

# SB1622



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1622

Introduced 2/26/2021, by Sen. Melinda Bush

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-101

Amends the Illinois Human Rights Act. Deletes language providing that "employee" does not include members of the immediate personal staffs of elected public officials.

LRB102 16118 LNS 21493 b

A BILL FOR

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by  
5 changing Section 2-101 as follows:

6 (775 ILCS 5/2-101)

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

9 (A) Employee.

10 (1) "Employee" includes:

11 (a) Any individual performing services for  
12 remuneration within this State for an employer;

13 (b) An apprentice;

14 (c) An applicant for any apprenticeship.

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

19 (i) the employer is not committed to hiring the  
20 person performing the work at the conclusion of the  
21 intern's tenure;

22 (ii) the employer and the person performing the  
23 work agree that the person is not entitled to wages for

1 the work performed; and

2 (iii) the work performed:

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

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

8 (III) does not displace regular employees;

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

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

15 (2) "Employee" does not include:

16 (a) (Blank);

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

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

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

24 (e) A person in a vocational rehabilitation  
25 facility certified under federal law who has been  
26 designated an evaluatee, trainee, or work activity

1 client.

2 (B) Employer.

3 (1) "Employer" includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3           (1) a born U.S. citizen;

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

5           (3) a U.S. national; or

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

11       (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 1-1-20;  
12 101-430, eff. 7-1-20; revised 8-4-20.)