



Rep. Will Guzzardi

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10000HB3062ham001

LRB100 06952 JLS 24226 a

1 AMENDMENT TO HOUSE BILL 3062

2 AMENDMENT NO. _____. Amend House Bill 3062 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. An unpaid

1 intern is a person who performs work for an employer under
2 the following circumstances:

3 (i) the employer is not committed to hiring the
4 person performing the work at the conclusion of the
5 intern's tenure;

6 (ii) the employer and the person performing the
7 work agree that the person is not entitled to wages for
8 the work performed; and

9 (iii) the work performed:

10 (I) supplements training given in an
11 educational environment that may enhance the
12 employability of the intern;

13 (II) provides experience for the benefit of
14 the person performing the work;

15 (III) does not displace regular employees;

16 (IV) is performed under the close supervision
17 of existing staff; and

18 (V) provides no immediate advantage to the
19 employer providing the training and may
20 occasionally impede the operations of the
21 employer.

22 (2) "Employee" does not include:

23 (a) (Blank);

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

26 (c) Elected public officials or the members of

1 their immediate personal staffs;

2 (d) Principal administrative officers of the State
3 or of any political subdivision, municipal corporation
4 or other governmental unit or agency;

5 (e) A person in a vocational rehabilitation
6 facility certified under federal law who has been
7 designated an evaluatee, trainee, or work activity
8 client.

9 (B) Employer.

10 (1) "Employer" includes:

11 (a) Any person employing one ~~15~~ or more employees
12 within Illinois ~~during 20 or more calendar weeks within~~
13 ~~the calendar year of or preceding the alleged~~
14 ~~violation;~~

15 (b) (Blank); ~~Any person employing one or more~~
16 ~~employees when a complainant alleges civil rights~~
17 ~~violation due to unlawful discrimination based upon~~
18 ~~his or her physical or mental disability unrelated to~~
19 ~~ability, pregnancy, or sexual harassment;~~

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

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

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

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

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

17 (D) Labor Organization. "Labor Organization" includes any
18 organization, labor union, craft union, or any voluntary
19 unincorporated association designed to further the cause of the
20 rights of union labor which is constituted for the purpose, in
21 whole or in part, of collective bargaining or of dealing with
22 employers concerning grievances, terms or conditions of
23 employment, or apprenticeships or applications for
24 apprenticeships, or of other mutual aid or protection in
25 connection with employment, including apprenticeships or
26 applications for apprenticeships.

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

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

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

20 (H) Public Employee. "Public employee" means an employee of
21 the State, agency or department thereof, unit of local
22 government, school district, instrumentality or political
23 subdivision. "Public employee" does not include public
24 officers or employees of the General Assembly or agencies
25 thereof.

26 (I) Public Officer. "Public officer" means a person who is

1 elected to office pursuant to the Constitution or a statute or
2 ordinance, or who is appointed to an office which is
3 established, and the qualifications and duties of which are
4 prescribed, by the Constitution or a statute or ordinance, to
5 discharge a public duty for the State, agency or department
6 thereof, unit of local government, school district,
7 instrumentality or political subdivision.

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

17 (K) Citizenship Status. "Citizenship status" means the
18 status of being:

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

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

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

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

1 (Source: P.A. 98-1037, eff. 1-1-15; 98-1050, eff. 1-1-15;
2 99-78, eff. 7-20-15; 99-758, eff. 1-1-17.)".