



Rep. Mary E. Flowers

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1 AMENDMENT TO HOUSE BILL 8

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 8 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. Findings. The General Assembly finds and  
5 declares the following:

6 (1) Current workplace laws are inadequate to protect  
7 pregnant workers from enjoying equal employment  
8 opportunities.

9 (2) Because of inadequate protections, pregnant women  
10 who are temporarily limited in their abilities to perform  
11 their work functions because of pregnancy, childbearing,  
12 or related conditions are often forced to take unpaid leave  
13 or are fired, despite the availability of reasonable  
14 accommodations that would allow them to continue to work.  
15 The most frequent accommodations involve limits on  
16 lifting, access to places to sit, and more frequent  
17 bathroom breaks.

1           (3) Many pregnant women are single mothers or the  
2 primary breadwinners for their families. If one of these  
3 women loses her job, her whole family, and Illinois,  
4 suffers.

5           (4) Employers are familiar with the reasonable  
6 accommodations framework. Indeed, employers are required  
7 to reasonably accommodate people with disabilities and  
8 employees injured on the job. Sadly, many employers refuse  
9 to provide reasonable accommodations or decline to extend  
10 workplace injury policies to pregnant women.

11           (5) Women are nearly 50% of all workers in Illinois and  
12 women of childbearing age are 54% of women workers. Failing  
13 to provide reasonable accommodations to pregnant women  
14 leads to lost wages, periods of unemployment, and lost  
15 employment opportunities and job benefits such as  
16 seniority, all of which have lifelong repercussions on  
17 women's economic security and advancement and the  
18 well-being of their families.

19           (6) Most women work during pregnancy. By continuing to  
20 work, women can maintain and advance their economic  
21 security. Moreover, women who work during pregnancy may be  
22 able to take a longer period of leave following childbirth,  
23 which in turn facilitates breastfeeding, bonding with and  
24 caring for a new child, and recovering from childbirth.

25           (7) Enabling pregnant workers to work through  
26 pregnancy is good for businesses. Providing pregnant

1 employees with reasonable, temporary accommodations  
2 increases worker productivity, retention, and morale,  
3 decreases re-training costs, and reduces health care costs  
4 associated with pregnancy complications.

5 Section 10. Purposes. The purposes of this Act are:

6 (1) to promote the State's interest in eradicating  
7 gender discrimination, including discrimination based on  
8 pregnancy, childbearing, or related conditions, and in  
9 promoting women's equality;

10 (2) to address the failure of existing laws to protect  
11 the employment rights of pregnant workers; and

12 (3) to ensure full and equal participation for women in  
13 the labor force by requiring employers to provide  
14 reasonable accommodations to employees with conditions  
15 related to pregnancy, childbirth, or a related condition.

16 Section 15. The Illinois Human Rights Act is amended by  
17 changing Sections 1-102, 1-103, 2-101, 2-102, and 6-101 as  
18 follows:

19 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

20 Sec. 1-102. Declaration of Policy. It is the public policy  
21 of this State:

22 (A) Freedom from Unlawful Discrimination. To secure for all  
23 individuals within Illinois the freedom from discrimination

1 against any individual because of his or her race, color,  
2 religion, sex, national origin, ancestry, age, order of  
3 protection status, marital status, physical or mental  
4 disability, military status, sexual orientation, pregnancy, or  
5 unfavorable discharge from military service in connection with  
6 employment, real estate transactions, access to financial  
7 credit, and the availability of public accommodations.

8 (B) Freedom from Sexual Harassment-Employment and  
9 Elementary, Secondary, and Higher Education. To prevent sexual  
10 harassment in employment and sexual harassment in elementary,  
11 secondary, and higher education.

12 (C) Freedom from Discrimination Based on Citizenship  
13 Status-Employment. To prevent discrimination based on  
14 citizenship status in employment.

15 (D) Freedom from Discrimination Based on Familial  
16 Status-Real Estate Transactions. To prevent discrimination  
17 based on familial status in real estate transactions.

18 (E) Public Health, Welfare and Safety. To promote the  
19 public health, welfare and safety by protecting the interest of  
20 all people in Illinois in maintaining personal dignity, in  
21 realizing their full productive capacities, and in furthering  
22 their interests, rights and privileges as citizens of this  
23 State.

24 (F) Implementation of Constitutional Guarantees. To secure  
25 and guarantee the rights established by Sections 17, 18 and 19  
26 of Article I of the Illinois Constitution of 1970.

1           (G) Equal Opportunity, Affirmative Action. To establish  
2 Equal Opportunity and Affirmative Action as the policies of  
3 this State in all of its decisions, programs and activities,  
4 and to assure that all State departments, boards, commissions  
5 and instrumentalities rigorously take affirmative action to  
6 provide equality of opportunity and eliminate the effects of  
7 past discrimination in the internal affairs of State government  
8 and in their relations with the public.

9           (H) Unfounded Charges. To protect citizens of this State  
10 against unfounded charges of unlawful discrimination, sexual  
11 harassment in employment and sexual harassment in elementary,  
12 secondary, and higher education, and discrimination based on  
13 citizenship status in employment.

14           (Source: P.A. 95-668, eff. 10-10-07; 96-447, eff. 1-1-10;  
15 96-1319, eff. 7-27-10.)

16           (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

17           Sec. 1-103. General Definitions. When used in this Act,  
18 unless the context requires otherwise, the term:

19           (A) Age. "Age" means the chronological age of a person who  
20 is at least 40 years old, except with regard to any practice  
21 described in Section 2-102, insofar as that practice concerns  
22 training or apprenticeship programs. In the case of training or  
23 apprenticeship programs, for the purposes of Section 2-102,  
24 "age" means the chronological age of a person who is 18 but not  
25 yet 40 years old.

1 (B) Aggrieved Party. "Aggrieved party" means a person who  
2 is alleged or proved to have been injured by a civil rights  
3 violation or believes he or she will be injured by a civil  
4 rights violation under Article 3 that is about to occur.

5 (C) Charge. "Charge" means an allegation filed with the  
6 Department by an aggrieved party or initiated by the Department  
7 under its authority.

8 (D) Civil Rights Violation. "Civil rights violation"  
9 includes and shall be limited to only those specific acts set  
10 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
11 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,  
12 6-101, and 6-102 of this Act.

13 (E) Commission. "Commission" means the Human Rights  
14 Commission created by this Act.

15 (F) Complaint. "Complaint" means the formal pleading filed  
16 by the Department with the Commission following an  
17 investigation and finding of substantial evidence of a civil  
18 rights violation.

19 (G) Complainant. "Complainant" means a person including  
20 the Department who files a charge of civil rights violation  
21 with the Department or the Commission.

22 (H) Department. "Department" means the Department of Human  
23 Rights created by this Act.

24 (I) Disability. "Disability" means a determinable physical  
25 or mental characteristic of a person, including, but not  
26 limited to, a determinable physical characteristic which

1 necessitates the person's use of a guide, hearing or support  
2 dog, the history of such characteristic, or the perception of  
3 such characteristic by the person complained against, which may  
4 result from disease, injury, congenital condition of birth or  
5 functional disorder and which characteristic:

6 (1) For purposes of Article 2 is unrelated to the  
7 person's ability to perform the duties of a particular job  
8 or position and, pursuant to Section 2-104 of this Act, a  
9 person's illegal use of drugs or alcohol is not a  
10 disability;

11 (2) For purposes of Article 3, is unrelated to the  
12 person's ability to acquire, rent or maintain a housing  
13 accommodation;

14 (3) For purposes of Article 4, is unrelated to a  
15 person's ability to repay;

16 (4) For purposes of Article 5, is unrelated to a  
17 person's ability to utilize and benefit from a place of  
18 public accommodation;

19 (5) For purposes of Article 5, also includes any  
20 mental, psychological, or developmental disability,  
21 including autism spectrum disorders.

22 (J) Marital Status. "Marital status" means the legal status  
23 of being married, single, separated, divorced or widowed.

24 (J-1) Military Status. "Military status" means a person's  
25 status on active duty in or status as a veteran of the armed  
26 forces of the United States, status as a current member or

1 veteran of any reserve component of the armed forces of the  
2 United States, including the United States Army Reserve, United  
3 States Marine Corps Reserve, United States Navy Reserve, United  
4 States Air Force Reserve, and United States Coast Guard  
5 Reserve, or status as a current member or veteran of the  
6 Illinois Army National Guard or Illinois Air National Guard.

7 (K) National Origin. "National origin" means the place in  
8 which a person or one of his or her ancestors was born.

9 (K-5) "Order of protection status" means a person's status  
10 as being a person protected under an order of protection issued  
11 pursuant to the Illinois Domestic Violence Act of 1986 or an  
12 order of protection issued by a court of another state.

13 (L) Person. "Person" includes one or more individuals,  
14 partnerships, associations or organizations, labor  
15 organizations, labor unions, joint apprenticeship committees,  
16 or union labor associations, corporations, the State of  
17 Illinois and its instrumentalities, political subdivisions,  
18 units of local government, legal representatives, trustees in  
19 bankruptcy or receivers.

20 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,  
21 or related conditions.

22 (M) Public Contract. "Public contract" includes every  
23 contract to which the State, any of its political subdivisions  
24 or any municipal corporation is a party.

25 (N) Religion. "Religion" includes all aspects of religious  
26 observance and practice, as well as belief, except that with



1 respect to employers, for the purposes of Article 2, "religion"  
2 has the meaning ascribed to it in paragraph (F) of Section  
3 2-101.

4 (O) Sex. "Sex" means the status of being male or female.

5 (O-1) Sexual orientation. "Sexual orientation" means  
6 actual or perceived heterosexuality, homosexuality,  
7 bisexuality, or gender-related identity, whether or not  
8 traditionally associated with the person's designated sex at  
9 birth. "Sexual orientation" does not include a physical or  
10 sexual attraction to a minor by an adult.

11 (P) Unfavorable Military Discharge. "Unfavorable military  
12 discharge" includes discharges from the Armed Forces of the  
13 United States, their Reserve components or any National Guard  
14 or Naval Militia which are classified as RE-3 or the equivalent  
15 thereof, but does not include those characterized as RE-4 or  
16 "Dishonorable".

17 (Q) Unlawful Discrimination. "Unlawful discrimination"  
18 means discrimination against a person because of his or her  
19 race, color, religion, national origin, ancestry, age, sex,  
20 marital status, order of protection status, disability,  
21 military status, sexual orientation, pregnancy, or unfavorable  
22 discharge from military service as those terms are defined in  
23 this Section.

24 (Source: P.A. 96-328, eff. 8-11-09; 96-447, eff. 1-1-10;  
25 97-410, eff. 1-1-12; 97-813, eff. 7-13-12.)

1 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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

4 (A) Employee.

5 (1) "Employee" includes:

6 (a) Any individual performing services for  
7 remuneration within this State for an employer;

8 (b) An apprentice;

9 (c) An applicant for any apprenticeship.

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, pregnancy,  
7 or sexual 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.)

16 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

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

19 (A) Employers. For any 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 unlawful  
24 discrimination or citizenship status.

25 (A-5) Language. For an employer to impose a restriction

1 that has the effect of prohibiting a language from being spoken  
2 by an employee in communications that are unrelated to the  
3 employee's duties.

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

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

18 (C) Labor Organization. For any labor organization to  
19 limit, segregate or classify its membership, or to limit  
20 employment opportunities, selection and training for  
21 apprenticeship in any trade or craft, or otherwise to take, or  
22 fail to take, any action which affects adversely any person's  
23 status as an employee or as an applicant for employment or as  
24 an apprentice, or as an applicant for apprenticeships, or  
25 wages, tenure, hours of employment or apprenticeship  
26 conditions on the basis of unlawful discrimination or

1 citizenship status.

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

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

23 (F) Training and Apprenticeship Programs. For any  
24 employer, employment agency or labor organization to  
25 discriminate against a person on the basis of age in the  
26 selection, referral for or conduct of apprenticeship or



1 training programs.

2 (G) Immigration-Related Practices.

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

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

18 (H) (Blank). ~~Pregnancy; peace officers and fire fighters.~~  
19 ~~For a public employer to refuse to temporarily transfer a~~  
20 ~~pregnant female peace officer or pregnant female fire fighter~~  
21 ~~to a less strenuous or hazardous position for the duration of~~  
22 ~~her pregnancy if she so requests, with the advice of her~~  
23 ~~physician, where that transfer can be reasonably accommodated.~~  
24 ~~For the purposes of this subdivision (H), "peace officer" and~~  
25 ~~"fire fighter" have the meanings ascribed to those terms in~~  
26 ~~Section 3 of the Illinois Public Labor Relations Act.~~

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

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

17 (J) Pregnancy; reasonable accommodations.

18 (1) For an employer to not make reasonable  
19 accommodations for any condition of a job applicant or  
20 employee related to pregnancy, childbirth, or a related  
21 condition, if she so requests, unless the employer can  
22 demonstrate that the accommodation would impose an undue  
23 hardship on the ordinary operation of the business of the  
24 employer. If the employer requests a certificate from the  
25 employee's health care provider concerning the medical  
26 advisability of a reasonable accommodation that is

1 otherwise consistent with federal and State law, the  
2 employer may require only a description of the reasonable  
3 accommodation or accommodations medically advisable, the  
4 date the reasonable accommodation or accommodations became  
5 medically advisable, and the probable duration of the  
6 reasonable accommodation or accommodations. The employer  
7 shall engage in a timely, good faith, and meaningful  
8 exchange with the employee to determine effective  
9 reasonable accommodations.

10 (2) For an employer to deny employment opportunities or  
11 benefits to or take adverse action against an otherwise  
12 qualified job applicant or employee, if the denial or  
13 adverse action is based on the need of the employer to make  
14 reasonable accommodations to the known conditions related  
15 to the pregnancy, childbirth, or related conditions of the  
16 applicant or employee.

17 (3) For an employer to require a job applicant or  
18 employee affected by pregnancy, childbirth, or related  
19 conditions to accept an accommodation that the applicant or  
20 employee chooses not to accept.

21 (4) For an employer to require an employee to take  
22 leave under any leave law or policy of the employer if  
23 another reasonable accommodation can be provided to the  
24 known conditions related to the pregnancy, childbirth, or  
25 related conditions of an employee. No employer shall fail  
26 or refuse to reinstate the employee affected by pregnancy,

1       childbirth, or related conditions to her original job or to  
2       an equivalent position with equivalent pay and accumulated  
3       seniority, retirement, fringe benefits, and other  
4       applicable service credits upon her signifying her intent  
5       to return or when her need for reasonable accommodation  
6       ceases.

7       For the purposes of this subdivision (J), "reasonable  
8       accommodations" means reasonable modifications or adjustments  
9       to the job application process or work environment, or to the  
10       manner or circumstances under which the position desired or  
11       held is customarily performed, that enable an applicant or  
12       employee affected by pregnancy, childbirth, or related  
13       conditions to be considered for the position the applicant  
14       desires or to perform the functions of that position,  
15       including, but not limited to: more frequent or longer bathroom  
16       breaks, breaks for increased water intake, and breaks for  
17       periodic rest; private non-bathroom space for expressing  
18       breast milk and breastfeeding; seating; assistance with manual  
19       labor; light duty; temporary transfer to a less strenuous or  
20       hazardous position; the provision of an accessible worksite;  
21       acquisition or modification of equipment; job restructuring; a  
22       part-time or modified work schedule; appropriate adjustment or  
23       modifications of examinations, training materials, or  
24       policies; reassignment to a vacant position; time off to  
25       recover from childbirth; and leave.

26       For the purposes of this subdivision (J), "undue hardship"

1 means an action that is prohibitively expensive or disruptive  
2 when considered in light of the following factors: (i) the  
3 nature and cost of the accommodation needed; (ii) the overall  
4 financial resources of the facility or facilities involved in  
5 the provision of the reasonable accommodation, the number of  
6 persons employed at such facility, the effect on expenses and  
7 resources, or the impact otherwise of the accommodation upon  
8 the operation of the facility; (iii) the overall financial  
9 resources of the employer, the overall size of the business of  
10 the employer with respect to the number of its employees, and  
11 the number, type, and location of its facilities; and (iv) the  
12 type of operation or operations of the employer, including the  
13 composition, structure, and functions of the workforce of the  
14 employer, the geographic separateness, administrative, or  
15 fiscal relationship of the facility or facilities in question  
16 to the employer. The employer has the burden of proving undue  
17 hardship. The fact that the employer provides or would be  
18 required to provide a similar accommodation to other classes of  
19 employees who need it creates a rebuttable presumption that the  
20 accommodation does not impose an undue hardship on the  
21 employer.

22 No employer is required by this subdivision (J) to create  
23 additional employment that the employer would not otherwise  
24 have created, unless the employer does so or would do so for  
25 other classes of employees who need accommodation. The employer  
26 is not required to discharge any employee, transfer any

1 employee with more seniority, or promote any employee who is  
2 not qualified to perform the job, unless the employer does so  
3 or would do so to accommodate other classes of employees who  
4 need it.

5 (K) Notice. For an employer to fail to post or keep posted  
6 in a conspicuous location on the premises of the employer where  
7 notices to employees are customarily posted, or fail to include  
8 in any employee handbook information concerning an employee's  
9 rights under this Article, a notice, to be prepared or approved  
10 by the Department, summarizing the requirements of this Article  
11 and information pertaining to the filing of a charge, including  
12 the right to be free from unlawful discrimination and the right  
13 to certain reasonable accommodations. The Department shall  
14 furnish copies of summaries and rules to employers upon request  
15 without charge.

16 (Source: P.A. 97-596, eff. 8-26-11; 98-212, eff. 8-9-13.)

17 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

18 Sec. 6-101. Additional Civil Rights Violations. It is a  
19 civil rights violation for a person, or for two or more persons  
20 to conspire, to:

21 (A) Retaliation. Retaliate against a person because he  
22 or she has opposed that which he or she reasonably and in  
23 good faith believes to be unlawful discrimination, sexual  
24 harassment in employment or sexual harassment in  
25 elementary, secondary, and higher education,

1 discrimination based on citizenship status in employment,  
2 ~~or~~ because he or she has made a charge, filed a complaint,  
3 testified, assisted, or participated in an investigation,  
4 proceeding, or hearing under this Act, or because he or she  
5 has requested, attempted to request, used, or attempted to  
6 use a reasonable accommodation as allowed by this Act;

7 (B) Aiding and Abetting; Coercion. Aid, abet, compel or  
8 coerce a person to commit any violation of this Act;

9 (C) Interference. Wilfully interfere with the  
10 performance of a duty or the exercise of a power by the  
11 Commission or one of its members or representatives or the  
12 Department or one of its officers or employees.

13 Definitions. For the purposes of this Section, "sexual  
14 harassment" and "citizenship status" shall have the same  
15 meaning as defined in Section 2-101 of this Act.

16 (Source: P.A. 96-1319, eff. 7-27-10; 97-333, eff. 8-12-11.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."