

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 5, 10, 15, 20, 25, 30, and 40 as
6 follows:

7 (820 ILCS 180/5)

8 Sec. 5. Findings. The General Assembly finds and declares
9 the following:

10 (1) Domestic and sexual violence affects many persons
11 without regard to age, race, educational level,
12 socioeconomic status, religion, or occupation.

13 (2) Domestic and sexual violence has a devastating
14 effect on individuals, families, communities and the
15 workplace.

16 (3) Domestic violence crimes account for approximately
17 15% of total crime costs in the United States each year.

18 (4) Violence against women has been reported to be the
19 leading cause of physical injury to women. Such violence
20 has a devastating impact on women's physical and emotional
21 health and financial security.

22 (5) According to recent government surveys, from 1993
23 through 1998 the average annual number of violent

1 victimizations committed by intimate partners was
2 1,082,110, 87% of which were committed against women.

3 (6) Female murder victims were substantially more
4 likely than male murder victims to have been killed by an
5 intimate partner. About one-third of female murder
6 victims, and about 4% of male murder victims, were killed
7 by an intimate partner.

8 (7) According to recent government estimates,
9 approximately 987,400 rapes occur annually in the United
10 States, 89% of the rapes are perpetrated against female
11 victims.

12 (8) Approximately 10,200,000 people have been stalked
13 at some time in their lives. Four out of every 5 stalking
14 victims are women. Stalkers harass and terrorize their
15 victims by spying on the victims, standing outside their
16 places of work or homes, making unwanted phone calls,
17 sending or leaving unwanted letters or items, or
18 vandalizing property.

19 (9) Employees in the United States who have been
20 victims of domestic violence, dating violence, sexual
21 assault, or stalking too often suffer adverse consequences
22 in the workplace as a result of their victimization.

23 (10) Victims of domestic violence, dating violence,
24 sexual assault, and stalking face the threat of job loss
25 and loss of health insurance as a result of the illegal
26 acts of the perpetrators of violence.

1 (11) The prevalence of domestic violence, dating
2 violence, sexual assault, stalking, and other violence
3 against women at work is dramatic. Approximately 11% of all
4 rapes occur in the workplace. About 50,500 individuals, 83%
5 of whom are women, were raped or sexually assaulted in the
6 workplace each year from 1992 through 1996. Half of all
7 female victims of violent workplace crimes know their
8 attackers. Nearly one out of 10 violent workplace incidents
9 is committed by partners or spouses.

10 (12) Homicide is the leading cause of death for women
11 on the job. Husbands, boyfriends, and ex-partners commit
12 15% of workplace homicides against women.

13 (13) Studies indicate that as much as 74% of employed
14 battered women surveyed were harassed at work by their
15 abusive partners.

16 (14) According to a 1998 report of the U.S. General
17 Accounting Office, between one-fourth and one-half of
18 domestic violence victims surveyed in 3 studies reported
19 that the victims lost a job due, at least in part, to
20 domestic violence.

21 (15) Women who have experienced domestic violence or
22 dating violence are more likely than other women to be
23 unemployed, to suffer from health problems that can affect
24 employability and job performance, to report lower
25 personal income, and to rely on welfare.

26 (16) Abusers frequently seek to control their partners

1 by actively interfering with their ability to work,
2 including preventing their partners from going to work,
3 harassing their partners at work, limiting the access of
4 their partners to cash or transportation, and sabotaging
5 the child care arrangements of their partners.

6 (17) More than one-half of women receiving welfare have
7 been victims of domestic violence as adults and between
8 one-fourth and one-third reported being abused in the last
9 year.

10 (18) Sexual assault, whether occurring in or out of the
11 workplace, can impair an employee's work performance,
12 require time away from work, and undermine the employee's
13 ability to maintain a job. Almost 50% of sexual assault
14 survivors lose their jobs or are forced to quit in the
15 aftermath of the assaults.

16 (19) More than one-fourth of stalking victims report
17 losing time from work due to the stalking and 7% never
18 return to work.

19 (20) (A) According to the National Institute of
20 Justice, crime costs an estimated \$450,000,000,000
21 annually in medical expenses, lost earnings, social
22 service costs, pain, suffering, and reduced quality of life
23 for victims, which harms the Nation's productivity and
24 drains the Nation's resources. (B) Violent crime accounts
25 for \$426,000,000,000 per year of this amount. (C) Rape
26 exacts the highest costs per victim of any criminal

1 offense, and accounts for \$127,000,000,000 per year of the
2 amount described in subparagraph (A).

3 (21) The Bureau of National Affairs has estimated that
4 domestic violence costs United States employers between
5 \$3,000,000,000 and \$5,000,000,000 annually in lost time
6 and productivity. Other reports have estimated that
7 domestic violence costs United States employers
8 \$13,000,000,000 annually.

9 (22) United States medical costs for domestic violence
10 have been estimated to be \$31,000,000,000 per year.

11 (23) Ninety-four percent of corporate security and
12 safety directors at companies nationwide rank domestic
13 violence as a high security concern.

14 (24) Forty-nine percent of senior executives recently
15 surveyed said domestic violence has a harmful effect on
16 their company's productivity, 47% said domestic violence
17 negatively affects attendance, and 44% said domestic
18 violence increases health care costs.

19 (25) Employees, including individuals participating in
20 welfare to work programs, may need to take time during
21 business hours to:

22 (A) obtain orders of protection or civil no contact
23 orders;

24 (B) seek medical or legal assistance, counseling,
25 or other services; or

26 (C) look for housing in order to escape from

1 domestic or sexual violence.

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

3 (820 ILCS 180/10)

4 Sec. 10. Definitions. In this Act, except as otherwise
5 expressly provided:

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

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

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

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

20 (5) "Domestic or sexual violence" means domestic
21 violence, sexual assault, or stalking.

22 (6) "Domestic violence" means abuse, as defined in
23 Section 103 of the Illinois Domestic Violence Act of 1986,
24 by a family or household member, as defined in Section 103
25 of the Illinois Domestic Violence Act of 1986 ~~includes acts~~

1 ~~or threats of violence, not including acts of self defense,~~
2 ~~as defined in subdivision (3) of Section 103 of the~~
3 ~~Illinois Domestic Violence Act of 1986, sexual assault, or~~
4 ~~death to the person, or the person's family or household~~
5 ~~member, if the conduct causes the specific person to have~~
6 ~~such distress or fear.~~

7 (7) "Electronic communications" includes
8 communications via telephone, mobile phone, computer,
9 e-mail, video recorder, fax machine, telex, or pager, or
10 any other electronic communication, as defined in Section
11 12-7.5 of the Criminal Code of 1961.

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

13 (9) Employee.

14 (A) In general. "Employee" means any person
15 employed by an employer.

16 (B) Basis. "Employee" includes a person employed
17 as described in subparagraph (A) on a full or part-time
18 basis, or as a participant in a work assignment as a
19 condition of receipt of federal or State income-based
20 public assistance.

21 (10) "Employer" means any of the following: (A) the
22 State or any agency of the State; (B) any unit of local
23 government or school district; or (C) any person that
24 employs at least 15 ~~50~~ employees.

25 (11) "Employment benefits" means all benefits provided
26 or made available to employees by an employer, including

1 group life insurance, health insurance, disability
2 insurance, sick leave, annual leave, educational benefits,
3 ~~and~~ pensions, and profit-sharing, regardless of whether
4 such benefits are provided by a practice or written policy
5 of an employer or through an "employee benefit plan".
6 "Employee benefit plan" or "plan" means an employee welfare
7 benefit plan or an employee pension benefit plan or a plan
8 which is both an employee welfare benefit plan and an
9 employee pension benefit plan.

10 (12) "Family or household member", for employees with a
11 family or household member who is a victim of domestic or
12 sexual violence, means a spouse, parent, son, daughter,
13 other person related by blood or by present or prior
14 marriage, other person who shares a relationship through a
15 son or daughter, and persons jointly residing in the same
16 household.

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

25 (14) "Perpetrator" means an individual who commits or
26 is alleged to have committed any act or threat of domestic

1 or sexual violence.

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

5 (16) "Public agency" means the Government of the State
6 or political subdivision thereof; any agency of the State,
7 or of a political subdivision of the State; or any
8 governmental agency.

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

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

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

17 (20) "Sexual assault" means any conduct proscribed by
18 the Criminal Code of 1961 in Sections 12-13, 12-14,
19 12-14.1, 12-15, and 12-16.

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

23 (22) "Victim" or "survivor" means an individual who has
24 been subjected to domestic or sexual violence.

25 (23) "Victim services organization" means a nonprofit,
26 nongovernmental organization that provides assistance to

1 victims of domestic or sexual violence or to advocates for
2 such victims, including a rape crisis center, an
3 organization carrying out a domestic violence program, an
4 organization operating a shelter or providing counseling
5 services, or a legal services organization or other
6 organization providing assistance through the legal
7 process.

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

9 (820 ILCS 180/15)

10 Sec. 15. Purposes. The purposes of this Act are:

11 (1) to promote the State's interest in reducing
12 domestic violence, dating violence, sexual assault, and
13 stalking by enabling victims of domestic or sexual violence
14 to maintain the financial independence necessary to leave
15 abusive situations, achieve safety, and minimize the
16 physical and emotional injuries from domestic or sexual
17 violence, and to reduce the devastating economic
18 consequences of domestic or sexual violence to employers
19 and employees;

20 (2) to address the failure of existing laws to protect
21 the employment rights of employees who are victims of
22 domestic or sexual violence and employees with a family or
23 household member who is a victim of domestic or sexual
24 violence, by protecting the civil and economic rights of
25 those employees, and by furthering the equal opportunity of

1 women for economic self-sufficiency and employment free
2 from discrimination;

3 (3) to accomplish the purposes described in paragraphs
4 (1) and (2) by (A) entitling employed victims of domestic
5 or sexual violence and employees with a family or household
6 member who is a victim of domestic or sexual violence to
7 take unpaid leave to seek medical help, legal assistance,
8 counseling, safety planning, and other assistance without
9 penalty from their employers for the employee or the family
10 or household member who is a victim; and (B) prohibiting
11 employers from discriminating against any employee who is a
12 victim of domestic or sexual violence or any employee who
13 has a family or household member who is a victim of
14 domestic or sexual violence, in a manner that accommodates
15 the legitimate interests of employers and protects the
16 safety of all persons in the workplace.

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

18 (820 ILCS 180/20)

19 Sec. 20. Entitlement to leave due to domestic or sexual
20 violence.

21 (a) Leave requirement.

22 (1) Basis. An employee who is a victim of domestic or
23 sexual violence or has a family or household member who is
24 a victim of domestic or sexual violence whose interests are
25 not adverse to the employee as it relates to the domestic

1 or sexual violence may take unpaid leave from work to
2 address domestic or sexual violence by:

3 (A) seeking medical attention for, or recovering
4 from, physical or psychological injuries caused by
5 domestic or sexual violence to the employee or the
6 employee's family or household member;

7 (B) obtaining services from a victim services
8 organization for the employee or the employee's family
9 or household member;

10 (C) obtaining psychological or other counseling
11 for the employee or the employee's family or household
12 member;

13 (D) participating in safety planning, temporarily
14 or permanently relocating, or taking other actions to
15 increase the safety of the employee or the employee's
16 family or household member from future domestic or
17 sexual violence or ensure economic security; or

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

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

1 during any 12-month period. Subject to subsection (c), an
2 employee working for an employer that employs at least 15
3 but not more than 49 employees shall be entitled to a total
4 of 8 workweeks of leave during any 12-month period. The
5 total number of workweeks to which an employee is entitled
6 shall not decrease during the relevant 12-month period.

7 This Act does not create a right for an employee to take
8 unpaid leave that exceeds the unpaid leave time allowed
9 under, or is in addition to the unpaid leave time permitted
10 by, the federal Family and Medical Leave Act of 1993 (29
11 U.S.C. 2601 et seq.).

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

14 (b) Notice. The employee shall provide the employer with at
15 least 48 hours' advance notice of the employee's intention to
16 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 or sexual

1 violence; and

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

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

7 (2) Contents. An employee may satisfy the
8 certification requirement of paragraph (1) by providing to
9 the employer a sworn statement of the employee, and upon
10 obtaining such documents the employee shall provide:

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

18 (B) a police or court record; or

19 (C) other corroborating evidence.

20 (d) Confidentiality. All information provided to the
21 employer pursuant to subsection (b) or (c), including a
22 statement of the employee or any other documentation, record,
23 or corroborating evidence, and the fact that the employee has
24 requested or obtained leave pursuant to this Section, shall be
25 retained in the strictest confidence by the employer, except to
26 the extent that disclosure is:

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

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

5 (e) Employment and benefits.

6 (1) Restoration to position.

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

10 (i) to be restored by the employer to the
11 position of employment held by the employee when
12 the leave commenced; or

13 (ii) to be restored to an equivalent position
14 with equivalent employment benefits, pay, and
15 other terms and conditions of employment.

16 (B) Loss of benefits. The taking of leave under
17 this Section shall not result in the loss of any
18 employment benefit accrued prior to the date on which
19 the leave commenced.

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

22 (i) the accrual of any seniority or employment
23 benefits during any period of leave; or

24 (ii) any right, benefit, or position of
25 employment other than any right, benefit, or
26 position to which the employee would have been

1 entitled had the employee not taken the leave.

2 (D) Construction. Nothing in this paragraph shall
3 be construed to prohibit an employer from requiring an
4 employee on leave under this Section to report
5 periodically to the employer on the status and
6 intention of the employee to return to work.

7 (2) Maintenance of health benefits.

8 (A) Coverage. Except as provided in subparagraph
9 (B), during any period that an employee takes leave
10 under this Section, the employer shall maintain
11 coverage for the employee and any family or household
12 member under any group health plan for the duration of
13 such leave at the level and under the conditions
14 coverage would have been provided if the employee had
15 continued in employment continuously for the duration
16 of such leave.

17 (B) Failure to return from leave. The employer may
18 recover the premium that the employer paid for
19 maintaining coverage for the employee and the
20 employee's family or household member under such group
21 health plan during any period of leave under this
22 Section if:

23 (i) the employee fails to return from leave
24 under this Section after the period of leave to
25 which the employee is entitled has expired; and

26 (ii) the employee fails to return to work for a

1 reason other than:

2 (I) the continuation, recurrence, or onset
3 of domestic or sexual violence that entitles
4 the employee to leave pursuant to this Section;
5 or

6 (II) other circumstances beyond the
7 control of the employee.

8 (C) Certification.

9 (i) Issuance. An employer may require an
10 employee who claims that the employee is unable to
11 return to work because of a reason described in
12 subclause (I) or (II) of subparagraph (B)(ii) to
13 provide, within a reasonable period after making
14 the claim, certification to the employer that the
15 employee is unable to return to work because of
16 that reason.

17 (ii) Contents. An employee may satisfy the
18 certification requirement of clause (i) by
19 providing to the employer:

20 (I) a sworn statement of the employee;

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

1 effects of that violence;

2 (III) a police or court record; or

3 (IV) other corroborating evidence.

4 (D) Confidentiality. All information provided to
5 the employer pursuant to subparagraph (C), including a
6 statement of the employee or any other documentation,
7 record, or corroborating evidence, and the fact that
8 the employee is not returning to work because of a
9 reason described in subclause (I) or (II) of
10 subparagraph (B)(ii) shall be retained in the
11 strictest confidence by the employer, except to the
12 extent that disclosure is:

13 (i) requested or consented to in writing by the
14 employee; or

15 (ii) otherwise required by applicable federal
16 or State law.

17 (f) Prohibited acts.

18 (1) Interference with rights.

19 (A) Exercise of rights. It shall be unlawful for
20 any employer to interfere with, restrain, or deny the
21 exercise of or the attempt to exercise any right
22 provided under this Section.

23 (B) Employer discrimination. It shall be unlawful
24 for any employer to discharge or harass any individual,
25 or otherwise discriminate against any individual with
26 respect to compensation, terms, conditions, or

1 privileges of employment of the individual (including
2 retaliation in any form or manner) because the
3 individual:

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

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

8 (C) Public agency sanctions. It shall be unlawful
9 for any public agency to deny, reduce, or terminate the
10 benefits of, otherwise sanction, or harass any
11 individual, or otherwise discriminate against any
12 individual with respect to the amount, terms, or
13 conditions of public assistance of the individual
14 (including retaliation in any form or manner) because
15 the individual:

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

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

20 (2) Interference with proceedings or inquiries. It
21 shall be unlawful for any person to discharge or in any
22 other manner discriminate (as described in subparagraph
23 (B) or (C) of paragraph (1)) against any individual because
24 such individual:

25 (A) has filed any charge, or has instituted or
26 caused to be instituted any proceeding, under or

1 related to this Section;

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

5 (C) has testified, or is about to testify, in any
6 inquiry or proceeding relating to any right provided
7 under this Section.

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

9 (820 ILCS 180/25)

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

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

21 (820 ILCS 180/30)

22 Sec. 30. Victims' employment sustainability; prohibited
23 discriminatory acts.

24 (a) An employer shall not fail to hire, refuse to hire,

1 discharge, constructively discharge, or harass any individual,
2 otherwise discriminate against any individual with respect to
3 the compensation, terms, conditions, or privileges of
4 employment of the individual, or retaliate against an
5 individual in any form or manner, and a public agency shall not
6 deny, reduce, or terminate the benefits of, otherwise sanction,
7 or harass any individual, otherwise discriminate against any
8 individual with respect to the amount, terms, or conditions of
9 public assistance of the individual, or retaliate against an
10 individual in any form or manner, because:

11 (1) the individual involved:

12 (A) is or is perceived to be a victim of domestic
13 or sexual violence;

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

21 (C) requested an adjustment to a job structure,
22 workplace facility, or work requirement, including a
23 transfer, reassignment, or modified schedule, leave, a
24 changed telephone number or seating assignment,
25 installation of a lock, or implementation of a safety
26 procedure in response to actual or threatened domestic

1 or sexual violence, regardless of whether the request
2 was granted; or

3 (2) the workplace is disrupted or threatened by the
4 action of a person whom the individual states has committed
5 or threatened to commit domestic or sexual violence against
6 the individual or the individual's family or household
7 member.

8 (b) In this Section:

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

17 (A) who is:

18 (i) an applicant or employee of the employer
19 (including a public agency); or

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

22 (B) who is:

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

24 (ii) with a family or household member who is a
25 victim of domestic or sexual violence whose
26 interests are not adverse to the individual in

1 subparagraph (A) as it relates to the domestic or
2 sexual 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 or sexual violence
15 or with a family or household member who is a victim of
16 domestic or sexual violence, can perform the essential
17 functions of the employment position that such
18 individual holds or desires; or

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

26 (3) "Reasonable accommodation" may include an

1 adjustment to a job structure, workplace facility, or work
2 requirement, including a transfer, reassignment, or
3 modified schedule, leave, a changed telephone number or
4 seating assignment, installation of a lock, or
5 implementation of a safety procedure, or assistance in
6 documenting domestic or sexual violence that occurs at the
7 workplace or in work-related settings, in response to
8 actual or threatened domestic or sexual violence.

9 (4) Undue hardship.

10 (A) In general. "Undue hardship" means an action
11 requiring significant difficulty or expense, when
12 considered in light of the factors set forth in
13 subparagraph (B).

14 (B) Factors to be considered. In determining
15 whether a reasonable accommodation would impose an
16 undue hardship on the operation of an employer or
17 public agency, factors to be considered include:

18 (i) the nature and cost of the reasonable
19 accommodation needed under this Section;

20 (ii) the overall financial resources of the
21 facility involved in the provision of the
22 reasonable accommodation, the number of persons
23 employed at such facility, the effect on expenses
24 and resources, or the impact otherwise of such
25 accommodation on the operation of the facility;

26 (iii) the overall financial resources of the

1 employer or public agency, the overall size of the
2 business of an employer or public agency with
3 respect to the number of employees of the employer
4 or public agency, and the number, type, and
5 location of the facilities of an employer or public
6 agency; and

7 (iv) the type of operation of the employer or
8 public agency, including the composition,
9 structure, and functions of the workforce of the
10 employer or public agency, the geographic
11 separateness of the facility from the employer or
12 public agency, and the administrative or fiscal
13 relationship of the facility to the employer or
14 public agency.

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

16 (820 ILCS 180/40)

17 Sec. 40. Notification. Every employer covered by this Act
18 shall post and keep posted, in conspicuous places on the
19 premises of the employer where notices to employees are
20 customarily posted, a notice, to be prepared or approved by the
21 Director of Labor, summarizing the requirements of this Act and
22 information pertaining to the filing of a charge. The Director
23 shall furnish copies of summaries and rules to employers upon
24 request without charge. Any employer that fails to post the
25 required notice may not rely on the provisions in subsection

1 (b) of Section 20 to claim that the employee failed to inform
2 the employer that she or he wanted or was eligible for leave
3 under this Act.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.