



## **MILITARY STATUS DISCRIMINATION FAQ**

Chicago has amended its Human Rights and Fair Housing Ordinances to address discrimination targeting current and former members of the military. Effective March 16, 2016, discrimination on the basis of military status will be prohibited in the City of Chicago in all areas under the Commission's jurisdiction: employment, public accommodations, credit transactions, bonding and housing. This protection includes discrimination targeting individuals on the basis of his/her military discharge status and extends to individuals who are on active duty, or in any reserve component of any branch of any state or Federal armed forces, or a veteran thereof.

### **1. What is considered "Military Status?"**

A person will be able to claim military status protection if he or she is on active duty or in the reserves of any branch of any state or federal armed forces. This protection also extends to veterans of any of these branches. Lastly, any person who has been a target of discrimination based on his/her military discharge status can also claim protection under this category.

### **2. Do the new protections require employers to give preference to applicants based on their military status?**

No, the new protections do not require employers to give preference to applicants on the basis of their military status. However, employers who have adopted a veteran's preference hiring policy must apply their policy fairly and consistently.

### **3. If an employee has disruptive Post Traumatic Stress Disorder episodes in the workplace, is the employer required to ignore it?**

No. An employer should treat any apparent manifestation of PTSD like any other potential disability-related need of an employee and pursue the proper course of action under its reasonable accommodation policy.

### **4. Is an employer required to save the position of a service member employee while the employee is deployed for training or active duty?**

The military status protections recently enacted by the City do not include any reemployment obligations. However, employers should be aware that there are Federal and State laws which impose reemployment obligations upon employers as well as the accrual of seniority and benefits during this time.

### **5. Under the Fair Housing Ordinance, are landlords prohibited from refusing to rent to service members who may be deployed during the duration of the lease agreement?**

Yes. Landlords cannot refuse to rent to military service members simply based on a possibility that they will be deployed during the duration of the lease. However, if deployment happens during the lease term and appropriate notice is given to the landlord, the landlord must be willing to terminate the lease without penalty if the service member cannot arrange for continued rent payments during such deployment.

**6. Are landlords prohibited from refusing to rent to applicants who intend to use their G.I. Bill to pay for housing?**

Yes. The G.I. Bill constitutes a lawful source of income and should be accepted as a valid form of payment to cover housing expenses.

**7. May a landlord refuse to rent to a military service member if the landlord is from a country that the United States military has occupied or invaded?**

No. A landlord may not refuse to rent to a military service member based on the fact that the person is a member of the military, irrespective of any socio/political objection to U.S. military involvement.

**8. Are former service members still protected under these new provisions if they were dishonorably discharged from the military?**

Yes. The fact of discharge from the military, whether honorable or not, does not impact the anti-discrimination protections.

**9. Are current or former service members required to have served in the military for a specific length of time in order to have the military status anti-discrimination protections?**

There is no requirement that someone serve a minimum amount of time in the military before being entitled to military status protections.

**10. Would the protections cover military service members from branches of service in other states? What about other countries?**

The military status protections under Chicago's discrimination ordinances extend to any service member of any branch of the military in any state in the United States, but do not include military personnel from other countries.

**11. Who is going to enforce the new City law?**

The Chicago Commission on Human Relations (CCHR) is charged with enforcing this law.

**12. How can a person file a complaint under this new law?**

Within 180 days of the alleged discrimination, individuals claiming discrimination based on this, or any other recognized, basis may appear in person between the hours of 9 AM and 3 PM at the Commission on Human Relations (740 N. Sedgwick, 4<sup>th</sup> floor) to have a neutral staff member assist with the filing of the complaint. Alternatively, complaints may be mailed in. For more information, see [http://www.cityofchicago.org/city/en/depts/cchr/supp\\_info/file\\_a\\_discriminationcomplaint.html](http://www.cityofchicago.org/city/en/depts/cchr/supp_info/file_a_discriminationcomplaint.html).

**13. What are the penalties for violating the new City law?**

Any person or entity who violates any of the provisions of the new law may be fined not less than \$100 and not more than \$1,000 for each offense. Additionally, violations of the law may result in damages awarded to the successful complainant, payment of complainant's attorney fees and costs, injunctive relief, as well as business license discipline for the respondent in question.

For more information, call the Chicago Commission on Human Relations at 312-742-8206, or for other informative materials, go to: [www.cityofchicago.org/humanrelations](http://www.cityofchicago.org/humanrelations)