



**CITY OF ROCK ISLAND
CITY COUNCIL STUDY SESSION
May 23, 2022 - 5:30 p.m.**

**Location:
City Council Chambers, City Hall, 3rd Floor
1528 Third Avenue, Rock Island, IL**

[Watch Live](#)

CALL TO ORDER

THIS MEETING WILL BE CONDUCTED BY AUDIO AND VIDEO CONFERENCE WITHOUT A PHYSICALLY PRESENT QUORUM OF THE ROCK ISLAND CITY COUNCIL DUE TO THE DISASTER DECLARATION ISSUED BY GOVERNOR PRITZKER.

Because of this order related to COVID-19 health concerns affecting the State and the City, the Mayor has determined that an in-person meeting at City Hall with all participants may not be practical or prudent.

Alderspersons and Staff may not all be physically present at City Hall due to the disaster and physical attendance at City Hall may be limited. To participate remotely during the Public Comment or Public Hearing portion of the meeting, please join by phone at 1 662-506-2139 PIN: 105 786 763#

ROLL CALL

PUBLIC COMMENT

PRESENTATION FROM DAVE MORRISON, CITY ATTORNEY ON THE HUMAN RIGHTS COMMISSION ORDINANCE

Documents:

[STUDY SESSION OLD HUMAN RIGHTS ORDINANCE.PDF](#)
[STUDY SESSION NEW HUMAN RIGHTS ORDINANCE.PDF](#)

MOTION TO ADJOURN.

Adjourn to May 23, 2022 at 6:45pm.

RC: Roll Call vote is needed.

This agenda may be obtained in accessible formats by qualified persons with a disability by making appropriate arrangements from 8:00 am to 5:00 pm, Monday through Friday, by contacting the [City Clerk's Office](#) at (309) 732-2010 or visiting in person at: 1528 Third Avenue, Rock Island, IL 61201.

DIVISION 5. HUMAN RIGHTS COMMISSION

Sec. 2-271. Generally:

(a) *Created:* There is hereby created the Rock Island human rights commission, referred to in this division as the "commission", which shall consist of twelve (12) members, who are residents of the city. The membership of the commission shall be broadly representative of the community, such as representatives of the several religious faiths and of racial and nationality groups, and shall include one member of the legal profession, one member from a lending institution, and one member who is a realtor.

(b) *Purpose:* The overall purpose of the commission shall be through persuasion and education to eliminate prejudice and discrimination based solely on the basis of race, color, creed, age, sex, national origin, ancestry, religion, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service and to safeguard the rights of all citizens as defined by our laws and constitution. Areas of discrimination shall pertain to, but shall not be limited to, employment, housing, public accommodations, finance/credit, public education and economic opportunity. Furthermore, the commission shall protect all citizens from retaliation resulting from filing a complaint to secure compliance with this division.

(c) *Objectives:* The objectives of the commission shall be:

(1) To strive to remove the artificial barriers and controls which deny persons of the right to choose their own homes.

(2) To seek through law, education, persuasion, negotiation and mediation the elimination of discrimination in employment, including, but not limited to, selection, status, eligibility, promotion, transfer, apprenticeship, membership, terms and conditions, privileges or benefits directly or indirectly related to one's employment which may be affected by an employer, employment agency or labor organization.

(3) To assist in the development of programs that aim toward equality and inclusion in educational facilities and programs, and to ensure that they are available to all children according to their potential and varying needs.

(4) To implement programs with the chief of police that address the diversity of the community.

(5) To stimulate active involvement of the business community in social programs encouraging economic opportunity and full employment for all citizens.

(6) To develop a procedure to anticipate, prepare for and help ease community discomfort that may arise from racial tensions.

(7) To act as a mediator and conciliator in instances of tension erupting into civil disturbance or riots, and to offer recommendations that hasten necessary change which might eliminate the reoccurrence of upheaval.

(8) To work for greater citizen participation in the planning and execution of public policy in all phases of municipal life.

(d) *Appointments:* The members of the commission shall be appointed by the mayor with the approval of the city council. Special appointments to the commission shall be made by the mayor with the approval of the city council as vacancies occur.

(e) *Term*: Each group of four (4) members shall be appointed for a term of three (3) years, thus assuring a balance of twelve (12) members at all times.

(f) *Meetings*: The commission shall meet monthly at the city hall or at other venues at the call of the chairman and at such further times as meetings are called by the chairman or majority of the members of said commission. A majority of the commissioners shall constitute a quorum which shall be required before any business may be conducted. At the April meeting of the commission, commission members shall elect a chair and vice chair who shall serve for a term of one year. (1963 Code, Ch. II, Art. III; Ord., § 1, 2-13-1967; Ord., § 1, 6-23-1975; Ord. 87-55, § 1, 6-1-1987; Ord. 011-2008, 2-4-2008)

Sec. 2-272. Duties And Powers:

(a) *Generally*: The commission shall advise and consult with the mayor, city manager and city council on all matters involving racial, religious, ethnic, age or sex prejudice or discrimination.

(b) *Investigations*: The commission shall conduct informal investigations with regard to complaints of acts of prejudice or discrimination as defined by this division. Complaints filed with the commission shall be on forms provided by the commission and shall be filed not later than ninety (90) days from the date upon which the alleged prejudicial or discriminatory act occurred. Upon the filing of a complaint, the chair and/or the commission's designated city staff member shall present the complaint to the commission for discussion at its next meeting. Complaints referred to the commission may be reviewed and discussed by the commission and the commission shall seek to mediate and resolve the dispute to the parties' satisfaction. The commission shall have the authority to refer the complaint to such professional, governmental or adjudicatory agency as may be deemed appropriate based on the nature of the complaint. In all matters, the commission shall give due consideration to other proceedings which may already be in process and, where appropriate, delay its consideration until such time as other proceedings have been concluded. Any two (2) members of the commission may request review of a prior complaint or previous mediation.

(c) *Report*: The commission shall render an annual report to the mayor and city council.

(d) *Community Groups*: The commission shall invite and enlist the cooperation of racial, religious and ethnic groups, community organizations, fraternal and benevolent societies, veterans' organizations, professional and technical organizations and other groups in the city in carrying on its work. The commission may aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the community.

(e) *City Departments*: The commission shall request and obtain such cooperation, assistance and data from city departments through the city manager as may be reasonably necessary to carry out its work. (1963 Code, ch. II, art. III; Ord., §§ 2, 3, 6-23-1975; Ord. 011-2008, 2-4-2008; Ord. 005-2013, 2-11-2013)

Secs. 2-273--2-285. Reserved:

Proposed New Ordinance Human Rights Commission

Sec. 2-271. Generally:

(a) *Created:* There is hereby created the Rock Island Human Rights Commission, referred to in this division as the "commission", which shall consist of thirteen (13) members, who are residents of the city. The membership of the commission shall be broadly representative of the community, such as representatives of the several religious faiths and of racial and nationality groups. The membership shall strive to include one member of the legal profession, one member from a lending institution, and one member who is a realtor. All thirteen members of the commission shall meet for the purposes of community engagement, persuasion, and education to eliminate prejudice and discrimination based on race, color, creed, age, sex, national origin, ancestry, religion, marital status, physical or mental disability, military status, and sexual orientation in employment, housing and public accommodations.

Seven members of the commission shall comprise the commission body having authority to hear and decide appeals from dismissals of complaints and to hear and decide contested hearings on complaints.

Six members of the commission shall be designated commission officers and shall be tasked with investigating complaints of discrimination to determine probable cause, encourage and foster mediation of complaints supported by probable cause, all as set forth below.

(b) The commission shall protect all citizens from retaliation resulting from filing a complaint of discrimination in violation of this division.

(c) *Objectives:* The objectives of the commission shall be:

(1) To strive to remove the artificial barriers and controls which deny persons of the right to choose their own homes.

(2) To seek through law, education, persuasion, negotiation and mediation the elimination of discrimination in employment, including, but not limited to, selection, status, eligibility, promotion, transfer, apprenticeship, membership, terms and conditions, privileges or benefits directly or indirectly related to one's employment which may be affected by an employer, employment agency or labor organization.

(3) To implement programs with the chief of police that address the diversity of the community.

(4) To stimulate active involvement of the business community in social programs encouraging economic opportunity and full employment for all citizens.

(5) To develop a procedure to anticipate, prepare for and help ease community discomfort that may arise from racial tensions.

(6) To act as a mediator and conciliator in instances of tension erupting into civil disturbance or riots, and to offer recommendations that hasten necessary change which might eliminate the reoccurrence of upheaval.

- (7) To work for greater citizen participation in the planning and execution of public policy in all phases of municipal life.
- (d) *Appointments*: The members of the commission shall be appointed by the mayor with the approval of the city council. Special appointments to the commission shall be made by the mayor with the approval of the city council as vacancies occur.
- (e) *Term*: Each member shall be appointed for a term of three (3) years, and terms shall be staggered to the extent practicable to assure thirteen (13) members at all times.
- (f) *Meetings*: The commission as a whole shall meet monthly at the city hall or at other venues at the call of the chairman and at such further times as meetings are called by the chairman or majority of the members of said commission. A majority of the commissioners shall constitute a quorum which shall be required before any business may be conducted. At the April meeting of the commission, commission members shall elect a chair and vice chair who shall serve for a term of one year. (1963 Code, Ch. II, Art. III; Ord., § 1, 2-13-1967; Ord., § 1, 6-23-1975; Ord. 87-55, § 1, 6-1-1987; Ord. 011-2008, 2-4-2008)

Sec. 2-272 General definitions.

When used in this Act, unless the context requires otherwise, the term:

(A) Age. “Age” means the chronological age of a person who is at least 40 years old, except with regard to any practice described in connection with employment practices, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, in connection with employment practices, “age” means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved party. “Aggrieved party” means a person who is alleged or proved to have been injured by a civil rights violation or believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(B-5) Arrest record. “Arrest record” means:

- (1)** an arrest not leading to a conviction;
- (2)** a juvenile record; or
- (3)** criminal history record information ordered expunged, sealed, or impounded under Section 5.2 of the Criminal Identification Act [ILCS 2630/5.2].

(C) Charge. “Charge” means an allegation filed with the commission officers by an aggrieved party or initiated by the commission officers under the commission’s authority.

(D) Civil rights violation. “Civil rights violation” includes and shall be limited to only those specific acts defined as violations in the several articles of this ordinance.

(E) Commission. “Commission” means the Human Rights Commission created by this Act.

(F) Complaint. “Complaint” means the formal pleading filed by the Commission officers with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. “Complainant” means a person including the Commission officers who files a charge of civil rights violation with the Commission officers.

(G-5) Conviction record. “Conviction record” means information indicating that a person has been convicted of a felony, misdemeanor or other criminal offense, placed on probation, fined, imprisoned, or paroled pursuant to any law enforcement or military authority.

(H) Officer. One or more of the Commission officers.

(I) Disability. “Disability” means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person’s use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(1) For purposes of employment practices, is unrelated to the person’s ability to perform the duties of a particular job or position and, pursuant to the provisions of this ordinance, a person’s illegal use of drugs or alcohol is not a disability;

(2) For purposes of real estate transactions, is unrelated to the person’s ability to acquire, rent, or maintain a housing accommodation;

(3) For purposes of public accommodations, is unrelated to a person’s ability to utilize and benefit from a place of public accommodation;

(J) Marital status. “Marital status” means the legal status of being married, single, separated, divorced, or widowed.

(J-1) Military status. “Military status” means a person’s status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States.

(K) National origin. “National origin” means the place in which a person or one of his or her ancestors was born.

(K-5) “Order of protection status” means a person’s status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 [[750 ILCS 60/101](#) et seq.], Article 112A of the Code of Criminal Procedure of 1963 [[725 ILCS 5/112A-1](#) et seq.], the Stalking No Contact Order Act, or the Civil No Contact Order Act [[740 ILCS 22/101](#) et seq.], or an order of protection issued by a court of another state.

(L) Person. “Person” includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, the State of Illinois and its instrumentalities,

political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(L-5) Pregnancy. “Pregnancy” means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

(M) Public contract. “Public contract” includes every contract to which the State, any of its political subdivisions, or any municipal corporation is a party.

(N) Religion. “Religion” has the meaning ascribed to it in 775 ILCS 5/2-101.

(O) Sex. “Sex” means the status of being male or female.

(O-1) Sexual orientation. “Sexual orientation” means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person’s designated sex at birth. “Sexual orientation” does not include a physical or sexual attraction to a minor by an adult.

(P) Unfavorable military discharge. “Unfavorable military discharge” includes discharges from the Armed Forces of the United States, their Reserve components, or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or “Dishonorable”.

(Q) Unlawful discrimination. “Unlawful discrimination” means discrimination against a person because of his or her actual or perceived: race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service as those terms are defined in this Section.

Sec. 2-301 Definitions; Employment

The following definitions are applicable strictly in the context of this Article.

(A) Employee.

(1) “Employee” includes:

- (a)** Any individual performing services for remuneration within this City for an employer;
- (b)** An apprentice;
- (c)** An applicant for any apprenticeship.

For purposes of the employment provisions of this Act, “employee” also includes an unpaid intern. An unpaid intern is a person who performs work for an employer under the following circumstances:

- (i)** the employer is not committed to hiring the person performing the work at the conclusion of the intern’s tenure;
- (ii)** the employer and the person performing the work agree that the person is not entitled to wages for the work performed; and
- (iii)** the work performed:
 - (I)** supplements training given in an educational environment that may enhance the employability of the intern;
 - (II)** provides experience for the benefit of the person performing the work;
 - (III)** does not displace regular employees;
 - (IV)** is performed under the close supervision of existing staff; and
 - (V)** provides no immediate advantage to the employer providing the training and may occasionally impede the operations of the employer.

(2) “Employee” does not include:

- (a)** Individuals employed by persons who are not “employers” as defined by this ordinance;
- (c)** Elected public officials or the members of their immediate personal staffs;
- (d)** Principal administrative officers of the City or of any political subdivision, municipal corporation or other governmental unit or agency;
- (e)** A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluatee, trainee, or work activity client.

(B) Employer.

(1) “Employer” includes:

(a) Any person employing one or more employees within the City during 20 or more calendar weeks within the calendar year of or preceding the alleged violation;

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

(c) Any party to a public contract without regard to the number of employees;

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

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

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

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

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

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

(E-1) Harassment. “Harassment” means any unwelcome conduct on the basis of an individual’s actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, or citizenship status that has the purpose or effect of substantially interfering with the individual’s

work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase “working environment” is not limited to a physical location an employee is assigned to perform his or her duties.

(F) Religion. “Religion” with respect to employers includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee’s or prospective employee’s religious observance or practice without undue hardship on the conduct of the employer’s business.

(G) Public Officer. “Public officer” means a person who is elected to office pursuant to the Constitution or a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by the Constitution or a statute or ordinance, to discharge a public duty for the City, agency or department thereof or unit of local government.

(H) Eligible Bidder. “Eligible bidder” means a person who, prior to contract award or prior to bid opening for City contracts for construction or construction-related services, has filed with the Officer a properly completed, sworn and currently valid employer report form, pursuant to the Officer’s regulations. The provisions of this Article relating to eligible bidders apply only to bids on contracts with the City and its departments, agencies, boards, and commissions, and the provisions do not apply to bids on contracts with units of local government or school districts.

(I) Citizenship Status. “Citizenship status” means the status of being:

- (1)** a born U.S. citizen;
- (2)** a naturalized U.S. citizen;
- (3)** a U.S. national; or
- (4)** a person born outside the United States and not a U.S. citizen who is not an unauthorized alien and who is protected from discrimination under the provisions of [*Section 1324b of Title 8 of the United States Code*](#), as now or hereafter amended.

Sec. 2-302 Civil rights violations — employment.

It is a civil rights violation:

(A) Employers. For any employer to refuse to hire, to segregate, to engage in harassment as defined in this ordinance, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination or citizenship status. An employer is responsible for harassment by the employer’s nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

(A-5) Language. For an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.

For the purposes of this subdivision, "language" does not include such things as slang, jargon, profanity, vulgarity, and employees' use of non-English languages.

(A-10) Harassment of nonemployees. For any employer, employment agency, or labor organization to engage in harassment of nonemployees in the workplace. An employer is responsible for harassment of nonemployees by the employer's nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. For the purposes of this subdivision (A-10), "nonemployee" means a person who is not otherwise an employee of the employer and is directly performing services for the employer pursuant to a contract with that employer. "Nonemployee" includes contractors and consultants.

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

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

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

(D-5) Sexual harassment of nonemployees. For any employer, employee, agent of any employer, employment agency, or labor organization to engage in sexual harassment of nonemployees in the workplace. An employer is responsible for sexual harassment of nonemployees by the employer's nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. For the purposes of this subdivision (D-5), "nonemployee" means a person who is not otherwise an employee of the employer and is directly performing services for the employer pursuant to a contract with that employer. "Nonemployee" includes contractors and consultants.

(E-5) Religious discrimination. For any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement, or transfer, any terms or conditions that would require

such person to violate or forgo a sincerely held practice of his or her religion including, but not limited to, the wearing of any attire, clothing, or facial hair in accordance with the requirements of his or her religion, unless, after engaging in a *bona fide* effort, the employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business.

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

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

(G) Immigration-related practices.

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

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

(H) Pregnancy. For an employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. Women affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, regardless of the source of the inability to work or employment classification or status.

(I) Pregnancy; reasonable accommodations.

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

related to disability if the employer's request for documentation is job-related and consistent with business necessity. The employer may require only the medical justification for the requested accommodation or accommodations, a description of the reasonable accommodation or accommodations medically advisable, the date the reasonable accommodation or accommodations became medically advisable, and the probable duration of the reasonable accommodation or accommodations. It is the duty of the individual seeking a reasonable accommodation or accommodations to submit to the employer any documentation that is requested in accordance with this paragraph. Notwithstanding the provisions of this paragraph, the employer may require documentation by the employee's health care provider to determine compliance with other laws. The employee and employer shall engage in a timely, good faith, and meaningful exchange to determine effective reasonable accommodations.

(2) For an employer to deny employment opportunities or benefits to or take adverse action against an otherwise qualified job applicant or employee, including a part-time, full-time, or probationary employee, if the denial or adverse action is based on the need of the employer to make reasonable accommodations to the known medical or common conditions related to the pregnancy or childbirth of the applicant or employee.

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

(4) For an employer to require an employee, including a part-time, full-time, or probationary employee, to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known medical or common conditions related to the pregnancy or childbirth of an employee. No employer shall fail or refuse to reinstate the employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits upon her signifying her intent to return or when her need for reasonable accommodation ceases, unless the employer can demonstrate that the accommodation would impose an undue hardship on the ordinary operation of the business of the employer.

For the purposes of this subdivision (I), "reasonable accommodations" means reasonable modifications or adjustments to the job application process or work environment, or to the manner or circumstances under which the position desired or held is customarily performed, that enable an applicant or employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to be considered for the position the applicant desires or to perform the essential functions of that position, and may include, but is not limited to: more frequent or longer bathroom breaks, breaks for increased water intake, and breaks for periodic rest; private non-bathroom space for expressing breast milk and breastfeeding; seating; assistance with manual labor; light duty; temporary transfer to a less strenuous or hazardous position; the provision of an accessible worksite;

acquisition or modification of equipment; job restructuring; a part-time or modified work schedule; appropriate adjustment or modifications of examinations, training materials, or policies; reassignment to a vacant position; time off to recover from conditions related to childbirth; and leave necessitated by pregnancy, childbirth, or medical or common conditions resulting from pregnancy or childbirth.

For the purposes of this subdivision (I), “undue hardship” means an action that is prohibitively expensive or disruptive when considered in light of the following factors: (i) the nature and cost of the accommodation needed; (ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at the facility, the effect on expenses and resources, or the impact otherwise of the accommodation upon the operation of the facility; (iii) the overall financial resources of the employer, the overall size of the business of the employer with respect to the number of its employees, and the number, type, and location of its facilities; and (iv) the type of operation or operations of the employer, including the composition, structure, and functions of the workforce of the employer, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer. The employer has the burden of proving undue hardship. The fact that the employer provides or would be required to provide a similar accommodation to similarly situated employees creates a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.

No employer is required by this subdivision (I) to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation. The employer is not required to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need it.

Sec. 2-303 Arrest Record.

(A) Unless otherwise authorized by law, it is a civil rights violation for any employer, employment agency or labor organization to inquire into or to use an arrest record, as defined in this ordinance as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment. This Section does not prohibit a City agency, unit of local government or school district, or private organization from requesting or utilizing sealed felony conviction information obtained from the Department of State Police under the provisions of Section 3 of the Criminal Identification Act [[20 ILCS 2630/3](#)] or under other State or federal laws or regulations that require criminal background checks in evaluating the qualifications and character of an employee or a prospective employee.

(B) The prohibition against the use of an arrest record, as defined in this ordinance, shall not be construed to prohibit an employer, employment agency, or labor organization from obtaining or using other information which indicates that a person actually engaged in the conduct for which he or she was arrested.

Sec. 2-304 Conviction record.

(A) Unless otherwise authorized by law, it is a civil rights violation for any employer, employment agency or labor organization to use a conviction record as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment (whether “disqualification” or “adverse action”), unless:

- (1)** there is a substantial relationship between one or more of the previous criminal offenses and the employment sought or held; or
- (2)** the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

For the purposes of this subsection (A), “substantial relationship” means a consideration of whether the employment position offers the opportunity for the same or a similar offense to occur and whether the circumstances leading to the conduct for which the person was convicted will recur in the employment position.

(B) Factors considered. In making a determination pursuant to subsection (A), the employer shall consider the following factors:

- (1)** the length of time since the conviction;
- (2)** the number of convictions that appear on the conviction record;
- (3)** the nature and severity of the conviction and its relationship to the safety and security of others;
- (4)** the facts or circumstances surrounding the conviction;
- (5)** the age of the employee at the time of the conviction; and
- (6)** evidence of rehabilitation efforts.

(C) Interactive assessment required for disqualifying conviction. If, after considering the mitigating factors in subsection (B), the employer makes a preliminary decision that the employee’s conviction record disqualifies the employee, the employer shall notify the employee of this preliminary decision in writing.

- (1)** Notification. The notification shall contain all of the following:
 - (a)** notice of the disqualifying conviction or convictions that are the basis for the preliminary decision and the employer’s reasoning for the disqualification;
 - (b)** a copy of the conviction history report, if any; and
 - (c)** an explanation of the employee’s right to respond to the notice of the employer’s preliminary decision before that decision becomes final. The explanation shall inform the employee that the response may include, but is not limited to, submission of evidence challenging the accuracy of the conviction

record that is the basis for the disqualification, or evidence in mitigation, such as rehabilitation.

(2) Employee response. The employee shall have at least 5 business days to respond to the notification provided to the employee before the employer may make a final decision.

(3) Final decision. The employer shall consider information submitted by the employee before making a final decision. If an employer makes a final decision to disqualify or take an adverse action solely or in part because of the employee's conviction record, the employer shall notify the employee in writing of the following:

(a) notice of the disqualifying conviction or convictions that are the basis for the final decision and the employer's reasoning for the disqualification;

(b) any existing procedure the employer has for the employee to challenge the decision or request reconsideration; and

(c) the right to file a charge with the Commission officers.

Sec. 2-304 Exemptions.

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

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

(2) Veterans. Giving preferential treatment to veterans and their relatives as required by the laws or regulations of the United States or this State or a unit of local government, or pursuant to a private employer's voluntary veterans' preference employment policy authorized by the Veterans Preference in Private Employment Act [[330 ILCS 56/1](#) et seq.].

(3) Unfavorable Discharge From Military Service.

(a) Using unfavorable discharge from military service as a valid employment criterion when authorized by federal law or regulation or when a position of employment involves the exercise of fiduciary responsibilities; or

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

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

(5) Merit and Retirement Systems.

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

(b) Effecting compulsory retirement of any employee who has attained 65 years of age and who, for the 2-year period immediately preceding retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans of the employer of such employee, which equals, in the aggregate, at least \$44,000. If any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits) or if the employees contribute to any such plan or make rollover contributions, the retirement benefit shall be adjusted in accordance with regulations prescribed by the Illinois Department of Human Rights, so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

(6) Training and Apprenticeship programs. Establishing an educational requirement as a prerequisite to selection for a training or apprenticeship program, provided such requirement does not operate to discriminate on the basis of any prohibited classification except age.

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

(C)

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

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

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

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

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

It shall not be a violation of this Ordinance for an employer to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subparagraph (a) or (b) is no longer engaging in the illegal use of drugs.

(3) An employer:

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

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

(c) may require that employees behave in conformance with the requirements established under the federal Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) and the Drug Free Workplace Act [[30 ILCS 580/1](#) et seq.];

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

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

(i) employees comply with the standards established in such regulations of the United States Department of Defense, if the employees of the employer are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the Department of Defense);

(ii) employees comply with the standards established in such regulations of the Nuclear Regulatory Commission, if the employees of the employer are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the Nuclear Regulatory Commission); and

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

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

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

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

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

Sec. 2-401 Definitions

The following definitions are applicable strictly in the context of this Article:

(A) Real Property. “Real property” includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

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

- (1)** for purchasing, constructing, improving, repairing or maintaining a dwelling; or
- (2)** secured by residential real estate.

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

(D) Real Estate Broker or Salesman. “Real estate broker or salesman” means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these.

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

- (1)** a parent or person having legal custody of such individual or individuals; or
- (2)** the designee of such parent or other person having such custody, with the written permission of such parent or other person.

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

(F) Conciliation. “Conciliation” means the attempted resolution of issues raised by a charge, or by the investigation of such charge, through informal negotiations involving the aggrieved party, the respondent and the Department.

(G) Conciliation Agreement. “Conciliation agreement” means a written agreement setting forth the resolution of the issues in conciliation.

(H) Covered Multifamily Dwellings. As used in the following section, “covered multifamily dwellings” means:

- (1) buildings consisting of 4 or more units if such buildings have one or more elevators; and
- (2) ground floor units in other buildings consisting of 4 or more units.

Sec. 2-402 Civil rights violations; real estate transactions.

It is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination, familial status, or an arrest record, as defined above, to:

- (A) Transaction. Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction;
- (B) Terms. Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (C) Offer. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (D) Negotiation. Refuse to negotiate for a real estate transaction with a person;
- (E) Representations. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property;
- (F) Publication of Intent. Make, print, circulate, post, mail, publish or cause to be made, printed, circulated, posted, mailed, or published any notice, statement, advertisement or sign, or use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, that indicates any preference, limitation, or discrimination based on unlawful discrimination or unlawful discrimination based on familial status or an arrest record, or an intention to make any such preference, limitation, or discrimination;
- (G) Listings. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status or an arrest record in a real estate transaction is intended.

Sec. 2-403 Disability

- (A) It is a civil rights violation to refuse to sell or rent or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of that buyer or renter, a disability of a person residing or intending to reside in that dwelling after it is sold, rented or made available or a disability of any person associated with the buyer or renter.
- (B) It is a civil rights violation to alter the terms, conditions or privileges of sale or rental of a dwelling or the provision of services or facilities in connection with such

dwelling because of a disability of a person with a disability or a disability of any person residing or intending to reside in that dwelling after it is sold, rented or made available, or a disability of any person associated with that person.

(C) It is a civil rights violation:

(1) to refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before modifications, reasonable wear and tear excepted. The landlord may not increase for persons with a disability any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained;

(2) to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) in connection with the design and construction of covered multifamily dwellings for first occupancy after the effective date of this ordinance, to fail to design and construct those dwellings in such a manner that:

(a) the public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability;

(b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs; and

(c) all premises within such dwellings contain the following features of adaptive design:

(i) an accessible route into and through the dwelling;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(D) Compliance with the appropriate standards of the Illinois Accessibility Code for adaptable dwelling units (71 Illinois Administrative Code Section 400.350 (e)(1-6) suffices to satisfy the requirements of subsection (C)(3)(c).

(E) Nothing in this Section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of others or would result in substantial physical damage to the property of others.

Sec. 2-404 Unlawful activity.

The prohibition against the use of an arrest record under Section 3-102 shall not preclude an owner or any other person engaging in a real estate transaction, or a real estate broker or salesman, from prohibiting the tenant, a member of the tenant's household, or a guest of the tenant from engaging in unlawful activity on the premises.

Sec. 2-405 Blockbusting

It is a civil rights violation for any person to:

(A) Solicitation. Solicit for sale, lease, listing or purchase any residential real estate within this City, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status or disability.

(B) Statements. Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in this City to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status or disability of residents in the vicinity of the property involved.

(C) Creating Alarm. Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this City to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status or disability.

Sec. 2-406 Refusal to sell or rent because a person has a guide, hearing or support dog

It is a civil rights violation for the owner or agent of any housing accommodation to:

(A) refuse to sell or rent after the making of a *bona fide* offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny property to

any blind or hearing impaired person or person with a physical disability because he has a guide, hearing or support dog; or

(B) discriminate against any blind or hearing impaired person or person with a physical disability in the terms, conditions, or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because he has a guide, hearing or support dog; or

(C) require, because a blind or hearing impaired person or person with a physical disability has a guide, hearing or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

Sec. 2-407 Restrictive covenants.

(A) Agreements. Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof on the basis of race, color, religion, or national origin is void.

(B) Limitations.

(1) Every condition, restriction or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, color, religion, or national origin is void.

(2) This Section shall not apply to a limitation of use on the basis of religion of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

(C) Civil Rights Violations. It is a civil rights violation to insert in a written instrument relating to real property a provision that is void under this Section or to honor or attempt to honor such a provision in the chain of title.

Sec. 2-408 Interference, coercion, or intimidation

It is a civil rights violation to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Article.

Sec. 2-409 Exemptions.

Nothing contained in herein shall prohibit:

(A) Private Sales of Single Family Homes.

(1) Any sale of a single family home by its owner so long as the following criteria are met:

(a) The owner does not own or have a beneficial interest in more than three single family homes at the time of the sale;

(b) The owner or a member of his or her family was the last current resident of the home;

(c) The home is sold without the use in any manner of the sales or rental facilities or services of any real estate broker or salesman, or of any employee or agent of any real estate broker or salesman;

(d) The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of paragraph (F) of Section 3-102.

(2) This exemption does not apply to paragraph (F) of Section 2-402.

(B) Apartments. Rental of a housing accommodation in a building which contains housing accommodations for not more than 4 families living independently of each other, if the owner resides in one of the housing accommodations. This exemption does not apply to paragraph (F) of Section 2-402.

(C) Private Rooms. Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve months, if he or she or a member of his or her family intends to return to reside therein.

(D) Reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(E) Religious Organizations. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(F) Sex. Restricting the rental of rooms in a housing accommodation to persons of one sex.

(G) Persons Convicted of Drug-Related Offenses. Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the federal Controlled Substances Act ([21 U.S.C. 802](#)).

(H) Persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status in furnishing appraisals.

(H-1) The owner of an owner-occupied residential building with 4 or fewer units (including the unit in which the owner resides) from making decisions regarding whether to rent to a person based upon that person's sexual orientation.

(I) Housing for Older Persons. No provision in this Article regarding familial status shall apply with respect to housing for older persons.

(1) As used in this Section, “housing for older persons” means housing:

(a) provided under any State or Federal program that the Officer determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(b) intended for, and solely occupied by, persons 62 years of age or older; or

(c) intended and operated for occupancy by persons 55 years of age or older and:

(i) at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;

(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subdivision (c); and

(iii) the housing facility or community complies with rules adopted by the Officer for verification of occupancy, which shall:

(aa) provide for verification by reliable surveys and affidavits; and

(bb) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii).

These surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(2) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(a) persons residing in such housing as of the effective date of this amendatory Act of 1989 who do not meet the age requirements of subsections (1)(b) or (c); provided, that new occupants of such housing meet the age requirements of subsections (1)(b) or (c) of this subsection; or

(b) unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subsections (1)(b) or (c) of this subsection.

(3)

(a) A person shall not be held personally liable for monetary damages for a violation of this Article if the person reasonably relied, in good faith, on the application of the exemption under this subsection (I) relating to housing for older persons.

(b) For the purposes of this item (3), a person may show good faith reliance on the application of the exemption only by showing that:

(i) the person has no actual knowledge that the facility or community is not, or will not be, eligible for the exemption; and

(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for the exemption.

(J) Child Sex Offender Refusal to Rent. Refusal of a child sex offender who owns and resides at residential real estate to rent any residential unit within the same building in which he or she resides to a person who is the parent or guardian of a child or children under 18 years of age.

(K) Arrest Records. Inquiry into or the use of an arrest record if the inquiry or use is otherwise authorized by State or federal law.

Sec. 2-501 Definitions.

The following definitions are applicable strictly in the context of this Article:

(A) Place of Public Accommodation. “Place of public accommodation” includes, but is not limited to:

- (1)** an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than 5 units for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
- (2)** a restaurant, bar, or other establishment serving food or drink;
- (3)** a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
- (4)** an auditorium, convention center, lecture hall, or other place of public gathering;
- (5)** a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
- (6)** a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;
- (7)** public conveyances on air, water, or land;
- (8)** a terminal, depot, or other station used for specified public transportation;
- (9)** a museum, library, gallery, or other place of public display or collection;
- (10)** a park, zoo, amusement park, or other place of recreation;
- (11)** a non-sectarian nursery, day care center, elementary, secondary, undergraduate, or postgraduate school, or other place of education;
- (12)** a senior citizen center, homeless shelter, food bank, non-sectarian adoption agency, or other social service center establishment; and
- (13)** a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

(B) Operator. “Operator” means any owner, lessee, proprietor, manager, superintendent, agent, or occupant of a place of public accommodation or an employee of any such person or persons.

(C) Public Official. “Public official” means any officer or employee of the City or any agency thereof, including City political subdivisions, municipal corporations, park districts, forest preserve districts, educational institutions, and schools.

Sec. 2-502 Civil Rights Violations: Public Accommodations

It is a civil rights violation for any person on the basis of unlawful discrimination to:

(A) Enjoyment of Facilities, Goods, and Services. Deny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation;

(B) Written Communications. Directly or indirectly, as the operator of a place of public accommodation, publish, circulate, display or mail any written communication, except a private communication sent in response to a specific inquiry, which the operator knows is to the effect that any of the facilities of the place of public accommodation will be denied to any person or that any person is unwelcome, objectionable or unacceptable because of unlawful discrimination;

(C) Public Officials. Deny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the official’s office or services or of any property under the official’s care because of unlawful discrimination.

Sec. 2-503 No Civil Rights Violation: Public Accommodations

(a) It is not a civil rights violation for a medical, dental, or other health care professional or a private professional service provider such as a lawyer, accountant, or insurance agent to refer or refuse to treat or provide services to an individual in a protected class for any non-discriminatory reason if, in the normal course of his or her operations or business, the professional would for the same reason refer or refuse to treat or provide services to an individual who is not in the protected class of the individual who seeks or requires the same or similar treatment or services.

(b) With respect to a place of public accommodation defined in paragraph (11) of [775 ILCS 5/5-101](#), the exercise of free speech, free expression, free exercise of religion or expression of religiously based views by any individual or group of individuals that is protected under the [First Amendment to the United States Constitution](#) or [Section 4 of Article I, of the Illinois Constitution](#), shall not be a civil rights violation.

Sec. 2-504 Jurisdiction limited

In regard to places of public accommodation defined in paragraph (11) of [775 ILCS 5/5-101](#), the jurisdiction of the Commission officers is limited to: (1) the failure to enroll an individual; (2) the denial of access to facilities, goods, or services; or (3) severe or pervasive harassment of an individual when the covered entity fails to take corrective action to stop the severe or pervasive harassment.

Sec. 2-505 Exemption

Nothing in this Article shall apply to:

- (A) Private Club. A private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the establishment are made available to the customers or patrons of another establishment that is a place of public accommodation.
- (B) Facilities Distinctly Private. Any facility, as to discrimination based on sex, which is distinctly private in nature such as restrooms, shower rooms, bath houses, health clubs and other similar facilities for which the Illinois Department of Human Rights, in its rules and regulations, may grant exemptions based on *bona fide* considerations of public policy.
- (C) Inn, Hotel, Rooming House. Any facility, as to discrimination based on sex, which restricts the rental of rooms to individuals of one sex.

Sec. 2-601 Violations of other Acts.

A person who violates the Section 11-117-12.2 of the Illinois Municipal Code [[65 ILCS 5/11-117-12.2](#)], Section 224.05 of the Illinois Insurance Code [[215 ILCS 5/224.05](#)], Section 8-201.5 of the Public Utilities Act [[220 ILCS 5/8-201.5](#)], Sections 2-1401.1, 9-107.10, 9-107.11, and 15-1501.6 of the Code of Civil Procedure [[735 ILCS 5/2-1401.1](#), [735 ILCS 5/9-107.10](#), and [735 ILCS 5/15-1501.6](#)], Section 4.05 of the Interest Act [[815 ILCS 205/4.05](#)], the Military Personnel Cellular Phone Contract Termination Act [[815 ILCS 633/1](#) et seq.], Section 405-272 of the Civil Administrative Code of Illinois [[20 ILCS 405/405-272](#)], Section 10-63 of the Illinois Administrative Procedure Act [[5 ILCS 100/10-63](#)], Sections 30.25 and 30.30 of the Military Code of Illinois [[20 ILCS 1805/30.25](#) and [20 ILCS 1805/30.30](#)], Section 16 of the Landlord and Tenant Act [[765 ILCS 705/16](#)], Section 26.5 of the Retail Installment Sales Act [[815 ILCS 405/26.5](#)], or Section 37 of the Motor Vehicle Leasing Act [[815 ILCS 636/37](#)] commits a civil rights violation within the meaning of this Act.

Sec. 2-701 Powers and Duties

In addition to other powers and duties prescribed in this Ordinance, the Commission officers shall have the following powers:

- (A) Rules and Regulations.** To adopt, promulgate, amend, and rescind rules and regulations not inconsistent with the provisions of this Ordinance and other applicable law.
- (B) Charges.** To issue, receive, investigate, conciliate, settle, and dismiss charges filed in conformity with this Ordinance.
- (C) Compulsory Process.** To request subpoenas as it deems necessary for its investigations.
- (D) Complaints.** To file complaints with the Commission in conformity with this Ordinance.
- (E) Judicial Enforcement.** To seek temporary relief and to enforce orders of the Commission in conformity with this Ordinance.
- (F) Equal Employment Opportunities.** To take such action as may be authorized to provide for equal employment opportunities and affirmative action.
- (G) Recruitment; Research; Public Communication; Advisory Councils.** To engage in such recruitment, research and public communication and create such advisory councils as may be authorized to effectuate the purposes of this Ordinance.
- (H) Coordination with other Agencies.** To coordinate its activities with federal, City, and local agencies in conformity with this Ordinance.
- (I) Public Grants; Private Gifts.** To accept public grants and private gifts as may be authorized.
- (J) Education and Training.** To implement a formal and unbiased program of education and training for all employees assigned to investigate and conciliate charges. The training program shall include the following:
 - (1)** substantive and procedural aspects of the investigation and conciliation positions;
 - (2)** current issues in human rights law and practice;
 - (3)** lectures by specialists in substantive areas related to human rights matters;
 - (4)** orientation to each operational unit of the Commission officers and Commission;
 - (5)** observation of experienced Commission officers and attorneys conducting conciliation conferences, combined with the opportunity to discuss evidence presented and rulings made;
 - (6)** the use of hypothetical cases requiring the Commission officers to issue case assessments as a means to evaluating knowledge and writing ability;
 - (7)** writing skills;

(8) computer skills, including but not limited to word processing and document management.

A formal, unbiased, and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep Commission officers informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence.

Sec. 2-702 Recruitment; Research; Public Communication

For the purpose of promoting equal employment and housing opportunities and eliminating unlawful discrimination, and sexual harassment in employment, the Commission shall have authority to:

(A) Recruitment. Cooperate with public and private organizations, as well as the Department of Central Management Services, in encouraging individuals in underrepresented classifications to seek employment in City government.

(B) Publications; Research. Issue publications, conduct research, and make surveys as it deems necessary.

(C) Public Hearings. Hold public hearings to obtain information from the general public on the effectiveness of the City's equal employment opportunity program and the protection against unlawful discrimination, sexual harassment in employment afforded by this Ordinance and to accept public recommendations concerning changes in the program and the Ordinance for inclusion in its annual report.

(D) Promotion of Communication and Goodwill. Establish a program to cooperate with civic, religious and educational organizations in order to improve communication and understanding, foster equal opportunities in employment and housing, and promote and encourage communication, goodwill and interfaith and interracial harmony.

Sec. 2-703 City Attorney

When authorized by this Ordinance to take part in a judicial proceeding in any court in this City, the Commission officers shall proceed only through the City Attorney.

Sec. 2-704 Public Grants; Private Gifts

The Commission officers are authorized to accept public grants and private gifts and bequests so long as the conditions of the grant, gift or bequest are not inconsistent with the purposes of this Ordinance.

Sec. 2-705 COMPLAINT PROCEDURES, INVESTIGATION AND MEDIATION

A. Filing of complaints.

(a) Any individual who believes that he or she has been aggrieved by a violation of the provisions of this article may file a complaint with the Commission officers. The commission officers shall keep records of all complaints made to the human relations office, whether or not a formal complaint has been filed.

(b) The commission officers may, in lieu of an individual complainant filing a written statement, on their initiative, file and process a written statement of alleged discrimination.

(c) The complainant shall make a written statement that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the commission officers to identify the respondent. Such written statement shall be referred to herein as a "complaint."

(d) All complaints shall be filed within ninety (90) days of the occurrence of the alleged violation, or ninety (90) days after the discovery thereof, but in no event shall a complaint be filed more than one (1) year after the occurrence of the violation.

(e) Complaints filed may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the public hearing. The circumstances accompanying such withdrawal may be fully investigated by the commission officers.

(f) The commission officers may investigate individual instances and patterns of conduct that are in violation of the provisions of this article and may file complaints in connection therewith.

B. Notice and response to complaint, preliminary investigation, initial determination.

(a) The commission officers shall promptly investigate allegations of discrimination set forth in any complaint and shall furnish the respondent with a copy of said complaint by certified mail or personal service within seven (7) days of filing of the complaint.

(1) The respondent shall file a verified response to the allegations set forth in the complaint within twenty-eight (28) days of the date respondent receives the complaint. All allegations contained in the complaint not timely denied by the respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The commission officers shall issue a notice of default directed to any respondent who fails to file a verified response to a complaint within twenty-eight (28) days of the date on which the complaint was received

by the respondent, unless the respondent can demonstrate good cause as to why such notice should not be issued.

(2) The respondent shall, at the request of the commission officers, permit the commission officers to inspect and copy such records as may be relevant to the investigation. Should the respondent refuse to permit such inspection and copying, the commission may issue a subpoena for such records.

(b) An initial determination in writing shall be made by the investigator, stating whether or not there is probable cause to believe that this article has been violated, and on what facts such determination is based. Notice of the initial determination shall be furnished to the respondent and complainant within forty-two (42) days of the date the respondent files its verified response to the complaint.

(c) If the commission officers find, with respect to any respondent, that the commission lacks jurisdiction or that probable cause does not exist, the commission officers shall issue and cause to be served on the respondent and the complainant an order dismissing the allegations of the complaint, along with a copy of this section explaining the complainant's right to appeal.

(d) An order dismissing the allegations of the complaint for lack of jurisdiction or lack of probable cause may be appealed to the commission by the complainant within twenty-eight (28) days of the date on which the order was served, by mailing to the chair of the commission a written request for an informal public hearing.

(1) The chair shall appoint one (1) member of the commission and two (2) other persons familiar with this chapter to hear the appeal.

(2) The informal hearing shall be held within twenty-eight (28) days of the date a written request is received by the chair of the commission.

(3) Notice of the informal hearing date shall be served upon the complainant and the respondent no less than seven (7) days in advance of the hearing date.

(4) The commissioner appointed to hear the appeal shall preside at the informal hearing at which time the commission officers will state the reasons for their initial determination of no probable cause and the complainant will state his/her objections to the determination. The respondent shall have the opportunity, but shall be under no obligation, to comment in support of the commission officers' determination.

(e) After hearing from all parties, a decision shall be made by majority vote of the body hearing the appeal to either:

(1) Issue an order in concurrence with the officer's finding of no probable cause;
or

(2) Issue an order determining probable cause, stating on what basis such determination is made. Notice of the order determining probable cause shall be served upon the respondent within seven (7) days, after which the commission

officers shall attempt conciliation in accordance with the procedures set forth herein.

C. Informal conciliation; follow-up proceedings; confidentiality.

(a) In the event of a determination of probable cause, an attempt shall be made by informal methods of conference, conciliation and persuasion to eliminate the alleged discriminatory practice and to compensate the complainant for damages suffered as a result of the practice.

(b) If the respondent and complainant agree to a conciliation agreement in writing, such written agreement shall be reported to the commission and the commission shall issue an order stating the terms of the agreement and furnish a copy of the order to the complainant and respondent.

(c) At any time within one (1) year from the date of a conciliation agreement, the commission, or the commission officers, shall investigate whether the respondent is in compliance with the terms of the agreement. Upon finding that the respondent is not in compliance, the commission officers shall certify the matter to the city attorney for enforcement proceedings.

(d) If the respondent and complainant do not agree to a written conciliation agreement within forty-two (42) days of the determination of probable cause, either party shall have the right to a public hearing of the complaint before the commission in accordance with the procedures set forth in this Ordinance. Said public hearing shall commence within one hundred five (105) days of the date that a written request for a hearing is received by the chair of the commission.

(e) Except for the terms of the conciliation agreement and any information presented at public meetings or hearings, neither the commission officers, the commission, nor any agent thereof shall make public, without the written consent of the involved parties, information concerning the complaint.

(f) Nothing in this article shall be so construed as to contravene, or attempt to contravene, the provisions or intent of the Illinois Open Meeting Law.

D. Public hearing.

(a) Notice of hearing. After finding probable cause, failure of conciliation efforts, and after consulting and coordinating with the office of the city attorney, the commission officers shall cause to be issued and served in the name of the commission, a written notice of the time, date and place of hearing, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of such complaint at a public hearing; such hearing to be scheduled not less than thirty (30) days nor more than ninety (90) days after such service. Notice shall be served by registered or certified mail, return receipt requested, or by personal service.

(b) Conduct of hearing.

(1) After a complaint has been noticed for hearing, the commission shall conduct said hearing to make a determination concerning the complaint. The chair of the commission shall appoint a hearing officer, and the hearing officer shall rule on motions and all other matters and conduct the hearing according to rules as adopted by the commission. The city shall be responsible for

paying the costs of such hearing officer provided that the city attorney has approved the form of the retention agreement form.

(2) The office of the city attorney shall present the city's case before the commission. Efforts at conciliation and reconciliation shall not be received into evidence.

(3) If the respondent fails to appear at the hearing after having been served with notice, the commission shall proceed with the hearing on the basis of the evidence in support of the complaint.

(4) The respondent may appear at the hearing with or without representation, may examine and cross-examine the witnesses and the complainant, and may offer testimony and other evidence.

(5) At the conclusion of any hearing, the commission shall render a decision as to whether or not the respondent has engaged in an unlawful practice or has otherwise violated the provisions of this article. No such decision by the commission shall be by a vote of less than a majority of the commission members qualified to hear the case at the commencement of the hearing. If it is determined that a respondent has not engaged in an unlawful practice, the commission shall issue, and cause to be served on the respondent and the complainant, a decision and order dismissing the case. If it is determined that a respondent has engaged in an unlawful practice, the commission shall issue, and cause to be served on such respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent to cease and desist from such unlawful practice, and to take such action as in the judgement of the commission will carry out the purposes of this article. Such action may include, but shall not be limited to, the following acts on behalf of the complainant and other aggrieved individuals: Hiring, reinstating or upgrading, with or without back pay; restoring membership in any respondent labor organization, admitting to or allowing to participate in a program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges; payment of compensatory damages; referring for employment, selling, exchanging or leasing real property, or providing housing accommodations.

(6) Nothing in this article shall be construed as to permit back pay or compensatory damages to equal more than the actual monetary losses or costs incurred by the complainant(s) as a result of the discrimination by the respondent(s).

Sec. 2-801 ADMINISTRATION AND ENFORCEMENT

A. Fines and remedies

Any person found in violation of any provision of this article by the commission, or in subsequent judicial proceedings in a court of law, shall be fined not more than five hundred dollars (\$500.00) for each violation.

Additional remedies include:

(A) Cease and Desist Order. Cease and desist from any violation of this Ordinance.

(B) Actual Damages. Pay actual damages, as reasonably determined by the Commission, for injury or loss suffered by the complainant.

(C) Hiring; Reinstatement; Promotion; Backpay; Fringe Benefits. Hire, reinstate or upgrade the complainant with or without back pay or provide such fringe benefits as the complainant may have been denied.

(D) Restoration of Membership; Admission to Programs. Admit or restore the complainant to labor organization membership, to a guidance program, apprenticeship training program, on the job training program, or other occupational training or retraining program.

(E) Public Accommodations. Admit the complainant to a public accommodation.

(F) Services. Extend to the complainant the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the respondent.

(G) Attorneys Fees; Costs. Pay to the complainant all or a portion of the costs of maintaining the action, including reasonable attorney fees and expert witness fees incurred in maintaining this action before the Officer, the Commission and in any judicial review and judicial enforcement proceedings.

(H) Compliance Report. Report as to the manner of compliance.

(I) Posting of Notices. Post notices in a conspicuous place which the Commission or any other appropriate government entity may publish or cause to be published setting forth requirements for compliance with this Ordinance or other relevant information which the Commission determines necessary to explain this Ordinance.

(J) Make Complainant Whole. Take such action as may be necessary to make the individual complainant whole, including, but not limited to, awards of interest on the complainant's actual damages and backpay from the date of the civil rights violation.

There shall be no distinction made under this Section between complaints filed by the commission officers and those filed by the aggrieved party.

B. Judicial review.

Any person suffering a legal wrong, or adversely affected or aggrieved by an order or decision of the commission in a matter, pursuant to the provisions of this article, is entitled to a judicial review thereof, upon filing a written petition for such a review with the circuit court of the Fourteenth Judicial Circuit sitting in Rock Island County.

C. Enforcement powers of commission; institution of civil proceedings.

(a) The chair of the commission, or the acting chair in the absence of the chair, shall issue subpoenas at the instance of the commission officers whenever necessary to compel the attendance of a witness or to require the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence in any investigation or hearing of a discrimination complaint.

(b) If the commission officers determine that the respondent(s) have not, after thirty (30) calendar days following service of the commission's order, corrected the unlawful practice and complied with this article, the commission shall certify the matter to the city attorney for enforcement proceedings.

(c) The City Attorney shall institute, in the name of the City of Rock Island, civil proceedings, including the seeking of such restraining orders and temporary or permanent injunctions, as are necessary to obtain complete compliance with the commission's orders.

D. Compliance with article provisions.

(a) It shall be an unlawful practice for any person to refuse to hire, to discharge, to evict from housing or commercial space, to refuse to negotiate for, sell, exchange or lease any real property or to include terms or conditions for such property, to harass, intimidate or in any other way retaliate or discriminate against, or interfere with any individual because he/she has made a complaint, testified or assisted in any proceeding under this article, whether on his/her own behalf or for another individual, or because he or she has told, objected to, or commented upon any policy, rule, action, or barrier to that which he or she in good faith believes violates this article.

(b) It shall be an unlawful practice for any person to aid, abet, compel or coerce another person to commit an act which is unlawful under the provisions of this article, or to attempt to do so.

E. Records and reports.

When a complaint has been filed against a person pursuant to this article, the notice of the complaint shall advise the respondent of its duty to preserve all records which may be relevant to the charge or action until a final disposition of the charge. Such records shall include, but not be limited to, application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records, and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this article.