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09400HB1063ham004

LRB094 09993 WGH 46489 a

1 AMENDMENT TO HOUSE BILL 1063

2 AMENDMENT NO. _____. Amend House Bill 1063, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Human Rights Act is amended by
6 changing Sections 2-101 and 5-103 as follows:

7 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

8 Sec. 2-101. Definitions. The following definitions are
9 applicable strictly in the context of this Article.

10 (A) Employee.

11 (1) "Employee" includes:

12 (a) Any individual performing services for
13 remuneration within this State for an employer;

14 (b) An apprentice;

15 (c) An applicant for any apprenticeship.

16 (2) "Employee" does not include:

17 (a) Domestic servants in private homes;

18 (b) Individuals employed by persons who are not
19 "employers" as defined by this Act;

20 (c) Elected public officials or the members of
21 their immediate personal staffs;

22 (d) Principal administrative officers of the State
23 or of any political subdivision, municipal corporation
24 or other governmental unit or agency;

1 (e) A person in a vocational rehabilitation
2 facility certified under federal law who has been
3 designated an evaluatee, trainee, or work activity
4 client.

5 (B) Employer.

6 (1) "Employer" includes:

7 (a) Any person employing 15 or more employees
8 within Illinois during 20 or more calendar weeks within
9 the calendar year of or preceding the alleged
10 violation;

11 (b) Any person employing one or more employees when
12 a complainant alleges civil rights violation due to
13 unlawful discrimination based upon his or her physical
14 or mental handicap unrelated to ability or sexual
15 harassment;

16 (c) The State and any political subdivision,
17 municipal corporation or other governmental unit or
18 agency, without regard to the number of employees;

19 (d) Any party to a public contract without regard
20 to the number of employees;

21 (e) A joint apprenticeship or training committee
22 without regard to the number of employees.

23 (2) "Employer" does not include (a) any religious
24 organization, association, or society acting upon the
25 tenets of its faith; (b) any non-profit institution or
26 organization operated or controlled by and acting upon the
27 tenets of faith of such a religious organization,
28 association, or society; or (c) without limiting any of the
29 foregoing, any religious corporation, association,
30 educational institution, society, or non-profit
31 institution conducted by and for those who rely upon
32 treatment by prayer through spiritual means in accordance
33 with the tenets of a recognized church or religious
34 denomination with respect to the employment of individuals

1 of a particular religion to perform work connected with the
2 carrying on by such corporation, association, educational
3 institution, society, or non-profit nursing institution of
4 its activities. ~~any religious corporation, association,~~
5 ~~educational institution, society, or non profit nursing~~
6 ~~institution conducted by and for those who rely upon~~
7 ~~treatment by prayer through spiritual means in accordance~~
8 ~~with the tenets of a recognized church or religious~~
9 ~~denomination with respect to the employment of individuals~~
10 ~~of a particular religion to perform work connected with the~~
11 ~~carrying on by such corporation, association, educational~~
12 ~~institution, society or non-profit nursing institution of~~
13 ~~its activities.~~

14 (C) Employment Agency. "Employment Agency" includes both
15 public and private employment agencies and any person, labor
16 organization, or labor union having a hiring hall or hiring
17 office regularly undertaking, with or without compensation, to
18 procure opportunities to work, or to procure, recruit, refer or
19 place employees.

20 (D) Labor Organization. "Labor Organization" includes any
21 organization, labor union, craft union, or any voluntary
22 unincorporated association designed to further the cause of the
23 rights of union labor which is constituted for the purpose, in
24 whole or in part, of collective bargaining or of dealing with
25 employers concerning grievances, terms or conditions of
26 employment, or apprenticeships or applications for
27 apprenticeships, or of other mutual aid or protection in
28 connection with employment, including apprenticeships or
29 applications for apprenticeships.

30 (E) Sexual Harassment. "Sexual harassment" means any
31 unwelcome sexual advances or requests for sexual favors or any
32 conduct of a sexual nature when (1) submission to such conduct
33 is made either explicitly or implicitly a term or condition of
34 an individual's employment, (2) submission to or rejection of

1 such conduct by an individual is used as the basis for
2 employment decisions affecting such individual, or (3) such
3 conduct has the purpose or effect of substantially interfering
4 with an individual's work performance or creating an
5 intimidating, hostile or offensive working environment.

6 (F) Religion. "Religion" with respect to employers
7 includes all aspects of religious observance and practice, as
8 well as belief, unless an employer demonstrates that he is
9 unable to reasonably accommodate an employee's or prospective
10 employee's religious observance or practice without undue
11 hardship on the conduct of the employer's business.

12 (G) Public Employer. "Public employer" means the State, an
13 agency or department thereof, unit of local government, school
14 district, instrumentality or political subdivision.

15 (H) Public Employee. "Public employee" means an employee of
16 the State, agency or department thereof, unit of local
17 government, school district, instrumentality or political
18 subdivision. "Public employee" does not include public
19 officers or employees of the General Assembly or agencies
20 thereof.

21 (I) Public Officer. "Public officer" means a person who is
22 elected to office pursuant to the Constitution or a statute or
23 ordinance, or who is appointed to an office which is
24 established, and the qualifications and duties of which are
25 prescribed, by the Constitution or a statute or ordinance, to
26 discharge a public duty for the State, agency or department
27 thereof, unit of local government, school district,
28 instrumentality or political subdivision.

29 (J) Eligible Bidder. "Eligible bidder" means a person who,
30 prior to a bid opening, has filed with the Department a
31 properly completed, sworn and currently valid employer report
32 form, pursuant to the Department's regulations. The provisions
33 of this Article relating to eligible bidders apply only to bids
34 on contracts with the State and its departments, agencies,

1 boards, and commissions, and the provisions do not apply to
2 bids on contracts with units of local government or school
3 districts.

4 (K) Citizenship Status. "Citizenship status" means the
5 status of being:

6 (1) a born U.S. citizen;

7 (2) a naturalized U.S. citizen;

8 (3) a U.S. national; or

9 (4) a person born outside the United States and not a
10 U.S. citizen who is not an unauthorized alien and who is
11 protected from discrimination under the provisions of
12 Section 1324b of Title 8 of the United States Code, as now
13 or hereafter amended.

14 (Source: P.A. 86-1343; 87-579; 87-666; 87-895.)

15 (775 ILCS 5/5-103) (from Ch. 68, par. 5-103)

16 Sec. 5-103. Exemption. Nothing in this Article shall apply
17 to:

18 (A) Private Club. A private club, or other establishment
19 not in fact open to the public, except to the extent that the
20 goods, services, facilities, privileges, advantages, or
21 accommodations of the establishment are made available to the
22 customers or patrons of another establishment that is a place
23 of public accommodation.

24 (B) Facilities Distinctly Private. Any facility, as to
25 discrimination based on sex, which restricts the use of public
26 accommodations to individuals of one sex and which is
27 distinctly private in nature such as restrooms, bathrooms,
28 shower rooms, changing rooms, bath houses, health clubs and
29 other similar facilities for which the Department, in its rules
30 and regulations, may grant additional exemptions based on bona
31 fide considerations of public policy.

32 (C) Inn, Hotel, Rooming House. Any facility, as to
33 discrimination based on sex, which restricts the rental of

1 rooms to individuals of one sex.

2 (Source: P.A. 85-567.)".