



Rep. Will Guzzardi

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10300HB2161ham003

LRB103 04925 JRC 72320 a

1 AMENDMENT TO HOUSE BILL 2161

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2161, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Human Rights Act is amended by  
6 changing Sections 2-101, 2-102, 2-104, and 6-101 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, citizenship status, ~~or~~ work  
22 authorization status, or family responsibilities that has the  
23 purpose or effect of substantially interfering with the  
24 individual's work performance or creating an intimidating,  
25 hostile, or offensive working environment. For purposes of  
26 this definition, the phrase "working environment" is not

1 limited to a physical location an employee is assigned to  
2 perform his or her duties.

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

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

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

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

26 (J) Eligible Bidder. "Eligible bidder" means a person who,

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

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

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

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

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

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

20 (L) Work Authorization Status. "Work authorization status"  
21 means the status of being a person born outside of the United  
22 States, and not a U.S. citizen, who is authorized by the  
23 federal government to work in the United States.

24 (M) Family Responsibilities. "Family responsibilities"  
25 means an employee's actual or perceived provision of personal  
26 care to a family member. As used in this definition:

1           (1) "Personal care" has the meaning given to that term  
2           in the Employee Sick Leave Act.

3           (2) "Family member" has the meaning given to the term  
4           "covered family member" in the Employee Sick Leave Act.

5           (Source: P.A. 101-221, eff. 1-1-20; 101-430, eff. 7-1-20;  
6           102-233, eff. 8-2-21; 102-558, eff. 8-20-21; 102-1030, eff.  
7           5-27-22.)

8           (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)  
9           Sec. 2-102. Civil rights violations - employment. It is a  
10          civil rights violation:

11           (A) Employers. For any employer to refuse to hire, to  
12           segregate, to engage in harassment as defined in  
13           subsection (E-1) of Section 2-101, or to act with respect  
14           to recruitment, hiring, promotion, renewal of employment,  
15           selection for training or apprenticeship, discharge,  
16           discipline, tenure or terms, privileges or conditions of  
17           employment on the basis of unlawful discrimination,  
18           citizenship status, ~~or~~ work authorization status, or  
19           family responsibilities. An employer is responsible for  
20           harassment by the employer's nonmanagerial and  
21           nonsupervisory employees only if the employer becomes  
22           aware of the conduct and fails to take reasonable  
23           corrective measures.

24           (A-5) Language. For an employer to impose a  
25           restriction that has the effect of prohibiting a language



1 from being spoken by an employee in communications that  
2 are unrelated to the employee's duties.

3 For the purposes of this subdivision (A-5), "language"  
4 means a person's native tongue, such as Polish, Spanish,  
5 or Chinese. "Language" does not include such things as  
6 slang, jargon, profanity, or vulgarity.

7 (A-10) Harassment of nonemployees. For any employer,  
8 employment agency, or labor organization to engage in  
9 harassment of nonemployees in the workplace. An employer  
10 is responsible for harassment of nonemployees by the  
11 employer's nonmanagerial and nonsupervisory employees only  
12 if the employer becomes aware of the conduct and fails to  
13 take reasonable corrective measures. For the purposes of  
14 this subdivision (A-10), "nonemployee" means a person who  
15 is not otherwise an employee of the employer and is  
16 directly performing services for the employer pursuant to  
17 a contract with that employer. "Nonemployee" includes  
18 contractors and consultants. This subdivision applies to  
19 harassment occurring on or after the effective date of  
20 this amendatory Act of the 101st General Assembly.

21 (B) Employment agency. For any employment agency to  
22 fail or refuse to classify properly, accept applications  
23 and register for employment referral or apprenticeship  
24 referral, refer for employment, or refer for  
25 apprenticeship on the basis of unlawful discrimination,  
26 citizenship status, ~~or~~ work authorization status, or

1       family responsibilities or to accept from any person any  
2       job order, requisition or request for referral of  
3       applicants for employment or apprenticeship which makes or  
4       has the effect of making unlawful discrimination or  
5       discrimination on the basis of citizenship status ~~or~~ work  
6       authorization status, or family responsibilities a  
7       condition of referral.

8           (C) Labor organization. For any labor organization to  
9       limit, segregate or classify its membership, or to limit  
10       employment opportunities, selection and training for  
11       apprenticeship in any trade or craft, or otherwise to  
12       take, or fail to take, any action which affects adversely  
13       any person's status as an employee or as an applicant for  
14       employment or as an apprentice, or as an applicant for  
15       apprenticeships, or wages, tenure, hours of employment or  
16       apprenticeship conditions on the basis of unlawful  
17       discrimination, citizenship status, ~~or~~ work authorization  
18       status, or family responsibilities.

19           (D) Sexual harassment. For any employer, employee,  
20       agent of any employer, employment agency or labor  
21       organization to engage in sexual harassment; provided,  
22       that an employer shall be responsible for sexual  
23       harassment of the employer's employees by nonemployees or  
24       nonmanagerial and nonsupervisory employees only if the  
25       employer becomes aware of the conduct and fails to take  
26       reasonable corrective measures.

1           (D-5) Sexual harassment of nonemployees. For any  
2 employer, employee, agent of any employer, employment  
3 agency, or labor organization to engage in sexual  
4 harassment of nonemployees in the workplace. An employer  
5 is responsible for sexual harassment of nonemployees by  
6 the employer's nonmanagerial and nonsupervisory employees  
7 only if the employer becomes aware of the conduct and  
8 fails to take reasonable corrective measures. For the  
9 purposes of this subdivision (D-5), "nonemployee" means a  
10 person who is not otherwise an employee of the employer  
11 and is directly performing services for the employer  
12 pursuant to a contract with that employer. "Nonemployee"  
13 includes contractors and consultants. This subdivision  
14 applies to sexual harassment occurring on or after the  
15 effective date of this amendatory Act of the 101st General  
16 Assembly.

17           (E) Public employers. For any public employer to  
18 refuse to permit a public employee under its jurisdiction  
19 who takes time off from work in order to practice his or  
20 her religious beliefs to engage in work, during hours  
21 other than such employee's regular working hours,  
22 consistent with the operational needs of the employer and  
23 in order to compensate for work time lost for such  
24 religious reasons. Any employee who elects such deferred  
25 work shall be compensated at the wage rate which he or she  
26 would have earned during the originally scheduled work

1 period. The employer may require that an employee who  
2 plans to take time off from work in order to practice his  
3 or her religious beliefs provide the employer with a  
4 notice of his or her intention to be absent from work not  
5 exceeding 5 days prior to the date of absence.

6 (E-5) Religious discrimination. For any employer to  
7 impose upon a person as a condition of obtaining or  
8 retaining employment, including opportunities for  
9 promotion, advancement, or transfer, any terms or  
10 conditions that would require such person to violate or  
11 forgo a sincerely held practice of his or her religion  
12 including, but not limited to, the wearing of any attire,  
13 clothing, or facial hair in accordance with the  
14 requirements of his or her religion, unless, after  
15 engaging in a bona fide effort, the employer demonstrates  
16 that it is unable to reasonably accommodate the employee's  
17 or prospective employee's sincerely held religious belief,  
18 practice, or observance without undue hardship on the  
19 conduct of the employer's business.

20 Nothing in this Section prohibits an employer from  
21 enacting a dress code or grooming policy that may include  
22 restrictions on attire, clothing, or facial hair to  
23 maintain workplace safety or food sanitation.

24 (F) Training and apprenticeship programs. For any  
25 employer, employment agency or labor organization to  
26 discriminate against a person on the basis of age in the

1 selection, referral for or conduct of apprenticeship or  
2 training programs.

3 (G) Immigration-related practices.

4 (1) for an employer to request for purposes of  
5 satisfying the requirements of Section 1324a(b) of  
6 Title 8 of the United States Code, as now or hereafter  
7 amended, more or different documents than are required  
8 under such Section or to refuse to honor documents  
9 tendered that on their face reasonably appear to be  
10 genuine or to refuse to honor work authorization based  
11 upon the specific status or term of status that  
12 accompanies the authorization to work; or

13 (2) for an employer participating in the E-Verify  
14 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
15 Programs for Employment Eligibility Confirmation  
16 (enacted by PL 104-208, div. C title IV, subtitle A) to  
17 refuse to hire, to segregate, or to act with respect to  
18 recruitment, hiring, promotion, renewal of employment,  
19 selection for training or apprenticeship, discharge,  
20 discipline, tenure or terms, privileges or conditions  
21 of employment without following the procedures under  
22 the E-Verify Program.

23 (H) (Blank).

24 (I) Pregnancy. For an employer to refuse to hire, to  
25 segregate, or to act with respect to recruitment, hiring,  
26 promotion, renewal of employment, selection for training

1 or apprenticeship, discharge, discipline, tenure or terms,  
2 privileges or conditions of employment on the basis of  
3 pregnancy, childbirth, or medical or common conditions  
4 related to pregnancy or childbirth. Women affected by  
5 pregnancy, childbirth, or medical or common conditions  
6 related to pregnancy or childbirth shall be treated the  
7 same for all employment-related purposes, including  
8 receipt of benefits under fringe benefit programs, as  
9 other persons not so affected but similar in their ability  
10 or inability to work, regardless of the source of the  
11 inability to work or employment classification or status.

12 (J) Pregnancy; reasonable accommodations.

13 (1) If after a job applicant or employee,  
14 including a part-time, full-time, or probationary  
15 employee, requests a reasonable accommodation, for an  
16 employer to not make reasonable accommodations for any  
17 medical or common condition of a job applicant or  
18 employee related to pregnancy or childbirth, unless  
19 the employer can demonstrate that the accommodation  
20 would impose an undue hardship on the ordinary  
21 operation of the business of the employer. The  
22 employer may request documentation from the employee's  
23 health care provider concerning the need for the  
24 requested reasonable accommodation or accommodations  
25 to the same extent documentation is requested for  
26 conditions related to disability if the employer's

1 request for documentation is job-related and  
2 consistent with business necessity. The employer may  
3 require only the medical justification for the  
4 requested accommodation or accommodations, a  
5 description of the reasonable accommodation or  
6 accommodations medically advisable, the date the  
7 reasonable accommodation or accommodations became  
8 medically advisable, and the probable duration of the  
9 reasonable accommodation or accommodations. It is the  
10 duty of the individual seeking a reasonable  
11 accommodation or accommodations to submit to the  
12 employer any documentation that is requested in  
13 accordance with this paragraph. Notwithstanding the  
14 provisions of this paragraph, the employer may require  
15 documentation by the employee's health care provider  
16 to determine compliance with other laws. The employee  
17 and employer shall engage in a timely, good faith, and  
18 meaningful exchange to determine effective reasonable  
19 accommodations.

20 (2) For an employer to deny employment  
21 opportunities or benefits to or take adverse action  
22 against an otherwise qualified job applicant or  
23 employee, including a part-time, full-time, or  
24 probationary employee, if the denial or adverse action  
25 is based on the need of the employer to make reasonable  
26 accommodations to the known medical or common

1 conditions related to the pregnancy or childbirth of  
2 the applicant or employee.

3 (3) For an employer to require a job applicant or  
4 employee, including a part-time, full-time, or  
5 probationary employee, affected by pregnancy,  
6 childbirth, or medical or common conditions related to  
7 pregnancy or childbirth to accept an accommodation  
8 when the applicant or employee did not request an  
9 accommodation and the applicant or employee chooses  
10 not to accept the employer's accommodation.

11 (4) For an employer to require an employee,  
12 including a part-time, full-time, or probationary  
13 employee, to take leave under any leave law or policy  
14 of the employer if another reasonable accommodation  
15 can be provided to the known medical or common  
16 conditions related to the pregnancy or childbirth of  
17 an employee. No employer shall fail or refuse to  
18 reinstate the employee affected by pregnancy,  
19 childbirth, or medical or common conditions related to  
20 pregnancy or childbirth to her original job or to an  
21 equivalent position with equivalent pay and  
22 accumulated seniority, retirement, fringe benefits,  
23 and other applicable service credits upon her  
24 signifying her intent to return or when her need for  
25 reasonable accommodation ceases, unless the employer  
26 can demonstrate that the accommodation would impose an



1           undue hardship on the ordinary operation of the  
2           business of the employer.

3           For the purposes of this subdivision (J), "reasonable  
4           accommodations" means reasonable modifications or  
5           adjustments to the job application process or work  
6           environment, or to the manner or circumstances under which  
7           the position desired or held is customarily performed,  
8           that enable an applicant or employee affected by  
9           pregnancy, childbirth, or medical or common conditions  
10          related to pregnancy or childbirth to be considered for  
11          the position the applicant desires or to perform the  
12          essential functions of that position, and may include, but  
13          is not limited to: more frequent or longer bathroom  
14          breaks, breaks for increased water intake, and breaks for  
15          periodic rest; private non-bathroom space for expressing  
16          breast milk and breastfeeding; seating; assistance with  
17          manual labor; light duty; temporary transfer to a less  
18          strenuous or hazardous position; the provision of an  
19          accessible worksite; acquisition or modification of  
20          equipment; job restructuring; a part-time or modified work  
21          schedule; appropriate adjustment or modifications of  
22          examinations, training materials, or policies;  
23          reassignment to a vacant position; time off to recover  
24          from conditions related to childbirth; and leave  
25          necessitated by pregnancy, childbirth, or medical or  
26          common conditions resulting from pregnancy or childbirth.

1           For the purposes of this subdivision (J), "undue  
2           hardship" means an action that is prohibitively expensive  
3           or disruptive when considered in light of the following  
4           factors: (i) the nature and cost of the accommodation  
5           needed; (ii) the overall financial resources of the  
6           facility or facilities involved in the provision of the  
7           reasonable accommodation, the number of persons employed  
8           at the facility, the effect on expenses and resources, or  
9           the impact otherwise of the accommodation upon the  
10          operation of the facility; (iii) the overall financial  
11          resources of the employer, the overall size of the  
12          business of the employer with respect to the number of its  
13          employees, and the number, type, and location of its  
14          facilities; and (iv) the type of operation or operations  
15          of the employer, including the composition, structure, and  
16          functions of the workforce of the employer, the geographic  
17          separateness, administrative, or fiscal relationship of  
18          the facility or facilities in question to the employer.  
19          The employer has the burden of proving undue hardship. The  
20          fact that the employer provides or would be required to  
21          provide a similar accommodation to similarly situated  
22          employees creates a rebuttable presumption that the  
23          accommodation does not impose an undue hardship on the  
24          employer.

25          No employer is required by this subdivision (J) to  
26          create additional employment that the employer would not

1 otherwise have created, unless the employer does so or  
2 would do so for other classes of employees who need  
3 accommodation. The employer is not required to discharge  
4 any employee, transfer any employee with more seniority,  
5 or promote any employee who is not qualified to perform  
6 the job, unless the employer does so or would do so to  
7 accommodate other classes of employees who need it.

8 (K) Notice.

9 (1) For an employer to fail to post or keep posted  
10 in a conspicuous location on the premises of the  
11 employer where notices to employees are customarily  
12 posted, or fail to include in any employee handbook  
13 information concerning an employee's rights under this  
14 Article, a notice, to be prepared or approved by the  
15 Department, summarizing the requirements of this  
16 Article and information pertaining to the filing of a  
17 charge, including the right to be free from unlawful  
18 discrimination, the right to be free from sexual  
19 harassment, and the right to certain reasonable  
20 accommodations. The Department shall make the  
21 documents required under this paragraph available for  
22 retrieval from the Department's website.

23 (2) Upon notification of a violation of paragraph  
24 (1) of this subdivision (K), the Department may launch  
25 a preliminary investigation. If the Department finds a  
26 violation, the Department may issue a notice to show

1           cause giving the employer 30 days to correct the  
2           violation. If the violation is not corrected, the  
3           Department may initiate a charge of a civil rights  
4           violation.

5           (Source: P.A. 101-221, eff. 1-1-20; 102-233, eff. 8-2-21.)

6           (775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

7           Sec. 2-104. Exemptions.

8           (A) Nothing contained in this Act shall prohibit an  
9           employer, employment agency, or labor organization from:

10           (1) Bona Fide Qualification. Hiring or selecting  
11           between persons for bona fide occupational qualifications  
12           or any reason except those civil-rights violations  
13           specifically identified in this Article.

14           (2) Veterans. Giving preferential treatment to  
15           veterans and their relatives as required by the laws or  
16           regulations of the United States or this State or a unit of  
17           local government, or pursuant to a private employer's  
18           voluntary veterans' preference employment policy  
19           authorized by the Veterans Preference in Private  
20           Employment Act.

21           (3) Unfavorable Discharge From Military Service.

22           (a) Using unfavorable discharge from military  
23           service as a valid employment criterion when  
24           authorized by federal law or regulation or when a  
25           position of employment involves the exercise of

1           fiduciary responsibilities as defined by rules and  
2           regulations which the Department shall adopt; or

3           (b) Participating in a bona fide recruiting  
4           incentive program, sponsored by a branch of the United  
5           States Armed Forces, a reserve component of the United  
6           States Armed Forces, or any National Guard or Naval  
7           Militia, where participation in the program is limited  
8           by the sponsoring branch based upon the service  
9           member's discharge status.

10          (4) Ability Tests. Giving or acting upon the results  
11          of any professionally developed ability test provided that  
12          such test, its administration, or action upon the results,  
13          is not used as a subterfuge for or does not have the effect  
14          of unlawful discrimination.

15          (5) Merit and Retirement Systems.

16          (a) Applying different standards of compensation,  
17          or different terms, conditions or privileges of  
18          employment pursuant to a merit or retirement system  
19          provided that such system or its administration is not  
20          used as a subterfuge for or does not have the effect of  
21          unlawful discrimination.

22          (b) Effecting compulsory retirement of any  
23          employee who has attained 65 years of age and who, for  
24          the 2-year period immediately preceding retirement, is  
25          employed in a bona fide executive or a high  
26          policymaking position, if such employee is entitled to

1 an immediate nonforfeitable annual retirement benefit  
2 from a pension, profit-sharing, savings, or deferred  
3 compensation plan, or any combination of such plans of  
4 the employer of such employee, which equals, in the  
5 aggregate, at least \$44,000. If any such retirement  
6 benefit is in a form other than a straight life annuity  
7 (with no ancillary benefits) or if the employees  
8 contribute to any such plan or make rollover  
9 contributions, the retirement benefit shall be  
10 adjusted in accordance with regulations prescribed by  
11 the Department, so that the benefit is the equivalent  
12 of a straight life annuity (with no ancillary  
13 benefits) under a plan to which employees do not  
14 contribute and under which no rollover contributions  
15 are made.

16 (c) Until January 1, 1994, effecting compulsory  
17 retirement of any employee who has attained 70 years  
18 of age, and who is serving under a contract of  
19 unlimited tenure (or similar arrangement providing for  
20 unlimited tenure) at an institution of higher  
21 education as defined by Section 1201(a) of the Higher  
22 Education Act of 1965.

23 (6) Training and Apprenticeship programs. Establishing  
24 an educational requirement as a prerequisite to selection  
25 for a training or apprenticeship program, provided such  
26 requirement does not operate to discriminate on the basis

1 of any prohibited classification except age.

2 (7) Police and Firefighter/Paramedic Retirement.  
3 Imposing a mandatory retirement age for  
4 firefighters/paramedics or law enforcement officers and  
5 discharging or retiring such individuals pursuant to the  
6 mandatory retirement age if such action is taken pursuant  
7 to a bona fide retirement plan provided that the law  
8 enforcement officer or firefighter/paramedic has attained:

9 (a) the age of retirement in effect under  
10 applicable State or local law on March 3, 1983; or

11 (b) if the applicable State or local law was  
12 enacted after the date of enactment of the federal Age  
13 Discrimination in Employment Act Amendments of 1996  
14 (P.L. 104-208), the age of retirement in effect on the  
15 date of such discharge under such law.

16 This paragraph (7) shall not apply with respect to any  
17 cause of action arising under the Illinois Human Rights  
18 Act as in effect prior to the effective date of this  
19 amendatory Act of 1997.

20 (8) Police and Firefighter/Paramedic Appointment.  
21 Failing or refusing to hire any individual because of such  
22 individual's age if such action is taken with respect to  
23 the employment of an individual as a firefighter/paramedic  
24 or as a law enforcement officer and the individual has  
25 attained:

26 (a) the age of hiring or appointment in effect

1 under applicable State or local law on March 3, 1983;  
2 or

3 (b) the age of hiring in effect on the date of such  
4 failure or refusal to hire under applicable State or  
5 local law enacted after the date of enactment of the  
6 federal Age Discrimination in Employment Act  
7 Amendments of 1996 (P.L. 104-208).

8 As used in paragraph (7) or (8):

9 "Firefighter/paramedic" means an employee, the duties  
10 of whose position are primarily to perform work directly  
11 connected with the control and extinguishment of fires or  
12 the maintenance and use of firefighting apparatus and  
13 equipment, or to provide emergency medical services,  
14 including an employee engaged in this activity who is  
15 transferred to a supervisory or administrative position.

16 "Law enforcement officer" means an employee, the  
17 duties of whose position are primarily the investigation,  
18 apprehension, or detention of individuals suspected or  
19 convicted of criminal offenses, including an employee  
20 engaged in this activity who is transferred to a  
21 supervisory or administrative position.

22 (9) Citizenship Status. Making legitimate distinctions  
23 based on citizenship status if specifically authorized or  
24 required by State or federal law.

25 (B) With respect to any employee who is subject to a  
26 collective bargaining agreement:



1 (a) which is in effect on June 30, 1986,  
2 (b) which terminates after January 1, 1987,  
3 (c) any provision of which was entered into by a labor  
4 organization as defined by Section 6(d)(4) of the Fair  
5 Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and  
6 (d) which contains any provision that would be  
7 superseded by Public Act 85-748,  
8 Public Act 85-748 shall not apply until the termination of  
9 such collective bargaining agreement or January 1, 1990,  
10 whichever occurs first.

11 (C)(1) For purposes of this Act, the term "disability"  
12 shall not include any employee or applicant who is currently  
13 engaging in the illegal use of drugs, when an employer acts on  
14 the basis of such use.

15 (2) Paragraph (1) shall not apply where an employee or  
16 applicant for employment:

17 (a) has successfully completed a supervised drug  
18 rehabilitation program and is no longer engaging in the  
19 illegal use of drugs, or has otherwise been rehabilitated  
20 successfully and is no longer engaging in such use;

21 (b) is participating in a supervised rehabilitation  
22 program and is no longer engaging in such use; or

23 (c) is erroneously regarded as engaging in such use,  
24 but is not engaging in such use.

25 It shall not be a violation of this Act for an employer to  
26 adopt or administer reasonable policies or procedures,

1 including but not limited to drug testing, designed to ensure  
2 that an individual described in subparagraph (a) or (b) is no  
3 longer engaging in the illegal use of drugs.

4 (3) An employer:

5 (a) may prohibit the illegal use of drugs and the use  
6 of alcohol at the workplace by all employees;

7 (b) may require that employees shall not be under the  
8 influence of alcohol or be engaging in the illegal use of  
9 drugs at the workplace;

10 (c) may require that employees behave in conformance  
11 with the requirements established under the federal  
12 Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.)  
13 and the Drug Free Workplace Act;

14 (d) may hold an employee who engages in the illegal  
15 use of drugs or who is an alcoholic to the same  
16 qualification standards for employment or job performance  
17 and behavior that such employer holds other employees,  
18 even if any unsatisfactory performance or behavior is  
19 related to the drug use or alcoholism of such employee;  
20 and

21 (e) may, with respect to federal regulations regarding  
22 alcohol and the illegal use of drugs, require that:

23 (i) employees comply with the standards  
24 established in such regulations of the United States  
25 Department of Defense, if the employees of the  
26 employer are employed in an industry subject to such

1 regulations, including complying with regulations (if  
2 any) that apply to employment in sensitive positions  
3 in such an industry, in the case of employees of the  
4 employer who are employed in such positions (as  
5 defined in the regulations of the Department of  
6 Defense);

7 (ii) employees comply with the standards  
8 established in such regulations of the Nuclear  
9 Regulatory Commission, if the employees of the  
10 employer are employed in an industry subject to such  
11 regulations, including complying with regulations (if  
12 any) that apply to employment in sensitive positions  
13 in such an industry, in the case of employees of the  
14 employer who are employed in such positions (as  
15 defined in the regulations of the Nuclear Regulatory  
16 Commission); and

17 (iii) employees comply with the standards  
18 established in such regulations of the United States  
19 Department of Transportation, if the employees of the  
20 employer are employed in a transportation industry  
21 subject to such regulations, including complying with  
22 such regulations (if any) that apply to employment in  
23 sensitive positions in such an industry, in the case  
24 of employees of the employer who are employed in such  
25 positions (as defined in the regulations of the United  
26 States Department of Transportation).

1           (4) For purposes of this Act, a test to determine the  
2 illegal use of drugs shall not be considered a medical  
3 examination. Nothing in this Act shall be construed to  
4 encourage, prohibit, or authorize the conducting of drug  
5 testing for the illegal use of drugs by job applicants or  
6 employees or making employment decisions based on such test  
7 results.

8           (5) Nothing in this Act shall be construed to encourage,  
9 prohibit, restrict, or authorize the otherwise lawful exercise  
10 by an employer subject to the jurisdiction of the United  
11 States Department of Transportation of authority to:

12           (a) test employees of such employer in, and applicants  
13 for, positions involving safety-sensitive duties for the  
14 illegal use of drugs and for on-duty impairment by  
15 alcohol; and

16           (b) remove such persons who test positive for illegal  
17 use of drugs and on-duty impairment by alcohol pursuant to  
18 subparagraph (a) from safety-sensitive duties in  
19 implementing paragraph (3).

20           (D) Nothing contained in this Act shall require an  
21 employer to sponsor, either monetarily or otherwise, any  
22 applicant or employee to obtain or modify work authorization  
23 status, unless otherwise required by federal law.

24           (E) Nothing contained in this Act shall be construed to  
25 obligate an employer, employment agency, or labor organization  
26 to make accommodations for an employee based on family

1 responsibilities, including accommodations as related to  
2 leave, scheduling, absenteeism, timeliness, work performance,  
3 referrals from a labor union hiring hall, and benefits.

4 (Source: P.A. 102-233, eff. 8-2-21.)

5 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

6 (Text of Section before amendment by P.A. 103-472)

7 Sec. 6-101. Additional civil rights violations under  
8 Articles 2, 4, 5, and 5A. It is a civil rights violation for a  
9 person, or for 2 or more persons, to conspire to:

10 (A) Retaliation. Retaliate against a person because he  
11 or she has opposed that which he or she reasonably and in  
12 good faith believes to be unlawful discrimination, sexual  
13 harassment in employment, sexual harassment in elementary,  
14 secondary, and higher education, or discrimination based  
15 on arrest record, citizenship status, ~~or~~ work  
16 authorization status, or family responsibilities in  
17 employment under Articles 2, 4, 5, and 5A, because he or  
18 she has made a charge, filed a complaint, testified,  
19 assisted, or participated in an investigation, proceeding,  
20 or hearing under this Act, or because he or she has  
21 requested, attempted to request, used, or attempted to use  
22 a reasonable accommodation as allowed by this Act;

23 (B) Aiding and Abetting; Coercion. Aid, abet, compel,  
24 or coerce a person to commit any violation of this Act;

25 (C) Interference. Wilfully interfere with the

1 performance of a duty or the exercise of a power by the  
2 Commission or one of its members or representatives or the  
3 Department or one of its officers or employees.

4 Definitions. For the purposes of this Section, "sexual  
5 harassment", "citizenship status", ~~and~~ "work authorization  
6 status", and "family responsibilities" shall have the same  
7 meaning as defined in Section 2-101 of this Act.

8 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;  
9 102-813, eff. 5-13-22.)

10 Sec. 6-101. Additional civil rights violations under  
11 Articles 2, 4, 5, 5A, and 6. It is a civil rights violation for  
12 a person, or for 2 or more persons, to conspire to:

13 (A) Retaliation. Retaliate against a person because  
14 that person has:

15 (i) opposed or reported conduct that the person  
16 reasonably and in good faith believes to be prohibited  
17 under Articles 2, 4, 5, 5A, and 6;

18 (ii) made a charge, filed a complaint, testified,  
19 assisted, or participated in an investigation,  
20 proceeding, or hearing under this Act; or

21 (iii) requested, attempted to request, used, or  
22 attempted to use a reasonable accommodation as allowed  
23 by this Act;

24 (B) Aiding and Abetting; Coercion. Aid, abet, compel,  
25 or coerce a person to commit any violation of this Act;

1           (C) Interference. Wilfully interfere with the  
2           performance of a duty or the exercise of a power by the  
3           Commission or one of its members or representatives or the  
4           Department or one of its officers or employees.

5           (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;  
6           102-813, eff. 5-13-22; 103-472, eff. 8-1-24.)".