



Rep. Will Guzzardi

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1 AMENDMENT TO HOUSE BILL 2161

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2161 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 1-102, 2-101, and 6-101 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 Sec. 1-102. Declaration of Policy. It is the public  
8 policy of this State:

9 (A) Freedom from Unlawful Discrimination. To secure for  
10 all individuals within Illinois the freedom from  
11 discrimination against any individual because of his or her  
12 race, color, religion, sex, national origin, ancestry, age,  
13 order of protection status, marital status, physical or mental  
14 disability, military status, sexual orientation, pregnancy,  
15 family responsibilities in employment, or unfavorable  
16 discharge from military service in connection with employment,

1 real estate transactions, access to financial credit, and the  
2 availability of public accommodations.

3 (B) Freedom from Sexual Harassment-Employment and  
4 Elementary, Secondary, and Higher Education. To prevent sexual  
5 harassment in employment and sexual harassment in elementary,  
6 secondary, and higher education.

7 (C) Freedom from Discrimination Based on Citizenship  
8 Status-Employment. To prevent discrimination based on  
9 citizenship status in employment.

10 (C-5) Freedom from Discrimination Based on Work  
11 Authorization Status-Employment. To prevent discrimination  
12 based on the specific status or term of status that  
13 accompanies a legal work authorization.

14 (D) Freedom from Discrimination Based on Familial Status  
15 or Source of Income-Real Estate Transactions. To prevent  
16 discrimination based on familial status or source of income in  
17 real estate transactions.

18 (E) Public Health, Welfare and Safety. To promote the  
19 public health, welfare and safety by protecting the interest  
20 of all people in Illinois in maintaining personal dignity, in  
21 realizing their full productive capacities, and in furthering  
22 their interests, rights and privileges as citizens of this  
23 State.

24 (F) Implementation of Constitutional Guarantees. To secure  
25 and guarantee the rights established by Sections 17, 18 and 19  
26 of Article I of the Illinois Constitution of 1970.

1           (G) Equal Opportunity, Affirmative Action. To establish  
2 Equal Opportunity and Affirmative Action as the policies of  
3 this State in all of its decisions, programs and activities,  
4 and to assure that all State departments, boards, commissions  
5 and instrumentalities rigorously take affirmative action to  
6 provide equality of opportunity and eliminate the effects of  
7 past discrimination in the internal affairs of State  
8 government and in their relations with the public.

9           (H) Unfounded Charges. To protect citizens of this State  
10 against unfounded charges of unlawful discrimination, sexual  
11 harassment in employment and sexual harassment in elementary,  
12 secondary, and higher education, and discrimination based on  
13 citizenship status or work authorization status in employment.  
14 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

15           (775 ILCS 5/2-101)

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

18           (A) Employee.

19               (1) "Employee" includes:

20                   (a) Any individual performing services for  
21 remuneration within this State for an employer;

22                   (b) An apprentice;

23                   (c) An applicant for any apprenticeship.

24           For purposes of subsection (D) of Section 2-102 of  
25 this Act, "employee" also includes an unpaid intern. An

1 unpaid intern is a person who performs work for an  
2 employer under the following circumstances:

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

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

9 (iii) the work performed:

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

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

15 (III) does not displace regular employees;

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

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

22 (2) "Employee" does not include:

23 (a) (Blank);

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

26 (c) Elected public officials or the members of

1 their immediate personal staffs;

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

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

9 (B) Employer.

10 (1) "Employer" includes:

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

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

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

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

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

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

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

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

1 applications for apprenticeships.

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

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

15 (E-1) Harassment. "Harassment" means any unwelcome conduct  
16 on the basis of an individual's actual or perceived race,  
17 color, religion, national origin, ancestry, age, sex, marital  
18 status, order of protection status, disability, military  
19 status, sexual orientation, pregnancy, unfavorable discharge  
20 from military service, citizenship status, ~~or~~ work  
21 authorization status, or family responsibilities 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 lawfully present and who is protected  
16 from discrimination under the provisions of Section 1324b  
17 of Title 8 of the United States Code, as now or hereafter  
18 amended.

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

23 (M) Family Responsibilities. "Family responsibilities"  
24 means an employee's actual or perceived provision of personal  
25 care to a family member, whether in the past, present, or  
26 future.

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

3           (O) "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 5/6-101) (from Ch. 68, par. 6-101)

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

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

25           (B) Aiding and Abetting; Coercion. Aid, abet, compel,

1 or coerce a person to commit any violation of this Act;

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

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

10 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;  
11 102-813, eff. 5-13-22.)".