subparagraph (a), the individual shall be held to have
8 voluntarily terminated employment for the purpose of
9 determining the individual's eligibility for benefits
10 pursuant to subsection A.

11 (c) Notwithstanding any other provision to the
12 contrary, evidence of domestic violence experienced by an
13 individual, or the individual's ~~his or her~~ spouse, minor
14 child, or parent, including the individual's statement and
15 corroborating evidence, shall not be disclosed by the
16 Department unless consent for disclosure is given by the
17 individual; ~~or~~.

18 7. Because, due to a change in location of employment
19 of the individual's spouse, the individual left work to
20 accompany the individual's ~~his or her~~ spouse to a place
21 from which it is impractical to commute or because the
22 individual left employment to accompany a spouse who has
23 been reassigned from one military assignment to another.
24 The employer's account, however, shall not be charged for
25 any benefits paid out to the individual who leaves work
26 under a circumstance described in this paragraph; or.

1 8. Because the individual left work due to an incident
2 involving a crime of violence in which the individual or a
3 family member of the individual was a victim. For the
4 purposes of this paragraph, "crime of violence" and
5 "victim" have the same meanings as provided under Section 2
6 of the Crime Victims Compensation Act.

7 C. Within 90 days of the effective date of this amendatory
8 Act of the 96th General Assembly, the Department shall
9 promulgate rules, pursuant to the Illinois Administrative
10 Procedure Act and consistent with Section 903(f)(3)(B) of the
11 Social Security Act, to clarify and provide guidance regarding
12 eligibility and the prevention of fraud.

13 (Source: P.A. 99-143, eff. 7-27-15.)