



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4758

by Rep. Ron Sandack

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-102

from Ch. 68, par. 2-102

Amends the Illinois Human Rights Act. In a provision making it a civil rights violation to engage in sexual harassment, provides that managerial and supervisory employees include only those employees who have authority to effect a significant change in the employment status of the alleged victim, such as by hiring, firing, failing to promote, reassigning with significantly different responsibilities, or making a decision causing a significant change in benefits.

LRB098 18459 HEP 53596 b

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 2-102 as follows:

6 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

7 Sec. 2-102. Civil Rights Violations - Employment. It is a
8 civil rights violation:

9 (A) Employers. For any employer to refuse to hire, to
10 segregate, or to act with respect to recruitment, hiring,
11 promotion, renewal of employment, selection for training or
12 apprenticeship, discharge, discipline, tenure or terms,
13 privileges or conditions of employment on the basis of unlawful
14 discrimination or citizenship status.

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

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

23 (B) Employment Agency. For any employment agency to fail or

1 refuse to classify properly, accept applications and register
2 for employment referral or apprenticeship referral, refer for
3 employment, or refer for apprenticeship on the basis of
4 unlawful discrimination or citizenship status or to accept from
5 any person any job order, requisition or request for referral
6 of applicants for employment or apprenticeship which makes or
7 has the effect of making unlawful discrimination or
8 discrimination on the basis of citizenship status a condition
9 of referral.

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

20 (D) Sexual Harassment. For any employer, employee, agent of
21 any employer, employment agency or labor organization to engage
22 in sexual harassment; provided, that an employer shall be
23 responsible for sexual harassment of the employer's employees
24 by nonemployees or nonmanagerial and nonsupervisory employees
25 only if the employer becomes aware of the conduct and fails to
26 take reasonable corrective measures. Managerial and

1 supervisory employees include only those employees who have
2 authority to effect a significant change in the employment
3 status of the alleged victim, such as by hiring, firing,
4 failing to promote, reassigning with significantly different
5 responsibilities, or making a decision causing a significant
6 change in benefits.

7 (E) Public Employers. For any public employer to refuse to
8 permit a public employee under its jurisdiction who takes time
9 off from work in order to practice his or her religious beliefs
10 to engage in work, during hours other than such employee's
11 regular working hours, consistent with the operational needs of
12 the employer and in order to compensate for work time lost for
13 such religious reasons. Any employee who elects such deferred
14 work shall be compensated at the wage rate which he or she
15 would have earned during the originally scheduled work period.
16 The employer may require that an employee who plans to take
17 time off from work in order to practice his or her religious
18 beliefs provide the employer with a notice of his or her
19 intention to be absent from work not exceeding 5 days prior to
20 the date of absence.

21 (F) Training and Apprenticeship Programs. For any
22 employer, employment agency or labor organization to
23 discriminate against a person on the basis of age in the
24 selection, referral for or conduct of apprenticeship or
25 training programs.

26 (G) Immigration-Related Practices.

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

7 (2) for an employer participating in the E-Verify
8 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
9 Programs for Employment Eligibility Confirmation (enacted
10 by PL 104-208, div. C title IV, subtitle A) to refuse to
11 hire, to segregate, or to act with respect to recruitment,
12 hiring, promotion, renewal of employment, selection for
13 training or apprenticeship, discharge, discipline, tenure
14 or terms, privileges or conditions of employment without
15 following the procedures under the E-Verify Program.

16 (H) Pregnancy; peace officers and fire fighters. For a
17 public employer to refuse to temporarily transfer a pregnant
18 female peace officer or pregnant female fire fighter to a less
19 strenuous or hazardous position for the duration of her
20 pregnancy if she so requests, with the advice of her physician,
21 where that transfer can be reasonably accommodated. For the
22 purposes of this subdivision (H), "peace officer" and "fire
23 fighter" have the meanings ascribed to those terms in Section 3
24 of the Illinois Public Labor Relations Act.

25 It is not a civil rights violation for an employer to take
26 any action that is required by Section 1324a of Title 8 of the

1 United States Code, as now or hereafter amended.

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 or
5 apprenticeship, discharge, discipline, tenure or terms,
6 privileges or conditions of employment on the basis of
7 pregnancy, childbirth, or related medical conditions. Women
8 affected by pregnancy, childbirth, or related medical
9 conditions shall be treated the same for all employment-related
10 purposes, including receipt of benefits under fringe benefit
11 programs, as other persons not so affected but similar in their
12 ability or inability to work.

13 (Source: P.A. 97-596, eff. 8-26-11; 98-212, eff. 8-9-13.)