



Sen. Toi W. Hutchinson

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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, childbirth, or  
12 conditions related to pregnancy or childbirth are often  
13 forced to take unpaid leave or are fired, despite the  
14 availability of reasonable accommodations that would allow  
15 them to continue to work. The most frequent accommodations  
16 involve limits on lifting, access to places to sit, and  
17 more frequent 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. Sadly,  
8 many employers refuse to provide reasonable accommodations  
9 or decline to extend workplace injury policies to pregnant  
10 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, childbirth, or conditions related to pregnancy  
9 or childbirth, and in 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 or childbirth.

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 medical or common conditions related to pregnancy or  
22 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 or common conditions  
11 related to pregnancy or childbirth. Women affected by  
12 pregnancy, childbirth, or ~~related~~ medical or common conditions  
13 related to pregnancy or childbirth shall be treated the same  
14 for all employment-related purposes, including receipt of  
15 benefits under fringe benefit programs, as other persons not so  
16 affected but similar in their ability or inability to work,  
17 regardless of the source of the inability to work or employment  
18 classification or status.

19 (J) Pregnancy; reasonable accommodations.

20 (1) If after a job applicant or employee, including a  
21 part-time, full-time, or probationary employee, requests a  
22 reasonable accommodation, for an employer to not make  
23 reasonable accommodations for any medical or common  
24 condition of a job applicant or employee related to  
25 pregnancy or childbirth, unless the employer can  
26 demonstrate that the accommodation would impose an undue

1 hardship on the ordinary operation of the business of the  
2 employer. The employer may request documentation from the  
3 employee's health care provider concerning the need for the  
4 requested reasonable accommodation or accommodations to  
5 the same extent documentation is requested for conditions  
6 related to disability if the employer's request for  
7 documentation is job-related and consistent with business  
8 necessity. The employer may require only the medical  
9 justification for the requested accommodation or  
10 accommodations, a description of the reasonable  
11 accommodation or accommodations medically advisable, the  
12 date the reasonable accommodation or accommodations became  
13 medically advisable, and the probable duration of the  
14 reasonable accommodation or accommodations. It is the duty  
15 of the individual seeking a reasonable accommodation or  
16 accommodations to submit to the employer any documentation  
17 that is requested in accordance with this paragraph.  
18 Notwithstanding the provisions of this paragraph, the  
19 employer may require documentation by the employee's  
20 health care provider to determine compliance with other  
21 laws. The employee and employer shall engage in a timely,  
22 good faith, and meaningful exchange to determine effective  
23 reasonable accommodations.

24 (2) For an employer to deny employment opportunities or  
25 benefits to or take adverse action against an otherwise  
26 qualified job applicant or employee, including a

1 part-time, full-time, or probationary employee, if the  
2 denial or adverse action is based on the need of the  
3 employer to make reasonable accommodations to the known  
4 medical or common conditions related to the pregnancy or  
5 childbirth of the applicant or employee.

6 (3) For an employer to require a job applicant or  
7 employee, including a part-time, full-time, or  
8 probationary employee, affected by pregnancy, childbirth,  
9 or medical or common conditions related to pregnancy or  
10 childbirth to accept an accommodation when the applicant or  
11 employee did not request an accommodation and the applicant  
12 or employee chooses not to accept the employer's  
13 accommodation.

14 (4) For an employer to require an employee, including a  
15 part-time, full-time, or probationary employee, to take  
16 leave under any leave law or policy of the employer if  
17 another reasonable accommodation can be provided to the  
18 known medical or common conditions related to the pregnancy  
19 or childbirth of an employee. No employer shall fail or  
20 refuse to reinstate the employee affected by pregnancy,  
21 childbirth, or medical or common conditions related to  
22 pregnancy or childbirth to her original job or to an  
23 equivalent position with equivalent pay and accumulated  
24 seniority, retirement, fringe benefits, and other  
25 applicable service credits upon her signifying her intent  
26 to return or when her need for reasonable accommodation

1 ceases, unless the employer can demonstrate that the  
2 accommodation would impose an undue hardship on the  
3 ordinary operation of the business of the employer.

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

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 the 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 similarly  
19 situated employees 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.

6 (1) For an employer to fail to post or keep posted in a  
7 conspicuous location on the premises of the employer where  
8 notices to employees are customarily posted, or fail to  
9 include in any employee handbook information concerning an  
10 employee's rights under this Article, a notice, to be  
11 prepared or approved by the Department, summarizing the  
12 requirements of this Article and information pertaining to  
13 the filing of a charge, including the right to be free from  
14 unlawful discrimination and the right to certain  
15 reasonable accommodations. The Department shall make the  
16 documents required under this paragraph available for  
17 retrieval from the Department's website.

18 (2) Upon notification of a violation of paragraph (1)  
19 of this subdivision (K), the Department may launch a  
20 preliminary investigation. If the Department finds a  
21 violation, the Department may issue a notice to show cause  
22 giving the employer 30 days to correct the violation. If  
23 the violation is not corrected, the Department may initiate  
24 a charge of a civil rights violation.

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

1 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

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

5 (A) Retaliation. Retaliate against a person because he  
6 or she has opposed that which he or she reasonably and in  
7 good faith believes to be unlawful discrimination, sexual  
8 harassment in employment or sexual harassment in  
9 elementary, secondary, and higher education,  
10 discrimination based on citizenship status in employment,  
11 ~~or~~ because he or she has made a charge, filed a complaint,  
12 testified, assisted, or participated in an investigation,  
13 proceeding, or hearing under this Act, or because he or she  
14 has requested, attempted to request, used, or attempted to  
15 use a reasonable accommodation as allowed by this Act;

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

18 (C) Interference. Wilfully interfere with the  
19 performance of a duty or the exercise of a power by the  
20 Commission or one of its members or representatives or the  
21 Department or one of its officers or employees.

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

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



1           Section 99. Effective date. This Act takes effect January  
2    1, 2015.".