



Rep. Maria Antonia Berrios

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09800HB4157ham001

LRB098 15710 HEP 57660 a

1 AMENDMENT TO HOUSE BILL 4157

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4157 by replacing  
3 everything after the enacting clause with the following:

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

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

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

9 (A) Employee.

10 (1) "Employee" includes:

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

13 (b) An apprentice;

14 (c) An applicant for any apprenticeship.

15 For purposes of subsection (D) of Section 2-102 of this  
16 Act, "employee" also includes an unpaid intern.

1 (2) "Employee" does not include:

2 (a) Domestic servants in private homes;

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

5 (c) Elected public officials or the members of  
6 their immediate personal staffs;

7 (d) Principal administrative officers of the State  
8 or of any political subdivision, municipal corporation  
9 or other governmental unit or agency;

10 (e) A person in a vocational rehabilitation  
11 facility certified under federal law who has been  
12 designated an evaluatee, trainee, or work activity  
13 client.

14 (B) Employer.

15 (1) "Employer" includes:

16 (a) Any person employing 15 or more employees  
17 within Illinois during 20 or more calendar weeks within  
18 the calendar year of or preceding the alleged  
19 violation;

20 (b) Any person employing one or more employees when  
21 a complainant alleges civil rights violation due to  
22 unlawful discrimination based upon his or her physical  
23 or mental disability unrelated to ability or sexual  
24 harassment;

25 (c) The State and any political subdivision,  
26 municipal corporation or other governmental unit or

1           agency, without regard to the number of employees;

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

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

6           (2) "Employer" does not include any religious  
7           corporation, association, educational institution,  
8           society, or non-profit nursing institution conducted by  
9           and for those who rely upon treatment by prayer through  
10          spiritual means in accordance with the tenets of a  
11          recognized church or religious denomination with respect  
12          to the employment of individuals of a particular religion  
13          to perform work connected with the carrying on by such  
14          corporation, association, educational institution, society  
15          or non-profit nursing institution of its activities.

16          (C) Employment Agency. "Employment Agency" includes both  
17          public and private employment agencies and any person, labor  
18          organization, or labor union having a hiring hall or hiring  
19          office regularly undertaking, with or without compensation, to  
20          procure opportunities to work, or to procure, recruit, refer or  
21          place employees.

22          (D) Labor Organization. "Labor Organization" includes any  
23          organization, labor union, craft union, or any voluntary  
24          unincorporated association designed to further the cause of the  
25          rights of union labor which is constituted for the purpose, in  
26          whole or in part, of collective bargaining or of dealing with

1 employers concerning grievances, terms or conditions of  
2 employment, or apprenticeships or applications for  
3 apprenticeships, or of other mutual aid or protection in  
4 connection with employment, including apprenticeships or  
5 applications for apprenticeships.

6 (E) Sexual Harassment. "Sexual harassment" means any  
7 unwelcome sexual advances or requests for sexual favors or any  
8 conduct of a sexual nature when (1) submission to such conduct  
9 is made either explicitly or implicitly a term or condition of  
10 an individual's employment, (2) submission to or rejection of  
11 such conduct by an individual is used as the basis for  
12 employment decisions affecting such individual, or (3) such  
13 conduct has the purpose or effect of substantially interfering  
14 with an individual's work performance or creating an  
15 intimidating, hostile or offensive working environment.

16 (F) Religion. "Religion" with respect to employers  
17 includes all aspects of religious observance and practice, as  
18 well as belief, unless an employer demonstrates that he is  
19 unable to reasonably accommodate an employee's or prospective  
20 employee's religious observance or practice without undue  
21 hardship on the conduct of the employer's business.

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

25 (H) Public Employee. "Public employee" means an employee of  
26 the State, agency or department thereof, unit of local

1 government, school district, instrumentality or political  
2 subdivision. "Public employee" does not include public  
3 officers or employees of the General Assembly or agencies  
4 thereof.

5 (I) Public Officer. "Public officer" means a person who is  
6 elected to office pursuant to the Constitution or a statute or  
7 ordinance, or who is appointed to an office which is  
8 established, and the qualifications and duties of which are  
9 prescribed, by the Constitution or a statute or ordinance, to  
10 discharge a public duty for the State, agency or department  
11 thereof, unit of local government, school district,  
12 instrumentality or political subdivision.

13 (J) Eligible Bidder. "Eligible bidder" means a person who,  
14 prior to a bid opening, has filed with the Department a  
15 properly completed, sworn and currently valid employer report  
16 form, pursuant to the Department's regulations. The provisions  
17 of this Article relating to eligible bidders apply only to bids  
18 on contracts with the State and its departments, agencies,  
19 boards, and commissions, and the provisions do not apply to  
20 bids on contracts with units of local government or school  
21 districts.

22 (K) Citizenship Status. "Citizenship status" means the  
23 status of being:

- 24 (1) a born U.S. citizen;  
25 (2) a naturalized U.S. citizen;  
26 (3) a U.S. national; or

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

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