

SB0034



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0034

Introduced 1/10/2019, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-101

from Ch. 68, par. 2-101

Amends the Illinois Human Rights Act. Deletes language providing that "employee" does not include members of the immediate personal staffs of elected public officials. Effective immediately.

LRB101 02873 LNS 47881 b

A BILL FOR

1 AN ACT concerning civil law.

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 employer is not committed to hiring the
20 person performing the work at the conclusion of the
21 intern's tenure;

22 (ii) the employer and the person performing the
23 work agree that the person is not entitled to wages for

1 the work performed; and

2 (iii) the work performed:

3 (I) supplements training given in an
4 educational environment that may enhance the
5 employability of the intern;

6 (II) provides experience for the benefit of
7 the person performing the work;

8 (III) does not displace regular employees;

9 (IV) is performed under the close supervision
10 of existing staff; and

11 (V) provides no immediate advantage to the
12 employer providing the training and may
13 occasionally impede the operations of the
14 employer.

15 (2) "Employee" does not include:

16 (a) (Blank);

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

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

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

24 (e) A person in a vocational rehabilitation
25 facility certified under federal law who has been
26 designated an evaluatee, trainee, or work activity

1 client.

2 (B) Employer.

3 (1) "Employer" includes:

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

8 (b) Any person employing one or more employees when
9 a complainant alleges civil rights violation due to
10 unlawful discrimination based upon his or her physical
11 or mental disability unrelated to ability, pregnancy,
12 or sexual harassment;

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

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

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

20 (2) "Employer" does not include any religious
21 corporation, association, educational institution,
22 society, or non-profit nursing institution conducted by
23 and for those who rely upon treatment by prayer through
24 spiritual means in accordance with the tenets of a
25 recognized church or religious denomination with respect
26 to the employment of individuals of a particular religion

1 to perform work connected with the carrying on by such
2 corporation, association, educational institution, society
3 or non-profit nursing institution of its activities.

4 (C) Employment Agency. "Employment Agency" includes both
5 public and private employment agencies and any person, labor
6 organization, or labor union having a hiring hall or hiring
7 office regularly undertaking, with or without compensation, to
8 procure opportunities to work, or to procure, recruit, refer or
9 place employees.

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

20 (E) Sexual Harassment. "Sexual harassment" means any
21 unwelcome sexual advances or requests for sexual favors or any
22 conduct of a sexual nature when (1) submission to such conduct
23 is made either explicitly or implicitly a term or condition of
24 an individual's employment, (2) submission to or rejection of
25 such conduct by an individual is used as the basis for
26 employment decisions affecting such individual, or (3) such

1 conduct has the purpose or effect of substantially interfering
2 with an individual's work performance or creating an
3 intimidating, hostile or offensive working environment.

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

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

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

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

1 (J) Eligible Bidder. "Eligible bidder" means a person who,
2 prior to contract award or prior to bid opening for State
3 contracts for construction or construction-related services,
4 has filed with the Department a properly completed, sworn and
5 currently valid employer report form, pursuant to the
6 Department's regulations. The provisions of this Article
7 relating to eligible bidders apply only to bids on contracts
8 with the State and its departments, agencies, boards, and
9 commissions, and the provisions do not apply to bids on
10 contracts with units of local government or school districts.

11 (K) Citizenship Status. "Citizenship status" means the
12 status of being:

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

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

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

16 (4) a person born outside the United States and not a
17 U.S. citizen who is not an unauthorized alien and who is
18 protected from discrimination under the provisions of
19 Section 1324b of Title 8 of the United States Code, as now
20 or hereafter amended.

21 (Source: P.A. 99-78, eff. 7-20-15; 99-758, eff. 1-1-17; 100-43,
22 eff. 8-9-17.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.