

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Section 2-101 as follows:

6 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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

9 (A) Employee.

10 (1) "Employee" includes:

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

13 (b) An apprentice;

14 (c) An applicant for any apprenticeship.

15 For purposes of subsection (D) of Section 2-102 of this
16 Act, "employee" also includes an unpaid intern. An unpaid
17 intern is a person who performs work for an employer under
18 the following circumstances:

19 (i) the person works for the employer at least 10
20 hours per week;

21 (ii) the employer is not committed to hiring the
22 person performing the work at the conclusion of the
23 intern's tenure;

1 (iii) the employer and the person performing the
2 work agree that the person is not entitled to wages for
3 the work performed; and

4 (iv) the work performed:

5 (I) provides experience for the benefit of the
6 person performing the work;

7 (II) does not displace regular employees; and

8 III) is performed under the close supervision
9 of existing staff.

10 (2) "Employee" does not include:

11 (a) Domestic servants in private homes;

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

14 (c) Elected public officials or the members of
15 their immediate personal staffs;

16 (d) Principal administrative officers of the State
17 or of any political subdivision, municipal corporation
18 or other governmental unit or agency;

19 (e) A person in a vocational rehabilitation
20 facility certified under federal law who has been
21 designated an evaluatee, trainee, or work activity
22 client.

23 (B) Employer.

24 (1) "Employer" includes:

25 (a) Any person employing 15 or more employees
26 within Illinois during 20 or more calendar weeks within

1 the calendar year of or preceding the alleged
2 violation;

3 (b) Any person employing one or more employees when
4 a complainant alleges civil rights violation due to
5 unlawful discrimination based upon his or her physical
6 or mental disability unrelated to ability or sexual
7 harassment;

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

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

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

15 (2) "Employer" does not include any religious
16 corporation, association, educational institution,
17 society, or non-profit nursing institution conducted by
18 and for those who rely upon treatment by prayer through
19 spiritual means in accordance with the tenets of a
20 recognized church or religious denomination with respect
21 to the employment of individuals of a particular religion
22 to perform work connected with the carrying on by such
23 corporation, association, educational institution, society
24 or non-profit nursing institution of its activities.

25 (C) Employment Agency. "Employment Agency" includes both
26 public and private employment agencies and any person, labor

1 organization, or labor union having a hiring hall or hiring
2 office regularly undertaking, with or without compensation, to
3 procure opportunities to work, or to procure, recruit, refer or
4 place employees.

5 (D) Labor Organization. "Labor Organization" includes any
6 organization, labor union, craft union, or any voluntary
7 unincorporated association designed to further the cause of the
8 rights of union labor which is constituted for the purpose, in
9 whole or in part, of collective bargaining or of dealing with
10 employers concerning grievances, terms or conditions of
11 employment, or apprenticeships or applications for
12 apprenticeships, or of other mutual aid or protection in
13 connection with employment, including apprenticeships or
14 applications for apprenticeships.

15 (E) Sexual Harassment. "Sexual harassment" means any
16 unwelcome sexual advances or requests for sexual favors or any
17 conduct of a sexual nature when (1) submission to such conduct
18 is made either explicitly or implicitly a term or condition of
19 an individual's employment, (2) submission to or rejection of
20 such conduct by an individual is used as the basis for
21 employment decisions affecting such individual, or (3) such
22 conduct has the purpose or effect of substantially interfering
23 with an individual's work performance or creating an
24 intimidating, hostile or offensive working environment.

25 (F) Religion. "Religion" with respect to employers
26 includes all aspects of religious observance and practice, as

1 well as belief, unless an employer demonstrates that he is
2 unable to reasonably accommodate an employee's or prospective
3 employee's religious observance or practice without undue
4 hardship on the conduct of the employer's business.

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

8 (H) Public Employee. "Public employee" means an employee of
9 the State, agency or department thereof, unit of local
10 government, school district, instrumentality or political
11 subdivision. "Public employee" does not include public
12 officers or employees of the General Assembly or agencies
13 thereof.

14 (I) Public Officer. "Public officer" means a person who is
15 elected to office pursuant to the Constitution or a statute or
16 ordinance, or who is appointed to an office which is
17 established, and the qualifications and duties of which are
18 prescribed, by the Constitution or a statute or ordinance, to
19 discharge a public duty for the State, agency or department
20 thereof, unit of local government, school district,
21 instrumentality or political subdivision.

22 (J) Eligible Bidder. "Eligible bidder" means a person who,
23 prior to a bid opening, has filed with the Department a
24 properly completed, sworn and currently valid employer report
25 form, pursuant to the Department's regulations. The provisions
26 of this Article relating to eligible bidders apply only to bids

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

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

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

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

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

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

15 (Source: P.A. 97-877, eff. 8-2-12.)