

1 AN ACT concerning employment.

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

4 Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Workplace Transparency Act. References in this Article to "this
7 Act" mean this Article.

8 Section 1-5. Purpose. This State has a compelling and
9 substantial interest in securing individuals' freedom from
10 unlawful discrimination and harassment in the workplace. This
11 State also recognizes the right of parties to freely contract
12 over the terms, privileges and conditions of employment as they
13 so choose. The purpose of this Act is to ensure that all
14 parties to a contract for the performance of services
15 understand and agree to the mutual promises and consideration
16 therein, and to protect the interest of this State in ensuring
17 all workplaces are free of unlawful discrimination and
18 harassment.

19 Section 1-10. Application.

20 (a) This Act does not apply to any contracts that are
21 entered into in and subject to the Illinois Public Labor

1 Relations Act or the National Labor Relations Act. If there is
2 a conflict between any valid and enforceable collective
3 bargaining agreement and this Act, the collective bargaining
4 agreement controls.

5 (b) This Act shall have no effect on the determination of
6 whether an employment relationship exists for the purposes of
7 other State or federal laws, including, but not limited to, the
8 Illinois Human Rights Act, the Workers' Compensation Act, the
9 Unemployment Insurance Act, and the Illinois Wage Payment and
10 Collection Act.

11 (c) This Act applies to contracts entered into, modified,
12 or extended on or after the effective date of this Act.

13 Section 1-15. Definitions. As used in this Act:

14 "Employee" has the same meaning as set forth in Section
15 2-101 of the Illinois Human Rights Act. "Employee" includes
16 "nonemployees" as defined in Section 2-102 of the Illinois
17 Human Rights Act.

18 "Employer" has the same meaning as set forth in Section
19 2-101 of the Illinois Human Rights Act.

20 "Mutual condition of employment or continued employment"
21 means any contract, agreement, clause, covenant, or waiver
22 negotiated between an employer and an employee or prospective
23 employee in good faith for consideration in order to obtain or
24 retain employment.

25 "Prospective employee" means a person seeking to enter an

1 employment contract with an employer.

2 "Settlement agreement" means an agreement, contract, or
3 clause within an agreement or contract entered into between an
4 employee, prospective employee, or former employee and an
5 employer to resolve a dispute or legal claim between the
6 parties that arose or accrued before the settlement agreement
7 was executed.

8 "Termination agreement" means a contract or agreement
9 between an employee and an employer terminating the employment
10 relationship.

11 "Unlawful employment practice" means any form of unlawful
12 discrimination, harassment, or retaliation that is actionable
13 under Article 2 of the Illinois Human Rights Act, Title VII of
14 the Civil Rights Act of 1964, or any other related State or
15 federal rule or law that is enforced by the Illinois Department
16 of Human Rights or the Equal Employment Opportunity Commission.

17 "Unilateral condition of employment or continued
18 employment" means any contract, agreement, clause, covenant,
19 or waiver an employer requires an employee or prospective
20 employee to accept as a non-negotiable material term in order
21 to obtain or retain employment.

22 Section 1-20. Reporting of allegations. No contract,
23 agreement, clause, covenant, waiver, or other document shall
24 prohibit, prevent, or otherwise restrict an employee,
25 prospective employee, or former employee from reporting any

1 allegations of unlawful conduct to federal, State, or local
2 officials for investigation, including, but not limited to,
3 alleged criminal conduct or unlawful employment practices.

4 Section 1-25. Conditions of employment or continued
5 employment.

6 (a) Any agreement, clause, covenant, or waiver that is a
7 unilateral condition of employment or continued employment and
8 has the purpose or effect of preventing an employee or
9 prospective employee from making truthful statements or
10 disclosures about alleged unlawful employment practices is
11 against public policy, void to the extent it prevents such
12 statements or disclosures, and severable from an otherwise
13 valid and enforceable contract under this Act.

14 (b) Any agreement, clause, covenant, or waiver that is a
15 unilateral condition of employment or continued employment and
16 requires the employee or prospective employee to waive,
17 arbitrate, or otherwise diminish any existing or future claim,
18 right, or benefit related to an unlawful employment practice to
19 which the employee or prospective employee would otherwise be
20 entitled under any provision of State or federal law, is
21 against public policy, void to the extent it denies an employee
22 or prospective employee a substantive or procedural right or
23 remedy related to alleged unlawful employment practices, and
24 severable from an otherwise valid and enforceable contract
25 under this Act.

1 (c) Any agreement, clause, covenant, or waiver that is a
2 mutual condition of employment or continued employment may
3 include provisions that would otherwise be against public
4 policy as a unilateral condition of employment or continued
5 employment, but only if the agreement, clause, covenant, or
6 waiver is in writing, demonstrates actual, knowing, and
7 bargained-for consideration from both parties, and
8 acknowledges the right of the employee or prospective employee
9 to:

10 (1) report any good faith allegation of unlawful
11 employment practices to any appropriate federal, State, or
12 local government agency enforcing discrimination laws;

13 (2) report any good faith allegation of criminal
14 conduct to any appropriate federal, State, or local
15 official;

16 (3) participate in a proceeding with any appropriate
17 federal, State, or local government agency enforcing
18 discrimination laws;

19 (4) make any truthful statements or disclosures
20 required by law, regulation, or legal process; and

21 (5) request or receive confidential legal advice.

22 (d) Failure to comply with the provisions of subsection (c)
23 shall establish a rebuttable presumption that the agreement,
24 clause, covenant, or waiver is a unilateral condition of
25 employment or continued employment that is governed by
26 subsections (a) or (b).

1 (e) Nothing in this Section shall be construed to prevent
2 an employee or prospective employee and an employer from
3 negotiating and bargaining over the terms, privileges, and
4 conditions of employment.

5 Section 1-30. Settlement or termination agreements.

6 (a) An employee, prospective employee, or former employee
7 and an employer may enter into a valid and enforceable
8 settlement or termination agreement that includes promises of
9 confidentiality related to alleged unlawful employment
10 practices, so long as:

11 (1) confidentiality is the documented preference of
12 the employee, prospective employee, or former employee and
13 is mutually beneficial to both parties;

14 (2) the employer notifies the employee, prospective
15 employee, or former employee, in writing, of his or her
16 right to have an attorney or representative of his or her
17 choice review the settlement or termination agreement
18 before it is executed;

19 (3) there is valid, bargained for consideration in
20 exchange for the confidentiality;

21 (4) the settlement or termination agreement does not
22 waive any claims of unlawful employment practices that
23 accrue after the date of execution of the settlement or
24 termination agreement;

25 (5) the settlement or termination agreement is

1 provided, in writing, to the parties to the prospective
2 agreement and the employee, prospective employee, or
3 former employee is given a period of 21 calendar days to
4 consider the agreement before execution, during which the
5 employee, prospective employee, or former employee may
6 sign the agreement at any time, knowingly and voluntarily
7 waiving any further time for consideration; and

8 (6) unless knowingly and voluntarily waived by the
9 employee, prospective employee, or former employee, he or
10 she has 7 calendar days following the execution of the
11 agreement to revoke the agreement and the agreement is not
12 effective or enforceable until the revocation period has
13 expired.

14 (b) An employer may not unilaterally include any clause in
15 a settlement or termination agreement that prohibits the
16 employee, prospective employee, or former employee from making
17 truthful statements or disclosures regarding unlawful
18 employment practices.

19 (c) Failure to comply with the provisions of this Section
20 shall render any promise of confidentiality related to alleged
21 unlawful employment practices against public policy void and
22 severable from an otherwise valid and enforceable agreement.

23 (d) Nothing in this Section shall be construed to prevent a
24 mutually agreed upon settlement or termination agreement from
25 waiving or releasing the employee, prospective employee, or
26 former employee's right to seek or obtain any remedies relating

1 to an unlawful employment practice claim that occurred before
2 the date on which the agreement is executed.

3 Section 1-35. Costs and attorney's fees. An employee,
4 prospective employee, or former employee shall be entitled to
5 reasonable attorney's fees and costs incurred in challenging a
6 contract for violation of this Act upon a final, non-appealable
7 action in favor of the employee, prospective employee, or
8 former employee on the question of the validity and
9 enforceability of the contract.

10 Section 1-40. Right to testify. Notwithstanding any other
11 law to the contrary, any agreement, clause, covenant, or
12 waiver, settlement agreement, or termination agreement that
13 waives the right of an employee, prospective employee, or
14 former employee to testify in an administrative, legislative,
15 or judicial proceeding concerning alleged criminal conduct or
16 alleged unlawful employment practices on the part of the other
17 party to the employment contract, settlement agreement, or
18 termination agreement, or on the part of the party's agents or
19 employees, when the employee, prospective employee, or former
20 employee has been required or requested to attend the
21 proceeding pursuant to a court order, subpoena, or written
22 request from an administrative agency or the legislature, is
23 void and unenforceable under the public policy of this State.
24 This Section is declarative of existing law.

1 Section 1-45. Limitations. This Act shall not be construed
2 to limit an employer's ability to require the following to
3 maintain confidentiality of allegations of unlawful employment
4 practices made by others:

5 (1) employees who receive complaints or investigate
6 allegations related to unlawful employment practices as
7 part of their assigned job duties, or otherwise have access
8 to confidential personnel information as a part of their
9 assigned job duties;

10 (2) an employee or third party who is notified and
11 requested to participate in an open and ongoing
12 investigation into alleged unlawful employment practices
13 and requested to maintain reasonable confidentiality
14 during the pendency of that investigation and thereafter;

15 (3) an employee or any third party who receives
16 attorney work product or attorney-client privileged
17 communications as part of any dispute, controversy, or
18 legal claim involving an unlawful employment practice;

19 (4) any individual who by law is subject to a
20 recognized legal or evidentiary privilege; or

21 (5) any third party engaged or hired by the employer to
22 investigate complaints of an unlawful employment practice.

23 Section 1-50. Severability. The provisions of this Act are
24 severable under Section 1.31 of the Statute on Statutes.

1 Article 2.

2 Section 2-5. The Freedom of Information Act is amended by
3 changing Section 7.5 as follows:

4 (5 ILCS 140/7.5)

5 Sec. 7.5. Statutory exemptions. To the extent provided for
6 by the statutes referenced below, the following shall be exempt
7 from inspection and copying:

8 (a) All information determined to be confidential
9 under Section 4002 of the Technology Advancement and
10 Development Act.

11 (b) Library circulation and order records identifying
12 library users with specific materials under the Library
13 Records Confidentiality Act.

14 (c) Applications, related documents, and medical
15 records received by the Experimental Organ Transplantation
16 Procedures Board and any and all documents or other records
17 prepared by the Experimental Organ Transplantation
18 Procedures Board or its staff relating to applications it
19 has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating
22 to known or suspected cases of sexually transmissible
23 disease or any information the disclosure of which is

1 restricted under the Illinois Sexually Transmissible
2 Disease Control Act.

3 (e) Information the disclosure of which is exempted
4 under Section 30 of the Radon Industry Licensing Act.

5 (f) Firm performance evaluations under Section 55 of
6 the Architectural, Engineering, and Land Surveying
7 Qualifications Based Selection Act.

8 (g) Information the disclosure of which is restricted
9 and exempted under Section 50 of the Illinois Prepaid
10 Tuition Act.

11 (h) Information the disclosure of which is exempted
12 under the State Officials and Employees Ethics Act, and
13 records of any lawfully created State or local inspector
14 general's office that would be exempt if created or
15 obtained by an Executive Inspector General's office under
16 that Act.

17 (i) Information contained in a local emergency energy
18 plan submitted to a municipality in accordance with a local
19 emergency energy plan ordinance that is adopted under
20 Section 11-21.5-5 of the Illinois Municipal Code.

21 (j) Information and data concerning the distribution
22 of surcharge moneys collected and remitted by carriers
23 under the Emergency Telephone System Act.

24 (k) Law enforcement officer identification information
25 or driver identification information compiled by a law
26 enforcement agency or the Department of Transportation

1 under Section 11-212 of the Illinois Vehicle Code.

2 (l) Records and information provided to a residential
3 health care facility resident sexual assault and death
4 review team or the Executive Council under the Abuse
5 Prevention Review Team Act.

6 (m) Information provided to the predatory lending
7 database created pursuant to Article 3 of the Residential
8 Real Property Disclosure Act, except to the extent
9 authorized under that Article.

10 (n) Defense budgets and petitions for certification of
11 compensation and expenses for court appointed trial
12 counsel as provided under Sections 10 and 15 of the Capital
13 Crimes Litigation Act. This subsection (n) shall apply
14 until the conclusion of the trial of the case, even if the
15 prosecution chooses not to pursue the death penalty prior
16 to trial or sentencing.

17 (o) Information that is prohibited from being
18 disclosed under Section 4 of the Illinois Health and
19 Hazardous Substances Registry Act.

20 (p) Security portions of system safety program plans,
21 investigation reports, surveys, schedules, lists, data, or
22 information compiled, collected, or prepared by or for the
23 Regional Transportation Authority under Section 2.11 of
24 the Regional Transportation Authority Act or the St. Clair
25 County Transit District under the Bi-State Transit Safety
26 Act.

1 (q) Information prohibited from being disclosed by the
2 Personnel Record ~~Records~~ Review Act.

3 (r) Information prohibited from being disclosed by the
4 Illinois School Student Records Act.

5 (s) Information the disclosure of which is restricted
6 under Section 5-108 of the Public Utilities Act.

7 (t) All identified or deidentified health information
8 in the form of health data or medical records contained in,
9 stored in, submitted to, transferred by, or released from
10 the Illinois Health Information Exchange, and identified
11 or deidentified health information in the form of health
12 data and medical records of the Illinois Health Information
13 Exchange in the possession of the Illinois Health
14 Information Exchange Authority due to its administration
15 of the Illinois Health Information Exchange. The terms
16 "identified" and "deidentified" shall be given the same
17 meaning as in the Health Insurance Portability and
18 Accountability Act of 1996, Public Law 104-191, or any
19 subsequent amendments thereto, and any regulations
20 promulgated thereunder.

21 (u) Records and information provided to an independent
22 team of experts under the Developmental Disability and
23 Mental Health Safety Act (also known as Brian's Law).

24 (v) Names and information of people who have applied
25 for or received Firearm Owner's Identification Cards under
26 the Firearm Owners Identification Card Act or applied for

1 or received a concealed carry license under the Firearm
2 Concealed Carry Act, unless otherwise authorized by the
3 Firearm Concealed Carry Act; and databases under the
4 Firearm Concealed Carry Act, records of the Concealed Carry
5 Licensing Review Board under the Firearm Concealed Carry
6 Act, and law enforcement agency objections under the
7 Firearm Concealed Carry Act.

8 (w) Personally identifiable information which is
9 exempted from disclosure under subsection (g) of Section
10 19.1 of the Toll Highway Act.

11 (x) Information which is exempted from disclosure
12 under Section 5-1014.3 of the Counties Code or Section
13 8-11-21 of the Illinois Municipal Code.

14 (y) Confidential information under the Adult
15 Protective Services Act and its predecessor enabling
16 statute, the Elder Abuse and Neglect Act, including
17 information about the identity and administrative finding
18 against any caregiver of a verified and substantiated
19 decision of abuse, neglect, or financial exploitation of an
20 eligible adult maintained in the Registry established
21 under Section 7.5 of the Adult Protective Services Act.

22 (z) Records and information provided to a fatality
23 review team or the Illinois Fatality Review Team Advisory
24 Council under Section 15 of the Adult Protective Services
25 Act.

26 (aa) Information which is exempted from disclosure

1 under Section 2.37 of the Wildlife Code.

2 (bb) Information which is or was prohibited from
3 disclosure by the Juvenile Court Act of 1987.

4 (cc) Recordings made under the Law Enforcement
5 Officer-Worn Body Camera Act, except to the extent
6 authorized under that Act.

7 (dd) Information that is prohibited from being
8 disclosed under Section 45 of the Condominium and Common
9 Interest Community Ombudsperson Act.

10 (ee) Information that is exempted from disclosure
11 under Section 30.1 of the Pharmacy Practice Act.

12 (ff) Information that is exempted from disclosure
13 under the Revised Uniform Unclaimed Property Act.

14 (gg) Information that is prohibited from being
15 disclosed under Section 7-603.5 of the Illinois Vehicle
16 Code.

17 (hh) Records that are exempt from disclosure under
18 Section 1A-16.7 of the Election Code.

19 (ii) Information which is exempted from disclosure
20 under Section 2505-800 of the Department of Revenue Law of
21 the Civil Administrative Code of Illinois.

22 (jj) Information and reports that are required to be
23 submitted to the Department of Labor by registering day and
24 temporary labor service agencies but are exempt from
25 disclosure under subsection (a-1) of Section 45 of the Day
26 and Temporary Labor Services Act.

1 (kk) Information prohibited from disclosure under the
2 Seizure and Forfeiture Reporting Act.

3 (ll) Information the disclosure of which is restricted
4 and exempted under Section 5-30.8 of the Illinois Public
5 Aid Code.

6 (mm) ~~(ll)~~ Records that are exempt from disclosure under
7 Section 4.2 of the Crime Victims Compensation Act.

8 (nn) ~~(ll)~~ Information that is exempt from disclosure
9 under Section 70 of the Higher Education Student Assistance
10 Act.

11 (oo) Data reported by an employer to the Department of
12 Human Rights pursuant to Section 2-108 of the Illinois
13 Human Rights Act.

14 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
15 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
16 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
17 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
18 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
19 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
20 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
21 10-12-18.)

22 Section 2-7. The Department of Professional Regulation Law
23 of the Civil Administrative Code of Illinois is amended by
24 changing Section 2105-15 as follows:

1 (20 ILCS 2105/2105-15)

2 Sec. 2105-15. General powers and duties.

3 (a) The Department has, subject to the provisions of the
4 Civil Administrative Code of Illinois, the following powers and
5 duties:

6 (1) To authorize examinations in English to ascertain
7 the qualifications and fitness of applicants to exercise
8 the profession, trade, or occupation for which the
9 examination is held.

10 (2) To prescribe rules and regulations for a fair and
11 wholly impartial method of examination of candidates to
12 exercise the respective professions, trades, or
13 occupations.

14 (3) To pass upon the qualifications of applicants for
15 licenses, certificates, and authorities, whether by
16 examination, by reciprocity, or by endorsement.

17 (4) To prescribe rules and regulations defining, for
18 the respective professions, trades, and occupations, what
19 shall constitute a school, college, or university, or
20 department of a university, or other institution,
21 reputable and in good standing, and to determine the
22 reputability and good standing of a school, college, or
23 university, or department of a university, or other
24 institution, reputable and in good standing, by reference
25 to a compliance with those rules and regulations; provided,
26 that no school, college, or university, or department of a

1 university, or other institution that refuses admittance
2 to applicants solely on account of race, color, creed, sex,
3 sexual orientation, or national origin shall be considered
4 reputable and in good standing.

5 (5) To conduct hearings on proceedings to revoke,
6 suspend, refuse to renew, place on probationary status, or
7 take other disciplinary action as authorized in any
8 licensing Act administered by the Department with regard to
9 licenses, certificates, or authorities of persons
10 exercising the respective professions, trades, or
11 occupations and to revoke, suspend, refuse to renew, place
12 on probationary status, or take other disciplinary action
13 as authorized in any licensing Act administered by the
14 Department with regard to those licenses, certificates, or
15 authorities.

16 The Department shall issue a monthly disciplinary
17 report.

18 The Department shall refuse to issue or renew a license
19 to, or shall suspend or revoke a license of, any person
20 who, after receiving notice, fails to comply with a
21 subpoena or warrant relating to a paternity or child
22 support proceeding. However, the Department may issue a
23 license or renewal upon compliance with the subpoena or
24 warrant.

25 The Department, without further process or hearings,
26 shall revoke, suspend, or deny any license or renewal

1 authorized by the Civil Administrative Code of Illinois to
2 a person who is certified by the Department of Healthcare
3 and Family Services (formerly Illinois Department of
4 Public Aid) as being more than 30 days delinquent in
5 complying with a child support order or who is certified by
6 a court as being in violation of the Non-Support Punishment
7 Act for more than 60 days. The Department may, however,
8 issue a license or renewal if the person has established a
9 satisfactory repayment record as determined by the
10 Department of Healthcare and Family Services (formerly
11 Illinois Department of Public Aid) or if the person is
12 determined by the court to be in compliance with the
13 Non-Support Punishment Act. The Department may implement
14 this paragraph as added by Public Act 89-6 through the use
15 of emergency rules in accordance with Section 5-45 of the
16 Illinois Administrative Procedure Act. For purposes of the
17 Illinois Administrative Procedure Act, the adoption of
18 rules to implement this paragraph shall be considered an
19 emergency and necessary for the public interest, safety,
20 and welfare.

21 (6) To transfer jurisdiction of any realty under the
22 control of the Department to any other department of the
23 State Government or to acquire or accept federal lands when
24 the transfer, acquisition, or acceptance is advantageous
25 to the State and is approved in writing by the Governor.

26 (7) To formulate rules and regulations necessary for

1 the enforcement of any Act administered by the Department.

2 (8) To exchange with the Department of Healthcare and
3 Family Services information that may be necessary for the
4 enforcement of child support orders entered pursuant to the
5 Illinois Public Aid Code, the Illinois Marriage and
6 Dissolution of Marriage Act, the Non-Support of Spouse and
7 Children Act, the Non-Support Punishment Act, the Revised
8 Uniform Reciprocal Enforcement of Support Act, the Uniform
9 Interstate Family Support Act, the Illinois Parentage Act
10 of 1984, or the Illinois Parentage Act of 2015.
11 Notwithstanding any provisions in this Code to the
12 contrary, the Department of Professional Regulation shall
13 not be liable under any federal or State law to any person
14 for any disclosure of information to the Department of
15 Healthcare and Family Services (formerly Illinois
16 Department of Public Aid) under this paragraph (8) or for
17 any other action taken in good faith to comply with the
18 requirements of this paragraph (8).

19 (8.3) To exchange information with the Department of
20 Human Rights regarding recommendations received under
21 paragraph (B) of Section 8-109 of the Illinois Human Rights
22 Act regarding a licensee or candidate for licensure who has
23 committed a civil rights violation that may lead to the
24 refusal, suspension, or revocation of a license from the
25 Department.

26 (8.5) To accept continuing education credit for

1 mandated reporter training on how to recognize and report
2 child abuse offered by the Department of Children and
3 Family Services and completed by any person who holds a
4 professional license issued by the Department and who is a
5 mandated reporter under the Abused and Neglected Child
6 Reporting Act. The Department shall adopt any rules
7 necessary to implement this paragraph.

8 (9) To perform other duties prescribed by law.

9 (a-5) Except in cases involving delinquency in complying
10 with a child support order or violation of the Non-Support
11 Punishment Act and notwithstanding anything that may appear in
12 any individual licensing Act or administrative rule, no person
13 or entity whose license, certificate, or authority has been
14 revoked as authorized in any licensing Act administered by the
15 Department may apply for restoration of that license,
16 certification, or authority until 3 years after the effective
17 date of the revocation.

18 (b) (Blank).

19 (c) For the purpose of securing and preparing evidence, and
20 for the purchase of controlled substances, professional
21 services, and equipment necessary for enforcement activities,
22 recoupment of investigative costs, and other activities
23 directed at suppressing the misuse and abuse of controlled
24 substances, including those activities set forth in Sections
25 504 and 508 of the Illinois Controlled Substances Act, the
26 Director and agents appointed and authorized by the Director

1 may expend sums from the Professional Regulation Evidence Fund
2 that the Director deems necessary from the amounts appropriated
3 for that purpose. Those sums may be advanced to the agent when
4 the Director deems that procedure to be in the public interest.
5 Sums for the purchase of controlled substances, professional
6 services, and equipment necessary for enforcement activities
7 and other activities as set forth in this Section shall be
8 advanced to the agent who is to make the purchase from the
9 Professional Regulation Evidence Fund on vouchers signed by the
10 Director. The Director and those agents are authorized to
11 maintain one or more commercial checking accounts with any
12 State banking corporation or corporations organized under or
13 subject to the Illinois Banking Act for the deposit and
14 withdrawal of moneys to be used for the purposes set forth in
15 this Section; provided, that no check may be written nor any
16 withdrawal made from any such account except upon the written
17 signatures of 2 persons designated by the Director to write
18 those checks and make those withdrawals. Vouchers for those
19 expenditures must be signed by the Director. All such
20 expenditures shall be audited by the Director, and the audit
21 shall be submitted to the Department of Central Management
22 Services for approval.

23 (d) Whenever the Department is authorized or required by
24 law to consider some aspect of criminal history record
25 information for the purpose of carrying out its statutory
26 powers and responsibilities, then, upon request and payment of

1 fees in conformance with the requirements of Section 2605-400
2 of the Department of State Police Law (20 ILCS 2605/2605-400),
3 the Department of State Police is authorized to furnish,
4 pursuant to positive identification, the information contained
5 in State files that is necessary to fulfill the request.

6 (e) The provisions of this Section do not apply to private
7 business and vocational schools as defined by Section 15 of the
8 Private Business and Vocational Schools Act of 2012.

9 (f) (Blank).

10 (f-5) Notwithstanding anything that may appear in any
11 individual licensing statute or administrative rule, the
12 Department shall allow an applicant to provide his or her
13 individual taxpayer identification number as an alternative to
14 providing a social security number when applying for a license.

15 (g) Notwithstanding anything that may appear in any
16 individual licensing statute or administrative rule, the
17 Department shall deny any license application or renewal
18 authorized under any licensing Act administered by the
19 Department to any person who has failed to file a return, or to
20 pay the tax, penalty, or interest shown in a filed return, or
21 to pay any final assessment of tax, penalty, or interest, as
22 required by any tax Act administered by the Illinois Department
23 of Revenue, until such time as the requirement of any such tax
24 Act are satisfied; however, the Department may issue a license
25 or renewal if the person has established a satisfactory
26 repayment record as determined by the Illinois Department of

1 Revenue. For the purpose of this Section, "satisfactory
2 repayment record" shall be defined by rule.

3 In addition, a complaint filed with the Department by the
4 Illinois Department of Revenue that includes a certification,
5 signed by its Director or designee, attesting to the amount of
6 the unpaid tax liability or the years for which a return was
7 not filed, or both, is prima facie evidence of the licensee's
8 failure to comply with the tax laws administered by the
9 Illinois Department of Revenue. Upon receipt of that
10 certification, the Department shall, without a hearing,
11 immediately suspend all licenses held by the licensee.
12 Enforcement of the Department's order shall be stayed for 60
13 days. The Department shall provide notice of the suspension to
14 the licensee by mailing a copy of the Department's order to the
15 licensee's address of record or emailing a copy of the order to
16 the licensee's email address of record. The notice shall advise
17 the licensee that the suspension shall be effective 60 days
18 after the issuance of the Department's order unless the
19 Department receives, from the licensee, a request for a hearing
20 before the Department to dispute the matters contained in the
21 order.

22 Any suspension imposed under this subsection (g) shall be
23 terminated by the Department upon notification from the
24 Illinois Department of Revenue that the licensee is in
25 compliance with all tax laws administered by the Illinois
26 Department of Revenue.

1 The Department may promulgate rules for the administration
2 of this subsection (g).

3 (h) The Department may grant the title "Retired", to be
4 used immediately adjacent to the title of a profession
5 regulated by the Department, to eligible retirees. For
6 individuals licensed under the Medical Practice Act of 1987,
7 the title "Retired" may be used in the profile required by the
8 Patients' Right to Know Act. The use of the title "Retired"
9 shall not constitute representation of current licensure,
10 registration, or certification. Any person without an active
11 license, registration, or certificate in a profession that
12 requires licensure, registration, or certification shall not
13 be permitted to practice that profession.

14 (i) The Department shall make available on its website
15 general information explaining how the Department utilizes
16 criminal history information in making licensure application
17 decisions, including a list of enumerated offenses that serve
18 as a statutory bar to licensure.

19 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330,
20 eff. 8-10-15; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17;
21 100-262, eff. 8-22-17; 100-863, eff. 8-14-18; 100-872, eff.
22 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff. 1-1-19; revised
23 10-18-18.)

24 Section 2-10. The Uniform Arbitration Act is amended by
25 changing Section 1 as follows:

1 (710 ILCS 5/1) (from Ch. 10, par. 101)

2 Sec. 1. Validity of arbitration agreement. A written
3 agreement to submit any existing controversy to arbitration or
4 a provision in a written contract to submit to arbitration any
5 controversy thereafter arising between the parties is valid,
6 enforceable and irrevocable save upon such grounds as exist for
7 the revocation of any contract, including failure to comply
8 with the terms of the Workplace Transparency Act, except that
9 any agreement between a patient and a hospital or health care
10 provider to submit to binding arbitration a claim for damages
11 arising out of (1) injuries alleged to have been received by a
12 patient, or (2) death of a patient, due to hospital or health
13 care provider negligence or other wrongful act, but not
14 including intentional torts, is also subject to the Health Care
15 Arbitration Act.

16 (Source: P.A. 80-1012; 80-1031.)

17 Section 2-15. The Illinois Human Rights Act is amended by
18 changing Sections 1-103, 2-101, 2-102, 7-109.1, 7A-102, and
19 8-109 and by adding Sections 2-108, 2-109, 2-110, and 8-109.1
20 as follows:

21 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

22 Sec. 1-103. General definitions. When used in this Act,
23 unless the context requires otherwise, the term:

1 (A) Age. "Age" means the chronological age of a person who
2 is at least 40 years old, except with regard to any practice
3 described in Section 2-102, insofar as that practice concerns
4 training or apprenticeship programs. In the case of training or
5 apprenticeship programs, for the purposes of Section 2-102,
6 "age" means the chronological age of a person who is 18 but not
7 yet 40 years old.

8 (B) Aggrieved party. "Aggrieved party" means a person who
9 is alleged or proved to have been injured by a civil rights
10 violation or believes he or she will be injured by a civil
11 rights violation under Article 3 that is about to occur.

12 (C) Charge. "Charge" means an allegation filed with the
13 Department by an aggrieved party or initiated by the Department
14 under its authority.

15 (D) Civil rights violation. "Civil rights violation"
16 includes and shall be limited to only those specific acts set
17 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
18 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
19 6-101, and 6-102 of this Act.

20 (E) Commission. "Commission" means the Human Rights
21 Commission created by this Act.

22 (F) Complaint. "Complaint" means the formal pleading filed
23 by the Department with the Commission following an
24 investigation and finding of substantial evidence of a civil
25 rights violation.

26 (G) Complainant. "Complainant" means a person including

1 the Department who files a charge of civil rights violation
2 with the Department or the Commission.

3 (H) Department. "Department" means the Department of Human
4 Rights created by this Act.

5 (I) Disability. "Disability" means a determinable physical
6 or mental characteristic of a person, including, but not
7 limited to, a determinable physical characteristic which
8 necessitates the person's use of a guide, hearing or support
9 dog, the history of such characteristic, or the perception of
10 such characteristic by the person complained against, which may
11 result from disease, injury, congenital condition of birth or
12 functional disorder and which characteristic:

13 (1) For purposes of Article 2, is unrelated to the
14 person's ability to perform the duties of a particular job
15 or position and, pursuant to Section 2-104 of this Act, a
16 person's illegal use of drugs or alcohol is not a
17 disability;

18 (2) For purposes of Article 3, is unrelated to the
19 person's ability to acquire, rent, or maintain a housing
20 accommodation;

21 (3) For purposes of Article 4, is unrelated to a
22 person's ability to repay;

23 (4) For purposes of Article 5, is unrelated to a
24 person's ability to utilize and benefit from a place of
25 public accommodation;

26 (5) For purposes of Article 5, also includes any

1 mental, psychological, or developmental disability,
2 including autism spectrum disorders.

3 (J) Marital status. "Marital status" means the legal status
4 of being married, single, separated, divorced, or widowed.

5 (J-1) Military status. "Military status" means a person's
6 status on active duty in or status as a veteran of the armed
7 forces of the United States, status as a current member or
8 veteran of any reserve component of the armed forces of the
9 United States, including the United States Army Reserve, United
10 States Marine Corps Reserve, United States Navy Reserve, United
11 States Air Force Reserve, and United States Coast Guard
12 Reserve, or status as a current member or veteran of the
13 Illinois Army National Guard or Illinois Air National Guard.

14 (K) National origin. "National origin" means the place in
15 which a person or one of his or her ancestors was born.

16 (K-5) "Order of protection status" means a person's status
17 as being a person protected under an order of protection issued
18 pursuant to the Illinois Domestic Violence Act of 1986, Article
19 112A of the Code of Criminal Procedure of 1963, the Stalking No
20 Contact Order Act, or the Civil No Contact Order Act, or an
21 order of protection issued by a court of another state.

22 (L) Person. "Person" includes one or more individuals,
23 partnerships, associations or organizations, labor
24 organizations, labor unions, joint apprenticeship committees,
25 or union labor associations, corporations, the State of
26 Illinois and its instrumentalities, political subdivisions,

1 units of local government, legal representatives, trustees in
2 bankruptcy or receivers.

3 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
4 or medical or common conditions related to pregnancy or
5 childbirth.

6 (M) Public contract. "Public contract" includes every
7 contract to which the State, any of its political subdivisions,
8 or any municipal corporation is a party.

9 (N) Religion. "Religion" includes all aspects of religious
10 observance and practice, as well as belief, except that with
11 respect to employers, for the purposes of Article 2, "religion"
12 has the meaning ascribed to it in paragraph (F) of Section
13 2-101.

14 (O) Sex. "Sex" means the status of being male or female.

15 (O-1) Sexual orientation. "Sexual orientation" means
16 actual or perceived heterosexuality, homosexuality,
17 bisexuality, or gender-related identity, whether or not
18 traditionally associated with the person's designated sex at
19 birth. "Sexual orientation" does not include a physical or
20 sexual attraction to a minor by an adult.

21 (P) Unfavorable military discharge. "Unfavorable military
22 discharge" includes discharges from the Armed Forces of the
23 United States, their Reserve components,
24 or any National Guard or Naval Militia which are classified as RE-3 or the equivalent
25 thereof, but does not include those characterized as RE-4 or
26 "Dishonorable".

1 (Q) Unlawful discrimination. "Unlawful discrimination"
2 means discrimination against a person because of his or her
3 actual or perceived: race, color, religion, national origin,
4 ancestry, age, sex, marital status, order of protection status,
5 disability, military status, sexual orientation, pregnancy, or
6 unfavorable discharge from military service as those terms are
7 defined in this Section.

8 (Source: P.A. 100-714, eff. 1-1-19; revised 10-4-18.)

9 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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

12 (A) Employee.

13 (1) "Employee" includes:

14 (a) Any individual performing services for
15 remuneration within this State for an employer;

16 (b) An apprentice;

17 (c) An applicant for any apprenticeship.

18 For purposes of subsection (D) of Section 2-102 of this
19 Act, "employee" also includes an unpaid intern. An unpaid
20 intern is a person who performs work for an employer under
21 the following circumstances:

22 (i) the employer is not committed to hiring the
23 person performing the work at the conclusion of the
24 intern's tenure;

25 (ii) the employer and the person performing the

1 work agree that the person is not entitled to wages for
2 the work performed; and

3 (iii) the work performed:

4 (I) supplements training given in an
5 educational environment that may enhance the
6 employability of the intern;

7 (II) provides experience for the benefit of
8 the person performing the work;

9 (III) does not displace regular employees;

10 (IV) is performed under the close supervision
11 of existing staff; and

12 (V) provides no immediate advantage to the
13 employer providing the training and may
14 occasionally impede the operations of the
15 employer.

16 (2) "Employee" does not include:

17 (a) (Blank);

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

20 (c) Elected public officials or the members of
21 their immediate personal staffs;

22 (d) Principal administrative officers of the State
23 or of any political subdivision, municipal corporation
24 or other governmental unit or agency;

25 (e) A person in a vocational rehabilitation
26 facility certified under federal law who has been

1 designated an evaluatee, trainee, or work activity
2 client.

3 (B) Employer.

4 (1) "Employer" includes:

5 (a) Any person employing 15 or more employees
6 within Illinois during 20 or more calendar weeks within
7 the calendar year of or preceding the alleged
8 violation;

9 (b) Any person employing one or more employees when
10 a complainant alleges civil rights violation due to
11 unlawful discrimination based upon his or her physical
12 or mental disability unrelated to ability, pregnancy,
13 or sexual harassment;

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

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

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

21 (2) "Employer" does not include any religious
22 corporation, association, educational institution,
23 society, or non-profit nursing institution conducted by
24 and for those who rely upon treatment by prayer through
25 spiritual means in accordance with the tenets of a
26 recognized church or religious denomination with respect

1 to the employment of individuals of a particular religion
2 to perform work connected with the carrying on by such
3 corporation, association, educational institution, society
4 or non-profit nursing institution of its activities.

5 (C) Employment Agency. "Employment Agency" includes both
6 public and private employment agencies and any person, labor
7 organization, or labor union having a hiring hall or hiring
8 office regularly undertaking, with or without compensation, to
9 procure opportunities to work, or to procure, recruit, refer or
10 place employees.

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

21 (E) Sexual Harassment. "Sexual harassment" means any
22 unwelcome sexual advances or requests for sexual favors or any
23 conduct of a sexual nature when (1) submission to such conduct
24 is made either explicitly or implicitly a term or condition of
25 an individual's employment, (2) submission to or rejection of
26 such conduct by an individual is used as the basis for

1 employment decisions affecting such individual, or (3) such
2 conduct has the purpose or effect of substantially interfering
3 with an individual's work performance or creating an
4 intimidating, hostile or offensive working environment.

5 For purposes of this definition, the phrase "working
6 environment" is not limited to a physical location an employee
7 is assigned to perform his or her duties.

8 (E-1) Harassment. "Harassment" means any unwelcome conduct
9 on the basis of an individual's actual or perceived race,
10 color, religion, national origin, ancestry, age, sex, marital
11 status, order of protection status, disability, military
12 status, sexual orientation, pregnancy, unfavorable discharge
13 from military service, or citizenship status that has the
14 purpose or effect of substantially interfering with the
15 individual's work performance or creating an intimidating,
16 hostile, or offensive working environment. For purposes of this
17 definition, the phrase "working environment" is not limited to
18 a physical location an employee is assigned to perform his or
19 her duties.

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

26 (G) Public Employer. "Public employer" means the State, an

1 agency or department thereof, unit of local government, school
2 district, instrumentality or political subdivision.

3 (H) Public Employee. "Public employee" means an employee of
4 the State, agency or department thereof, unit of local
5 government, school district, instrumentality or political
6 subdivision. "Public employee" does not include public
7 officers or employees of the General Assembly or agencies
8 thereof.

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

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

1 (K) Citizenship Status. "Citizenship status" means the
2 status of being:

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

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

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

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

11 (Source: P.A. 99-78, eff. 7-20-15; 99-758, eff. 1-1-17; 100-43,
12 eff. 8-9-17.)

13 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

14 Sec. 2-102. Civil rights violations - employment. It is a
15 civil rights violation:

16 (A) Employers. For any employer to refuse to hire, to
17 segregate, to engage in harassment as defined in subsection
18 (E-1) of Section 2-101, or to act with respect to
19 recruitment, hiring, promotion, renewal of employment,
20 selection for training or apprenticeship, discharge,
21 discipline, tenure or terms, privileges or conditions of
22 employment on the basis of unlawful discrimination or
23 citizenship status. An employer is responsible for
24 harassment by the employer's nonmanagerial and
25 nonsupervisory employees only if the employer becomes

1 aware of the conduct and fails to take reasonable
2 corrective measures.

3 (A-5) Language. For an employer to impose a restriction
4 that has the effect of prohibiting a language from being
5 spoken by an employee in communications that are unrelated
6 to the employee's duties.

7 For the purposes of this subdivision (A-5), "language"
8 means a person's native tongue, such as Polish, Spanish, or
9 Chinese. "Language" does not include such things as slang,
10 jargon, profanity, or vulgarity.

11 (A-10) Harassment of nonemployees. For any employer,
12 employment agency, or labor organization to engage in
13 harassment of nonemployees in the workplace. An employer is
14 responsible for harassment of nonemployees by the
15 employer's nonmanagerial and nonsupervisory employees only
16 if the employer becomes aware of the conduct and fails to
17 take reasonable corrective measures. For the purposes of
18 this subdivision (A-10), "nonemployee" means a person who
19 is not otherwise an employee of the employer and is
20 directly performing services for the employer pursuant to a
21 contract with that employer. "Nonemployee" includes
22 contractors and consultants. This subdivision applies to
23 harassment occurring on or after the effective date of this
24 amendatory Act of the 101st General Assembly.

25 (B) Employment agency. For any employment agency to
26 fail or refuse to classify properly, accept applications

1 and register for employment referral or apprenticeship
2 referral, refer for employment, or refer for
3 apprenticeship on the basis of unlawful discrimination or
4 citizenship status or to accept from any person any job
5 order, requisition or request for referral of applicants
6 for employment or apprenticeship which makes or has the
7 effect of making unlawful discrimination or discrimination
8 on the basis of citizenship status a condition of referral.

9 (C) Labor organization. For any labor organization to
10 limit, segregate or classify its membership, or to limit
11 employment opportunities, selection and training for
12 apprenticeship in any trade or craft, or otherwise to take,
13 or fail to take, any action which affects adversely any
14 person's status as an employee or as an applicant for
15 employment or as an apprentice, or as an applicant for
16 apprenticeships, or wages, tenure, hours of employment or
17 apprenticeship conditions on the basis of unlawful
18 discrimination or citizenship status.

19 (D) Sexual harassment. For any employer, employee,
20 agent of any employer, employment agency or labor
21 organization to engage in sexual harassment; provided,
22 that an employer shall be responsible for sexual harassment
23 of the employer's employees by nonemployees or
24 nonmanagerial and nonsupervisory employees only if the
25 employer becomes aware of the conduct and fails to take
26 reasonable corrective measures.

1 (D-5) Sexual harassment of nonemployees. For any
2 employer, employee, agent of any employer, employment
3 agency, or labor organization to engage in sexual
4 harassment of nonemployees in the workplace. An employer is
5 responsible for sexual harassment of nonemployees by the
6 employer's nonmanagerial and nonsupervisory employees only
7 if the employer becomes aware of the conduct and fails to
8 take reasonable corrective measures. For the purposes of
9 this subdivision (D-5), "nonemployee" means a person who is
10 not otherwise an employee of the employer and is directly
11 performing services for the employer pursuant to a contract
12 with that employer. "Nonemployee" includes contractors and
13 consultants. This subdivision applies to sexual harassment
14 occurring on or after the effective date of this amendatory
15 Act of the 101st General Assembly.

16 (E) Public employers. For any public employer to refuse
17 to permit a public employee under its jurisdiction who
18 takes time off from work in order to practice his or her
19 religious beliefs to engage in work, during hours other
20 than such employee's regular working hours, consistent
21 with the operational needs of the employer and in order to
22 compensate for work time lost for such religious reasons.
23 Any employee who elects such deferred work shall be
24 compensated at the wage rate which he or she would have
25 earned during the originally scheduled work period. The
26 employer may require that an employee who plans to take

1 time off from work in order to practice his or her
2 religious beliefs provide the employer with a notice of his
3 or her intention to be absent from work not exceeding 5
4 days prior to the date of absence.

5 (E-5) Religious discrimination. For any employer to
6 impose upon a person as a condition of obtaining or
7 retaining employment, including opportunities for
8 promotion, advancement, or transfer, any terms or
9 conditions that would require such person to violate or
10 forgo a sincerely held practice of his or her religion
11 including, but not limited to, the wearing of any attire,
12 clothing, or facial hair in accordance with the
13 requirements of his or her religion, unless, after engaging
14 in a bona fide effort, the employer demonstrates that it is
15 unable to reasonably accommodate the employee's or
16 prospective employee's sincerely held religious belief,
17 practice, or observance without undue hardship on the
18 conduct of the employer's business.

19 Nothing in this Section prohibits an employer from
20 enacting a dress code or grooming policy that may include
21 restrictions on attire, clothing, or facial hair to
22 maintain workplace safety or food sanitation.

23 (F) Training and apprenticeship programs. For any
24 employer, employment agency or labor organization to
25 discriminate against a person on the basis of age in the
26 selection, referral for or conduct of apprenticeship or

1 training programs.

2 (G) Immigration-related practices.

3 (1) for an employer to request for purposes of
4 satisfying the requirements of Section 1324a(b) of
5 Title 8 of the United States Code, as now or hereafter
6 amended, more or different documents than are required
7 under such Section or to refuse to honor documents
8 tendered that on their face reasonably appear to be
9 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
13 (enacted by PL 104-208, div. C title IV, subtitle A) to
14 refuse to hire, to segregate, or to act with respect to
15 recruitment, hiring, promotion, renewal of employment,
16 selection for training or apprenticeship, discharge,
17 discipline, tenure or terms, privileges or conditions
18 of employment without following the procedures under
19 the E-Verify Program.

20 (H) (Blank).

21 (I) Pregnancy. For an employer to refuse to hire, to
22 segregate, or to act with respect to recruitment, hiring,
23 promotion, renewal of employment, selection for training
24 or apprenticeship, discharge, discipline, tenure or terms,
25 privileges or conditions of employment on the basis of
26 pregnancy, childbirth, or medical or common conditions

1 related to pregnancy or childbirth. Women affected by
2 pregnancy, childbirth, or medical or common conditions
3 related to pregnancy or childbirth shall be treated the
4 same for all employment-related purposes, including
5 receipt of benefits under fringe benefit programs, as other
6 persons not so affected but similar in their ability or
7 inability to work, regardless of the source of the
8 inability to work or employment classification or status.

9 (J) Pregnancy; reasonable accommodations.

10 (1) If after a job applicant or employee, including
11 a part-time, full-time, or probationary employee,
12 requests a reasonable accommodation, for an employer
13 to not make reasonable accommodations for any medical
14 or common condition of a job applicant or employee
15 related to pregnancy or childbirth, unless the
16 employer can demonstrate that the accommodation would
17 impose an undue hardship on the ordinary operation of
18 the business of the employer. The employer may request
19 documentation from the employee's health care provider
20 concerning the need for the requested reasonable
21 accommodation or accommodations to the same extent
22 documentation is requested for conditions related to
23 disability if the employer's request for documentation
24 is job-related and consistent with business necessity.
25 The employer may require only the medical
26 justification for the requested accommodation or

1 accommodations, a description of the reasonable
2 accommodation or accommodations medically advisable,
3 the date the reasonable accommodation or
4 accommodations became medically advisable, and the
5 probable duration of the reasonable accommodation or
6 accommodations. It is the duty of the individual
7 seeking a reasonable accommodation or accommodations
8 to submit to the employer any documentation that is
9 requested in accordance with this paragraph.
10 Notwithstanding the provisions of this paragraph, the
11 employer may require documentation by the employee's
12 health care provider to determine compliance with
13 other laws. The employee and employer shall engage in a
14 timely, good faith, and meaningful exchange to
15 determine effective reasonable accommodations.

16 (2) For an employer to deny employment
17 opportunities or benefits to or take adverse action
18 against an otherwise qualified job applicant or
19 employee, including a part-time, full-time, or
20 probationary employee, if the denial or adverse action
21 is based on the need of the employer to make reasonable
22 accommodations to the known medical or common
23 conditions related to the pregnancy or childbirth of
24 the applicant or employee.

25 (3) For an employer to require a job applicant or
26 employee, including a part-time, full-time, or

1 probationary employee, affected by pregnancy,
2 childbirth, or medical or common conditions related to
3 pregnancy or childbirth to accept an accommodation
4 when the applicant or employee did not request an
5 accommodation and the applicant or employee chooses
6 not to accept the employer's accommodation.

7 (4) For an employer to require an employee,
8 including a part-time, full-time, or probationary
9 employee, to take leave under any leave law or policy
10 of the employer if another reasonable accommodation
11 can be provided to the known medical or common
12 conditions related to the pregnancy or childbirth of an
13 employee. No employer shall fail or refuse to reinstate
14 the employee affected by pregnancy, childbirth, or
15 medical or common conditions related to pregnancy or
16 childbirth to her original job or to an equivalent
17 position with equivalent pay and accumulated
18 seniority, retirement, fringe benefits, and other
19 applicable service credits upon her signifying her
20 intent to return or when her need for reasonable
21 accommodation ceases, unless the employer can
22 demonstrate that the accommodation would impose an
23 undue hardship on the ordinary operation of the
24 business of the employer.

25 For the purposes of this subdivision (J), "reasonable
26 accommodations" means reasonable modifications or

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

23 For the purposes of this subdivision (J), "undue
24 hardship" means an action that is prohibitively expensive
25 or disruptive when considered in light of the following
26 factors: (i) the nature and cost of the accommodation

1 needed; (ii) the overall financial resources of the
2 facility or facilities involved in the provision of the
3 reasonable accommodation, the number of persons employed
4 at the facility, the effect on expenses and resources, or
5 the impact otherwise of the accommodation upon the
6 operation of the facility; (iii) the overall financial
7 resources of the employer, the overall size of the business
8 of the employer with respect to the number of its
9 employees, and the number, type, and location of its
10 facilities; and (iv) the type of operation or operations of
11 the employer, including the composition, structure, and
12 functions of the workforce of the employer, the geographic
13 separateness, administrative, or fiscal relationship of
14 the facility or facilities in question to the employer. The
15 employer has the burden of proving undue hardship. The fact
16 that the employer provides or would be required to provide
17 a similar accommodation to similarly situated employees
18 creates a rebuttable presumption that the accommodation
19 does not impose an undue hardship on the employer.

20 No employer is required by this subdivision (J) to
21 create additional employment that the employer would not
22 otherwise have created, unless the employer does so or
23 would do so for other classes of employees who need
24 accommodation. The employer is not required to discharge
25 any employee, transfer any employee with more seniority, or
26 promote any employee who is not qualified to perform the

1 job, unless the employer does so or would do so to
2 accommodate other classes of employees who need it.

3 (K) Notice.

4 (1) For an employer to fail to post or keep posted
5 in a conspicuous location on the premises of the
6 employer where notices to employees are customarily
7 posted, or fail to include in any employee handbook
8 information concerning an employee's rights under this
9 Article, a notice, to be prepared or approved by the
10 Department, summarizing the requirements of this
11 Article and information pertaining to the filing of a
12 charge, including the right to be free from unlawful
13 discrimination, the right to be free from sexual
14 harassment, and the right to certain reasonable
15 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
19 (1) of this subdivision (K), the Department may launch
20 a preliminary investigation. If the Department finds a
21 violation, the Department may issue a notice to show
22 cause giving the employer 30 days to correct the
23 violation. If the violation is not corrected, the
24 Department may initiate a charge of a civil rights
25 violation.

26 (Source: P.A. 100-100, eff. 8-11-17; 100-588, eff. 6-8-18.)

1 (775 ILCS 5/2-108 new)

2 Sec. 2-108. Employer disclosure requirements.

3 (A) Definitions. The following definitions are applicable
4 strictly to this Section:

5 (1) "Employer" means:

6 (a) any person employing one or more employees
7 within this State;

8 (b) a labor organization; or

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 (2) "Settlement" means any written commitment or
13 written agreement, including any agreed judgment,
14 stipulation, decree, agreement to settle, assurance of
15 discontinuance, or otherwise between an employee, as
16 defined by subsection (A) of Section 2-101, or a
17 nonemployee to whom an employer owes a duty under this Act
18 pursuant to (A-10) or (D-5) of Section 2-102, and an
19 employer under which the employer directly or indirectly
20 provides to an individual compensation or other
21 consideration due to an allegation that the individual has
22 been a victim of sexual harassment or unlawful
23 discrimination under this Act.

24 (3) "Adverse judgment or administrative ruling" means
25 any final and non-appealable adverse judgment or final and

1 non-appealable administrative ruling entered in favor of
2 an employee as defined by subsection (A) of Section 2-101
3 or a nonemployee to whom an employer owes a duty under this
4 Act pursuant to (A-10) or (D-5) of Section 2-102, and
5 against the employer during the preceding year in which
6 there was a finding of sexual harassment or unlawful
7 discrimination brought under this Act, Title VII of the
8 Civil Rights Act of 1964, or any other federal, State, or
9 local law prohibiting sexual harassment or unlawful
10 discrimination.

11 (B) Required disclosures. Beginning July 1, 2020, and by
12 each July 1 thereafter, each employer that had an adverse
13 judgment or administrative ruling against it in the preceding
14 calendar year, as provided in this Section, shall disclose
15 annually to the Department of Human Rights the following
16 information:

17 (1) the total number of adverse judgments or
18 administrative rulings during the preceding year;

19 (2) whether any equitable relief was ordered against
20 the employer in any adverse judgment or administrative
21 ruling described in paragraph (1);

22 (3) how many adverse judgments or administrative
23 rulings described in paragraph (1) are in each of the
24 following categories:

25 (a) sexual harassment;

26 (b) discrimination or harassment on the basis of

1 sex;

2 (c) discrimination or harassment on the basis of
3 race, color, or national origin;

4 (d) discrimination or harassment on the basis of
5 religion;

6 (e) discrimination or harassment on the basis of
7 age;

8 (f) discrimination or harassment on the basis of
9 disability;

10 (g) discrimination or harassment on the basis of
11 military status or unfavorable discharge from military
12 status;

13 (h) discrimination or harassment on the basis of
14 sexual orientation or gender identity; and

15 (i) discrimination or harassment on the basis of
16 any other characteristic protected under this Act;

17 (C) Settlements. If the Department is investigating a
18 charge filed pursuant to this Act, the Department may request
19 the employer responding to the charge to submit the total
20 number of settlements entered into during the preceding 5
21 years, or less at the direction of the Department, that relate
22 to any alleged act of sexual harassment or unlawful
23 discrimination that:

24 (1) occurred in the workplace of the employer; or

25 (2) involved the behavior of an employee of the
26 employer or a corporate executive of the employer, without

1 regard to whether that behavior occurred in the workplace
2 of the employer.

3 The total number of settlements entered into during the
4 requested period shall be reported along with how many
5 settlements are in each of the following categories, when
6 requested by the Department pursuant to this subsection:

7 (a) sexual harassment;

8 (b) discrimination or harassment on the basis of sex;

9 (c) discrimination or harassment on the basis of race,
10 color, or national origin;

11 (d) discrimination or harassment on the basis of
12 religion;

13 (e) discrimination or harassment on the basis of age;

14 (f) discrimination or harassment on the basis of
15 disability;

16 (g) discrimination or harassment on the basis of
17 military status or unfavorable discharge from military
18 status;

19 (h) discrimination or harassment on the basis of sexual
20 orientation or gender identity; and

21 (i) discrimination or harassment on the basis of any
22 other characteristic protected under this Act;

23 The Department shall not rely on the existence of any
24 settlement agreement to support a finding of substantial
25 evidence under this Act.

26 (D) Prohibited disclosures. An employer may not disclose

1 the name of a victim of an act of alleged sexual harassment or
2 unlawful discrimination in any disclosures required under this
3 Section.

4 (E) Annual report. The Department shall publish an annual
5 report aggregating the information reported by employers under
6 subsection (B) of this Section such that no individual employer
7 data is available to the public. The report shall include the
8 number of adverse judgments or administrative rulings filed
9 during the preceding calendar year based on each of the
10 protected classes identified by this Act.

11 The report shall be filed with the General Assembly and
12 made available to the public by December 31 of each reporting
13 year. Data submitted by an employer to comply with this Section
14 is confidential and exempt from the Freedom of Information Act.

15 (F) Failure to report and penalties. If an employer fails
16 to make any disclosures required under this Section, the
17 Department shall issue a notice to show cause giving the
18 employer 30 days to disclose the required information. If the
19 employer does not make the required disclosures within 30 days,
20 the Department shall petition the Illinois Human Rights
21 Commission for entry of an order imposing a civil penalty
22 against the employer pursuant to Section 8-109.1. The civil
23 penalty shall be paid into the Department of Human Rights'
24 Training and Development Fund.

25 (G) Rules. The Department shall adopt any rules it deems
26 necessary for implementation of this Section.

1 (H) This Section is repealed on January 1, 2030.

2 (775 ILCS 5/2-109 new)

3 Sec. 2-109. Sexual harassment prevention training.

4 (A) The General Assembly finds that the organizational
5 tolerance of sexual harassment has a detrimental influence in
6 workplaces by creating a hostile environment for employees,
7 reducing productivity, and increasing legal liability. It is
8 the General Assembly's intent to encourage employers to adopt
9 and actively implement policies to ensure their workplaces are
10 safe for employees to report concerns about sexual harassment
11 without fear of retaliation, loss of status, or loss of
12 promotional opportunities.

13 (B) The Department shall produce a model sexual harassment
14 prevention training program aimed at the prevention of sexual
15 harassment in the workplace. The model program shall be made
16 available to employers and to the public online at no cost.
17 This model program shall include, at a minimum, the following:

18 (1) an explanation of sexual harassment consistent
19 with this Act;

20 (2) examples of conduct that constitutes unlawful
21 sexual harassment;

22 (3) a summary of relevant federal and State statutory
23 provisions concerning sexual harassment, including
24 remedies available to victims of sexual harassment; and

25 (4) a summary of responsibilities of employers in the

1 prevention, investigation, and corrective measures of
2 sexual harassment.

3 (C) Except for those employers subject to the requirements
4 of Section 5-10.5 of the State Officials and Employees Ethics
5 Act, every employer with employees working in this State shall
6 use the model sexual harassment prevention training program
7 created by the Department or establish its own sexual
8 harassment prevention training program that equals or exceeds
9 the minimum standards in subsection (B). The sexual harassment
10 prevention training shall be provided at least once a year to
11 all employees. For the purposes of satisfying the requirements
12 under this Section, the Department's model sexual harassment
13 prevention training program may be used to supplement any
14 existing program an employer is utilizing or develops.

15 (D) If an employer violates this Section, the Department
16 shall issue a notice to show cause giving the employer 30 days
17 to comply. If the employer does not comply within 30 days, the
18 Department shall petition the Human Rights Commission for entry
19 of an order imposing a civil penalty against the employer
20 pursuant to Section 8-109.1. The civil penalty shall be paid
21 into the Department of Human Rights Training and Development
22 Fund.

23 (775 ILCS 5/2-110 new)

24 Sec. 2-110. Restaurants and bars; sexual harassment
25 prevention.

1 (A) As used in this Section:

2 "Bar" means an establishment that is devoted to the serving
3 of alcoholic beverages for consumption by guests on the
4 premises and that derives no more than 10% of its gross revenue
5 from the sale of food consumed on the premises, including, but
6 not limited to, taverns, nightclubs, cocktail lounges, adult
7 entertainment facilities, and cabarets.

8 "Manager" means a person responsible for the hiring and
9 firing of employees, including, but not limited to, a general
10 manager, owner, head chef, or other non-tipped employee with
11 duties managing the operation, inventory, safety, and
12 personnel of a restaurant or bar.

13 "Restaurant" means any business that is primarily engaged
14 in the sale of ready-to-eat food for immediate consumption,
15 including, but not limited to, restaurants, coffee shops,
16 cafeterias, and sandwich stands that give or offer for sale
17 food to the public, guests, or employees, and kitchen or
18 catering facilities in which food is prepared on the premises
19 for serving elsewhere.

20 (B) Every restaurant and bar operating in this State must
21 have a sexual harassment policy provided to all employees, in
22 writing, within the first calendar week of the employee's
23 employment. The policy shall include:

24 (1) a prohibition on sexual harassment;

25 (2) the definition of sexual harassment under the
26 Illinois Human Rights Act and Title VII of the Civil Rights

1 Act of 1964;

2 (3) details on how an individual can report an
3 allegation of sexual harassment internally, including
4 options for making a confidential report to a manager,
5 owner, corporate headquarters, human resources department,
6 or other internal reporting mechanism that may be
7 available;

8 (4) an explanation of the internal complaint process
9 available to employees;

10 (5) how to contact and file a charge with the Illinois
11 Department of Human Rights and United States Equal
12 Employment Opportunity Commission;

13 (6) a prohibition on retaliation for reporting sexual
14 harassment allegations; and

15 (7) a requirement that all employees participate in
16 sexual harassment prevention training.

17 The policy shall be made available in English and Spanish.

18 (C) In addition to the model sexual harassment prevention
19 training program produced by the Department in Section 2-109,
20 the Department shall develop a supplemental model training
21 program in consultation with industry professionals
22 specifically aimed at the prevention of sexual harassment in
23 the restaurant and bar industry. The supplemental model program
24 shall be made available to all restaurants and bars and the
25 public online at no cost. The training shall include:

26 (1) specific conduct, activities, or videos related to

1 the restaurant or bar industry;

2 (2) an explanation of manager liability and
3 responsibility under the law; and

4 (3) English and Spanish language options.

5 (D) Every restaurant and bar that is an employer under this
6 Act shall use the supplemental model training program or
7 establish its own supplemental model training program that
8 equals or exceeds the requirements of subsection (C). The
9 supplemental training program shall be provided at least once a
10 year to all employees, regardless of employment
11 classification. For the purposes of satisfying the
12 requirements under this Section, this supplemental training
13 may be done in conjunction or at the same time as any training
14 that complies with Section 2-109.

15 (E) If a restaurant or bar that is an employer under this
16 Act violates this Section 2-110, the Department shall issue a
17 notice to show cause giving the employer 30 days to comply. If
18 the employer does not comply within 30 days, the Department
19 shall petition the Human Rights Commission for entry of an
20 order imposing a civil penalty against the employer pursuant to
21 Section 8-109.1. The civil penalty shall be paid into the
22 Department of Human Rights Training and Development Fund.

23 (775 ILCS 5/7-109.1) (from Ch. 68, par. 7-109.1)

24 Sec. 7-109.1. Federal or State court proceedings.
25 ~~Administrative dismissal of charges.~~

1 (1) For charges filed under Article 7A of this Act, if
2 the complainant has initiated litigation in a federal or
3 State court for the purpose of seeking final relief on some
4 or all of the issues that are the basis of the charge,
5 either party may request that the Department
6 administratively dismiss the Department's charge or
7 portions of the charge. Within 10 business days of receipt
8 of the federal or State court complaint, the Department
9 shall issue a notice of administrative dismissal and
10 provide the complainant notice of his or her right to
11 commence a civil action in the appropriate circuit court or
12 other appropriate court of competent jurisdiction. The
13 Director shall also provide the charging party notice of
14 his or her right to seek review of the notice of dismissal
15 before the Commission. Any review by the Commission of the
16 dismissal shall be filed within 30 days after receipt of
17 the Director's notice and shall be limited to the question
18 of whether the charge was properly dismissed under this
19 Section.

20 (2) For charges filed under Article 7B of this Act, if
21 the complainant has initiated litigation in a federal or
22 State court for the purpose of seeking final relief on some
23 or all of the issues that are the basis of the charge,
24 either party may request that the Department
25 administratively dismiss the charge or portions of the
26 charge pending in the federal or State court proceeding if

1 a trial has commenced in the federal or State court
2 proceeding. Within 10 business days of receipt of notice
3 that the trial has begun, the Department shall issue a
4 notice of administrative dismissal and provide the
5 complainant notice of his or her right to commence a civil
6 action in the appropriate circuit court or other
7 appropriate court of competent jurisdiction. The Director
8 shall also provide the charging party notice of his or her
9 right to seek review of the notice of dismissal before the
10 Commission. Any review by the Commission of the dismissal
11 shall be filed within 30 days after receipt of the
12 Director's notice and shall be limited to the question of
13 whether the charge was properly dismissed under this
14 Section.

15 (3) Nothing in this Section shall preclude the
16 Department from continuing to investigate an allegation in
17 the charge that is not included in the federal or State
18 court proceeding.

19 ~~For charges filed under this Act, if the charging party has~~
20 ~~initiated litigation for the purpose of seeking final relief in~~
21 ~~a State or federal court or before an administrative law judge~~
22 ~~or hearing officer in an administrative proceeding before a~~
23 ~~local government administrative agency, and if a final decision~~
24 ~~on the merits in that litigation or administrative hearing~~
25 ~~would preclude the charging party from bringing another action~~
26 ~~based on the pending charge, the Department shall cease its~~

~~1 investigation and dismiss the pending charge by order of the
2 Director, who shall provide the charging party notice of his or
3 her right to commence a civil action in the appropriate circuit
4 court or other appropriate court of competent jurisdiction. The
5 Director shall also provide the charging party notice of his or
6 her right to seek review of the dismissal order before the
7 Commission. Any review by the Commission of the dismissal shall
8 be limited to the question of whether the charge was properly
9 dismissed pursuant to this Section. Nothing in this Section
10 shall preclude the Department from continuing to investigate an
11 allegation in a charge that is unique to this Act or otherwise
12 could not have been included in the litigation or
13 administrative proceeding.~~

14 (Source: P.A. 100-1066, eff. 8-24-18.)

15 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

16 Sec. 7A-102. Procedures.

17 (A) Charge.

18 (1) Within 300 calendar days after the date that a
19 civil rights violation allegedly has been committed, a
20 charge in writing under oath or affirmation may be filed
21 with the Department by an aggrieved party or issued by the
22 Department itself under the signature of the Director.

23 (2) The charge shall be in such detail as to
24 substantially apprise any party properly concerned as to
25 the time, place, and facts surrounding the alleged civil

1 rights violation.

2 (3) Charges deemed filed with the Department pursuant
3 to subsection (A-1) of this Section shall be deemed to be
4 in compliance with this subsection.

5 (A-1) Equal Employment Opportunity Commission Charges.

6 (1) If a charge is filed with the Equal Employment
7 Opportunity Commission (EEOC) within 300 calendar days
8 after the date of the alleged civil rights violation, the
9 charge shall be deemed filed with the Department on the
10 date filed with the EEOC. If the EEOC is the governmental
11 agency designated to investigate the charge first, the
12 Department shall take no action until the EEOC makes a
13 determination on the charge and after the complainant
14 notifies the Department of the EEOC's determination. In
15 such cases, after receiving notice from the EEOC that a
16 charge was filed, the Department shall notify the parties
17 that (i) a charge has been received by the EEOC and has
18 been sent to the Department for dual filing purposes; (ii)
19 the EEOC is the governmental agency responsible for
20 investigating the charge and that the investigation shall
21 be conducted pursuant to the rules and procedures adopted
22 by the EEOC; (iii) it will take no action on the charge
23 until the EEOC issues its determination; (iv) the
24 complainant must submit a copy of the EEOC's determination
25 within 30 days after service of the determination by the
26 EEOC on complainant; and (v) that the time period to

1 investigate the charge contained in subsection (G) of this
2 Section is tolled from the date on which the charge is
3 filed with the EEOC until the EEOC issues its
4 determination.

5 (2) If the EEOC finds reasonable cause to believe that
6 there has been a violation of federal law and if the
7 Department is timely notified of the EEOC's findings by
8 complainant, the Department shall notify complainant that
9 the Department has adopted the EEOC's determination of
10 reasonable cause and that complainant has the right, within
11 90 days after receipt of the Department's notice, to either
12 file his or her own complaint with the Illinois Human
13 Rights Commission or commence a civil action in the
14 appropriate circuit court or other appropriate court of
15 competent jurisdiction. This notice shall be provided to
16 the complainant within 10 business days after the
17 Department's receipt of the EEOC's determination. The
18 Department's notice to complainant that the Department has
19 adopted the EEOC's determination of reasonable cause shall
20 constitute the Department's Report for purposes of
21 subparagraph (D) of this Section.

22 (3) For those charges alleging violations within the
23 jurisdiction of both the EEOC and the Department and for
24 which the EEOC either (i) does not issue a determination,
25 but does issue the complainant a notice of a right to sue,
26 including when the right to sue is issued at the request of

1 the complainant, or (ii) determines that it is unable to
2 establish that illegal discrimination has occurred and
3 issues the complainant a right to sue notice, and if the
4 Department is timely notified of the EEOC's determination
5 by complainant, the Department shall notify the parties,
6 within 10 business days after receipt of the EEOC's
7 determination, that the Department will adopt the EEOC's
8 determination as a dismissal for lack of substantial
9 evidence unless the complainant requests in writing within
10 35 days after receipt of the Department's notice that the
11 Department review the EEOC's determination.

12 (a) If the complainant does not file a written
13 request with the Department to review the EEOC's
14 determination within 35 days after receipt of the
15 Department's notice, the Department shall notify
16 complainant, within 10 business days after the
17 expiration of the 35-day period, that the decision of
18 the EEOC has been adopted by the Department as a
19 dismissal for lack of substantial evidence and that the
20 complainant has the right, within 90 days after receipt
21 of the Department's notice, to commence a civil action
22 in the appropriate circuit court or other appropriate
23 court of competent jurisdiction. The Department's
24 notice to complainant that the Department has adopted
25 the EEOC's determination shall constitute the
26 Department's report for purposes of subparagraph (D)

1 of this Section.

2 (b) If the complainant does file a written request
3 with the Department to review the EEOC's
4 determination, the Department shall review the EEOC's
5 determination and any evidence obtained by the EEOC
6 during its investigation. If, after reviewing the
7 EEOC's determination and any evidence obtained by the
8 EEOC, the Department determines there is no need for
9 further investigation of the charge, the Department
10 shall issue a report and the Director shall determine
11 whether there is substantial evidence that the alleged
12 civil rights violation has been committed pursuant to
13 subsection (D) of Section 7A-102. If, after reviewing
14 the EEOC's determination and any evidence obtained by
15 the EEOC, the Department determines there is a need for
16 further investigation of the charge, the Department
17 may conduct any further investigation it deems
18 necessary. After reviewing the EEOC's determination,
19 the evidence obtained by the EEOC, and any additional
20 investigation conducted by the Department, the
21 Department shall issue a report and the Director shall
22 determine whether there is substantial evidence that
23 the alleged civil rights violation has been committed
24 pursuant to subsection (D) of Section 7A-102 of this
25 Act.

26 (4) Pursuant to this Section, if the EEOC dismisses the

1 charge or a portion of the charge of discrimination
2 because, under federal law, the EEOC lacks jurisdiction
3 over the charge, and if, under this Act, the Department has
4 jurisdiction over the charge of discrimination, the
5 Department shall investigate the charge or portion of the
6 charge dismissed by the EEOC for lack of jurisdiction
7 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
8 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of
9 this Act.

10 (5) The time limit set out in subsection (G) of this
11 Section is tolled from the date on which the charge is
12 filed with the EEOC to the date on which the EEOC issues
13 its determination.

14 (6) The failure of the Department to meet the
15 10-business-day notification deadlines set out in
16 paragraph (2) of this subsection shall not impair the
17 rights of any party.

18 (B) Notice and Response to Charge. The Department shall,
19 within 10 days of the date on which the charge was filed, serve
20 a copy of the charge on the respondent and provide all parties
21 with a notice of the complainant's right to opt out of the
22 investigation within 60 days as set forth in subsection (C-1).
23 This period shall not be construed to be jurisdictional. The
24 charging party and the respondent may each file a position
25 statement and other materials with the Department regarding the
26 charge of alleged discrimination within 60 days of receipt of

1 the notice of the charge. The position statements and other
2 materials filed shall remain confidential unless otherwise
3 agreed to by the party providing the information and shall not
4 be served on or made available to the other party during
5 pendency of a charge with the Department. The Department may
6 require the respondent to file a response to the allegations
7 contained in the charge. Upon the Department's request, the
8 respondent shall file a response to the charge within 60 days
9 and shall serve a copy of its response on the complainant or
10 his or her representative. Notwithstanding any request from the
11 Department, the respondent may elect to file a response to the
12 charge within 60 days of receipt of notice of the charge,
13 provided the respondent serves a copy of its response on the
14 complainant or his or her representative. All allegations
15 contained in the charge not denied by the respondent within 60
16 days of the Department's request for a response may be deemed
17 admitted, unless the respondent states that it is without
18 sufficient information to form a belief with respect to such
19 allegation. The Department may issue a notice of default
20 directed to any respondent who fails to file a response to a
21 charge within 60 days of receipt of the Department's request,
22 unless the respondent can demonstrate good cause as to why such
23 notice should not issue. The term "good cause" shall be defined
24 by rule promulgated by the Department. Within 30 days of
25 receipt of the respondent's response, the complainant may file
26 a reply to said response and shall serve a copy of said reply

1 on the respondent or his or her representative. A party shall
2 have the right to supplement his or her response or reply at
3 any time that the investigation of the charge is pending. The
4 Department shall, within 10 days of the date on which the
5 charge was filed, and again no later than 335 days thereafter,
6 send by certified or registered mail, or electronic mail if
7 elected by the party, written notice to the complainant and to
8 the respondent informing the complainant of the complainant's
9 rights to either file a complaint with the Human Rights
10 Commission or commence a civil action in the appropriate
11 circuit court under subparagraph (2) of paragraph (G) ~~and under~~
12 ~~subsection (C-1),~~ including in such notice the dates within
13 which the complainant may exercise these rights. In the notice
14 the Department shall notify the complainant that the charge of
15 civil rights violation will be dismissed with prejudice and
16 with no right to further proceed if a written complaint is not
17 timely filed with the Commission or with the appropriate
18 circuit court by the complainant pursuant to subparagraph (2)
19 of paragraph (G) ~~or subsection (C-1)~~ or by the Department
20 pursuant to subparagraph (1) of paragraph (G).

21 (B-1) Mediation. The complainant and respondent may agree
22 to voluntarily submit the charge to mediation without waiving
23 any rights that are otherwise available to either party
24 pursuant to this Act and without incurring any obligation to
25 accept the result of the mediation process. Nothing occurring
26 in mediation shall be disclosed by the Department or admissible

1 in evidence in any subsequent proceeding unless the complainant
2 and the respondent agree in writing that such disclosure be
3 made.

4 (C) Investigation.

5 (1) ~~The If the complainant does not elect to opt out of~~
6 ~~an investigation pursuant to subsection (C-1), the~~
7 Department shall conduct an investigation sufficient to
8 determine whether the allegations set forth in the charge
9 are supported by substantial evidence unless the
10 complainant elects to opt out of an investigation pursuant
11 to subsection (C-1).

12 (2) The Director or his or her designated
13 representatives shall have authority to request any member
14 of the Commission to issue subpoenas to compel the
15 attendance of a witness or the production for examination
16 of any books, records or documents whatsoever.

17 (3) If any witness whose testimony is required for any
18 investigation resides outside the State, or through
19 illness or any other good cause as determined by the
20 Director is unable to be interviewed by the investigator or
21 appear at a fact finding conference, his or her testimony
22 or deposition may be taken, within or without the State, in
23 the same manner as is provided for in the taking of
24 depositions in civil cases in circuit courts.

25 (4) Upon reasonable notice to the complainant and the
26 respondent, the Department shall conduct a fact finding

1 conference, unless prior to 365 days after the date on
2 which the charge was filed the Director has determined
3 whether there is substantial evidence that the alleged
4 civil rights violation has been committed, the charge has
5 been dismissed for lack of jurisdiction, or the parties
6 voluntarily and in writing agree to waive the fact finding
7 conference. Any party's failure to attend the conference
8 without good cause shall result in dismissal or default.
9 The term "good cause" shall be defined by rule promulgated
10 by the Department. A notice of dismissal or default shall
11 be issued by the Director. The notice of default issued by
12 the Director shall notify the respondent that a request for
13 review may be filed in writing with the Commission within
14 30 days of receipt of notice of default. The notice of
15 dismissal issued by the Director shall give the complainant
16 notice of his or her right to seek review of the dismissal
17 before the Human Rights Commission or commence a civil
18 action in the appropriate circuit court. If the complainant
19 chooses to have the Human Rights Commission review the
20 dismissal order, he or she shall file a request for review
21 with the Commission within 90 days after receipt of the
22 Director's notice. If the complainant chooses to file a
23 request for review with the Commission, he or she may not
24 later commence a civil action in a circuit court. If the
25 complainant chooses to commence a civil action in a circuit
26 court, he or she must do so within 90 days after receipt of

1 the Director's notice.

2 (C-1) Opt out of Department's investigation. At any time
3 within 60 days after receipt of notice of the right to opt out,
4 a complainant may submit a written request seeking notice from
5 the Director indicating that the complainant has opted out of
6 the investigation and may commence a civil action in the
7 appropriate circuit court or other appropriate court of
8 competent jurisdiction. Within ~~The Department shall respond to~~
9 ~~a complainant's opt out request within~~ 10 business days of
10 receipt of the complainant's request to opt out of the
11 investigation, the Director shall issue a notice to the parties
12 stating that: (i) the complainant has exercised the right to
13 opt out of the investigation; (ii) the complainant has 90 days
14 after receipt of the Director's notice to commence an action in
15 the appropriate circuit court or other appropriate court of
16 competent jurisdiction; and (iii) the Department has ceased its
17 investigation and is administratively closing the charge by
18 ~~issuing the complainant a notice of the right to commence an~~
19 ~~action in circuit court. The Department shall also notify the~~
20 ~~respondent that the complainant has elected to opt out of the~~
21 ~~administrative process within 10 business days of receipt of~~
22 ~~the complainant's request. If the complainant chooses to~~
23 ~~commence an action in a circuit court under this subsection, he~~
24 ~~or she must do so within 90 days after receipt of the~~
25 ~~Director's notice of the right to commence an action in circuit~~
26 ~~court.~~ The complainant shall notify the Department and the

1 respondent that a complaint has been filed with the appropriate
2 circuit court or other appropriate court of competent
3 jurisdiction and shall mail a copy of the complaint to the
4 Department and the respondent on the same date that the
5 complaint is filed with the appropriate ~~circuit~~ court. ~~Upon~~
6 ~~receipt of notice that the complainant has filed an action with~~
7 ~~the appropriate circuit court, the Department shall~~
8 ~~immediately cease its investigation and dismiss the charge of~~
9 ~~civil rights violation.~~ Once a complainant has opted out of the
10 investigation ~~commenced an action in circuit court~~ under this
11 subsection, he or she may not file or refile a substantially
12 similar charge with the Department arising from the same
13 incident of unlawful discrimination or harassment.

14 (D) Report.

15 (1) Each charge investigated under subsection (C)
16 shall be the subject of a report to the Director. The
17 report shall be a confidential document subject to review
18 by the Director, authorized Department employees, the
19 parties, and, where indicated by this Act, members of the
20 Commission or their designated hearing officers.

21 (2) Upon review of the report, the Director shall
22 determine whether there is substantial evidence that the
23 alleged civil rights violation has been committed. The
24 determination of substantial evidence is limited to
25 determining the need for further consideration of the
26 charge pursuant to this Act and includes, but is not

1 limited to, findings of fact and conclusions, as well as
2 the reasons for the determinations on all material issues.
3 Substantial evidence is evidence which a reasonable mind
4 accepts as sufficient to support a particular conclusion
5 and which consists of more than a mere scintilla but may be
6 somewhat less than a preponderance.

7 (3) If the Director determines that there is no
8 substantial evidence, the charge shall be dismissed by
9 order of the Director and the Director shall give the
10 complainant notice of his or her right to seek review of
11 the dismissal order before the Commission or commence a
12 civil action in the appropriate circuit court. If the
13 complainant chooses to have the Human Rights Commission
14 review the dismissal order, he or she shall file a request
15 for review with the Commission within 90 days after receipt
16 of the Director's notice. If the complainant chooses to
17 file a request for review with the Commission, he or she
18 may not later commence a civil action in a circuit court.
19 If the complainant chooses to commence a civil action in a
20 circuit court, he or she must do so within 90 days after
21 receipt of the Director's notice.

22 (4) If the Director determines that there is
23 substantial evidence, he or she shall notify the
24 complainant and respondent of that determination. The
25 Director shall also notify the parties that the complainant
26 has the right to either commence a civil action in the

1 appropriate circuit court or request that the Department of
2 Human Rights file a complaint with the Human Rights
3 Commission on his or her behalf. Any such complaint shall
4 be filed within 90 days after receipt of the Director's
5 notice. If the complainant chooses to have the Department
6 file a complaint with the Human Rights Commission on his or
7 her behalf, the complainant must, within 30 days after
8 receipt of the Director's notice, request in writing that
9 the Department file the complaint. If the complainant
10 timely requests that the Department file the complaint, the
11 Department shall file the complaint on his or her behalf.
12 If the complainant fails to timely request that the
13 Department file the complaint, the complainant may file his
14 or her complaint with the Commission or commence a civil
15 action in the appropriate circuit court. If the complainant
16 files a complaint with the Human Rights Commission, the
17 complainant shall give notice to the Department of the
18 filing of the complaint with the Human Rights Commission.

19 (E) Conciliation.

20 (1) When there is a finding of substantial evidence,
21 the Department may designate a Department employee who is
22 an attorney licensed to practice in Illinois to endeavor to
23 eliminate the effect of the alleged civil rights violation
24 and to prevent its repetition by means of conference and
25 conciliation.

26 (2) When the Department determines that a formal

1 conciliation conference is necessary, the complainant and
2 respondent shall be notified of the time and place of the
3 conference by registered or certified mail at least 10 days
4 prior thereto and either or both parties shall appear at
5 the conference in person or by attorney.

6 (3) The place fixed for the conference shall be within
7 35 miles of the place where the civil rights violation is
8 alleged to have been committed.

9 (4) Nothing occurring at the conference shall be
10 disclosed by the Department unless the complainant and
11 respondent agree in writing that such disclosure be made.

12 (5) The Department's efforts to conciliate the matter
13 shall not stay or extend the time for filing the complaint
14 with the Commission or the circuit court.

15 (F) Complaint.

16 (1) When the complainant requests that the Department
17 file a complaint with the Commission on his or her behalf,
18 the Department shall prepare a written complaint, under
19 oath or affirmation, stating the nature of the civil rights
20 violation substantially as alleged in the charge
21 previously filed and the relief sought on behalf of the
22 aggrieved party. The Department shall file the complaint
23 with the Commission.

24 (2) If the complainant chooses to commence a civil
25 action in a circuit court, he or she must do so in the
26 circuit court in the county wherein the civil rights

1 violation was allegedly committed. The form of the
2 complaint in any such civil action shall be in accordance
3 with the Illinois Code of Civil Procedure.

4 (G) Time Limit.

5 (1) When a charge of a civil rights violation has been
6 properly filed, the Department, within 365 days thereof or
7 within any extension of that period agreed to in writing by
8 all parties, shall issue its report as required by
9 subparagraph (D). Any such report shall be duly served upon
10 both the complainant and the respondent.

11 (2) If the Department has not issued its report within
12 365 days after the charge is filed, or any such longer
13 period agreed to in writing by all the parties, the
14 complainant shall have 90 days to either file his or her
15 own complaint with the Human Rights Commission or commence
16 a civil action in the appropriate circuit court. If the
17 complainant files a complaint with the Commission, the form
18 of the complaint shall be in accordance with the provisions
19 of paragraph (F)(1). If the complainant commences a civil
20 action in a circuit court, the form of the complaint shall
21 be in accordance with the Illinois Code of Civil Procedure.
22 The aggrieved party shall notify the Department that a
23 complaint has been filed and shall serve a copy of the
24 complaint on the Department on the same date that the
25 complaint is filed with the Commission or in circuit court.
26 If the complainant files a complaint with the Commission,

1 he or she may not later commence a civil action in circuit
2 court.

3 (3) If an aggrieved party files a complaint with the
4 Human Rights Commission or commences a civil action in
5 circuit court pursuant to paragraph (2) of this subsection,
6 or if the time period for filing a complaint has expired,
7 the Department shall immediately cease its investigation
8 and dismiss the charge of civil rights violation. Any final
9 order entered by the Commission under this Section is
10 appealable in accordance with paragraph (B)(1) of Section
11 8-111. Failure to immediately cease an investigation and
12 dismiss the charge of civil rights violation as provided in
13 this paragraph (3) constitutes grounds for entry of an
14 order by the circuit court permanently enjoining the
15 investigation. The Department may also be liable for any
16 costs and other damages incurred by the respondent as a
17 result of the action of the Department.

18 (4) (Blank).

19 (H) This amendatory Act of 1995 applies to causes of action
20 filed on or after January 1, 1996.

21 (I) This amendatory Act of 1996 applies to causes of action
22 filed on or after January 1, 1996.

23 (J) The changes made to this Section by Public Act 95-243
24 apply to charges filed on or after the effective date of those
25 changes.

26 (K) The changes made to this Section by this amendatory Act

1 of the 96th General Assembly apply to charges filed on or after
2 the effective date of those changes.

3 (L) The changes made to this Section by this amendatory Act
4 of the 100th General Assembly apply to charges filed on or
5 after the effective date of this amendatory Act of the 100th
6 General Assembly.

7 (Source: P.A. 100-492, eff. 9-8-17; 100-588, eff. 6-8-18;
8 100-1066, eff. 8-24-18.)

9 (775 ILCS 5/8-109) (from Ch. 68, par. 8-109)

10 Sec. 8-109. Specific Penalties; Public Contracts;
11 Licensees; Public Officials. In addition to the penalties and
12 forms of relief set forth in Section 8A-104 ~~8-108~~, a hearing
13 officer may recommend and the Commission or any three member
14 panel thereof may:

15 (A) Public Contracts. In the case of a respondent who
16 commits a civil rights violation while holding a public
17 contract, where the practice was authorized, requested,
18 commanded, performed, or knowingly permitted by the board of
19 directors of the respondent or by an officer or executive agent
20 acting within the scope of his employment, order: (1)
21 termination of the contract; (2) debarment of the respondent
22 from participating in public contracts for a period not to
23 exceed three years; (3) imposition of a penalty to be paid to
24 the State Treasurer not to exceed any profit acquired as a
25 direct result of a civil rights violation; or (4) any

1 combination of these penalties.

2 (B) Licensees. In the case of a respondent, operating by
3 virtue of a license issued by the State, a political
4 subdivision, or any agency thereof, who commits a civil rights
5 violation, recommend to the appropriate licensing authority
6 that the respondent's license be suspended or revoked.

7 (C) Public Officials. In the case of a respondent who is a
8 public official who violates paragraph (C) of Section 5-102,
9 recommend to the department or agency in which the official is
10 employed that such disciplinary or discharge proceedings as the
11 Commission deems appropriate be employed.

12 (Source: P.A. 81-1267.)

13 (775 ILCS 5/8-109.1 new)

14 Sec. 8-109.1. Civil penalties; failure to report; failure
15 to train.

16 (A) A hearing officer may recommend the Commission or any
17 3-member panel thereof may:

18 (1) Failure to report. In the case of an employer who
19 fails to make any disclosures required under Section 2-108
20 within 30 days of the Department's notice to show cause, or
21 as otherwise extended by the Department, order that a civil
22 penalty be imposed pursuant to subsection (B).

23 (2) Failure to train. In the case of an employer who
24 fails to comply with the sexual harassment prevention
25 training requirements under Section 2-109 or 2-110 within

1 to have committed an act or threat of sexual harassment.

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

12 "Union" means any organization defined as a "labor
13 organization" under Section 2 of the National Labor Relations
14 Act (29 U.S.C. 152).

15 "Union representative" means a person designated by a union
16 to represent a member of the union in any disciplinary
17 proceeding.

18 "Victim" means a victim of sexual harassment.

19 Section 3-10. Dual representation prohibited.

20 (a) In any proceeding in which a victim who is a member of
21 a union has accused a perpetrator who is a member of the same
22 union, the victim and the perpetrator may not be represented in
23 the proceeding by the same union representative.

24 (b) The union must designate separate union
25 representatives to represent the parties to the proceeding.

1 Section 3-15. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Article 4.

4 Section 4-5. The Victims' Economic Security and Safety Act
5 is amended by changing Sections 5, 10, 15, 20, 25, 30, and 45
6 as follows:

7 (820 ILCS 180/5)

8 Sec. 5. Findings. The General Assembly finds and declares
9 the following:

10 (1) Domestic, ~~and~~ sexual, and gender violence affects
11 many persons without regard to age, race, educational
12 level, socioeconomic status, religion, or occupation.

13 (2) Domestic, ~~and~~ sexual, and gender violence has a
14 devastating effect on individuals, families, communities
15 and the workplace.

16 (3) Domestic violence crimes account for approximately
17 15% of total crime costs in the United States each year.

18 (4) Violence against women has been reported to be the
19 leading cause of physical injury to women. Such violence
20 has a devastating impact on women's physical and emotional
21 health and financial security.

22 (5) According to recent government surveys, from 1993

1 through 1998 the average annual number of violent
2 victimizations committed by intimate partners was
3 1,082,110, 87% of which were committed against women.

4 (6) Female murder victims were substantially more
5 likely than male murder victims to have been killed by an
6 intimate partner. About one-third of female murder
7 victims, and about 4% of male murder victims, were killed
8 by an intimate partner.

9 (7) According to recent government estimates,
10 approximately 987,400 rapes occur annually in the United
11 States, 89% of the rapes are perpetrated against female
12 victims.

13 (8) Approximately 10,200,000 people have been stalked
14 at some time in their lives. Four out of every 5 stalking
15 victims are women. Stalkers harass and terrorize their
16 victims by spying on the victims, standing outside their
17 places of work or homes, making unwanted phone calls,
18 sending or leaving unwanted letters or items, or
19 vandalizing property.

20 (9) Employees in the United States who have been
21 victims of domestic violence, dating violence, sexual
22 assault, or stalking too often suffer adverse consequences
23 in the workplace as a result of their victimization.

24 (10) Victims of domestic violence, dating violence,
25 sexual assault, and stalking face the threat of job loss
26 and loss of health insurance as a result of the illegal

1 acts of the perpetrators of violence.

2 (11) The prevalence of domestic violence, dating
3 violence, sexual assault, stalking, and other violence
4 against women at work is dramatic. Approximately 11% of all
5 rapes occur in the workplace. About 50,500 individuals, 83%
6 of whom are women, were raped or sexually assaulted in the
7 workplace each year from 1992 through 1996. Half of all
8 female victims of violent workplace crimes know their
9 attackers. Nearly one out of 10 violent workplace incidents
10 is committed by partners or spouses.

11 (12) Homicide is the leading cause of death for women
12 on the job. Husbands, boyfriends, and ex-partners commit
13 15% of workplace homicides against women.

14 (13) Studies indicate that as much as 74% of employed
15 battered women surveyed were harassed at work by their
16 abusive partners.

17 (14) According to a 1998 report of the U.S. General
18 Accounting Office, between one-fourth and one-half of
19 domestic violence victims surveyed in 3 studies reported
20 that the victims lost a job due, at least in part, to
21 domestic violence.

22 (15) Women who have experienced domestic violence or
23 dating violence are more likely than other women to be
24 unemployed, to suffer from health problems that can affect
25 employability and job performance, to report lower
26 personal income, and to rely on welfare.

1 (16) Abusers frequently seek to control their partners
2 by actively interfering with their ability to work,
3 including preventing their partners from going to work,
4 harassing their partners at work, limiting the access of
5 their partners to cash or transportation, and sabotaging
6 the child care arrangements of their partners.

7 (17) More than one-half of women receiving welfare have
8 been victims of domestic violence as adults and between
9 one-fourth and one-third reported being abused in the last
10 year.

11 (18) Sexual assault, whether occurring in or out of the
12 workplace, can impair an employee's work performance,
13 require time away from work, and undermine the employee's
14 ability to maintain a job. Almost 50% of sexual assault
15 survivors lose their jobs or are forced to quit in the
16 aftermath of the assaults.

17 (19) More than one-fourth of stalking victims report
18 losing time from work due to the stalking and 7% never
19 return to work.

20 (20) (A) According to the National Institute of
21 Justice, crime costs an estimated \$450,000,000,000
22 annually in medical expenses, lost earnings, social
23 service costs, pain, suffering, and reduced quality of life
24 for victims, which harms the Nation's productivity and
25 drains the Nation's resources. (B) Violent crime accounts
26 for \$426,000,000,000 per year of this amount. (C) Rape

1 exacts the highest costs per victim of any criminal
2 offense, and accounts for \$127,000,000,000 per year of the
3 amount described in subparagraph (A).

4 (21) The Bureau of National Affairs has estimated that
5 domestic violence costs United States employers between
6 \$3,000,000,000 and \$5,000,000,000 annually in lost time
7 and productivity. Other reports have estimated that
8 domestic violence costs United States employers
9 \$13,000,000,000 annually.

10 (22) United States medical costs for domestic violence
11 have been estimated to be \$31,000,000,000 per year.

12 (23) Ninety-four percent of corporate security and
13 safety directors at companies nationwide rank domestic
14 violence as a high security concern.

15 (24) Forty-nine percent of senior executives recently
16 surveyed said domestic violence has a harmful effect on
17 their company's productivity, 47% said domestic violence
18 negatively affects attendance, and 44% said domestic
19 violence increases health care costs.

20 (25) Employees, including individuals participating in
21 welfare to work programs, may need to take time during
22 business hours to:

23 (A) obtain orders of protection or civil no contact
24 orders;

25 (B) seek medical or legal assistance, counseling,
26 or other services; or

1 (C) look for housing in order to escape from
2 domestic or sexual violence.

3 (Source: P.A. 96-635, eff. 8-24-09.)

4 (820 ILCS 180/10)

5 Sec. 10. Definitions. In this Act, except as otherwise
6 expressly provided:

7 (1) "Commerce" includes trade, traffic, commerce,
8 transportation, or communication; and "industry or
9 activity affecting commerce" means any activity, business,
10 or industry in commerce or in which a labor dispute would
11 hinder or obstruct commerce or the free flow of commerce,
12 and includes "commerce" and any "industry affecting
13 commerce".

14 (2) "Course of conduct" means a course of repeatedly
15 maintaining a visual or physical proximity to a person or
16 conveying oral or written threats, including threats
17 conveyed through electronic communications, or threats
18 implied by conduct.

19 (3) "Department" means the Department of Labor.

20 (4) "Director" means the Director of Labor.

21 (5) "Domestic violence, sexual violence, or gender
22 violence ~~or sexual violence~~" means domestic violence,
23 sexual assault, gender violence, or stalking.

24 (6) "Domestic violence" means abuse, as defined in
25 Section 103 of the Illinois Domestic Violence Act of 1986,

1 by a family or household member, as defined in Section 103
2 of the Illinois Domestic Violence Act of 1986.

3 (7) "Electronic communications" includes
4 communications via telephone, mobile phone, computer,
5 e-mail, video recorder, fax machine, telex, ~~or~~ pager,
6 online platform (including, but not limited to, any
7 public-facing website, web application, digital
8 application, or social network), or any other electronic
9 communication, as defined in Section 12-7.5 of the Criminal
10 Code of 2012.

11 (8) "Employ" includes to suffer or permit to work.

12 (9) Employee.

13 (A) In general. "Employee" means any person
14 employed by an employer.

15 (B) Basis. "Employee" includes a person employed
16 as described in subparagraph (A) on a full or part-time
17 basis, or as a participant in a work assignment as a
18 condition of receipt of federal or State income-based
19 public assistance.

20 (10) "Employer" means any of the following: (A) the
21 State or any agency of the State; (B) any unit of local
22 government or school district; or (C) any person that
23 employs at least one employee.

24 (11) "Employment benefits" means all benefits provided
25 or made available to employees by an employer, including
26 group life insurance, health insurance, disability

1 insurance, sick leave, annual leave, educational benefits,
2 pensions, and profit-sharing, regardless of whether such
3 benefits are provided by a practice or written policy of an
4 employer or through an "employee benefit plan". "Employee
5 benefit plan" or "plan" means an employee welfare benefit
6 plan or an employee pension benefit plan or a plan which is
7 both an employee welfare benefit plan and an employee
8 pension benefit plan.

9 (12) "Family or household member", for employees with a
10 family or household member who is a victim of domestic
11 violence, sexual violence, or gender violence, ~~or sexual~~
12 ~~violence,~~ means a spouse, parent, son, daughter, other
13 person related by blood or by present or prior marriage,
14 other person who shares a relationship through a son or
15 daughter, and persons jointly residing in the same
16 household.

17 (12.5) "Gender violence" means:

18 (A) one or more acts of violence or aggression
19 satisfying the elements of any criminal offense under the
20 laws of this State that are committed, at least in part, on
21 the basis of a person's actual or perceived sex or gender,
22 regardless of whether the acts resulted in criminal
23 charges, prosecution, or conviction;

24 (B) a physical intrusion or physical invasion of a
25 sexual nature under coercive conditions satisfying the
26 elements of any criminal offense under the laws of this

1 State, regardless of whether the intrusion or invasion
2 resulted in criminal charges, prosecution, or conviction;
3 or

4 (C) a threat of an act described in item (A) or (B)
5 causing a realistic apprehension that the originator of the
6 threat will commit the act.

7 (13) "Parent" means the biological parent of an
8 employee or an individual who stood in loco parentis to an
9 employee when the employee was a son or daughter. "Son or
10 daughter" means a biological, adopted, or foster child, a
11 stepchild, a legal ward, or a child of a person standing in
12 loco parentis, who is under 18 years of age, or is 18 years
13 of age or older and incapable of self-care because of a
14 mental or physical disability.

15 (14) "Perpetrator" means an individual who commits or
16 is alleged to have committed any act or threat of domestic
17 violence, sexual violence, or gender violence ~~or sexual~~
18 violence.

19 (15) "Person" means an individual, partnership,
20 association, corporation, business trust, legal
21 representative, or any organized group of persons.

22 (16) "Public agency" means the Government of the State
23 or political subdivision thereof; any agency of the State,
24 or of a political subdivision of the State; or any
25 governmental agency.

26 (17) "Public assistance" includes cash, food stamps,

1 medical assistance, housing assistance, and other benefits
2 provided on the basis of income by a public agency or
3 public employer.

4 (18) "Reduced work schedule" means a work schedule that
5 reduces the usual number of hours per workweek, or hours
6 per workday, of an employee.

7 (19) "Repeatedly" means on 2 or more occasions.

8 (20) "Sexual assault" means any conduct proscribed by:
9 (i) Article 11 of the Criminal Code of 2012 except Sections
10 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1,
11 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a
12 similar provision of the Criminal Code of 1961 ~~the Criminal~~
13 ~~Code of 1961 or the Criminal Code of 2012 in Sections~~
14 ~~11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,~~
15 ~~12-14.1, 12-15, and 12-16.~~

16 (21) "Stalking" means any conduct proscribed by the
17 Criminal Code of 1961 or the Criminal Code of 2012 in
18 Sections 12-7.3, 12-7.4, and 12-7.5.

19 (22) "Victim" or "survivor" means an individual who has
20 been subjected to domestic violence, sexual violence, or
21 gender violence ~~or sexual violence~~.

22 (23) "Victim services organization" means a nonprofit,
23 nongovernmental organization that provides assistance to
24 victims of domestic violence, sexual violence, or gender
25 violence ~~or sexual violence~~ or to advocates for such
26 victims, including a rape crisis center, an organization

1 carrying out a domestic violence program, an organization
2 operating a shelter or providing counseling services, or a
3 legal services organization or other organization
4 providing assistance through the legal process.

5 (Source: P.A. 99-765, eff. 1-1-17.)

6 (820 ILCS 180/15)

7 Sec. 15. Purposes. The purposes of this Act are:

8 (1) to promote the State's interest in reducing
9 domestic violence, dating violence, sexual assault, gender
10 violence, and stalking by enabling victims of domestic
11 violence, sexual violence, or gender violence ~~or sexual~~
12 ~~violence~~ to maintain the financial independence necessary
13 to leave abusive situations, achieve safety, and minimize
14 the physical and emotional injuries from domestic
15 violence, sexual violence, or gender violence ~~or sexual~~
16 ~~violence~~, and to reduce the devastating economic
17 consequences of domestic violence, sexual violence, or
18 gender violence ~~or sexual violence~~ to employers and
19 employees;

20 (2) to address the failure of existing laws to protect
21 the employment rights of employees who are victims of
22 domestic violence, sexual violence, or gender violence ~~or~~
23 ~~sexual violence~~ and employees with a family or household
24 member who is a victim of domestic violence, sexual
25 violence, or gender violence ~~or sexual violence~~, by

1 protecting the civil and economic rights of those
2 employees, and by furthering the equal opportunity of women
3 for economic self-sufficiency and employment free from
4 discrimination;

5 (3) to accomplish the purposes described in paragraphs
6 (1) and (2) by (A) entitling employed victims of domestic
7 violence, sexual violence, or gender violence ~~or sexual~~
8 ~~violence~~ and employees with a family or household member
9 who is a victim of domestic violence, sexual violence, or
10 gender violence ~~or sexual violence~~ to take unpaid leave to
11 seek medical help, legal assistance, counseling, safety
12 planning, and other assistance without penalty from their
13 employers for the employee or the family or household
14 member who is a victim; and (B) prohibiting employers from
15 discriminating against any employee who is a victim of
16 domestic violence, sexual violence, or gender violence ~~or~~
17 ~~sexual violence~~ or any employee who has a family or
18 household member who is a victim of domestic violence,
19 sexual violence, or gender violence ~~or sexual violence~~, in
20 a manner that accommodates the legitimate interests of
21 employers and protects the safety of all persons in the
22 workplace.

23 (Source: P.A. 96-635, eff. 8-24-09.)

24 (820 ILCS 180/20)

25 Sec. 20. Entitlement to leave due to domestic violence,

1 sexual violence, or gender violence ~~or sexual violence~~.

2 (a) Leave requirement.

3 (1) Basis. An employee who is a victim of domestic
4 violence, sexual violence, or gender violence ~~or sexual~~
5 ~~violence~~ or an employee who has a family or household
6 member who is a victim of domestic violence, sexual
7 violence, or gender violence ~~or sexual violence~~ whose
8 interests are not adverse to the employee as it relates to
9 the domestic violence, sexual violence, or gender violence
10 ~~or sexual violence~~ may take unpaid leave from work if the
11 employee or employee's family or household member is
12 experiencing an incident of domestic violence, sexual
13 violence, or gender violence ~~or sexual violence~~ or to
14 address domestic violence, sexual violence, or gender
15 violence ~~or sexual violence~~ by:

16 (A) seeking medical attention for, or recovering
17 from, physical or psychological injuries caused by
18 domestic violence, sexual violence, or gender violence
19 ~~or sexual violence~~ to the employee or the employee's
20 family or household member;

21 (B) obtaining services from a victim services
22 organization for the employee or the employee's family
23 or household member;

24 (C) obtaining psychological or other counseling
25 for the employee or the employee's family or household
26 member;

1 (D) participating in safety planning, temporarily
2 or permanently relocating, or taking other actions to
3 increase the safety of the employee or the employee's
4 family or household member from future domestic
5 violence, sexual violence, or gender violence ~~or~~
6 ~~sexual violence~~ or ensure economic security; or

7 (E) seeking legal assistance or remedies to ensure
8 the health and safety of the employee or the employee's
9 family or household member, including preparing for or
10 participating in any civil or criminal legal
11 proceeding related to or derived from domestic
12 violence, sexual violence, or gender violence ~~or~~
13 ~~sexual violence~~.

14 (2) Period. Subject to subsection (c), an employee
15 working for an employer that employs at least 50 employees
16 shall be entitled to a total of 12 workweeks of leave
17 during any 12-month period. Subject to subsection (c), an
18 employee working for an employer that employs at least 15
19 but not more than 49 employees shall be entitled to a total
20 of 8 workweeks of leave during any 12-month period. Subject
21 to subsection (c), an employee working for an employer that
22 employs at least one but not more than 14 employees shall
23 be entitled to a total of 4 workweeks of leave during any
24 12-month period. The total number of workweeks to which an
25 employee is entitled shall not decrease during the relevant
26 12-month period. This Act does not create a right for an

1 employee to take unpaid leave that exceeds the unpaid leave
2 time allowed under, or is in addition to the unpaid leave
3 time permitted by, the federal Family and Medical Leave Act
4 of 1993 (29 U.S.C. 2601 et seq.).

5 (3) Schedule. Leave described in paragraph (1) may be
6 taken intermittently or on a reduced work schedule.

7 (b) Notice. The employee shall provide the employer with at
8 least 48 hours' advance notice of the employee's intention to
9 take the leave, unless providing such notice is not
10 practicable. When an unscheduled absence occurs, the employer
11 may not take any action against the employee if the employee,
12 upon request of the employer and within a reasonable period
13 after the absence, provides certification under subsection
14 (c).

15 (c) Certification.

16 (1) In general. The employer may require the employee
17 to provide certification to the employer that:

18 (A) the employee or the employee's family or
19 household member is a victim of domestic violence,
20 sexual violence, or gender violence ~~or sexual~~
21 ~~violence~~; and

22 (B) the leave is for one of the purposes enumerated
23 in paragraph (a) (1).

24 The employee shall provide such certification to the
25 employer within a reasonable period after the employer
26 requests certification.

1 (2) Contents. An employee may satisfy the
2 certification requirement of paragraph (1) by providing to
3 the employer a sworn statement of the employee, and upon
4 obtaining such documents the employee shall provide:

5 (A) documentation from an employee, agent, or
6 volunteer of a victim services organization, an
7 attorney, a member of the clergy, or a medical or other
8 professional from whom the employee or the employee's
9 family or household member has sought assistance in
10 addressing domestic violence, sexual violence, or
11 gender violence ~~or sexual violence~~ and the effects of
12 the violence;

13 (B) a police or court record; or

14 (C) other corroborating evidence.

15 (d) Confidentiality. All information provided to the
16 employer pursuant to subsection (b) or (c), including a
17 statement of the employee or any other documentation, record,
18 or corroborating evidence, and the fact that the employee has
19 requested or obtained leave pursuant to this Section, shall be
20 retained in the strictest confidence by the employer, except to
21 the extent that disclosure is:

22 (1) requested or consented to in writing by the
23 employee; or

24 (2) otherwise required by applicable federal or State
25 law.

26 (e) Employment and benefits.

1 (1) Restoration to position.

2 (A) In general. Any employee who takes leave under
3 this Section for the intended purpose of the leave
4 shall be entitled, on return from such leave:

5 (i) to be restored by the employer to the
6 position of employment held by the employee when
7 the leave commenced; or

8 (ii) to be restored to an equivalent position
9 with equivalent employment benefits, pay, and
10 other terms and conditions of employment.

11 (B) Loss of benefits. The taking of leave under
12 this Section shall not result in the loss of any
13 employment benefit accrued prior to the date on which
14 the leave commenced.

15 (C) Limitations. Nothing in this subsection shall
16 be construed to entitle any restored employee to:

17 (i) the accrual of any seniority or employment
18 benefits during any period of leave; or

19 (ii) any right, benefit, or position of
20 employment other than any right, benefit, or
21 position to which the employee would have been
22 entitled had the employee not taken the leave.

23 (D) Construction. Nothing in this paragraph shall
24 be construed to prohibit an employer from requiring an
25 employee on leave under this Section to report
26 periodically to the employer on the status and

1 intention of the employee to return to work.

2 (2) Maintenance of health benefits.

3 (A) Coverage. Except as provided in subparagraph
4 (B), during any period that an employee takes leave
5 under this Section, the employer shall maintain
6 coverage for the employee and any family or household
7 member under any group health plan for the duration of
8 such leave at the level and under the conditions
9 coverage would have been provided if the employee had
10 continued in employment continuously for the duration
11 of such leave.

12 (B) Failure to return from leave. The employer may
13 recover the premium that the employer paid for
14 maintaining coverage for the employee and the
15 employee's family or household member under such group
16 health plan during any period of leave under this
17 Section if:

18 (i) the employee fails to return from leave
19 under this Section after the period of leave to
20 which the employee is entitled has expired; and

21 (ii) the employee fails to return to work for a
22 reason other than:

23 (I) the continuation, recurrence, or onset
24 of domestic violence, sexual violence, or
25 gender violence ~~or sexual violence~~ that
26 entitles the employee to leave pursuant to this

1 Section; or

2 (II) other circumstances beyond the
3 control of the employee.

4 (C) Certification.

5 (i) Issuance. An employer may require an
6 employee who claims that the employee is unable to
7 return to work because of a reason described in
8 subclause (I) or (II) of subparagraph (B)(ii) to
9 provide, within a reasonable period after making
10 the claim, certification to the employer that the
11 employee is unable to return to work because of
12 that reason.

13 (ii) Contents. An employee may satisfy the
14 certification requirement of clause (i) by
15 providing to the employer:

16 (I) a sworn statement of the employee;

17 (II) documentation from an employee,
18 agent, or volunteer of a victim services
19 organization, an attorney, a member of the
20 clergy, or a medical or other professional from
21 whom the employee has sought assistance in
22 addressing domestic violence, sexual violence,
23 or gender violence ~~or sexual violence~~ and the
24 effects of that violence;

25 (III) a police or court record; or

26 (IV) other corroborating evidence.

1 (D) Confidentiality. All information provided to
2 the employer pursuant to subparagraph (C), including a
3 statement of the employee or any other documentation,
4 record, or corroborating evidence, and the fact that
5 the employee is not returning to work because of a
6 reason described in subclause (I) or (II) of
7 subparagraph (B)(ii) shall be retained in the
8 strictest confidence by the employer, except to the
9 extent that disclosure is:

10 (i) requested or consented to in writing by the
11 employee; or

12 (ii) otherwise required by applicable federal
13 or State law.

14 (f) Prohibited acts.

15 (1) Interference with rights.

16 (A) Exercise of rights. It shall be unlawful for
17 any employer to interfere with, restrain, or deny the
18 exercise of or the attempt to exercise any right
19 provided under this Section.

20 (B) Employer discrimination. It shall be unlawful
21 for any employer to discharge or harass any individual,
22 or otherwise discriminate against any individual with
23 respect to compensation, terms, conditions, or
24 privileges of employment of the individual (including
25 retaliation in any form or manner) because the
26 individual:

1 (i) exercised any right provided under this
2 Section; or

3 (ii) opposed any practice made unlawful by
4 this Section.

5 (C) Public agency sanctions. It shall be unlawful
6 for any public agency to deny, reduce, or terminate the
7 benefits of, otherwise sanction, or harass any
8 individual, or otherwise discriminate against any
9 individual with respect to the amount, terms, or
10 conditions of public assistance of the individual
11 (including retaliation in any form or manner) because
12 the individual:

13 (i) exercised any right provided under this
14 Section; or

15 (ii) opposed any practice made unlawful by
16 this Section.

17 (2) Interference with proceedings or inquiries. It
18 shall be unlawful for any person to discharge or in any
19 other manner discriminate (as described in subparagraph
20 (B) or (C) of paragraph (1)) against any individual because
21 such individual:

22 (A) has filed any charge, or has instituted or
23 caused to be instituted any proceeding, under or
24 related to this Section;

25 (B) has given, or is about to give, any information
26 in connection with any inquiry or proceeding relating

1 to any right provided under this Section; or

2 (C) has testified, or is about to testify, in any
3 inquiry or proceeding relating to any right provided
4 under this Section.

5 (Source: P.A. 99-765, eff. 1-1-17.)

6 (820 ILCS 180/25)

7 Sec. 25. Existing leave usable for addressing domestic
8 violence, sexual violence, or gender violence ~~or sexual~~
9 ~~violence~~. An employee who is entitled to take paid or unpaid
10 leave (including family, medical, sick, annual, personal, or
11 similar leave) from employment, pursuant to federal, State, or
12 local law, a collective bargaining agreement, or an employment
13 benefits program or plan, may elect to substitute any period of
14 such leave for an equivalent period of leave provided under
15 Section 20. The employer may not require the employee to
16 substitute available paid or unpaid leave for leave provided
17 under Section 20.

18 (Source: P.A. 96-635, eff. 8-24-09.)

19 (820 ILCS 180/30)

20 Sec. 30. Victims' employment sustainability; prohibited
21 discriminatory acts.

22 (a) An employer shall not fail to hire, refuse to hire,
23 discharge, constructively discharge, or harass any individual,
24 otherwise discriminate against any individual with respect to

1 the compensation, terms, conditions, or privileges of
2 employment of the individual, or retaliate against an
3 individual in any form or manner, and a public agency shall not
4 deny, reduce, or terminate the benefits of, otherwise sanction,
5 or harass any individual, otherwise discriminate against any
6 individual with respect to the amount, terms, or conditions of
7 public assistance of the individual, or retaliate against an
8 individual in any form or manner, because:

9 (1) the individual involved:

10 (A) is or is perceived to be a victim of domestic
11 violence, sexual violence, or gender violence ~~or~~
12 ~~sexual violence~~;

13 (B) attended, participated in, prepared for, or
14 requested leave to attend, participate in, or prepare
15 for a criminal or civil court proceeding relating to an
16 incident of domestic violence, sexual violence, or
17 gender violence ~~or sexual violence~~ of which the
18 individual or a family or household member of the
19 individual was a victim, or requested or took leave for
20 any other reason provided under Section 20;

21 (C) requested an adjustment to a job structure,
22 workplace facility, or work requirement, including a
23 transfer, reassignment, or modified schedule, leave, a
24 changed telephone number or seating assignment,
25 installation of a lock, or implementation of a safety
26 procedure in response to actual or threatened domestic

1 violence, sexual violence, or gender violence ~~or~~
2 ~~sexual violence~~, regardless of whether the request was
3 granted; or

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

6 (2) the workplace is disrupted or threatened by the
7 action of a person whom the individual states has committed
8 or threatened to commit domestic violence, sexual
9 violence, or gender violence ~~or sexual violence~~ against the
10 individual or the individual's family or household member.

11 (b) In this Section:

12 (1) "Discriminate", used with respect to the terms,
13 conditions, or privileges of employment or with respect to
14 the terms or conditions of public assistance, includes not
15 making a reasonable accommodation to the known limitations
16 resulting from circumstances relating to being a victim of
17 domestic violence, sexual violence, or gender violence ~~or~~
18 ~~sexual violence~~ or a family or household member being a
19 victim of domestic violence, sexual violence, or gender
20 violence ~~or sexual violence~~ of an otherwise qualified
21 individual:

22 (A) who is:

23 (i) an applicant or employee of the employer
24 (including a public agency); or

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

1 (B) who is:

2 (i) a victim of domestic violence, sexual
3 violence, or gender violence ~~a victim of domestic~~
4 ~~or sexual violence~~; or

5 (ii) with a family or household member who is a
6 victim of domestic violence, sexual violence, or
7 gender violence ~~or sexual violence~~ whose interests
8 are not adverse to the individual in subparagraph
9 (A) as it relates to the domestic violence, sexual
10 violence, or gender violence ~~or sexual violence~~;

11 unless the employer or public agency can demonstrate that
12 the accommodation would impose an undue hardship on the
13 operation of the employer or public agency.

14 A reasonable accommodation must be made in a timely
15 fashion. Any exigent circumstances or danger facing the
16 employee or his or her family or household member shall be
17 considered in determining whether the accommodation is
18 reasonable.

19 (2) "Qualified individual" means:

20 (A) in the case of an applicant or employee
21 described in paragraph (1)(A)(i), an individual who,
22 but for being a victim of domestic violence, sexual
23 violence, or gender violence ~~or sexual violence~~ or with
24 a family or household member who is a victim of
25 domestic violence, sexual violence, or gender violence
26 ~~or sexual violence~~, can perform the essential

1 functions of the employment position that such
2 individual holds or desires; or

3 (B) in the case of an applicant or recipient
4 described in paragraph (1) (A) (ii), an individual who,
5 but for being a victim of domestic violence, sexual
6 violence, or gender violence ~~or sexual violence~~ or with
7 a family or household member who is a victim of
8 domestic violence, sexual violence, or gender violence
9 ~~or sexual violence~~, can satisfy the essential
10 requirements of the program providing the public
11 assistance that the individual receives or desires.

12 (3) "Reasonable accommodation" may include an
13 adjustment to a job structure, workplace facility, or work
14 requirement, including a transfer, reassignment, or
15 modified schedule, leave, a changed telephone number or
16 seating assignment, installation of a lock, or
17 implementation of a safety procedure, or assistance in
18 documenting domestic violence, sexual violence, or gender
19 violence ~~or sexual violence~~ that occurs at the workplace or
20 in work-related settings, in response to actual or
21 threatened domestic violence, sexual violence, or gender
22 violence ~~or sexual violence~~.

23 (4) Undue hardship.

24 (A) In general. "Undue hardship" means an action
25 requiring significant difficulty or expense, when
26 considered in light of the factors set forth in

1 subparagraph (B).

2 (B) Factors to be considered. In determining
3 whether a reasonable accommodation would impose an
4 undue hardship on the operation of an employer or
5 public agency, factors to be considered include:

6 (i) the nature and cost of the reasonable
7 accommodation needed under this Section;

8 (ii) the overall financial resources of the
9 facility involved in the provision of the
10 reasonable accommodation, the number of persons
11 employed at such facility, the effect on expenses
12 and resources, or the impact otherwise of such
13 accommodation on the operation of the facility;

14 (iii) the overall financial resources of the
15 employer or public agency, the overall size of the
16 business of an employer or public agency with
17 respect to the number of employees of the employer
18 or public agency, and the number, type, and
19 location of the facilities of an employer or public
20 agency; and

21 (iv) the type of operation of the employer or
22 public agency, including the composition,
23 structure, and functions of the workforce of the
24 employer or public agency, the geographic
25 separateness of the facility from the employer or
26 public agency, and the administrative or fiscal

1 relationship of the facility to the employer or
2 public agency.

3 (c) An employer subject to Section 21 of the Workplace
4 Violence Prevention Act shall not violate any provisions of the
5 Workplace Violence Prevention Act.

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

7 (820 ILCS 180/45)

8 Sec. 45. Effect on other laws and employment benefits.

9 (a) More protective laws, agreements, programs, and plans.
10 Nothing in this Act shall be construed to supersede any
11 provision of any federal, State, or local law, collective
12 bargaining agreement, or employment benefits program or plan
13 that provides:

14 (1) greater leave benefits for victims of domestic
15 violence, sexual violence, or gender violence ~~or sexual~~
16 ~~violence~~ than the rights established under this Act; or

17 (2) leave benefits for a larger population of victims
18 of domestic violence, sexual violence, or gender violence
19 ~~or sexual violence~~ (as defined in such law, agreement,
20 program, or plan) than the victims of domestic violence,
21 sexual violence, or gender violence ~~or sexual violence~~
22 covered under this Act.

23 (b) Less protective laws, agreements, programs, and plans.
24 The rights established for employees who are victims of
25 domestic violence, sexual violence, or gender violence ~~or~~

1 ~~sexual violence~~ and employees with a family or household member
2 who is a victim of domestic violence, sexual violence, or
3 gender violence ~~or sexual violence~~ under this Act shall not be
4 diminished by any federal, State or local law, collective
5 bargaining agreement, or employment benefits program or plan.

6 (Source: P.A. 93-591, eff. 8-25-03.)

7 Article 5.

8 Section 5-1. Short title. This Article may be cited as the
9 Hotel and Casino Employee Safety Act. References in this
10 Article to "this Act" mean this Article.

11 Section 5-5. Definitions. As used in this Act:

12 "Casino" has the meaning ascribed to the term "riverboat"
13 under the Riverboat Gambling Act.

14 "Casino employer" means any person, business, or
15 organization that holds an owners license pursuant to the
16 Riverboat Gambling Act that operates a casino and either
17 directly employs or through a subcontractor, including through
18 the services of a temporary staffing agency, exercises
19 direction and control over any natural person who is working on
20 the casino premises.

21 "Complaining employee" means an employee who has alleged an
22 instance of sexual assault or sexual harassment by a guest.

23 "Employee" means any natural person who works full-time or

1 part-time for a hotel employer or casino employer for or under
2 the direction of the hotel employer or casino employer or any
3 subcontractor of the hotel employer or casino employer for
4 wages or salary or remuneration of any type under a contract or
5 subcontract of employment.

6 "Guest" means any invitee to a hotel or casino, including a
7 registered guest, person occupying a guest room with a
8 registered guest or other occupant of a guest room, person
9 patronizing food or beverage facilities provided by the hotel
10 or casino, or any other person whose presence at the hotel or
11 casino is permitted by the hotel or casino. "Guest" does not
12 include an employee.

13 "Guest room" means any room made available by a hotel for
14 overnight occupancy by guests.

15 "Hotel" means any building or buildings maintained,
16 advertised, and held out to the public to be a place where
17 lodging is offered for consideration to travelers and guests.
18 "Hotel" includes an inn, motel, tourist home or court, and
19 lodging house.

20 "Hotel employer" means any person, business entity, or
21 organization that operates a hotel and either directly employs
22 or through a subcontractor, including through the services of a
23 temporary staffing agency, exercises direction and control
24 over any natural person who is working on the hotel premises
25 and employed in furtherance of the hotel's provision of lodging
26 to travelers and guests.

1 "Notification device" or "safety device" means a portable
2 emergency contact device, supplied by the hotel employer or
3 casino employer, that utilizes technology that the hotel
4 employer or casino employer deems appropriate for the hotel's
5 or casino's size, physical layout, and technological
6 capabilities and that is designed so that an employee can
7 quickly and easily activate the device to alert a hotel or
8 casino security officer, manager, or other appropriate hotel or
9 casino staff member designated by the hotel or casino and
10 effectively summon to the employee's location prompt
11 assistance by a hotel or casino security officer, manager, or
12 other appropriate hotel or casino staff member designated by
13 the hotel or casino.

14 "Offending guest" means a guest a complaining employee has
15 alleged sexually assaulted or sexually harassed the
16 complaining employee.

17 "Restroom" means any room equipped with toilets or urinals.

18 "Sexual assault" means: (1) an act of sexual conduct, as
19 defined in Section 11-0.1 of the Criminal Code of 2012; or (2)
20 any act of sexual penetration, as defined in Section 11-0.1 of
21 the Criminal Code of 2012 and includes, without limitation,
22 acts prohibited under Sections 11-1.20 through 11-1.60 of the
23 Criminal Code of 2012.

24 "Sexual harassment" means any harassment or discrimination
25 on the basis of an individual's actual or perceived sex or
26 gender, including unwelcome sexual advances, requests for

1 sexual favors, or other verbal or physical conduct of a sexual
2 nature.

3 Section 5-10. Hotels and casinos; safety devices;
4 anti-sexual harassment policies.

5 (a) Each hotel and casino shall equip an employee who is
6 assigned to work in a guest room, restroom, or casino floor,
7 under circumstances where no other employee is present in the
8 room or area, with a safety device or notification device. The
9 employee may use the safety device or notification device to
10 summon help if the employee reasonably believes that an ongoing
11 crime, sexual harassment, sexual assault, or other emergency is
12 occurring in the employee's presence. The safety device or
13 notification device shall be provided by the hotel or casino at
14 no cost to the employee.

15 (b) Each hotel employer and casino employer shall develop,
16 maintain, and comply with a written anti-sexual harassment
17 policy to protect employees against sexual assault and sexual
18 harassment by guests. This policy shall:

19 (1) encourage an employee to immediately report to the
20 hotel employer or casino employer any instance of alleged
21 sexual assault or sexual harassment by a guest;

22 (2) describe the procedures that the complaining
23 employee and hotel employer or casino employer shall follow
24 in cases under paragraph (1);

25 (3) instruct the complaining employee to cease work and

1 to leave the immediate area where danger is perceived until
2 hotel or casino security personnel or police arrive to
3 provide assistance;

4 (4) offer temporary work assignments to the
5 complaining employee during the duration of the offending
6 guest's stay at the hotel or casino, which may include
7 assigning the complaining employee to work on a different
8 floor or at a different station or work area away from the
9 offending guest;

10 (5) provide the complaining employee with necessary
11 paid time off to:

12 (A) file a police report or criminal complaint with
13 the appropriate local authorities against the
14 offending guest; and

15 (B) if so required, testify as a witness at any
16 legal proceeding that may ensue as a result of the
17 criminal complaint filed against the offending guest,
18 if the complaining employee is still in the employ of
19 the hotel or casino at the time the legal proceeding
20 occurs;

21 (6) inform the complaining employee that the Illinois
22 Human Rights Act and Title VII of the Civil Rights Act of
23 1964 provide additional protections against sexual
24 harassment in the workplace; and

25 (7) inform the complaining employee that Section 15
26 makes it illegal for an employer to retaliate against any

1 employee who: reasonably uses a safety device or
2 notification device; in good faith avails himself or
3 herself of the requirements set forth in paragraph (3),
4 (4), or (5); or discloses, reports, or testifies about any
5 violation of this Act or rules adopted under this Act.

6 Each hotel employer and casino employer shall provide all
7 employees with a current copy in English and Spanish of the
8 hotel employer's or casino employer's anti-sexual harassment
9 policy and post the policy in English and Spanish in
10 conspicuous places in areas of the hotel or casino, such as
11 supply rooms or employee lunch rooms, where employees can
12 reasonably be expected to see it. Each hotel employer and
13 casino employer shall also make all reasonable efforts to
14 provide employees with a current copy of its written
15 anti-sexual harassment policy in any language other than
16 English and Spanish that, in its sole discretion, is spoken by
17 a predominant portion of its employees.

18 Section 5-15. Retaliation prohibited. It is unlawful for a
19 hotel employer or casino employer to retaliate against an
20 employee for:

21 (1) reasonably using a safety device or notification
22 device;

23 (2) availing himself or herself of the provisions of
24 paragraph (3), (4), or (5) of subsection (b) of Section 10;

25 or

1 4A-107, and 4A-108 and by adding Sections 4A-101.5 and 4A-106.5
2 as follows:

3 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

4 Sec. 4A-101. Persons required to file with the Secretary of
5 State. The following persons shall file verified written
6 statements of economic interests with the Secretary of State,
7 as provided in this Article:

8 (a) Members of the General Assembly and candidates for
9 nomination or election to the General Assembly.

10 (b) Persons holding an elected office in the Executive
11 Branch of this State, and candidates for nomination or
12 election to these offices.

13 (c) Members of a Commission or Board created by the
14 Illinois Constitution, and candidates for nomination or
15 election to such Commission or Board.

16 (d) Persons whose appointment to office is subject to
17 confirmation by the Senate and persons appointed by the
18 Governor to any other position on a board or commission
19 described in subsection (a) of Section 15 of the
20 Gubernatorial Boards and Commissions Act.

21 (e) Holders of, and candidates for nomination or
22 election to, the office of judge or associate judge of the
23 Circuit Court and the office of judge of the Appellate or
24 Supreme Court.

25 (f) Persons who are employed by any branch, agency,

1 authority or board of the government of this State,
2 including but not limited to, the Illinois State Toll
3 Highway Authority, the Illinois Housing Development
4 Authority, the Illinois Community College Board, and
5 institutions under the jurisdiction of the Board of
6 Trustees of the University of Illinois, Board of Trustees
7 of Southern Illinois University, Board of Trustees of
8 Chicago State University, Board of Trustees of Eastern
9 Illinois University, Board of Trustees of Governors
10 ~~Governor's~~ State University, Board of Trustees of Illinois
11 State University, Board of Trustees of Northeastern
12 Illinois University, Board of Trustees of Northern
13 Illinois University, Board of Trustees of Western Illinois
14 University, or Board of Trustees of the Illinois
15 Mathematics and Science Academy, and are compensated for
16 services as employees and not as independent contractors
17 and who:

18 (1) are, or function as, the head of a department,
19 commission, board, division, bureau, authority or
20 other administrative unit within the government of
21 this State, or who exercise similar authority within
22 the government of this State;

23 (2) have direct supervisory authority over, or
24 direct responsibility for the formulation,
25 negotiation, issuance or execution of contracts
26 entered into by the State in the amount of \$5,000 or

1 more;

2 (3) have authority for the issuance or
3 promulgation of rules and regulations within areas
4 under the authority of the State;

5 (4) have authority for the approval of
6 professional licenses;

7 (5) have responsibility with respect to the
8 financial inspection of regulated nongovernmental
9 entities;

10 (6) adjudicate, arbitrate, or decide any judicial
11 or administrative proceeding, or review the
12 adjudication, arbitration or decision of any judicial
13 or administrative proceeding within the authority of
14 the State;

15 (7) have supervisory responsibility for 20 or more
16 employees of the State;

17 (8) negotiate, assign, authorize, or grant naming
18 rights or sponsorship rights regarding any property or
19 asset of the State, whether real, personal, tangible,
20 or intangible; or

21 (9) have responsibility with respect to the
22 procurement of goods or services.

23 (f-5) Members of the board of commissioners of any
24 flood prevention district created under the Flood
25 Prevention District Act or the Beardstown Regional Flood
26 Prevention District Act.

1 (g) (Blank). ~~Persons who are elected to office in a~~
2 ~~unit of local government, and candidates for nomination or~~
3 ~~election to that office, including regional~~
4 ~~superintendents of school districts.~~

5 (h) (Blank). ~~Persons appointed to the governing board~~
6 ~~of a unit of local government, or of a special district,~~
7 ~~and persons appointed to a zoning board, or zoning board of~~
8 ~~appeals, or to a regional, county, or municipal plan~~
9 ~~commission, or to a board of review of any county, and~~
10 ~~persons appointed to the Board of the Metropolitan Pier and~~
11 ~~Exposition Authority and any Trustee appointed under~~
12 ~~Section 22 of the Metropolitan Pier and Exposition~~
13 ~~Authority Act, and persons appointed to a board or~~
14 ~~commission of a unit of local government who have authority~~
15 ~~to authorize the expenditure of public funds. This~~
16 ~~subsection does not apply to members of boards or~~
17 ~~commissions who function in an advisory capacity.~~

18 (i) (Blank). ~~Persons who are employed by a unit of~~
19 ~~local government and are compensated for services as~~
20 ~~employees and not as independent contractors and who:~~

21 ~~(1) are, or function as, the head of a department,~~
22 ~~division, bureau, authority or other administrative~~
23 ~~unit within the unit of local government, or who~~
24 ~~exercise similar authority within the unit of local~~
25 ~~government;~~

26 ~~(2) have direct supervisory authority over, or~~

1 ~~direct responsibility for the formulation,~~
2 ~~negotiation, issuance or execution of contracts~~
3 ~~entered into by the unit of local government in the~~
4 ~~amount of \$1,000 or greater;~~

5 ~~(3) have authority to approve licenses and permits~~
6 ~~by the unit of local government; this item does not~~
7 ~~include employees who function in a ministerial~~
8 ~~capacity;~~

9 ~~(4) adjudicate, arbitrate, or decide any judicial~~
10 ~~or administrative proceeding, or review the~~
11 ~~adjudication, arbitration or decision of any judicial~~
12 ~~or administrative proceeding within the authority of~~
13 ~~the unit of local government;~~

14 ~~(5) have authority to issue or promulgate rules and~~
15 ~~regulations within areas under the authority of the~~
16 ~~unit of local government; or~~

17 ~~(6) have supervisory responsibility for 20 or more~~
18 ~~employees of the unit of local government.~~

19 (j) Persons on the Board of Trustees of the Illinois
20 Mathematics and Science Academy.

21 (k) (Blank). ~~Persons employed by a school district in~~
22 ~~positions that require that person to hold an~~
23 ~~administrative or a chief school business official~~
24 ~~endorsement.~~

25 (l) Special government agents. A "special government
26 agent" is a person who is directed, retained, designated,

1 appointed, or employed, with or without compensation, by or
2 on behalf of a statewide executive branch constitutional
3 officer to make an ex parte communication under Section
4 5-50 of the State Officials and Employees Ethics Act or
5 Section 5-165 of the Illinois Administrative Procedure
6 Act.

7 (m) (Blank). ~~Members of the board of commissioners of~~
8 ~~any flood prevention district created under the Flood~~
9 ~~Prevention District Act or the Beardstown Regional Flood~~
10 ~~Prevention District Act.~~

11 (n) Members of the board of any retirement system or
12 investment board established under the Illinois Pension
13 Code, if not required to file under any other provision of
14 this Section.

15 (o) (Blank). ~~Members of the board of any pension fund~~
16 ~~established under the Illinois Pension Code, if not~~
17 ~~required to file under any other provision of this Section.~~

18 (p) Members of the investment advisory panel created
19 under Section 20 of the Illinois Prepaid Tuition Act.

20 This Section shall not be construed to prevent any unit of
21 local government from enacting financial disclosure
22 requirements that mandate more information than required by
23 this Act.

24 (Source: P.A. 96-6, eff. 4-3-09; 96-543, eff. 8-17-09; 96-555,
25 eff. 8-18-09; 96-1000, eff. 7-2-10; 97-309, eff. 8-11-11;
26 97-754, eff. 7-6-12; revised 10-10-18.)

1 (5 ILCS 420/4A-101.5 new)

2 Sec. 4A-101.5. Persons required to file with the county
3 clerk. The following persons shall file verified written
4 statements of economic interests with the county clerk, as
5 provided in this Article:

6 (a) Persons who are elected to office in a unit of local
7 government, and candidates for nomination or election to that
8 office, including regional superintendents of school
9 districts.

10 (b) Persons appointed to the governing board of a unit of
11 local government, or of a special district, and persons
12 appointed to a zoning board, or zoning board of appeals, or to
13 a regional, county, or municipal plan commission, or to a board
14 of review of any county, and persons appointed to the Board of
15 the Metropolitan Pier and Exposition Authority and any Trustee
16 appointed under Section 22 of the Metropolitan Pier and
17 Exposition Authority Act, and persons appointed to a board or
18 commission of a unit of local government who have authority to
19 authorize the expenditure of public funds. This subsection (b)
20 does not apply to members of boards or commissions who function
21 in an advisory capacity.

22 (c) Persons who are employed by a unit of local government
23 and are compensated for services as employees and not as
24 independent contractors, and who:

25 (1) are, or function as, the head of a department,

1 division, bureau, authority, or other administrative unit
2 within the unit of local government, or who exercise
3 similar authority within the unit of local government;

4 (2) have direct supervisory authority over, or direct
5 responsibility for the formulation, negotiation, issuance,
6 or execution of contracts entered into by the unit of local
7 government in the amount of \$1,000 or greater;

8 (3) have authority to approve licenses and permits by
9 the unit of local government, but not including employees
10 who function in a ministerial capacity;

11 (4) adjudicate, arbitrate, or decide any judicial or
12 administrative proceeding, or review the adjudication,
13 arbitration, or decision of any judicial or administrative
14 proceeding within the authority of the unit of local
15 government;

16 (5) have authority to issue or adopt rules and
17 regulations within areas under the authority of the unit of
18 local government; or

19 (6) have supervisory responsibility for 20 or more
20 employees of the unit of local government.

21 (d) Persons employed by a school district in positions that
22 require that person to hold an administrative or a chief school
23 business official endorsement.

24 (e) Members of the board of any pension fund established
25 under the Illinois Pension Code, if not required to file under
26 any other provision of this Section.

1 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

2 Sec. 4A-102. The statement of economic interests required
3 by this Article shall include the economic interests of the
4 person making the statement as provided in this Section. The
5 interest (if constructively controlled by the person making the
6 statement) of a spouse or any other party, shall be considered
7 to be the same as the interest of the person making the
8 statement. Campaign receipts shall not be included in this
9 statement.

10 (a) The following interests shall be listed by all
11 persons required to file:

12 (1) The name, address and type of practice of any
13 professional organization or individual professional
14 practice in which the person making the statement was
15 an officer, director, associate, partner or
16 proprietor, or served in any advisory capacity, from
17 which income in excess of \$1200 was derived during the
18 preceding calendar year;

19 (2) The nature of professional services (other
20 than services rendered to the unit or units of
21 government in relation to which the person is required
22 to file) and the nature of the entity to which they
23 were rendered if fees exceeding \$5,000 were received
24 during the preceding calendar year from the entity for
25 professional services rendered by the person making

1 the statement.

2 (3) The identity (including the address or legal
3 description of real estate) of any capital asset from
4 which a capital gain of \$5,000 or more was realized in
5 the preceding calendar year.

6 (4) The name of any unit of government which has
7 employed the person making the statement during the
8 preceding calendar year other than the unit or units of
9 government in relation to which the person is required
10 to file.

11 (5) The name of any entity from which a gift or
12 gifts, or honorarium or honoraria, valued singly or in
13 the aggregate in excess of \$500, was received during
14 the preceding calendar year.

15 (b) The following interests shall also be listed by
16 persons listed in items (a) through (f), item (l), item
17 (n), and item (p) of Section 4A-101:

18 (1) The name and instrument of ownership in any
19 entity doing business in the State of Illinois, in
20 which an ownership interest held by the person at the
21 date of filing is in excess of \$5,000 fair market value
22 or from which dividends of in excess of \$1,200 were
23 derived during the preceding calendar year. (In the
24 case of real estate, location thereof shall be listed
25 by street address, or if none, then by legal
26 description). No time or demand deposit in a financial

1 institution, nor any debt instrument need be listed;

2 (2) Except for professional service entities, the
3 name of any entity and any position held therein from
4 which income of in excess of \$1,200 was derived during
5 the preceding calendar year, if the entity does
6 business in the State of Illinois. No time or demand
7 deposit in a financial institution, nor any debt
8 instrument need be listed.

9 (3) The identity of any compensated lobbyist with
10 whom the person making the statement maintains a close
11 economic association, including the name of the
12 lobbyist and specifying the legislative matter or
13 matters which are the object of the lobbying activity,
14 and describing the general type of economic activity of
15 the client or principal on whose behalf that person is
16 lobbying.

17 (c) The following interests shall also be listed by
18 persons listed in items (a) through (c) and item (e) ~~(g)~~,
19 ~~(h), (i), and (e)~~ of Section 4A-101.5 ~~4A-101~~:

20 (1) The name and instrument of ownership in any
21 entity doing business with a unit of local government
22 in relation to which the person is required to file if
23 the ownership interest of the person filing is greater
24 than \$5,000 fair market value as of the date of filing
25 or if dividends in excess of \$1,200 were received from
26 the entity during the preceding calendar year. (In the

1 case of real estate, location thereof shall be listed
2 by street address, or if none, then by legal
3 description). No time or demand deposit in a financial
4 institution, nor any debt instrument need be listed.

5 (2) Except for professional service entities, the
6 name of any entity and any position held therein from
7 which income in excess of \$1,200 was derived during the
8 preceding calendar year if the entity does business
9 with a unit of local government in relation to which
10 the person is required to file. No time or demand
11 deposit in a financial institution, nor any debt
12 instrument need be listed.

13 (3) The name of any entity and the nature of the
14 governmental action requested by any entity which has
15 applied to a unit of local government in relation to
16 which the person must file for any license, franchise
17 or permit for annexation, zoning or rezoning of real
18 estate during the preceding calendar year if the
19 ownership interest of the person filing is in excess of
20 \$5,000 fair market value at the time of filing or if
21 income or dividends in excess of \$1,200 were received
22 by the person filing from the entity during the
23 preceding calendar year.

24 For the purposes of this Section, the unit of local
25 government in relation to which a person required to file under
26 item (e) ~~(e)~~ of Section 4A-101.5 ~~4A-101~~ shall be the unit of

1 local government that contributes to the pension fund of which
2 such person is a member of the board.

3 (Source: P.A. 96-6, eff. 4-3-09; 97-754, eff. 7-6-12.)

4 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

5 Sec. 4A-105. Time for filing. Except as provided in
6 Section 4A-106.1, by May 1 of each year a statement must be
7 filed by each person whose position at that time subjects him
8 to the filing requirements of Section 4A-101 or 4A-101.5 unless
9 he has already filed a statement in relation to the same unit
10 of government in that calendar year.

11 Statements must also be filed as follows:

12 (a) A candidate for elective office shall file his
13 statement not later than the end of the period during which
14 he can take the action necessary under the laws of this
15 State to attempt to qualify for nomination, election, or
16 retention to such office if he has not filed a statement in
17 relation to the same unit of government within a year
18 preceding such action.

19 (b) A person whose appointment to office is subject to
20 confirmation by the Senate shall file his statement at the
21 time his name is submitted to the Senate for confirmation.

22 (b-5) A special government agent, as defined in item
23 (1) of Section 4A-101 of this Act, shall file a statement
24 within 30 days after making the first ex parte
25 communication and each May 1 thereafter if he or she has

1 made an ex parte communication within the previous 12
2 months.

3 (c) Any other person required by this Article to file
4 the statement shall file a statement at the time of his or
5 her initial appointment or employment in relation to that
6 unit of government if appointed or employed by May 1.

7 If any person who is required to file a statement of
8 economic interests fails to file such statement by May 1 of any
9 year, the officer with whom such statement is to be filed under
10 Section 4A-106 or 4A-106.5 of this Act shall, within 7 days
11 after May 1, notify such person by certified mail of his or her
12 failure to file by the specified date. Except as may be
13 prescribed by rule of the Secretary of State, such person shall
14 file his or her statement of economic interests on or before
15 May 15 with the appropriate officer, together with a \$15 late
16 filing fee. Any such person who fails to file by May 15 shall
17 be subject to a penalty of \$100 for each day from May 16 to the
18 date of filing, which shall be in addition to the \$15 late
19 filing fee specified above. Failure to file by May 31 shall
20 result in a forfeiture in accordance with Section 4A-107 of
21 this Act.

22 Any person who takes office or otherwise becomes required
23 to file a statement of economic interests within 30 days prior
24 to May 1 of any year may file his or her statement at any time
25 on or before May 31 without penalty. If such person fails to
26 file such statement by May 31, the officer with whom such

1 statement is to be filed under Section 4A-106 or 4A-106.5 of
2 this Act shall, within 7 days after May 31, notify such person
3 by certified mail of his or her failure to file by the
4 specified date. Such person shall file his or her statement of
5 economic interests on or before June 15 with the appropriate
6 officer, together with a \$15 late filing fee. Any such person
7 who fails to file by June 15 shall be subject to a penalty of
8 \$100 per day for each day from June 16 to the date of filing,
9 which shall be in addition to the \$15 late filing fee specified
10 above. Failure to file by June 30 shall result in a forfeiture
11 in accordance with Section 4A-107 of this Act.

12 All late filing fees and penalties collected pursuant to
13 this Section shall be paid into the General Revenue Fund in the
14 State treasury, if the Secretary of State receives such
15 statement for filing, or into the general fund in the county
16 treasury, if the county clerk receives such statement for
17 filing. The Attorney General, with respect to the State, and
18 the several State's Attorneys, with respect to counties, shall
19 take appropriate action to collect the prescribed penalties.

20 Failure to file a statement of economic interests within
21 the time prescribed shall not result in a fine or ineligibility
22 for, or forfeiture of, office or position of employment, as the
23 case may be; provided that the failure to file results from not
24 being included for notification by the appropriate agency,
25 clerk, secretary, officer or unit of government, as the case
26 may be, and that a statement is filed within 30 days of actual

1 notice of the failure to file.

2 Beginning with statements required to be filed on or after
3 May 1, 2009, the officer with whom a statement is to be filed
4 may, in his or her discretion, waive the late filing fee, the
5 monetary late filing penalty, and the ineligibility for or
6 forfeiture of office or position for failure to file when the
7 person's late filing of a statement or failure to file a
8 statement is due to his or her (i) serious or catastrophic
9 illness that renders the person temporarily incapable of
10 completing the statement or (ii) military service.

11 (Source: P.A. 96-550, eff. 8-17-09.)

12 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

13 Sec. 4A-106. Persons filing statements with Secretary of
14 State; notice; certification of list of names; alphabetical
15 list; receipt; examination and copying of statements. The
16 statements of economic interests required of persons listed in
17 ~~items (a) through (f), item (j), item (l), item (n), and item~~
18 ~~(p) of Section 4A-101 shall be filed with the Secretary of~~
19 ~~State. The statements of economic interests required of persons~~
20 ~~listed in items (g), (h), (i), (k), and (o) of Section 4A-101~~
21 ~~shall be filed with the county clerk of the county in which the~~
22 ~~principal office of the unit of local government with which the~~
23 ~~person is associated is located. If it is not apparent which~~
24 ~~county the principal office of a unit of local government is~~
25 ~~located, the chief administrative officer, or his or her~~

1 ~~designee, has the authority, for purposes of this Act, to~~
2 ~~determine the county in which the principal office is located.~~

3 On or before February 1 annually, ~~(1)~~ the chief administrative
4 officer of any State agency in the executive, legislative, or
5 judicial branch employing persons required to file under item
6 (f) or item (l) of Section 4A-101 and the chief administrative
7 officer of a board or panel described in item (n) or (p) of
8 Section 4A-101 shall certify to the Secretary of State the
9 names and mailing addresses of those persons, ~~and (2) the chief~~
10 ~~administrative officer, or his or her designee, of each unit of~~
11 ~~local government with persons described in items (h), (i) and~~
12 ~~(k) and a board described in item (o) of Section 4A-101 shall~~
13 ~~certify to the appropriate county clerk a list of names and~~
14 ~~addresses of persons described in items (h), (i), (k), and (o)~~
15 ~~of Section 4A-101 that are required to file. In preparing the~~
16 lists, each chief administrative officer, or his or her
17 designee, shall set out the names in alphabetical order.

18 On or before April 1 annually, the Secretary of State shall
19 notify (1) all persons whose names have been certified to him
20 under items (f), (l), (n), and (p) of Section 4A-101, and (2)
21 all persons described in items (a) through (e) and item (j) of
22 Section 4A-101, other than candidates for office who have filed
23 their statements with their nominating petitions, of the
24 requirements for filing statements of economic interests. A
25 person required to file with the Secretary of State by virtue
26 of more than one position as listed in Section 4A-101, and

1 filing his or her statement of economic interests in writing,
2 rather than through the Internet-based system, ~~item among items~~
3 ~~(a) through (f) and items (j), (l), (n), and (p)~~ shall be
4 notified of and is required to file only one statement of
5 economic interests relating to all items under which the person
6 is required to file with the Secretary of State.

7 ~~On or before April 1 annually, the county clerk of each~~
8 ~~county shall notify all persons whose names have been certified~~
9 ~~to him under items (g), (h), (i), (k), and (o) of Section~~
10 ~~4A-101, other than candidates for office who have filed their~~
11 ~~statements with their nominating petitions, of the~~
12 ~~requirements for filing statements of economic interests. A~~
13 ~~person required to file with a county clerk by virtue of more~~
14 ~~than one item among items (g), (h), (i), (k), and (o) shall be~~
15 ~~notified of and is required to file only one statement of~~
16 ~~economic interests relating to all items under which the person~~
17 ~~is required to file with that county clerk.~~

18 Except as provided in Section 4A-106.1, the notices
19 provided for in this Section shall be in writing and deposited
20 in the U.S. Mail, properly addressed, first class postage
21 prepaid, on or before the day required by this Section for the
22 sending of the notice. ~~Alternatively, a county clerk may send~~
23 ~~the notices electronically to all persons whose names have been~~
24 ~~thus certified to him under item (h), (i), or (k) of Section~~
25 ~~4A-101.~~ A certificate executed by the Secretary of State ~~or~~
26 ~~county clerk~~ attesting that he or she has sent the notice by

1 the means permitted by this Section constitutes prima facie
2 evidence thereof.

3 ~~From the lists certified to him under this Section of~~
4 ~~persons described in items (g), (h), (i), (k), and (o) of~~
5 ~~Section 4A 101, the clerk of each county shall compile an~~
6 ~~alphabetical listing of persons required to file statements of~~
7 ~~economic interests in his office under any of those items. As~~
8 ~~the statements are filed in his office, the county clerk shall~~
9 ~~cause the fact of that filing to be indicated on the~~
10 ~~alphabetical listing of persons who are required to file~~
11 ~~statements. Within 30 days after the due dates, the county~~
12 ~~clerk shall mail to the State Board of Elections a true copy of~~
13 ~~that listing showing those who have filed statements.~~

14 ~~The county clerk of each county shall note upon the~~
15 ~~alphabetical listing the names of all persons required to file~~
16 ~~a statement of economic interests who failed to file a~~
17 ~~statement on or before May 1. It shall be the duty of the~~
18 ~~several county clerks to give notice as provided in Section~~
19 ~~4A 105 to any person who has failed to file his or her~~
20 ~~statement with the clerk on or before May 1.~~

21 Any person who files or has filed a statement of economic
22 interest under this Section Act is entitled to receive from the
23 Secretary of State ~~or county clerk, as the case may be,~~ a
24 receipt indicating that the person has filed such a statement,
25 the date of such filing, and the identity of the governmental
26 unit or units in relation to which the filing is required.

1 The Secretary of State may employ such employees and
2 consultants as he considers necessary to carry out his duties
3 hereunder, and may prescribe their duties, fix their
4 compensation, and provide for reimbursement of their expenses.

5 All statements of economic interests filed under this
6 Section shall be available for examination and copying by the
7 public at all reasonable times. Not later than 12 months after
8 the effective date of this amendatory Act of the 93rd General
9 Assembly, beginning with statements filed in calendar year
10 2004, the Secretary of State shall make statements of economic
11 interests filed with the Secretary available for inspection and
12 copying via the Secretary's website.

13 (Source: P.A. 96-6, eff. 4-3-09; 96-1336, eff. 1-1-11; 97-754,
14 eff. 7-6-12.)

15 (5 ILCS 420/4A-106.5 new)

16 Sec. 4A-106.5. Persons filing statements with county
17 clerk; notice; certification of list of names; alphabetical
18 list; receipt; examination and copying of statements. The
19 statements of economic interests required of persons listed in
20 Section 4A-101.5 shall be filed with the county clerk of the
21 county in which the principal office of the unit of local
22 government with which the person is associated is located. If
23 it is not apparent which county the principal office of a unit
24 of local government is located, the chief administrative
25 officer, or his or her designee, has the authority, for

1 purposes of this Act, to determine the county in which the
2 principal office is located. The chief administrative officer,
3 or his or her designee, of each unit of local government with
4 persons described in Section 4A-101.5 shall certify to the
5 appropriate county clerk a list of names and addresses of
6 persons that are required to file. In preparing the lists, each
7 chief administrative officer, or his or her designee, shall set
8 out the names in alphabetical order.

9 On or before April 1 annually, the county clerk of each
10 county shall notify all persons whose names have been certified
11 to him under Section 4A-101.5, other than candidates for office
12 who have filed their statements with their nominating
13 petitions, of the requirements for filing statements of
14 economic interests. A person required to file with a county
15 clerk by virtue of more than one item among items set forth in
16 Section 4A-101.5 shall be notified of and is required to file
17 only one statement of economic interests relating to all items
18 under which the person is required to file with that county
19 clerk.

20 Except as provided in Section 4A-106.1, the notices
21 provided for in this Section shall be in writing and deposited
22 in the U.S. Mail, properly addressed, first class postage
23 prepaid, on or before the day required by this Section for the
24 sending of the notice. Alternatively, a county clerk may send
25 the notices electronically to all persons whose names have been
26 thus certified to him. A certificate executed by a county clerk

1 attesting that he or she has sent the notice by the means
2 permitted by this Section constitutes prima facie evidence
3 thereof.

4 From the lists certified to him or her under this Section
5 of persons described in Section 4A-101.5, the clerk of each
6 county shall compile an alphabetical listing of persons
7 required to file statements of economic interests in his or her
8 office under any of those items. As the statements are filed in
9 his or her office, the county clerk shall cause the fact of
10 that filing to be indicated on the alphabetical listing of
11 persons who are required to file statements. Within 30 days
12 after the due dates, the county clerk shall mail to the State
13 Board of Elections a true copy of that listing showing those
14 who have filed statements.

15 The county clerk of each county shall note upon the
16 alphabetical listing the names of all persons required to file
17 a statement of economic interests who failed to file a
18 statement on or before May 1. It shall be the duty of the
19 several county clerks to give notice as provided in Section
20 4A-105 to any person who has failed to file his or her
21 statement with the clerk on or before May 1.

22 Any person who files or has filed a statement of economic
23 interest under this Section is entitled to receive from the
24 county clerk a receipt indicating that the person has filed
25 such a statement, the date of filing, and the identity of the
26 governmental unit or units in relation to which the filing is

1 required.

2 All statements of economic interests filed under this
3 Section shall be available for examination and copying by the
4 public at all reasonable times.

5 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

6 Sec. 4A-107. Any person required to file a statement of
7 economic interests under this Article who willfully files a
8 false or incomplete statement shall be guilty of a Class A
9 misdemeanor.

10 Except when the fees and penalties for late filing have
11 been waived under Section 4A-105, failure to file a statement
12 within the time prescribed shall result in ineligibility for,
13 or forfeiture of, office or position of employment, as the case
14 may be; provided, however, that if the notice of failure to
15 file a statement of economic interests provided in Section
16 4A-105 of this Act is not given by the Secretary of State or
17 the county clerk, as the case may be, no forfeiture shall
18 result if a statement is filed within 30 days of actual notice
19 of the failure to file. The Secretary of State shall provide
20 the Attorney General with the names of persons who failed to
21 file a statement. The county clerk shall provide the State's
22 Attorney of the county of the entity for which the filing of
23 statement of economic interest is required with the name of
24 persons who failed to file a statement.

25 The Attorney General, with respect to offices or positions

1 described in items (a) through (f) and items (j), (l), (n), and
2 (p) of Section 4A-101 of this Act, or the State's Attorney of
3 the county of the entity for which the filing of statements of
4 economic interests is required, with respect to offices or
5 positions described in items (a) through (e) ~~(g) through (i)~~,
6 ~~item (k), and item (o)~~ of Section 4A-101.5 ~~4A-101~~ of this Act,
7 shall bring an action in quo warranto against any person who
8 has failed to file by either May 31 or June 30 of any given year
9 and for whom the fees and penalties for late filing have not
10 been waived under Section 4A-105.

11 (Source: P.A. 96-6, eff. 4-3-09; 96-550, eff. 8-17-09; 96-1000,
12 eff. 7-2-10; 97-754, eff. 7-6-12.)

13 (5 ILCS 420/4A-108)

14 Sec. 4A-108. Internet-based systems of filing.

15 (a) Notwithstanding any other provision of this Act or any
16 other law, the Secretary of State and county clerks are
17 authorized to institute an Internet-based system for the filing
18 of statements of economic interests in their offices. With
19 respect to county clerk systems, the determination to institute
20 such a system shall be in the sole discretion of the county
21 clerk and shall meet the requirements set out in this Section.
22 With respect to a Secretary of State system, the determination
23 to institute such a system shall be in the sole discretion of
24 the Secretary of State and shall meet the requirements set out
25 in this Section and those Sections of the State Officials and

1 Employees Ethics Act requiring ethics officer review prior to
2 filing. The system shall be capable of allowing an ethics
3 officer to approve a statement of economic interests and shall
4 include a means to amend a statement of economic interests.
5 When this Section does not modify or remove the requirements
6 set forth elsewhere in this Article, those requirements shall
7 apply to any system of Internet-based filing authorized by this
8 Section. When this Section does modify or remove the
9 requirements set forth elsewhere in this Article, the
10 provisions of this Section shall apply to any system of
11 Internet-based filing authorized by this Section.

12 (b) In any system of Internet-based filing of statements of
13 economic interests instituted by the Secretary of State or a
14 county clerk:

15 (1) Any filing of an Internet-based statement of
16 economic interests shall be the equivalent of the filing of
17 a verified, written statement of economic interests as
18 required by Section 4A-101 or 4A-101.5 and the equivalent
19 of the filing of a verified, dated, and signed statement of
20 economic interests as required by Section 4A-104.

21 (2) The Secretary of State and county clerks who
22 institute a system of Internet-based filing of statements
23 of economic interests shall establish a password-protected
24 website to receive the filings of such statements. A
25 website established under this Section shall set forth and
26 provide a means of responding to the items set forth in

1 Section 4A-102 that are required of a person who files a
2 statement of economic interests with that officer. A
3 website established under this Section shall set forth and
4 provide a means of generating a printable receipt page
5 acknowledging filing.

6 (3) The times for the filing of statements of economic
7 interests set forth in Section 4A-105 shall be followed in
8 any system of Internet-based filing of statements of
9 economic interests; provided that a candidate for elective
10 office who is required to file a statement of economic
11 interests in relation to his or her candidacy pursuant to
12 Section 4A-105(a) shall receive a written or printed
13 receipt for his or her filing.

14 A candidate filing for Governor, Lieutenant Governor,
15 Attorney General, Secretary of State, Treasurer,
16 Comptroller, State Senate, or State House of
17 Representatives shall not use the Internet to file his or
18 her statement of economic interests, but shall file his or
19 her statement of economic interests in a written or printed
20 form and shall receive a written or printed receipt for his
21 or her filing. Annually, the duly appointed ethics officer
22 for each legislative caucus shall certify to the Secretary
23 of State whether his or her caucus members will file their
24 statements of economic interests electronically or in a
25 written or printed format for that year. If the ethics
26 officer for a caucus certifies that the statements of

1 economic interests shall be written or printed, then
2 members of the General Assembly of that caucus shall not
3 use the Internet to file his or her statement of economic
4 interests, but shall file his or her statement of economic
5 interests in a written or printed form and shall receive a
6 written or printed receipt for his or her filing. If no
7 certification is made by an ethics officer for a
8 legislative caucus, or if a member of the General Assembly
9 is not affiliated with a legislative caucus, then the
10 affected member or members of the General Assembly may file
11 their statements of economic interests using the Internet.

12 (4) In the first year of the implementation of a system
13 of Internet-based filing of statements of economic
14 interests, each person required to file such a statement is
15 to be notified in writing of his or her obligation to file
16 his or her statement of economic interests by way of the
17 Internet-based system. If access to the web site requires a
18 code or password, this information shall be included in the
19 notice prescribed by this paragraph.

20 (5) When a person required to file a statement of
21 economic interests has supplied the Secretary of State or a
22 county clerk, as applicable, with an email address for the
23 purpose of receiving notices under this Article by email, a
24 notice sent by email to the supplied email address shall be
25 the equivalent of a notice sent by first class mail, as set
26 forth in Section 4A-106 or 4A-106.5. A person who has

1 supplied such an email address shall notify the Secretary
2 of State or county clerk, as applicable, when his or her
3 email address changes or if he or she no longer wishes to
4 receive notices by email.

5 (6) If any person who is required to file a statement
6 of economic interests and who has chosen to receive notices
7 by email fails to file his or her statement by May 10, then
8 the Secretary of State or county clerk, as applicable,
9 shall send an additional email notice on that date,
10 informing the person that he or she has not filed and
11 describing the penalties for late filing and failing to
12 file. This notice shall be in addition to other notices
13 provided for in this Article.

14 (7) The Secretary of State and each county clerk who
15 institutes a system of Internet-based filing of statements
16 of economic interests may also institute an Internet-based
17 process for the filing of the list of names and addresses
18 of persons required to file statements of economic
19 interests by the chief administrative officers that must
20 file such information with the Secretary of State or county
21 clerk, as applicable, pursuant to Section 4A-106 or
22 4A-106.5. Whenever the Secretary of State or a county clerk
23 institutes such a system under this paragraph, every chief
24 administrative officer must use the system to file this
25 information.

26 (8) The Secretary of State and any county clerk who

1 institutes a system of Internet-based filing of statements
2 of economic interests shall post the contents of such
3 statements filed with him or her available for inspection
4 and copying on a publicly accessible website. Such postings
5 shall not include the addresses or signatures of the
6 filers.

7 (Source: P.A. 99-108, eff. 7-22-15; 100-1041, eff. 1-1-19.)

8 Section 6-10. The State Officials and Employees Ethics Act
9 is amended by changing Sections 5-10.5, 20-5, 20-10, 20-50,
10 25-5, 25-10, 25-50, and 70-5 and by adding Sections 20-63 and
11 25-63 as follows:

12 (5 ILCS 430/5-10.5)

13 Sec. 5-10.5. Harassment and discrimination prevention
14 ~~Sexual harassment~~ training.

15 (a) Until 2020, each ~~Each~~ officer, member, and employee
16 must complete, at least annually ~~beginning in 2018~~, a sexual
17 harassment training program. A person who fills a vacancy in an
18 elective or appointed position that requires training under
19 this Section must complete his or her initial sexual harassment
20 training program within 30 days after commencement of his or
21 her office or employment. The training shall include, at a
22 minimum, the following: (i) the definition, and a description,
23 of sexual harassment utilizing examples; (ii) details on how an
24 individual can report an allegation of sexual harassment,

1 including options for making a confidential report to a
2 supervisor, ethics officer, Inspector General, or the
3 Department of Human Rights; (iii) the definition, and
4 description of, retaliation for reporting sexual harassment
5 allegations utilizing examples, including availability of
6 whistleblower protections under this Act, the Whistleblower
7 Act, and the Illinois Human Rights Act; and (iv) the
8 consequences of a violation of the prohibition on sexual
9 harassment and the consequences for knowingly making a false
10 report. Proof of completion must be submitted to the applicable
11 ethics officer. Sexual harassment training programs shall be
12 overseen by the appropriate Ethics Commission and Inspector
13 General appointed under this Act.

14 (a-5) Beginning in 2020, each officer, member, and employee
15 must complete, at least annually, a harassment and
16 discrimination prevention training program. A person who fills
17 a vacancy in an elective or appointed position that requires
18 training under this subsection must complete his or her initial
19 harassment and discrimination prevention training program
20 within 30 days after commencement of his or her office or
21 employment. The training shall include, at a minimum, the
22 following: (i) the definition and a description of sexual
23 harassment, unlawful discrimination, and harassment, including
24 examples of each; (ii) details on how an individual can report
25 an allegation of sexual harassment, unlawful discrimination,
26 or harassment, including options for making a confidential

1 report to a supervisor, ethics officer, Inspector General, or
2 the Department of Human Rights; (iii) the definition and
3 description of retaliation for reporting sexual harassment,
4 unlawful discrimination, or harassment allegations utilizing
5 examples, including availability of whistleblower protections
6 under this Act, the Whistleblower Act, and the Illinois Human
7 Rights Act; and (iv) the consequences of a violation of the
8 prohibition on sexual harassment, unlawful discrimination, and
9 harassment and the consequences for knowingly making a false
10 report. Proof of completion must be submitted to the applicable
11 ethics officer. Harassment and discrimination training
12 programs shall be overseen by the appropriate Ethics Commission
13 and Inspector General appointed under this Act.

14 For the purposes of this subsection, "unlawful
15 discrimination" and "harassment" refers to discrimination and
16 harassment prohibited under Section 2-102 of the Illinois Human
17 Rights Act.

18 (b) Each ultimate jurisdictional authority shall submit to
19 the applicable Ethics Commission, at least annually, or more
20 frequently as required by that Commission, a report that
21 summarizes the sexual harassment training program that was
22 completed during the previous year, and lays out the plan for
23 the training program in the coming year. The report shall
24 include the names of individuals that failed to complete the
25 required training program. Each Ethics Commission shall make
26 the reports available on its website.

1 (Source: P.A. 100-554, eff. 11-16-17.)

2 (5 ILCS 430/20-5)

3 Sec. 20-5. Executive Ethics Commission.

4 (a) The Executive Ethics Commission is created.

5 (b) The Executive Ethics Commission shall consist of 9
6 commissioners. The Governor shall appoint 5 commissioners, and
7 the Attorney General, Secretary of State, Comptroller, and
8 Treasurer shall each appoint one commissioner. Appointments
9 shall be made by and with the advice and consent of the Senate
10 by three-fifths of the elected members concurring by record
11 vote. Any nomination not acted upon by the Senate within 60
12 session days of the receipt thereof shall be deemed to have
13 received the advice and consent of the Senate. If, during a
14 recess of the Senate, there is a vacancy in an office of
15 commissioner, the appointing authority shall make a temporary
16 appointment until the next meeting of the Senate when the
17 appointing authority shall make a nomination to fill that
18 office. No person rejected for an office of commissioner shall,
19 except by the Senate's request, be nominated again for that
20 office at the same session of the Senate or be appointed to
21 that office during a recess of that Senate. No more than 5
22 commissioners may be of the same political party.

23 The terms of the initial commissioners shall commence upon
24 qualification. Four initial appointees of the Governor, as
25 designated by the Governor, shall serve terms running through

1 June 30, 2007. One initial appointee of the Governor, as
2 designated by the Governor, and the initial appointees of the
3 Attorney General, Secretary of State, Comptroller, and
4 Treasurer shall serve terms running through June 30, 2008. The
5 initial appointments shall be made within 60 days after the
6 effective date of this Act.

7 After the initial terms, commissioners shall serve for
8 4-year terms commencing on July 1 of the year of appointment
9 and running through June 30 of the fourth following year.
10 Commissioners may be reappointed to one or more subsequent
11 terms.

12 Vacancies occurring other than at the end of a term shall
13 be filled by the appointing authority only for the balance of
14 the term of the commissioner whose office is vacant.

15 Terms shall run regardless of whether the position is
16 filled.

17 (c) The appointing authorities shall appoint commissioners
18 who have experience holding governmental office or employment
19 and shall appoint commissioners from the general public. A
20 person is not eligible to serve as a commissioner if that
21 person (i) has been convicted of a felony or a crime of
22 dishonesty or moral turpitude, (ii) is, or was within the
23 preceding 12 months, engaged in activities that require
24 registration under the Lobbyist Registration Act, (iii) is
25 related to the appointing authority, or (iv) is a State officer
26 or employee.

1 (d) The Executive Ethics Commission shall have
2 jurisdiction over all officers and employees of State agencies
3 other than the General Assembly, the Senate, the House of
4 Representatives, the President and Minority Leader of the
5 Senate, the Speaker and Minority Leader of the House of
6 Representatives, the Senate Operations Commission, the
7 legislative support services agencies, and the Office of the
8 Auditor General. The Executive Ethics Commission shall have
9 jurisdiction over all board members and employees of Regional
10 Transit Boards. The jurisdiction of the Commission is limited
11 to matters arising under this Act, except as provided in
12 subsection (d-5).

13 A member or legislative branch State employee serving on an
14 executive branch board or commission remains subject to the
15 jurisdiction of the Legislative Ethics Commission and is not
16 subject to the jurisdiction of the Executive Ethics Commission.

17 (d-5) The Executive Ethics Commission shall have
18 jurisdiction over all chief procurement officers and
19 procurement compliance monitors and their respective staffs.
20 The Executive Ethics Commission shall have jurisdiction over
21 any matters arising under the Illinois Procurement Code if the
22 Commission is given explicit authority in that Code.

23 (d-6) (1) The Executive Ethics Commission shall have
24 jurisdiction over the Illinois Power Agency and its staff. The
25 Director of the Agency shall be appointed by a majority of the
26 commissioners of the Executive Ethics Commission, subject to

1 Senate confirmation, for a term of 2 years. The Director is
2 removable for cause by a majority of the Commission upon a
3 finding of neglect, malfeasance, absence, or incompetence.

4 (2) In case of a vacancy in the office of Director of the
5 Illinois Power Agency during a recess of the Senate, the
6 Executive Ethics Commission may make a temporary appointment
7 until the next meeting of the Senate, at which time the
8 Executive Ethics Commission shall nominate some person to fill
9 the office, and any person so nominated who is confirmed by the
10 Senate shall hold office during the remainder of the term and
11 until his or her successor is appointed and qualified. Nothing
12 in this subsection shall prohibit the Executive Ethics
13 Commission from removing a temporary appointee or from
14 appointing a temporary appointee as the Director of the
15 Illinois Power Agency.

16 (3) Prior to June 1, 2012, the Executive Ethics Commission
17 may, until the Director of the Illinois Power Agency is
18 appointed and qualified or a temporary appointment is made
19 pursuant to paragraph (2) of this subsection, designate some
20 person as an acting Director to execute the powers and
21 discharge the duties vested by law in that Director. An acting
22 Director shall serve no later than 60 calendar days, or upon
23 the making of an appointment pursuant to paragraph (1) or (2)
24 of this subsection, whichever is earlier. Nothing in this
25 subsection shall prohibit the Executive Ethics Commission from
26 removing an acting Director or from appointing an acting

1 Director as the Director of the Illinois Power Agency.

2 (4) No person rejected by the Senate for the office of
3 Director of the Illinois Power Agency shall, except at the
4 Senate's request, be nominated again for that office at the
5 same session or be appointed to that office during a recess of
6 that Senate.

7 (d-7) The Executive Ethics Commission shall have
8 jurisdiction over complainants in violation of subsection (e)
9 of Section 20-63.

10 (e) The Executive Ethics Commission must meet, either in
11 person or by other technological means, at least monthly and as
12 often as necessary. At the first meeting of the Executive
13 Ethics Commission, the commissioners shall choose from their
14 number a chairperson and other officers that they deem
15 appropriate. The terms of officers shall be for 2 years
16 commencing July 1 and running through June 30 of the second
17 following year. Meetings shall be held at the call of the
18 chairperson or any 3 commissioners. Official action by the
19 Commission shall require the affirmative vote of 5
20 commissioners, and a quorum shall consist of 5 commissioners.
21 Commissioners shall receive compensation in an amount equal to
22 the compensation of members of the State Board of Elections and
23 may be reimbursed for their reasonable expenses actually
24 incurred in the performance of their duties.

25 (f) No commissioner or employee of the Executive Ethics
26 Commission may during his or her term of appointment or

1 employment:

2 (1) become a candidate for any elective office;

3 (2) hold any other elected or appointed public office
4 except for appointments on governmental advisory boards or
5 study commissions or as otherwise expressly authorized by
6 law;

7 (3) be actively involved in the affairs of any
8 political party or political organization; or

9 (4) advocate for the appointment of another person to
10 an appointed or elected office or position or actively
11 participate in any campaign for any elective office.

12 (g) An appointing authority may remove a commissioner only
13 for cause.

14 (h) The Executive Ethics Commission shall appoint an
15 Executive Director. The compensation of the Executive Director
16 shall be as determined by the Commission. The Executive
17 Director of the Executive Ethics Commission may employ and
18 determine the compensation of staff, as appropriations permit.

19 (i) The Executive Ethics Commission shall appoint, by a
20 majority of the members appointed to the Commission, chief
21 procurement officers and may appoint procurement compliance
22 monitors in accordance with the provisions of the Illinois
23 Procurement Code. The compensation of a chief procurement
24 officer and procurement compliance monitor shall be determined
25 by the Commission.

26 (Source: P.A. 100-43, eff. 8-9-17.)

1 (5 ILCS 430/20-10)

2 Sec. 20-10. Offices of Executive Inspectors General.

3 (a) Five independent Offices of the Executive Inspector
4 General are created, one each for the Governor, the Attorney
5 General, the Secretary of State, the Comptroller, and the
6 Treasurer. Each Office shall be under the direction and
7 supervision of an Executive Inspector General and shall be a
8 fully independent office with separate appropriations.

9 (b) The Governor, Attorney General, Secretary of State,
10 Comptroller, and Treasurer shall each appoint an Executive
11 Inspector General, without regard to political affiliation and
12 solely on the basis of integrity and demonstrated ability.
13 Appointments shall be made by and with the advice and consent
14 of the Senate by three-fifths of the elected members concurring
15 by record vote. Any nomination not acted upon by the Senate
16 within 60 session days of the receipt thereof shall be deemed
17 to have received the advice and consent of the Senate. If,
18 during a recess of the Senate, there is a vacancy in an office
19 of Executive Inspector General, the appointing authority shall
20 make a temporary appointment until the next meeting of the
21 Senate when the appointing authority shall make a nomination to
22 fill that office. No person rejected for an office of Executive
23 Inspector General shall, except by the Senate's request, be
24 nominated again for that office at the same session of the
25 Senate or be appointed to that office during a recess of that

1 Senate.

2 Nothing in this Article precludes the appointment by the
3 Governor, Attorney General, Secretary of State, Comptroller,
4 or Treasurer of any other inspector general required or
5 permitted by law. The Governor, Attorney General, Secretary of
6 State, Comptroller, and Treasurer each may appoint an existing
7 inspector general as the Executive Inspector General required
8 by this Article, provided that such an inspector general is not
9 prohibited by law, rule, jurisdiction, qualification, or
10 interest from serving as the Executive Inspector General
11 required by this Article. An appointing authority may not
12 appoint a relative as an Executive Inspector General.

13 Each Executive Inspector General shall have the following
14 qualifications:

15 (1) has not been convicted of any felony under the laws
16 of this State, another State, or the United States;

17 (2) has earned a baccalaureate degree from an
18 institution of higher education; and

19 (3) has 5 or more years of cumulative service (A) with
20 a federal, State, or local law enforcement agency, at least
21 2 years of which have been in a progressive investigatory
22 capacity; (B) as a federal, State, or local prosecutor; (C)
23 as a senior manager or executive of a federal, State, or
24 local agency; (D) as a member, an officer, or a State or
25 federal judge; or (E) representing any combination of (A)
26 through (D).

1 The term of each initial Executive Inspector General shall
2 commence upon qualification and shall run through June 30,
3 2008. The initial appointments shall be made within 60 days
4 after the effective date of this Act.

5 After the initial term, each Executive Inspector General
6 shall serve for 5-year terms commencing on July 1 of the year
7 of appointment and running through June 30 of the fifth
8 following year. An Executive Inspector General may be
9 reappointed to one or more subsequent terms.

10 A vacancy occurring other than at the end of a term shall
11 be filled by the appointing authority only for the balance of
12 the term of the Executive Inspector General whose office is
13 vacant.

14 Terms shall run regardless of whether the position is
15 filled.

16 (c) The Executive Inspector General appointed by the
17 Attorney General shall have jurisdiction over the Attorney
18 General and all officers and employees of, and vendors and
19 others doing business with, State agencies within the
20 jurisdiction of the Attorney General. The Executive Inspector
21 General appointed by the Secretary of State shall have
22 jurisdiction over the Secretary of State and all officers and
23 employees of, and vendors and others doing business with, State
24 agencies within the jurisdiction of the Secretary of State. The
25 Executive Inspector General appointed by the Comptroller shall
26 have jurisdiction over the Comptroller and all officers and

1 employees of, and vendors and others doing business with, State
2 agencies within the jurisdiction of the Comptroller. The
3 Executive Inspector General appointed by the Treasurer shall
4 have jurisdiction over the Treasurer and all officers and
5 employees of, and vendors and others doing business with, State
6 agencies within the jurisdiction of the Treasurer. The
7 Executive Inspector General appointed by the Governor shall
8 have jurisdiction over (i) the Governor, (ii) the Lieutenant
9 Governor, (iii) all officers and employees of, and vendors and
10 others doing business with, executive branch State agencies
11 under the jurisdiction of the Executive Ethics Commission and
12 not within the jurisdiction of the Attorney General, the
13 Secretary of State, the Comptroller, or the Treasurer, and (iv)
14 all board members and employees of the Regional Transit Boards
15 and all vendors and others doing business with the Regional
16 Transit Boards.

17 The jurisdiction of each Executive Inspector General is to
18 investigate allegations of fraud, waste, abuse, mismanagement,
19 misconduct, nonfeasance, misfeasance, malfeasance, or
20 violations of this Act or violations of other related laws and
21 rules.

22 Each Executive Inspector General shall have jurisdiction
23 over complainants in violation of subsection (e) of Section
24 20-63 for disclosing a summary report prepared by the
25 respective Executive Inspector General.

26 (d) The compensation for each Executive Inspector General

1 shall be determined by the Executive Ethics Commission and
2 shall be made from appropriations made to the Comptroller for
3 this purpose. Subject to Section 20-45 of this Act, each
4 Executive Inspector General has full authority to organize his
5 or her Office of the Executive Inspector General, including the
6 employment and determination of the compensation of staff, such
7 as deputies, assistants, and other employees, as
8 appropriations permit. A separate appropriation shall be made
9 for each Office of Executive Inspector General.

10 (e) No Executive Inspector General or employee of the
11 Office of the Executive Inspector General may, during his or
12 her term of appointment or employment:

13 (1) become a candidate for any elective office;

14 (2) hold any other elected or appointed public office
15 except for appointments on governmental advisory boards or
16 study commissions or as otherwise expressly authorized by
17 law;

18 (3) be actively involved in the affairs of any
19 political party or political organization; or

20 (4) advocate for the appointment of another person to
21 an appointed or elected office or position or actively
22 participate in any campaign for any elective office.

23 In this subsection an appointed public office means a
24 position authorized by law that is filled by an appointing
25 authority as provided by law and does not include employment by
26 hiring in the ordinary course of business.

1 (e-1) No Executive Inspector General or employee of the
2 Office of the Executive Inspector General may, for one year
3 after the termination of his or her appointment or employment:

4 (1) become a candidate for any elective office;

5 (2) hold any elected public office; or

6 (3) hold any appointed State, county, or local judicial
7 office.

8 (e-2) The requirements of item (3) of subsection (e-1) may
9 be waived by the Executive Ethics Commission.

10 (f) An Executive Inspector General may be removed only for
11 cause and may be removed only by the appointing constitutional
12 officer. At the time of the removal, the appointing
13 constitutional officer must report to the Executive Ethics
14 Commission the justification for the removal.

15 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

16 (5 ILCS 430/20-50)

17 Sec. 20-50. Investigation reports.

18 (a) If an Executive Inspector General, upon the conclusion
19 of an investigation, determines that reasonable cause exists to
20 believe that a violation has occurred, then the Executive
21 Inspector General shall issue a summary report of the
22 investigation. The report shall be delivered to the appropriate
23 ultimate jurisdictional authority and to the head of each State
24 agency affected by or involved in the investigation, if
25 appropriate. The appropriate ultimate jurisdictional authority

1 or agency head shall respond to the summary report within 20
2 days, in writing, to the Executive Inspector General. The
3 response shall include a description of any corrective or
4 disciplinary action to be imposed. If the appropriate ultimate
5 jurisdictional authority does not respond within 20 days, or
6 within an extended time period as agreed to by the Executive
7 Inspector General, an Executive Inspector General may proceed
8 under subsection (c) as if a response had been received.

9 (b) The summary report of the investigation shall include
10 the following:

11 (1) A description of any allegations or other
12 information received by the Executive Inspector General
13 pertinent to the investigation.

14 (2) A description of any alleged misconduct discovered
15 in the course of the investigation.

16 (3) Recommendations for any corrective or disciplinary
17 action to be taken in response to any alleged misconduct
18 described in the report, including but not limited to
19 discharge.

20 (4) Other information the Executive Inspector General
21 deems relevant to the investigation or resulting
22 recommendations.

23 (c) Within 30 days after receiving a response from the
24 appropriate ultimate jurisdictional authority or agency head
25 under subsection (a), the Executive Inspector General shall
26 notify the Commission and the Attorney General if the Executive

1 Inspector General believes that a complaint should be filed
2 with the Commission. If the Executive Inspector General desires
3 to file a complaint with the Commission, the Executive
4 Inspector General shall submit the summary report and
5 supporting documents to the Attorney General. If the Attorney
6 General concludes that there is insufficient evidence that a
7 violation has occurred, the Attorney General shall notify the
8 Executive Inspector General and the Executive Inspector
9 General shall deliver to the Executive Ethics Commission a copy
10 of the summary report and response from the ultimate
11 jurisdictional authority or agency head. If the Attorney
12 General determines that reasonable cause exists to believe that
13 a violation has occurred, then the Executive Inspector General,
14 represented by the Attorney General, may file with the
15 Executive Ethics Commission a complaint. The complaint shall
16 set forth the alleged violation and the grounds that exist to
17 support the complaint. The complaint must be filed with the
18 Commission within 12 months after the Executive Inspector
19 General's receipt of the allegation of the violation ~~18 months~~
20 ~~after the most recent act of the alleged violation or of a~~
21 ~~series of alleged violations~~ except where there is reasonable
22 cause to believe that fraudulent concealment has occurred. To
23 constitute fraudulent concealment sufficient to toll this
24 limitations period, there must be an affirmative act or
25 representation calculated to prevent discovery of the fact that
26 a violation has occurred. If a complaint is not filed with the

1 Commission within 6 months after notice by the Inspector
2 General to the Commission and the Attorney General, then the
3 Commission may set a meeting of the Commission at which the
4 Attorney General shall appear and provide a status report to
5 the Commission.

6 (c-5) Within 30 days after receiving a response from the
7 appropriate ultimate jurisdictional authority or agency head
8 under subsection (a), if the Executive Inspector General does
9 not believe that a complaint should be filed, the Executive
10 Inspector General shall deliver to the Executive Ethics
11 Commission a statement setting forth the basis for the decision
12 not to file a complaint and a copy of the summary report and
13 response from the ultimate jurisdictional authority or agency
14 head. An Inspector General may also submit a redacted version
15 of the summary report and response from the ultimate
16 jurisdictional authority if the Inspector General believes
17 either contains information that, in the opinion of the
18 Inspector General, should be redacted prior to releasing the
19 report, may interfere with an ongoing investigation, or
20 identifies an informant or complainant.

21 (c-10) If, after reviewing the documents, the Commission
22 believes that further investigation is warranted, the
23 Commission may request that the Executive Inspector General
24 provide additional information or conduct further
25 investigation. The Commission may also appoint a Special
26 Executive Inspector General to investigate or refer the summary

1 report and response from the ultimate jurisdictional authority
2 to the Attorney General for further investigation or review. If
3 the Commission requests the Attorney General to investigate or
4 review, the Commission must notify the Attorney General and the
5 Inspector General. The Attorney General may not begin an
6 investigation or review until receipt of notice from the
7 Commission. If, after review, the Attorney General determines
8 that reasonable cause exists to believe that a violation has
9 occurred, then the Attorney General may file a complaint with
10 the Executive Ethics Commission. If the Attorney General
11 concludes that there is insufficient evidence that a violation
12 has occurred, the Attorney General shall notify the Executive
13 Ethics Commission and the appropriate Executive Inspector
14 General.

15 (d) A copy of the complaint filed with the Executive Ethics
16 Commission must be served on all respondents named in the
17 complaint and on each respondent's ultimate jurisdictional
18 authority in the same manner as process is served under the
19 Code of Civil Procedure.

20 (e) A respondent may file objections to the complaint
21 within 30 days after notice of the petition has been served on
22 the respondent.

23 (f) The Commission shall meet, either in person or by
24 telephone, at least 30 days after the complaint is served on
25 all respondents in a closed session to review the sufficiency
26 of the complaint. The Commission shall issue notice by

1 certified mail, return receipt requested, to the Executive
2 Inspector General, Attorney General, and all respondents of the
3 Commission's ruling on the sufficiency of the complaint. If the
4 complaint is deemed to sufficiently allege a violation of this
5 Act, then the Commission shall include a hearing date scheduled
6 within 4 weeks after the date of the notice, unless all of the
7 parties consent to a later date. If the complaint is deemed not
8 to sufficiently allege a violation, then the Commission shall
9 send by certified mail, return receipt requested, a notice to
10 the Executive Inspector General, Attorney General, and all
11 respondents of the decision to dismiss the complaint.

12 (g) On the scheduled date the Commission shall conduct a
13 closed meeting, either in person or, if the parties consent, by
14 telephone, on the complaint and allow all parties the
15 opportunity to present testimony and evidence. All such
16 proceedings shall be transcribed.

17 (h) Within an appropriate time limit set by rules of the
18 Executive Ethics Commission, the Commission shall (i) dismiss
19 the complaint, (ii) issue a recommendation of discipline to the
20 respondent and the respondent's ultimate jurisdictional
21 authority, (iii) impose an administrative fine upon the
22 respondent, (iv) issue injunctive relief as described in
23 Section 50-10, or (v) impose a combination of (ii) through
24 (iv).

25 (i) The proceedings on any complaint filed with the
26 Commission shall be conducted pursuant to rules promulgated by

1 the Commission.

2 (j) The Commission may designate hearing officers to
3 conduct proceedings as determined by rule of the Commission.

4 (k) In all proceedings before the Commission, the standard
5 of proof is by a preponderance of the evidence.

6 (l) Within 30 days after the issuance of a final
7 administrative decision that concludes that a violation
8 occurred, the Executive Ethics Commission shall make public the
9 entire record of proceedings before the Commission, the
10 decision, any recommendation, any discipline imposed, and the
11 response from the agency head or ultimate jurisdictional
12 authority to the Executive Ethics Commission.

13 (Source: P.A. 100-588, eff. 6-8-18.)

14 (5 ILCS 430/20-63 new)

15 Sec. 20-63. Rights of persons subjected to discrimination,
16 harassment, or sexual harassment.

17 (a) As used in this Section, "complainant" means a known
18 person identified in a complaint filed with an Executive
19 Inspector General as a person subjected to alleged
20 discrimination, harassment, or sexual harassment in violation
21 of Section 5-65 of this Act, subsection (a) of Section 4.7 of
22 the Lobbyist Registration Act, or Article 2 of the Illinois
23 Human Rights Act, regardless of whether the complaint is filed
24 by the person.

25 (b) A complainant shall have the following rights:

1 (1) within 5 business days of the Executive Inspector
2 General receiving a complaint in which the complainant is
3 identified, to be notified by the Executive Inspector
4 General of the receipt of the complaint, the complainant's
5 rights, and an explanation of the process, rules, and
6 procedures related to the investigation of an allegation,
7 and the duties of the Executive Inspector General and the
8 Executive Ethics Commission;

9 (2) within 5 business days after the Executive
10 Inspector General's decision to open or close an
11 investigation into the complaint or refer the complaint to
12 another appropriate agency, to be notified of the Executive
13 Inspector General's decision; however, if the Executive
14 Inspector General reasonably determines that publicly
15 acknowledging the existence of an investigation would
16 interfere with the conduct or completion of that
17 investigation, the notification may be withheld until
18 public acknowledgment of the investigation would no longer
19 interfere with that investigation;

20 (3) to review statements and evidence given to the
21 Executive Inspector General by the complainant and the
22 Executive Inspector General's summarization of those
23 statements and evidence, if such summary exists. The
24 complainant may make suggestions of changes for the
25 Executive Inspector General's consideration, but the
26 Executive Inspector General shall have the final authority

1 to determine what statements, evidence, and summaries are
2 included in any report of the investigation;

3 (4) to have a union representative, attorney,
4 co-worker, or other support person who is not involved in
5 the investigation, at the complainant's expense, present
6 at any interview or meeting, whether in person or by
7 telephone or audio-visual communication, between the
8 complainant and the Executive Inspector General or
9 Executive Ethics Commission;

10 (5) to submit an impact statement that shall be
11 included with the Executive Inspector General's summary
12 report to the Executive Ethics Commission for its
13 consideration;

14 (6) to testify at a hearing held under subsection (g)
15 of Section 20-50, to the extent the hearing is based on an
16 allegation of a violation of Section 5-65 of this Act or
17 subsection (a) of Section 4.7 of the Lobbyist Registration
18 Act involving the complainant, and have a single union
19 representative, attorney, co-worker, or other support
20 person who is not involved in the investigation, at the
21 complainant's expense, accompany him or her while
22 testifying;

23 (7) to review, within 5 business days prior to its
24 release, any portion of a summary report of the
25 investigation subject to public release under this Article
26 related to the allegations concerning the complainant,

1 after redactions made by the Executive Ethics Commission,
2 and offer suggestions for redaction or provide a response
3 that shall be made public with the summary report; and

4 (8) to file a complaint with the Executive Ethics
5 Commission for any violation of the complainant's rights
6 under this Section by the Executive Inspector General.

7 (c) The complainant shall have the sole discretion in
8 determining whether to exercise the rights set forth in this
9 Section. All rights under this Section shall be waived if the
10 complainant fails to cooperate with the Executive Inspector
11 General's investigation of the complaint.

12 (d) The notice requirements imposed on Inspectors General
13 by this Section shall be waived if the Inspector General is
14 unable to identify or locate the complainant.

15 (e) A complainant receiving a copy of any summary report,
16 in whole or in part, under this Section shall keep the report
17 confidential and shall not disclose the report prior to the
18 publication of the report by the Executive Ethics Commission. A
19 complainant that violates this subsection (e) shall be subject
20 to an administrative fine by the Executive Ethics Commission of
21 up to \$5,000.

22 (5 ILCS 430/25-5)

23 Sec. 25-5. Legislative Ethics Commission.

24 (a) The Legislative Ethics Commission is created.

25 (b) The Legislative Ethics Commission shall consist of 8

1 commissioners appointed 2 each by the President and Minority
2 Leader of the Senate and the Speaker and Minority Leader of the
3 House of Representatives.

4 The terms of the initial commissioners shall commence upon
5 qualification. Each appointing authority shall designate one
6 appointee who shall serve for a 2-year term running through
7 June 30, 2005. Each appointing authority shall designate one
8 appointee who shall serve for a 4-year term running through
9 June 30, 2007. The initial appointments shall be made within 60
10 days after the effective date of this Act.

11 After the initial terms, commissioners shall serve for
12 4-year terms commencing on July 1 of the year of appointment
13 and running through June 30 of the fourth following year.
14 Commissioners may be reappointed to one or more subsequent
15 terms.

16 Vacancies occurring other than at the end of a term shall
17 be filled by the appointing authority only for the balance of
18 the term of the commissioner whose office is vacant.

19 Terms shall run regardless of whether the position is
20 filled.

21 (c) The appointing authorities shall appoint commissioners
22 who have experience holding governmental office or employment
23 and may appoint commissioners who are members of the General
24 Assembly as well as commissioners from the general public. A
25 commissioner who is a member of the General Assembly must
26 recuse himself or herself from participating in any matter

1 relating to any investigation or proceeding in which he or she
2 is the subject or is a complainant. A person is not eligible to
3 serve as a commissioner if that person (i) has been convicted
4 of a felony or a crime of dishonesty or moral turpitude, (ii)
5 is, or was within the preceding 12 months, engaged in
6 activities that require registration under the Lobbyist
7 Registration Act, (iii) is a relative of the appointing
8 authority, (iv) is a State officer or employee other than a
9 member of the General Assembly, or (v) is a candidate for
10 statewide office, federal office, or judicial office.

11 (c-5) If a commissioner is required to recuse himself or
12 herself from participating in a matter as provided in
13 subsection (c), the recusal shall create a temporary vacancy
14 for the limited purpose of consideration of the matter for
15 which the commissioner recused himself or herself, and the
16 appointing authority for the recusing commissioner shall make a
17 temporary appointment to fill the vacancy for consideration of
18 the matter for which the commissioner recused himself or
19 herself.

20 (d) The Legislative Ethics Commission shall have
21 jurisdiction over current and former members of the General
22 Assembly regarding events occurring during a member's term of
23 office and current and former State employees regarding events
24 occurring during any period of employment where the State
25 employee's ultimate jurisdictional authority is (i) a
26 legislative leader, (ii) the Senate Operations Commission, or

1 (iii) the Joint Committee on Legislative Support Services. The
2 Legislative Ethics Commission shall have jurisdiction over
3 complainants in violation of subsection (e) of Section 25-63.
4 The jurisdiction of the Commission is limited to matters
5 arising under this Act.

6 An officer or executive branch State employee serving on a
7 legislative branch board or commission remains subject to the
8 jurisdiction of the Executive Ethics Commission and is not
9 subject to the jurisdiction of the Legislative Ethics
10 Commission.

11 (e) The Legislative Ethics Commission must meet, either in
12 person or by other technological means, monthly or as often as
13 necessary. At the first meeting of the Legislative Ethics
14 Commission, the commissioners shall choose from their number a
15 chairperson and other officers that they deem appropriate. The
16 terms of officers shall be for 2 years commencing July 1 and
17 running through June 30 of the second following year. Meetings
18 shall be held at the call of the chairperson or any 3
19 commissioners. Official action by the Commission shall require
20 the affirmative vote of 5 commissioners, and a quorum shall
21 consist of 5 commissioners. Commissioners shall receive no
22 compensation but may be reimbursed for their reasonable
23 expenses actually incurred in the performance of their duties.

24 (f) No commissioner, other than a commissioner who is a
25 member of the General Assembly, or employee of the Legislative
26 Ethics Commission may during his or her term of appointment or

1 employment:

2 (1) become a candidate for any elective office;

3 (2) hold any other elected or appointed public office
4 except for appointments on governmental advisory boards or
5 study commissions or as otherwise expressly authorized by
6 law;

7 (3) be actively involved in the affairs of any
8 political party or political organization; or

9 (4) advocate for the appointment of another person to
10 an appointed or elected office or position or actively
11 participate in any campaign for any elective office.

12 (f-5) No commissioner who is a member of the General
13 Assembly may be a candidate for statewide office, federal
14 office, or judicial office. If a commissioner who is a member
15 of the General Assembly files petitions to be a candidate for a
16 statewide office, federal office, or judicial office, he or she
17 shall be deemed to have resigned from his or her position as a
18 commissioner on the date his or her name is certified for the
19 ballot by the State Board of Elections or local election
20 authority and his or her position as a commissioner shall be
21 deemed vacant. Such person may not be reappointed to the
22 Commission during any time he or she is a candidate for
23 statewide office, federal office, or judicial office.

24 (g) An appointing authority may remove a commissioner only
25 for cause.

26 (h) The Legislative Ethics Commission shall appoint an

1 Executive Director subject to the approval of at least 3 of the
2 4 legislative leaders. The compensation of the Executive
3 Director shall be as determined by the Commission. The
4 Executive Director of the Legislative Ethics Commission may
5 employ, subject to the approval of at least 3 of the 4
6 legislative leaders, and determine the compensation of staff,
7 as appropriations permit.

8 (i) In consultation with the Legislative Inspector
9 General, the Legislative Ethics Commission may develop
10 comprehensive training for members and employees under its
11 jurisdiction that includes, but is not limited to, sexual
12 harassment, employment discrimination, and workplace civility.
13 The training may be recommended to the ultimate jurisdictional
14 authorities and may be approved by the Commission to satisfy
15 the sexual harassment training required under Section 5-10.5 or
16 be provided in addition to the annual sexual harassment
17 training required under Section 5-10.5. The Commission may seek
18 input from governmental agencies or private entities for
19 guidance in developing such training.

20 (Source: P.A. 100-588, eff. 6-8-18; revised 10-11-18.)

21 (5 ILCS 430/25-10)

22 Sec. 25-10. Office of Legislative Inspector General.

23 (a) The independent Office of the Legislative Inspector
24 General is created. The Office shall be under the direction and
25 supervision of the Legislative Inspector General and shall be a

1 fully independent office with its own appropriation.

2 (b) The Legislative Inspector General shall be appointed
3 without regard to political affiliation and solely on the basis
4 of integrity and demonstrated ability. The Legislative Ethics
5 Commission shall diligently search out qualified candidates
6 for Legislative Inspector General and shall make
7 recommendations to the General Assembly. The Legislative
8 Inspector General may serve in a full-time, part-time, or
9 contractual capacity.

10 The Legislative Inspector General shall be appointed by a
11 joint resolution of the Senate and the House of
12 Representatives, which may specify the date on which the
13 appointment takes effect. A joint resolution, or other document
14 as may be specified by the Joint Rules of the General Assembly,
15 appointing the Legislative Inspector General must be certified
16 by the Speaker of the House of Representatives and the
17 President of the Senate as having been adopted by the
18 affirmative vote of three-fifths of the members elected to each
19 house, respectively, and be filed with the Secretary of State.
20 The appointment of the Legislative Inspector General takes
21 effect on the day the appointment is completed by the General
22 Assembly, unless the appointment specifies a later date on
23 which it is to become effective.

24 The Legislative Inspector General shall have the following
25 qualifications:

26 (1) has not been convicted of any felony under the laws

1 of this State, another state, or the United States;

2 (2) has earned a baccalaureate degree from an
3 institution of higher education; and

4 (3) has 5 or more years of cumulative service (A) with
5 a federal, State, or local law enforcement agency, at least
6 2 years of which have been in a progressive investigatory
7 capacity; (B) as a federal, State, or local prosecutor; (C)
8 as a senior manager or executive of a federal, State, or
9 local agency; (D) as a member, an officer, or a State or
10 federal judge; or (E) representing any combination of (A)
11 through (D).

12 The Legislative Inspector General may not be a relative of
13 a commissioner.

14 The term of the initial Legislative Inspector General shall
15 commence upon qualification and shall run through June 30,
16 2008.

17 After the initial term, the Legislative Inspector General
18 shall serve for 5-year terms commencing on July 1 of the year
19 of appointment and running through June 30 of the fifth
20 following year. The Legislative Inspector General may be
21 reappointed to one or more subsequent terms. Terms shall run
22 regardless of whether the position is filled.

23 (b-5) A vacancy occurring other than at the end of a term
24 shall be filled in the same manner as an appointment only for
25 the balance of the term of the Legislative Inspector General
26 whose office is vacant. Within 7 days of the Office becoming

1 vacant or receipt of a Legislative Inspector General's
2 prospective resignation, the vacancy shall be publicly posted
3 on the Commission's website, along with a description of the
4 requirements for the position and where applicants may apply.

5 Within 45 days of the vacancy, the Commission shall
6 designate an Acting Legislative Inspector General who shall
7 serve until the vacancy is filled. The Commission shall file
8 the designation in writing with the Secretary of State.

9 Within 60 days prior to the end of the term of the
10 Legislative Inspector General or within 30 days of the
11 occurrence of a vacancy in the Office of the Legislative
12 Inspector General, the Legislative Ethics Commission shall
13 establish a four-member search committee within the Commission
14 for the purpose of conducting a search for qualified candidates
15 to serve as Legislative Inspector General. The Speaker of the
16 House of Representatives, Minority Leader of the House, Senate
17 President, and Minority Leader of the Senate shall each appoint
18 one member to the search committee. A member of the search
19 committee shall be either a retired judge or former prosecutor
20 and may not be a member or employee of the General Assembly or
21 a registered lobbyist. If the Legislative Ethics Commission
22 wishes to recommend that the Legislative Inspector General be
23 re-appointed, a search committee does not need to be appointed.

24 The search committee shall conduct a search for qualified
25 candidates, accept applications, and conduct interviews. The
26 search committee shall recommend up to 3 candidates for

1 Legislative Inspector General to the Legislative Ethics
2 Commission. The search committee shall be disbanded upon an
3 appointment of the Legislative Inspector General. Members of
4 the search committee are not entitled to compensation but shall
5 be entitled to reimbursement of reasonable expenses incurred in
6 connection with the performance of their duties.

7 Within 30 days after the effective date of this amendatory
8 Act of the 100th General Assembly, the Legislative Ethics
9 Commission shall create a search committee in the manner
10 provided for in this subsection to recommend up to 3 candidates
11 for Legislative Inspector General to the Legislative Ethics
12 Commission by October 31, 2018.

13 If a vacancy exists and the Commission has not appointed an
14 Acting Legislative Inspector General, either the staff of the
15 Office of the Legislative Inspector General, or if there is no
16 staff, the Executive Director, shall advise the Commission of
17 all open investigations and any new allegations or complaints
18 received in the Office of the Inspector General. These reports
19 shall not include the name of any person identified in the
20 allegation or complaint, including, but not limited to, the
21 subject of and the person filing the allegation or complaint.
22 Notification shall be made to the Commission on a weekly basis
23 unless the Commission approves of a different reporting
24 schedule.

25 If the Office of the Inspector General is vacant for 6
26 months or more beginning on or after January 1, 2019, and the

1 Legislative Ethics Commission has not appointed an Acting
2 Legislative Inspector General, all complaints made to the
3 Legislative Inspector General or the Legislative Ethics
4 Commission shall be directed to the Inspector General for the
5 Auditor General, and he or she shall have the authority to act
6 as provided in subsection (c) of this Section and Section 25-20
7 of this Act, and shall be subject to all laws and rules
8 governing a Legislative Inspector General or Acting
9 Legislative Inspector General. The authority for the Inspector
10 General of the Auditor General under this paragraph shall
11 terminate upon appointment of a Legislative Inspector General
12 or an Acting Legislative Inspector General.

13 (c) The Legislative Inspector General shall have
14 jurisdiction over the current and former members of the General
15 Assembly regarding events occurring during a member's term of
16 office and current and former State employees regarding events
17 occurring during any period of employment where the State
18 employee's ultimate jurisdictional authority is (i) a
19 legislative leader, (ii) the Senate Operations Commission, or
20 (iii) the Joint Committee on Legislative Support Services.

21 The jurisdiction of each Legislative Inspector General is
22 to investigate allegations of fraud, waste, abuse,
23 mismanagement, misconduct, nonfeasance, misfeasance,
24 malfeasance, or violations of this Act or violations of other
25 related laws and rules.

26 The Legislative Inspector General shall have jurisdiction

1 over complainants in violation of subsection (e) of Section
2 25-63 of this Act.

3 (d) The compensation of the Legislative Inspector General
4 shall be the greater of an amount (i) determined by the
5 Commission or (ii) by joint resolution of the General Assembly
6 passed by a majority of members elected in each chamber.
7 Subject to Section 25-45 of this Act, the Legislative Inspector
8 General has full authority to organize the Office of the
9 Legislative Inspector General, including the employment and
10 determination of the compensation of staff, such as deputies,
11 assistants, and other employees, as appropriations permit.
12 Employment of staff is subject to the approval of at least 3 of
13 the 4 legislative leaders.

14 (e) No Legislative Inspector General or employee of the
15 Office of the Legislative Inspector General may, during his or
16 her term of appointment or employment:

17 (1) become a candidate for any elective office;

18 (2) hold any other elected or appointed public office
19 except for appointments on governmental advisory boards or
20 study commissions or as otherwise expressly authorized by
21 law;

22 (3) be actively involved in the affairs of any
23 political party or political organization; or

24 (4) actively participate in any campaign for any
25 elective office.

26 A full-time Legislative Inspector General shall not engage

1 in the practice of law or any other business, employment, or
2 vocation.

3 In this subsection an appointed public office means a
4 position authorized by law that is filled by an appointing
5 authority as provided by law and does not include employment by
6 hiring in the ordinary course of business.

7 (e-1) No Legislative Inspector General or employee of the
8 Office of the Legislative Inspector General may, for one year
9 after the termination of his or her appointment or employment:

10 (1) become a candidate for any elective office;

11 (2) hold any elected public office; or

12 (3) hold any appointed State, county, or local judicial
13 office.

14 (e-2) The requirements of item (3) of subsection (e-1) may
15 be waived by the Legislative Ethics Commission.

16 (f) The Commission may remove the Legislative Inspector
17 General only for cause. At the time of the removal, the
18 Commission must report to the General Assembly the
19 justification for the removal.

20 (Source: P.A. 100-588, eff. 6-8-18.)

21 (5 ILCS 430/25-50)

22 Sec. 25-50. Investigation reports.

23 (a) If the Legislative Inspector General, upon the
24 conclusion of an investigation, determines that reasonable
25 cause exists to believe that a violation has occurred, then the

1 Legislative Inspector General shall issue a summary report of
2 the investigation. The report shall be delivered to the
3 appropriate ultimate jurisdictional authority, to the head of
4 each State agency affected by or involved in the investigation,
5 if appropriate, and the member, if any, that is the subject of
6 the report. The appropriate ultimate jurisdictional authority
7 or agency head and the member, if any, that is the subject of
8 the report shall respond to the summary report within 20 days,
9 in writing, to the Legislative Inspector General. If the
10 ultimate jurisdictional authority is the subject of the report,
11 he or she may only respond to the summary report in his or her
12 capacity as the subject of the report and shall not respond in
13 his or her capacity as the ultimate jurisdictional authority.
14 The response shall include a description of any corrective or
15 disciplinary action to be imposed. If the appropriate ultimate
16 jurisdictional authority or the member that is the subject of
17 the report does not respond within 20 days, or within an
18 extended time as agreed to by the Legislative Inspector
19 General, the Legislative Inspector General may proceed under
20 subsection (c) as if a response had been received. A member
21 receiving and responding to a report under this Section shall
22 be deemed to be acting in his or her official capacity.

23 (b) The summary report of the investigation shall include
24 the following:

25 (1) A description of any allegations or other
26 information received by the Legislative Inspector General

1 pertinent to the investigation.

2 (2) A description of any alleged misconduct discovered
3 in the course of the investigation.

4 (3) Recommendations for any corrective or disciplinary
5 action to be taken in response to any alleged misconduct
6 described in the report, including but not limited to
7 discharge.

8 (4) Other information the Legislative Inspector
9 General deems relevant to the investigation or resulting
10 recommendations.

11 (c) Within 30 days after receiving a response from the
12 appropriate ultimate jurisdictional authority or agency head
13 under subsection (a), the Legislative Inspector General shall
14 notify the Commission and the Attorney General if the
15 Legislative Inspector General believes that a complaint should
16 be filed with the Commission. If the Legislative Inspector
17 General desires to file a complaint with the Commission, the
18 Legislative Inspector General shall submit the summary report
19 and supporting documents to the Attorney General. If the
20 Attorney General concludes that there is insufficient evidence
21 that a violation has occurred, the Attorney General shall
22 notify the Legislative Inspector General and the Legislative
23 Inspector General shall deliver to the Legislative Ethics
24 Commission a copy of the summary report and response from the
25 ultimate jurisdictional authority or agency head. If the
26 Attorney General determines that reasonable cause exists to

1 believe that a violation has occurred, then the Legislative
2 Inspector General, represented by the Attorney General, may
3 file with the Legislative Ethics Commission a complaint. The
4 complaint shall set forth the alleged violation and the grounds
5 that exist to support the complaint. Except as provided under
6 subsection (1.5) of Section 20, the complaint must be filed
7 with the Commission within 12 months after the Legislative
8 Inspector General's receipt of the allegation of the violation
9 ~~18 months after the most recent act of the alleged violation or~~
10 ~~of a series of alleged violations~~ except where there is
11 reasonable cause to believe that fraudulent concealment has
12 occurred. To constitute fraudulent concealment sufficient to
13 toll this limitations period, there must be an affirmative act
14 or representation calculated to prevent discovery of the fact
15 that a violation has occurred. If a complaint is not filed with
16 the Commission within 6 months after notice by the Inspector
17 General to the Commission and the Attorney General, then the
18 Commission may set a meeting of the Commission at which the
19 Attorney General shall appear and provide a status report to
20 the Commission.

21 (c-5) Within 30 days after receiving a response from the
22 appropriate ultimate jurisdictional authority or agency head
23 under subsection (a), if the Legislative Inspector General does
24 not believe that a complaint should be filed, the Legislative
25 Inspector General shall deliver to the Legislative Ethics
26 Commission a statement setting forth the basis for the decision

1 not to file a complaint and a copy of the summary report and
2 response from the ultimate jurisdictional authority or agency
3 head. The Inspector General may also submit a redacted version
4 of the summary report and response from the ultimate
5 jurisdictional authority if the Inspector General believes
6 either contains information that, in the opinion of the
7 Inspector General, should be redacted prior to releasing the
8 report, may interfere with an ongoing investigation, or
9 identifies an informant or complainant.

10 (c-10) If, after reviewing the documents, the Commission
11 believes that further investigation is warranted, the
12 Commission may request that the Legislative Inspector General
13 provide additional information or conduct further
14 investigation. The Commission may also refer the summary report
15 and response from the ultimate jurisdictional authority to the
16 Attorney General for further investigation or review. If the
17 Commission requests the Attorney General to investigate or
18 review, the Commission must notify the Attorney General and the
19 Legislative Inspector General. The Attorney General may not
20 begin an investigation or review until receipt of notice from
21 the Commission. If, after review, the Attorney General
22 determines that reasonable cause exists to believe that a
23 violation has occurred, then the Attorney General may file a
24 complaint with the Legislative Ethics Commission. If the
25 Attorney General concludes that there is insufficient evidence
26 that a violation has occurred, the Attorney General shall

1 notify the Legislative Ethics Commission and the appropriate
2 Legislative Inspector General.

3 (d) A copy of the complaint filed with the Legislative
4 Ethics Commission must be served on all respondents named in
5 the complaint and on each respondent's ultimate jurisdictional
6 authority in the same manner as process is served under the
7 Code of Civil Procedure.

8 (e) A respondent may file objections to the complaint
9 within 30 days after notice of the petition has been served on
10 the respondent.

11 (f) The Commission shall meet, at least 30 days after the
12 complaint is served on all respondents either in person or by
13 telephone, in a closed session to review the sufficiency of the
14 complaint. The Commission shall issue notice by certified mail,
15 return receipt requested, to the Legislative Inspector
16 General, the Attorney General, and all respondents of the
17 Commission's ruling on the sufficiency of the complaint. If the
18 complaint is deemed to sufficiently allege a violation of this
19 Act, then the Commission shall include a hearing date scheduled
20 within 4 weeks after the date of the notice, unless all of the
21 parties consent to a later date. If the complaint is deemed not
22 to sufficiently allege a violation, then the Commission shall
23 send by certified mail, return receipt requested, a notice to
24 the Legislative Inspector General, the Attorney General, and
25 all respondents the decision to dismiss the complaint.

26 (g) On the scheduled date the Commission shall conduct a

1 closed meeting, either in person or, if the parties consent, by
2 telephone, on the complaint and allow all parties the
3 opportunity to present testimony and evidence. All such
4 proceedings shall be transcribed.

5 (h) Within an appropriate time limit set by rules of the
6 Legislative Ethics Commission, the Commission shall (i)
7 dismiss the complaint, (ii) issue a recommendation of
8 discipline to the respondent and the respondent's ultimate
9 jurisdictional authority, (iii) impose an administrative fine
10 upon the respondent, (iv) issue injunctive relief as described
11 in Section 50-10, or (v) impose a combination of (ii) through
12 (iv).

13 (i) The proceedings on any complaint filed with the
14 Commission shall be conducted pursuant to rules promulgated by
15 the Commission.

16 (j) The Commission may designate hearing officers to
17 conduct proceedings as determined by rule of the Commission.

18 (k) In all proceedings before the Commission, the standard
19 of proof is by a preponderance of the evidence.

20 (l) Within 30 days after the issuance of a final
21 administrative decision that concludes that a violation
22 occurred, the Legislative Ethics Commission shall make public
23 the entire record of proceedings before the Commission, the
24 decision, any recommendation, any discipline imposed, and the
25 response from the agency head or ultimate jurisdictional
26 authority to the Legislative Ethics Commission.

1 (Source: P.A. 100-588, eff. 6-8-18.)

2 (5 ILCS 430/25-63 new)

3 Sec. 25-63. Rights of persons subjected to discrimination,
4 harassment, or sexual harassment.

5 (a) As used in this Section, "complainant" means a known
6 person identified in a complaint filed with the Legislative
7 Inspector General as a person subjected to alleged
8 discrimination, harassment, or sexual harassment in violation
9 of Section 5-65 of this Act or Article 2 of the Illinois Human
10 Rights Act, regardless of whether the complaint is filed by the
11 person.

12 (b) A complainant shall have the following rights:

13 (1) within 5 business days of the Legislative Inspector
14 General receiving a complaint in which the complainant is
15 identified, to be notified by the Legislative Inspector
16 General of the receipt of the complaint, the complainant's
17 rights, and an explanation of the process, rules, and
18 procedures related to the investigating an allegation, and
19 the duties of the Legislative Inspector General and the
20 Legislative Ethics Commission;

21 (2) within 5 business days after the Legislative
22 Inspector General's decision to open or close an
23 investigation into the complaint or refer the complaint to
24 another appropriate agency, to be notified of the
25 Legislative Inspector General's decision; however, if the

1 Legislative Inspector General reasonably determines that
2 publicly acknowledging the existence of an investigation
3 would interfere with the conduct or completion of that
4 investigation, the notification may be withheld until
5 public acknowledgment of the investigation would no longer
6 interfere with that investigation;

7 (3) to review statements and evidence given to the
8 Legislative Inspector General by the complainant and the
9 Legislative Inspector General's summarization of those
10 statements and evidence, if such summary exists. The
11 complainant may make suggestions of changes for the
12 Legislative Inspector General's consideration, but the
13 Legislative Inspector General shall have the final
14 authority to determine what statements, evidence, and
15 summaries are included in any report of the investigation;

16 (4) to have a union representative, attorney,
17 co-worker, or other support person who is not involved in
18 the investigation, at the complainant's expense, present
19 at any interview or meeting, whether in person or by
20 telephone or audio-visual communication, between the
21 complainant and the Legislative Inspector General or
22 Legislative Ethics Commission;

23 (5) to submit a complainant impact statement that shall
24 be included with the Legislative Inspector General's
25 summary report to the Legislative Ethics Commission for its
26 consideration;

1 (6) to testify at a hearing held under subsection (g)
2 of Section 25-50, to the extent the hearing is based on an
3 allegation of a violation of Section 5-65 of this Act
4 involving the complainant, and have a single union
5 representative, attorney, co-worker, or other support
6 person who is not involved in the investigation, at the
7 complainant's expense, accompany him or her while
8 testifying;

9 (7) to review, within 5 business days prior to its
10 release, any portion of a summary report of the
11 investigation subject to public release under this Article
12 related to the allegations concerning the complainant,
13 after redactions made by the Legislative Ethics
14 Commission, and offer suggestions for redaction or provide
15 a response that shall be made public with the summary
16 report; and

17 (8) to file a complaint with the Legislative Ethics
18 Commission for any violation of the complainant's rights
19 under this Section by the Legislative Inspector General.

20 (c) The complainant shall have the sole discretion in
21 determining whether or not to exercise the rights set forth in
22 this Section. All rights under this Section shall be waived if
23 the complainant fails to cooperate with the Legislative
24 Inspector General's investigation of the complaint.

25 (d) The notice requirements imposed on the Legislative
26 Inspector General by this Section shall be waived if the

1 Legislative Inspector General is unable to identify or locate
2 the complainant.

3 (e) A complainant receiving a copy of any summary report,
4 in whole or in part, under this Section shall keep the report
5 confidential and shall not disclose the report prior to the
6 publication of the report by the Legislative Ethics Commission.
7 A complainant that violates this subsection (e) shall be
8 subject to an administrative fine by the Legislative Ethics
9 Commission of up to \$5,000.

10 (5 ILCS 430/70-5)

11 Sec. 70-5. Adoption by governmental entities.

12 (a) Within 6 months after the effective date of this Act,
13 each governmental entity other than a community college
14 district, and each community college district within 6 months
15 after the effective date of this amendatory Act of the 95th
16 General Assembly, shall adopt an ordinance or resolution that
17 regulates, in a manner no less restrictive than Section 5-15
18 and Article 10 of this Act, (i) the political activities of
19 officers and employees of the governmental entity and (ii) the
20 soliciting and accepting of gifts by and the offering and
21 making of gifts to officers and employees of the governmental
22 entity. No later than 60 days after the effective date of this
23 amendatory Act of the 100th General Assembly, each governmental
24 unit shall adopt an ordinance or resolution establishing a
25 policy to prohibit sexual harassment. The policy shall include,

1 at a minimum: (i) a prohibition on sexual harassment; (ii)
2 details on how an individual can report an allegation of sexual
3 harassment, including options for making a confidential report
4 to a supervisor, ethics officer, Inspector General, or the
5 Department of Human Rights; (iii) a prohibition on retaliation
6 for reporting sexual harassment allegations, including
7 availability of whistleblower protections under this Act, the
8 Whistleblower Act, and the Illinois Human Rights Act; and (iv)
9 the consequences of a violation of the prohibition on sexual
10 harassment and the consequences for knowingly making a false
11 report. Within 6 months after the effective date of this
12 amendatory Act of the 101st General Assembly, each governmental
13 unit that is not subject to the jurisdiction of a State or
14 local Inspector General shall adopt an ordinance or resolution
15 amending its sexual harassment policy to provide for a
16 mechanism for reporting and independent review of allegations
17 of sexual harassment made against an elected official of the
18 governmental unit by another elected official of a governmental
19 unit.

20 (b) Within 3 months after the effective date of this
21 amendatory Act of the 93rd General Assembly, the Attorney
22 General shall develop model ordinances and resolutions for the
23 purpose of this Article. The Attorney General shall advise
24 governmental entities on their contents and adoption.

25 (c) As used in this Article, (i) an "officer" means an
26 elected or appointed official; regardless of whether the

1 official is compensated, and (ii) an "employee" means a
2 full-time, part-time, or contractual employee.

3 (Source: P.A. 100-554, eff. 11-16-17.)

4 Section 6-15. The Lobbyist Registration Act is amended by
5 changing Section 4.7 as follows:

6 (25 ILCS 170/4.7)

7 Sec. 4.7. Prohibition on sexual harassment.

8 (a) All persons have the right to work in an environment
9 free from sexual harassment. All persons subject to this Act
10 shall refrain from sexual harassment of any person.

11 (b) Until January 1, 2020 ~~Beginning January 1, 2018~~, each
12 natural person required to register as a lobbyist under this
13 Act must complete, at least annually, a sexual harassment
14 training program provided by the Secretary of State. A natural
15 person registered under this Act must complete the training
16 program no later than 30 days after registration or renewal
17 under this Act. This requirement does not apply to a lobbying
18 entity or a client that hires a lobbyist that (i) does not have
19 employees of the lobbying entity or client registered as
20 lobbyists, or (ii) does not have an actual presence in
21 Illinois.

22 (b-5) Beginning January 1, 2020, each natural person
23 required to register as a lobbyist under this Act must
24 complete, at least annually, a harassment and discrimination

1 prevention training program provided by the Secretary of State.
2 A natural person registered under this Act must complete the
3 training program no later than 30 days after registration or
4 renewal under this Act. This requirement does not apply to a
5 lobbying entity or a client that hires a lobbyist that (i) does
6 not have employees of the lobbying entity or client registered
7 as lobbyists, or (ii) does not have an actual presence in
8 Illinois. For the purposes of this subsection, "unlawful
9 discrimination" and "harassment" mean unlawful discrimination
10 and harassment prohibited under Section 2-102 of the Illinois
11 Human Rights Act.

12 (c) No later than January 1, 2018, each natural person and
13 any entity required to register under this Act shall have a
14 written sexual harassment policy that shall include, at a
15 minimum: (i) a prohibition on sexual harassment; (ii) details
16 on how an individual can report an allegation of sexual
17 harassment, including options for making a confidential report
18 to a supervisor, ethics officer, Inspector General, or the
19 Department of Human Rights; (iii) a prohibition on retaliation
20 for reporting sexual harassment allegations, including
21 availability of whistleblower protections under the State
22 Officials and Employee Ethics Act, the Whistleblower Act, and
23 the Illinois Human Rights Act; and (iv) the consequences of a
24 violation of the prohibition on sexual harassment and the
25 consequences for knowingly making a false report.

26 (d) For purposes of this Act, "sexual harassment" means any

1 unwelcome sexual advances or requests for sexual favors or any
2 conduct of a sexual nature when: (i) submission to such conduct
3 is made either explicitly or implicitly a term or condition of
4 an individual's employment; (ii) submission to or rejection of
5 such conduct by an individual is used as the basis for
6 employment decisions affecting such individual; or (iii) such
7 conduct has the purpose or effect of substantially interfering
8 with an individual's work performance or creating an
9 intimidating, hostile, or offensive working environment. For
10 the purposes of this definition, the phrase "working
11 environment" is not limited to a physical location an employee
12 is assigned to perform his or her duties and does not require
13 an employment relationship.

14 (e) The Secretary of State shall adopt rules for the
15 implementation of this Section. In order to provide for the
16 expeditious and timely implementation of this Section, the
17 Secretary of State shall adopt emergency rules under subsection
18 (z) of Section 5-45 of the Illinois Administrative Procedure
19 Act for the implementation of this Section no later than 60
20 days after the effective date of this amendatory Act of the
21 100th General Assembly.

22 (Source: P.A. 100-554, eff. 11-16-17.)

23 Article 99.

24 Section 99-97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 99-99. Effective date. This Act takes effect
3 January 1, 2020, except that: (i) Article 5 takes effect July
4 1, 2020; and (ii) Article 6 and this Article take effect upon
5 becoming law.