



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4148

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

See Index

Contains a statement of legislative findings. Amends the Illinois Human Rights Act and the State Officials and Employees Ethics Act. Provides that the Department of Human Rights shall, no later than 6 months after the effective date of the amendatory Act, establish and maintain a sexual harassment in the workplace hotline with a toll-free telephone with voicemail capabilities and an Internet website through which persons may report instances of sexual harassment. Provides that the Department shall help persons who access the hotline find counseling and protective services, and assist in the filing of sexual harassment complaints through appropriate agencies. Provides that the Department shall advertise the hotline and encourage reporting by both those who are subject to sexual harassment and those who have witnessed it. Provides that the hotline shall provide the means through which persons may anonymously report sexual harassment in both private and public places of employment. Provides that in the case of sexual harassment by a person subject to the Executive Ethics Commission and Executive Inspectors General or the Legislative Ethics Commission and Legislative Inspector General Article of the State Officials and Employees Ethics Act, the Department shall, with the permission of the reporting individual, report the allegations to the Executive Inspector General or Legislative Inspector General for further investigation. Provides that the Executive Inspector General and Legislative Inspector General have the duty to investigate allegations of sexual harassment pertaining to State officials and employees, and to advertise the sexual harassment hotline on the website of the inspector general. Effective immediately.

LRB100 15480 HEP 30537 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning sexual harassment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Legislative statement. The General Assembly
5 finds and declares the following:

6 (1) As disturbing reports of sexual harassment in State
7 government have come to light, the General Assembly must
8 take steps to end this behavior for all Illinois residents.

9 (2) Many employees in this State do not have a human
10 resources department to help them when sexual harassment
11 occurs in the workplace.

12 (3) A toll-free telephone number and website through
13 which complaints may be filed will provide persons
14 subjected to sexual harassment the tools necessary to
15 safely and proactively report instances of sexual
16 harassment in the workplace.

17 (4) A sexual harassment hotline will give everyone
18 across the State access to resources when they are needed
19 the most. Witnesses of sexual harassment are encouraged to
20 file reports, in order to help bring sexual harassment to
21 light and prevent future incidents.

22 (5) By making it easier and safer for persons to report
23 sexual harassment behavior, the General Assembly seeks to
24 protect persons who report sexual harassment from

1 retribution, while empowering them to stand strong against
2 perpetrators.

3 Section 5. The State Officials and Employees Ethics Act is
4 amended by changing Sections 20-20 and 25-20 as follows:

5 (5 ILCS 430/20-20)

6 Sec. 20-20. Duties of the Executive Inspectors General. In
7 addition to duties otherwise assigned by law, each Executive
8 Inspector General shall have the following duties:

9 (1) To receive and investigate allegations of
10 violations of this Act. An investigation may not be
11 initiated more than one year after the most recent act of
12 the alleged violation or of a series of alleged violations
13 except where there is reasonable cause to believe that
14 fraudulent concealment has occurred. To constitute
15 fraudulent concealment sufficient to toll this limitations
16 period, there must be an affirmative act or representation
17 calculated to prevent discovery of the fact that a
18 violation has occurred. The Executive Inspector General
19 shall have the discretion to determine the appropriate
20 means of investigation as permitted by law.

21 (2) To request information relating to an
22 investigation from any person when the Executive Inspector
23 General deems that information necessary in conducting an
24 investigation.

1 (3) To issue subpoenas to compel the attendance of
2 witnesses for the purposes of testimony and production of
3 documents and other items for inspection and copying and to
4 make service of those subpoenas and subpoenas issued under
5 item (7) of Section 20-15.

6 (4) To submit reports as required by this Act.

7 (5) To file pleadings in the name of the Executive
8 Inspector General with the Executive Ethics Commission,
9 through the Attorney General, as provided in this Article
10 if the Attorney General finds that reasonable cause exists
11 to believe that a violation has occurred.

12 (6) To assist and coordinate the ethics officers for
13 State agencies under the jurisdiction of the Executive
14 Inspector General and to work with those ethics officers.

15 (7) To participate in or conduct, when appropriate,
16 multi-jurisdictional investigations.

17 (8) To request, as the Executive Inspector General
18 deems appropriate, from ethics officers of State agencies
19 under his or her jurisdiction, reports or information on
20 (i) the content of a State agency's ethics training program
21 and (ii) the percentage of new officers and employees who
22 have completed ethics training.

23 (9) To review hiring and employment files of each State
24 agency within the Executive Inspector General's
25 jurisdiction to ensure compliance with *Rutan v. Republican*
26 *Party of Illinois*, 497 U.S. 62 (1990), and with all

1 applicable employment laws.

2 (10) To establish a policy that ensures the appropriate
3 handling and correct recording of all investigations
4 conducted by the Office, and to ensure that the policy is
5 accessible via the Internet in order that those seeking to
6 report those allegations are familiar with the process and
7 that the subjects of those allegations are treated fairly.

8 (11) To advertise on its website the sexual harassment
9 hotline created under Section 2-107 of the Illinois Human
10 Rights Act.

11 (12) To investigate allegations of sexual harassment
12 referred to the Executive Inspector General by the
13 Department of Human Rights under Section 2-107 of the
14 Illinois Human Rights Act.

15 (Source: P.A. 96-555, eff. 8-18-09.)

16 (5 ILCS 430/25-20)

17 Sec. 25-20. Duties of the Legislative Inspector General. In
18 addition to duties otherwise assigned by law, the Legislative
19 Inspector General shall have the following duties:

20 (1) To receive and investigate allegations of
21 violations of this Act. An investigation may not be
22 initiated more than one year after the most recent act of
23 the alleged violation or of a series of alleged violations
24 except where there is reasonable cause to believe that
25 fraudulent concealment has occurred. To constitute

1 fraudulent concealment sufficient to toll this limitations
2 period, there must be an affirmative act or representation
3 calculated to prevent discovery of the fact that a
4 violation has occurred. The Legislative Inspector General
5 shall have the discretion to determine the appropriate
6 means of investigation as permitted by law.

7 (2) To request information relating to an
8 investigation from any person when the Legislative
9 Inspector General deems that information necessary in
10 conducting an investigation.

11 (3) To issue subpoenas, with the advance approval of
12 the Commission, to compel the attendance of witnesses for
13 the purposes of testimony and production of documents and
14 other items for inspection and copying and to make service
15 of those subpoenas and subpoenas issued under item (7) of
16 Section 25-15.

17 (4) To submit reports as required by this Act.

18 (5) To file pleadings in the name of the Legislative
19 Inspector General with the Legislative Ethics Commission,
20 through the Attorney General, as provided in this Article
21 if the Attorney General finds that reasonable cause exists
22 to believe that a violation has occurred.

23 (6) To assist and coordinate the ethics officers for
24 State agencies under the jurisdiction of the Legislative
25 Inspector General and to work with those ethics officers.

26 (7) To participate in or conduct, when appropriate,

1 multi-jurisdictional investigations.

2 (8) To request, as the Legislative Inspector General
3 deems appropriate, from ethics officers of State agencies
4 under his or her jurisdiction, reports or information on
5 (i) the content of a State agency's ethics training program
6 and (ii) the percentage of new officers and employees who
7 have completed ethics training.

8 (9) To establish a policy that ensures the appropriate
9 handling and correct recording of all investigations of
10 allegations and to ensure that the policy is accessible via
11 the Internet in order that those seeking to report those
12 allegations are familiar with the process and that the
13 subjects of those allegations are treated fairly.

14 (10) To advertise on its website the sexual harassment
15 hotline created under Section 2-107 of the Illinois Human
16 Rights Act.

17 (11) To investigate allegations of sexual harassment
18 referred to the Legislative Inspector General by the
19 Department of Human Rights under Section 2-107 of the
20 Illinois Human Rights Act.

21 (Source: P.A. 96-555, eff. 8-18-09.)

22 Section 10. The Illinois Human Rights Act is amended by
23 adding Section 2-107 as follows:

24 (775 ILCS 5/2-107 new)

1 Sec. 2-107. Sexual harassment in the workplace hotline.

2 (a) The Department shall, no later than 6 months after the
3 effective date of this amendatory Act of the 100th General
4 Assembly, establish and maintain a sexual harassment in the
5 workplace hotline. The Department shall help persons who access
6 the hotline find counseling and protective services and assist
7 in the filing of sexual harassment complaints through
8 appropriate agencies. The Department shall advertise the
9 hotline and encourage reporting by both those who are subject
10 to sexual harassment and those who have witnessed it.

11 As used in this Section, "hotline" means a toll-free
12 telephone with voicemail capabilities and Internet website
13 through which persons may report instances of sexual
14 harassment.

15 (b) The hotline shall provide the means through which
16 persons may anonymously report sexual harassment in both
17 private and public places of employment. In the case of a
18 report of sexual harassment by a person subject to Article 20
19 or 25 of the State Officials and Employees Ethics Act, the
20 Department shall, with the permission of the reporting
21 individual, report the allegations to the Executive Inspector
22 General or Legislative Inspector General for further
23 investigation.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 430/20-20

4 5 ILCS 430/25-20

5 775 ILCS 5/2-107 new