



Rep. La Shawn K. Ford

**Filed: 2/11/2013**

09800HB0081ham001

LRB098 03862 HEP 40716 a

1 AMENDMENT TO HOUSE BILL 81

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 81 by replacing the  
3 title with the following:

4 "AN ACT concerning human rights."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Illinois Human Rights Act is amended by  
8 changing Section 2-102 as follows:

9 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

10 Sec. 2-102. Civil Rights Violations - Employment. It is a  
11 civil rights violation:

12 (A) Employers. For any employer to refuse to hire, to  
13 segregate, or to act with respect to recruitment, hiring,  
14 promotion, renewal of employment, selection for training or

1 apprenticeship, discharge, discipline, tenure or terms,  
2 privileges or conditions of employment on the basis of unlawful  
3 discrimination or citizenship status.

4 (A-5) Language. For an employer to impose a restriction  
5 that has the effect of prohibiting a language from being spoken  
6 by an employee in communications that are unrelated to the  
7 employee's duties.

8 For the purposes of this subdivision (A-5), "language"  
9 means a person's native tongue, such as Polish, Spanish, or  
10 Chinese. "Language" does not include such things as slang,  
11 jargon, profanity, or vulgarity.

12 (B) Employment Agency. For any employment agency to fail or  
13 refuse to classify properly, accept applications and register  
14 for employment referral or apprenticeship referral, refer for  
15 employment, or refer for apprenticeship on the basis of  
16 unlawful discrimination or citizenship status or to accept from  
17 any person any job order, requisition or request for referral  
18 of applicants for employment or apprenticeship which makes or  
19 has the effect of making unlawful discrimination or  
20 discrimination on the basis of citizenship status a condition  
21 of referral.

22 (C) Labor Organization. For any labor organization to  
23 limit, segregate or classify its membership, or to limit  
24 employment opportunities, selection and training for  
25 apprenticeship in any trade or craft, or otherwise to take, or  
26 fail to take, any action which affects adversely any person's

1 status as an employee or as an applicant for employment or as  
2 an apprentice, or as an applicant for apprenticeships, or  
3 wages, tenure, hours of employment or apprenticeship  
4 conditions on the basis of unlawful discrimination or  
5 citizenship status.

6 (D) Sexual Harassment. For any employer, employee, agent of  
7 any employer, employment agency or labor organization to engage  
8 in sexual harassment; provided, that an employer shall be  
9 responsible for sexual harassment of the employer's employees  
10 by nonemployees or nonmanagerial and nonsupervisory employees  
11 only if the employer becomes aware of the conduct and fails to  
12 take reasonable corrective measures.

13 (E) Public Employers. For any public employer to refuse to  
14 permit a public employee under its jurisdiction who takes time  
15 off from work in order to practice his or her religious beliefs  
16 to engage in work, during hours other than such employee's  
17 regular working hours, consistent with the operational needs of  
18 the employer and in order to compensate for work time lost for  
19 such religious reasons. Any employee who elects such deferred  
20 work shall be compensated at the wage rate which he or she  
21 would have earned during the originally scheduled work period.  
22 The employer may require that an employee who plans to take  
23 time off from work in order to practice his or her religious  
24 beliefs provide the employer with a notice of his or her  
25 intention to be absent from work not exceeding 5 days prior to  
26 the date of absence.

1           (F) Training and Apprenticeship Programs. For any  
2 employer, employment agency or labor organization to  
3 discriminate against a person on the basis of age in the  
4 selection, referral for or conduct of apprenticeship or  
5 training programs.

6           (G) Immigration-Related Practices.

7           (1) for an employer to request for purposes of  
8 satisfying the requirements of Section 1324a(b) of Title 8  
9 of the United States Code, as now or hereafter amended,  
10 more or different documents than are required under such  
11 Section or to refuse to honor documents tendered that on  
12 their face reasonably appear to be genuine; or

13           (2) for an employer participating in the Basic Pilot  
14 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
15 Programs for Employment Eligibility Confirmation (enacted  
16 by PL 104-208, div. C title IV, subtitle A) to refuse to  
17 hire, to segregate, or to act with respect to recruitment,  
18 hiring, promotion, renewal of employment, selection for  
19 training or apprenticeship, discharge, discipline, tenure  
20 or terms, privileges or conditions of employment without  
21 following the procedures under the Basic Pilot Program.

22           (H) Pregnancy; peace officers and fire fighters. For a  
23 public employer to refuse to temporarily transfer a pregnant  
24 female peace officer or pregnant female fire fighter to a less  
25 strenuous or hazardous position for the duration of her  
26 pregnancy if she so requests, with the advice of her physician,

1 where that transfer can be reasonably accommodated. For the  
2 purposes of this subdivision (H), "peace officer" and "fire  
3 fighter" have the meanings ascribed to those terms in Section 3  
4 of the Illinois Public Labor Relations Act.

5 It is not a civil rights violation for an employer to take  
6 any action that is required by Section 1324a of Title 8 of the  
7 United States Code, as now or hereafter amended.

8 (I) Pregnancy. For an employer to refuse to hire, to  
9 segregate, or to act with respect to recruitment, hiring,  
10 promotion, renewal of employment, selection for training or  
11 apprenticeship, discharge, discipline, tenure or terms,  
12 privileges or conditions of employment on the basis of  
13 pregnancy, childbirth, or related medical conditions. Women  
14 affected by pregnancy, childbirth, or related medical  
15 conditions shall be treated the same for all employment-related  
16 purposes, including receipt of benefits under fringe benefit  
17 programs, as other persons not so affected but similar in their  
18 ability or inability to work.

19 (J) Young Adults. For an employer to refuse to hire, to  
20 segregate, or to act with respect to recruitment, hiring,  
21 promotion, renewal of employment, selection for training or  
22 apprenticeship, discharge, discipline, tenure, or terms,  
23 privileges, or conditions of employment on the basis of a  
24 person's status as a young adult. As used in this subsection  
25 (J), "young adult" means a person at least 18 years of age but  
26 not more than 25 years of age.

1 (Source: P.A. 97-596, eff. 8-26-11.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".