



Sen. Omar Aquino

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1 AMENDMENT TO SENATE BILL 995

2 AMENDMENT NO. _____. Amend Senate Bill 995 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 2-101 and 3-101 and by adding Sections 2-111
6 and 3-107 as follows:

7 (775 ILCS 5/2-101)

8 Sec. 2-101. Definitions. The following definitions are
9 applicable strictly in the context of this Article.

10 (A) Employee.

11 (1) "Employee" includes:

12 (a) Any individual performing services for
13 remuneration within this State for an employer;

14 (b) An apprentice;

15 (c) An applicant for any apprenticeship.

16 For purposes of subsection (D) of Section 2-102 of

1 this Act, "employee" also includes an unpaid intern. An
2 unpaid intern is a person who performs work for an
3 employer under the following circumstances:

4 (i) the employer is not committed to hiring the
5 person performing the work at the conclusion of the
6 intern's tenure;

7 (ii) the employer and the person performing the
8 work agree that the person is not entitled to wages for
9 the work performed; and

10 (iii) the work performed:

11 (I) supplements training given in an
12 educational environment that may enhance the
13 employability of the intern;

14 (II) provides experience for the benefit of
15 the person performing the work;

16 (III) does not displace regular employees;

17 (IV) is performed under the close supervision
18 of existing staff; and

19 (V) provides no immediate advantage to the
20 employer providing the training and may
21 occasionally impede the operations of the
22 employer.

23 (2) "Employee" does not include:

24 (a) (Blank);

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

1 (c) Elected public officials or the members of
2 their immediate personal staffs;

3 (d) Principal administrative officers of the State
4 or of any political subdivision, municipal corporation
5 or other governmental unit or agency;

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

10 (B) Employer.

11 (1) "Employer" includes:

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

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

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

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

26 (e) A joint apprenticeship or training committee

1 without regard to the number of employees.

2 (2) "Employer" does not include any place of worship,
3 religious corporation, association, educational
4 institution, society, or non-profit nursing institution
5 conducted by and for those who rely upon treatment by
6 prayer through spiritual means in accordance with the
7 tenets of a recognized church or religious denomination
8 with respect to the employment of individuals of a
9 particular religion to perform work connected with the
10 carrying on by such place of worship, corporation,
11 association, educational institution, society or
12 non-profit nursing institution of its activities.

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

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

1 connection with employment, including apprenticeships or
2 applications for apprenticeships.

3 (E) Sexual Harassment. "Sexual harassment" means any
4 unwelcome sexual advances or requests for sexual favors or any
5 conduct of a sexual nature when (1) submission to such conduct
6 is made either explicitly or implicitly a term or condition of
7 an individual's employment, (2) submission to or rejection of
8 such conduct by an individual is used as the basis for
9 employment decisions affecting such individual, or (3) such
10 conduct has the purpose or effect of substantially interfering
11 with an individual's work performance or creating an
12 intimidating, hostile or offensive working environment.

13 For purposes of this definition, the phrase "working
14 environment" is not limited to a physical location an employee
15 is assigned to perform his or her duties.

16 (E-1) Harassment. "Harassment" means any unwelcome conduct
17 on the basis of an individual's actual or perceived race,
18 color, religion, national origin, ancestry, age, sex, marital
19 status, order of protection status, disability, military
20 status, sexual orientation, pregnancy, unfavorable discharge
21 from military service, or citizenship status that has the
22 purpose or effect of substantially interfering with the
23 individual's work performance or creating an intimidating,
24 hostile, or offensive working environment. For purposes of
25 this definition, the phrase "working environment" is not
26 limited to a physical location an employee is assigned to

1 perform his or her duties.

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

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

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

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

25 (J) Eligible Bidder. "Eligible bidder" means a person who,
26 prior to contract award or prior to bid opening for State

1 contracts for construction or construction-related services,
2 has filed with the Department a properly completed, sworn and
3 currently valid employer report form, pursuant to the
4 Department's regulations. The provisions of this Article
5 relating to eligible bidders apply only to bids on contracts
6 with the State and its departments, agencies, boards, and
7 commissions, and the provisions do not apply to bids on
8 contracts with units of local government or school districts.

9 (K) Citizenship Status. "Citizenship status" means the
10 status of being:

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

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

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

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

19 (L) Adverse Employment Action. "Adverse employment action"
20 means to fail or refuse to hire an applicant, to discharge or
21 to not promote any employee, or to classify an employee in a
22 way that would deprive or tend to deprive any individual of
23 employment opportunities.

24 (M) Applicant. "Applicant" means an individual pursuing
25 employment on a part-time, full-time, or contract basis with
26 an employer.

1 (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 1-1-20;
2 101-430, eff. 7-1-20; revised 8-4-20.)

3 (775 ILCS 5/2-111 new)

4 Sec. 2-111. Use of conviction records or arrest records in
5 employment decisions.

6 (a) Unless otherwise specified by State or federal
7 statute, conviction records or arrest records used in whole or
8 in part as the basis for any adverse employment action shall be
9 issued by the Department of State Police pursuant to the
10 Illinois Uniform Conviction Information Act. Conviction
11 records or arrest records used to take any adverse employment
12 action under this Section shall be dated no more than 90 days
13 prior to the adverse employment action. Conviction records or
14 arrest records used to take any adverse employment action
15 shall be shared with the applicant before the adverse
16 employment action is taken.

17 (b) No employer shall withhold or deduct from the
18 compensation of any employee, or require any prospective
19 employee or applicant for employment to pay, any fee for, or
20 cost of, any criminal history record information check, nor
21 shall any employer withhold or deduct from the compensation of
22 any employee, or require any employee to pay any fee for, or
23 cost of, criminal history record information checks required
24 by any law, rule, or regulation of federal, State, or local
25 government or agency thereof.

1 (c) The Department may adopt rules necessary to administer
2 and enforce this Section.

3 (775 ILCS 5/3-101) (from Ch. 68, par. 3-101)

4 Sec. 3-101. Definitions. The following definitions are
5 applicable strictly in the context of this Article:

6 (A) Real Property. "Real property" includes buildings,
7 structures, real estate, lands, tenements, leaseholds,
8 interests in real estate cooperatives, condominiums, and
9 hereditaments, corporeal and incorporeal, or any interest
10 therein.

11 (B) Real Estate Transaction. "Real estate transaction"
12 includes the sale, exchange, rental or lease of real property.
13 "Real estate transaction" also includes the brokering or
14 appraising of residential real property and the making or
15 purchasing of loans or providing other financial assistance:

16 (1) for purchasing, constructing, improving, repairing or
17 maintaining a dwelling; or

18 (2) secured by residential real estate.

19 (C) Housing Accommodations. "Housing accommodation"
20 includes any improved or unimproved real property, or part
21 thereof, which is used or occupied, or is intended, arranged
22 or designed to be used or occupied, as the home or residence of
23 one or more individuals.

24 (D) Real Estate Broker or Salesman. "Real estate broker or
25 salesman" means a person, whether licensed or not, who, for or

1 with the expectation of receiving a consideration, lists,
2 sells, purchases, exchanges, rents, or leases real property,
3 or who negotiates or attempts to negotiate any of these
4 activities, or who holds himself or herself out as engaged in
5 these.

6 (E) Familial Status. "Familial status" means one or more
7 individuals (who have not attained the age of 18 years) being
8 domiciled with:

9 (1) a parent or person having legal custody of such
10 individual or individuals; or

11 (2) the designee of such parent or other person having
12 such custody, with the written permission of such parent or
13 other person.

14 The protections afforded by this Article against
15 discrimination on the basis of familial status apply to any
16 person who is pregnant or is in the process of securing legal
17 custody of any individual who has not attained the age of 18
18 years.

19 (F) Conciliation. "Conciliation" means the attempted
20 resolution of issues raised by a charge, or by the
21 investigation of such charge, through informal negotiations
22 involving the aggrieved party, the respondent and the
23 Department.

24 (G) Conciliation Agreement. "Conciliation agreement" means
25 a written agreement setting forth the resolution of the issues
26 in conciliation.

1 (H) Covered Multifamily Dwellings. As used in Section
2 3-102.1, "covered multifamily dwellings" means:

3 (1) buildings consisting of 4 or more units if such
4 buildings have one or more elevators; and

5 (2) ground floor units in other buildings consisting of 4
6 or more units.

7 (I) Adverse housing action. "Adverse housing action" means
8 to fail or refuse to offer tenancy, a lease, or to engage in
9 any real estate transaction that would deprive or tend to
10 deprive any individual of housing opportunities.

11 (J) Prospective Tenant. "Prospective tenant" means an
12 individual pursuing tenancy, lease approval, or approval of
13 any real estate transaction.

14 (K) Housing provider. "Housing provider" means an owner,
15 lessor, real estate broker or salesperson, or any other person
16 engaging in a real estate transaction.

17 (Source: P.A. 86-820; 86-910; 86-1028.)

18 (775 ILCS 5/3-107 new)

19 Sec. 3-107. Use of conviction records or arrest records in
20 housing decisions.

21 (a) Unless otherwise specified by State or federal
22 statute, conviction records or arrest records used in whole or
23 in part as the basis for any adverse housing action shall be
24 issued by the Department of State Police pursuant to the
25 Illinois Uniform Conviction Information Act. Conviction

1 records or arrest records used to take any adverse housing
2 action under this Section shall be dated no more than 90 days
3 prior to the adverse housing action. Conviction records or
4 arrest records used to take any adverse housing action shall
5 be shared with the prospective tenant, tenant, or resident
6 before the adverse housing action is taken.

7 (b) No housing provider shall require any prospective
8 tenant to pay any fee for, or cost of, any criminal history
9 record information check, nor shall any housing provider
10 withhold or add any amount to an approved lease to pay any fee
11 for, or cost of, criminal history record information checks
12 required by any law, rule, or regulation of a federal, State,
13 or local government or agency thereof.

14 (c) The Department may adopt rules necessary to administer
15 and enforce this Section."