



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3539

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-101

from Ch. 68, par. 2-101

775 ILCS 5/6-103 new

Amends the Illinois Human Rights Act. Provides that "employee" includes a candidate for election to a public office. Provides that it is a civil rights violation to ask a candidate for election to public office in this State about: his or her parental status; his or her plans for childcare; his or her religion; his or her sexual orientation; or any other question that may result in unlawful discrimination. Effective immediately.

LRB101 10620 LNS 55726 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 2-101 and by adding Section 6-103 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 (d) A candidate for election to a public office.

16 For purposes of subsection (D) of Section 2-102 of this
17 Act, "employee" also includes an unpaid intern. An unpaid
18 intern is a person who performs work for an employer under
19 the following circumstances:

20 (i) the employer is not committed to hiring the
21 person performing the work at the conclusion of the
22 intern's tenure;

23 (ii) the employer and the person performing the

1 work agree that the person is not entitled to wages for
2 the work performed; and

3 (iii) the work performed:

4 (I) supplements training given in an
5 educational environment that may enhance the
6 employability of the intern;

7 (II) provides experience for the benefit of
8 the person performing the work;

9 (III) does not displace regular employees;

10 (IV) is performed under the close supervision
11 of existing staff; and

12 (V) provides no immediate advantage to the
13 employer providing the training and may
14 occasionally impede the operations of the
15 employer.

16 (2) "Employee" does not include:

17 (a) (Blank);

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

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

22 (d) Principal administrative officers of the State
23 or of any political subdivision, municipal corporation
24 or other governmental unit or agency;

25 (e) A person in a vocational rehabilitation
26 facility certified under federal law who has been

1 designated an evaluatee, trainee, or work activity
2 client.

3 (B) Employer.

4 (1) "Employer" includes:

5 (a) Any person employing 15 or more employees
6 within Illinois during 20 or more calendar weeks within
7 the calendar year of or preceding the alleged
8 violation;

9 (b) Any person employing one or more employees when
10 a complainant alleges civil rights violation due to
11 unlawful discrimination based upon his or her physical
12 or mental disability unrelated to ability, pregnancy,
13 or sexual harassment;

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

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

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

21 (2) "Employer" does not include any religious
22 corporation, association, educational institution,
23 society, or non-profit nursing institution conducted by
24 and for those who rely upon treatment by prayer through
25 spiritual means in accordance with the tenets of a
26 recognized church or religious denomination with respect

1 to the employment of individuals of a particular religion
2 to perform work connected with the carrying on by such
3 corporation, association, educational institution, society
4 or non-profit nursing institution of its activities.

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

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

21 (E) Sexual Harassment. "Sexual harassment" means any
22 unwelcome sexual advances or requests for sexual favors or any
23 conduct of a sexual nature when (1) submission to such conduct
24 is made either explicitly or implicitly a term or condition of
25 an individual's employment, (2) submission to or rejection of
26 such conduct by an individual is used as the basis for

1 employment decisions affecting such individual, or (3) such
2 conduct has the purpose or effect of substantially interfering
3 with an individual's work performance or creating an
4 intimidating, hostile or offensive working environment.

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

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

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

20 (I) Public Officer. "Public officer" means a person who is
21 elected to office pursuant to the Constitution or a statute or
22 ordinance, or who is appointed to an office which is
23 established, and the qualifications and duties of which are
24 prescribed, by the Constitution or a statute or ordinance, to
25 discharge a public duty for the State, agency or department
26 thereof, unit of local government, school district,

1 instrumentality or political subdivision.

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

12 (K) Citizenship Status. "Citizenship status" means the
13 status of being:

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

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

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

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

22 (Source: P.A. 99-78, eff. 7-20-15; 99-758, eff. 1-1-17; 100-43,
23 eff. 8-9-17.)

24 (775 ILCS 5/6-103 new)

25 Sec. 6-103. Election Candidates. It is a civil rights

1 violation to ask a candidate for election to public office in
2 this State about: his or her parental status; his or her plans
3 for childcare; his or her religion; his or her sexual
4 orientation; or any other question that may result in unlawful
5 discrimination.

6 Section 99. Effective date. This Act takes effect January
7 1, 2020.