

HB5787



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5787

by Rep. Maria Antonia Berrios

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-101

from Ch. 68, par. 2-101

Amends the Illinois Human Rights Act. Provides that for purposes of the provisions of the Act concerning sexual harassment in the workplace, "employee" includes unpaid interns.

LRB098 17766 HEP 52887 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) (from Ch. 68, par. 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 this
16 Act, "employee" also includes an unpaid intern.

17 (2) "Employee" does not include:

18 (a) Domestic servants in private homes;

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

21 (c) Elected public officials or the members of
22 their immediate personal staffs;

23 (d) Principal administrative officers of the State

1 or of any political subdivision, municipal corporation
2 or other governmental unit or agency;

3 (e) A person in a vocational rehabilitation
4 facility certified under federal law who has been
5 designated an evaluatee, trainee, or work activity
6 client.

7 (B) Employer.

8 (1) "Employer" includes:

9 (a) Any person employing 15 or more employees
10 within Illinois during 20 or more calendar weeks within
11 the calendar year of or preceding the alleged
12 violation;

13 (b) Any person employing one or more employees when
14 a complainant alleges civil rights violation due to
15 unlawful discrimination based upon his or her physical
16 or mental disability unrelated to ability or sexual
17 harassment;

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

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

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

25 (2) "Employer" does not include any religious
26 corporation, association, educational institution,

1 society, or non-profit nursing institution conducted by
2 and for those who rely upon treatment by prayer through
3 spiritual means in accordance with the tenets of a
4 recognized church or religious denomination with respect
5 to the employment of individuals of a particular religion
6 to perform work connected with the carrying on by such
7 corporation, association, educational institution, society
8 or non-profit nursing institution of its activities.

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

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

25 (E) Sexual Harassment. "Sexual harassment" means any
26 unwelcome sexual advances or requests for sexual favors or any

1 conduct of a sexual nature when (1) submission to such conduct
2 is made either explicitly or implicitly a term or condition of
3 an individual's employment, (2) submission to or rejection of
4 such conduct by an individual is used as the basis for
5 employment decisions affecting such individual, or (3) such
6 conduct has the purpose or effect of substantially interfering
7 with an individual's work performance or creating an
8 intimidating, hostile or offensive working environment.

9 (F) Religion. "Religion" with respect to employers
10 includes all aspects of religious observance and practice, as
11 well as belief, unless an employer demonstrates that he is
12 unable to reasonably accommodate an employee's or prospective
13 employee's religious observance or practice without undue
14 hardship on the conduct of the employer's business.

15 (G) Public Employer. "Public employer" means the State, an
16 agency or department thereof, unit of local government, school
17 district, instrumentality or political subdivision.

18 (H) Public Employee. "Public employee" means an employee of
19 the State, agency or department thereof, unit of local
20 government, school district, instrumentality or political
21 subdivision. "Public employee" does not include public
22 officers or employees of the General Assembly or agencies
23 thereof.

24 (I) Public Officer. "Public officer" means a person who is
25 elected to office pursuant to the Constitution or a statute or
26 ordinance, or who is appointed to an office which is

1 established, and the qualifications and duties of which are
2 prescribed, by the Constitution or a statute or ordinance, to
3 discharge a public duty for the State, agency or department
4 thereof, unit of local government, school district,
5 instrumentality or political subdivision.

6 (J) Eligible Bidder. "Eligible bidder" means a person who,
7 prior to a bid opening, has filed with the Department a
8 properly completed, sworn and currently valid employer report
9 form, pursuant to the Department's regulations. The provisions
10 of this Article relating to eligible bidders apply only to bids
11 on contracts with the State and its departments, agencies,
12 boards, and commissions, and the provisions do not apply to
13 bids on contracts with units of local government or school
14 districts.

15 (K) Citizenship Status. "Citizenship status" means the
16 status of being:

17 (1) a born U.S. citizen;

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

19 (3) a U.S. national; or

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

25 (Source: P.A. 97-877, eff. 8-2-12.)