



Rep. Ann M. Williams

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1 AMENDMENT TO SENATE BILL 75

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 75 by replacing  
3 everything after the enacting clause with the following:

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

1       therein, and to protect the interest of this State in ensuring  
2       all workplaces are free of unlawful discrimination and  
3       harassment.

4               Section 1-10. Application.

5               (a) This Act does not apply to any contracts that are  
6       entered into in and subject to the Illinois Public Labor  
7       Relations Act or the National Labor Relations Act. If there is  
8       a conflict between any valid and enforceable collective  
9       bargaining agreement and this Act, the collective bargaining  
10      agreement controls.

11              (b) This Act shall have no effect on the determination of  
12      whether an employment relationship exists for the purposes of  
13      other State or federal laws, including, but not limited to, the  
14      Illinois Human Rights Act, the Workers' Compensation Act, the  
15      Unemployment Insurance Act, and the Illinois Wage Payment and  
16      Collection Act.

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

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

20              "Employee" has the same meaning as set forth in Section  
21      2-101 of the Illinois Human Rights Act. "Employee" includes  
22      "nonemployees" as defined in Section 2-102 of the Illinois  
23      Human Rights Act.

24              "Employer" has the same meaning as set forth in Section

1 2-101 of the Illinois Human Rights Act.

2 "Mutual condition of employment or continued employment"  
3 means any contract, agreement, clause, covenant, or waiver  
4 negotiated between an employer and an employee or prospective  
5 employee in good faith for consideration in order to obtain or  
6 retain employment.

7 "Prospective employee" means a person seeking to enter an  
8 employment contract with an employer.

9 "Settlement agreement" means an agreement, contract, or  
10 clause within an agreement or contract entered into between an  
11 employee, prospective employee, or former employee and an  
12 employer to resolve a dispute or legal claim between the  
13 parties that arose or accrued before the settlement agreement  
14 was executed.

15 "Termination agreement" means a contract or agreement  
16 between an employee and an employer terminating the employment  
17 relationship.

18 "Unlawful employment practice" means any form of unlawful  
19 discrimination, harassment, or retaliation that is actionable  
20 under Article 2 of the Illinois Human Rights Act, Title VII of  
21 the Civil Rights Act of 1964, or any other related State or  
22 federal rule or law that is enforced by the Illinois Department  
23 of Human Rights or the Equal Employment Opportunity Commission.

24 "Unilateral condition of employment or continued  
25 employment" means any contract, agreement, clause, covenant,  
26 or waiver an employer requires an employee or prospective

1 employee to accept as a non-negotiable material term in order  
2 to obtain or retain employment.

3 Section 1-20. Reporting of allegations. No contract,  
4 agreement, clause, covenant, waiver, or other document shall  
5 prohibit, prevent, or otherwise restrict an employee,  
6 prospective employee, or former employee from reporting any  
7 allegations of unlawful conduct to federal, State, or local  
8 officials for investigation, including, but not limited to,  
9 alleged criminal conduct or unlawful employment practices.

10 Section 1-25. Conditions of employment or continued  
11 employment.

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

20 (b) Any agreement, clause, covenant, or waiver that is a  
21 unilateral condition of employment or continued employment and  
22 requires the employee or prospective employee to waive,  
23 arbitrate, or otherwise diminish any existing or future claim,  
24 right, or benefit related to an unlawful employment practice to

1 which the employee or prospective employee would otherwise be  
2 entitled under any provision of State or federal law, is  
3 against public policy, void to the extent it denies an employee  
4 or prospective employee a substantive or procedural right or  
5 remedy related to alleged unlawful employment practices, and  
6 severable from an otherwise valid and enforceable contract  
7 under this Act.

8 (c) Any agreement, clause, covenant, or waiver that is a  
9 mutual condition of employment or continued employment may  
10 include provisions that would otherwise be against public  
11 policy as a unilateral condition of employment or continued  
12 employment, but only if the agreement, clause, covenant, or  
13 waiver is in writing, demonstrates actual, knowing, and  
14 bargained-for consideration from both parties, and  
15 acknowledges the right of the employee or prospective employee  
16 to:

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

20 (2) report any good faith allegation of criminal  
21 conduct to any appropriate federal, State, or local  
22 official;

23 (3) participate in a proceeding with any appropriate  
24 federal, State, or local government agency enforcing  
25 discrimination laws;

26 (4) make any truthful statements or disclosures

1 required by law, regulation, or legal process; and

2 (5) request or receive confidential legal advice.

3 (d) Failure to comply with the provisions of subsection (c)  
4 shall establish a rebuttable presumption that the agreement,  
5 clause, covenant, or waiver is a unilateral condition of  
6 employment or continued employment that is governed by  
7 subsections (a) or (b).

8 (e) Nothing in this Section shall be construed to prevent  
9 an employee or prospective employee and an employer from  
10 negotiating and bargaining over the terms, privileges, and  
11 conditions of employment.

12 Section 1-30. Settlement or termination agreements.

13 (a) An employee, prospective employee, or former employee  
14 and an employer may enter into a valid and enforceable  
15 settlement or termination agreement that includes promises of  
16 confidentiality related to alleged unlawful employment  
17 practices, so long as:

18 (1) confidentiality is the documented preference of  
19 the employee, prospective employee, or former employee and  
20 is mutually beneficial to both parties;

21 (2) the employer notifies the employee, prospective  
22 employee, or former employee, in writing, of his or her  
23 right to have an attorney or representative of his or her  
24 choice review the settlement or termination agreement  
25 before it is executed;

1           (3) there is valid, bargained for consideration in  
2 exchange for the confidentiality;

3           (4) the settlement or termination agreement does not  
4 waive any claims of unlawful employment practices that  
5 accrue after the date of execution of the settlement or  
6 termination agreement;

7           (5) the settlement or termination agreement is  
8 provided, in writing, to the parties to the prospective  
9 agreement and the employee, prospective employee, or  
10 former employee is given a period of 21 calendar days to  
11 consider the agreement before execution, during which the  
12 employee, prospective employee, or former employee may  
13 sign the agreement at any time, knowingly and voluntarily  
14 waiving any further time for consideration; and

15           (6) unless knowingly and voluntarily waived by the  
16 employee, prospective employee, or former employee, he or  
17 she has 7 calendar days following the execution of the  
18 agreement to revoke the agreement and the agreement is not  
19 effective or enforceable until the revocation period has  
20 expired.

21           (b) An employer may not unilaterally include any clause in  
22 a settlement or termination agreement that prohibits the  
23 employee, prospective employee, or former employee from making  
24 truthful statements or disclosures regarding unlawful  
25 employment practices.

26           (c) Failure to comply with the provisions of this Section

1 shall render any promise of confidentiality related to alleged  
2 unlawful employment practices against public policy void and  
3 severable from an otherwise valid and enforceable agreement.

4 (d) Nothing in this Section shall be construed to prevent a  
5 mutually agreed upon settlement or termination agreement from  
6 waiving or releasing the employee, prospective employee, or  
7 former employee's right to seek or obtain any remedies relating  
8 to an unlawful employment practice claim that occurred before  
9 the date on which the agreement is executed.

10 Section 1-35. Costs and attorney's fees. An employee,  
11 prospective employee, or former employee shall be entitled to  
12 reasonable attorney's fees and costs incurred in challenging a  
13 contract for violation of this Act upon a final, non-appealable  
14 action in favor of the employee, prospective employee, or  
15 former employee on the question of the validity and  
16 enforceability of the contract.

17 Section 1-40. Right to testify. Notwithstanding any other  
18 law to the contrary, any agreement, clause, covenant, or  
19 waiver, settlement agreement, or termination agreement that  
20 waives the right of an employee, prospective employee, or  
21 former employee to testify in an administrative, legislative,  
22 or judicial proceeding concerning alleged criminal conduct or  
23 alleged unlawful employment practices on the part of the other  
24 party to the employment contract, settlement agreement, or



1 termination agreement, or on the part of the party's agents or  
2 employees, when the employee, prospective employee, or former  
3 employee has been required or requested to attend the  
4 proceeding pursuant to a court order, subpoena, or written  
5 request from an administrative agency or the legislature, is  
6 void and unenforceable under the public policy of this State.  
7 This Section is declarative of existing law.

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

12 (1) employees who receive complaints or investigate  
13 allegations related to unlawful employment practices as  
14 part of their assigned job duties, or otherwise have access  
15 to confidential personnel information as a part of their  
16 assigned job duties;

17 (2) an employee or third party who is notified and  
18 requested to participate in an open and ongoing  
19 investigation into alleged unlawful employment practices  
20 and requested to maintain reasonable confidentiality  
21 during the pendency of that investigation and thereafter;

22 (3) an employee or any third party who receives  
23 attorney work product or attorney-client privileged  
24 communications as part of any dispute, controversy, or  
25 legal claim involving an unlawful employment practice;

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

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

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

7   Article 2.

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

10           (5 ILCS 140/7.5)

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

14           (a) All information determined to be confidential  
15 under Section 4002 of the Technology Advancement and  
16 Development Act.

17           (b) Library circulation and order records identifying  
18 library users with specific materials under the Library  
19 Records Confidentiality Act.

20           (c) Applications, related documents, and medical  
21 records received by the Experimental Organ Transplantation  
22 Procedures Board and any and all documents or other records

1 prepared by the Experimental Organ Transplantation  
2 Procedures Board or its staff relating to applications it  
3 has received.

4 (d) Information and records held by the Department of  
5 Public Health and its authorized representatives relating  
6 to known or suspected cases of sexually transmissible  
7 disease or any information the disclosure of which is  
8 restricted under the Illinois Sexually Transmissible  
9 Disease Control Act.

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

12 (f) Firm performance evaluations under Section 55 of  
13 the Architectural, Engineering, and Land Surveying  
14 Qualifications Based Selection Act.

15 (g) Information the disclosure of which is restricted  
16 and exempted under Section 50 of the Illinois Prepaid  
17 Tuition Act.

18 (h) Information the disclosure of which is exempted  
19 under the State Officials and Employees Ethics Act, and  
20 records of any lawfully created State or local inspector  
21 general's office that would be exempt if created or  
22 obtained by an Executive Inspector General's office under  
23 that Act.

24 (i) Information contained in a local emergency energy  
25 plan submitted to a municipality in accordance with a local  
26 emergency energy plan ordinance that is adopted under

1 Section 11-21.5-5 of the Illinois Municipal Code.

2 (j) Information and data concerning the distribution  
3 of surcharge moneys collected and remitted by carriers  
4 under the Emergency Telephone System Act.

5 (k) Law enforcement officer identification information  
6 or driver identification information compiled by a law  
7 enforcement agency or the Department of Transportation  
8 under Section 11-212 of the Illinois Vehicle Code.

9 (l) Records and information provided to a residential  
10 health care facility resident sexual assault and death  
11 review team or the Executive Council under the Abuse  
12 Prevention Review Team Act.

13 (m) Information provided to the predatory lending  
14 database created pursuant to Article 3 of the Residential  
15 Real Property Disclosure Act, except to the extent  
16 authorized under that Article.

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

24 (o) Information that is prohibited from being  
25 disclosed under Section 4 of the Illinois Health and  
26 Hazardous Substances Registry Act.

1           (p) Security portions of system safety program plans,  
2           investigation reports, surveys, schedules, lists, data, or  
3           information compiled, collected, or prepared by or for the  
4           Regional Transportation Authority under Section 2.11 of  
5           the Regional Transportation Authority Act or the St. Clair  
6           County Transit District under the Bi-State Transit Safety  
7           Act.

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

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

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

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

1 promulgated thereunder.

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

5 (v) Names and information of people who have applied  
6 for or received Firearm Owner's Identification Cards under  
7 the Firearm Owners Identification Card Act or applied for  
8 or received a concealed carry license under the Firearm  
9 Concealed Carry Act, unless otherwise authorized by the  
10 Firearm Concealed Carry Act; and databases under the  
11 Firearm Concealed Carry Act, records of the Concealed Carry  
12 Licensing Review Board under the Firearm Concealed Carry  
13 Act, and law enforcement agency objections under the  
14 Firearm Concealed Carry Act.

15 (w) Personally identifiable information which is  
16 exempted from disclosure under subsection (g) of Section  
17 19.1 of the Toll Highway Act.

18 (x) Information which is exempted from disclosure  
19 under Section 5-1014.3 of the Counties Code or Section  
20 8-11-21 of the Illinois Municipal Code.

21 (y) Confidential information under the Adult  
22 Protective Services Act and its predecessor enabling  
23 statute, the Elder Abuse and Neglect Act, including  
24 information about the identity and administrative finding  
25 against any caregiver of a verified and substantiated  
26 decision of abuse, neglect, or financial exploitation of an

1 eligible adult maintained in the Registry established  
2 under Section 7.5 of the Adult Protective Services Act.

3 (z) Records and information provided to a fatality  
4 review team or the Illinois Fatality Review Team Advisory  
5 Council under Section 15 of the Adult Protective Services  
6 Act.

7 (aa) Information which is exempted from disclosure  
8 under Section 2.37 of the Wildlife Code.

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

11 (cc) Recordings made under the Law Enforcement  
12 Officer-Worn Body Camera Act, except to the extent  
13 authorized under that Act.

14 (dd) Information that is prohibited from being  
15 disclosed under Section 45 of the Condominium and Common  
16 Interest Community Ombudsperson Act.

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

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

21 (gg) Information that is prohibited from being  
22 disclosed under Section 7-603.5 of the Illinois Vehicle  
23 Code.

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

26 (ii) Information which is exempted from disclosure

1 under Section 2505-800 of the Department of Revenue Law of  
2 the Civil Administrative Code of Illinois.

3 (jj) Information and reports that are required to be  
4 submitted to the Department of Labor by registering day and  
5 temporary labor service agencies but are exempt from  
6 disclosure under subsection (a-1) of Section 45 of the Day  
7 and Temporary Labor Services Act.

8 (kk) Information prohibited from disclosure under the  
9 Seizure and Forfeiture Reporting Act.

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

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

15 (nn) ~~(ll)~~ Information that is exempt from disclosure  
16 under Section 70 of the Higher Education Student Assistance  
17 Act.

18 (oo) Data reported by an employer to the Department of  
19 Human Rights pursuant to Section 2-108 of the Illinois  
20 Human Rights Act.

21 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
22 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
23 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
24 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
25 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
26 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;



1 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised  
2 10-12-18.)

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

6 (20 ILCS 2105/2105-15)

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

8 (a) The Department has, subject to the provisions of the  
9 Civil Administrative Code of Illinois, the following powers and  
10 duties:

11 (1) To authorize examinations in English to ascertain  
12 the qualifications and fitness of applicants to exercise  
13 the profession, trade, or occupation for which the  
14 examination is held.

15 (2) To prescribe rules and regulations for a fair and  
16 wholly impartial method of examination of candidates to  
17 exercise the respective professions, trades, or  
18 occupations.

19 (3) To pass upon the qualifications of applicants for  
20 licenses, certificates, and authorities, whether by  
21 examination, by reciprocity, or by endorsement.

22 (4) To prescribe rules and regulations defining, for  
23 the respective professions, trades, and occupations, what  
24 shall constitute a school, college, or university, or

1 department of a university, or other institution,  
2 reputable and in good standing, and to determine the  
3 reputability and good standing of a school, college, or  
4 university, or department of a university, or other  
5 institution, reputable and in good standing, by reference  
6 to a compliance with those rules and regulations; provided,  
7 that no school, college, or university, or department of a  
8 university, or other institution that refuses admittance  
9 to applicants solely on account of race, color, creed, sex,  
10 sexual orientation, or national origin shall be considered  
11 reputable and in good standing.

12 (5) To conduct hearings on proceedings to revoke,  
13 suspend, refuse to renew, place on probationary status, or  
14 take other disciplinary action as authorized in any  
15 licensing Act administered by the Department with regard to  
16 licenses, certificates, or authorities of persons  
17 exercising the respective professions, trades, or  
18 occupations and to revoke, suspend, refuse to renew, place  
19 on probationary status, or take other disciplinary action  
20 as authorized in any licensing Act administered by the  
21 Department with regard to those licenses, certificates, or  
22 authorities.

23 The Department shall issue a monthly disciplinary  
24 report.

25 The Department shall refuse to issue or renew a license  
26 to, or shall suspend or revoke a license of, any person

1 who, after receiving notice, fails to comply with a  
2 subpoena or warrant relating to a paternity or child  
3 support proceeding. However, the Department may issue a  
4 license or renewal upon compliance with the subpoena or  
5 warrant.

6 The Department, without further process or hearings,  
7 shall revoke, suspend, or deny any license or renewal  
8 authorized by the Civil Administrative Code of Illinois to  
9 a person who is certified by the Department of Healthcare  
10 and Family Services (formerly Illinois Department of  
11 Public Aid) as being more than 30 days delinquent in  
12 complying with a child support order or who is certified by  
13 a court as being in violation of the Non-Support Punishment  
14 Act for more than 60 days. The Department may, however,  
15 issue a license or renewal if the person has established a  
16 satisfactory repayment record as determined by the  
17 Department of Healthcare and Family Services (formerly  
18 Illinois Department of Public Aid) or if the person is  
19 determined by the court to be in compliance with the  
20 Non-Support Punishment Act. The Department may implement  
21 this paragraph as added by Public Act 89-6 through the use  
22 of emergency rules in accordance with Section 5-45 of the  
23 Illinois Administrative Procedure Act. For purposes of the  
24 Illinois Administrative Procedure Act, the adoption of  
25 rules to implement this paragraph shall be considered an  
26 emergency and necessary for the public interest, safety,

1 and welfare.

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

7 (7) To formulate rules and regulations necessary for  
8 the enforcement of any Act administered by the Department.

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

26 (8.3) To exchange information with the Department of

1       Human Rights regarding recommendations received under  
2       paragraph (B) of Section 8-109 of the Illinois Human Rights  
3       Act regarding a licensee or candidate for licensure who has  
4       committed a civil rights violation that may lead to the  
5       refusal, suspension, or revocation of a license from the  
6       Department.

7           (8.5) To accept continuing education credit for  
8       mandated reporter training on how to recognize and report  
9       child abuse offered by the Department of Children and  
10      Family Services and completed by any person who holds a  
11      professional license issued by the Department and who is a  
12      mandated reporter under the Abused and Neglected Child  
13      Reporting Act. The Department shall adopt any rules  
14      necessary to implement this paragraph.

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

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

25           (b) (Blank).

26           (c) For the purpose of securing and preparing evidence, and

1 for the purchase of controlled substances, professional  
2 services, and equipment necessary for enforcement activities,  
3 recoupment of investigative costs, and other activities  
4 directed at suppressing the misuse and abuse of controlled  
5 substances, including those activities set forth in Sections  
6 504 and 508 of the Illinois Controlled Substances Act, the  
7 Director and agents appointed and authorized by the Director  
8 may expend sums from the Professional Regulation Evidence Fund  
9 that the Director deems necessary from the amounts appropriated  
10 for that purpose. Those sums may be advanced to the agent when  
11 the Director deems that procedure to be in the public interest.  
12 Sums for the purchase of controlled substances, professional  
13 services, and equipment necessary for enforcement activities  
14 and other activities as set forth in this Section shall be  
15 advanced to the agent who is to make the purchase from the  
16 Professional Regulation Evidence Fund on vouchers signed by the  
17 Director. The Director and those agents are authorized to  
18 maintain one or more commercial checking accounts with any  
19 State banking corporation or corporations organized under or  
20 subject to the Illinois Banking Act for the deposit and  
21 withdrawal of moneys to be used for the purposes set forth in  
22 this Section; provided, that no check may be written nor any  
23 withdrawal made from any such account except upon the written  
24 signatures of 2 persons designated by the Director to write  
25 those checks and make those withdrawals. Vouchers for those  
26 expenditures must be signed by the Director. All such

1 expenditures shall be audited by the Director, and the audit  
2 shall be submitted to the Department of Central Management  
3 Services for approval.

4 (d) Whenever the Department is authorized or required by  
5 law to consider some aspect of criminal history record  
6 information for the purpose of carrying out its statutory  
7 powers and responsibilities, then, upon request and payment of  
8 fees in conformance with the requirements of Section 2605-400  
9 of the Department of State Police Law (20 ILCS 2605/2605-400),  
10 the Department of State Police is authorized to furnish,  
11 pursuant to positive identification, the information contained  
12 in State files that is necessary to fulfill the request.

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

16 (f) (Blank).

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

22 (g) Notwithstanding anything that may appear in any  
23 individual licensing statute or administrative rule, the  
24 Department shall deny any license application or renewal  
25 authorized under any licensing Act administered by the  
26 Department to any person who has failed to file a return, or to

1 pay the tax, penalty, or interest shown in a filed return, or  
2 to pay any final assessment of tax, penalty, or interest, as  
3 required by any tax Act administered by the Illinois Department  
4 of Revenue, until such time as the requirement of any such tax  
5 Act are satisfied; however, the Department may issue a license  
6 or renewal if the person has established a satisfactory  
7 repayment record as determined by the Illinois Department of  
8 Revenue. For the purpose of this Section, "satisfactory  
9 repayment record" shall be defined by rule.

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



1 before the Department to dispute the matters contained in the  
2 order.

3 Any suspension imposed under this subsection (g) shall be  
4 terminated by the Department upon notification from the  
5 Illinois Department of Revenue that the licensee is in  
6 compliance with all tax laws administered by the Illinois  
7 Department of Revenue.

8 The Department may promulgate rules for the administration  
9 of this subsection (g).

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

21 (i) The Department shall make available on its website  
22 general information explaining how the Department utilizes  
23 criminal history information in making licensure application  
24 decisions, including a list of enumerated offenses that serve  
25 as a statutory bar to licensure.

26 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330,

1 eff. 8-10-15; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17;  
2 100-262, eff. 8-22-17; 100-863, eff. 8-14-18; 100-872, eff.  
3 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff. 1-1-19; revised  
4 10-18-18.)

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

7 (710 ILCS 5/1) (from Ch. 10, par. 101)

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

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

23 Section 2-15. The Illinois Human Rights Act is amended by

1 changing Sections 1-103, 2-101, 2-102, 7-109.1, 7A-102, and  
2 8-109 and by adding Sections 2-108, 2-109, 2-110, and 8-109.1  
3 as follows:

4 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

18 (C) Charge. "Charge" means an allegation filed with the  
19 Department by an aggrieved party or initiated by the Department  
20 under its authority.

21 (D) Civil rights violation. "Civil rights violation"  
22 includes and shall be limited to only those specific acts set  
23 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
24 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,  
25 6-101, and 6-102 of this Act.

1 (E) Commission. "Commission" means the Human Rights  
2 Commission created by this Act.

3 (F) Complaint. "Complaint" means the formal pleading filed  
4 by the Department with the Commission following an  
5 investigation and finding of substantial evidence of a civil  
6 rights violation.

7 (G) Complainant. "Complainant" means a person including  
8 the Department who files a charge of civil rights violation  
9 with the Department or the Commission.

10 (H) Department. "Department" means the Department of Human  
11 Rights created by this Act.

12 (I) Disability. "Disability" means a determinable physical  
13 or mental characteristic of a person, including, but not  
14 limited to, a determinable physical characteristic which  
15 necessitates the person's use of a guide, hearing or support  
16 dog, the history of such characteristic, or the perception of  
17 such characteristic by the person complained against, which may  
18 result from disease, injury, congenital condition of birth or  
19 functional disorder and which characteristic:

20 (1) For purposes of Article 2, is unrelated to the  
21 person's ability to perform the duties of a particular job  
22 or position and, pursuant to Section 2-104 of this Act, a  
23 person's illegal use of drugs or alcohol is not a  
24 disability;

25 (2) For purposes of Article 3, is unrelated to the  
26 person's ability to acquire, rent, or maintain a housing

1 accommodation;

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

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

7 (5) For purposes of Article 5, also includes any  
8 mental, psychological, or developmental disability,  
9 including autism spectrum disorders.

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

12 (J-1) Military status. "Military status" means a person's  
13 status on active duty in or status as a veteran of the armed  
14 forces of the United States, status as a current member or  
15 veteran of any reserve component of the armed forces of the  
16 United States, including the United States Army Reserve, United  
17 States Marine Corps Reserve, United States Navy Reserve, United  
18 States Air Force Reserve, and United States Coast Guard  
19 Reserve, or status as a current member or veteran of the  
20 Illinois Army National Guard or Illinois Air National Guard.

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

23 (K-5) "Order of protection status" means a person's status  
24 as being a person protected under an order of protection issued  
25 pursuant to the Illinois Domestic Violence Act of 1986, Article  
26 112A of the Code of Criminal Procedure of 1963, the Stalking No

1 Contact Order Act, or the Civil No Contact Order Act, or an  
2 order of protection issued by a court of another state.

3 (L) Person. "Person" includes one or more individuals,  
4 partnerships, associations or organizations, labor  
5 organizations, labor unions, joint apprenticeship committees,  
6 or union labor associations, corporations, the State of  
7 Illinois and its instrumentalities, political subdivisions,  
8 units of local government, legal representatives, trustees in  
9 bankruptcy or receivers.

10 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,  
11 or medical or common conditions related to pregnancy or  
12 childbirth.

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

16 (N) Religion. "Religion" includes all aspects of religious  
17 observance and practice, as well as belief, except that with  
18 respect to employers, for the purposes of Article 2, "religion"  
19 has the meaning ascribed to it in paragraph (F) of Section  
20 2-101.

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

22 (O-1) Sexual orientation. "Sexual orientation" means  
23 actual or perceived heterosexuality, homosexuality,  
24 bisexuality, or gender-related identity, whether or not  
25 traditionally associated with the person's designated sex at  
26 birth. "Sexual orientation" does not include a physical or

1 sexual attraction to a minor by an adult.

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

8 (Q) Unlawful discrimination. "Unlawful discrimination"  
9 means discrimination against a person because of his or her  
10 actual or perceived: race, color, religion, national origin,  
11 ancestry, age, sex, marital status, order of protection status,  
12 disability, military status, sexual orientation, pregnancy, or  
13 unfavorable discharge from military service as those terms are  
14 defined in this Section.

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

16 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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

19 (A) Employee.

20 (1) "Employee" includes:

21 (a) Any individual performing services for  
22 remuneration within this State for an employer;

23 (b) An apprentice;

24 (c) An applicant for any apprenticeship.

25 For purposes of subsection (D) of Section 2-102 of this

1 Act, "employee" also includes an unpaid intern. An unpaid  
2 intern is a person who performs work for an employer under  
3 the following circumstances:

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

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

10 (iii) the work performed:

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

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

16 (III) does not displace regular employees;

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

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

23 (2) "Employee" does not include:

24 (a) (Blank);

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



1 (c) Elected public officials or the members of  
2 their immediate personal staffs;

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

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

10 (B) Employer.

11 (1) "Employer" includes:

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

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

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

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

26 (e) A joint apprenticeship or training committee

1 without regard to the number of employees.

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

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

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

1 applications for apprenticeships.

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

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

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

1 (F) Religion. "Religion" with respect to employers  
2 includes all aspects of religious observance and practice, as  
3 well as belief, unless an employer demonstrates that he is  
4 unable to reasonably accommodate an employee's or prospective  
5 employee's religious observance or practice without undue  
6 hardship on the conduct of the employer's business.

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

10 (H) Public Employee. "Public employee" means an employee of  
11 the State, agency or department thereof, unit of local  
12 government, school district, instrumentality or political  
13 subdivision. "Public employee" does not include public  
14 officers or employees of the General Assembly or agencies  
15 thereof.

16 (I) Public Officer. "Public officer" means a person who is  
17 elected to office pursuant to the Constitution or a statute or  
18 ordinance, or who is appointed to an office which is  
19 established, and the qualifications and duties of which are  
20 prescribed, by the Constitution or a statute or ordinance, to  
21 discharge a public duty for the State, agency or department  
22 thereof, unit of local government, school district,  
23 instrumentality or political subdivision.

24 (J) Eligible Bidder. "Eligible bidder" means a person who,  
25 prior to contract award or prior to bid opening for State  
26 contracts for construction or construction-related services,

1 has filed with the Department a properly completed, sworn and  
2 currently valid employer report form, pursuant to the  
3 Department's regulations. The provisions of this Article  
4 relating to eligible bidders apply only to bids on contracts  
5 with the State and its departments, agencies, boards, and  
6 commissions, and the provisions do not apply to bids on  
7 contracts with units of local government or school districts.

8 (K) Citizenship Status. "Citizenship status" means the  
9 status of being:

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

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

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

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

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

20 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

21 Sec. 2-102. Civil rights violations - employment. It is a  
22 civil rights violation:

23 (A) Employers. For any employer to refuse to hire, to  
24 segregate, to engage in harassment as defined in subsection  
25 (E-1) of Section 2-101, or to act with respect to

1 recruitment, hiring, promotion, renewal of employment,  
2 selection for training or apprenticeship, discharge,  
3 discipline, tenure or terms, privileges or conditions of  
4 employment on the basis of unlawful discrimination or  
5 citizenship status. An employer is responsible for  
6 harassment by the employer's nonmanagerial and  
7 nonsupervisory employees only if the employer becomes  
8 aware of the conduct and fails to take reasonable  
9 corrective measures.

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

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

18 (A-10) Harassment of nonemployees. For any employer,  
19 employment agency, or labor organization to engage in  
20 harassment of nonemployees in the workplace. An employer is  
21 responsible for harassment of nonemployees by the  
22 employer's nonmanagerial and nonsupervisory employees only  
23 if the employer becomes aware of the conduct and fails to  
24 take reasonable corrective measures. For the purposes of  
25 this subdivision (A-10), "nonemployee" means a person who  
26 is not otherwise an employee of the employer and is

1 directly performing services for the employer pursuant to a  
2 contract with that employer. "Nonemployee" includes  
3 contractors and consultants. This subdivision applies to  
4 harassment occurring on or after the effective date of this  
5 amendatory Act of the 101st General Assembly.

6 (B) Employment agency. For any employment agency to  
7 fail or refuse to classify properly, accept applications  
8 and register for employment referral or apprenticeship  
9 referral, refer for employment, or refer for  
10 apprenticeship on the basis of unlawful discrimination or  
11 citizenship status or to accept from any person any job  
12 order, requisition or request for referral of applicants  
13 for employment or apprenticeship which makes or has the  
14 effect of making unlawful discrimination or discrimination  
15 on the basis of citizenship status a condition of referral.

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

26 (D) Sexual harassment. For any employer, employee,

1 agent of any employer, employment agency or labor  
2 organization to engage in sexual harassment; provided,  
3 that an employer shall be responsible for sexual harassment  
4 of the employer's employees by nonemployees or  
5 nonmanagerial and nonsupervisory employees only if the  
6 employer becomes aware of the conduct and fails to take  
7 reasonable corrective measures.

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

23 (E) Public employers. For any public employer to refuse  
24 to permit a public employee under its jurisdiction who  
25 takes time off from work in order to practice his or her  
26 religious beliefs to engage in work, during hours other



1 than such employee's regular working hours, consistent  
2 with the operational needs of the employer and in order to  
3 compensate for work time lost for such religious reasons.  
4 Any employee who elects such deferred work shall be  
5 compensated at the wage rate which he or she would have  
6 earned during the originally scheduled work period. The  
7 employer may require that an employee who plans to take  
8 time off from work in order to practice his or her  
9 religious beliefs provide the employer with a notice of his  
10 or her intention to be absent from work not exceeding 5  
11 days prior to the date of absence.

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

26 Nothing in this Section prohibits an employer from

1           enacting a dress code or grooming policy that may include  
2           restrictions on attire, clothing, or facial hair to  
3           maintain workplace safety or food sanitation.

4           (F) Training and apprenticeship programs. For any  
5           employer, employment agency or labor organization to  
6           discriminate against a person on the basis of age in the  
7           selection, referral for or conduct of apprenticeship or  
8           training programs.

9           (G) Immigration-related practices.

10           (1) for an employer to request for purposes of  
11           satisfying the requirements of Section 1324a(b) of  
12           Title 8 of the United States Code, as now or hereafter  
13           amended, more or different documents than are required  
14           under such Section or to refuse to honor documents  
15           tendered that on their face reasonably appear to be  
16           genuine; or

17           (2) for an employer participating in the E-Verify  
18           Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
19           Programs for Employment Eligibility Confirmation  
20           (enacted by PL 104-208, div. C title IV, subtitle A) to  
21           refuse to hire, to segregate, or to act with respect to  
22           recruitment, hiring, promotion, renewal of employment,  
23           selection for training or apprenticeship, discharge,  
24           discipline, tenure or terms, privileges or conditions  
25           of employment without following the procedures under  
26           the E-Verify Program.

1 (H) (Blank).

2 (I) Pregnancy. For an employer to refuse to hire, to  
3 segregate, or to act with respect to recruitment, hiring,  
4 promotion, renewal of employment, selection for training  
5 or apprenticeship, discharge, discipline, tenure or terms,  
6 privileges or conditions of employment on the basis of  
7 pregnancy, childbirth, or medical or common conditions  
8 related to pregnancy or childbirth. Women affected by  
9 pregnancy, childbirth, or medical or common conditions  
10 related to pregnancy or childbirth shall be treated the  
11 same for all employment-related purposes, including  
12 receipt of benefits under fringe benefit programs, as other  
13 persons not so affected but similar in their ability or  
14 inability to work, regardless of the source of the  
15 inability to work or employment classification or status.

16 (J) Pregnancy; reasonable accommodations.

17 (1) If after a job applicant or employee, including  
18 a part-time, full-time, or probationary employee,  
19 requests a reasonable accommodation, for an employer  
20 to not make reasonable accommodations for any medical  
21 or common condition of a job applicant or employee  
22 related to pregnancy or childbirth, unless the  
23 employer can demonstrate that the accommodation would  
24 impose an undue hardship on the ordinary operation of  
25 the business of the employer. The employer may request  
26 documentation from the employee's health care provider

1 concerning the need for the requested reasonable  
2 accommodation or accommodations to the same extent  
3 documentation is requested for conditions related to  
4 disability if the employer's request for documentation  
5 is job-related and consistent with business necessity.  
6 The employer may require only the medical  
7 justification for the requested accommodation or  
8 accommodations, a description of the reasonable  
9 accommodation or accommodations medically advisable,  
10 the date the reasonable accommodation or  
11 accommodations became medically advisable, and the  
12 probable duration of the reasonable accommodation or  
13 accommodations. It is the duty of the individual  
14 seeking a reasonable accommodation or accommodations  
15 to submit to the employer any documentation that is  
16 requested in accordance with this paragraph.  
17 Notwithstanding the provisions of this paragraph, the  
18 employer may require documentation by the employee's  
19 health care provider to determine compliance with  
20 other laws. The employee and employer shall engage in a  
21 timely, good faith, and meaningful exchange to  
22 determine effective reasonable accommodations.

23 (2) For an employer to deny employment  
24 opportunities or benefits to or take adverse action  
25 against an otherwise qualified job applicant or  
26 employee, including a part-time, full-time, or

1           probationary employee, if the denial or adverse action  
2           is based on the need of the employer to make reasonable  
3           accommodations to the known medical or common  
4           conditions related to the pregnancy or childbirth of  
5           the applicant or employee.

6           (3) For an employer to require a job applicant or  
7           employee, including a part-time, full-time, or  
8           probationary employee, affected by pregnancy,  
9           childbirth, or medical or common conditions related to  
10          pregnancy or childbirth to accept an accommodation  
11          when the applicant or employee did not request an  
12          accommodation and the applicant or employee chooses  
13          not to accept the employer's accommodation.

14          (4) For an employer to require an employee,  
15          including a part-time, full-time, or probationary  
16          employee, to take leave under any leave law or policy  
17          of the employer if another reasonable accommodation  
18          can be provided to the known medical or common  
19          conditions related to the pregnancy or childbirth of an  
20          employee. No employer shall fail or refuse to reinstate  
21          the employee affected by pregnancy, childbirth, or  
22          medical or common conditions related to pregnancy or  
23          childbirth to her original job or to an equivalent  
24          position with equivalent pay and accumulated  
25          seniority, retirement, fringe benefits, and other  
26          applicable service credits upon her signifying her

1 intent to return or when her need for reasonable  
2 accommodation ceases, unless the employer can  
3 demonstrate that the accommodation would impose an  
4 undue hardship on the ordinary operation of the  
5 business of the employer.

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

1        childbirth; and leave necessitated by pregnancy,  
2        childbirth, or medical or common conditions resulting from  
3        pregnancy or childbirth.

4        For the purposes of this subdivision (J), "undue  
5        hardship" means an action that is prohibitively expensive  
6        or disruptive when considered in light of the following  
7        factors: (i) the nature and cost of the accommodation  
8        needed; (ii) the overall financial resources of the  
9        facility or facilities involved in the provision of the  
10       reasonable accommodation, the number of persons employed  
11       at the facility, the effect on expenses and resources, or  
12       the impact otherwise of the accommodation upon the  
13       operation of the facility; (iii) the overall financial  
14       resources of the employer, the overall size of the business  
15       of the employer with respect to the number of its  
16       employees, and the number, type, and location of its  
17       facilities; and (iv) the type of operation or operations of  
18       the employer, including the composition, structure, and  
19       functions of the workforce of the employer, the geographic  
20       separateness, administrative, or fiscal relationship of  
21       the facility or facilities in question to the employer. The  
22       employer has the burden of proving undue hardship. The fact  
23       that the employer provides or would be required to provide  
24       a similar accommodation to similarly situated employees  
25       creates a rebuttable presumption that the accommodation  
26       does not impose an undue hardship on the employer.

1           No employer is required by this subdivision (J) to  
2           create additional employment that the employer would not  
3           otherwise have created, unless the employer does so or  
4           would do so for other classes of employees who need  
5           accommodation. The employer is not required to discharge  
6           any employee, transfer any employee with more seniority, or  
7           promote any employee who is not qualified to perform the  
8           job, unless the employer does so or would do so to  
9           accommodate other classes of employees who need it.

10           (K) Notice.

11           (1) For an employer to fail to post or keep posted  
12           in a conspicuous location on the premises of the  
13           employer where notices to employees are customarily  
14           posted, or fail to include in any employee handbook  
15           information concerning an employee's rights under this  
16           Article, a notice, to be prepared or approved by the  
17           Department, summarizing the requirements of this  
18           Article and information pertaining to the filing of a  
19           charge, including the right to be free from unlawful  
20           discrimination, the right to be free from sexual  
21           harassment, and the right to certain reasonable  
22           accommodations. The Department shall make the  
23           documents required under this paragraph available for  
24           retrieval from the Department's website.

25           (2) Upon notification of a violation of paragraph  
26           (1) of this subdivision (K), the Department may launch



1 a preliminary investigation. If the Department finds a  
2 violation, the Department may issue a notice to show  
3 cause giving the employer 30 days to correct the  
4 violation. If the violation is not corrected, the  
5 Department may initiate a charge of a civil rights  
6 violation.

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

8 (775 ILCS 5/2-108 new)

9 Sec. 2-108. Employer disclosure requirements.

10 (A) Definitions. The following definitions are applicable  
11 strictly to this Section:

12 (1) "Employer" means:

13 (a) any person employing one or more employees  
14 within this State;

15 (b) a labor organization; or

16 (c) the State and any political subdivision,  
17 municipal corporation, or other governmental unit or  
18 agency, without regard to the number of employees.

19 (2) "Settlement" means any written commitment or  
20 written agreement, including any agreed judgment,  
21 stipulation, decree, agreement to settle, assurance of  
22 discontinuance, or otherwise between an employee, as  
23 defined by subsection (A) of Section 2-101, or a  
24 nonemployee to whom an employer owes a duty under this Act  
25 pursuant to (A-10) or (D-5) of Section 2-102, and an

1 employer under which the employer directly or indirectly  
2 provides to an individual compensation or other  
3 consideration due to an allegation that the individual has  
4 been a victim of sexual harassment or unlawful  
5 discrimination under this Act.

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

18 (B) Required disclosures. Beginning July 1, 2020, and by  
19 each July 1 thereafter, each employer that had an adverse  
20 judgment or administrative ruling against it in the preceding  
21 calendar year, as provided in this Section, shall disclose  
22 annually to the Department of Human Rights the following  
23 information:

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

26 (2) whether any equitable relief was ordered against

1 the employer in any adverse judgment or administrative  
2 ruling described in paragraph (1);

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

6 (a) sexual harassment;

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

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

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

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

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

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

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

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

24 (C) Settlements. If the Department is investigating a  
25 charge filed pursuant to this Act, the Department may request  
26 the employer responding to the charge to submit the total

1 number of settlements entered into during the preceding 5  
2 years, or less at the direction of the Department, that relate  
3 to any alleged act of sexual harassment or unlawful  
4 discrimination that:

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

6 (2) involved the behavior of an employee of the  
7 employer or a corporate executive of the employer, without  
8 regard to whether that behavior occurred in the workplace  
9 of the employer.

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

14 (a) sexual harassment;

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

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

18 (d) discrimination or harassment on the basis of  
19 religion;

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

21 (f) discrimination or harassment on the basis of  
22 disability;

23 (g) discrimination or harassment on the basis of  
24 military status or unfavorable discharge from military  
25 status;

26 (h) discrimination or harassment on the basis of sexual

1       orientation or gender identity; and

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

4       The Department shall not rely on the existence of any  
5       settlement agreement to support a finding of substantial  
6       evidence under this Act.

7       (D) Prohibited disclosures. An employer may not disclose  
8       the name of a victim of an act of alleged sexual harassment or  
9       unlawful discrimination in any disclosures required under this  
10       Section.

11       (E) Annual report. The Department shall publish an annual  
12       report aggregating the information reported by employers under  
13       subsection (B) of this Section such that no individual employer  
14       data is available to the public. The report shall include the  
15       number of adverse judgments or administrative rulings filed  
16       during the preceding calendar year based on each of the  
17       protected classes identified by this Act.

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

22       (F) Failure to report and penalties. If an employer fails  
23       to make any disclosures required under this Section, the  
24       Department shall issue a notice to show cause giving the  
25       employer 30 days to disclose the required information. If the  
26       employer does not make the required disclosures within 30 days,

1 the Department shall petition the Illinois Human Rights  
2 Commission for entry of an order imposing a civil penalty  
3 against the employer pursuant to Section 8-109.1. The civil  
4 penalty shall be paid into the Department of Human Rights'  
5 Training and Development Fund.

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

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

9 (775 ILCS 5/2-109 new)

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

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

20 (B) The Department shall produce a model sexual harassment  
21 prevention training program aimed at the prevention of sexual  
22 harassment in the workplace. The model program shall be made  
23 available to employers and to the public online at no cost.  
24 This model program shall include, at a minimum, the following:

25 (1) an explanation of sexual harassment consistent

1 with this Act;

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

4 (3) a summary of relevant federal and State statutory  
5 provisions concerning sexual harassment, including  
6 remedies available to victims of sexual harassment; and

7 (4) a summary of responsibilities of employers in the  
8 prevention, investigation, and corrective measures of  
9 sexual harassment.

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

22 (D) If an employer violates this Section, the Department  
23 shall issue a notice to show cause giving the employer 30 days  
24 to comply. If the employer does not comply within 30 days, the  
25 Department shall petition the Human Rights Commission for entry  
26 of an order imposing a civil penalty against the employer

1 pursuant to Section 8-109.1. The civil penalty shall be paid  
2 into the Department of Human Rights Training and Development  
3 Fund.

4 (775 ILCS 5/2-110 new)

5 Sec. 2-110. Restaurants and bars; sexual harassment  
6 prevention.

7 (A) As used in this Section:

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

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

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



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

5           (1) a prohibition on sexual harassment;

6           (2) the definition of sexual harassment under the  
7 Illinois Human Rights Act and Title VII of the Civil Rights  
8 Act of 1964;

9           (3) details on how an individual can report an  
10 allegation of sexual harassment internally, including  
11 options for making a confidential report to a manager,  
12 owner, corporate headquarters, human resources department,  
13 or other internal reporting mechanism that may be  
14 available;

15           (4) an explanation of the internal complaint process  
16 available to employees;

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

20           (6) a prohibition on retaliation for reporting sexual  
21 harassment allegations; and

22           (7) a requirement that all employees participate in  
23 sexual harassment prevention training.

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

25       (C) In addition to the model sexual harassment prevention  
26 training program produced by the Department in Section 2-109,

1 the Department shall develop a supplemental model training  
2 program in consultation with industry professionals  
3 specifically aimed at the prevention of sexual harassment in  
4 the restaurant and bar industry. The supplemental model program  
5 shall be made available to all restaurants and bars and the  
6 public online at no cost. The training shall include:

7 (1) specific conduct, activities, or videos related to  
8 the restaurant or bar industry;

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

11 (3) English and Spanish language options.

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

22 (E) If a restaurant or bar that is an employer under this  
23 Act violates this Section 2-110, the Department shall issue a  
24 notice to show cause giving the employer 30 days to comply. If  
25 the employer does not comply within 30 days, the Department  
26 shall petition the Human Rights Commission for entry of an

1 order imposing a civil penalty against the employer pursuant to  
2 Section 8-109.1. The civil penalty shall be paid into the  
3 Department of Human Rights Training and Development Fund.

4 (775 ILCS 5/7-109.1) (from Ch. 68, par. 7-109.1)

5 Sec. 7-109.1. Federal or State court proceedings.  
6 ~~Administrative dismissal of charges.~~

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

1           (2) For charges filed under Article 7B 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 charge or portions of the  
7           charge pending in the federal or State court proceeding if  
8           a trial has commenced in the federal or State court  
9           proceeding. Within 10 business days of receipt of notice  
10           that the trial has begun, the Department shall issue a  
11           notice of administrative dismissal and provide the  
12           complainant notice of his or her right to commence a civil  
13           action in the appropriate circuit court or other  
14           appropriate court of competent jurisdiction. The Director  
15           shall also provide the charging party notice of his or her  
16           right to seek review of the notice of dismissal before the  
17           Commission. Any review by the Commission of the dismissal  
18           shall be filed within 30 days after receipt of the  
19           Director's notice and shall be limited to the question of  
20           whether the charge was properly dismissed under this  
21           Section.

22           (3) Nothing in this Section shall preclude the  
23           Department from continuing to investigate an allegation in  
24           the charge that is not included in the federal or State  
25           court proceeding.

26           ~~For charges filed under this Act, if the charging party has~~

1 ~~initiated litigation for the purpose of seeking final relief in~~  
2 ~~a State or federal court or before an administrative law judge~~  
3 ~~or hearing officer in an administrative proceeding before a~~  
4 ~~local government administrative agency, and if a final decision~~  
5 ~~on the merits in that litigation or administrative hearing~~  
6 ~~would preclude the charging party from bringing another action~~  
7 ~~based on the pending charge, the Department shall cease its~~  
8 ~~investigation and dismiss the pending charge by order of the~~  
9 ~~Director, who shall provide the charging party notice of his or~~  
10 ~~her right to commence a civil action in the appropriate circuit~~  
11 ~~court or other appropriate court of competent jurisdiction. The~~  
12 ~~Director shall also provide the charging party notice of his or~~  
13 ~~her right to seek review of the dismissal order before the~~  
14 ~~Commission. Any review by the Commission of the dismissal shall~~  
15 ~~be limited to the question of whether the charge was properly~~  
16 ~~dismissed pursuant to this Section. Nothing in this Section~~  
17 ~~shall preclude the Department from continuing to investigate an~~  
18 ~~allegation in a charge that is unique to this Act or otherwise~~  
19 ~~could not have been included in the litigation or~~  
20 ~~administrative proceeding.~~

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

22 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

23 Sec. 7A-102. Procedures.

24 (A) Charge.

25 (1) Within 300 calendar days after the date that a

1 civil rights violation allegedly has been committed, a  
2 charge in writing under oath or affirmation may be filed  
3 with the Department by an aggrieved party or issued by the  
4 Department itself under the signature of the Director.

5 (2) The charge shall be in such detail as to  
6 substantially apprise any party properly concerned as to  
7 the time, place, and facts surrounding the alleged civil  
8 rights violation.

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

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

13 (1) If a charge is filed with the Equal Employment  
14 Opportunity Commission (EEOC) within 300 calendar days  
15 after the date of the alleged civil rights violation, the  
16 charge shall be deemed filed with the Department on the  
17 date filed with the EEOC. If the EEOC is the governmental  
18 agency designated to investigate the charge first, the  
19 Department shall take no action until the EEOC makes a  
20 determination on the charge and after the complainant  
21 notifies the Department of the EEOC's determination. In  
22 such cases, after receiving notice from the EEOC that a  
23 charge was filed, the Department shall notify the parties  
24 that (i) a charge has been received by the EEOC and has  
25 been sent to the Department for dual filing purposes; (ii)  
26 the EEOC is the governmental agency responsible for

1           investigating the charge and that the investigation shall  
2           be conducted pursuant to the rules and procedures adopted  
3           by the EEOC; (iii) it will take no action on the charge  
4           until the EEOC issues its determination; (iv) the  
5           complainant must submit a copy of the EEOC's determination  
6           within 30 days after service of the determination by the  
7           EEOC on complainant; and (v) that the time period to  
8           investigate the charge contained in subsection (G) of this  
9           Section is tolled from the date on which the charge is  
10          filed with the EEOC until the EEOC issues its  
11          determination.

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

1           constitute the Department's Report for purposes of  
2           subparagraph (D) of this Section.

3           (3) For those charges alleging violations within the  
4           jurisdiction of both the EEOC and the Department and for  
5           which the EEOC either (i) does not issue a determination,  
6           but does issue the complainant a notice of a right to sue,  
7           including when the right to sue is issued at the request of  
8           the complainant, or (ii) determines that it is unable to  
9           establish that illegal discrimination has occurred and  
10          issues the complainant a right to sue notice, and if the  
11          Department is timely notified of the EEOC's determination  
12          by complainant, the Department shall notify the parties,  
13          within 10 business days after receipt of the EEOC's  
14          determination, that the Department will adopt the EEOC's  
15          determination as a dismissal for lack of substantial  
16          evidence unless the complainant requests in writing within  
17          35 days after receipt of the Department's notice that the  
18          Department review the EEOC's determination.

19          (a) If the complainant does not file a written  
20          request with the Department to review the EEOC's  
21          determination within 35 days after receipt of the  
22          Department's notice, the Department shall notify  
23          complainant, within 10 business days after the  
24          expiration of the 35-day period, that the decision of  
25          the EEOC has been adopted by the Department as a  
26          dismissal for lack of substantial evidence and that the



1 complainant has the right, within 90 days after receipt  
2 of the Department's notice, to commence a civil action  
3 in the appropriate circuit court or other appropriate  
4 court of competent jurisdiction. The Department's  
5 notice to complainant that the Department has adopted  
6 the EEOC's determination shall constitute the  
7 Department's report for purposes of subparagraph (D)  
8 of this Section.

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

1 investigation conducted by the Department, the  
2 Department shall issue a report and the Director shall  
3 determine whether there is substantial evidence that  
4 the alleged civil rights violation has been committed  
5 pursuant to subsection (D) of Section 7A-102 of this  
6 Act.

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

17 (5) The time limit set out in subsection (G) of this  
18 Section is tolled from the date on which the charge is  
19 filed with the EEOC to the date on which the EEOC issues  
20 its determination.

21 (6) The failure of the Department to meet the  
22 10-business-day notification deadlines set out in  
23 paragraph (2) of this subsection shall not impair the  
24 rights of any party.

25 (B) Notice and Response to Charge. The Department shall,  
26 within 10 days of the date on which the charge was filed, serve

1 a copy of the charge on the respondent and provide all parties  
2 with a notice of the complainant's right to opt out of the  
3 investigation within 60 days as set forth in subsection (C-1).  
4 This period shall not be construed to be jurisdictional. The  
5 charging party and the respondent may each file a position  
6 statement and other materials with the Department regarding the  
7 charge of alleged discrimination within 60 days of receipt of  
8 the notice of the charge. The position statements and other  
9 materials filed shall remain confidential unless otherwise  
10 agreed to by the party providing the information and shall not  
11 be served on or made available to the other party during  
12 pendency of a charge with the Department. The Department may  
13 require the respondent to file a response to the allegations  
14 contained in the charge. Upon the Department's request, the  
15 respondent shall file a response to the charge within 60 days  
16 and shall serve a copy of its response on the complainant or  
17 his or her representative. Notwithstanding any request from the  
18 Department, the respondent may elect to file a response to the  
19 charge within 60 days of receipt of notice of the charge,  
20 provided the respondent serves a copy of its response on the  
21 complainant or his or her representative. All allegations  
22 contained in the charge not denied by the respondent within 60  
23 days of the Department's request for a response may be deemed  
24 admitted, unless the respondent states that it is without  
25 sufficient information to form a belief with respect to such  
26 allegation. The Department may issue a notice of default

1 directed to any respondent who fails to file a response to a  
2 charge within 60 days of receipt of the Department's request,  
3 unless the respondent can demonstrate good cause as to why such  
4 notice should not issue. The term "good cause" shall be defined  
5 by rule promulgated by the Department. Within 30 days of  
6 receipt of the respondent's response, the complainant may file  
7 a reply to said response and shall serve a copy of said reply  
8 on the respondent or his or her representative. A party shall  
9 have the right to supplement his or her response or reply at  
10 any time that the investigation of the charge is pending. The  
11 Department shall, within 10 days of the date on which the  
12 charge was filed, and again no later than 335 days thereafter,  
13 send by certified or registered mail, or electronic mail if  
14 elected by the party, written notice to the complainant and to  
15 the respondent informing the complainant of the complainant's  
16 rights to either file a complaint with the Human Rights  
17 Commission or commence a civil action in the appropriate  
18 circuit court under subparagraph (2) of paragraph (G) ~~and under~~  
19 ~~subsection (C-1),~~ including in such notice the dates within  
20 which the complainant may exercise these rights. In the notice  
21 the Department shall notify the complainant that the charge of  
22 civil rights violation will be dismissed with prejudice and  
23 with no right to further proceed if a written complaint is not  
24 timely filed with the Commission or with the appropriate  
25 circuit court by the complainant pursuant to subparagraph (2)  
26 of paragraph (G) ~~or subsection (C-1)~~ or by the Department

1 pursuant to subparagraph (1) of paragraph (G).

2 (B-1) Mediation. The complainant and respondent may agree  
3 to voluntarily submit the charge to mediation without waiving  
4 any rights that are otherwise available to either party  
5 pursuant to this Act and without incurring any obligation to  
6 accept the result of the mediation process. Nothing occurring  
7 in mediation shall be disclosed by the Department or admissible  
8 in evidence in any subsequent proceeding unless the complainant  
9 and the respondent agree in writing that such disclosure be  
10 made.

11 (C) Investigation.

12 (1) ~~The If the complainant does not elect to opt out of~~  
13 ~~an investigation pursuant to subsection (C-1), the~~  
14 Department shall conduct an investigation sufficient to  
15 determine whether the allegations set forth in the charge  
16 are supported by substantial evidence unless the  
17 complainant elects to opt out of an investigation pursuant  
18 to subsection (C-1).

19 (2) The Director or his or her designated  
20 representatives shall have authority to request any member  
21 of the Commission to issue subpoenas to compel the  
22 attendance of a witness or the production for examination  
23 of any books, records or documents whatsoever.

24 (3) If any witness whose testimony is required for any  
25 investigation resides outside the State, or through  
26 illness or any other good cause as determined by the

1 Director is unable to be interviewed by the investigator or  
2 appear at a fact finding conference, his or her testimony  
3 or deposition may be taken, within or without the State, in  
4 the same manner as is provided for in the taking of  
5 depositions in civil cases in circuit courts.

6 (4) Upon reasonable notice to the complainant and the  
7 respondent, the Department shall conduct a fact finding  
8 conference, unless prior to 365 days after the date on  
9 which the charge was filed the Director has determined  
10 whether there is substantial evidence that the alleged  
11 civil rights violation has been committed, the charge has  
12 been dismissed for lack of jurisdiction, or the parties  
13 voluntarily and in writing agree to waive the fact finding  
14 conference. Any party's failure to attend the conference  
15 without good cause shall result in dismissal or default.  
16 The term "good cause" shall be defined by rule promulgated  
17 by the Department. A notice of dismissal or default shall  
18 be issued by the Director. The notice of default issued by  
19 the Director shall notify the respondent that a request for  
20 review may be filed in writing with the Commission within  
21 30 days of receipt of notice of default. The notice of  
22 dismissal issued by the Director shall give the complainant  
23 notice of his or her right to seek review of the dismissal  
24 before the Human Rights Commission or commence a civil  
25 action in the appropriate circuit court. If the complainant  
26 chooses to have the Human Rights Commission review the

1 dismissal order, he or she shall file a request for review  
2 with the Commission within 90 days after receipt of the  
3 Director's notice. If the complainant chooses to file a  
4 request for review with the Commission, he or she may not  
5 later commence a civil action in a circuit court. If the  
6 complainant chooses to commence a civil action in a circuit  
7 court, he or she must do so within 90 days after receipt of  
8 the Director's notice.

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

1 ~~respondent that the complainant has elected to opt out of the~~  
2 ~~administrative process within 10 business days of receipt of~~  
3 ~~the complainant's request. If the complainant chooses to~~  
4 ~~commence an action in a circuit court under this subsection, he~~  
5 ~~or she must do so within 90 days after receipt of the~~  
6 ~~Director's notice of the right to commence an action in circuit~~  
7 ~~court.~~ The complainant shall notify the Department and the  
8 respondent that a complaint has been filed with the appropriate  
9 circuit court or other appropriate court of competent  
10 jurisdiction and shall mail a copy of the complaint to the  
11 Department and the respondent on the same date that the  
12 complaint is filed with the appropriate ~~circuit~~ court. ~~Upon~~  
13 ~~receipt of notice that the complainant has filed an action with~~  
14 ~~the appropriate circuit court, the Department shall~~  
15 ~~immediately cease its investigation and dismiss the charge of~~  
16 ~~civil rights violation.~~ Once a complainant has opted out of the  
17 investigation ~~commenced an action in circuit court~~ under this  
18 subsection, he or she may not file or refile a substantially  
19 similar charge with the Department arising from the same  
20 incident of unlawful discrimination or harassment.

21 (D) Report.

22 (1) Each charge investigated under subsection (C)  
23 shall be the subject of a report to the Director. The  
24 report shall be a confidential document subject to review  
25 by the Director, authorized Department employees, the  
26 parties, and, where indicated by this Act, members of the



1 Commission or their designated hearing officers.

2 (2) Upon review of the report, the Director shall  
3 determine whether there is substantial evidence that the  
4 alleged civil rights violation has been committed. The  
5 determination of substantial evidence is limited to  
6 determining the need for further consideration of the  
7 charge pursuant to this Act and includes, but is not  
8 limited to, findings of fact and conclusions, as well as  
9 the reasons for the determinations on all material issues.  
10 Substantial evidence is evidence which a reasonable mind  
11 accepts as sufficient to support a particular conclusion  
12 and which consists of more than a mere scintilla but may be  
13 somewhat less than a preponderance.

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

1 circuit court, he or she must do so within 90 days after  
2 receipt of the Director's notice.

3 (4) If the Director determines that there is  
4 substantial evidence, he or she shall notify the  
5 complainant and respondent of that determination. The  
6 Director shall also notify the parties that the complainant  
7 has the right to either commence a civil action in the  
8 appropriate circuit court or request that the Department of  
9 Human Rights file a complaint with the Human Rights  
10 Commission on his or her behalf. Any such complaint shall  
11 be filed within 90 days after receipt of the Director's  
12 notice. If the complainant chooses to have the Department  
13 file a complaint with the Human Rights Commission on his or  
14 her behalf, the complainant must, within 30 days after  
15 receipt of the Director's notice, request in writing that  
16 the Department file the complaint. If the complainant  
17 timely requests that the Department file the complaint, the  
18 Department shall file the complaint on his or her behalf.  
19 If the complainant fails to timely request that the  
20 Department file the complaint, the complainant may file his  
21 or her complaint with the Commission or commence a civil  
22 action in the appropriate circuit court. If the complainant  
23 files a complaint with the Human Rights Commission, the  
24 complainant shall give notice to the Department of the  
25 filing of the complaint with the Human Rights Commission.

26 (E) Conciliation.

1           (1) When there is a finding of substantial evidence,  
2           the Department may designate a Department employee who is  
3           an attorney licensed to practice in Illinois to endeavor to  
4           eliminate the effect of the alleged civil rights violation  
5           and to prevent its repetition by means of conference and  
6           conciliation.

7           (2) When the Department determines that a formal  
8           conciliation conference is necessary, the complainant and  
9           respondent shall be notified of the time and place of the  
10          conference by registered or certified mail at least 10 days  
11          prior thereto and either or both parties shall appear at  
12          the conference in person or by attorney.

13          (3) The place fixed for the conference shall be within  
14          35 miles of the place where the civil rights violation is  
15          alleged to have been committed.

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

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

22          (F) Complaint.

23          (1) When the complainant requests that the Department  
24          file a complaint with the Commission on his or her behalf,  
25          the Department shall prepare a written complaint, under  
26          oath or affirmation, stating the nature of the civil rights

1 violation substantially as alleged in the charge  
2 previously filed and the relief sought on behalf of the  
3 aggrieved party. The Department shall file the complaint  
4 with the Commission.

5 (2) If the complainant chooses to commence a civil  
6 action in a circuit court, he or she must do so in the  
7 circuit court in the county wherein the civil rights  
8 violation was allegedly committed. The form of the  
9 complaint in any such civil action shall be in accordance  
10 with the Illinois Code of Civil Procedure.

11 (G) Time Limit.

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

18 (2) If the Department has not issued its report within  
19 365 days after the charge is filed, or any such longer  
20 period agreed to in writing by all the parties, the  
21 complainant shall have 90 days to either file his or her  
22 own complaint with the Human Rights Commission or commence  
23 a civil action in the appropriate circuit court. If the  
24 complainant files a complaint with the Commission, the form  
25 of the complaint shall be in accordance with the provisions  
26 of paragraph (F)(1). If the complainant commences a civil

1 action in a circuit court, the form of the complaint shall  
2 be in accordance with the Illinois Code of Civil Procedure.  
3 The aggrieved party shall notify the Department that a  
4 complaint has been filed and shall serve a copy of the  
5 complaint on the Department on the same date that the  
6 complaint is filed with the Commission or in circuit court.  
7 If the complainant files a complaint with the Commission,  
8 he or she may not later commence a civil action in circuit  
9 court.

10 (3) If an aggrieved party files a complaint with the  
11 Human Rights Commission or commences a civil action in  
12 circuit court pursuant to paragraph (2) of this subsection,  
13 or if the time period for filing a complaint has expired,  
14 the Department shall immediately cease its investigation  
15 and dismiss the charge of civil rights violation. Any final  
16 order entered by the Commission under this Section is  
17 appealable in accordance with paragraph (B)(1) of Section  
18 8-111. Failure to immediately cease an investigation and  
19 dismiss the charge of civil rights violation as provided in  
20 this paragraph (3) constitutes grounds for entry of an  
21 order by the circuit court permanently enjoining the  
22 investigation. The Department may also be liable for any  
23 costs and other damages incurred by the respondent as a  
24 result of the action of the Department.

25 (4) (Blank).

26 (H) This amendatory Act of 1995 applies to causes of action

1 filed on or after January 1, 1996.

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

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

7 (K) The changes made to this Section by this amendatory Act  
8 of the 96th General Assembly apply to charges filed on or after  
9 the effective date of those changes.

10 (L) The changes made to this Section by this amendatory Act  
11 of the 100th General Assembly apply to charges filed on or  
12 after the effective date of this amendatory Act of the 100th  
13 General Assembly.

14 (Source: P.A. 100-492, eff. 9-8-17; 100-588, eff. 6-8-18;  
15 100-1066, eff. 8-24-18.)

16 (775 ILCS 5/8-109) (from Ch. 68, par. 8-109)

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

22 (A) Public Contracts. In the case of a respondent who  
23 commits a civil rights violation while holding a public  
24 contract, where the practice was authorized, requested,  
25 commanded, performed, or knowingly permitted by the board of

1 directors of the respondent or by an officer or executive agent  
2 acting within the scope of his employment, order: (1)  
3 termination of the contract; (2) debarment of the respondent  
4 from participating in public contracts for a period not to  
5 exceed three years; (3) imposition of a penalty to be paid to  
6 the State Treasurer not to exceed any profit acquired as a  
7 direct result of a civil rights violation; or (4) any  
8 combination of these penalties.

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

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

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

20 (775 ILCS 5/8-109.1 new)

21 Sec. 8-109.1. Civil penalties; failure to report; failure  
22 to train.

23 (A) A hearing officer may recommend the Commission or any  
24 3-member panel thereof may:

25 (1) Failure to report. In the case of an employer who

1 fails to make any disclosures required under Section 2-108  
2 within 30 days of the Department's notice to show cause, or  
3 as otherwise extended by the Department, order that a civil  
4 penalty be imposed pursuant to subsection (B).

5 (2) Failure to train. In the case of an employer who  
6 fails to comply with the sexual harassment prevention  
7 training requirements under Section 2-109 or 2-110 within  
8 30 days of the Department's notice to show cause, or as  
9 otherwise extended by the Department, order that a civil  
10 penalty be imposed pursuant to subsection (B).

11 (B) An employer who violates Section 2-108, 2-109, or 2-110  
12 is subject to a civil penalty as follows:

13 (1) For an employer with fewer than 4 employees: a  
14 penalty not to exceed \$500 for a first offense; a penalty  
15 not to exceed \$1,000 for a second offense; a penalty not to  
16 exceed \$3,000 for a third or subsequent offense.

17 (2) For an employer with 4 or more employees: a penalty  
18 not to exceed \$1,000 for a first offense; a penalty not to  
19 exceed \$3,000 for a second offense; a penalty not to exceed  
20 \$5,000 for a third or subsequent offense.

21 (C) The appropriateness of the penalty to the size of the  
22 employer charged, the good faith efforts made by the employer  
23 to comply, and the gravity of the violation shall be considered  
24 in determining the amount of the civil penalty.



1           Section 3-1. Short title. This Article may be cited as the  
2 Sexual Harassment Victim Representation Act. References in  
3 this Article to "this Act" mean this Article.

4           Section 3-5. Definitions. In this Act:

5           "Perpetrator" means an individual who commits or is alleged  
6 to have committed an act or threat of sexual harassment.

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

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

20           "Union representative" means a person designated by a union  
21 to represent a member of the union in any disciplinary  
22 proceeding.

23           "Victim" means a victim of sexual harassment.

1 Section 3-10. Dual representation prohibited.

2 (a) In any proceeding in which a victim who is a member of  
3 a union has accused a perpetrator who is a member of the same  
4 union, the victim and the perpetrator may not be represented in  
5 the proceeding by the same union representative.

6 (b) The union must designate separate union  
7 representatives to represent the parties to the proceeding.

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

10 Article 4.

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

14 (820 ILCS 180/5)

15 Sec. 5. Findings. The General Assembly finds and declares  
16 the following:

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

20 (2) Domestic, ~~and~~ sexual, and gender violence has a  
21 devastating effect on individuals, families, communities  
22 and the workplace.

1           (3) Domestic violence crimes account for approximately  
2 15% of total crime costs in the United States each year.

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

7           (5) According to recent government surveys, from 1993  
8 through 1998 the average annual number of violent  
9 victimizations committed by intimate partners was  
10 1,082,110, 87% of which were committed against women.

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

16           (7) According to recent government estimates,  
17 approximately 987,400 rapes occur annually in the United  
18 States, 89% of the rapes are perpetrated against female  
19 victims.

20           (8) Approximately 10,200,000 people have been stalked  
21 at some time in their lives. Four out of every 5 stalking  
22 victims are women. Stalkers harass and terrorize their  
23 victims by spying on the victims, standing outside their  
24 places of work or homes, making unwanted phone calls,  
25 sending or leaving unwanted letters or items, or  
26 vandalizing property.

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

5           (10) Victims of domestic violence, dating violence,  
6 sexual assault, and stalking face the threat of job loss  
7 and loss of health insurance as a result of the illegal  
8 acts of the perpetrators of violence.

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

18           (12) Homicide is the leading cause of death for women  
19 on the job. Husbands, boyfriends, and ex-partners commit  
20 15% of workplace homicides against women.

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

24           (14) According to a 1998 report of the U.S. General  
25 Accounting Office, between one-fourth and one-half of  
26 domestic violence victims surveyed in 3 studies reported

1           that the victims lost a job due, at least in part, to  
2           domestic violence.

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

8           (16) Abusers frequently seek to control their partners  
9           by actively interfering with their ability to work,  
10          including preventing their partners from going to work,  
11          harassing their partners at work, limiting the access of  
12          their partners to cash or transportation, and sabotaging  
13          the child care arrangements of their partners.

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

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

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

1           (20) (A) According to the National Institute of  
2 Justice, crime costs an estimated \$450,000,000,000  
3 annually in medical expenses, lost earnings, social  
4 service costs, pain, suffering, and reduced quality of life  
5 for victims, which harms the Nation's productivity and  
6 drains the Nation's resources. (B) Violent crime accounts  
7 for \$426,000,000,000 per year of this amount. (C) Rape  
8 exacts the highest costs per victim of any criminal  
9 offense, and accounts for \$127,000,000,000 per year of the  
10 amount described in subparagraph (A).

11           (21) The Bureau of National Affairs has estimated that  
12 domestic violence costs United States employers between  
13 \$3,000,000,000 and \$5,000,000,000 annually in lost time  
14 and productivity. Other reports have estimated that  
15 domestic violence costs United States employers  
16 \$13,000,000,000 annually.

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

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

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

1           (25) Employees, including individuals participating in  
2 welfare to work programs, may need to take time during  
3 business hours to:

4           (A) obtain orders of protection or civil no contact  
5 orders;

6           (B) seek medical or legal assistance, counseling,  
7 or other services; or

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

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

11           (820 ILCS 180/10)

12           Sec. 10. Definitions. In this Act, except as otherwise  
13 expressly provided:

14           (1) "Commerce" includes trade, traffic, commerce,  
15 transportation, or communication; and "industry or  
16 activity affecting commerce" means any activity, business,  
17 or industry in commerce or in which a labor dispute would  
18 hinder or obstruct commerce or the free flow of commerce,  
19 and includes "commerce" and any "industry affecting  
20 commerce".

21           (2) "Course of conduct" means a course of repeatedly  
22 maintaining a visual or physical proximity to a person or  
23 conveying oral or written threats, including threats  
24 conveyed through electronic communications, or threats  
25 implied by conduct.

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

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

3 (5) "Domestic violence, sexual violence, or gender  
4 violence ~~or sexual violence~~" means domestic violence,  
5 sexual assault, gender violence, or stalking.

6 (6) "Domestic violence" means abuse, as defined in  
7 Section 103 of the Illinois Domestic Violence Act of 1986,  
8 by a family or household member, as defined in Section 103  
9 of the Illinois Domestic Violence Act of 1986.

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

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

19 (9) Employee.

20 (A) In general. "Employee" means any person  
21 employed by an employer.

22 (B) Basis. "Employee" includes a person employed  
23 as described in subparagraph (A) on a full or part-time  
24 basis, or as a participant in a work assignment as a  
25 condition of receipt of federal or State income-based  
26 public assistance.



1           (10) "Employer" means any of the following: (A) the  
2 State or any agency of the State; (B) any unit of local  
3 government or school district; or (C) any person that  
4 employs at least one employee.

5           (11) "Employment benefits" means all benefits provided  
6 or made available to employees by an employer, including  
7 group life insurance, health insurance, disability  
8 insurance, sick leave, annual leave, educational benefits,  
9 pensions, and profit-sharing, regardless of whether such  
10 benefits are provided by a practice or written policy of an  
11 employer or through an "employee benefit plan". "Employee  
12 benefit plan" or "plan" means an employee welfare benefit  
13 plan or an employee pension benefit plan or a plan which is  
14 both an employee welfare benefit plan and an employee  
15 pension benefit plan.

16           (12) "Family or household member", for employees with a  
17 family or household member who is a victim of domestic  
18 violence, sexual violence, or gender violence, ~~or sexual~~  
19 ~~violence~~, means a spouse, parent, son, daughter, other  
20 person related by blood or by present or prior marriage,  
21 other person who shares a relationship through a son or  
22 daughter, and persons jointly residing in the same  
23 household.

24           (12.5) "Gender violence" means:

25           (A) one or more acts of violence or aggression  
26 satisfying the elements of any criminal offense under the

1 laws of this State that are committed, at least in part, on  
2 the basis of a person's actual or perceived sex or gender,  
3 regardless of whether the acts resulted in criminal  
4 charges, prosecution, or conviction;

5 (B) a physical intrusion or physical invasion of a  
6 sexual nature under coercive conditions satisfying the  
7 elements of any criminal offense under the laws of this  
8 State, regardless of whether the intrusion or invasion  
9 resulted in criminal charges, prosecution, or conviction;

10 or

11 (C) a threat of an act described in item (A) or (B)  
12 causing a realistic apprehension that the originator of the  
13 threat will commit the act.

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

22 (14) "Perpetrator" means an individual who commits or  
23 is alleged to have committed any act or threat of domestic  
24 violence, sexual violence, or gender violence ~~or sexual~~  
25 ~~violence.~~

26 (15) "Person" means an individual, partnership,

1 association, corporation, business trust, legal  
2 representative, or any organized group of persons.

3 (16) "Public agency" means the Government of the State  
4 or political subdivision thereof; any agency of the State,  
5 or of a political subdivision of the State; or any  
6 governmental agency.

7 (17) "Public assistance" includes cash, food stamps,  
8 medical assistance, housing assistance, and other benefits  
9 provided on the basis of income by a public agency or  
10 public employer.

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

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

15 (20) "Sexual assault" means any conduct proscribed by:  
16 (i) Article 11 of the Criminal Code of 2012 except Sections  
17 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1,  
18 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a  
19 similar provision of the Criminal Code of 1961 ~~the Criminal~~  
20 ~~Code of 1961 or the Criminal Code of 2012 in Sections~~  
21 ~~11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,~~  
22 ~~12-14.1, 12-15, and 12-16.~~

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

26 (22) "Victim" or "survivor" means an individual who has

1           been subjected to domestic violence, sexual violence, or  
2           gender violence ~~or sexual violence~~.

3           (23) "Victim services organization" means a nonprofit,  
4           nongovernmental organization that provides assistance to  
5           victims of domestic violence, sexual violence, or gender  
6           violence ~~or sexual violence~~ or to advocates for such  
7           victims, including a rape crisis center, an organization  
8           carrying out a domestic violence program, an organization  
9           operating a shelter or providing counseling services, or a  
10          legal services organization or other organization  
11          providing assistance through the legal process.

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

13           (820 ILCS 180/15)

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

15           (1) to promote the State's interest in reducing  
16           domestic violence, dating violence, sexual assault, gender  
17           violence, and stalking by enabling victims of domestic  
18           violence, sexual violence, or gender violence ~~or sexual~~  
19           ~~violence~~ to maintain the financial independence necessary  
20           to leave abusive situations, achieve safety, and minimize  
21           the physical and emotional injuries from domestic  
22           violence, sexual violence, or gender violence ~~or sexual~~  
23           ~~violence~~, and to reduce the devastating economic  
24           consequences of domestic violence, sexual violence, or  
25           gender violence ~~or sexual violence~~ to employers and

1 employees;

2 (2) to address the failure of existing laws to protect  
3 the employment rights of employees who are victims of  
4 domestic violence, sexual violence, or gender violence ~~or~~  
5 ~~sexual violence~~ and employees with a family or household  
6 member who is a victim of domestic violence, sexual  
7 violence, or gender violence ~~or sexual violence~~, by  
8 protecting the civil and economic rights of those  
9 employees, and by furthering the equal opportunity of women  
10 for economic self-sufficiency and employment free from  
11 discrimination;

12 (3) to accomplish the purposes described in paragraphs  
13 (1) and (2) by (A) entitling employed victims of domestic  
14 violence, sexual violence, or gender violence ~~or sexual~~  
15 ~~violence~~ and employees with a family or household member  
16 who is a victim of domestic violence, sexual violence, or  
17 gender violence ~~or sexual violence~~ to take unpaid leave to  
18 seek medical help, legal assistance, counseling, safety  
19 planning, and other assistance without penalty from their  
20 employers for the employee or the family or household  
21 member who is a victim; and (B) prohibiting employers from  
22 discriminating against any employee who is a victim of  
23 domestic violence, sexual violence, or gender violence ~~or~~  
24 ~~sexual violence~~ or any employee who has a family or  
25 household member who is a victim of domestic violence,  
26 sexual violence, or gender violence ~~or sexual violence~~, in

1 a manner that accommodates the legitimate interests of  
2 employers and protects the safety of all persons in the  
3 workplace.

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

5 (820 ILCS 180/20)

6 Sec. 20. Entitlement to leave due to domestic violence,  
7 sexual violence, or gender violence ~~or sexual violence.~~

8 (a) Leave requirement.

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

22 (A) seeking medical attention for, or recovering  
23 from, physical or psychological injuries caused by  
24 domestic violence, sexual violence, or gender violence  
25 ~~or sexual violence~~ to the employee or the employee's

1 family or household member;

2 (B) obtaining services from a victim services  
3 organization for the employee or the employee's family  
4 or household member;

5 (C) obtaining psychological or other counseling  
6 for the employee or the employee's family or household  
7 member;

8 (D) participating in safety planning, temporarily  
9 or permanently relocating, or taking other actions to  
10 increase the safety of the employee or the employee's  
11 family or household member from future domestic  
12 violence, sexual violence, or gender violence ~~or~~  
13 ~~sexual violence~~ or ensure economic security; or

14 (E) seeking legal assistance or remedies to ensure  
15 the health and safety of the employee or the employee's  
16 family or household member, including preparing for or  
17 participating in any civil or criminal legal  
18 proceeding related to or derived from domestic  
19 violence, sexual violence, or gender violence ~~or~~  
20 ~~sexual violence~~.

21 (2) Period. Subject to subsection (c), an employee  
22 working for an employer that employs at least 50 employees  
23 shall be entitled to a total of 12 workweeks of leave  
24 during any 12-month period. Subject to subsection (c), an  
25 employee working for an employer that employs at least 15  
26 but not more than 49 employees shall be entitled to a total

1 of 8 workweeks of leave during any 12-month period. Subject  
2 to subsection (c), an employee working for an employer that  
3 employs at least one but not more than 14 employees shall  
4 be entitled to a total of 4 workweeks of leave during any  
5 12-month period. The total number of workweeks to which an  
6 employee is entitled shall not decrease during the relevant  
7 12-month period. This Act does not create a right for an  
8 employee to take unpaid leave that exceeds the unpaid leave  
9 time allowed under, or is in addition to the unpaid leave  
10 time permitted by, the federal Family and Medical Leave Act  
11 of 1993 (29 U.S.C. 2601 et seq.).

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

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

22 (c) Certification.

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

25 (A) the employee or the employee's family or  
26 household member is a victim of domestic violence,



1           sexual violence, or gender violence ~~or sexual~~  
2           ~~violence~~; and

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

5           The employee shall provide such certification to the  
6           employer within a reasonable period after the employer  
7           requests certification.

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

12           (A) documentation from an employee, agent, or  
13          volunteer of a victim services organization, an  
14          attorney, a member of the clergy, or a medical or other  
15          professional from whom the employee or the employee's  
16          family or household member has sought assistance in  
17          addressing domestic violence, sexual violence, or  
18          gender violence ~~or sexual violence~~ and the effects of  
19          the violence;

20           (B) a police or court record; or

21           (C) other corroborating evidence.

22          (d) Confidentiality. All information provided to the  
23          employer pursuant to subsection (b) or (c), including a  
24          statement of the employee or any other documentation, record,  
25          or corroborating evidence, and the fact that the employee has  
26          requested or obtained leave pursuant to this Section, shall be

1 retained in the strictest confidence by the employer, except to  
2 the extent that disclosure is:

3 (1) requested or consented to in writing by the  
4 employee; or

5 (2) otherwise required by applicable federal or State  
6 law.

7 (e) Employment and benefits.

8 (1) Restoration to position.

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

12 (i) to be restored by the employer to the  
13 position of employment held by the employee when  
14 the leave commenced; or

15 (ii) to be restored to an equivalent position  
16 with equivalent employment benefits, pay, and  
17 other terms and conditions of employment.

18 (B) Loss of benefits. The taking of leave under  
19 this Section shall not result in the loss of any  
20 employment benefit accrued prior to the date on which  
21 the leave commenced.

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

24 (i) the accrual of any seniority or employment  
25 benefits during any period of leave; or

26 (ii) any right, benefit, or position of

1           employment other than any right, benefit, or  
2           position to which the employee would have been  
3           entitled had the employee not taken the leave.

4           (D) Construction. Nothing in this paragraph shall  
5           be construed to prohibit an employer from requiring an  
6           employee on leave under this Section to report  
7           periodically to the employer on the status and  
8           intention of the employee to return to work.

9           (2) Maintenance of health benefits.

10           (A) Coverage. Except as provided in subparagraph  
11           (B), during any period that an employee takes leave  
12           under this Section, the employer shall maintain  
13           coverage for the employee and any family or household  
14           member under any group health plan for the duration of  
15           such leave at the level and under the conditions  
16           coverage would have been provided if the employee had  
17           continued in employment continuously for the duration  
18           of such leave.

19           (B) Failure to return from leave. The employer may  
20           recover the premium that the employer paid for  
21           maintaining coverage for the employee and the  
22           employee's family or household member under such group  
23           health plan during any period of leave under this  
24           Section if:

25                   (i) the employee fails to return from leave  
26                   under this Section after the period of leave to

1 which the employee is entitled has expired; and

2 (ii) the employee fails to return to work for a  
3 reason other than:

4 (I) the continuation, recurrence, or onset  
5 of domestic violence, sexual violence, or  
6 gender violence ~~or sexual violence~~ that  
7 entitles the employee to leave pursuant to this  
8 Section; or

9 (II) other circumstances beyond the  
10 control of the employee.

11 (C) Certification.

12 (i) Issuance. An employer may require an  
13 employee who claims that the employee is unable to  
14 return to work because of a reason described in  
15 subclause (I) or (II) of subparagraph (B)(ii) to  
16 provide, within a reasonable period after making  
17 the claim, certification to the employer that the  
18 employee is unable to return to work because of  
19 that reason.

20 (ii) Contents. An employee may satisfy the  
21 certification requirement of clause (i) by  
22 providing to the employer:

23 (I) a sworn statement of the employee;

24 (II) documentation from an employee,  
25 agent, or volunteer of a victim services  
26 organization, an attorney, a member of the

1 clergy, or a medical or other professional from  
2 whom the employee has sought assistance in  
3 addressing domestic violence, sexual violence,  
4 or gender violence ~~or sexual violence~~ and the  
5 effects of that violence;

6 (III) a police or court record; or

7 (IV) other corroborating evidence.

8 (D) Confidentiality. All information provided to  
9 the employer pursuant to subparagraph (C), including a  
10 statement of the employee or any other documentation,  
11 record, or corroborating evidence, and the fact that  
12 the employee is not returning to work because of a  
13 reason described in subclause (I) or (II) of  
14 subparagraph (B)(ii) shall be retained in the  
15 strictest confidence by the employer, except to the  
16 extent that disclosure is:

17 (i) requested or consented to in writing by the  
18 employee; or

19 (ii) otherwise required by applicable federal  
20 or State law.

21 (f) Prohibited acts.

22 (1) Interference with rights.

23 (A) Exercise of rights. It shall be unlawful for  
24 any employer to interfere with, restrain, or deny the  
25 exercise of or the attempt to exercise any right  
26 provided under this Section.

1 (B) Employer discrimination. It shall be unlawful  
2 for any employer to discharge or harass any individual,  
3 or otherwise discriminate against any individual with  
4 respect to compensation, terms, conditions, or  
5 privileges of employment of the individual (including  
6 retaliation in any form or manner) because the  
7 individual:

8 (i) exercised any right provided under this  
9 Section; or

10 (ii) opposed any practice made unlawful by  
11 this Section.

12 (C) Public agency sanctions. It shall be unlawful  
13 for any public agency to deny, reduce, or terminate the  
14 benefits of, otherwise sanction, or harass any  
15 individual, or otherwise discriminate against any  
16 individual with respect to the amount, terms, or  
17 conditions of public assistance of the individual  
18 (including retaliation in any form or manner) because  
19 the individual:

20 (i) exercised any right provided under this  
21 Section; or

22 (ii) opposed any practice made unlawful by  
23 this Section.

24 (2) Interference with proceedings or inquiries. It  
25 shall be unlawful for any person to discharge or in any  
26 other manner discriminate (as described in subparagraph

1 (B) or (C) of paragraph (1)) against any individual because  
2 such individual:

3 (A) has filed any charge, or has instituted or  
4 caused to be instituted any proceeding, under or  
5 related to this Section;

6 (B) has given, or is about to give, any information  
7 in connection with any inquiry or proceeding relating  
8 to any right provided under this Section; or

9 (C) has testified, or is about to testify, in any  
10 inquiry or proceeding relating to any right provided  
11 under this Section.

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

13 (820 ILCS 180/25)

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

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

1 (820 ILCS 180/30)

2 Sec. 30. Victims' employment sustainability; prohibited  
3 discriminatory acts.

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

15 (1) the individual involved:

16 (A) is or is perceived to be a victim of domestic  
17 violence, sexual violence, or gender violence ~~or~~  
18 ~~sexual violence~~;

19 (B) attended, participated in, prepared for, or  
20 requested leave to attend, participate in, or prepare  
21 for a criminal or civil court proceeding relating to an  
22 incident of domestic violence, sexual violence, or  
23 gender violence ~~or sexual violence~~ of which the  
24 individual or a family or household member of the  
25 individual was a victim, or requested or took leave for



1 any other reason provided under Section 20;

2 (C) requested an adjustment to a job structure,  
3 workplace facility, or work requirement, including a  
4 transfer, reassignment, or modified schedule, leave, a  
5 changed telephone number or seating assignment,  
6 installation of a lock, or implementation of a safety  
7 procedure in response to actual or threatened domestic  
8 violence, sexual violence, or gender violence ~~or~~  
9 ~~sexual violence~~, regardless of whether the request was  
10 granted; or

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

13 (2) the workplace is disrupted or threatened by the  
14 action of a person whom the individual states has committed  
15 or threatened to commit domestic violence, sexual  
16 violence, or gender violence ~~or sexual violence~~ against the  
17 individual or the individual's family or household member.

18 (b) In this Section:

19 (1) "Discriminate", used with respect to the terms,  
20 conditions, or privileges of employment or with respect to  
21 the terms or conditions of public assistance, includes not  
22 making a reasonable accommodation to the known limitations  
23 resulting from circumstances relating to being a victim of  
24 domestic violence, sexual violence, or gender violence ~~or~~  
25 ~~sexual violence~~ or a family or household member being a  
26 victim of domestic violence, sexual violence, or gender

1        violence ~~or sexual violence~~ of an otherwise qualified  
2 individual:

3            (A) who is:

4                    (i) an applicant or employee of the employer  
5 (including a public agency); or

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

8            (B) who is:

9                    (i) a victim of domestic violence, sexual  
10 violence, or gender violence ~~a victim of domestic~~  
11 ~~or sexual violence~~; or

12                    (ii) with a family or household member who is a  
13 victim of domestic violence, sexual violence, or  
14 gender violence ~~or sexual violence~~ whose interests  
15 are not adverse to the individual in subparagraph  
16 (A) as it relates to the domestic violence, sexual  
17 violence, or gender violence ~~or sexual violence~~;

18 unless the employer or public agency can demonstrate that  
19 the accommodation would impose an undue hardship on the  
20 operation of the employer or public agency.

21        A reasonable accommodation must be made in a timely  
22 fashion. Any exigent circumstances or danger facing the  
23 employee or his or her family or household member shall be  
24 considered in determining whether the accommodation is  
25 reasonable.

26            (2) "Qualified individual" means:

1 (A) in the case of an applicant or employee  
2 described in paragraph (1)(A)(i), an individual who,  
3 but for being a victim of domestic violence, sexual  
4 violence, or gender violence ~~or sexual violence~~ or with  
5 a family or household member who is a victim of  
6 domestic violence, sexual violence, or gender violence  
7 ~~or sexual violence~~, can perform the essential  
8 functions of the employment position that such  
9 individual holds or desires; or

10 (B) in the case of an applicant or recipient  
11 described in paragraph (1)(A)(ii), an individual who,  
12 but for being a victim of domestic violence, sexual  
13 violence, or gender violence ~~or sexual violence~~ or with  
14 a family or household member who is a victim of  
15 domestic violence, sexual violence, or gender violence  
16 ~~or sexual violence~~, can satisfy the essential  
17 requirements of the program providing the public  
18 assistance that the individual receives or desires.

19 (3) "Reasonable accommodation" may include an  
20 adjustment to a job structure, workplace facility, or work  
21 requirement, including a transfer, reassignment, or  
22 modified schedule, leave, a changed telephone number or  
23 seating assignment, installation of a lock, or  
24 implementation of a safety procedure, or assistance in  
25 documenting domestic violence, sexual violence, or gender  
26 violence ~~or sexual violence~~ that occurs at the workplace or

1 in work-related settings, in response to actual or  
2 threatened domestic violence, sexual violence, or gender  
3 violence ~~or sexual violence~~.

4 (4) Undue hardship.

5 (A) In general. "Undue hardship" means an action  
6 requiring significant difficulty or expense, when  
7 considered in light of the factors set forth in  
8 subparagraph (B).

9 (B) Factors to be considered. In determining  
10 whether a reasonable accommodation would impose an  
11 undue hardship on the operation of an employer or  
12 public agency, factors to be considered include:

13 (i) the nature and cost of the reasonable  
14 accommodation needed under this Section;

15 (ii) the overall financial resources of the  
16 facility involved in the provision of the  
17 reasonable accommodation, the number of persons  
18 employed at such facility, the effect on expenses  
19 and resources, or the impact otherwise of such  
20 accommodation on the operation of the facility;

21 (iii) the overall financial resources of the  
22 employer or public agency, the overall size of the  
23 business of an employer or public agency with  
24 respect to the number of employees of the employer  
25 or public agency, and the number, type, and  
26 location of the facilities of an employer or public

1 agency; and

2 (iv) the type of operation of the employer or  
3 public agency, including the composition,  
4 structure, and functions of the workforce of the  
5 employer or public agency, the geographic  
6 separateness of the facility from the employer or  
7 public agency, and the administrative or fiscal  
8 relationship of the facility to the employer or  
9 public agency.

10 (c) An employer subject to Section 21 of the Workplace  
11 Violence Prevention Act shall not violate any provisions of the  
12 Workplace Violence Prevention Act.

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

14 (820 ILCS 180/45)

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

16 (a) More protective laws, agreements, programs, and plans.  
17 Nothing in this Act shall be construed to supersede any  
18 provision of any federal, State, or local law, collective  
19 bargaining agreement, or employment benefits program or plan  
20 that provides:

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

24 (2) leave benefits for a larger population of victims  
25 of domestic violence, sexual violence, or gender violence

1 ~~or sexual violence~~ (as defined in such law, agreement,  
2 program, or plan) than the victims of domestic violence,  
3 sexual violence, or gender violence ~~or sexual violence~~  
4 covered under this Act.

5 (b) Less protective laws, agreements, programs, and plans.  
6 The rights established for employees who are victims of  
7 domestic violence, sexual violence, or gender violence ~~or~~  
8 ~~sexual 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~~ under this Act shall not be  
11 diminished by any federal, State or local law, collective  
12 bargaining agreement, or employment benefits program or plan.  
13 (Source: P.A. 93-591, eff. 8-25-03.)

14 Article 5.

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

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

19 "Casino" has the meaning ascribed to the term "riverboat"  
20 under the Riverboat Gambling Act.

21 "Casino employer" means any person, business, or  
22 organization that holds an owners license pursuant to the  
23 Riverboat Gambling Act that operates a casino and either

1 directly employs or through a subcontractor, including through  
2 the services of a temporary staffing agency, exercises  
3 direction and control over any natural person who is working on  
4 the casino premises.

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

7 "Employee" means any natural person who works full-time or  
8 part-time for a hotel employer or casino employer for or under  
9 the direction of the hotel employer or casino employer or any  
10 subcontractor of the hotel employer or casino employer for  
11 wages or salary or remuneration of any type under a contract or  
12 subcontract of employment.

13 "Guest" means any invitee to a hotel or casino, including a  
14 registered guest, person occupying a guest room with a  
15 registered guest or other occupant of a guest room, person  
16 patronizing food or beverage facilities provided by the hotel  
17 or casino, or any other person whose presence at the hotel or  
18 casino is permitted by the hotel or casino. "Guest" does not  
19 include an employee.

20 "Guest room" means any room made available by a hotel for  
21 overnight occupancy by guests.

22 "Hotel" means any building or buildings maintained,  
23 advertised, and held out to the public to be a place where  
24 lodging is offered for consideration to travelers and guests.

25 "Hotel" includes an inn, motel, tourist home or court, and  
26 lodging house.

1 "Hotel employer" means any person, business entity, or  
2 organization that operates a hotel and either directly employs  
3 or through a subcontractor, including through the services of a  
4 temporary staffing agency, exercises direction and control  
5 over any natural person who is working on the hotel premises  
6 and employed in furtherance of the hotel's provision of lodging  
7 to travelers and guests.

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

21 "Offending guest" means a guest a complaining employee has  
22 alleged sexually assaulted or sexually harassed the  
23 complaining employee.

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

25 "Sexual assault" means: (1) an act of sexual conduct, as  
26 defined in Section 11-0.1 of the Criminal Code of 2012; or (2)



1 any act of sexual penetration, as defined in Section 11-0.1 of  
2 the Criminal Code of 2012 and includes, without limitation,  
3 acts prohibited under Sections 11-1.20 through 11-1.60 of the  
4 Criminal Code of 2012.

5 "Sexual harassment" means any harassment or discrimination  
6 on the basis of an individual's actual or perceived sex or  
7 gender, including unwelcome sexual advances, requests for  
8 sexual favors, or other verbal or physical conduct of a sexual  
9 nature.

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

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

22 (b) Each hotel employer and casino employer shall develop,  
23 maintain, and comply with a written anti-sexual harassment  
24 policy to protect employees against sexual assault and sexual  
25 harassment by guests. This policy shall:

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

4           (2) describe the procedures that the complaining  
5 employee and hotel employer or casino employer shall follow  
6 in cases under paragraph (1);

7           (3) instruct the complaining employee to cease work and  
8 to leave the immediate area where danger is perceived until  
9 hotel or casino security personnel or police arrive to  
10 provide assistance;

11           (4) offer temporary work assignments to the  
12 complaining employee during the duration of the offending  
13 guest's stay at the hotel or casino, which may include  
14 assigning the complaining employee to work on a different  
15 floor or at a different station or work area away from the  
16 offending guest;

17           (5) provide the complaining employee with necessary  
18 paid time off to:

19                 (A) file a police report or criminal complaint with  
20 the appropriate local authorities against the  
21 offending guest; and

22                 (B) if so required, testify as a witness at any  
23 legal proceeding that may ensue as a result of the  
24 criminal complaint filed against the offending guest,  
25 if the complaining employee is still in the employ of  
26 the hotel or casino at the time the legal proceeding

1           occurs;

2           (6) inform the complaining employee that the Illinois  
3           Human Rights Act and Title VII of the Civil Rights Act of  
4           1964 provide additional protections against sexual  
5           harassment in the workplace; and

6           (7) inform the complaining employee that Section 15  
7           makes it illegal for an employer to retaliate against any  
8           employee who: reasonably uses a safety device or  
9           notification device; in good faith avails himself or  
10          herself of the requirements set forth in paragraph (3),  
11          (4), or (5); or discloses, reports, or testifies about any  
12          violation of this Act or rules adopted under this Act.

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

25          Section 5-15. Retaliation prohibited. It is unlawful for a

1 hotel employer or casino employer to retaliate against an  
2 employee for:

3 (1) reasonably using a safety device or notification  
4 device;

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

8 (3) disclosing, reporting, or testifying about any  
9 violation of this Act or any rule adopted under this Act.

10 Section 5-20. Violations. An employee or representative of  
11 employees claiming a violation of this Act may bring an action  
12 against the hotel employer or casino employer in the circuit  
13 court of the county in which the hotel or casino is located and  
14 is entitled to all remedies available under the law or in  
15 equity appropriate to remedy any such violation, including, but  
16 not limited to, injunctive relief or other equitable relief  
17 including reinstatement and compensatory damages. Before a  
18 representative of employees may bring a claim under this Act,  
19 the representative must first notify the hotel employer or  
20 casino employer in writing of the alleged violation under this  
21 Act and allow the hotel employer or casino employer 15 calendar  
22 days to remedy the alleged violation. An employee or  
23 representative of employees that successfully brings a claim  
24 under this Act shall be awarded reasonable attorney's fees and  
25 costs. An award of economic damages shall not exceed \$350 for

1 each violation. Each day that a violation continues constitutes  
2 a separate violation.

3 Article 6.

4 Section 6-5. The Illinois Governmental Ethics Act is  
5 amended by changing Sections 4A-101, 4A-102, 4A-105, 4A-106,  
6 4A-107, and 4A-108 and by adding Sections 4A-101.5 and 4A-106.5  
7 as follows:

8 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

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

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

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

18 (c) Members of a Commission or Board created by the  
19 Illinois Constitution, and candidates for nomination or  
20 election to such Commission or Board.

21 (d) Persons whose appointment to office is subject to  
22 confirmation by the Senate and persons appointed by the  
23 Governor to any other position on a board or commission

1 described in subsection (a) of Section 15 of the  
2 Gubernatorial Boards and Commissions Act.

3 (e) Holders of, and candidates for nomination or  
4 election to, the office of judge or associate judge of the  
5 Circuit Court and the office of judge of the Appellate or  
6 Supreme Court.

7 (f) Persons who are employed by any branch, agency,  
8 authority or board of the government of this State,  
9 including but not limited to, the Illinois State Toll  
10 Highway Authority, the Illinois Housing Development  
11 Authority, the Illinois Community College Board, and  
12 institutions under the jurisdiction of the Board of  
13 Trustees of the University of Illinois, Board of Trustees  
14 of Southern Illinois University, Board of Trustees of  
15 Chicago State University, Board of Trustees of Eastern  
16 Illinois University, Board of Trustees of Governors  
17 ~~Governor's~~ State University, Board of Trustees of Illinois  
18 State University, Board of Trustees of Northeastern  
19 Illinois University, Board of Trustees of Northern  
20 Illinois University, Board of Trustees of Western Illinois  
21 University, or Board of Trustees of the Illinois  
22 Mathematics and Science Academy, and are compensated for  
23 services as employees and not as independent contractors  
24 and who:

25 (1) are, or function as, the head of a department,  
26 commission, board, division, bureau, authority or

1 other administrative unit within the government of  
2 this State, or who exercise similar authority within  
3 the government of this State;

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

9 (3) have authority for the issuance or  
10 promulgation of rules and regulations within areas  
11 under the authority of the State;

12 (4) have authority for the approval of  
13 professional licenses;

14 (5) have responsibility with respect to the  
15 financial inspection of regulated nongovernmental  
16 entities;

17 (6) adjudicate, arbitrate, or decide any judicial  
18 or administrative proceeding, or review the  
19 adjudication, arbitration or decision of any judicial  
20 or administrative proceeding within the authority of  
21 the State;

22 (7) have supervisory responsibility for 20 or more  
23 employees of the State;

24 (8) negotiate, assign, authorize, or grant naming  
25 rights or sponsorship rights regarding any property or  
26 asset of the State, whether real, personal, tangible,

1 or intangible; or

2 (9) have responsibility with respect to the  
3 procurement of goods or services.

4 (f-5) Members of the board of commissioners of any  
5 flood prevention district created under the Flood  
6 Prevention District Act or the Beardstown Regional Flood  
7 Prevention District Act.

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

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

25 (i) (Blank). ~~Persons who are employed by a unit of~~  
26 ~~local government and are compensated for services as~~



1 ~~employees and not as independent contractors and who:~~

2 ~~(1) are, or function as, the head of a department,~~  
3 ~~division, bureau, authority or other administrative~~  
4 ~~unit within the unit of local government, or who~~  
5 ~~exercise similar authority within the unit of local~~  
6 ~~government;~~

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

12 ~~(3) have authority to approve licenses and permits~~  
13 ~~by the unit of local government; this item does not~~  
14 ~~include employees who function in a ministerial~~  
15 ~~capacity;~~

16 ~~(4) adjudicate, arbitrate, or decide any judicial~~  
17 ~~or administrative proceeding, or review the~~  
18 ~~adjudication, arbitration or decision of any judicial~~  
19 ~~or administrative proceeding within the authority of~~  
20 ~~the unit of local government;~~

21 ~~(5) have authority to issue or promulgate rules and~~  
22 ~~regulations within areas under the authority of the~~  
23 ~~unit of local government; or~~

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

26 (j) Persons on the Board of Trustees of the Illinois

1 Mathematics and Science Academy.

2 (k) (Blank). ~~Persons employed by a school district in~~  
3 ~~positions that require that person to hold an~~  
4 ~~administrative or a chief school business official~~  
5 ~~endorsement.~~

6 (l) Special government agents. A "special government  
7 agent" is a person who is directed, retained, designated,  
8 appointed, or employed, with or without compensation, by or  
9 on behalf of a statewide executive branch constitutional  
10 officer to make an ex parte communication under Section  
11 5-50 of the State Officials and Employees Ethics Act or  
12 Section 5-165 of the Illinois Administrative Procedure  
13 Act.

14 (m) (Blank). ~~Members of the board of commissioners of~~  
15 ~~any flood prevention district created under the Flood~~  
16 ~~Prevention District Act or the Beardstown Regional Flood~~  
17 ~~Prevention District Act.~~

18 (n) Members of the board of any retirement system or  
19 investment board established under the Illinois Pension  
20 Code, if not required to file under any other provision of  
21 this Section.

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

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

1           This Section shall not be construed to prevent any unit of  
2 local government from enacting financial disclosure  
3 requirements that mandate more information than required by  
4 this Act.

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

8           (5 ILCS 420/4A-101.5 new)

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

13           (a) Persons who are elected to office in a unit of local  
14 government, and candidates for nomination or election to that  
15 office, including regional superintendents of school  
16 districts.

17           (b) Persons appointed to the governing board of a unit of  
18 local government, or of a special district, and persons  
19 appointed to a zoning board, or zoning board of appeals, or to  
20 a regional, county, or municipal plan commission, or to a board  
21 of review of any county, and persons appointed to the Board of  
22 the Metropolitan Pier and Exposition Authority and any Trustee  
23 appointed under Section 22 of the Metropolitan Pier and  
24 Exposition Authority Act, and persons appointed to a board or  
25 commission of a unit of local government who have authority to

1 authorize the expenditure of public funds. This subsection (b)  
2 does not apply to members of boards or commissions who function  
3 in an advisory capacity.

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

7 (1) are, or function as, the head of a department,  
8 division, bureau, authority, or other administrative unit  
9 within the unit of local government, or who exercise  
10 similar authority within the unit of local government;

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

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

18 (4) adjudicate, arbitrate, or decide any judicial or  
19 administrative proceeding, or review the adjudication,  
20 arbitration, or decision of any judicial or administrative  
21 proceeding within the authority of the unit of local  
22 government;

23 (5) have authority to issue or adopt rules and  
24 regulations within areas under the authority of the unit of  
25 local government; or

26 (6) have supervisory responsibility for 20 or more

1       employees of the unit of local government.

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

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

8       (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

9       Sec. 4A-102. The statement of economic interests required  
10 by this Article shall include the economic interests of the  
11 person making the statement as provided in this Section. The  
12 interest (if constructively controlled by the person making the  
13 statement) of a spouse or any other party, shall be considered  
14 to be the same as the interest of the person making the  
15 statement. Campaign receipts shall not be included in this  
16 statement.

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

19             (1) The name, address and type of practice of any  
20 professional organization or individual professional  
21 practice in which the person making the statement was  
22 an officer, director, associate, partner or  
23 proprietor, or served in any advisory capacity, from  
24 which income in excess of \$1200 was derived during the  
25 preceding calendar year;

1           (2) The nature of professional services (other  
2 than services rendered to the unit or units of  
3 government in relation to which the person is required  
4 to file) and the nature of the entity to which they  
5 were rendered if fees exceeding \$5,000 were received  
6 during the preceding calendar year from the entity for  
7 professional services rendered by the person making  
8 the statement.

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

13           (4) The name of any unit of government which has  
14 employed the person making the statement during the  
15 preceding calendar year other than the unit or units of  
16 government in relation to which the person is required  
17 to file.

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

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

25           (1) The name and instrument of ownership in any  
26 entity doing business in the State of Illinois, in

1           which an ownership interest held by the person at the  
2           date of filing is in excess of \$5,000 fair market value  
3           or from which dividends of in excess of \$1,200 were  
4           derived during the preceding calendar year. (In the  
5           case of real estate, location thereof shall be listed  
6           by street address, or if none, then by legal  
7           description). No time or demand deposit in a financial  
8           institution, nor any debt instrument need be listed;

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

16          (3) The identity of any compensated lobbyist with  
17          whom the person making the statement maintains a close  
18          economic association, including the name of the  
19          lobbyist and specifying the legislative matter or  
20          matters which are the object of the lobbying activity,  
21          and describing the general type of economic activity of  
22          the client or principal on whose behalf that person is  
23          lobbying.

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

1           (1) The name and instrument of ownership in any  
2           entity doing business with a unit of local government  
3           in relation to which the person is required to file if  
4           the ownership interest of the person filing is greater  
5           than \$5,000 fair market value as of the date of filing  
6           or if dividends in excess of \$1,200 were received from  
7           the entity during the preceding calendar year. (In the  
8           case of real estate, location thereof shall be listed  
9           by street address, or if none, then by legal  
10          description). No time or demand deposit in a financial  
11          institution, nor any debt instrument need be listed.

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

20          (3) The name of any entity and the nature of the  
21          governmental action requested by any entity which has  
22          applied to a unit of local government in relation to  
23          which the person must file for any license, franchise  
24          or permit for annexation, zoning or rezoning of real  
25          estate during the preceding calendar year if the  
26          ownership interest of the person filing is in excess of



1           \$5,000 fair market value at the time of filing or if  
2           income or dividends in excess of \$1,200 were received  
3           by the person filing from the entity during the  
4           preceding calendar year.

5           For the purposes of this Section, the unit of local  
6           government in relation to which a person required to file under  
7           item (e) ~~(e)~~ of Section 4A-101.5 ~~4A-101~~ shall be the unit of  
8           local government that contributes to the pension fund of which  
9           such person is a member of the board.

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

11           (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

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

18           Statements must also be filed as follows:

19           (a) A candidate for elective office shall file his  
20           statement not later than the end of the period during which  
21           he can take the action necessary under the laws of this  
22           State to attempt to qualify for nomination, election, or  
23           retention to such office if he has not filed a statement in  
24           relation to the same unit of government within a year  
25           preceding such action.

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

4 (b-5) A special government agent, as defined in item  
5 (1) of Section 4A-101 of this Act, shall file a statement  
6 within 30 days after making the first ex parte  
7 communication and each May 1 thereafter if he or she has  
8 made an ex parte communication within the previous 12  
9 months.

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

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

1 result in a forfeiture in accordance with Section 4A-107 of  
2 this Act.

3 Any person who takes office or otherwise becomes required  
4 to file a statement of economic interests within 30 days prior  
5 to May 1 of any year may file his or her statement at any time  
6 on or before May 31 without penalty. If such person fails to  
7 file such statement by May 31, the officer with whom such  
8 statement is to be filed under Section 4A-106 or 4A-106.5 of  
9 this Act shall, within 7 days after May 31, notify such person  
10 by certified mail of his or her failure to file by the  
11 specified date. Such person shall file his or her statement of  
12 economic interests on or before June 15 with the appropriate  
13 officer, together with a \$15 late filing fee. Any such person  
14 who fails to file by June 15 shall be subject to a penalty of  
15 \$100 per day for each day from June 16 to the date of filing,  
16 which shall be in addition to the \$15 late filing fee specified  
17 above. Failure to file by June 30 shall result in a forfeiture  
18 in accordance with Section 4A-107 of this Act.

19 All late filing fees and penalties collected pursuant to  
20 this Section shall be paid into the General Revenue Fund in the  
21 State treasury, if the Secretary of State receives such  
22 statement for filing, or into the general fund in the county  
23 treasury, if the county clerk receives such statement for  
24 filing. The Attorney General, with respect to the State, and  
25 the several State's Attorneys, with respect to counties, shall  
26 take appropriate action to collect the prescribed penalties.

1 Failure to file a statement of economic interests within  
2 the time prescribed shall not result in a fine or ineligibility  
3 for, or forfeiture of, office or position of employment, as the  
4 case may be; provided that the failure to file results from not  
5 being included for notification by the appropriate agency,  
6 clerk, secretary, officer or unit of government, as the case  
7 may be, and that a statement is filed within 30 days of actual  
8 notice of the failure to file.

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

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

19 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

20 Sec. 4A-106. Persons filing statements with Secretary of  
21 State; notice; certification of list of names; alphabetical  
22 list; receipt; examination and copying of statements. The  
23 statements of economic interests required of persons listed in  
24 ~~items (a) through (f), item (j), item (l), item (n), and item~~  
25 ~~(p)~~ of Section 4A-101 shall be filed with the Secretary of

1 State. ~~The statements of economic interests required of persons~~  
2 ~~listed in items (g), (h), (i), (k), and (o) of Section 4A-101~~  
3 ~~shall be filed with the county clerk of the county in which the~~  
4 ~~principal office of the unit of local government with which the~~  
5 ~~person is associated is located. If it is not apparent which~~  
6 ~~county the principal office of a unit of local government is~~  
7 ~~located, the chief administrative officer, or his or her~~  
8 ~~designee, has the authority, for purposes of this Act, to~~  
9 ~~determine the county in which the principal office is located.~~  
10 On or before February 1 annually, ~~(1)~~ the chief administrative  
11 officer of any State agency in the executive, legislative, or  
12 judicial branch employing persons required to file under item  
13 (f) or item (l) of Section 4A-101 and the chief administrative  
14 officer of a board or panel described in item (n) or (p) of  
15 Section 4A-101 shall certify to the Secretary of State the  
16 names and mailing addresses of those persons, ~~and (2) the chief~~  
17 ~~administrative officer, or his or her designee, of each unit of~~  
18 ~~local government with persons described in items (h), (i) and~~  
19 ~~(k) and a board described in item (o) of Section 4A-101 shall~~  
20 ~~certify to the appropriate county clerk a list of names and~~  
21 ~~addresses of persons described in items (h), (i), (k), and (o)~~  
22 ~~of Section 4A-101 that are required to file. In preparing the~~  
23 lists, each chief administrative officer, or his or her  
24 designee, shall set out the names in alphabetical order.

25 On or before April 1 annually, the Secretary of State shall  
26 notify (1) all persons whose names have been certified to him

1 under items (f), (l), (n), and (p) of Section 4A-101, and (2)  
2 all persons described in items (a) through (e) and item (j) of  
3 Section 4A-101, other than candidates for office who have filed  
4 their statements with their nominating petitions, of the  
5 requirements for filing statements of economic interests. A  
6 person required to file with the Secretary of State by virtue  
7 of more than one position as listed in Section 4A-101, and  
8 filing his or her statement of economic interests in writing,  
9 rather than through the Internet-based system, ~~item among items~~  
10 ~~(a) through (f) and items (j), (l), (n), and (p)~~ shall be  
11 notified of and is required to file only one statement of  
12 economic interests relating to all items under which the person  
13 is required to file with the Secretary of State.

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

25 Except as provided in Section 4A-106.1, the notices  
26 provided for in this Section shall be in writing and deposited

1 in the U.S. Mail, properly addressed, first class postage  
2 prepaid, on or before the day required by this Section for the  
3 sending of the notice. ~~Alternatively, a county clerk may send~~  
4 ~~the notices electronically to all persons whose names have been~~  
5 ~~thus certified to him under item (h), (i), or (k) of Section~~  
6 ~~4A-101.~~ A certificate executed by the Secretary of State ~~or~~  
7 ~~county clerk~~ attesting that he or she has sent the notice by  
8 the means permitted by this Section constitutes prima facie  
9 evidence thereof.

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

21 ~~The county clerk of each county shall note upon the~~  
22 ~~alphabetical listing the names of all persons required to file~~  
23 ~~a statement of economic interests who failed to file a~~  
24 ~~statement on or before May 1. It shall be the duty of the~~  
25 ~~several county clerks to give notice as provided in Section~~  
26 ~~4A-105 to any person who has failed to file his or her~~

1 ~~statement with the clerk on or before May 1.~~

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

8 The Secretary of State may employ such employees and  
9 consultants as he considers necessary to carry out his duties  
10 hereunder, and may prescribe their duties, fix their  
11 compensation, and provide for reimbursement of their expenses.

12 All statements of economic interests filed under this  
13 Section shall be available for examination and copying by the  
14 public at all reasonable times. Not later than 12 months after  
15 the effective date of this amendatory Act of the 93rd General  
16 Assembly, beginning with statements filed in calendar year  
17 2004, the Secretary of State shall make statements of economic  
18 interests filed with the Secretary available for inspection and  
19 copying via the Secretary's website.

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

22 (5 ILCS 420/4A-106.5 new)

23 Sec. 4A-106.5. Persons filing statements with county  
24 clerk; notice; certification of list of names; alphabetical  
25 list; receipt; examination and copying of statements. The



1 statements of economic interests required of persons listed in  
2 Section 4A-101.5 shall be filed with the county clerk of the  
3 county in which the principal office of the unit of local  
4 government with which the person is associated is located. If  
5 it is not apparent which county the principal office of a unit  
6 of local government is located, the chief administrative  
7 officer, or his or her designee, has the authority, for  
8 purposes of this Act, to determine the county in which the  
9 principal office is located. The chief administrative officer,  
10 or his or her designee, of each unit of local government with  
11 persons described in Section 4A-101.5 shall certify to the  
12 appropriate county clerk a list of names and addresses of  
13 persons that are required to file. In preparing the lists, each  
14 chief administrative officer, or his or her designee, shall set  
15 out the names in alphabetical order.

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

1       Except as provided in Section 4A-106.1, the notices  
2 provided for in this Section shall be in writing and deposited  
3 in the U.S. Mail, properly addressed, first class postage  
4 prepaid, on or before the day required by this Section for the  
5 sending of the notice. Alternatively, a county clerk may send  
6 the notices electronically to all persons whose names have been  
7 thus certified to him. A certificate executed by a county clerk  
8 attesting that he or she has sent the notice by the means  
9 permitted by this Section constitutes prima facie evidence  
10 thereof.

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

22       The county clerk of each county shall note upon the  
23 alphabetical listing the names of all persons required to file  
24 a statement of economic interests who failed to file a  
25 statement on or before May 1. It shall be the duty of the  
26 several county clerks to give notice as provided in Section

1 4A-105 to any person who has failed to file his or her  
2 statement with the clerk on or before May 1.

3 Any person who files or has filed a statement of economic  
4 interest under this Section is entitled to receive from the  
5 county clerk a receipt indicating that the person has filed  
6 such a statement, the date of filing, and the identity of the  
7 governmental unit or units in relation to which the filing is  
8 required.

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

12 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

13 Sec. 4A-107. Any person required to file a statement of  
14 economic interests under this Article who willfully files a  
15 false or incomplete statement shall be guilty of a Class A  
16 misdemeanor.

17 Except when the fees and penalties for late filing have  
18 been waived under Section 4A-105, failure to file a statement  
19 within the time prescribed shall result in ineligibility for,  
20 or forfeiture of, office or position of employment, as the case  
21 may be; provided, however, that if the notice of failure to  
22 file a statement of economic interests provided in Section  
23 4A-105 of this Act is not given by the Secretary of State or  
24 the county clerk, as the case may be, no forfeiture shall  
25 result if a statement is filed within 30 days of actual notice

1 of the failure to file. The Secretary of State shall provide  
2 the Attorney General with the names of persons who failed to  
3 file a statement. The county clerk shall provide the State's  
4 Attorney of the county of the entity for which the filing of  
5 statement of economic interest is required with the name of  
6 persons who failed to file a statement.

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

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

20 (5 ILCS 420/4A-108)

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

22 (a) Notwithstanding any other provision of this Act or any  
23 other law, the Secretary of State and county clerks are  
24 authorized to institute an Internet-based system for the filing  
25 of statements of economic interests in their offices. With

1 respect to county clerk systems, the determination to institute  
2 such a system shall be in the sole discretion of the county  
3 clerk and shall meet the requirements set out in this Section.  
4 With respect to a Secretary of State system, the determination  
5 to institute such a system shall be in the sole discretion of  
6 the Secretary of State and shall meet the requirements set out  
7 in this Section and those Sections of the State Officials and  
8 Employees Ethics Act requiring ethics officer review prior to  
9 filing. The system shall be capable of allowing an ethics  
10 officer to approve a statement of economic interests and shall  
11 include a means to amend a statement of economic interests.  
12 When this Section does not modify or remove the requirements  
13 set forth elsewhere in this Article, those requirements shall  
14 apply to any system of Internet-based filing authorized by this  
15 Section. When this Section does modify or remove the  
16 requirements set forth elsewhere in this Article, the  
17 provisions of this Section shall apply to any system of  
18 Internet-based filing authorized by this Section.

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

22 (1) Any filing of an Internet-based statement of  
23 economic interests shall be the equivalent of the filing of  
24 a verified, written statement of economic interests as  
25 required by Section 4A-101 or 4A-101.5 and the equivalent  
26 of the filing of a verified, dated, and signed statement of

1 economic interests as required by Section 4A-104.

2 (2) The Secretary of State and county clerks who  
3 institute a system of Internet-based filing of statements  
4 of economic interests shall establish a password-protected  
5 website to receive the filings of such statements. A  
6 website established under this Section shall set forth and  
7 provide a means of responding to the items set forth in  
8 Section 4A-102 that are required of a person who files a  
9 statement of economic interests with that officer. A  
10 website established under this Section shall set forth and  
11 provide a means of generating a printable receipt page  
12 acknowledging filing.

13 (3) The times for the filing of statements of economic  
14 interests set forth in Section 4A-105 shall be followed in  
15 any system of Internet-based filing of statements of  
16 economic interests; provided that a candidate for elective  
17 office who is required to file a statement of economic  
18 interests in relation to his or her candidacy pursuant to  
19 Section 4A-105(a) shall receive a written or printed  
20 receipt for his or her filing.

21 A candidate filing for Governor, Lieutenant Governor,  
22 Attorney General, Secretary of State, Treasurer,  
23 Comptroller, State Senate, or State House of  
24 Representatives shall not use the Internet to file his or  
25 her statement of economic interests, but shall file his or  
26 her statement of economic interests in a written or printed

1 form and shall receive a written or printed receipt for his  
2 or her filing. Annually, the duly appointed ethics officer  
3 for each legislative caucus shall certify to the Secretary  
4 of State whether his or her caucus members will file their  
5 statements of economic interests electronically or in a  
6 written or printed format for that year. If the ethics  
7 officer for a caucus certifies that the statements of  
8 economic interests shall be written or printed, then  
9 members of the General Assembly of that caucus shall not  
10 use the Internet to file his or her statement of economic  
11 interests, but shall file his or her statement of economic  
12 interests in a written or printed form and shall receive a  
13 written or printed receipt for his or her filing. If no  
14 certification is made by an ethics officer for a  
15 legislative caucus, or if a member of the General Assembly  
16 is not affiliated with a legislative caucus, then the  
17 affected member or members of the General Assembly may file  
18 their statements of economic interests using the Internet.

19 (4) In the first year of the implementation of a system  
20 of Internet-based filing of statements of economic  
21 interests, each person required to file such a statement is  
22 to be notified in writing of his or her obligation to file  
23 his or her statement of economic interests by way of the  
24 Internet-based system. If access to the web site requires a  
25 code or password, this information shall be included in the  
26 notice prescribed by this paragraph.

1           (5) When a person required to file a statement of  
2 economic interests has supplied the Secretary of State or a  
3 county clerk, as applicable, with an email address for the  
4 purpose of receiving notices under this Article by email, a  
5 notice sent by email to the supplied email address shall be  
6 the equivalent of a notice sent by first class mail, as set  
7 forth in Section 4A-106 or 4A-106.5. A person who has  
8 supplied such an email address shall notify the Secretary  
9 of State or county clerk, as applicable, when his or her  
10 email address changes or if he or she no longer wishes to  
11 receive notices by email.

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

21           (7) The Secretary of State and each county clerk who  
22 institutes a system of Internet-based filing of statements  
23 of economic interests may also institute an Internet-based  
24 process for the filing of the list of names and addresses  
25 of persons required to file statements of economic  
26 interests by the chief administrative officers that must



1 file such information with the Secretary of State or county  
2 clerk, as applicable, pursuant to Section 4A-106 or  
3 4A-106.5. Whenever the Secretary of State or a county clerk  
4 institutes such a system under this paragraph, every chief  
5 administrative officer must use the system to file this  
6 information.

7 (8) The Secretary of State and any county clerk who  
8 institutes a system of Internet-based filing of statements  
9 of economic interests shall post the contents of such  
10 statements filed with him or her available for inspection  
11 and copying on a publicly accessible website. Such postings  
12 shall not include the addresses or signatures of the  
13 filers.

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

15 Section 6-10. The State Officials and Employees Ethics Act  
16 is amended by changing Sections 5-10.5, 20-5, 20-10, 20-50,  
17 25-5, 25-10, 25-50, and 70-5 and by adding Sections 20-63 and  
18 25-63 as follows:

19 (5 ILCS 430/5-10.5)

20 Sec. 5-10.5. Harassment and discrimination prevention  
21 ~~Sexual harassment~~ training.

22 (a) Until 2020, each ~~Each~~ officer, member, and employee  
23 must complete, at least annually ~~beginning in 2018,~~ a sexual  
24 harassment training program. A person who fills a vacancy in an

1 elective or appointed position that requires training under  
2 this Section must complete his or her initial sexual harassment  
3 training program within 30 days after commencement of his or  
4 her office or employment. The training shall include, at a  
5 minimum, the following: (i) the definition, and a description,  
6 of sexual harassment utilizing examples; (ii) details on how an  
7 individual can report an allegation of sexual harassment,  
8 including options for making a confidential report to a  
9 supervisor, ethics officer, Inspector General, or the  
10 Department of Human Rights; (iii) the definition, and  
11 description of, retaliation for reporting sexual harassment  
12 allegations utilizing examples, including availability of  
13 whistleblower protections under this Act, the Whistleblower  
14 Act, and the Illinois Human Rights Act; and (iv) the  
15 consequences of a violation of the prohibition on sexual  
16 harassment and the consequences for knowingly making a false  
17 report. Proof of completion must be submitted to the applicable  
18 ethics officer. Sexual harassment training programs shall be  
19 overseen by the appropriate Ethics Commission and Inspector  
20 General appointed under this Act.

21 (a-5) Beginning in 2020, each officer, member, and employee  
22 must complete, at least annually, a harassment and  
23 discrimination prevention training program. A person who fills  
24 a vacancy in an elective or appointed position that requires  
25 training under this subsection must complete his or her initial  
26 harassment and discrimination prevention training program

1 within 30 days after commencement of his or her office or  
2 employment. The training shall include, at a minimum, the  
3 following: (i) the definition and a description of sexual  
4 harassment, unlawful discrimination, and harassment, including  
5 examples of each; (ii) details on how an individual can report  
6 an allegation of sexual harassment, unlawful discrimination,  
7 or harassment, including options for making a confidential  
8 report to a supervisor, ethics officer, Inspector General, or  
9 the Department of Human Rights; (iii) the definition and  
10 description of retaliation for reporting sexual harassment,  
11 unlawful discrimination, or harassment allegations utilizing  
12 examples, including availability of whistleblower protections  
13 under this Act, the Whistleblower Act, and the Illinois Human  
14 Rights Act; and (iv) the consequences of a violation of the  
15 prohibition on sexual harassment, unlawful discrimination, and  
16 harassment and the consequences for knowingly making a false  
17 report. Proof of completion must be submitted to the applicable  
18 ethics officer. Harassment and discrimination training  
19 programs shall be overseen by the appropriate Ethics Commission  
20 and Inspector General appointed under this Act.

21 For the purposes of this subsection, "unlawful  
22 discrimination" and "harassment" refers to discrimination and  
23 harassment prohibited under Section 2-102 of the Illinois Human  
24 Rights Act.

25 (b) Each ultimate jurisdictional authority shall submit to  
26 the applicable Ethics Commission, at least annually, or more

1 frequently as required by that Commission, a report that  
2 summarizes the sexual harassment training program that was  
3 completed during the previous year, and lays out the plan for  
4 the training program in the coming year. The report shall  
5 include the names of individuals that failed to complete the  
6 required training program. Each Ethics Commission shall make  
7 the reports available on its website.

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

9 (5 ILCS 430/20-5)

10 Sec. 20-5. Executive Ethics Commission.

11 (a) The Executive Ethics Commission is created.

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

1 except by the Senate's request, be nominated again for that  
2 office at the same session of the Senate or be appointed to  
3 that office during a recess of that Senate. No more than 5  
4 commissioners may be of the same political party.

5 The terms of the initial commissioners shall commence upon  
6 qualification. Four initial appointees of the Governor, as  
7 designated by the Governor, shall serve terms running through  
8 June 30, 2007. One initial appointee of the Governor, as  
9 designated by the Governor, and the initial appointees of the  
10 Attorney General, Secretary of State, Comptroller, and  
11 Treasurer shall serve terms running through June 30, 2008. The  
12 initial appointments shall be made within 60 days after the  
13 effective date of this Act.

14 After the initial terms, commissioners shall serve for  
15 4-year terms commencing on July 1 of the year of appointment  
16 and running through June 30 of the fourth following year.  
17 Commissioners may be reappointed to one or more subsequent  
18 terms.

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

22 Terms shall run regardless of whether the position is  
23 filled.

24 (c) The appointing authorities shall appoint commissioners  
25 who have experience holding governmental office or employment  
26 and shall appoint commissioners from the general public. A

1 person is not eligible to serve as a commissioner if that  
2 person (i) has been convicted of a felony or a crime of  
3 dishonesty or moral turpitude, (ii) is, or was within the  
4 preceding 12 months, engaged in activities that require  
5 registration under the Lobbyist Registration Act, (iii) is  
6 related to the appointing authority, or (iv) is a State officer  
7 or employee.

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

20 A member or legislative branch State employee serving on an  
21 executive branch board or commission remains subject to the  
22 jurisdiction of the Legislative Ethics Commission and is not  
23 subject to the jurisdiction of the Executive Ethics Commission.

24 (d-5) The Executive Ethics Commission shall have  
25 jurisdiction over all chief procurement officers and  
26 procurement compliance monitors and their respective staffs.

1 The Executive Ethics Commission shall have jurisdiction over  
2 any matters arising under the Illinois Procurement Code if the  
3 Commission is given explicit authority in that Code.

4 (d-6) (1) The Executive Ethics Commission shall have  
5 jurisdiction over the Illinois Power Agency and its staff. The  
6 Director of the Agency shall be appointed by a majority of the  
7 commissioners of the Executive Ethics Commission, subject to  
8 Senate confirmation, for a term of 2 years. The Director is  
9 removable for cause by a majority of the Commission upon a  
10 finding of neglect, malfeasance, absence, or incompetence.

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

23 (3) Prior to June 1, 2012, the Executive Ethics Commission  
24 may, until the Director of the Illinois Power Agency is  
25 appointed and qualified or a temporary appointment is made  
26 pursuant to paragraph (2) of this subsection, designate some

1 person as an acting Director to execute the powers and  
2 discharge the duties vested by law in that Director. An acting  
3 Director shall serve no later than 60 calendar days, or upon  
4 the making of an appointment pursuant to paragraph (1) or (2)  
5 of this subsection, whichever is earlier. Nothing in this  
6 subsection shall prohibit the Executive Ethics Commission from  
7 removing an acting Director or from appointing an acting  
8 Director as the Director of the Illinois Power Agency.

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

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

17 (e) The Executive Ethics Commission must meet, either in  
18 person or by other technological means, at least monthly and as  
19 often as necessary. At the first meeting of the Executive  
20 Ethics Commission, the commissioners shall choose from their  
21 number a chairperson and other officers that they deem  
22 appropriate. The terms of officers shall be for 2 years  
23 commencing July 1 and running through June 30 of the second  
24 following year. Meetings shall be held at the call of the  
25 chairperson or any 3 commissioners. Official action by the  
26 Commission shall require the affirmative vote of 5



1 commissioners, and a quorum shall consist of 5 commissioners.  
2 Commissioners shall receive compensation in an amount equal to  
3 the compensation of members of the State Board of Elections and  
4 may be reimbursed for their reasonable expenses actually  
5 incurred in the performance of their duties.

6 (f) No commissioner or employee of the Executive Ethics  
7 Commission may during his or her term of appointment or  
8 employment:

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

10 (2) hold any other elected or appointed public office  
11 except for appointments on governmental advisory boards or  
12 study commissions or as otherwise expressly authorized by  
13 law;

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

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

19 (g) An appointing authority may remove a commissioner only  
20 for cause.

21 (h) The Executive Ethics Commission shall appoint an  
22 Executive Director. The compensation of the Executive Director  
23 shall be as determined by the Commission. The Executive  
24 Director of the Executive Ethics Commission may employ and  
25 determine the compensation of staff, as appropriations permit.

26 (i) The Executive Ethics Commission shall appoint, by a

1 majority of the members appointed to the Commission, chief  
2 procurement officers and may appoint procurement compliance  
3 monitors in accordance with the provisions of the Illinois  
4 Procurement Code. The compensation of a chief procurement  
5 officer and procurement compliance monitor shall be determined  
6 by the Commission.

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

8 (5 ILCS 430/20-10)

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

10 (a) Five independent Offices of the Executive Inspector  
11 General are created, one each for the Governor, the Attorney  
12 General, the Secretary of State, the Comptroller, and the  
13 Treasurer. Each Office shall be under the direction and  
14 supervision of an Executive Inspector General and shall be a  
15 fully independent office with separate appropriations.

16 (b) The Governor, Attorney General, Secretary of State,  
17 Comptroller, and Treasurer shall each appoint an Executive  
18 Inspector General, without regard to political affiliation and  
19 solely on the basis of integrity and demonstrated ability.  
20 Appointments shall be made by and with the advice and consent  
21 of the Senate by three-fifths of the elected members concurring  
22 by record vote. Any nomination not acted upon by the Senate  
23 within 60 session days of the receipt thereof shall be deemed  
24 to have received the advice and consent of the Senate. If,  
25 during a recess of the Senate, there is a vacancy in an office

1 of Executive Inspector General, the appointing authority shall  
2 make a temporary appointment until the next meeting of the  
3 Senate when the appointing authority shall make a nomination to  
4 fill that office. No person rejected for an office of Executive  
5 Inspector General shall, except by the Senate's request, be  
6 nominated again for that office at the same session of the  
7 Senate or be appointed to that office during a recess of that  
8 Senate.

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

20 Each Executive Inspector General shall have the following  
21 qualifications:

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

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

26 (3) has 5 or more years of cumulative service (A) with

1 a federal, State, or local law enforcement agency, at least  
2 2 years of which have been in a progressive investigatory  
3 capacity; (B) as a federal, State, or local prosecutor; (C)  
4 as a senior manager or executive of a federal, State, or  
5 local agency; (D) as a member, an officer, or a State or  
6 federal judge; or (E) representing any combination of (A)  
7 through (D).

8 The term of each initial Executive Inspector General shall  
9 commence upon qualification and shall run through June 30,  
10 2008. The initial appointments shall be made within 60 days  
11 after the effective date of this Act.

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

17 A vacancy occurring other than at the end of a term shall  
18 be filled by the appointing authority only for the balance of  
19 the term of the Executive Inspector General whose office is  
20 vacant.

21 Terms shall run regardless of whether the position is  
22 filled.

23 (c) The Executive Inspector General appointed by the  
24 Attorney General shall have jurisdiction over the Attorney  
25 General and all officers and employees of, and vendors and  
26 others doing business with, State agencies within the

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

24 The jurisdiction of each Executive Inspector General is to  
25 investigate allegations of fraud, waste, abuse, mismanagement,  
26 misconduct, nonfeasance, misfeasance, malfeasance, or

1 violations of this Act or violations of other related laws and  
2 rules.

3 Each Executive Inspector General shall have jurisdiction  
4 over complainants in violation of subsection (e) of Section  
5 20-63 for disclosing a summary report prepared by the  
6 respective Executive Inspector General.

7 (d) The compensation for each Executive Inspector General  
8 shall be determined by the Executive Ethics Commission and  
9 shall be made from appropriations made to the Comptroller for  
10 this purpose. Subject to Section 20-45 of this Act, each  
11 Executive Inspector General has full authority to organize his  
12 or her Office of the Executive Inspector General, including the  
13 employment and determination of the compensation of staff, such  
14 as deputies, assistants, and other employees, as  
15 appropriations permit. A separate appropriation shall be made  
16 for each Office of Executive Inspector General.

17 (e) No Executive Inspector General or employee of the  
18 Office of the Executive Inspector General may, during his or  
19 her term of appointment or employment:

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

21 (2) hold any other elected or appointed public office  
22 except for appointments on governmental advisory boards or  
23 study commissions or as otherwise expressly authorized by  
24 law;

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

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

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

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

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

12           (2) hold any elected public office; or

13           (3) hold any appointed State, county, or local judicial  
14          office.

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

17          (f) An Executive Inspector General may be removed only for  
18          cause and may be removed only by the appointing constitutional  
19          officer. At the time of the removal, the appointing  
20          constitutional officer must report to the Executive Ethics  
21          Commission the justification for the removal.

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

23           (5 ILCS 430/20-50)

24           Sec. 20-50. Investigation reports.

25           (a) If an Executive Inspector General, upon the conclusion

1 of an investigation, determines that reasonable cause exists to  
2 believe that a violation has occurred, then the Executive  
3 Inspector General shall issue a summary report of the  
4 investigation. The report shall be delivered to the appropriate  
5 ultimate jurisdictional authority and to the head of each State  
6 agency affected by or involved in the investigation, if  
7 appropriate. The appropriate ultimate jurisdictional authority  
8 or agency head shall respond to the summary report within 20  
9 days, in writing, to the Executive Inspector General. The  
10 response shall include a description of any corrective or  
11 disciplinary action to be imposed. If the appropriate ultimate  
12 jurisdictional authority does not respond within 20 days, or  
13 within an extended time period as agreed to by the Executive  
14 Inspector General, an Executive Inspector General may proceed  
15 under subsection (c) as if a response had been received.

16 (b) The summary report of the investigation shall include  
17 the following:

18 (1) A description of any allegations or other  
19 information received by the Executive Inspector General  
20 pertinent to the investigation.

21 (2) A description of any alleged misconduct discovered  
22 in the course of the investigation.

23 (3) Recommendations for any corrective or disciplinary  
24 action to be taken in response to any alleged misconduct  
25 described in the report, including but not limited to  
26 discharge.



1           (4) Other information the Executive Inspector General  
2           deems relevant to the investigation or resulting  
3           recommendations.

4           (c) Within 30 days after receiving a response from the  
5           appropriate ultimate jurisdictional authority or agency head  
6           under subsection (a), the Executive Inspector General shall  
7           notify the Commission and the Attorney General if the Executive  
8           Inspector General believes that a complaint should be filed  
9           with the Commission. If the Executive Inspector General desires  
10          to file a complaint with the Commission, the Executive  
11          Inspector General shall submit the summary report and  
12          supporting documents to the Attorney General. If the Attorney  
13          General concludes that there is insufficient evidence that a  
14          violation has occurred, the Attorney General shall notify the  
15          Executive Inspector General and the Executive Inspector  
16          General shall deliver to the Executive Ethics Commission a copy  
17          of the summary report and response from the ultimate  
18          jurisdictional authority or agency head. If the Attorney  
19          General determines that reasonable cause exists to believe that  
20          a violation has occurred, then the Executive Inspector General,  
21          represented by the Attorney General, may file with the  
22          Executive Ethics Commission a complaint. The complaint shall  
23          set forth the alleged violation and the grounds that exist to  
24          support the complaint. The complaint must be filed with the  
25          Commission within 12 months after the Executive Inspector  
26          General's receipt of the allegation of the violation ~~18 months~~

1 ~~after the most recent act of the alleged violation or of a~~  
2 ~~series of alleged violations~~ except where there is reasonable  
3 cause to believe that fraudulent concealment has occurred. To  
4 constitute fraudulent concealment sufficient to toll this  
5 limitations period, there must be an affirmative act or  
6 representation calculated to prevent discovery of the fact that  
7 a violation has occurred. If a complaint is not filed with the  
8 Commission within 6 months after notice by the Inspector  
9 General to the Commission and the Attorney General, then the  
10 Commission may set a meeting of the Commission at which the  
11 Attorney General shall appear and provide a status report to  
12 the Commission.

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

1 identifies an informant or complainant.

2 (c-10) If, after reviewing the documents, the Commission  
3 believes that further investigation is warranted, the  
4 Commission may request that the Executive Inspector General  
5 provide additional information or conduct further  
6 investigation. The Commission may also appoint a Special  
7 Executive Inspector General to investigate or refer the summary  
8 report and response from the ultimate jurisdictional authority  
9 to the Attorney General for further investigation or review. If  
10 the Commission requests the Attorney General to investigate or  
11 review, the Commission must notify the Attorney General and the  
12 Inspector General. The Attorney General may not begin an  
13 investigation or review until receipt of notice from the  
14 Commission. If, after review, the Attorney General determines  
15 that reasonable cause exists to believe that a violation has  
16 occurred, then the Attorney General may file a complaint with  
17 the Executive Ethics Commission. If the Attorney General  
18 concludes that there is insufficient evidence that a violation  
19 has occurred, the Attorney General shall notify the Executive  
20 Ethics Commission and the appropriate Executive Inspector  
21 General.

22 (d) A copy of the complaint filed with the Executive Ethics  
23 Commission must be served on all respondents named in the  
24 complaint and on each respondent's ultimate jurisdictional  
25 authority in the same manner as process is served under the  
26 Code of Civil Procedure.

1 (e) A respondent may file objections to the complaint  
2 within 30 days after notice of the petition has been served on  
3 the respondent.

4 (f) The Commission shall meet, either in person or by  
5 telephone, at least 30 days after the complaint is served on  
6 all respondents in a closed session to review the sufficiency  
7 of the complaint. The Commission shall issue notice by  
8 certified mail, return receipt requested, to the Executive  
9 Inspector General, Attorney General, and all respondents of the  
10 Commission's ruling on the sufficiency of the complaint. If the  
11 complaint is deemed to sufficiently allege a violation of this  
12 Act, then the Commission shall include a hearing date scheduled  
13 within 4 weeks after the date of the notice, unless all of the  
14 parties consent to a later date. If the complaint is deemed not  
15 to sufficiently allege a violation, then the Commission shall  
16 send by certified mail, return receipt requested, a notice to  
17 the Executive Inspector General, Attorney General, and all  
18 respondents of the decision to dismiss the complaint.

19 (g) On the scheduled date the Commission shall conduct a  
20 closed meeting, either in person or, if the parties consent, by  
21 telephone, on the complaint and allow all parties the  
22 opportunity to present testimony and evidence. All such  
23 proceedings shall be transcribed.

24 (h) Within an appropriate time limit set by rules of the  
25 Executive Ethics Commission, the Commission shall (i) dismiss  
26 the complaint, (ii) issue a recommendation of discipline to the

1 respondent and the respondent's ultimate jurisdictional  
2 authority, (iii) impose an administrative fine upon the  
3 respondent, (iv) issue injunctive relief as described in  
4 Section 50-10, or (v) impose a combination of (ii) through  
5 (iv).

6 (i) The proceedings on any complaint filed with the  
7 Commission shall be conducted pursuant to rules promulgated by  
8 the Commission.

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

11 (k) In all proceedings before the Commission, the standard  
12 of proof is by a preponderance of the evidence.

13 (l) Within 30 days after the issuance of a final  
14 administrative decision that concludes that a violation  
15 occurred, the Executive Ethics Commission shall make public the  
16 entire record of proceedings before the Commission, the  
17 decision, any recommendation, any discipline imposed, and the  
18 response from the agency head or ultimate jurisdictional  
19 authority to the Executive Ethics Commission.

20 (Source: P.A. 100-588, eff. 6-8-18.)

21 (5 ILCS 430/20-63 new)

22 Sec. 20-63. Rights of persons subjected to discrimination,  
23 harassment, or sexual harassment.

24 (a) As used in this Section, "complainant" means a known  
25 person identified in a complaint filed with an Executive

1 Inspector General as a person subjected to alleged  
2 discrimination, harassment, or sexual harassment in violation  
3 of Section 5-65 of this Act, subsection (a) of Section 4.7 of  
4 the Lobbyist Registration Act, or Article 2 of the Illinois  
5 Human Rights Act, regardless of whether the complaint is filed  
6 by the person.

7 (b) A complainant shall have the following rights:

8 (1) within 5 business days of the Executive Inspector  
9 General receiving a complaint in which the complainant is  
10 identified, to be notified by the Executive Inspector  
11 General of the receipt of the complaint, the complainant's  
12 rights, and an explanation of the process, rules, and  
13 procedures related to the investigation of an allegation,  
14 and the duties of the Executive Inspector General and the  
15 Executive Ethics Commission;

16 (2) within 5 business days after the Executive  
17 Inspector General's decision to open or close an  
18 investigation into the complaint or refer the complaint to  
19 another appropriate agency, to be notified of the Executive  
20 Inspector General's decision; however, if the Executive  
21 Inspector General reasonably determines that publicly  
22 acknowledging the existence of an investigation would  
23 interfere with the conduct or completion of that  
24 investigation, the notification may be withheld until  
25 public acknowledgment of the investigation would no longer  
26 interfere with that investigation;

1           (3) to review statements and evidence given to the  
2           Executive Inspector General by the complainant and the  
3           Executive Inspector General's summarization of those  
4           statements and evidence, if such summary exists. The  
5           complainant may make suggestions of changes for the  
6           Executive Inspector General's consideration, but the  
7           Executive Inspector General shall have the final authority  
8           to determine what statements, evidence, and summaries are  
9           included in any report of the investigation;

10           (4) to have a union representative, attorney,  
11           co-worker, or other support person who is not involved in  
12           the investigation, at the complainant's expense, present  
13           at any interview or meeting, whether in person or by  
14           telephone or audio-visual communication, between the  
15           complainant and the Executive Inspector General or  
16           Executive Ethics Commission;

17           (5) to submit an impact statement that shall be  
18           included with the Executive Inspector General's summary  
19           report to the Executive Ethics Commission for its  
20           consideration;

21           (6) to testify at a hearing held under subsection (g)  
22           of Section 20-50, to the extent the hearing is based on an  
23           allegation of a violation of Section 5-65 of this Act or  
24           subsection (a) of Section 4.7 of the Lobbyist Registration  
25           Act involving the complainant, and have a single union  
26           representative, attorney, co-worker, or other support

1 person who is not involved in the investigation, at the  
2 complainant's expense, accompany him or her while  
3 testifying;

4 (7) to review, within 5 business days prior to its  
5 release, any portion of a summary report of the  
6 investigation subject to public release under this Article  
7 related to the allegations concerning the complainant,  
8 after redactions made by the Executive Ethics Commission,  
9 and offer suggestions for redaction or provide a response  
10 that shall be made public with the summary report; and

11 (8) to file a complaint with the Executive Ethics  
12 Commission for any violation of the complainant's rights  
13 under this Section by the Executive Inspector General.

14 (c) The complainant shall have the sole discretion in  
15 determining whether to exercise the rights set forth in this  
16 Section. All rights under this Section shall be waived if the  
17 complainant fails to cooperate with the Executive Inspector  
18 General's investigation of the complaint.

19 (d) The notice requirements imposed on Inspectors General  
20 by this Section shall be waived if the Inspector General is  
21 unable to identify or locate the complainant.

22 (e) A complainant receiving a copy of any summary report,  
23 in whole or in part, under this Section shall keep the report  
24 confidential and shall not disclose the report prior to the  
25 publication of the report by the Executive Ethics Commission. A  
26 complainant that violates this subsection (e) shall be subject



1 to an administrative fine by the Executive Ethics Commission of  
2 up to \$5,000.

3 (5 ILCS 430/25-5)

4 Sec. 25-5. Legislative Ethics Commission.

5 (a) The Legislative Ethics Commission is created.

6 (b) The Legislative Ethics Commission shall consist of 8  
7 commissioners appointed 2 each by the President and Minority  
8 Leader of the Senate and the Speaker and Minority Leader of the  
9 House of Representatives.

10 The terms of the initial commissioners shall commence upon  
11 qualification. Each appointing authority shall designate one  
12 appointee who shall serve for a 2-year term running through  
13 June 30, 2005. Each appointing authority shall designate one  
14 appointee who shall serve for a 4-year term running through  
15 June 30, 2007. The initial appointments shall be made within 60  
16 days after the effective date of this Act.

17 After the initial terms, commissioners shall serve for  
18 4-year terms commencing on July 1 of the year of appointment  
19 and running through June 30 of the fourth following year.  
20 Commissioners may be reappointed to one or more subsequent  
21 terms.

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

25 Terms shall run regardless of whether the position is

1 filled.

2 (c) The appointing authorities shall appoint commissioners  
3 who have experience holding governmental office or employment  
4 and may appoint commissioners who are members of the General  
5 Assembly as well as commissioners from the general public. A  
6 commissioner who is a member of the General Assembly must  
7 recuse himself or herself from participating in any matter  
8 relating to any investigation or proceeding in which he or she  
9 is the subject or is a complainant. A person is not eligible to  
10 serve as a commissioner if that person (i) has been convicted  
11 of a felony or a crime of dishonesty or moral turpitude, (ii)  
12 is, or was within the preceding 12 months, engaged in  
13 activities that require registration under the Lobbyist  
14 Registration Act, (iii) is a relative of the appointing  
15 authority, (iv) is a State officer or employee other than a  
16 member of the General Assembly, or (v) is a candidate for  
17 statewide office, federal office, or judicial office.

18 (c-5) If a commissioner is required to recuse himself or  
19 herself from participating in a matter as provided in  
20 subsection (c), the recusal shall create a temporary vacancy  
21 for the limited purpose of consideration of the matter for  
22 which the commissioner recused himself or herself, and the  
23 appointing authority for the recusing commissioner shall make a  
24 temporary appointment to fill the vacancy for consideration of  
25 the matter for which the commissioner recused himself or  
26 herself.

1           (d) The Legislative Ethics Commission shall have  
2 jurisdiction over current and former members of the General  
3 Assembly regarding events occurring during a member's term of  
4 office and current and former State employees regarding events  
5 occurring during any period of employment where the State  
6 employee's ultimate jurisdictional authority is (i) a  
7 legislative leader, (ii) the Senate Operations Commission, or  
8 (iii) the Joint Committee on Legislative Support Services. The  
9 Legislative Ethics Commission shall have jurisdiction over  
10 complainants in violation of subsection (e) of Section 25-63.  
11 The jurisdiction of the Commission is limited to matters  
12 arising under this Act.

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

18           (e) The Legislative Ethics Commission must meet, either in  
19 person or by other technological means, monthly or as often as  
20 necessary. At the first meeting of the Legislative Ethics  
21 Commission, the commissioners shall choose from their number a  
22 chairperson and other officers that they deem appropriate. The  
23 terms of officers shall be for 2 years commencing July 1 and  
24 running through June 30 of the second following year. Meetings  
25 shall be held at the call of the chairperson or any 3  
26 commissioners. Official action by the Commission shall require

1 the affirmative vote of 5 commissioners, and a quorum shall  
2 consist of 5 commissioners. Commissioners shall receive no  
3 compensation but may be reimbursed for their reasonable  
4 expenses actually incurred in the performance of their duties.

5 (f) No commissioner, other than a commissioner who is a  
6 member of the General Assembly, or employee of the Legislative  
7 Ethics Commission may during his or her term of appointment or  
8 employment:

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

10 (2) hold any other elected or appointed public office  
11 except for appointments on governmental advisory boards or  
12 study commissions or as otherwise expressly authorized by  
13 law;

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

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

19 (f-5) No commissioner who is a member of the General  
20 Assembly may be a candidate for statewide office, federal  
21 office, or judicial office. If a commissioner who is a member  
22 of the General Assembly files petitions to be a candidate for a  
23 statewide office, federal office, or judicial office, he or she  
24 shall be deemed to have resigned from his or her position as a  
25 commissioner on the date his or her name is certified for the  
26 ballot by the State Board of Elections or local election

1 authority and his or her position as a commissioner shall be  
2 deemed vacant. Such person may not be reappointed to the  
3 Commission during any time he or she is a candidate for  
4 statewide office, federal office, or judicial office.

5 (g) An appointing authority may remove a commissioner only  
6 for cause.

7 (h) The Legislative Ethics Commission shall appoint an  
8 Executive Director subject to the approval of at least 3 of the  
9 4 legislative leaders. The compensation of the Executive  
10 Director shall be as determined by the Commission. The  
11 Executive Director of the Legislative Ethics Commission may  
12 employ, subject to the approval of at least 3 of the 4  
13 legislative leaders, and determine the compensation of staff,  
14 as appropriations permit.

15 (i) In consultation with the Legislative Inspector  
16 General, the Legislative Ethics Commission may develop  
17 comprehensive training for members and employees under its  
18 jurisdiction that includes, but is not limited to, sexual  
19 harassment, employment discrimination, and workplace civility.  
20 The training may be recommended to the ultimate jurisdictional  
21 authorities and may be approved by the Commission to satisfy  
22 the sexual harassment training required under Section 5-10.5 or  
23 be provided in addition to the annual sexual harassment  
24 training required under Section 5-10.5. The Commission may seek  
25 input from governmental agencies or private entities for  
26 guidance in developing such training.

1 (Source: P.A. 100-588, eff. 6-8-18; revised 10-11-18.)

2 (5 ILCS 430/25-10)

3 Sec. 25-10. Office of Legislative Inspector General.

4 (a) The independent Office of the Legislative Inspector  
5 General is created. The Office shall be under the direction and  
6 supervision of the Legislative Inspector General and shall be a  
7 fully independent office with its own appropriation.

8 (b) The Legislative Inspector General shall be appointed  
9 without regard to political affiliation and solely on the basis  
10 of integrity and demonstrated ability. The Legislative Ethics  
11 Commission shall diligently search out qualified candidates  
12 for Legislative Inspector General and shall make  
13 recommendations to the General Assembly. The Legislative  
14 Inspector General may serve in a full-time, part-time, or  
15 contractual capacity.

16 The Legislative Inspector General shall be appointed by a  
17 joint resolution of the Senate and the House of  
18 Representatives, which may specify the date on which the  
19 appointment takes effect. A joint resolution, or other document  
20 as may be specified by the Joint Rules of the General Assembly,  
21 appointing the Legislative Inspector General must be certified  
22 by the Speaker of the House of Representatives and the  
23 President of the Senate as having been adopted by the  
24 affirmative vote of three-fifths of the members elected to each  
25 house, respectively, and be filed with the Secretary of State.

1 The appointment of the Legislative Inspector General takes  
2 effect on the day the appointment is completed by the General  
3 Assembly, unless the appointment specifies a later date on  
4 which it is to become effective.

5 The Legislative Inspector General shall have the following  
6 qualifications:

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

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

11 (3) has 5 or more years of cumulative service (A) with  
12 a federal, State, or local law enforcement agency, at least  
13 2 years of which have been in a progressive investigatory  
14 capacity; (B) as a federal, State, or local prosecutor; (C)  
15 as a senior manager or executive of a federal, State, or  
16 local agency; (D) as a member, an officer, or a State or  
17 federal judge; or (E) representing any combination of (A)  
18 through (D).

19 The Legislative Inspector General may not be a relative of  
20 a commissioner.

21 The term of the initial Legislative Inspector General shall  
22 commence upon qualification and shall run through June 30,  
23 2008.

24 After the initial term, the Legislative Inspector General  
25 shall serve for 5-year terms commencing on July 1 of the year  
26 of appointment and running through June 30 of the fifth

1 following year. The Legislative Inspector General may be  
2 reappointed to one or more subsequent terms. Terms shall run  
3 regardless of whether the position is filled.

4 (b-5) A vacancy occurring other than at the end of a term  
5 shall be filled in the same manner as an appointment only for  
6 the balance of the term of the Legislative Inspector General  
7 whose office is vacant. Within 7 days of the Office becoming  
8 vacant or receipt of a Legislative Inspector General's  
9 prospective resignation, the vacancy shall be publicly posted  
10 on the Commission's website, along with a description of the  
11 requirements for the position and where applicants may apply.

12 Within 45 days of the vacancy, the Commission shall  
13 designate an Acting Legislative Inspector General who shall  
14 serve until the vacancy is filled. The Commission shall file  
15 the designation in writing with the Secretary of State.

16 Within 60 days prior to the end of the term of the  
17 Legislative Inspector General or within 30 days of the  
18 occurrence of a vacancy in the Office of the Legislative  
19 Inspector General, the Legislative Ethics Commission shall  
20 establish a four-member search committee within the Commission  
21 for the purpose of conducting a search for qualified candidates  
22 to serve as Legislative Inspector General. The Speaker of the  
23 House of Representatives, Minority Leader of the House, Senate  
24 President, and Minority Leader of the Senate shall each appoint  
25 one member to the search committee. A member of the search  
26 committee shall be either a retired judge or former prosecutor



1 and may not be a member or employee of the General Assembly or  
2 a registered lobbyist. If the Legislative Ethics Commission  
3 wishes to recommend that the Legislative Inspector General be  
4 re-appointed, a search committee does not need to be appointed.

5 The search committee shall conduct a search for qualified  
6 candidates, accept applications, and conduct interviews. The  
7 search committee shall recommend up to 3 candidates for  
8 Legislative Inspector General to the Legislative Ethics  
9 Commission. The search committee shall be disbanded upon an  
10 appointment of the Legislative Inspector General. Members of  
11 the search committee are not entitled to compensation but shall  
12 be entitled to reimbursement of reasonable expenses incurred in  
13 connection with the performance of their duties.

14 Within 30 days after the effective date of this amendatory  
15 Act of the 100th General Assembly, the Legislative Ethics  
16 Commission shall create a search committee in the manner  
17 provided for in this subsection to recommend up to 3 candidates  
18 for Legislative Inspector General to the Legislative Ethics  
19 Commission by October 31, 2018.

20 If a vacancy exists and the Commission has not appointed an  
21 Acting Legislative Inspector General, either the staff of the  
22 Office of the Legislative Inspector General, or if there is no  
23 staff, the Executive Director, shall advise the Commission of  
24 all open investigations and any new allegations or complaints  
25 received in the Office of the Inspector General. These reports  
26 shall not include the name of any person identified in the

1 allegation or complaint, including, but not limited to, the  
2 subject of and the person filing the allegation or complaint.  
3 Notification shall be made to the Commission on a weekly basis  
4 unless the Commission approves of a different reporting  
5 schedule.

6 If the Office of the Inspector General is vacant for 6  
7 months or more beginning on or after January 1, 2019, and the  
8 Legislative Ethics Commission has not appointed an Acting  
9 Legislative Inspector General, all complaints made to the  
10 Legislative Inspector General or the Legislative Ethics  
11 Commission shall be directed to the Inspector General for the  
12 Auditor General, and he or she shall have the authority to act  
13 as provided in subsection (c) of this Section and Section 25-20  
14 of this Act, and shall be subject to all laws and rules  
15 governing a Legislative Inspector General or Acting  
16 Legislative Inspector General. The authority for the Inspector  
17 General of the Auditor General under this paragraph shall  
18 terminate upon appointment of a Legislative Inspector General  
19 or an Acting Legislative Inspector General.

20 (c) The Legislative Inspector General shall have  
21 jurisdiction over the 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.

2 The jurisdiction of each Legislative Inspector General is  
3 to investigate allegations of fraud, waste, abuse,  
4 mismanagement, misconduct, nonfeasance, misfeasance,  
5 malfeasance, or violations of this Act or violations of other  
6 related laws and rules.

7 The Legislative Inspector General shall have jurisdiction  
8 over complainants in violation of subsection (e) of Section  
9 25-63 of this Act.

10 (d) The compensation of the Legislative Inspector General  
11 shall be the greater of an amount (i) determined by the  
12 Commission or (ii) by joint resolution of the General Assembly  
13 passed by a majority of members elected in each chamber.  
14 Subject to Section 25-45 of this Act, the Legislative Inspector  
15 General has full authority to organize the Office of the  
16 Legislative Inspector General, including the employment and  
17 determination of the compensation of staff, such as deputies,  
18 assistants, and other employees, as appropriations permit.  
19 Employment of staff is subject to the approval of at least 3 of  
20 the 4 legislative leaders.

21 (e) No Legislative Inspector General or employee of the  
22 Office of the Legislative Inspector General may, during his or  
23 her term of appointment or employment:

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

25 (2) hold any other elected or appointed public office  
26 except for appointments on governmental advisory boards or

1 study commissions or as otherwise expressly authorized by  
2 law;

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

5 (4) actively participate in any campaign for any  
6 elective office.

7 A full-time Legislative Inspector General shall not engage  
8 in the practice of law or any other business, employment, or  
9 vocation.

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

14 (e-1) No Legislative Inspector General or employee of the  
15 Office of the Legislative Inspector General may, for one year  
16 after the termination of his or her appointment or employment:

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

18 (2) hold any elected public office; or

19 (3) hold any appointed State, county, or local judicial  
20 office.

21 (e-2) The requirements of item (3) of subsection (e-1) may  
22 be waived by the Legislative Ethics Commission.

23 (f) The Commission may remove the Legislative Inspector  
24 General only for cause. At the time of the removal, the  
25 Commission must report to the General Assembly the  
26 justification for the removal.

1 (Source: P.A. 100-588, eff. 6-8-18.)

2 (5 ILCS 430/25-50)

3 Sec. 25-50. Investigation reports.

4 (a) If the Legislative Inspector General, upon the  
5 conclusion of an investigation, determines that reasonable  
6 cause exists to believe that a violation has occurred, then the  
7 Legislative Inspector General shall issue a summary report of  
8 the investigation. The report shall be delivered to the  
9 appropriate ultimate jurisdictional authority, to the head of  
10 each State agency affected by or involved in the investigation,  
11 if appropriate, and the member, if any, that is the subject of  
12 the report. The appropriate ultimate jurisdictional authority  
13 or agency head and the member, if any, that is the subject of  
14 the report shall respond to the summary report within 20 days,  
15 in writing, to the Legislative Inspector General. If the  
16 ultimate jurisdictional authority is the subject of the report,  
17 he or she may only respond to the summary report in his or her  
18 capacity as the subject of the report and shall not respond in  
19 his or her capacity as the ultimate jurisdictional authority.  
20 The response shall include a description of any corrective or  
21 disciplinary action to be imposed. If the appropriate ultimate  
22 jurisdictional authority or the member that is the subject of  
23 the report does not respond within 20 days, or within an  
24 extended time as agreed to by the Legislative Inspector  
25 General, the Legislative Inspector General may proceed under

1 subsection (c) as if a response had been received. A member  
2 receiving and responding to a report under this Section shall  
3 be deemed to be acting in his or her official capacity.

4 (b) The summary report of the investigation shall include  
5 the following:

6 (1) A description of any allegations or other  
7 information received by the Legislative Inspector General  
8 pertinent to the investigation.

9 (2) A description of any alleged misconduct discovered  
10 in the course of the investigation.

11 (3) Recommendations for any corrective or disciplinary  
12 action to be taken in response to any alleged misconduct  
13 described in the report, including but not limited to  
14 discharge.

15 (4) Other information the Legislative Inspector  
16 General deems relevant to the investigation or resulting  
17 recommendations.

18 (c) Within 30 days after receiving a response from the  
19 appropriate ultimate jurisdictional authority or agency head  
20 under subsection (a), the Legislative Inspector General shall  
21 notify the Commission and the Attorney General if the  
22 Legislative Inspector General believes that a complaint should  
23 be filed with the Commission. If the Legislative Inspector  
24 General desires to file a complaint with the Commission, the  
25 Legislative Inspector General shall submit the summary report  
26 and supporting documents to the Attorney General. If the

1 Attorney General concludes that there is insufficient evidence  
2 that a violation has occurred, the Attorney General shall  
3 notify the Legislative Inspector General and the Legislative  
4 Inspector General shall deliver to the Legislative Ethics  
5 Commission a copy of the summary report and response from the  
6 ultimate jurisdictional authority or agency head. If the  
7 Attorney General determines that reasonable cause exists to  
8 believe that a violation has occurred, then the Legislative  
9 Inspector General, represented by the Attorney General, may  
10 file with the Legislative Ethics Commission a complaint. The  
11 complaint shall set forth the alleged violation and the grounds  
12 that exist to support the complaint. Except as provided under  
13 subsection (1.5) of Section 20, the complaint must be filed  
14 with the Commission within 12 months after the Legislative  
15 Inspector General's receipt of the allegation of the violation  
16 ~~18 months after the most recent act of the alleged violation or~~  
17 ~~of a series of alleged violations~~ except where there is  
18 reasonable cause to believe that fraudulent concealment has  
19 occurred. To constitute fraudulent concealment sufficient to  
20 toll this limitations period, there must be an affirmative act  
21 or representation calculated to prevent discovery of the fact  
22 that a violation has occurred. If a complaint is not filed with  
23 the Commission within 6 months after notice by the Inspector  
24 General to the Commission and the Attorney General, then the  
25 Commission may set a meeting of the Commission at which the  
26 Attorney General shall appear and provide a status report to

1 the Commission.

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

17 (c-10) If, after reviewing the documents, the Commission  
18 believes that further investigation is warranted, the  
19 Commission may request that the Legislative Inspector General  
20 provide additional information or conduct further  
21 investigation. The Commission may also refer the summary report  
22 and response from the ultimate jurisdictional authority to the  
23 Attorney General for further investigation or review. If the  
24 Commission requests the Attorney General to investigate or  
25 review, the Commission must notify the Attorney General and the  
26 Legislative Inspector General. The Attorney General may not



1 begin an investigation or review until receipt of notice from  
2 the Commission. If, after review, the Attorney General  
3 determines that reasonable cause exists to believe that a  
4 violation has occurred, then the Attorney General may file a  
5 complaint with the Legislative Ethics Commission. If the  
6 Attorney General concludes that there is insufficient evidence  
7 that a violation has occurred, the Attorney General shall  
8 notify the Legislative Ethics Commission and the appropriate  
9 Legislative Inspector General.

10 (d) A copy of the complaint filed with the Legislative  
11 Ethics Commission must be served on all respondents named in  
12 the complaint and on each respondent's ultimate jurisdictional  
13 authority in the same manner as process is served under the  
14 Code of Civil Procedure.

15 (e) A respondent may file objections to the complaint  
16 within 30 days after notice of the petition has been served on  
17 the respondent.

18 (f) The Commission shall meet, at least 30 days after the  
19 complaint is served on all respondents either in person or by  
20 telephone, in a closed session to review the sufficiency of the  
21 complaint. The Commission shall issue notice by certified mail,  
22 return receipt requested, to the Legislative Inspector  
23 General, the Attorney General, and all respondents of the  
24 Commission's ruling on the sufficiency of the complaint. If the  
25 complaint is deemed to sufficiently allege a violation of this  
26 Act, then the Commission shall include a hearing date scheduled

1 within 4 weeks after the date of the notice, unless all of the  
2 parties consent to a later date. If the complaint is deemed not  
3 to sufficiently allege a violation, then the Commission shall  
4 send by certified mail, return receipt requested, a notice to  
5 the Legislative Inspector General, the Attorney General, and  
6 all respondents the decision to dismiss the complaint.

7 (g) On the scheduled date the Commission shall conduct a  
8 closed meeting, either in person or, if the parties consent, by  
9 telephone, on the complaint and allow all parties the  
10 opportunity to present testimony and evidence. All such  
11 proceedings shall be transcribed.

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

20 (i) The proceedings on any complaint filed with the  
21 Commission shall be conducted pursuant to rules promulgated by  
22 the Commission.

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

25 (k) In all proceedings before the Commission, the standard  
26 of proof is by a preponderance of the evidence.

1           (1) Within 30 days after the issuance of a final  
2 administrative decision that concludes that a violation  
3 occurred, the Legislative Ethics Commission shall make public  
4 the entire record of proceedings before the Commission, the  
5 decision, any recommendation, any discipline imposed, and the  
6 response from the agency head or ultimate jurisdictional  
7 authority to the Legislative Ethics Commission.

8           (Source: P.A. 100-588, eff. 6-8-18.)

9           (5 ILCS 430/25-63 new)

10           Sec. 25-63. Rights of persons subjected to discrimination,  
11 harassment, or sexual harassment.

12           (a) As used in this Section, "complainant" means a known  
13 person identified in a complaint filed with the Legislative  
14 Inspector General as a person subjected to alleged  
15 discrimination, harassment, or sexual harassment in violation  
16 of Section 5-65 of this Act or Article 2 of the Illinois Human  
17 Rights Act, regardless of whether the complaint is filed by the  
18 person.

19           (b) A complainant shall have the following rights:

20           (1) within 5 business days of the Legislative Inspector  
21 General receiving a complaint in which the complainant is  
22 identified, to be notified by the Legislative Inspector  
23 General of the receipt of the complaint, the complainant's  
24 rights, and an explanation of the process, rules, and  
25 procedures related to the investigating an allegation, and

1 the duties of the Legislative Inspector General and the  
2 Legislative Ethics Commission;

3 (2) within 5 business days after the Legislative  
4 Inspector General's decision to open or close an  
5 investigation into the complaint or refer the complaint to  
6 another appropriate agency, to be notified of the  
7 Legislative Inspector General's decision; however, if the  
8 Legislative Inspector General reasonably determines that  
9 publicly acknowledging the existence of an investigation  
10 would interfere with the conduct or completion of that  
11 investigation, the notification may be withheld until  
12 public acknowledgment of the investigation would no longer  
13 interfere with that investigation;

14 (3) to review statements and evidence given to the  
15 Legislative Inspector General by the complainant and the  
16 Legislative Inspector General's summarization of those  
17 statements and evidence, if such summary exists. The  
18 complainant may make suggestions of changes for the  
19 Legislative Inspector General's consideration, but the  
20 Legislative Inspector General shall have the final  
21 authority to determine what statements, evidence, and  
22 summaries are included in any report of the investigation;

23 (4) to have a union representative, attorney,  
24 co-worker, or other support person who is not involved in  
25 the investigation, at the complainant's expense, present  
26 at any interview or meeting, whether in person or by

1 telephone or audio-visual communication, between the  
2 complainant and the Legislative Inspector General or  
3 Legislative Ethics Commission;

4 (5) to submit a complainant impact statement that shall  
5 be included with the Legislative Inspector General's  
6 summary report to the Legislative Ethics Commission for its  
7 consideration;

8 (6) to testify at a hearing held under subsection (g)  
9 of Section 25-50, to the extent the hearing is based on an  
10 allegation of a violation of Section 5-65 of this Act  
11 involving the complainant, and have a single union  
12 representative, attorney, co-worker, or other support  
13 person who is not involved in the investigation, at the  
14 complainant's expense, accompany him or her while  
15 testifying;

16 (7) to review, within 5 business days prior to its  
17 release, any portion of a summary report of the  
18 investigation subject to public release under this Article  
19 related to the allegations concerning the complainant,  
20 after redactions made by the Legislative Ethics  
21 Commission, and offer suggestions for redaction or provide  
22 a response that shall be made public with the summary  
23 report; and

24 (8) to file a complaint with the Legislative Ethics  
25 Commission for any violation of the complainant's rights  
26 under this Section by the Legislative Inspector General.

1       (c) The complainant shall have the sole discretion in  
2 determining whether or not to exercise the rights set forth in  
3 this Section. All rights under this Section shall be waived if  
4 the complainant fails to cooperate with the Legislative  
5 Inspector General's investigation of the complaint.

6       (d) The notice requirements imposed on the Legislative  
7 Inspector General by this Section shall be waived if the  
8 Legislative Inspector General is unable to identify or locate  
9 the complainant.

10       (e) A complainant receiving a copy of any summary report,  
11 in whole or in part, under this Section shall keep the report  
12 confidential and shall not disclose the report prior to the  
13 publication of the report by the Legislative Ethics Commission.  
14 A complainant that violates this subsection (e) shall be  
15 subject to an administrative fine by the Legislative Ethics  
16 Commission of up to \$5,000.

17       (5 ILCS 430/70-5)

18       Sec. 70-5. Adoption by governmental entities.

19       (a) Within 6 months after the effective date of this Act,  
20 each governmental entity other than a community college  
21 district, and each community college district within 6 months  
22 after the effective date of this amendatory Act of the 95th  
23 General Assembly, shall adopt an ordinance or resolution that  
24 regulates, in a manner no less restrictive than Section 5-15  
25 and Article 10 of this Act, (i) the political activities of

1 officers and employees of the governmental entity and (ii) the  
2 soliciting and accepting of gifts by and the offering and  
3 making of gifts to officers and employees of the governmental  
4 entity. No later than 60 days after the effective date of this  
5 amendatory Act of the 100th General Assembly, each governmental  
6 unit shall adopt an ordinance or resolution establishing a  
7 policy to prohibit sexual harassment. The policy shall include,  
8 at a minimum: (i) a prohibition on sexual harassment; (ii)  
9 details on how an individual can report an allegation of sexual  
10 harassment, including options for making a confidential report  
11 to a supervisor, ethics officer, Inspector General, or the  
12 Department of Human Rights; (iii) a prohibition on retaliation  
13 for reporting sexual harassment allegations, including  
14 availability of whistleblower protections under this Act, the  
15 Whistleblower Act, and the Illinois Human Rights Act; and (iv)  
16 the consequences of a violation of the prohibition on sexual  
17 harassment and the consequences for knowingly making a false  
18 report. Within 6 months after the effective date of this  
19 amendatory Act of the 101st General Assembly, each governmental  
20 unit that is not subject to the jurisdiction of a State or  
21 local Inspector General shall adopt an ordinance or resolution  
22 amending its sexual harassment policy to provide for a  
23 mechanism for reporting and independent review of allegations  
24 of sexual harassment made against an elected official of the  
25 governmental unit by another elected official of a governmental  
26 unit.

1           (b) Within 3 months after the effective date of this  
2 amendatory Act of the 93rd General Assembly, the Attorney  
3 General shall develop model ordinances and resolutions for the  
4 purpose of this Article. The Attorney General shall advise  
5 governmental entities on their contents and adoption.

6           (c) As used in this Article, (i) an "officer" means an  
7 elected or appointed official; regardless of whether the  
8 official is compensated, and (ii) an "employee" means a  
9 full-time, part-time, or contractual employee.

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

11           Section 6-15. The Lobbyist Registration Act is amended by  
12 changing Section 4.7 as follows:

13           (25 ILCS 170/4.7)

14           Sec. 4.7. Prohibition on sexual harassment.

15           (a) All persons have the right to work in an environment  
16 free from sexual harassment. All persons subject to this Act  
17 shall refrain from sexual harassment of any person.

18           (b) Until January 1, 2020 ~~Beginning January 1, 2018~~, each  
19 natural person required to register as a lobbyist under this  
20 Act must complete, at least annually, a sexual harassment  
21 training program provided by the Secretary of State. A natural  
22 person registered under this Act must complete the training  
23 program no later than 30 days after registration or renewal  
24 under this Act. This requirement does not apply to a lobbying



1 entity or a client that hires a lobbyist that (i) does not have  
2 employees of the lobbying entity or client registered as  
3 lobbyists, or (ii) does not have an actual presence in  
4 Illinois.

5 (b-5) Beginning January 1, 2020, each natural person  
6 required to register as a lobbyist under this Act must  
7 complete, at least annually, a harassment and discrimination  
8 prevention training program provided by the Secretary of State.  
9 A natural person registered under this Act must complete the  
10 training program no later than 30 days after registration or  
11 renewal under this Act. This requirement does not apply to a  
12 lobbying entity or a client that hires a lobbyist that (i) does  
13 not have employees of the lobbying entity or client registered  
14 as lobbyists, or (ii) does not have an actual presence in  
15 Illinois. For the purposes of this subsection, "unlawful  
16 discrimination" and "harassment" mean unlawful discrimination  
17 and harassment prohibited under Section 2-102 of the Illinois  
18 Human Rights Act.

19 (c) No later than January 1, 2018, each natural person and  
20 any entity required to register under this Act shall have a  
21 written sexual harassment policy that shall include, at a  
22 minimum: (i) a prohibition on sexual harassment; (ii) details  
23 on how an individual can report an allegation of sexual  
24 harassment, including options for making a confidential report  
25 to a supervisor, ethics officer, Inspector General, or the  
26 Department of Human Rights; (iii) a prohibition on retaliation

1 for reporting sexual harassment allegations, including  
2 availability of whistleblower protections under the State  
3 Officials and Employee Ethics Act, the Whistleblower Act, and  
4 the Illinois Human Rights Act; and (iv) the consequences of a  
5 violation of the prohibition on sexual harassment and the  
6 consequences for knowingly making a false report.

7 (d) For purposes of this Act, "sexual harassment" means any  
8 unwelcome sexual advances or requests for sexual favors or any  
9 conduct of a sexual nature when: (i) submission to such conduct  
10 is made either explicitly or implicitly a term or condition of  
11 an individual's employment; (ii) submission to or rejection of  
12 such conduct by an individual is used as the basis for  
13 employment decisions affecting such individual; or (iii) such  
14 conduct has the purpose or effect of substantially interfering  
15 with an individual's work performance or creating an  
16 intimidating, hostile, or offensive working environment. For  
17 the purposes of this definition, the phrase "working  
18 environment" is not limited to a physical location an employee  
19 is assigned to perform his or her duties and does not require  
20 an employment relationship.

21 (e) The Secretary of State shall adopt rules for the  
22 implementation of this Section. In order to provide for the  
23 expeditious and timely implementation of this Section, the  
24 Secretary of State shall adopt emergency rules under subsection  
25 (z) of Section 5-45 of the Illinois Administrative Procedure  
26 Act for the implementation of this Section no later than 60

1 days after the effective date of this amendatory Act of the  
2 100th General Assembly.

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

4 Article 99.

5 Section 99-97. Severability. The provisions of this Act are  
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 99-99. Effective date. This Act takes effect  
8 January 1, 2020, except that: (i) Article 5 takes effect July  
9 1, 2020; and (ii) Article 6 and this Article take effect upon  
10 becoming law."