



Rep. Stephanie A. Kifowit

Filed: 3/24/2017

10000HB0647ham002

LRB100 07046 JLS 24280 a

1 AMENDMENT TO HOUSE BILL 647

2 AMENDMENT NO. _____. Amend House Bill 647 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Victims' Economic Security and Safety Act
5 is amended by changing Section 30 as follows:

6 (820 ILCS 180/30)

7 Sec. 30. Victims' employment sustainability; prohibited
8 discriminatory acts.

9 (a) An employer shall not fail to hire, refuse to hire,
10 discharge, constructively discharge, or harass any individual,
11 otherwise discriminate against any individual with respect to
12 the compensation, terms, conditions, or privileges of
13 employment of the individual, or retaliate against an
14 individual in any form or manner, and a public agency shall not
15 deny, reduce, or terminate the benefits of, otherwise sanction,
16 or harass any individual, otherwise discriminate against any

1 individual with respect to the amount, terms, or conditions of
2 public assistance of the individual, or retaliate against an
3 individual in any form or manner, because:

4 (1) the individual involved:

5 (A) is or is perceived to be a victim of domestic
6 or sexual violence;

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

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

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

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

1 the individual or the individual's family or household
2 member.

3 (a-5) An employer shall not refuse to make reasonable
4 accommodations in the workplace for an employee protected under
5 an order of protection that requires a person to stay away from
6 an employee's workplace or otherwise relates to or affects or
7 extends to the employee's workplace, including:

8 (1) changing the contact information, such as
9 telephone number, fax number, or electronic-mail address
10 of the employee;

11 (2) screening the telephone calls of the employee;

12 (3) restructuring the job functions of the employee;

13 (4) changing the work location of the employee;

14 (5) installing locks and other security devices;

15 (6) allowing the employee to work flexible hours; and

16 (7) contacting law enforcement authorities in the
17 event of a violation of an order of protection at the
18 workplace.

19 The employee and employer shall engage in a timely, good
20 faith, and meaningful exchange within 15 days after the
21 employer is notified of the existence of the order of
22 protection to determine effective reasonable accommodations.
23 An employer is not required to make the reasonable
24 accommodations if they are not requested by the protected
25 employee or if they cause undue hardship on the work operations
26 of the employer. The employer shall maintain records of all

1 actions taken in accordance with this subsection.

2 As used in this subsection (a-5) only, "undue hardship"
3 means accommodations that: (i) conflict with the employer's
4 attendance policy or residency requirement; or (ii) cause a
5 significant difficulty or expense on the operation of an
6 employer, when considered in light of the following factors:

7 (A) the nature and cost of the reasonable accommodation
8 needed;

9 (B) the overall financial resources, number of
10 employees, and the number, type, and placement of the work
11 locations of an employer; and

12 (C) the type of operation of the employer, including
13 the composition, structure, and functions of the workforce
14 of the employer, the geographic separateness of the
15 employee's work location from the employer, and the
16 administrative or fiscal relationship of the work location
17 to the employer.

18 Prior to making the reasonable accommodations under this
19 subsection, an employer may verify that an employee is
20 protected by an order of protection entered under Article 112A
21 of the Code of Criminal Procedure of 1963 or the Illinois
22 Domestic Violence Act of 1986. An employee for whom reasonable
23 accommodations are made under this subsection shall notify the
24 employer when the order of protection expires.

25 (b) In this Section:

26 (1) "Discriminate", used with respect to the terms,

1 conditions, or privileges of employment or with respect to
2 the terms or conditions of public assistance, includes not
3 making a reasonable accommodation to the known limitations
4 resulting from circumstances relating to being a victim of
5 domestic or sexual violence or a family or household member
6 being a victim of domestic or sexual violence of an
7 otherwise qualified individual:

8 (A) who is:

9 (i) an applicant or employee of the employer
10 (including a public agency); or

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

13 (B) who is:

14 (i) a victim of domestic or sexual violence; or

15 (ii) with a family or household member who is a
16 victim of domestic or sexual violence whose
17 interests are not adverse to the individual in
18 subparagraph (A) as it relates to the domestic or
19 sexual violence;

20 unless the employer or public agency can demonstrate that
21 the accommodation would impose an undue hardship on the
22 operation of the employer or public agency.

23 A reasonable accommodation must be made in a timely
24 fashion. Any exigent circumstances or danger facing the
25 employee or his or her family or household member shall be
26 considered in determining whether the accommodation is

1 reasonable.

2 (2) "Qualified individual" means:

3 (A) in the case of an applicant or employee
4 described in paragraph (1)(A)(i), an individual who,
5 but for being a victim of domestic or sexual violence
6 or with a family or household member who is a victim of
7 domestic or sexual violence, can perform the essential
8 functions of the employment position that such
9 individual holds or desires; or

10 (B) in the case of an applicant or recipient
11 described in paragraph (1)(A)(ii), an individual who,
12 but for being a victim of domestic or sexual violence
13 or with a family or household member who is a victim of
14 domestic or sexual violence, can satisfy the essential
15 requirements of the program providing the public
16 assistance that the individual receives or desires.

17 (3) "Reasonable accommodation" may include an
18 adjustment to a job structure, workplace facility, or work
19 requirement, including a transfer, reassignment, or
20 modified schedule, leave, a changed telephone number or
21 seating assignment, installation of a lock, or
22 implementation of a safety procedure, or assistance in
23 documenting domestic or sexual violence that occurs at the
24 workplace or in work-related settings, in response to
25 actual or threatened domestic or sexual violence.

26 (4) Undue hardship.

1 (A) In general. "Undue hardship" means an action
2 requiring significant difficulty or expense, when
3 considered in light of the factors set forth in
4 subparagraph (B).

5 (B) Factors to be considered. In determining
6 whether a reasonable accommodation would impose an
7 undue hardship on the operation of an employer or
8 public agency, factors to be considered include:

9 (i) the nature and cost of the reasonable
10 accommodation needed under this Section;

11 (ii) the overall financial resources of the
12 facility involved in the provision of the
13 reasonable accommodation, the number of persons
14 employed at such facility, the effect on expenses
15 and resources, or the impact otherwise of such
16 accommodation on the operation of the facility;

17 (iii) the overall financial resources of the
18 employer or public agency, the overall size of the
19 business of an employer or public agency with
20 respect to the number of employees of the employer
21 or public agency, and the number, type, and
22 location of the facilities of an employer or public
23 agency; and

24 (iv) the type of operation of the employer or
25 public agency, including the composition,
26 structure, and functions of the workforce of the

1 employer or public agency, the geographic
2 separateness of the facility from the employer or
3 public agency, and the administrative or fiscal
4 relationship of the facility to the employer or
5 public agency.

6 (c) An employer subject to Section 21 of the Workplace
7 Violence Prevention Act shall not violate any provisions of the
8 Workplace Violence Prevention Act.

9 (Source: P.A. 98-766, eff. 7-16-14; 99-78, eff. 7-20-15.)".