

1 AN ACT in relation to employment.

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

4 Section 1. Short title. This Act may be cited as the
5 Victims' Economic Security and Safety Act.

6 Section 5. Findings. The General Assembly finds and
7 declares the following:

8 (1) Domestic and sexual violence affects many
9 persons without regard to age, race, educational level,
10 socioeconomic status, religion, or occupation.

11 (2) Domestic and sexual violence has a devastating
12 effect on individuals, families, communities and the
13 workplace.

14 (3) Domestic violence crimes account for
15 approximately 15% of total crime costs in the United
16 States each year.

17 (4) Violence against women has been reported to be
18 the leading cause of physical injury to women. Such
19 violence has a devastating impact on women's physical and
20 emotional health and financial security.

21 (5) According to recent government surveys, from
22 1993 through 1998 the average annual number of violent
23 victimizations committed by intimate partners was
24 1,082,110, 87% of which were committed against women.

25 (6) Female murder victims were substantially more
26 likely than male murder victims to have been killed by an
27 intimate partner. About one-third of female murder
28 victims, and about 4% of male murder victims, were killed
29 by an intimate partner.

30 (7) According to recent government estimates,
31 approximately 987,400 rapes occur annually in the United

1 States, 89% of the rapes are perpetrated against female
2 victims.

3 (8) Approximately 10,200,000 people have been
4 stalked at some time in their lives. Four out of every 5
5 stalking victims are women. Stalkers harass and terrorize
6 their victims by spying on the victims, standing outside
7 their places of work or homes, making unwanted phone
8 calls, sending or leaving unwanted letters or items, or
9 vandalizing property.

10 (9) Employees in the United States who have been
11 victims of domestic violence, dating violence, sexual
12 assault, or stalking too often suffer adverse
13 consequences in the workplace as a result of their
14 victimization.

15 (10) Victims of domestic violence, dating violence,
16 sexual assault, and stalking face the threat of job loss
17 and loss of health insurance as a result of the illegal
18 acts of the perpetrators of violence.

19 (11) The prevalence of domestic violence, dating
20 violence, sexual assault, stalking, and other violence
21 against women at work is dramatic. Approximately 11% of
22 all rapes occur in the workplace. About 50,500
23 individuals, 83% of whom are women, were raped or
24 sexually assaulted in the workplace each year from 1992
25 through 1996. Half of all female victims of violent
26 workplace crimes know their attackers. Nearly one out of
27 10 violent workplace incidents is committed by partners
28 or spouses.

29 (12) Homicide is the leading cause of death for
30 women on the job. Husbands, boyfriends, and ex-partners
31 commit 15% of workplace homicides against women.

32 (13) Studies indicate that as much as 74% of
33 employed battered women surveyed were harassed at work by
34 their abusive partners.

1 (14) According to a 1998 report of the U.S. General
2 Accounting Office, between one-fourth and one-half of
3 domestic violence victims surveyed in 3 studies reported
4 that the victims lost a job due, at least in part, to
5 domestic violence.

6 (15) Women who have experienced domestic violence
7 or dating violence are more likely than other women to be
8 unemployed, to suffer from health problems that can
9 affect employability and job performance, to report lower
10 personal income, and to rely on welfare.

11 (16) Abusers frequently seek to control their
12 partners by actively interfering with their ability to
13 work, including preventing their partners from going to
14 work, harassing their partners at work, limiting the
15 access of their partners to cash or transportation, and
16 sabotaging the child care arrangements of their partners.

17 (17) More than one-half of women receiving welfare
18 have been victims of domestic violence as adults and
19 between one-fourth and one-third reported being abused in
20 the last year.

21 (18) Sexual assault, whether occurring in or out of
22 the workplace, can impair an employee's work performance,
23 require time away from work, and undermine the employee's
24 ability to maintain a job. Almost 50% of sexual assault
25 survivors lose their jobs or are forced to quit in the
26 aftermath of the assaults.

27 (19) More than one-fourth of stalking victims
28 report losing time from work due to the stalking and 7%
29 never return to work.

30 (20) (A) According to the National Institute of
31 Justice, crime costs an estimated \$450,000,000,000
32 annually in medical expenses, lost earnings, social
33 service costs, pain, suffering, and reduced quality of
34 life for victims, which harms the Nation's productivity

1 and drains the Nation's resources. (B) Violent crime
2 accounts for \$426,000,000,000 per year of this amount.
3 (C) Rape exacts the highest costs per victim of any
4 criminal offense, and accounts for \$127,000,000,000 per
5 year of the amount described in subparagraph (A).

6 (21) The Bureau of National Affairs has estimated
7 that domestic violence costs United States employers
8 between \$3,000,000,000 and \$5,000,000,000 annually in
9 lost time and productivity. Other reports have estimated
10 that domestic violence costs United States employers
11 \$13,000,000,000 annually.

12 (22) United States medical costs for domestic
13 violence have been estimated to be \$31,000,000,000 per
14 year.

15 (23) Ninety-four percent of corporate security and
16 safety directors at companies nationwide rank domestic
17 violence as a high security concern.

18 (24) Forty-nine percent of senior executives
19 recently surveyed said domestic violence has a harmful
20 effect on their company's productivity, 47% said domestic
21 violence negatively affects attendance, and 44% said
22 domestic violence increases health care costs.

23 (25) Employees, including individuals participating
24 in welfare to work programs, may need to take time during
25 business hours to:

- 26 (A) obtain orders of protection;
27 (B) seek medical or legal assistance,
28 counseling, or other services; or
29 (C) look for housing in order to escape from
30 domestic violence.

31 Section 10. Definitions. In this Act, except as otherwise
32 expressly provided:

33 (1) "Commerce" includes trade, traffic, commerce,

1 transportation, or communication; and "industry or
2 activity affecting commerce" means any activity,
3 business, or industry in commerce or in which a labor
4 dispute would hinder or obstruct commerce or the free
5 flow of commerce, and includes "commerce" and any
6 "industry affecting commerce".

7 (2) "Course of conduct" means a course of
8 repeatedly maintaining a visual or physical proximity to
9 a person or conveying oral or written threats, including
10 threats conveyed through electronic communications, or
11 threats implied by conduct.

12 (3) "Department" means the Department of Labor.

13 (4) "Director" means the Director of Labor.

14 (5) "Domestic or sexual violence" means domestic
15 violence, sexual assault, or stalking.

16 (6) "Domestic violence" includes acts or threats of
17 violence, not including acts of self defense, as defined
18 in subdivision (3) of Section 103 of the Illinois
19 Domestic Violence Act of 1986, sexual assault, or death
20 to the person, or the person's family or household
21 member, if the conduct causes the specific person to have
22 such distress or fear.

23 (7) "Electronic communications" includes
24 communications via telephone, mobile phone, computer,
25 e-mail, video recorder, fax machine, telex, or pager.

26 (8) "Employ" includes to suffer or permit to work.

27 (9) Employee.

28 (A) In general. "Employee" means any person
29 employed by an employer.

30 (B) Basis. "Employee" includes a person
31 employed as described in subparagraph (A) on a full
32 or part-time basis, or as a participant in a work
33 assignment as a condition of receipt of federal or
34 State income-based public assistance.

1 (10) "Employer" means any of the following: (A) the
2 State or any agency of the State; (B) any unit of local
3 government or school district; or (C) any person that
4 employs at least 50 employees.

5 (11) "Employment benefits" means all benefits
6 provided or made available to employees by an employer,
7 including group life insurance, health insurance,
8 disability insurance, sick leave, annual leave,
9 educational benefits, and pensions, regardless of whether
10 such benefits are provided by a practice or written
11 policy of an employer or through an "employee benefit
12 plan". "Employee benefit plan" or "plan" means an
13 employee welfare benefit plan or an employee pension
14 benefit plan or a plan which is both an employee welfare
15 benefit plan and an employee pension benefit plan.

16 (12) "Family or household member" means a spouse,
17 parent, son, daughter, and persons jointly residing in
18 the same household.

19 (13) "Parent" means the biological parent of an
20 employee or an individual who stood in loco parentis to
21 an employee when the employee was a son or daughter. "Son
22 or daughter" means a biological, adopted, or foster
23 child, a stepchild, a legal ward, or a child of a person
24 standing in loco parentis, who is under 18 years of age,
25 or is 18 years of age or older and incapable of self-care
26 because of a mental or physical disability.

27 (14) "Perpetrator" means an individual who commits
28 or is alleged to have committed any act or threat of
29 domestic or sexual violence.

30 (15) "Person" means an individual, partnership,
31 association, corporation, business trust, legal
32 representative, or any organized group of persons.

33 (16) "Public agency" means the Government of the
34 State or political subdivision thereof; any agency of the

1 State, or of a political subdivision of the State; or any
2 governmental agency.

3 (17) "Public assistance" includes cash, food
4 stamps, medical assistance, housing assistance, and other
5 benefits provided on the basis of income by a public
6 agency or public employer.

7 (18) "Reduced work schedule" means a work schedule
8 that reduces the usual number of hours per workweek, or
9 hours per workday, of an employee.

10 (19) "Repeatedly" means on 2 or more occasions.

11 (20) "Sexual assault" means any conduct proscribed
12 by the Criminal Code of 1961 in Sections 12-13, 12-14,
13 12-14.1, 12-15, and 12-16.

14 (21) "Stalking" means any conduct proscribed by the
15 Criminal Code of 1961 in Sections 12-7.3 and 12-7.4.

16 (22) "Victim" or "survivor" means an individual who
17 has been subjected to domestic or sexual violence.

18 (23) "Victim services organization" means a
19 nonprofit, nongovernmental organization that provides
20 assistance to victims of domestic or sexual violence or
21 to advocates for such victims, including a rape crisis
22 center, an organization carrying out a domestic violence
23 program, an organization operating a shelter or providing
24 counseling services, or a legal services organization or
25 other organization providing assistance through the legal
26 process.

27 Section 15. Purposes. The purposes of this Act are:

28 (1) to promote the State's interest in reducing
29 domestic violence, dating violence, sexual assault, and
30 stalking by enabling victims of domestic or sexual
31 violence to maintain the financial independence necessary
32 to leave abusive situations, achieve safety, and minimize
33 the physical and emotional injuries from domestic or

1 sexual violence, and to reduce the devastating economic
2 consequences of domestic or sexual violence to employers
3 and employees;

4 (2) to address the failure of existing laws to
5 protect the employment rights of employees who are
6 victims of domestic or sexual violence and employees with
7 a family or household member who is a victim of domestic
8 or sexual violence, by protecting the civil and economic
9 rights of those employees, and by furthering the equal
10 opportunity of women for economic self-sufficiency and
11 employment free from discrimination;

12 (3) to accomplish the purposes described in
13 paragraphs (1) and (2) by entitling employed victims of
14 domestic or sexual violence to take unpaid leave to seek
15 medical help, legal assistance, counseling, safety
16 planning, and other assistance without penalty from their
17 employers.

18 Section 20. Entitlement to leave due to domestic or
19 sexual violence.

20 (a) Leave requirement.

21 (1) Basis. An employee who is a victim of domestic
22 or sexual violence or has a family or household member
23 who is a victim of domestic or sexual violence whose
24 interests are not adverse to the employee as it relates
25 to the domestic or sexual violence may take unpaid leave
26 from work to address domestic or sexual violence by:

27 (A) seeking medical attention for, or
28 recovering from, physical or psychological injuries
29 caused by domestic or sexual violence to the
30 employee or the employee's family or household
31 member;

32 (B) obtaining services from a victim services
33 organization for the employee or the employee's

1 family or household member;

2 (C) obtaining psychological or other
3 counseling for the employee or the employee's family
4 or household member;

5 (D) participating in safety planning,
6 temporarily or permanently relocating, or taking
7 other actions to increase the safety of the employee
8 or the employee's family or household member from
9 future domestic or sexual violence or ensure
10 economic security; or

11 (E) seeking legal assistance or remedies to
12 ensure the health and safety of the employee or the
13 employee's family or household member, including
14 preparing for or participating in any civil or
15 criminal legal proceeding related to or derived from
16 domestic or sexual violence.

17 (2) Period. Subject to subsection (c), an employee
18 shall be entitled to a total of 12 workweeks of leave
19 during any 12-month period. This Act does not create a
20 right for an employee to take unpaid leave that exceeds
21 the unpaid leave time allowed under, or is in addition to
22 the unpaid leave time permitted by, the federal Family
23 and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

24 (3) Schedule. Leave described in paragraph (1) may
25 be taken intermittently or on a reduced work schedule.

26 (b) Notice. The employee shall provide the employer with
27 at least 48 hours' advance notice of the employee's intention
28 to take the leave, unless providing such notice is not
29 practicable. When an unscheduled absence occurs, the employer
30 may not take any action against the employee if the employee,
31 within a reasonable period after the absence, provides
32 certification under subsection (c).

33 (c) Certification.

34 (1) In general. The employer may require the

1 employee to provide certification to the employer that:

2 (A) the employee or the employee's family or
3 household member is a victim of domestic or sexual
4 violence; and

5 (B) the leave is for one of the purposes
6 enumerated in paragraph (a)(1).

7 The employee shall provide such certification to the
8 employer within a reasonable period after the employer
9 requests certification.

10 (2) Contents. An employee may satisfy the
11 certification requirement of paragraph (1) by providing
12 to the employer a sworn statement of the employee, and
13 upon obtaining such documents the employee shall provide:

14 (A) documentation from an employee, agent, or
15 volunteer of a victim services organization, an
16 attorney, a member of the clergy, or a medical or
17 other professional from whom the employee or the
18 employee's family or household member has sought
19 assistance in addressing domestic or sexual violence
20 and the effects of the violence;

21 (B) a police or court record; or

22 (C) other corroborating evidence.

23 (d) Confidentiality. All information provided to the
24 employer pursuant to subsection (b) or (c), including a
25 statement of the employee or any other documentation, record,
26 or corroborating evidence, and the fact that the employee has
27 requested or obtained leave pursuant to this Section, shall
28 be retained in the strictest confidence by the employer,
29 except to the extent that disclosure is:

30 (1) requested or consented to in writing by the
31 employee; or

32 (2) otherwise required by applicable federal or
33 State law.

34 (e) Employment and benefits.

1 (1) Restoration to position.

2 (A) In general. Any employee who takes leave
3 under this Section for the intended purpose of the
4 leave shall be entitled, on return from such leave:

5 (i) to be restored by the employer to the
6 position of employment held by the employee
7 when the leave commenced; or

8 (ii) to be restored to an equivalent
9 position with equivalent employment benefits,
10 pay, and other terms and conditions of
11 employment.

12 (B) Loss of benefits. The taking of leave
13 under this Section shall not result in the loss of
14 any employment benefit accrued prior to the date on
15 which the leave commenced.

16 (C) Limitations. Nothing in this subsection
17 shall be construed to entitle any restored employee
18 to:

19 (i) the accrual of any seniority or
20 employment benefits during any period of leave;
21 or

22 (ii) any right, benefit, or position of
23 employment other than any right, benefit, or
24 position to which the employee would have been
25 entitled had the employee not taken the leave.

26 (D) Construction. Nothing in this paragraph
27 shall be construed to prohibit an employer from
28 requiring an employee on leave under this Section to
29 report periodically to the employer on the status
30 and intention of the employee to return to work.

31 (2) Maintenance of health benefits.

32 (A) Coverage. Except as provided in
33 subparagraph (B), during any period that an employee
34 takes leave under this Section, the employer shall

1 maintain coverage for the employee and any family or
 2 household member under any group health plan for the
 3 duration of such leave at the level and under the
 4 conditions coverage would have been provided if the
 5 employee had continued in employment continuously
 6 for the duration of such leave.

7 (B) Failure to return from leave. The employer
 8 may recover the premium that the employer paid for
 9 maintaining coverage for the employee and the
 10 employee's family or household member under such
 11 group health plan during any period of leave under
 12 this Section if:

13 (i) the employee fails to return from
 14 leave under this Section after the period of
 15 leave to which the employee is entitled has
 16 expired; and

17 (ii) the employee fails to return to work
 18 for a reason other than:

19 (I) the continuation, recurrence, or
 20 onset of domestic or sexual violence that
 21 entitles the employee to leave pursuant to
 22 this Section; or

23 (II) other circumstances beyond the
 24 control of the employee.

25 (C) Certification.

26 (i) Issuance. An employer may require an
 27 employee who claims that the employee is unable
 28 to return to work because of a reason described
 29 in subclause (I) or (II) of subparagraph
 30 (B)(ii) to provide, within a reasonable period
 31 after making the claim, certification to the
 32 employer that the employee is unable to return
 33 to work because of that reason.

34 (ii) Contents. An employee may satisfy

1 the certification requirement of clause (i) by
2 providing to the employer:

3 (I) a sworn statement of the
4 employee;

5 (II) documentation from an employee,
6 agent, or volunteer of a victim services
7 organization, an attorney, a member of the
8 clergy, or a medical or other professional
9 from whom the employee has sought
10 assistance in addressing domestic or
11 sexual violence and the effects of that
12 violence;

13 (III) a police or court record; or

14 (IV) other corroborating evidence.

15 (D) Confidentiality. All information provided
16 to the employer pursuant to subparagraph (C),
17 including a statement of the employee or any other
18 documentation, record, or corroborating evidence,
19 and the fact that the employee is not returning to
20 work because of a reason described in subclause (I)
21 or (II) of subparagraph (B)(ii) shall be retained in
22 the strictest confidence by the employer, except to
23 the extent that disclosure is:

24 (i) requested or consented to in writing
25 by the employee; or

26 (ii) otherwise required by applicable
27 federal or State law.

28 (f) Prohibited acts.

29 (1) Interference with rights.

30 (A) Exercise of rights. It shall be unlawful
31 for any employer to interfere with, restrain, or
32 deny the exercise of or the attempt to exercise any
33 right provided under this Section.

34 (B) Employer discrimination. It shall be

1 unlawful for any employer to discharge or harass any
 2 individual, or otherwise discriminate against any
 3 individual with respect to compensation, terms,
 4 conditions, or privileges of employment of the
 5 individual (including retaliation in any form or
 6 manner) because the individual:

7 (i) exercised any right provided under
 8 this Section; or

9 (ii) opposed any practice made unlawful
 10 by this Section.

11 (C) Public agency sanctions. It shall be
 12 unlawful for any public agency to deny, reduce, or
 13 terminate the benefits of, otherwise sanction, or
 14 harass any individual, or otherwise discriminate
 15 against any individual with respect to the amount,
 16 terms, or conditions of public assistance of the
 17 individual (including retaliation in any form or
 18 manner) because the individual:

19 (i) exercised any right provided under
 20 this Section; or

21 (ii) opposed any practice made unlawful
 22 by this Section.

23 (2) Interference with proceedings or inquiries. It
 24 shall be unlawful for any person to discharge or in any
 25 other manner discriminate (as described in subparagraph
 26 (B) or (C) of paragraph (1)) against any individual
 27 because such individual:

28 (A) has filed any charge, or has instituted or
 29 caused to be instituted any proceeding, under or
 30 related to this Section;

31 (B) has given, or is about to give, any
 32 information in connection with any inquiry or
 33 proceeding relating to any right provided under this
 34 Section; or

1 (C) has testified, or is about to testify, in
 2 any inquiry or proceeding relating to any right
 3 provided under this Section.

4 Section 25. Existing leave usable for addressing domestic
 5 or sexual violence. An employee who is entitled to take paid
 6 or unpaid leave (including family, medical, sick, annual,
 7 personal, or similar leave) from employment, pursuant to
 8 federal, State, or local law, a collective bargaining
 9 agreement, or an employment benefits program or plan, may
 10 elect to substitute any period of such leave for an
 11 equivalent period of leave provided under Section 20.

12 Section 30. Victims' employment sustainability;
 13 prohibited discriminatory acts.

14 (a) An employer shall not fail to hire, refuse to hire,
 15 discharge, or harass any individual, otherwise discriminate
 16 against any individual with respect to the compensation,
 17 terms, conditions, or privileges of employment of the
 18 individual, or retaliate against an individual in any form or
 19 manner, and a public agency shall not deny, reduce, or
 20 terminate the benefits of, otherwise sanction, or harass any
 21 individual, otherwise discriminate against any individual
 22 with respect to the amount, terms, or conditions of public
 23 assistance of the individual, or retaliate against an
 24 individual in any form or manner, because:

- 25 (1) the individual involved:
 - 26 (A) is or is perceived to be a victim of
 - 27 domestic or sexual violence;
 - 28 (B) attended, participated in, prepared for,
 - 29 or requested leave to attend, participate in, or
 - 30 prepare for a criminal or civil court proceeding
 - 31 relating to an incident of domestic or sexual
 - 32 violence of which the individual or a family or

1 household member of the individual was a victim; or
2 (C) requested an adjustment to a job
3 structure, workplace facility, or work requirement,
4 including a transfer, reassignment, or modified
5 schedule, leave, a changed telephone number or
6 seating assignment, installation of a lock, or
7 implementation of a safety procedure in response to
8 actual or threatened domestic or sexual violence,
9 regardless of whether the request was granted; or

10 (2) the workplace is disrupted or threatened by the
11 action of a person whom the individual states has
12 committed or threatened to commit domestic or sexual
13 violence against the individual or the individual's
14 family or household member.

15 (b) In this Section:

16 (1) "Discriminate", used with respect to the terms,
17 conditions, or privileges of employment or with respect
18 to the terms or conditions of public assistance, includes
19 not making a reasonable accommodation to the known
20 limitations resulting from circumstances relating to
21 being a victim of domestic or sexual violence or a family
22 or household member being a victim of domestic or sexual
23 violence of an otherwise qualified individual:

24 (A) who is:

25 (i) an applicant or employee of the
26 employer (including a public agency); or

27 (ii) an applicant for or recipient of
28 public assistance from a public agency; and

29 (B) who is:

30 (i) a victim of domestic or sexual
31 violence; or

32 (ii) with a family or household member
33 who is a victim of domestic or sexual violence
34 whose interests are not adverse to the

1 individual in subparagraph (A) as it relates to
2 the domestic or sexual violence;
3 unless the employer or public agency can demonstrate that
4 the accommodation would impose an undue hardship on the
5 operation of the employer or public agency.

6 (2) "Qualified individual" means:

7 (A) in the case of an applicant or employee
8 described in paragraph (1)(A)(i), an individual who,
9 but for being a victim of domestic or sexual
10 violence or with a family or household member who is
11 a victim of domestic or sexual violence, can perform
12 the essential functions of the employment position
13 that such individual holds or desires; or

14 (B) in the case of an applicant or recipient
15 described in paragraph (1)(A)(ii), an individual
16 who, but for being a victim of domestic or sexual
17 violence or with a family or household member who is
18 a victim of domestic or sexual violence, can satisfy
19 the essential requirements of the program providing
20 the public assistance that the individual receives
21 or desires.

22 (3) "Reasonable accommodation" may include an
23 adjustment to a job structure, workplace facility, or
24 work requirement, including a transfer, reassignment, or
25 modified schedule, leave, a changed telephone number or
26 seating assignment, installation of a lock, or
27 implementation of a safety procedure, in response to
28 actual or threatened domestic or sexual violence.

29 (4) Undue hardship.

30 (A) In general. "Undue hardship" means an
31 action requiring significant difficulty or expense,
32 when considered in light of the factors set forth in
33 subparagraph (B).

34 (B) Factors to be considered. In determining

1 whether a reasonable accommodation would impose an
2 undue hardship on the operation of an employer or
3 public agency, factors to be considered include:

4 (i) the nature and cost of the reasonable
5 accommodation needed under this Section;

6 (ii) the overall financial resources of
7 the facility involved in the provision of the
8 reasonable accommodation, the number of persons
9 employed at such facility, the effect on
10 expenses and resources, or the impact otherwise
11 of such accommodation on the operation of the
12 facility;

13 (iii) the overall financial resources of
14 the employer or public agency, the overall size
15 of the business of an employer or public agency
16 with respect to the number of employees of the
17 employer or public agency, and the number,
18 type, and location of the facilities of an
19 employer or public agency; and

20 (iv) the type of operation of the
21 employer or public agency, including the
22 composition, structure, and functions of the
23 workforce of the employer or public agency, the
24 geographic separateness of the facility from
25 the employer or public agency, and the
26 administrative or fiscal relationship of the
27 facility to the employer or public agency.

28 Section 35. Enforcement.

29 (a) Department of Labor.

30 (1) The Director or his or her authorized
31 representative shall administer and enforce the
32 provisions of this Act. Any employee or a representative
33 of employees who believes his or her rights under this

1 Act have been violated may, within 3 years after the
2 alleged violation occurs, file a complaint with the
3 Department requesting a review of the alleged violation.
4 A copy of the complaint shall be sent to the person who
5 allegedly committed the violation, who shall be the
6 respondent. Upon receipt of a complaint, the Director
7 shall cause such investigation to be made as he or she
8 deems appropriate. The investigation shall provide an
9 opportunity for a public hearing at the request of any
10 party to the review to enable the parties to present
11 information relating to the alleged allegation. The
12 parties shall be given written notice of the time and
13 place of the hearing at least 7 days before the hearing.
14 Upon receiving the report of the investigation, the
15 Director shall make findings of fact. If the Director
16 finds that a violation did occur, he or she shall issue a
17 decision incorporating his or her findings and requiring
18 the party committing the violation to take such
19 affirmative action to abate the violation as the Director
20 deems appropriate, including:

21 (A) damages equal to the amount of wages,
22 salary, employment benefits, public assistance, or
23 other compensation denied or lost to such individual
24 by reason of the violation, and the interest on that
25 amount calculated at the prevailing rate;

26 (B) such equitable relief as may be
27 appropriate, including but not limited to hiring,
28 reinstatement, promotion, and reasonable
29 accommodations; and

30 (C) reasonable attorney's fees, reasonable
31 expert witness fees, and other costs of the action
32 to be paid by the respondent to a prevailing
33 employee.

34 If the Director finds that there was no violation,

1 he or she shall issue an order denying the complaint. An
2 order issued by the Director under this Section shall be
3 final and subject to judicial review under the
4 Administrative Review Law.

5 (2) The Director shall adopt rules necessary to
6 administer and enforce this Act in accordance with the
7 Illinois Administrative Procedure Act. The Director shall
8 have the powers and the parties shall have the rights
9 provided in the Illinois Administrative Procedure Act for
10 contested cases, including, but not limited to,
11 provisions for depositions, subpoena power and
12 procedures, and discovery and protective order
13 procedures.

14 (3) Intervention. The Attorney General of Illinois
15 may intervene on behalf of the Department if the
16 Department certifies that the case is of general public
17 importance. Upon such intervention the court may award
18 such relief as is authorized to be granted to an employee
19 who has filed a complaint or whose representative has
20 filed a complaint under this Section.

21 (b) Refusal to pay damages. Any employer who has been
22 ordered by the Director of Labor or the court to pay damages
23 under this Section and who fails to do so within 30 days
24 after the order is entered is liable to pay a penalty of 1%
25 per calendar day to the employee for each day of delay in
26 paying the damages to the employee.

27 Section 40. Notification. Every employer covered by this
28 Act shall post and keep posted, in conspicuous places on the
29 premises of the employer where notices to employees are
30 customarily posted, a notice, to be prepared or approved by
31 the Director of Labor, summarizing the requirements of this
32 Act and information pertaining to the filing of a charge. The
33 Director shall furnish copies of summaries and rules to

1 employers upon request without charge.

2 Section 45. Effect on other laws and employment
3 benefits.

4 (a) More protective laws, agreements, programs, and
5 plans. Nothing in this Act shall be construed to supersede
6 any provision of any federal, State, or local law, collective
7 bargaining agreement, or employment benefits program or plan
8 that provides:

9 (1) greater leave benefits for victims of domestic
10 or sexual violence than the rights established under this
11 Act; or

12 (2) leave benefits for a larger population of
13 victims of domestic or sexual violence (as defined in
14 such law, agreement, program, or plan) than the victims
15 of domestic or sexual violence covered under this Act.

16 (b) Less protective laws, agreements, programs, and
17 plans. The rights established for employees who are victims
18 of domestic or sexual violence and employees with a family or
19 household member who is a victim of domestic or sexual
20 violence under this Act shall not be diminished by any
21 federal, State or local law, collective bargaining agreement,
22 or employment benefits program or plan.

23 Section 905. Severability. If any provision of this Act
24 or the application of such provision to any person or
25 circumstance is held to be in violation of the Unites States
26 Constitution or Illinois Constitution, the remainder of the
27 provisions of this Act and the application of those
28 provisions to any person or circumstance shall not be
29 affected.

30 Section 999. Effective date. This Act takes effect upon
31 becoming law.