



Rep. Mary E. Flowers

Filed: 4/2/2014

09800HB0008ham003

LRB098 00001 HEP 58043 a

1 AMENDMENT TO HOUSE BILL 8

2 AMENDMENT NO. _____. Amend House Bill 8, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

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

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

1 more frequent bathroom breaks.

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

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

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

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

26 (7) Enabling pregnant workers to work through

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

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

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

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

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

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

20 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

23 (A) Freedom from Unlawful Discrimination. To secure for all

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

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

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

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

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

25 (F) Implementation of Constitutional Guarantees. To secure
26 and guarantee the rights established by Sections 17, 18 and 19

1 of Article I of the Illinois Constitution of 1970.

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

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

15 (Source: P.A. 95-668, eff. 10-10-07; 96-447, eff. 1-1-10;
16 96-1319, eff. 7-27-10.)

17 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

1 yet 40 years old.

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

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

9 (D) Civil Rights Violation. "Civil rights violation"
10 includes and shall be limited to only those specific acts set
11 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
12 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
13 6-101, and 6-102 of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

25 (J-1) Military Status. "Military status" means a person's
26 status on active duty in or status as a veteran of the armed

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

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

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

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

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

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

26 (N) Religion. "Religion" includes all aspects of religious

1 observance and practice, as well as belief, except that with
2 respect to employers, for the purposes of Article 2, "religion"
3 has the meaning ascribed to it in paragraph (F) of Section
4 2-101.

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

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

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

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

25 (Source: P.A. 96-328, eff. 8-11-09; 96-447, eff. 1-1-10;
26 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

1 within Illinois during 20 or more calendar weeks within
2 the calendar year of or preceding the alleged
3 violation;

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

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

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

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

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

26 (C) Employment Agency. "Employment Agency" includes both

1 public and private employment agencies and any person, labor
2 organization, or labor union having a hiring hall or hiring
3 office regularly undertaking, with or without compensation, to
4 procure opportunities to work, or to procure, recruit, refer or
5 place employees.

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

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

26 (F) Religion. "Religion" with respect to employers

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

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

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

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

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

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

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

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

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

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

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

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

17 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

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

20 (A) Employers. For any employer to refuse to hire, to
21 segregate, or to act with respect to recruitment, hiring,
22 promotion, renewal of employment, selection for training or
23 apprenticeship, discharge, discipline, tenure or terms,
24 privileges or conditions of employment on the basis of unlawful
25 discrimination or citizenship status.

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

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

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

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

1 conditions on the basis of unlawful discrimination or
2 citizenship status.

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

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

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

1 selection, referral for or conduct of apprenticeship or
2 training programs.

3 (G) Immigration-Related Practices.

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

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

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

1 ~~Section 3 of the Illinois Public Labor Relations Act.~~

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

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

20 (J) Pregnancy; reasonable accommodations.

21 (1) For an employer to not make reasonable
22 accommodations for any condition of a job applicant or
23 employee related to pregnancy or childbirth, if she so
24 requests, unless the employer can demonstrate that the
25 accommodation would impose an undue hardship on the
26 ordinary operation of the business of the employer. If the

1 employer requests a certificate from the employee's health
2 care provider concerning the need for the requested
3 reasonable accommodation or accommodations and the request
4 by the employer for documentation is job-related and
5 consistent with business necessity, the employer may
6 require only the medical justification for the requested
7 accommodation or accommodations, a description of the
8 reasonable accommodation or accommodations medically
9 advisable, the date the reasonable accommodation or
10 accommodations became medically advisable, and the
11 probable duration of the reasonable accommodation or
12 accommodations. Notwithstanding the provisions of this
13 paragraph, the employer may require a certificate by the
14 employee's health care provider to determine compliance
15 with other laws. The employer shall engage in a timely,
16 good faith, and meaningful exchange with the employee to
17 determine effective reasonable accommodations.

18 (2) For an employer to deny employment opportunities or
19 benefits to or take adverse action against an otherwise
20 qualified job applicant or employee, if the denial or
21 adverse action is based on the need of the employer to make
22 reasonable accommodations to the known conditions related
23 to the pregnancy or childbirth of the applicant or
24 employee.

25 (3) For an employer to require a job applicant or
26 employee affected by pregnancy, childbirth, or conditions

1 related to pregnancy or childbirth to accept an
2 accommodation that the applicant or employee chooses not to
3 accept.

4 (4) For an employer to require an employee to take
5 leave under any leave law or policy of the employer if
6 another reasonable accommodation can be provided to the
7 known conditions related to the pregnancy or childbirth of
8 an employee. No employer shall fail or refuse to reinstate
9 the employee affected by pregnancy or childbirth, or
10 conditions related to pregnancy or childbirth to her
11 original job or to an equivalent position with equivalent
12 pay and accumulated seniority, retirement, fringe
13 benefits, and other applicable service credits upon her
14 signifying her intent to return or when her need for
15 reasonable accommodation ceases, unless the employer can
16 demonstrate that the accommodation would impose an undue
17 hardship on the ordinary operation of the business of the
18 employer.

19 For the purposes of this subdivision (J), "reasonable
20 accommodations" means reasonable modifications or adjustments
21 to the job application process or work environment, or to the
22 manner or circumstances under which the position desired or
23 held is customarily performed, that enable an applicant or
24 employee affected by pregnancy, childbirth, or conditions
25 related to pregnancy or childbirth to be considered for the
26 position the applicant desires or to perform the essential

1 functions of that position, and may include, but is not limited
2 to: more frequent or longer bathroom breaks, breaks for
3 increased water intake, and breaks for periodic rest; private
4 non-bathroom space for expressing breast milk and
5 breastfeeding; seating; assistance with manual labor; light
6 duty; temporary transfer to a less strenuous or hazardous
7 position; the provision of an accessible worksite; acquisition
8 or modification of equipment; job restructuring; a part-time or
9 modified work schedule; appropriate adjustment or
10 modifications of examinations, training materials, or
11 policies; reassignment to a vacant position; time off to
12 recover from childbirth; and leave.

13 For the purposes of this subdivision (J), "undue hardship"
14 means an action that is prohibitively expensive or disruptive
15 when considered in light of the following factors: (i) the
16 nature and cost of the accommodation needed; (ii) the overall
17 financial resources of the facility or facilities involved in
18 the provision of the reasonable accommodation, the number of
19 persons employed at the facility, the effect on expenses and
20 resources, or the impact otherwise of the accommodation upon
21 the operation of the facility; (iii) the overall financial
22 resources of the employer, the overall size of the business of
23 the employer with respect to the number of its employees, and
24 the number, type, and location of its facilities; and (iv) the
25 type of operation or operations of the employer, including the
26 composition, structure, and functions of the workforce of the

1 employer, the geographic separateness, administrative, or
2 fiscal relationship of the facility or facilities in question
3 to the employer. The employer has the burden of proving undue
4 hardship. The fact that the employer provides or would be
5 required to provide a similar accommodation to similarly
6 situated employees creates a rebuttable presumption that the
7 accommodation does not impose an undue hardship on the
8 employer.

9 No employer is required by this subdivision (J) to create
10 additional employment that the employer would not otherwise
11 have created, unless the employer does so or would do so for
12 other classes of employees who need accommodation. The employer
13 is not required to discharge any employee, transfer any
14 employee with more seniority, or promote any employee who is
15 not qualified to perform the job, unless the employer does so
16 or would do so to accommodate other classes of employees who
17 need it.

18 (K) Notice.

19 (1) For an employer to fail to post or keep posted in a
20 conspicuous location on the premises of the employer where
21 notices to employees are customarily posted, or fail to
22 include in any employee handbook information concerning an
23 employee's rights under this Article, a notice, to be
24 prepared or approved by the Department, summarizing the
25 requirements of this Article and information pertaining to
26 the filing of a charge, including the right to be free from

1 unlawful discrimination and the right to certain
2 reasonable accommodations. The Department shall make the
3 documents required under this paragraph available for
4 retrieval from the Department's website.

5 (2) Upon notification of a violation of paragraph (1)
6 of this subdivision (K), the Department may launch a
7 preliminary investigation. If the Department finds a
8 violation, the Department may issue a notice to show cause
9 giving the employer 30 days to correct the violation. If
10 the violation is not corrected, the Department may initiate
11 a charge of a civil rights violation.

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

13 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

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

17 (A) Retaliation. Retaliate against a person because he
18 or she has opposed that which he or she reasonably and in
19 good faith believes to be unlawful discrimination, sexual
20 harassment in employment or sexual harassment in
21 elementary, secondary, and higher education,
22 discrimination based on citizenship status in employment,
23 ~~or~~ because he or she has made a charge, filed a complaint,
24 testified, assisted, or participated in an investigation,
25 proceeding, or hearing under this Act, or because he or she

1 has requested, attempted to request, used, or attempted to
2 use a reasonable accommodation as allowed by this Act;

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

5 (C) Interference. Wilfully interfere with the
6 performance of a duty or the exercise of a power by the
7 Commission or one of its members or representatives or the
8 Department or one of its officers or employees.

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."