

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.)