



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3582

Introduced 2/22/2021, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

820 ILCS 180/10
820 ILCS 180/20
820 ILCS 180/25
820 ILCS 180/30
820 ILCS 180/35
820 ILCS 180/45
820 ILCS 405/601

from Ch. 48, par. 431

Amends the Victims' Economic Security and Safety Act. Provides that victims and family members of victims of crimes of violence (in addition to victims of domestic violence, sexual violence, and gender violence) are subject to the provisions of the Act regarding unpaid leave and prohibited discriminatory acts. Amends the Unemployment Insurance Act. Provides that victims of crimes of violence shall not be barred from collecting voluntary leave benefits. Defines terms. Makes other changes.

LRB102 15003 JLS 20358 b

1 AN ACT concerning employment.

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

4 Section 5. The Victims' Economic Security and Safety Act
5 is amended by changing Sections 10, 20, 25, 30, 35, and 45 as
6 follows:

7 (820 ILCS 180/10)

8 Sec. 10. Definitions. In this Act, except as otherwise
9 expressly provided:

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

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

22 (2.5) "Crime of violence" means any conduct proscribed
23 by Articles 9, 11, 12, 26.5, 29D, and 33A of the Criminal

1 Code of 2012 or a similar provision of Criminal Code of
2 1961, in addition to conduct proscribed by Articles of the
3 Criminal Code of 2012 referenced in other definitions in
4 this Section.

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

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

7 (5) "Domestic violence, sexual violence, or gender
8 violence" means domestic violence, sexual assault, gender
9 violence, or stalking.

10 (6) "Domestic violence" means abuse, as defined in
11 Section 103 of the Illinois Domestic Violence Act of 1986,
12 by a family or household member, as defined in Section 103
13 of the Illinois Domestic Violence Act of 1986.

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

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

22 (9) Employee.

23 (A) In general. "Employee" means any person
24 employed by an employer.

25 (B) Basis. "Employee" includes a person employed
26 as described in subparagraph (A) on a full or

1 part-time basis, or as a participant in a work
2 assignment as a condition of receipt of federal or
3 State income-based public assistance.

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

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

19 (12) "Family or household member", for employees with
20 a family or household member who is a victim of domestic
21 violence, sexual violence, ~~or~~ gender violence, or any other
22 crime of violence, means a spouse or party to a civil
23 union, parent, grandparent, child, grandchild, sibling, or
24 any son, daughter, other person related by blood or by
25 present or prior marriage or civil union, other person who
26 shares a relationship through a child, or whose close

1 relationship with the employee is the equivalent of a
2 family relationship as determined by the employee ~~son or~~
3 ~~daughter,~~ and persons jointly residing in the same
4 household.

5 (12.5) "Gender violence" means:

6 (A) one or more acts of violence or aggression
7 satisfying the elements of any criminal offense under the
8 laws of this State that are committed, at least in part, on
9 the basis of a person's actual or perceived sex or gender,
10 regardless of whether the acts resulted in criminal
11 charges, prosecution, or conviction;

12 (B) a physical intrusion or physical invasion of a
13 sexual nature under coercive conditions satisfying the
14 elements of any criminal offense under the laws of this
15 State, regardless of whether the intrusion or invasion
16 resulted in criminal charges, prosecution, or conviction;
17 or

18 (C) a threat of an act described in item (A) or (B)
19 causing a realistic apprehension that the originator of
20 the threat will commit the act.

21 (13) (Blank). ~~"Parent" means the biological parent of~~
22 ~~an employee or an individual who stood in loco parentis to~~
23 ~~an employee when the employee was a son or daughter. "Son~~
24 ~~or daughter" means a biological, adopted, or foster child,~~
25 ~~a stepchild, a legal ward, or a child of a person standing~~
26 ~~in loco parentis, who is under 18 years of age, or is 18~~

1 ~~years of age or older and incapable of self-care because~~
2 ~~of a mental or physical disability.~~

3 (14) "Perpetrator" means an individual who commits or
4 is alleged to have committed any act or threat of domestic
5 violence, sexual violence, ~~or~~ gender violence, or any
6 other crime of violence.

7 (15) "Person" means an individual, partnership,
8 association, corporation, business trust, legal
9 representative, or any organized group of persons.

10 (16) "Public agency" means the Government of the State
11 or political subdivision thereof; any agency of the State,
12 or of a political subdivision of the State; or any
13 governmental agency.

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

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

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

22 (20) "Sexual assault" means any conduct proscribed by:
23 (i) Article 11 of the Criminal Code of 2012 except
24 Sections 11-35 and 11-45; (ii) Sections 12-13, 12-14,
25 12-14.1, 12-15, and 12-16 of the Criminal Code of 2012; or
26 (iii) a similar provision of the Criminal Code of 1961.

1 (20.5) "Sexual violence" means sexual assault.

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

5 (22) "Victim" or "survivor" means an individual who
6 has been subjected to domestic violence, sexual violence,
7 or gender violence, or any other crime of violence.
8 "Victim" also includes any person described as a victim,
9 as defined under Section 2 of the Crime Victims
10 Compensation Act.

11 (23) "Victim services organization" means a nonprofit,
12 nongovernmental organization that provides assistance to
13 victims of domestic violence, sexual violence, ~~or~~ gender
14 violence, or any other crime of violence or to advocates
15 for such victims, including a rape crisis center, an
16 organization carrying out a domestic violence program, an
17 organization operating a shelter or providing counseling
18 services, or a legal services organization or other
19 organization providing assistance through the legal
20 process.

21 (Source: P.A. 101-221, eff. 1-1-20.)

22 (820 ILCS 180/20)

23 Sec. 20. Entitlement to leave due to domestic violence,
24 sexual violence, ~~or~~ gender violence, or any other crime of
25 violence.

1 (a) Leave requirement.

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

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

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

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

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

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

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

1 decrease during the relevant 12-month period. This Act
2 does not create a right for an employee to take unpaid
3 leave that exceeds the unpaid leave time allowed under, or
4 is in addition to the unpaid leave time permitted by, the
5 federal Family and Medical Leave Act of 1993 (29 U.S.C.
6 2601 et seq.).

7 (3) Schedule. Leave described in paragraph (1) may be
8 taken consecutively, intermittently, or on a reduced work
9 schedule.

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

18 (c) Certification.

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

21 (A) the employee or the employee's family or
22 household member is a victim of domestic violence,
23 sexual violence, ~~or~~ gender violence, or any other
24 crime of violence; and

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

1 The employee shall provide such certification to the
2 employer within a reasonable period after the employer
3 requests certification.

4 (2) Contents. An employee may satisfy the
5 certification requirement of paragraph (1) by providing to
6 the employer a sworn statement of the employee, and if the
7 employee has possession of such document, the employee
8 shall provide one of the following documents ~~upon~~
9 ~~obtaining such documents the employee shall provide:~~

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

18 (B) a police or court record; or

19 (C) other corroborating evidence.

20 The employee shall choose which document to submit,
21 and the employer shall not request or require more than
22 one document to be submitted during the same 12-month
23 period leave is requested or taken if the reason for leave
24 is related to the same incident or incidents of violence
25 or the same perpetrator or perpetrators of the violence.

26 (d) Confidentiality. All information provided to the

1 employer pursuant to subsection (b) or (c), including a
2 statement of the employee or any other documentation, record,
3 or corroborating evidence, and the fact that the employee has
4 requested or obtained leave pursuant to this Section, shall be
5 retained in the strictest confidence by the employer, except
6 to the extent that disclosure is:

7 (1) requested or consented to in writing by the
8 employee; or

9 (2) otherwise required by applicable federal or State
10 law.

11 (e) Employment and benefits.

12 (1) Restoration to position.

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

16 (i) to be restored by the employer to the
17 position of employment held by the employee when
18 the leave commenced; or

19 (ii) to be restored to an equivalent position
20 with equivalent employment benefits, pay, and
21 other terms and conditions of employment.

22 (B) Loss of benefits. The taking of leave under
23 this Section shall not result in the loss of any
24 employment benefit accrued prior to the date on which
25 the leave commenced.

26 (C) Limitations. Nothing in this subsection shall

1 be construed to entitle any restored employee to:

2 (i) the accrual of any seniority or employment
3 benefits during any period of leave; or

4 (ii) any right, benefit, or position of
5 employment other than any right, benefit, or
6 position to which the employee would have been
7 entitled had the employee not taken the leave.

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

13 (2) Maintenance of health benefits.

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

23 (B) Failure to return from leave. The employer may
24 recover the premium that the employer paid for
25 maintaining coverage for the employee and the
26 employee's family or household member under such group

1 health plan during any period of leave under this
2 Section if:

3 (i) the employee fails to return from leave
4 under this Section after the period of leave to
5 which the employee is entitled has expired; and

6 (ii) the employee fails to return to work for
7 a reason other than:

8 (I) the continuation, recurrence, or onset
9 of domestic violence, sexual violence, ~~or~~
10 gender violence, or any other crime of violence
11 that entitles the employee to leave pursuant
12 to this Section; or

13 (II) other circumstances beyond the
14 control of the employee.

15 (C) Certification.

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

24 (ii) Contents. An employee may satisfy the
25 certification requirement of clause (i) by
26 providing to the employer:

- 1 (I) a sworn statement of the employee;
- 2 (II) documentation from an employee,
- 3 agent, or volunteer of a victim services
- 4 organization, an attorney, a member of the
- 5 clergy, or a medical or other professional
- 6 from whom the employee has sought assistance
- 7 in addressing domestic violence, sexual
- 8 violence, ~~or~~ gender violence, or any other
- 9 crime of violence and the effects of that
- 10 violence;
- 11 (III) a police or court record; or
- 12 (IV) other corroborating evidence.

13 The employee shall choose which document to submit,

14 and the employer shall not request or require more than

15 one document to be submitted.

16 (D) Confidentiality. All information provided to

17 the employer pursuant to subparagraph (C), including a

18 statement of the employee or any other documentation,

19 record, or corroborating evidence, and the fact that

20 the employee is not returning to work because of a

21 reason described in subclause (I) or (II) of

22 subparagraph (B)(ii) shall be retained in the

23 strictest confidence by the employer, except to the

24 extent that disclosure is:

- 25 (i) requested or consented to in writing by
- 26 the employee; or

1 (ii) otherwise required by applicable federal
2 or State law.

3 (f) Prohibited acts.

4 (1) Interference with rights.

5 (A) Exercise of rights. It shall be unlawful for
6 any employer to interfere with, restrain, or deny the
7 exercise of or the attempt to exercise any right
8 provided under this Section.

9 (B) Employer discrimination. It shall be unlawful
10 for any employer to discharge or harass any
11 individual, or otherwise discriminate against any
12 individual with respect to compensation, terms,
13 conditions, or privileges of employment of the
14 individual (including retaliation in any form or
15 manner) because the individual:

16 (i) exercised any right provided under this
17 Section; or

18 (ii) opposed any practice made unlawful by
19 this Section.

20 (C) Public agency sanctions. It shall be unlawful
21 for any public agency to deny, reduce, or terminate
22 the benefits of, otherwise sanction, or harass any
23 individual, or otherwise discriminate against any
24 individual with respect to the amount, terms, or
25 conditions of public assistance of the individual
26 (including retaliation in any form or manner) because

1 the individual:

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

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

6 (2) Interference with proceedings or inquiries. It
7 shall be unlawful for any person to discharge or in any
8 other manner discriminate (as described in subparagraph
9 (B) or (C) of paragraph (1)) against any individual
10 because such individual:

11 (A) has filed any charge, or has instituted or
12 caused to be instituted any proceeding, under or
13 related to this Section;

14 (B) has given, or is about to give, any
15 information in connection with any inquiry or
16 proceeding relating to any right provided under this
17 Section; or

18 (C) has testified, or is about to testify, in any
19 inquiry or proceeding relating to any right provided
20 under this Section.

21 (Source: P.A. 101-221, eff. 1-1-20.)

22 (820 ILCS 180/25)

23 Sec. 25. Existing leave usable for addressing domestic
24 violence, sexual violence, ~~or~~ gender violence, or any criminal
25 violence. An employee who is entitled to take paid or unpaid

1 leave (including family, medical, sick, annual, personal, or
2 similar leave) from employment, pursuant to federal, State, or
3 local law, a collective bargaining agreement, or an employment
4 benefits program or plan, may elect to substitute any period
5 of such leave for an equivalent period of leave provided under
6 Section 20. The employer may not require the employee to
7 substitute available paid or unpaid leave for leave provided
8 under Section 20.

9 (Source: P.A. 101-221, eff. 1-1-20.)

10 (820 ILCS 180/30)

11 Sec. 30. Victims' employment sustainability; prohibited
12 discriminatory acts.

13 (a) An employer shall not fail to hire, refuse to hire,
14 discharge, constructively discharge, or harass any individual,
15 otherwise discriminate against any individual with respect to
16 the compensation, terms, conditions, or privileges of
17 employment of the individual, or retaliate against an
18 individual in any form or manner, and a public agency shall not
19 deny, reduce, or terminate the benefits of, otherwise
20 sanction, or harass any individual, otherwise discriminate
21 against any individual with respect to the amount, terms, or
22 conditions of public assistance of the individual, or
23 retaliate against an individual in any form or manner,
24 because:

25 (1) the individual involved:

1 (A) is or is perceived to be a victim of domestic
2 violence, sexual violence, ~~or~~ gender violence, or any
3 criminal violence;

4 (B) attended, participated in, prepared for, or
5 requested leave to attend, participate in, or prepare
6 for a criminal or civil court proceeding relating to
7 an incident of domestic violence, sexual violence, ~~or~~
8 gender violence, or any criminal violence of which the
9 individual or a family or household member of the
10 individual was a victim, or requested or took leave
11 for any other reason provided under Section 20;

12 (C) requested an adjustment to a job structure,
13 workplace facility, or work requirement, including a
14 transfer, reassignment, or modified schedule, leave, a
15 changed telephone number or seating assignment,
16 installation of a lock, or implementation of a safety
17 procedure in response to actual or threatened domestic
18 violence, sexual violence, ~~or~~ gender violence, or any
19 other crime of violence, regardless of whether the
20 request was granted; or

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

24 (2) the workplace is disrupted or threatened by the
25 action of a person whom the individual states has
26 committed or threatened to commit domestic violence,

1 sexual violence, ~~or~~ gender violence, or any other crime of
2 violence against the individual or the individual's family
3 or household member.

4 (b) In this Section:

5 (1) "Discriminate", used with respect to the terms,
6 conditions, or privileges of employment or with respect to
7 the terms or conditions of public assistance, includes not
8 making a reasonable accommodation to the known limitations
9 resulting from circumstances relating to being a victim of
10 domestic violence, sexual violence, ~~or~~ gender violence, or
11 any criminal violence or a family or household member
12 being a victim of domestic violence, sexual violence, ~~or~~
13 gender violence, or any other crime of violence of an
14 otherwise qualified individual:

15 (A) who is:

16 (i) an applicant or employee of the employer
17 (including a public agency); or

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

20 (B) who is:

21 (i) or is perceived to be a victim of domestic
22 violence, sexual violence, ~~or~~ gender violence, or
23 any other crime of violence; or

24 (ii) with a family or household member who is
25 or is perceived to be a victim of domestic
26 violence, sexual violence, ~~or~~ gender violence, or

1 any other crime of violence whose interests are
2 not adverse to the individual in subparagraph (A)
3 as it relates to the domestic violence, sexual
4 violence, ~~or~~ gender violence, or any other crime
5 of violence;

6 unless the employer or public agency can demonstrate that
7 the accommodation would impose an undue hardship on the
8 operation of the employer or public agency.

9 A reasonable accommodation must be made in a timely
10 fashion. Any exigent circumstances or danger facing the
11 employee or his or her family or household member shall be
12 considered in determining whether the accommodation is
13 reasonable.

14 (2) "Qualified individual" means:

15 (A) in the case of an applicant or employee
16 described in paragraph (1)(A)(i), an individual who,
17 but for being a victim of domestic violence, sexual
18 violence, ~~or~~ gender violence, or any other crime of
19 violence or with a family or household member who is a
20 victim of domestic violence, sexual violence, ~~or~~
21 gender violence, or any other crime of violence, can
22 perform the essential functions of the employment
23 position that such individual holds or desires; or

24 (B) in the case of an applicant or recipient
25 described in paragraph (1)(A)(ii), an individual who,
26 but for being a victim of domestic violence, sexual

1 violence, ~~or~~ gender violence, or any other crime of
2 violence or with a family or household member who is a
3 victim of domestic violence, sexual violence, ~~or~~
4 gender violence, or any other crime of violence, can
5 satisfy the essential requirements of the program
6 providing the public assistance that the individual
7 receives or desires.

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

20 (4) Undue hardship.

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

25 (B) Factors to be considered. In determining
26 whether a reasonable accommodation would impose an

1 undue hardship on the operation of an employer or
2 public agency, factors to be considered include:

3 (i) the nature and cost of the reasonable
4 accommodation needed under this Section;

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

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

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

26 (c) An employer subject to Section 21 of the Workplace

1 Violence Prevention Act shall not violate any provisions of
2 the Workplace Violence Prevention Act.

3 (d) Confidentiality. All information provided to the
4 employer pursuant to this Section including a statement of the
5 employee or any other documentation, record, or corroborating
6 evidence, and the fact that the employee has requested or
7 obtained an accommodation pursuant to this Section shall be
8 retained in the strictest confidence by the employer, except
9 to the extent that disclosure is:

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

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

14 (Source: P.A. 101-221, eff. 1-1-20.)

15 (820 ILCS 180/35)

16 Sec. 35. Enforcement.

17 (a) Department of Labor.

18 (1) The Director or his or her authorized
19 representative shall administer and enforce the provisions
20 of this Act. Any employee or a representative of employees
21 who believes his or her rights under this Act have been
22 violated may, within 3 years after the alleged violation
23 occurs, file a complaint with the Department requesting a
24 review of the alleged violation or file a civil action. A
25 copy of the complaint filed with the Department shall be

1 sent to the person who allegedly committed the violation,
2 who shall be the respondent. Upon receipt of a complaint,
3 the Director shall cause such investigation to be made as
4 he or she deems appropriate. The investigation shall
5 provide an opportunity for a public hearing at the request
6 of any party to the review to enable the parties to present
7 information relating to the alleged allegation. The
8 parties shall be given written notice of the time and
9 place of the hearing at least 7 days before the hearing.
10 Upon receiving the report of the investigation, the
11 Director shall make findings of fact. If the Director or
12 the court finds that a violation did occur, the Director
13 or the court ~~he or she~~ shall issue a decision
14 incorporating the ~~his or her~~ findings and requiring the
15 party committing the violation to take such affirmative
16 action to abate the violation as the Director or the court
17 deems appropriate, including:

18 (A) damages equal to the amount of wages, salary,
19 employment benefits, public assistance, or other
20 compensation denied or lost to such individual by
21 reason of the violation, and the interest on that
22 amount calculated at the prevailing rate;

23 (B) such equitable relief as may be appropriate,
24 including but not limited to hiring, reinstatement,
25 promotion, and reasonable accommodations; and

26 (C) reasonable attorney's fees, reasonable expert

1 witness fees, and other costs of the action to be paid
2 by the respondent to a prevailing employee.

3 If the Director finds that there was no violation, he
4 or she shall issue an order denying the complaint. An
5 order issued by the Director under this Section shall be
6 final and subject to judicial review under the
7 Administrative Review Law.

8 (2) The Director shall adopt rules necessary to
9 administer and enforce this Act in accordance with the
10 Illinois Administrative Procedure Act. The Director shall
11 have the powers and the parties shall have the rights
12 provided in the Illinois Administrative Procedure Act for
13 contested cases, including, but not limited to, provisions
14 for depositions, subpoena power and procedures, and
15 discovery and protective order procedures.

16 (3) Intervention. The Attorney General of Illinois may
17 intervene on behalf of the Department if the Department
18 certifies that the case is of general public importance.
19 Upon such intervention the court may award such relief as
20 is authorized to be granted to an employee who has filed a
21 complaint or whose representative has filed a complaint
22 under this Section.

23 (b) Refusal to pay damages. Any employer who has been
24 ordered by the Director of Labor or the court to pay damages
25 under this Section and who fails to do so within 30 days after
26 the order is entered is liable to pay a penalty of 1% per

1 calendar day to the employee for each day of delay in paying
2 the damages to the employee.

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

4 (820 ILCS 180/45)

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

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

11 (1) greater leave benefits for victims of domestic
12 violence, sexual violence, ~~or~~ gender violence, or any
13 other crime of violence than the rights established under
14 this Act; or

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

21 (b) Less protective laws, agreements, programs, and plans.
22 The rights established for employees who are victims of
23 domestic violence, sexual violence, ~~or~~ gender violence, or any
24 other crime of violence and employees with a family or
25 household member who is a victim of domestic violence, sexual

1 violence, ~~or~~ gender violence, or any other crime of violence
2 under this Act shall not be diminished by any federal, State or
3 local law, collective bargaining agreement, or employment
4 benefits program or plan.

5 (Source: P.A. 101-221, eff. 1-1-20.)

6 Section 10. The Unemployment Insurance Act is amended by
7 changing Section 601 as follows:

8 (820 ILCS 405/601) (from Ch. 48, par. 431)

9 Sec. 601. Voluntary leaving.

10 A. An individual shall be ineligible for benefits for the
11 week in which the individual ~~he or she~~ has left work
12 voluntarily without good cause attributable to the employing
13 unit and, thereafter, until the individual ~~he or she~~ has
14 become reemployed and has had earnings equal to or in excess of
15 the individual's ~~his or her~~ current weekly benefit amount in
16 each of four calendar weeks which are either for services in
17 employment, or have been or will be reported pursuant to the
18 provisions of the Federal Insurance Contributions Act by each
19 employing unit for which such services are performed and which
20 submits a statement certifying to that fact.

21 B. The provisions of this Section shall not apply to an
22 individual who has left work voluntarily:

23 1. Because the individual ~~he or she~~ is deemed
24 physically unable to ~~perform his or her~~ work by a licensed

1 and practicing physician, or because the individual's
2 assistance is necessary for the purpose of caring for the
3 individual's ~~his or her~~ spouse, child, or parent who,
4 according to a licensed and practicing physician or as
5 otherwise reasonably verified, is in poor physical or
6 mental health or is a person with a mental or physical
7 disability and the employer is unable to accommodate the
8 individual's need to provide such assistance;

9 2. To accept other bona fide work and, after such
10 acceptance, the individual is either not unemployed in
11 each of 2 weeks, or earns remuneration for such work equal
12 to at least twice the individual's ~~his or her~~ current
13 weekly benefit amount;

14 3. In lieu of accepting a transfer to other work
15 offered to the individual by the employing unit under the
16 terms of a collective bargaining agreement or pursuant to
17 an established employer plan, program, or policy, if the
18 acceptance of such other work by the individual would
19 require the separation from that work of another
20 individual currently performing it;

21 4. Solely because of the sexual harassment of the
22 individual by another employee. Sexual harassment means
23 (1) unwelcome sexual advances, requests for sexual favors,
24 sexually motivated physical contact or other conduct or
25 communication which is made a term or condition of the
26 employment or (2) the employee's submission to or

1 rejection of such conduct or communication which is the
2 basis for decisions affecting employment, or (3) when such
3 conduct or communication has the purpose or effect of
4 substantially interfering with an individual's work
5 performance or creating an intimidating, hostile, or
6 offensive working environment and the employer knows or
7 should know of the existence of the harassment and fails
8 to take timely and appropriate action;

9 5. Which the individual ~~he or she~~ had accepted after
10 separation from other work, and the work which the
11 individual ~~he or she~~ left voluntarily would be deemed
12 unsuitable under the provisions of Section 603;

13 6.(a) Because the individual left work due to verified
14 domestic violence as defined in Section 103 of the
15 Illinois Domestic Violence Act of 1986 in which the
16 individual or family or household member of the individual
17 was a victim ~~where the domestic violence caused the~~
18 ~~individual to reasonably believe that his or her continued~~
19 ~~employment would jeopardize his or her safety or the~~
20 ~~safety of his or her spouse, minor child, or parent~~

21 if the individual provides the following:

22 (i) notice to the employing unit of the reason for
23 the individual's voluntarily leaving; and

24 (ii) one of the following to the Department
25 ~~provides:~~

26 (A) an order of protection or other

1 documentation of equitable relief issued by a
2 court of competent jurisdiction; or

3 (B) a police report or criminal charges
4 documenting the domestic violence; or

5 (C) medical documentation of the domestic
6 violence; ~~or~~

7 (D) documentation that the individual or the
8 individual's family or household member has sought
9 or is receiving assistance related to the ~~evidence~~
10 ~~of~~ domestic violence from a member of the clergy,
11 attorney, counselor, social worker, health worker
12 or domestic violence shelter worker; or.

13 (E) a sworn statement by the individual.

14 The employee shall choose which document to submit,
15 and the Department shall not request or require more than
16 one document to be submitted.

17 As used in this paragraph, "family of household
18 member" means a spouse or party to a civil union, parent,
19 grandparent, child, grandchild, sibling, or any other
20 person who shares a relationship through a child, or whose
21 close relationship with the employee is the equivalent of
22 a family relationship as determined by the employee, and
23 persons jointly residing in the same household.

24 (b) If the individual does not meet the provisions of
25 subparagraph (a), the individual shall be held to have
26 voluntarily terminated employment for the purpose of

1 determining the individual's eligibility for benefits
2 pursuant to subsection A.

3 (c) Notwithstanding any other provision to the
4 contrary, evidence of domestic violence experienced by an
5 individual, or the individual's family or household member
6 ~~his or her spouse, minor child, or parent~~, including the
7 individual's statement and corroborating evidence, shall
8 not be disclosed by the Department unless consent for
9 disclosure is given by the individual.

10 7. Because, due to a change in location of employment
11 of the individual's spouse, the individual left work to
12 accompany his or her spouse to a place from which it is
13 impractical to commute or because the individual left
14 employment to accompany a spouse who has been reassigned
15 from one military assignment to another. The employer's
16 account, however, shall not be charged for any benefits
17 paid out to the individual who leaves work under a
18 circumstance described in this paragraph.

19 8. Because the individual left work due to an incident
20 involving a crime of violence in which the individual or a
21 family or household member of the individual was a victim,
22 if the individual provides the following:

23 (i) notice to the employing unit of the reason for
24 the individual's voluntarily leaving; and

25 (ii) one of the following to the Department:

26 (A) an order of protection or other

1 documentation of equitable relief issued by a
2 court;

3 (B) a police report or criminal charges
4 documenting the crime of violence;

5 (C) medical documentation of the violence;

6 (D) documentation that the individual or the
7 individual's family or household member has sought
8 or is receiving assistance related to the crime of
9 violence from a member of the clergy, attorney,
10 counselor, social worker, health worker, or victim
11 services organization worker; or

12 (E) a sworn statement by the individual.

13 The employee shall choose which document to submit,
14 and the Department shall not request or require more than
15 one document.

16 As used in this paragraph:

17 "Crime of violence" means any conduct proscribed by
18 Articles, 9, 10, 11, 12, 26.5, 29D, and 33A of the Criminal
19 Code of 2012 or similar provision of the Criminal Code of
20 1961.

21 "Victim" means an individual who has been subjected to
22 any crime of violence. "Victim" also includes any person
23 described as a victim as defined under Section 2 of the
24 Crime Victims Compensation Act.

25 "Family of household member" means a spouse or party
26 to a civil union, parent, grandparent, child, grandchild,

1 sibling, or any other person who shares a relationship
2 through a child, or whose close relationship with the
3 employee is the equivalent of a family relationship as
4 determined by the employee, and persons jointly residing
5 in the same household.

6 C. Within 90 days of the effective date of this amendatory
7 Act of the 96th General Assembly, the Department shall
8 promulgate rules, pursuant to the Illinois Administrative
9 Procedure Act and consistent with Section 903(f)(3)(B) of the
10 Social Security Act, to clarify and provide guidance regarding
11 eligibility and the prevention of fraud.

12 (Source: P.A. 99-143, eff. 7-27-15.)