

1                                    AMENDMENT TO SENATE BILL 1763

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1763 by replacing  
3 lines 12 through 34 on page 5, all of pages 6 and 7, and  
4 lines 1 through 17 on page 8 with the following:

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

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

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

9                    (6) "Domestic violence" includes acts or threats of  
10 violence, not including acts of self defense, as defined  
11 in subdivision (3) of Section 103 of the Illinois  
12 Domestic Violence Act of 1986, or engaging in any course  
13 of conduct directed at a specific person that would cause  
14 a reasonable person to suffer substantial emotional  
15 distress or to fear bodily injury, sexual assault, or  
16 death to the person, or the person's family or household  
17 member, if the conduct causes the specific person to have  
18 such distress or fear.

19                    (7) "Electronic communications" includes  
20 communications via telephone, mobile phone, computer,  
21 e-mail, video recorder, fax machine, telex, or pager.

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

23                    (9) Employee.

1           (A) In general. "Employee" means any person  
2 employed by an employer.

3           (B) Basis. "Employee" includes a person  
4 employed as described in subparagraph (A) on a full  
5 or part-time basis, for a fixed time period, on a  
6 temporary basis, pursuant to a detail, as an  
7 independent contractor, or as a participant in a  
8 work assignment as a condition of receipt of federal  
9 or State income-based public assistance.

10          (10) "Employer":

11           (A) means any person engaged in commerce or in  
12 any industry or activity affecting commerce who  
13 employs 15 or more individuals; and

14           (B) includes any person acting directly or  
15 indirectly in the interest of an employer in  
16 relation to an employee, and includes a public  
17 agency, but does not include any labor organization  
18 (other than when acting as an employer) or anyone  
19 acting in the capacity of officer or agent of such  
20 labor organization.

21          (11) "Employment benefits" means all benefits  
22 provided or made available to employees by an employer,  
23 including group life insurance, health insurance,  
24 disability insurance, sick leave, annual leave,  
25 educational benefits, and pensions, regardless of whether  
26 such benefits are provided by a practice or written  
27 policy of an employer or through an "employee benefit  
28 plan". "Employee benefit plan" or "plan" means an  
29 employee welfare benefit plan or an employee pension  
30 benefit plan or a plan which is both an employee welfare  
31 benefit plan and an employee pension benefit plan.

32          (12) "Family or household member" means spouses,  
33 former spouses, parents, son or daughter, and persons  
34 jointly residing or formerly residing in the same

1 dwelling unit.

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

10 (14) "Perpetrator" means an individual who commits  
11 or is alleged to have committed any act or threat of  
12 domestic or sexual violence.

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

16 (16) "Public agency" means the Government of the  
17 State or political subdivision thereof; any agency of the  
18 State, or of a political subdivision of the State; or any  
19 governmental agency.

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

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

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

28 (20) "Sexual assault" means any conduct proscribed  
29 by the Criminal Code of 1961 in Sections 12-12, 12-13,  
30 12-14, 12-14.1, 12-15, and 12-16, including both assaults  
31 committed by perpetrators who are strangers to the victim  
32 and assaults committed by perpetrators who are known or  
33 related by blood or marriage to the victim."; and

34 on page 8, line 27 by changing "alleging to have" to "who

1 has"; and

2 on page 13, by replacing lines 8 and 9 with the following:

3 "(A) In general. Any employee who takes leave  
4 under"; and

5 on page 14, by deleting lines 4 through 24; and

6 on page 14, line 25 by changing "(3)" to "(2)"; and

7 on page 16, by replacing lines 33 and 34 with the following:

8 "individual because the individual:"; and

9 on page 17, line 8 by inserting "or retaliate" after  
10 "discriminate"; and

11 on page 17, by replacing lines 11 and 12 with the following:

12 "individual because the individual:"; and

13 on page 17, line 19 by inserting "or retaliate" after  
14 "discriminate"; and

15 on page 21, by inserting after line 24 the following:

16 "(a) Department of Labor.

17 (1) The Director or his or her authorized  
18 representative shall administer and enforce the  
19 provisions of this Act. The Director shall adopt rules  
20 necessary to administer and enforce this Act. The  
21 Department of Labor has the power to conduct  
22 investigations in connection with the administration of  
23 this Act and the authorized officers and employees of the  
24 Department are authorized to investigate and gather  
25 information and data regarding the conditions and  
26 practices of employment in any industry subject to this  
27 Act, and may enter and inspect such places and such  
28 records at reasonable times during regular business  
29 hours, question the employees, and investigate the facts,  
30 conditions, practices, or matters as he or she may deem

1 necessary or appropriate to determine whether any person  
2 has violated any provision of this Act, or which may aid  
3 in the enforcement of this Act. The Director or his or  
4 her authorized representative is authorized to bring any  
5 legal action necessary to enforce the provisions of this  
6 Act.

7 (2) Recordkeeping requirements. An employer subject  
8 to any provision of this Act shall make and preserve  
9 records that document the name, address, and occupation  
10 of each employee and any other information the Director  
11 may by rule deem necessary and appropriate for  
12 enforcement of this Act. An employer subject to any  
13 provision of this Act shall preserve those records for a  
14 period of not less than 3 years and shall make reports  
15 from the records as prescribed by rule or order of the  
16 Director.

17 (3) Witnesses; subpoenas. The Director or his or  
18 her authorized representative may administer oaths, take  
19 or cause to be taken the depositions of witnesses, and  
20 require by subpoena the attendance and testimony of  
21 witnesses and the production of all books, records, and  
22 other evidence relative to the matter under  
23 investigation. A subpoena issued under this Section shall  
24 be signed and issued by the Director or his or her  
25 authorized representative. In case of failure of any  
26 person to comply with any subpoena lawfully issued under  
27 this Section or on the refusal of any witness to produce  
28 evidence or to testify to any matter regarding which he  
29 or she may be lawfully interrogated, it is the duty of  
30 the circuit court, upon application of the Director, or  
31 his or her authorized representative, to compel obedience  
32 by proceedings for contempt, as in the case of  
33 disobedience of the requirements of a subpoena issued by  
34 such court or a refusal to testify therein. The Director

1           may certify to official acts."; and

2           on page 21, line 25 by changing "(a)" to "(b)"; and

3           on page 22, by deleting lines 5 through 8; and

4           on page 22, line 9 by changing "(D)" to "(C)"; and

5           on page 22, by replacing lines 12 and 13 with the following:

6                   "accommodations; and

7                           "(D) The Director of Labor may bring any legal  
8                   action necessary to recover damages recoverable  
9                   under this Section. Any sums recovered by the  
10                  Director on behalf of an employee under this Section  
11                  shall be paid to the employee or employees affected.

12                  (2) Right of action. No sooner than 180 days after  
13                  the filing of a charge or complaint with the Department  
14                  of Labor under this Act, an action to recover the"; and

15           on page 23, by replacing lines 3 through 11 with the  
16           following:

17                   "(6) Refusal to pay damages. Any employer who has  
18                  been ordered by the Director of Labor or the court to pay  
19                  damages under this Section and who fails to do so within  
20                  15 days after the order is entered is liable to pay a  
21                  penalty of 1% per calendar day to the employee for each  
22                  day of delay in paying the damages to the employee.

23                   (7) Intervention. The Attorney General of Illinois  
24                  may intervene on behalf of the Department if the  
25                  Department certifies that the case is of general public  
26                  importance. Upon such intervention the court may award  
27                  such relief as is authorized to be granted to a plaintiff  
28                  in a civil action under this Section.

29           Section 40. Notification. Every employer covered by this  
30           Act shall post and keep posted, in conspicuous places on the

1 premises of the employer where notices to employees are  
2 customarily posted, a notice, to be prepared or approved by  
3 the Director of Labor, summarizing the requirements of this  
4 Act and information pertaining to the filing of a charge. The  
5 Director shall furnish copies of summaries and rules to  
6 employers upon request without charge."; and

7 on page 23, line 12 by changing "40" to "45".