



Rep. Robyn Gabel

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10200HB3582ham001

LRB102 15003 JLS 25091 a

1 AMENDMENT TO HOUSE BILL 3582

2 AMENDMENT NO. _____. Amend House Bill 3582 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Victims' Economic Security and Safety Act
5 is amended by changing Sections 10, 20, 25, 30, 35, and 45 as
6 follows:

7 (820 ILCS 180/10)

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

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

1 (2) "Course of conduct" means a course of repeatedly
2 maintaining a visual or physical proximity to a person or
3 conveying oral or written threats, including threats
4 conveyed through electronic communications, or threats
5 implied by conduct.

6 (2.5) "Crime of violence" means any conduct proscribed
7 by Articles 9, 11, 12, 26.5, 29D, and 33A of the Criminal
8 Code of 2012 or a similar provision of Criminal Code of
9 1961, in addition to conduct proscribed by Articles of the
10 Criminal Code of 2012 referenced in other definitions in
11 this Section.

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

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

14 (5) "Domestic violence, sexual violence, or gender
15 violence" means domestic violence, sexual assault, gender
16 violence, or stalking.

17 (6) "Domestic violence" means abuse, as defined in
18 Section 103 of the Illinois Domestic Violence Act of 1986,
19 by a family or household member, as defined in Section 103
20 of the Illinois Domestic Violence Act of 1986.

21 (7) "Electronic communications" includes
22 communications via telephone, mobile phone, computer,
23 e-mail, video recorder, fax machine, telex, pager, online
24 platform (including, but not limited to, any public-facing
25 website, web application, digital application, or social
26 network), or any other electronic communication, as

1 defined in Section 12-7.5 of the Criminal Code of 2012.

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

3 (9) Employee.

4 (A) In general. "Employee" means any person
5 employed by an employer.

6 (B) Basis. "Employee" includes a person employed
7 as described in subparagraph (A) on a full or
8 part-time basis, or as a participant in a work
9 assignment as a condition of receipt of federal or
10 State income-based public assistance.

11 (10) "Employer" means any of the following: (A) the
12 State or any agency of the State; (B) any unit of local
13 government or school district; or (C) any person that
14 employs at least one employee.

15 (11) "Employment benefits" means all benefits provided
16 or made available to employees by an employer, including
17 group life insurance, health insurance, disability
18 insurance, sick leave, annual leave, educational benefits,
19 pensions, and profit-sharing, regardless of whether such
20 benefits are provided by a practice or written policy of
21 an employer or through an "employee benefit plan".
22 "Employee benefit plan" or "plan" means an employee
23 welfare benefit plan or an employee pension benefit plan
24 or a plan which is both an employee welfare benefit plan
25 and an employee pension benefit plan.

26 (12) "Family or household member", for employees with

1 a family or household member who is a victim of domestic
2 violence, sexual violence, ~~or~~ gender violence, or any other
3 crime of violence, means a spouse or party to a civil
4 union, parent, grandparent, child, grandchild, sibling, or
5 any son, daughter, other person related by blood or by
6 present or prior marriage or civil union, other person who
7 shares a relationship through a child, or any other
8 individual whose close association with the employee is
9 the equivalent of a family relationship as determined by
10 the employee son or daughter, and persons jointly residing
11 in the same household.

12 (12.5) "Gender violence" means:

13 (A) one or more acts of violence or aggression
14 satisfying the elements of any criminal offense under the
15 laws of this State that are committed, at least in part, on
16 the basis of a person's actual or perceived sex or gender,
17 regardless of whether the acts resulted in criminal
18 charges, prosecution, or conviction;

19 (B) a physical intrusion or physical invasion of a
20 sexual nature under coercive conditions satisfying the
21 elements of any criminal offense under the laws of this
22 State, regardless of whether the intrusion or invasion
23 resulted in criminal charges, prosecution, or conviction;
24 or

25 (C) a threat of an act described in item (A) or (B)
26 causing a realistic apprehension that the originator of

1 the threat will commit the act.

2 (13) (Blank). ~~"Parent" means the biological parent of~~
3 ~~an employee or an individual who stood in loco parentis to~~
4 ~~an employee when the employee was a son or daughter. "Son~~
5 ~~or daughter" means a biological, adopted, or foster child,~~
6 ~~a stepchild, a legal ward, or a child of a person standing~~
7 ~~in loco parentis, who is under 18 years of age, or is 18~~
8 ~~years of age or older and incapable of self care because~~
9 ~~of a mental or physical disability.~~

10 (14) "Perpetrator" means an individual who commits or
11 is alleged to have committed any act or threat of domestic
12 violence, sexual violence, ~~or~~ gender violence, or any
13 other crime of violence.

14 (15) "Person" means an individual, partnership,
15 association, corporation, business trust, legal
16 representative, or any organized group of persons.

17 (16) "Public agency" means the Government of the State
18 or political subdivision thereof; any agency of the State,
19 or of a political subdivision of the State; or any
20 governmental agency.

21 (17) "Public assistance" includes cash, food stamps,
22 medical assistance, housing assistance, and other benefits
23 provided on the basis of income by a public agency or
24 public employer.

25 (18) "Reduced work schedule" means a work schedule
26 that reduces the usual number of hours per workweek, or

1 hours per workday, of an employee.

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

3 (20) "Sexual assault" means any conduct proscribed by:

4 (i) Article 11 of the Criminal Code of 2012 except
5 Sections 11-35 and 11-45; (ii) Sections 12-13, 12-14,
6 12-14.1, 12-15, and 12-16 of the Criminal Code of 2012; or
7 (iii) a similar provision of the Criminal Code of 1961.

8 (20.5) "Sexual violence" means sexual assault.

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

12 (22) "Victim" or "survivor" means an individual who
13 has been subjected to domestic violence, sexual violence,
14 or gender violence, or any other crime of violence.
15 "Victim" also includes any person described as a victim,
16 as defined under Section 2 of the Crime Victims
17 Compensation Act.

18 (23) "Victim services organization" means a nonprofit,
19 nongovernmental organization that provides assistance to
20 victims of domestic violence, sexual violence, ~~or~~ gender
21 violence, or any other crime of violence or to advocates
22 for such victims, including a rape crisis center, an
23 organization carrying out a domestic violence program, an
24 organization operating a shelter or providing counseling
25 services, or a legal services organization or other
26 organization providing assistance through the legal

1 process.

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

3 (820 ILCS 180/20)

4 Sec. 20. Entitlement to leave due to domestic violence,
5 sexual violence, ~~or~~ gender violence, or any other crime of
6 violence.

7 (a) Leave requirement.

8 (1) Basis. An employee who is a victim of domestic
9 violence, sexual violence, ~~or~~ gender violence, or any
10 other crime of violence or an employee who has a family or
11 household member who is a victim of domestic violence,
12 sexual violence, ~~or~~ gender violence, or any other crime of
13 violence whose interests are not adverse to the employee
14 as it relates to the domestic violence, sexual violence,
15 ~~or~~ gender violence, or any other crime of violence may
16 take unpaid leave from work if the employee or employee's
17 family or household member is experiencing an incident of
18 domestic violence, sexual violence, ~~or~~ gender violence, or
19 any other crime of violence or to address domestic
20 violence, sexual violence, ~~or~~ gender violence, or any
21 other crime of violence by:

22 (A) seeking medical attention for, or recovering
23 from, physical or psychological injuries caused by
24 domestic violence, sexual violence, ~~or~~ gender
25 violence, or any other crime of violence to the

1 employee or the employee's family or household member;

2 (B) obtaining services from a victim services
3 organization for the employee or the employee's family
4 or household member;

5 (C) obtaining psychological or other counseling
6 for the employee or the employee's family or household
7 member;

8 (D) participating in safety planning, temporarily
9 or permanently relocating, or taking other actions to
10 increase the safety of the employee or the employee's
11 family or household member from future domestic
12 violence, sexual violence, ~~or~~ gender violence, or any
13 other crime of violence or ensure economic security;
14 or

15 (E) seeking legal assistance or remedies to ensure
16 the health and safety of the employee or the
17 employee's family or household member, including
18 preparing for or participating in any civil or
19 criminal legal proceeding related to or derived from
20 domestic violence, sexual violence, ~~or~~ gender
21 violence, or any other crime of violence.

22 (2) Period. Subject to subsection (c), an employee
23 working for an employer that employs at least 50 employees
24 shall be entitled to a total of 12 workweeks of leave
25 during any 12-month period. Subject to subsection (c), an
26 employee working for an employer that employs at least 15

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

14 (3) Schedule. Leave described in paragraph (1) may be
15 taken consecutively, intermittently, or on a reduced work
16 schedule.

17 (b) Notice. The employee shall provide the employer with
18 at least 48 hours' advance notice of the employee's intention
19 to take the leave, unless providing such notice is not
20 practicable. When an unscheduled absence occurs, the employer
21 may not take any action against the employee if the employee,
22 upon request of the employer and within a reasonable period
23 after the absence, provides certification under subsection
24 (c).

25 (c) Certification.

26 (1) In general. The employer may require the employee

1 to provide certification to the employer that:

2 (A) the employee or the employee's family or
3 household member is a victim of domestic violence,
4 sexual violence, ~~or~~ gender violence, or any other
5 crime of violence; and

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

8 The employee shall provide such certification to the
9 employer within a reasonable period after the employer
10 requests certification.

11 (2) Contents. An employee may satisfy the
12 certification requirement of paragraph (1) by providing to
13 the employer a sworn statement of the employee, and if the
14 employee has possession of such document, the employee
15 shall provide one of the following documents ~~upon~~
16 ~~obtaining such documents the employee shall provide:~~

17 (A) documentation from an employee, agent, or
18 volunteer of a victim services organization, an
19 attorney, a member of the clergy, or a medical or other
20 professional from whom the employee or the employee's
21 family or household member has sought assistance in
22 addressing domestic violence, sexual violence, ~~or~~
23 gender violence, or any other crime of violence and
24 the effects of the violence;

25 (B) a police or court record; or

26 (C) other corroborating evidence.

1 The employee shall choose which document to submit,
2 and the employer shall not request or require more than
3 one document to be submitted during the same 12-month
4 period leave is requested or taken if the reason for leave
5 is related to the same incident or incidents of violence
6 or the same perpetrator or perpetrators of the violence.

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

14 (1) requested or consented to in writing by the
15 employee; or

16 (2) otherwise required by applicable federal or State
17 law.

18 (e) Employment and benefits.

19 (1) Restoration to position.

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

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

26 (ii) to be restored to an equivalent position

1 with equivalent employment benefits, pay, and
2 other terms and conditions of employment.

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

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

9 (i) the accrual of any seniority or employment
10 benefits during any period of leave; or

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

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

20 (2) Maintenance of health benefits.

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

1 coverage would have been provided if the employee had
2 continued in employment continuously for the duration
3 of such leave.

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

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

13 (ii) the employee fails to return to work for
14 a reason other than:

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

20 (II) other circumstances beyond the
21 control of the employee.

22 (C) Certification.

23 (i) Issuance. An employer may require an
24 employee who claims that the employee is unable to
25 return to work because of a reason described in
26 subclause (I) or (II) of subparagraph (B) (ii) to

1 provide, within a reasonable period after making
2 the claim, certification to the employer that the
3 employee is unable to return to work because of
4 that reason.

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

8 (I) a sworn statement of the employee;

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

18 (III) a police or court record; or

19 (IV) other corroborating evidence.

20 The employee shall choose which document to submit,
21 and the employer shall not request or require more than
22 one document to be submitted.

23 (D) Confidentiality. All information provided to
24 the employer pursuant to subparagraph (C), including a
25 statement of the employee or any other documentation,
26 record, or corroborating evidence, and the fact that

1 the employee is not returning to work because of a
2 reason described in subclause (I) or (II) of
3 subparagraph (B)(ii) shall be retained in the
4 strictest confidence by the employer, except to the
5 extent that disclosure is:

6 (i) requested or consented to in writing by
7 the employee; or

8 (ii) otherwise required by applicable federal
9 or State law.

10 (f) Prohibited acts.

11 (1) Interference with rights.

12 (A) Exercise of rights. It shall be unlawful for
13 any employer to interfere with, restrain, or deny the
14 exercise of or the attempt to exercise any right
15 provided under this Section.

16 (B) Employer discrimination. It shall be unlawful
17 for any employer to discharge or harass any
18 individual, or otherwise discriminate against any
19 individual with respect to compensation, terms,
20 conditions, or privileges of employment of the
21 individual (including retaliation in any form or
22 manner) because the individual:

23 (i) exercised any right provided under this
24 Section; or

25 (ii) opposed any practice made unlawful by
26 this Section.

1 (C) Public agency sanctions. It shall be unlawful
2 for any public agency to deny, reduce, or terminate
3 the benefits of, otherwise sanction, or harass any
4 individual, or otherwise discriminate against any
5 individual with respect to the amount, terms, or
6 conditions of public assistance of the individual
7 (including retaliation in any form or manner) because
8 the individual:

9 (i) exercised any right provided under this
10 Section; or

11 (ii) opposed any practice made unlawful by
12 this Section.

13 (2) Interference with proceedings or inquiries. It
14 shall be unlawful for any person to discharge or in any
15 other manner discriminate (as described in subparagraph
16 (B) or (C) of paragraph (1)) against any individual
17 because such individual:

18 (A) has filed any charge, or has instituted or
19 caused to be instituted any proceeding, under or
20 related to this Section;

21 (B) has given, or is about to give, any
22 information in connection with any inquiry or
23 proceeding relating to any right provided under this
24 Section; or

25 (C) has testified, or is about to testify, in any
26 inquiry or proceeding relating to any right provided

1 under this Section.

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

3 (820 ILCS 180/25)

4 Sec. 25. Existing leave usable for addressing domestic
5 violence, sexual violence, ~~or~~ gender violence, or any criminal
6 violence. An employee who is entitled to take paid or unpaid
7 leave (including family, medical, sick, annual, personal, or
8 similar leave) from employment, pursuant to federal, State, or
9 local law, a collective bargaining agreement, or an employment
10 benefits program or plan, may elect to substitute any period
11 of such leave for an equivalent period of leave provided under
12 Section 20. The employer may not require the employee to
13 substitute available paid or unpaid leave for leave provided
14 under Section 20.

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

16 (820 ILCS 180/30)

17 Sec. 30. Victims' employment sustainability; prohibited
18 discriminatory acts.

19 (a) An employer shall not fail to hire, refuse to hire,
20 discharge, constructively discharge, or harass any individual,
21 otherwise discriminate against any individual with respect to
22 the compensation, terms, conditions, or privileges of
23 employment of the individual, or retaliate against an
24 individual in any form or manner, and a public agency shall not

1 deny, reduce, or terminate the benefits of, otherwise
2 sanction, or harass any individual, otherwise discriminate
3 against any individual with respect to the amount, terms, or
4 conditions of public assistance of the individual, or
5 retaliate against an individual in any form or manner,
6 because:

7 (1) the individual involved:

8 (A) is or is perceived to be a victim of domestic
9 violence, sexual violence, ~~or~~ gender violence, or any
10 criminal violence;

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

19 (C) requested an adjustment to a job structure,
20 workplace facility, or work requirement, including a
21 transfer, reassignment, or modified schedule, leave, a
22 changed telephone number or seating assignment,
23 installation of a lock, or implementation of a safety
24 procedure in response to actual or threatened domestic
25 violence, sexual violence, ~~or~~ gender violence, or any
26 other crime of violence, regardless of whether the

1 request was granted; or

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

5 (2) the workplace is disrupted or threatened by the
6 action of a person whom the individual states has
7 committed or threatened to commit domestic violence,
8 sexual violence, ~~or~~ gender violence, or any other crime of
9 violence against the individual or the individual's family
10 or household member.

11 (b) In this Section:

12 (1) "Discriminate", used with respect to the terms,
13 conditions, or privileges of employment or with respect to
14 the terms or conditions of public assistance, includes not
15 making a reasonable accommodation to the known limitations
16 resulting from circumstances relating to being a victim of
17 domestic violence, sexual violence, ~~or~~ gender violence, or
18 any criminal violence or a family or household member
19 being a victim of domestic violence, sexual violence, ~~or~~
20 gender violence, or any other crime of violence of an
21 otherwise qualified individual:

22 (A) who is:

23 (i) an applicant or employee of the employer
24 (including a public agency); or

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

1 (B) who is:

2 (i) or is perceived to be a victim of domestic
3 violence, sexual violence, ~~or~~ gender violence, or
4 any other crime of violence; or

5 (ii) with a family or household member who is
6 or is perceived to be a victim of domestic
7 violence, sexual violence, ~~or~~ gender violence, or
8 any other crime of violence whose interests are
9 not adverse to the individual in subparagraph (A)
10 as it relates to the domestic violence, sexual
11 violence, ~~or~~ gender violence, or any other crime
12 of violence;

13 unless the employer or public agency can demonstrate that
14 the accommodation would impose an undue hardship on the
15 operation of the employer or public agency.

16 A reasonable accommodation must be made in a timely
17 fashion. Any exigent circumstances or danger facing the
18 employee or his or her family or household member shall be
19 considered in determining whether the accommodation is
20 reasonable.

21 (2) "Qualified individual" means:

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

1 victim of domestic violence, sexual violence, ~~or~~
2 gender violence, or any other crime of violence, can
3 perform the essential functions of the employment
4 position that such individual holds or desires; or

5 (B) in the case of an applicant or recipient
6 described in paragraph (1) (A) (ii), an individual who,
7 but for being a victim of domestic violence, sexual
8 violence, ~~or~~ gender violence, or any other crime of
9 violence or with a family or household member who is a
10 victim of domestic violence, sexual violence, ~~or~~
11 gender violence, or any other crime of violence, can
12 satisfy the essential requirements of the program
13 providing the public assistance that the individual
14 receives or desires.

15 (3) "Reasonable accommodation" may include an
16 adjustment to a job structure, workplace facility, or work
17 requirement, including a transfer, reassignment, or
18 modified schedule, leave, a changed telephone number or
19 seating assignment, installation of a lock, or
20 implementation of a safety procedure, or assistance in
21 documenting domestic violence, sexual violence, ~~or~~ gender
22 violence, or any other crime of violence that occurs at
23 the workplace or in work-related settings, or any other
24 reasonable accommodation in response to actual or
25 threatened domestic violence, sexual violence, ~~or~~ gender
26 violence, or any other crime of violence.

1 (4) Undue hardship.

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

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

10 (i) the nature and cost of the reasonable
11 accommodation needed under this Section;

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

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

25 (iv) the type of operation of the employer or
26 public agency, including the composition,

1 structure, and functions of the workforce of the
2 employer or public agency, the geographic
3 separateness of the facility from the employer or
4 public agency, and the administrative or fiscal
5 relationship of the facility to the employer or
6 public agency.

7 (c) An employer subject to Section 21 of the Workplace
8 Violence Prevention Act shall not violate any provisions of
9 the Workplace Violence Prevention Act.

10 (d) Confidentiality. All information provided to the
11 employer pursuant to this Section including a statement of the
12 employee or any other documentation, record, or corroborating
13 evidence, and the fact that the employee has requested or
14 obtained an accommodation pursuant to this Section shall be
15 retained in the strictest confidence by the employer, except
16 to the extent that disclosure is:

17 (1) requested or consented to in writing by the
18 employee; or

19 (2) otherwise required by applicable federal or State
20 law.

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

22 (820 ILCS 180/35)

23 Sec. 35. Enforcement.

24 (a) Department of Labor.

25 (1) The Director or his or her authorized

1 representative shall administer and enforce the provisions
2 of this Act. Any employee or a representative of employees
3 who believes his or her rights under this Act have been
4 violated may, within 3 years after the alleged violation
5 occurs, file a complaint with the Department requesting a
6 review of the alleged violation or file a civil action. A
7 copy of the complaint filed with the Department shall be
8 sent to the person who allegedly committed the violation,
9 who shall be the respondent. Upon receipt of a complaint,
10 the Director shall cause such investigation to be made as
11 he or she deems appropriate. The investigation shall
12 provide an opportunity for a public hearing at the request
13 of any party to the review to enable the parties to present
14 information relating to the alleged allegation. The
15 parties shall be given written notice of the time and
16 place of the hearing at least 7 days before the hearing.
17 Upon receiving the report of the investigation, the
18 Director shall make findings of fact. If the Director or
19 the court finds that a violation did occur, the Director
20 or the court ~~he or she~~ shall issue a decision
21 incorporating the ~~his or her~~ findings and requiring the
22 party committing the violation to take such affirmative
23 action to abate the violation as the Director or the court
24 deems appropriate, including:

25 (A) damages equal to the amount of wages, salary,
26 employment benefits, public assistance, or other

1 compensation denied or lost to such individual by
2 reason of the violation, and the interest on that
3 amount calculated at the prevailing rate;

4 (B) such equitable relief as may be appropriate,
5 including but not limited to hiring, reinstatement,
6 promotion, and reasonable accommodations; and

7 (C) reasonable attorney's fees, reasonable expert
8 witness fees, and other costs of the action to be paid
9 by the respondent to a prevailing employee.

10 If the Director finds that there was no violation, he
11 or she shall issue an order denying the complaint. An
12 order issued by the Director under this Section shall be
13 final and subject to judicial review under the
14 Administrative Review Law.

15 (2) The Director shall adopt rules necessary to
16 administer and enforce this Act in accordance with the
17 Illinois Administrative Procedure Act. The Director shall
18 have the powers and the parties shall have the rights
19 provided in the Illinois Administrative Procedure Act for
20 contested cases, including, but not limited to, provisions
21 for depositions, subpoena power and procedures, and
22 discovery and protective order procedures.

23 (3) Intervention. The Attorney General of Illinois may
24 intervene on behalf of the Department if the Department
25 certifies that the case is of general public importance.
26 Upon such intervention the court may award such relief as

1 is authorized to be granted to an employee who has filed a
2 complaint or whose representative has filed a complaint
3 under this Section.

4 (b) Refusal to pay damages. Any employer who has been
5 ordered by the Director of Labor or the court to pay damages
6 under this Section and who fails to do so within 30 days after
7 the order is entered is liable to pay a penalty of 1% per
8 calendar day to the employee for each day of delay in paying
9 the damages to the employee.

10 (Source: P.A. 93-591, eff. 8-25-03.)

11 (820 ILCS 180/45)

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

13 (a) More protective laws, agreements, programs, and plans.
14 Nothing in this Act shall be construed to supersede any
15 provision of any federal, State, or local law, collective
16 bargaining agreement, or employment benefits program or plan
17 that provides:

18 (1) greater leave benefits for victims of domestic
19 violence, sexual violence, ~~or~~ gender violence, or any
20 other crime of violence than the rights established under
21 this Act; or

22 (2) leave benefits for a larger population of victims
23 of domestic violence, sexual violence, ~~or~~ gender violence, or
24 any other crime of violence (as defined in such law,
25 agreement, program, or plan) than the victims of domestic

1 violence, sexual violence, ~~or~~ gender violence, or any
2 other crime of violence covered under this Act.

3 (b) Less protective laws, agreements, programs, and plans.
4 The rights established for employees who are victims of
5 domestic violence, sexual violence, ~~or~~ gender violence, or any
6 other crime of violence and employees with a family or
7 household member who is a victim of domestic violence, sexual
8 violence, ~~or~~ gender violence, or any other crime of violence
9 under this Act shall not be diminished by any federal, State or
10 local law, collective bargaining agreement, or employment
11 benefits program or plan.

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