



Sen. Ram Villivalam

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LRB101 04852 JLS 57850 a

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 "Section 1. Short title. This Act may be cited as the Hotel
5 and Casino Employee Safety Act.

6 Section 5. Definitions. As used in this Act:

7 "Casino" has the meaning ascribed to the term "riverboat"
8 under the Riverboat Gambling Act.

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

16 "Complaining employee" means an employee who has alleged an

1 instance of sexual assault or sexual harassment by a guest.

2 "Employee" means any natural person who works full-time or
3 part-time for a hotel employer or casino employer for or under
4 the direction of the hotel employer or casino employer or any
5 subcontractor of the hotel employer or casino employer for
6 wages or salary or remuneration of any type under a contract or
7 subcontract of employment.

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

15 "Guest room" means any room made available by a hotel for
16 overnight occupancy by guests.

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

22 "Hotel employer" means any person, business entity, or
23 organization that operates a hotel and either directly employs
24 or through a subcontractor, including through the services of a
25 temporary staffing agency, exercises direction and control
26 over any natural person who is working on the hotel premises

1 and employed in furtherance of the hotel's provision of lodging
2 to travelers and guests.

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

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

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

20 "Sexual harassment" means any harassment or discrimination
21 on the basis of an individual's actual or perceived sex or
22 gender, including unwelcome sexual advances, requests for
23 sexual favors, or other verbal or physical conduct of a sexual
24 nature.

25 Section 10. Hotels and casinos; safety devices;

1 anti-sexual harassment policies.

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

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

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

19 (2) describe the procedures that the complaining
20 employee and hotel employer or casino employer shall follow
21 in cases under paragraph (1);

22 (3) instruct the complaining employee to cease work and
23 to leave the immediate area where danger is perceived until
24 hotel or casino security personnel or police arrive to
25 provide assistance;

26 (4) offer temporary work assignments to the

1 complaining employee during the duration of the offending
2 guest's stay at the hotel or casino, which may include
3 assigning the complaining employee to work on a different
4 floor or at a different station or work area away from the
5 offending guest;

6 (5) provide the complaining employee with necessary
7 paid time off to:

8 (A) file a police report or criminal complaint with
9 the appropriate local authorities against the
10 offending guest; and

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

17 (6) inform the complaining employee that the Illinois
18 Human Rights Act and Title VII of the Civil Rights Act of
19 1964 provide additional protections against sexual
20 harassment in the workplace; and

21 (7) inform the complaining employee that Section 15
22 makes it illegal for an employer to retaliate against any
23 employee who: reasonably uses a safety device or
24 notification device; in good faith avails himself or
25 herself of the requirements set forth in paragraph (3),
26 (4), or (5); or discloses, reports, or testifies about any

1 violation of this Act or rules adopted under this Act.

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

14 Section 15. Retaliation prohibited. It is unlawful for a
15 hotel employer or casino employer to retaliate against an
16 employee for:

17 (1) reasonably using a safety device or notification
18 device;

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

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

24 Section 20. Violations. An employee or representative of

1 employees claiming a violation of this Act may bring an action
2 against the hotel employer or casino employer in the circuit
3 court of the county in which the hotel or casino is located and
4 is entitled to all remedies available under the law or in
5 equity appropriate to remedy any such violation, including, but
6 not limited to, injunctive relief or other equitable relief
7 including reinstatement and compensatory damages. Before a
8 representative of employees may bring a claim under this Act,
9 the representative must first notify the hotel employer or
10 casino employer in writing of the alleged violation under this
11 Act and allow the hotel employer or casino employer 15 calendar
12 days to remedy the alleged violation. An employee or
13 representative of employees that successfully brings a claim
14 under this Act shall be awarded reasonable attorney's fees and
15 costs. An award of economic damages shall not exceed \$350 for
16 each violation. Each day that a violation continues constitutes
17 a separate violation.

18 Section 99. Effective date. This Act takes effect July 1,
19 2020."