



Sen. Karina Villa

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10200HB4215sam001

LRB102 21394 SPS 38839 a

1 AMENDMENT TO HOUSE BILL 4215

2 AMENDMENT NO. _____. Amend House Bill 4215 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 and 20 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

1 maintaining a visual or physical proximity to a person or
2 conveying oral or written threats, including threats
3 conveyed through electronic communications, or threats
4 implied by conduct.

5 (2.5) "Crime of violence" means any conduct proscribed
6 by Articles 9, 11, 12, 26.5, 29D, and 33A of the Criminal
7 Code of 2012 or a similar provision of the Criminal Code of
8 1961, in addition to conduct proscribed by Articles of the
9 Criminal Code of 2012 referenced in other definitions in
10 this Section.

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

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

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

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

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

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

2 (9) Employee.

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

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

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

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

25 (12) "Family or household member", for employees with
26 a family or household member who is a victim of domestic

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

11 (12.3) "First responder" means a fire department, fire
12 protection district, law enforcement agency, law enforcement
13 official, or emergency medical technician.

14 (12.5) "Gender violence" means:

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

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

26 or

1 (C) a threat of an act described in item (A) or (B)
2 causing a realistic apprehension that the originator of
3 the threat will commit the act.

4 (13) (Blank).

5 (14) "Perpetrator" means an individual who commits or
6 is alleged to have committed any act or threat of domestic
7 violence, sexual violence, gender violence, or any other
8 crime of violence.

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

12 (16) "Public agency" means the Government of the State
13 or political subdivision thereof; any agency of the State,
14 or of a political subdivision of the State; or any
15 governmental agency.

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

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

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

24 (20) "Sexual assault" means any conduct proscribed by:
25 (i) Article 11 of the Criminal Code of 2012 except
26 Sections 11-35 and 11-45; (ii) Sections 12-13, 12-14,

1 12-14.1, 12-15, and 12-16 of the Criminal Code of 2012; or
2 (iii) a similar provision of the Criminal Code of 1961.

3 (20.5) "Sexual violence" means sexual assault.

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

7 (22) "Victim" or "survivor" means an individual who
8 has been subjected to domestic violence, sexual violence,
9 gender violence, or any other crime of violence. "Victim"
10 also includes any person described as a victim, as defined
11 under Section 2 of the Crime Victims Compensation Act.

12 (23) "Victim services organization" means a nonprofit,
13 nongovernmental organization that provides assistance to
14 victims of domestic violence, sexual violence, gender
15 violence, or any other crime of violence or to advocates
16 for such victims, including a rape crisis center, an
17 organization carrying out a domestic violence program, an
18 organization operating a shelter or providing counseling
19 services, or a legal services organization or other
20 organization providing assistance through the legal
21 process.

22 (Source: P.A. 101-221, eff. 1-1-20; 102-487, eff. 1-1-22.)

23 (820 ILCS 180/20)

24 Sec. 20. Entitlement to leave due to domestic violence,
25 sexual violence, gender violence, or any other crime of

1 violence.

2 (a) Leave requirement.

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

17 (A) seeking medical attention for, or recovering
18 from, physical or psychological injuries caused by
19 domestic violence, sexual violence, gender violence,
20 or any other crime of violence to the employee or the
21 employee's family or household member;

22 (B) obtaining services from a victim services
23 organization for the employee or the employee's family
24 or household member;

25 (C) obtaining psychological or other counseling
26 for the employee or the employee's family or household

1 member;

2 (D) participating in safety planning, temporarily
3 or permanently relocating, or taking other actions to
4 increase the safety of the employee or the employee's
5 family or household member from future domestic
6 violence, sexual violence, gender violence, or any
7 other crime of violence or ensure economic security;

8 ~~or~~

9 (E) seeking legal assistance or remedies to ensure
10 the health and safety of the employee or the
11 employee's family or household member, including
12 preparing for or participating in any civil or
13 criminal legal proceeding related to or derived from
14 domestic violence, sexual violence, gender violence,
15 or any other crime of violence;

16 (F) attending the funeral or alternative to a
17 funeral or wake of a family or household member who is
18 killed in a crime of violence;

19 (G) making arrangements necessitated by the death
20 of a family or household member who is killed in a
21 crime of violence;

22 (H) grieving the death of a family or household
23 member who is killed in a crime of violence; or

24 (I) attending the funeral or alternative to a
25 funeral or wake of a first responder who died in the
26 line of duty or as a result of a crime of violence.

1 (2) Period. Subject to subsection (c) and except as
2 provided in paragraph (4) of this subsection, an employee
3 working for an employer that employs at least 50 employees
4 shall be entitled to a total of 12 workweeks of leave
5 during any 12-month period. Subject to subsection (c) and
6 except as provided in paragraph (4) of this subsection, an
7 employee working for an employer that employs at least 15
8 but not more than 49 employees shall be entitled to a total
9 of 8 workweeks of leave during any 12-month period.
10 Subject to subsection (c) and except as provided in
11 paragraph (4) of this subsection, an employee working for
12 an employer that employs at least one but not more than 14
13 employees shall be entitled to a total of 4 workweeks of
14 leave during any 12-month period. The total number of
15 workweeks to which an employee is entitled shall not
16 decrease during the relevant 12-month period. This Act
17 does not create a right for an employee to take unpaid
18 leave that exceeds the unpaid leave time allowed under, or
19 is in addition to the unpaid leave time permitted by, the
20 federal Family and Medical Leave Act of 1993 (29 U.S.C.
21 2601 et seq.).

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

25 (4) Exceptions. An employee shall be entitled to a
26 total of not more than 2 workweeks (10 work days) of unpaid

1 leave for the purposes described in subparagraphs (F),
2 (G), and (H) of paragraph (1), which must be completed
3 within 60 days after the death of the victim. Unpaid leave
4 time taken for these purposes shall be counted toward, and
5 is not in addition to, the total leave time an employee is
6 entitled to under paragraph (2). If the employee is also
7 entitled to bereavement leave relating to the deceased
8 victim under the Child Bereavement Leave Act, leave time
9 taken under this Act for the purposes described in
10 subparagraphs (F), (G), and (H) of paragraph (1) shall be
11 counted toward, and is not in addition to, the leave time
12 an employee is entitled to under the Child Bereavement
13 Leave Act.

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

22 (c) Certification.

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

25 (A) the employee or the employee's family or
26 household member is a victim of domestic violence,

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

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

5 The employee shall provide such certification to the
6 employer within a reasonable period after the employer
7 requests certification.

8 (2) Contents. An employee may satisfy the
9 certification requirement of paragraph (1) by providing to
10 the employer a sworn statement of the employee, and if the
11 employee has possession of such document, the employee
12 shall provide one of the following documents:

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

21 (B) a police or court record; or

22 (C) other corroborating evidence.

23 The employee shall choose which document to submit,
24 and the employer shall not request or require more than
25 one document to be submitted during the same 12-month
26 period leave is requested or taken if the reason for leave

1 is related to the same incident or incidents of violence
2 or the same perpetrator or perpetrators of the violence.

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

10 (1) requested or consented to in writing by the
11 employee; or

12 (2) otherwise required by applicable federal or State
13 law.

14 (e) Employment and benefits.

15 (1) Restoration to position.

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

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

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

25 (B) Loss of benefits. The taking of leave under
26 this Section shall not result in the loss of any

1 employment benefit accrued prior to the date on which
2 the leave commenced.

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

5 (i) the accrual of any seniority or employment
6 benefits during any period of leave; or

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

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

16 (2) Maintenance of health benefits.

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

26 (B) Failure to return from leave. The employer may

1 recover the premium that the employer paid for
2 maintaining coverage for the employee and the
3 employee's family or household member under such group
4 health plan during any period of leave under this
5 Section if:

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

9 (ii) the employee fails to return to work for
10 a reason other than:

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

16 (II) other circumstances beyond the
17 control of the employee.

18 (C) Certification.

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

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

4 (I) a sworn statement of the employee;

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

13 (III) a police or court record; or

14 (IV) other corroborating evidence.

15 The employee shall choose which document to
16 submit, and the employer shall not request or require
17 more than one document to be submitted.

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

1 (i) requested or consented to in writing by
2 the employee; or

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

5 (f) Prohibited acts.

6 (1) Interference with rights.

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

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

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

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

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

1 conditions of public assistance of the individual
2 (including retaliation in any form or manner) because
3 the individual:

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

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

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

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

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

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

23 (Source: P.A. 101-221, eff. 1-1-20; 102-487, eff. 1-1-22.)".