



Rep. Stephanie A. Kifowit

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LRB100 07046 KTG 25222 a

1 AMENDMENT TO HOUSE BILL 647

2 AMENDMENT NO. _____. Amend House Bill 647 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Victims' Economic Security and Safety Act
5 is amended by changing Section 30 as follows:

6 (820 ILCS 180/30)

7 Sec. 30. Victims' employment sustainability; prohibited
8 discriminatory acts.

9 (a) An employer shall not fail to hire, refuse to hire,
10 discharge, constructively discharge, or harass any individual,
11 otherwise discriminate against any individual with respect to
12 the compensation, terms, conditions, or privileges of
13 employment of the individual, or retaliate against an
14 individual in any form or manner, and a public agency shall not
15 deny, reduce, or terminate the benefits of, otherwise sanction,
16 or harass any individual, otherwise discriminate against any

1 individual with respect to the amount, terms, or conditions of
2 public assistance of the individual, or retaliate against an
3 individual in any form or manner, because:

4 (1) the individual involved:

5 (A) is or is perceived to be a victim of domestic
6 or sexual violence;

7 (B) attended, participated in, prepared for, or
8 requested leave to attend, participate in, or prepare
9 for a criminal or civil court proceeding relating to an
10 incident of domestic or sexual violence of which the
11 individual or a family or household member of the
12 individual was a victim, or requested or took leave for
13 any other reason provided under Section 20;

14 (C) requested an adjustment to a job structure,
15 workplace facility, or work requirement, including a
16 transfer, reassignment, or modified schedule, leave, a
17 changed telephone number, email address, or seating
18 assignment, screening of his or her telephone calls,
19 installation of a lock, or implementation of a safety
20 procedure in response to actual or threatened domestic
21 or sexual violence, regardless of whether the request
22 was granted; or

23 (D) is an employee whose employer is subject to
24 Section 21 of the Workplace Violence Prevention Act; or

25 (2) the workplace is disrupted or threatened by the
26 action of a person whom the individual states has committed

1 or threatened to commit domestic or sexual violence against
2 the individual or the individual's family or household
3 member.

4 (b) In this Section:

5 (1) "Discriminate", used with respect to the terms,
6 conditions, or privileges of employment or with respect to
7 the terms or conditions of public assistance, includes not
8 making a reasonable accommodation to the known limitations
9 resulting from circumstances relating to being a victim of
10 domestic or sexual violence or a family or household member
11 being a victim of domestic or sexual violence of an
12 otherwise qualified individual:

13 (A) who is:

14 (i) an applicant or employee of the employer
15 (including a public agency); or

16 (ii) an applicant for or recipient of public
17 assistance from a public agency; and

18 (B) who is:

19 (i) a victim of domestic or sexual violence; or

20 (ii) with a family or household member who is a
21 victim of domestic or sexual violence whose
22 interests are not adverse to the individual in
23 subparagraph (A) as it relates to the domestic or
24 sexual violence;

25 unless the employer or public agency can demonstrate that
26 the accommodation would impose an undue hardship on the

1 operation of the employer or public agency.

2 A reasonable accommodation must be made in a timely
3 fashion. An employee may provide any information that would
4 be helpful to the employer in determining the
5 accommodations, including information from an order of
6 protection entered under Article 112A of the Code of
7 Criminal Procedure of 1963, the Illinois Domestic Violence
8 Act of 1986, or the Workplace Violence Prevention Act. Any
9 information provided for this purpose is subject to the
10 confidentiality requirement of subsection (d) of Section
11 20. Any exigent circumstances or danger facing the employee
12 or his or her family or household member shall be
13 considered in determining whether the accommodation is
14 reasonable.

15 (2) "Qualified individual" means:

16 (A) in the case of an applicant or employee
17 described in paragraph (1) (A) (i), an individual who,
18 but for being a victim of domestic or sexual violence
19 or with a family or household member who is a victim of
20 domestic or sexual violence, can perform the essential
21 functions of the employment position that such
22 individual holds or desires; or

23 (B) in the case of an applicant or recipient
24 described in paragraph (1) (A) (ii), an individual who,
25 but for being a victim of domestic or sexual violence
26 or with a family or household member who is a victim of

1 domestic or sexual violence, can satisfy the essential
2 requirements of the program providing the public
3 assistance that the individual receives or desires.

4 (3) "Reasonable accommodation" may include an
5 adjustment to a job structure, workplace facility, or work
6 requirement, including a transfer, reassignment, or
7 modified schedule, leave, a changed telephone number,
8 email address, or seating assignment, screening of his or
9 her telephone calls, installation of a lock, or
10 implementation of a safety procedure, or assistance in
11 documenting domestic or sexual violence that occurs at the
12 workplace or in work-related settings, in response to
13 actual or threatened domestic or sexual violence.

14 (4) Undue hardship.

15 (A) In general. "Undue hardship" means an action
16 that (i) conflicts with the employer's attendance
17 policy or residency requirement or (ii) requires
18 ~~requiring~~ significant difficulty or expense, when
19 considered in light of the factors set forth in
20 subparagraph (B).

21 (B) Factors to be considered. In determining
22 whether a reasonable accommodation would impose an
23 undue hardship on the operation of an employer or
24 public agency, factors to be considered include:

25 (i) the nature and cost of the reasonable
26 accommodation needed under this Section;

1 (ii) the overall financial resources of the
2 facility involved in the provision of the
3 reasonable accommodation, the number of persons
4 employed at such facility, the effect on expenses
5 and resources, or the impact otherwise of such
6 accommodation on the operation of the facility;

7 (iii) the overall financial resources of the
8 employer or public agency, the overall size of the
9 business of an employer or public agency with
10 respect to the number of employees of the employer
11 or public agency, and the number, type, and
12 location of the facilities of an employer or public
13 agency; and

14 (iv) the type of operation of the employer or
15 public agency, including the composition,
16 structure, and functions of the workforce of the
17 employer or public agency, the geographic
18 separateness of the facility from the employer or
19 public agency, and the administrative or fiscal
20 relationship of the facility to the employer or
21 public agency.

22 (c) An employer subject to Section 21 of the Workplace
23 Violence Prevention Act shall not violate any provisions of the
24 Workplace Violence Prevention Act.

25 (Source: P.A. 98-766, eff. 7-16-14; 99-78, eff. 7-20-15.)".