



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 1122

2 AMENDMENT NO. _____. Amend Senate Bill 1122 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Section 2-102 as follows:

6 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

7 Sec. 2-102. Civil Rights Violations - Employment. It is a
8 civil rights violation:

9 (A) Employers. For any employer to refuse to hire, to
10 segregate, or to act with respect to recruitment, hiring,
11 promotion, renewal of employment, selection for training or
12 apprenticeship, discharge, discipline, tenure or terms,
13 privileges or conditions of employment on the basis of unlawful
14 discrimination or citizenship status.

15 (A-5) Language. For an employer to impose a restriction
16 that has the effect of prohibiting a language from being spoken

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

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

7 (B) Employment Agency. For any employment agency to fail or
8 refuse to classify properly, accept applications and register
9 for employment referral or apprenticeship referral, refer for
10 employment, or refer for apprenticeship on the basis of
11 unlawful discrimination or citizenship status or to accept from
12 any person any job order, requisition or request for referral
13 of applicants for employment or apprenticeship which makes or
14 has the effect of making unlawful discrimination or
15 discrimination on the basis of citizenship status a condition
16 of referral.

17 (C) Labor Organization. For any labor organization to
18 limit, segregate or classify its membership, or to limit
19 employment opportunities, selection and training for
20 apprenticeship in any trade or craft, or otherwise to take, or
21 fail to take, any action which affects adversely any person's
22 status as an employee or as an applicant for employment or as
23 an apprentice, or as an applicant for apprenticeships, or
24 wages, tenure, hours of employment or apprenticeship
25 conditions on the basis of unlawful discrimination or
26 citizenship status.

1 (D) Sexual Harassment. For any employer, employee, agent of
2 any employer, employment agency or labor organization to engage
3 in sexual harassment; provided, that an employer shall be
4 responsible for sexual harassment of the employer's employees
5 by nonemployees or nonmanagerial and nonsupervisory employees
6 only if the employer becomes aware of the conduct and fails to
7 take reasonable corrective measures.

8 (E) Public Employers. For any public employer to refuse to
9 permit a public employee under its jurisdiction who takes time
10 off from work in order to practice his or her religious beliefs
11 to engage in work, during hours other than such employee's
12 regular working hours, consistent with the operational needs of
13 the employer and in order to compensate for work time lost for
14 such religious reasons. Any employee who elects such deferred
15 work shall be compensated at the wage rate which he or she
16 would have earned during the originally scheduled work period.
17 The employer may require that an employee who plans to take
18 time off from work in order to practice his or her religious
19 beliefs provide the employer with a notice of his or her
20 intention to be absent from work not exceeding 5 days prior to
21 the date of absence.

22 (F) Training and Apprenticeship Programs. For any
23 employer, employment agency or labor organization to
24 discriminate against a person on the basis of age in the
25 selection, referral for or conduct of apprenticeship or
26 training programs.

1 (G) Immigration-Related Practices.

2 (1) for an employer to request for purposes of
3 satisfying the requirements of Section 1324a(b) of Title 8
4 of the United States Code, as now or hereafter amended,
5 more or different documents than are required under such
6 Section or to refuse to honor documents tendered that on
7 their face reasonably appear to be genuine; or

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

17 (H) Pregnancy; peace officers and fire fighters. For a
18 public employer to refuse to temporarily transfer a pregnant
19 female peace officer or pregnant female fire fighter to a less
20 strenuous or hazardous position for the duration of her
21 pregnancy if she so requests, with the advice of her physician,
22 where that transfer can be reasonably accommodated. For the
23 purposes of this subdivision (H), "peace officer" and "fire
24 fighter" have the meanings ascribed to those terms in Section 3
25 of the Illinois Public Labor Relations Act.

26 It is not a civil rights violation for an employer to take

1 any action that is required by Section 1324a of Title 8 of the
2 United States Code, as now or hereafter amended.

3 (I) Pregnancy. For any employer to refuse to hire, to
4 segregate, or to act with respect to recruitment, hiring,
5 promotion, renewal of employment, selection for training or
6 apprenticeship, discharge, discipline, tenure or terms,
7 privileges or conditions of employment on the basis of
8 pregnancy, childbirth, or related medical conditions.

9 (Source: P.A. 95-25, eff. 1-1-08; 95-137, eff. 1-1-08; 95-876,
10 eff. 8-21-08.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."