

1 AN ACT concerning government.

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

4 Section 5. The Illinois Procurement Code is amended by
5 adding Section 50-80 as follows:

6 (30 ILCS 500/50-80 new)

7 Sec. 50-80. Sexual harassment policy. Each bidder who
8 submits a bid or offer for a State contract under this Code
9 shall have a sexual harassment policy in accordance with
10 paragraph (4) of subsection (A) of Section 2-105 of the
11 Illinois Human Rights Act. A copy of the policy shall be
12 provided to the State agency entering into the contract upon
13 request.

14 Section 10. The Economic Development for a Growing Economy
15 Tax Credit Act is amended by changing Section 5-20 and by
16 adding Section 5-58 as follows:

17 (35 ILCS 10/5-20)

18 Sec. 5-20. Application for a project to create and retain
19 new jobs.

20 (a) Any Taxpayer proposing a project located or planned to
21 be located in Illinois may request consideration for

1 designation of its project, by formal written letter of request
2 or by formal application to the Department, in which the
3 Applicant states its intent to make at least a specified level
4 of investment and intends to hire or retain a specified number
5 of full-time employees at a designated location in Illinois. As
6 circumstances require, the Department may require a formal
7 application from an Applicant and a formal letter of request
8 for assistance.

9 (b) In order to qualify for Credits under this Act, an
10 Applicant's project must:

11 (1) if the Applicant has more than 100 employees,
12 involve an investment of at least \$2,500,000 in capital
13 improvements to be placed in service within the State as a
14 direct result of the project; if the Applicant has 100 or
15 fewer employees, then there is no capital investment
16 requirement; ~~and~~

17 (1.5) if the Applicant has more than 100 employees,
18 employ a number of new employees in the State equal to the
19 lesser of (A) 10% of the number of full-time employees
20 employed by the applicant world-wide on the date the
21 application is filed with the Department or (B) 50 New
22 Employees; and, if the Applicant has 100 or fewer
23 employees, employ a number of new employees in the State
24 equal to the lesser of (A) 5% of the number of full-time
25 employees employed by the applicant world-wide on the date
26 the application is filed with the Department or (B) 50 New

1 Employees; and

2 (2) (blank);

3 (3) (blank);~~;~~

4 (4) include an annual sexual harassment policy report
5 as provided under Section 5-58.

6 (c) After receipt of an application, the Department may
7 enter into an Agreement with the Applicant if the application
8 is accepted in accordance with Section 5-25.

9 (Source: P.A. 100-511, eff. 9-18-17.)

10 (35 ILCS 10/5-58 new)

11 Sec. 5-58. Sexual harassment policy report. Each taxpayer
12 claiming a credit under this Act shall, no later than April 15
13 of each taxable year for which the taxpayer claims a credit
14 under this Act, submit to the Department of Commerce and
15 Economic Opportunity a report detailing that taxpayer's sexual
16 harassment policy, which contains, at a minimum, the following
17 information: (i) the illegality of sexual harassment; (ii) the
18 definition of sexual harassment under State law; (iii) a
19 description of sexual harassment, utilizing examples; (iv) the
20 vendor's internal complaint process, including penalties; (v)
21 the legal recourse, and investigative and complaint processes
22 available through the Department; (vi) directions on how to
23 contact the Department; and (vii) protection against
24 retaliation as provided by Section 6-101 of the Illinois Human
25 Rights Act. A copy of the policy shall be provided to the

1 Department upon request. The reports required under this
2 Section shall be submitted in a form and manner determined by
3 the Department of Commerce and Economic Opportunity.

4 Section 15. The Illinois Human Rights Act is amended by
5 changing Section 2-105 as follows:

6 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

7 Sec. 2-105. Equal Employment Opportunities; Affirmative
8 Action.

9 (A) Public Contracts. Every party to a public contract and
10 every eligible bidder shall:

11 (1) Refrain from unlawful discrimination and
12 discrimination based on citizenship status in employment
13 and undertake affirmative action to assure equality of
14 employment opportunity and eliminate the effects of past
15 discrimination;

16 (2) Comply with the procedures and requirements of the
17 Department's regulations concerning equal employment
18 opportunities and affirmative action;

19 (3) Provide such information, with respect to its
20 employees and applicants for employment, and assistance as
21 the Department may reasonably request;

22 (4) Have written sexual harassment policies that shall
23 include, at a minimum, the following information: (i) the
24 illegality of sexual harassment; (ii) the definition of

1 sexual harassment under State law; (iii) a description of
2 sexual harassment, utilizing examples; (iv) the vendor's
3 internal complaint process including penalties; (v) the
4 legal recourse, investigative and complaint process
5 available through the Department and the Commission; (vi)
6 directions on how to contact the Department and Commission;
7 and (vii) protection against retaliation as provided by
8 Section 6-101 of this Act. A copy of the policies shall be
9 provided to the Department upon request. Additionally,
10 each bidder who submits a bid or offer for a State contract
11 under the Illinois Procurement Code shall have a written
12 copy of the bidder's sexual harassment policy as required
13 under this paragraph (4). A copy of the policy shall be
14 provided to the State agency entering into the contract
15 upon request.

16 (B) State Agencies. Every State executive department,
17 State agency, board, commission, and instrumentality shall:

18 (1) Comply with the procedures and requirements of the
19 Department's regulations concerning equal employment
20 opportunities and affirmative action;

21 (2) Provide such information and assistance as the
22 Department may request.

23 (3) Establish, maintain, and carry out a continuing
24 affirmative action plan consistent with this Act and the
25 regulations of the Department designed to promote equal
26 opportunity for all State residents in every aspect of

1 agency personnel policy and practice. For purposes of these
2 affirmative action plans, the race and national origin
3 categories to be included in the plans are: American Indian
4 or Alaska Native, Asian, Black or African American,
5 Hispanic or Latino, Native Hawaiian or Other Pacific
6 Islander.

7 This plan shall include a current detailed status
8 report:

9 (a) indicating, by each position in State service,
10 the number, percentage, and average salary of
11 individuals employed by race, national origin, sex and
12 disability, and any other category that the Department
13 may require by rule;

14 (b) identifying all positions in which the
15 percentage of the people employed by race, national
16 origin, sex and disability, and any other category that
17 the Department may require by rule, is less than
18 four-fifths of the percentage of each of those
19 components in the State work force;

20 (c) specifying the goals and methods for
21 increasing the percentage by race, national origin,
22 sex and disability, and any other category that the
23 Department may require by rule, in State positions;

24 (d) indicating progress and problems toward
25 meeting equal employment opportunity goals, including,
26 if applicable, but not limited to, Department of

1 Central Management Services recruitment efforts,
2 publicity, promotions, and use of options designating
3 positions by linguistic abilities;

4 (e) establishing a numerical hiring goal for the
5 employment of qualified persons with disabilities in
6 the agency as a whole, to be based on the proportion of
7 people with work disabilities in the Illinois labor
8 force as reflected in the most recent employment data
9 made available by the United States Census Bureau.

10 (4) If the agency has 1000 or more employees, appoint a
11 full-time Equal Employment Opportunity officer, subject to
12 the Department's approval, whose duties shall include:

13 (a) Advising the head of the particular State
14 agency with respect to the preparation of equal
15 employment opportunity programs, procedures,
16 regulations, reports, and the agency's affirmative
17 action plan.

18 (b) Evaluating in writing each fiscal year the
19 sufficiency of the total agency program for equal
20 employment opportunity and reporting thereon to the
21 head of the agency with recommendations as to any
22 improvement or correction in recruiting, hiring or
23 promotion needed, including remedial or disciplinary
24 action with respect to managerial or supervisory
25 employees who have failed to cooperate fully or who are
26 in violation of the program.

1 (c) Making changes in recruitment, training and
2 promotion programs and in hiring and promotion
3 procedures designed to eliminate discriminatory
4 practices when authorized.

5 (d) Evaluating tests, employment policies,
6 practices and qualifications and reporting to the head
7 of the agency and to the Department any policies,
8 practices and qualifications that have unequal impact
9 by race, national origin as required by Department
10 rule, sex or disability or any other category that the
11 Department may require by rule, and to assist in the
12 recruitment of people in underrepresented
13 classifications. This function shall be performed in
14 cooperation with the State Department of Central
15 Management Services.

16 (e) Making any aggrieved employee or applicant for
17 employment aware of his or her remedies under this Act.

18 In any meeting, investigation, negotiation,
19 conference, or other proceeding between a State
20 employee and an Equal Employment Opportunity officer,
21 a State employee (1) who is not covered by a collective
22 bargaining agreement and (2) who is the complaining
23 party or the subject of such proceeding may be
24 accompanied, advised and represented by (1) an
25 attorney licensed to practice law in the State of
26 Illinois or (2) a representative of an employee

1 organization whose membership is composed of employees
2 of the State and of which the employee is a member. A
3 representative of an employee, other than an attorney,
4 may observe but may not actively participate, or advise
5 the State employee during the course of such meeting,
6 investigation, negotiation, conference or other
7 proceeding. Nothing in this Section shall be construed
8 to permit any person who is not licensed to practice
9 law in Illinois to deliver any legal services or
10 otherwise engage in any activities that would
11 constitute the unauthorized practice of law. Any
12 representative of an employee who is present with the
13 consent of the employee, shall not, during or after
14 termination of the relationship permitted by this
15 Section with the State employee, use or reveal any
16 information obtained during the course of the meeting,
17 investigation, negotiation, conference or other
18 proceeding without the consent of the complaining
19 party and any State employee who is the subject of the
20 proceeding and pursuant to rules and regulations
21 governing confidentiality of such information as
22 promulgated by the appropriate State agency.
23 Intentional or reckless disclosure of information in
24 violation of these confidentiality requirements shall
25 constitute a Class B misdemeanor.

26 (5) Establish, maintain and carry out a continuing

1 sexual harassment program that shall include the
2 following:

3 (a) Develop a written sexual harassment policy
4 that includes at a minimum the following information:
5 (i) the illegality of sexual harassment; (ii) the
6 definition of sexual harassment under State law; (iii)
7 a description of sexual harassment, utilizing
8 examples; (iv) the agency's internal complaint process
9 including penalties; (v) the legal recourse,
10 investigative and complaint process available through
11 the Department and the Commission; (vi) directions on
12 how to contact the Department and Commission; and (vii)
13 protection against retaliation as provided by Section
14 6-101 of this Act. The policy shall be reviewed
15 annually.

16 (b) Post in a prominent and accessible location and
17 distribute in a manner to assure notice to all agency
18 employees without exception the agency's sexual
19 harassment policy. Such documents may meet, but shall
20 not exceed, the 6th grade literacy level. Distribution
21 shall be effectuated within 90 days of the effective
22 date of this amendatory Act of 1992 and shall occur
23 annually thereafter.

24 (c) Provide training on sexual harassment
25 prevention and the agency's sexual harassment policy
26 as a component of all ongoing or new employee training

1 programs.

2 (6) Notify the Department 30 days before effecting any
3 layoff. Once notice is given, the following shall occur:

4 (a) No layoff may be effective earlier than 10
5 working days after notice to the Department, unless an
6 emergency layoff situation exists.

7 (b) The State executive department, State agency,
8 board, commission, or instrumentality in which the
9 layoffs are to occur must notify each employee targeted
10 for layoff, the employee's union representative (if
11 applicable), and the State Dislocated Worker Unit at
12 the Department of Commerce and Economic Opportunity.

13 (c) The State executive department, State agency,
14 board, commission, or instrumentality in which the
15 layoffs are to occur must conform to applicable
16 collective bargaining agreements.

17 (d) The State executive department, State agency,
18 board, commission, or instrumentality in which the
19 layoffs are to occur should notify each employee
20 targeted for layoff that transitional assistance may
21 be available to him or her under the Economic
22 Dislocation and Worker Adjustment Assistance Act
23 administered by the Department of Commerce and
24 Economic Opportunity. Failure to give such notice
25 shall not invalidate the layoff or postpone its
26 effective date.

1 As used in this subsection (B), "disability" shall be
2 defined in rules promulgated under the Illinois Administrative
3 Procedure Act.

4 (C) Civil Rights Violations. It is a civil rights violation
5 for any public contractor or eligible bidder to:

6 (1) fail to comply with the public contractor's or
7 eligible bidder's duty to refrain from unlawful
8 discrimination and discrimination based on citizenship
9 status in employment under subsection (A)(1) of this
10 Section; or

11 (2) fail to comply with the public contractor's or
12 eligible bidder's duties of affirmative action under
13 subsection (A) of this Section, provided however, that the
14 Department has notified the public contractor or eligible
15 bidder in writing by certified mail that the public
16 contractor or eligible bidder may not be in compliance with
17 affirmative action requirements of subsection (A). A
18 minimum of 60 days to comply with the requirements shall be
19 afforded to the public contractor or eligible bidder before
20 the Department may issue formal notice of non-compliance.

21 (D) As used in this Section:

22 (1) "American Indian or Alaska Native" means a person
23 having origins in any of the original peoples of North and
24 South America, including Central America, and who
25 maintains tribal affiliation or community attachment.

26 (2) "Asian" means a person having origins in any of the

1 original peoples of the Far East, Southeast Asia, or the
2 Indian subcontinent, including, but not limited to,
3 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
4 the Philippine Islands, Thailand, and Vietnam.

5 (3) "Black or African American" means a person having
6 origins in any of the black racial groups of Africa. Terms
7 such as "Haitian" or "Negro" can be used in addition to
8 "Black or African American".

9 (4) "Hispanic or Latino" means a person of Cuban,
10 Mexican, Puerto Rican, South or Central American, or other
11 Spanish culture or origin, regardless of race.

12 (5) "Native Hawaiian or Other Pacific Islander" means a
13 person having origins in any of the original peoples of
14 Hawaii, Guam, Samoa, or other Pacific Islands.

15 (Source: P.A. 99-933, eff. 1-27-17.)